

ESSENTIAL FIRE SAFETY MEASURES INFORMATION SHEET



What is an essential fire safety measure?

Essential fire safety measures are installed within a building or premises to perform a vital function in protecting life and preventing injury in the event of fire. They are prescribed by the Environmental Planning and Assessment Act and Regulations and may include:

- automatic fire sprinkler systems
- smoke detection and alarm systems
- self-closing solid-core doors or fire doors
- exit signs
- emergency lighting
- fire hose reels
- fire hydrants
- fire dampers
- fire extinguishers
- smoke exhaust systems
- fire drenchers/wall-wetting sprinklers
- fire exits and exit systems
- paths of travel to exits
- evacuation plans

Who has to provide information on Essential Fire Safety Measures?

Under the provisions of the *Environmental Planning and Assessment Regulation 2000*, the **owner** of any building which is subject to essential fire safety requirements, must submit an annual Fire Safety Statement to the Council, the NSW Fire Brigades and have it prominently displayed in the building.

All Class 2 to Class 9 buildings, which were subject to a building approval or fire safety notice or order by the Council, after 1 July 1988, are automatically subject to the essential fire safety measures requirements.

These include, residential flat buildings; townhouse developments, duplex style dual occupancies; commercial buildings; office buildings; hotels and licensed premises; shops and restaurants; public assembly buildings; nursing homes; places of shared accommodation; and places of public entertainment.

Why have Essential Fire Safety Measures?

Building owners and managing agents need to be aware of these important fire safety requirements. Failure to comply with these requirements is an offence and will render the owner liable to substantial penalties.

More importantly, a failure to meet these requirements can significantly affect the levels of fire safety afforded to the occupants of the building, which may threaten their life safety, as well as having significant liability implications for the building owner.

What happens to older buildings that are not yet subject to these requirements?

There are a number of older buildings which may not currently be subject to these requirements, however many of these buildings will be subject to a development consent, building approval or fire safety order at a future date. It would be appropriate for the owners of these buildings to obtain a fire safety report from a building and fire consultant and to voluntarily carry out any necessary fire safety upgrading works (subject to obtaining the prior consent of Council).

This way, the building owner is in a better position to specify the necessary works, which suit the characteristics of the building as well as achieving an acceptable level of fire safety over a reasonable period of time.

What do you have to do to comply with the legislation?

1. The Fire Safety Schedule that is issued with a Development Consent, Construction Certificate, Complying Development Certificate or Fire Safety Order must be prominently displayed in the building.
2. The owner is to issue a Final Fire Safety Certificate that certifies that each essential fire safety measure listed on the Fire Safety Schedule has been inspected, tested and verified that the

measures are capable of performing to the standard specified on the Fire Safety Schedule by a properly qualified person, prior to the occupation of the building.

This certificate must be forwarded to the Council, NSW Fire Brigade and be prominently displayed in the building.

3. An Annual Fire Safety Statement is to be issued by the owner to the effect that each fire safety measure specified in the Fire Safety Schedule has been assessed by a properly qualified person engaged by the owner and was found to be capable of performing to the relevant minimum performance standard listed. Documentary evidence must be supplied of the owner's consent, if an agent provides this information.

The Annual Fire Safety Statement is also to certify that the building has been inspected by a properly qualified person and found to be in a condition that did not disclose any grounds for a prosecution under Division 7 of Part 9 of the *Environmental Planning & Assessment Regulations 2000* in relation to fire exits (ie signage/useability/doors/paths of travel).

This Statement must be forwarded to Council, NSW Fire Brigade and be prominently displayed in the building. **A registration fee is to be paid when submitting the Statement to Council.**

If a Fire Safety Statement has not been submitted to Council on an annual basis from the date of the initial Fire Safety Certificate and/or has not been submitted to Council within the past 12 months, it is overdue and must be obtained and submitted to Council as soon as possible.

What penalty provisions apply?

Failure to comply with these requirements is an offence and the *Environmental Planning and Assessment Regulation 2000* provides for fixed penalties and council may issue a penalty infringement notice ('on the spot fine') for breaches including the following:

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| • Owner fails to display final fire safety certificate | \$100 |
| • Owner fails to give annual fire safety statement within 1 week | \$500 |
| • Owner fails to give annual fire safety statement within 2 weeks | \$1000 |
| • Owner fails to give annual fire safety statement within 3 weeks | \$1500 |
| • Owner fails to give annual fire safety statement within 4 weeks or more | \$2000 |
| • Owner fails to display annual fire safety statement | \$100 |
| • Owner fails to maintain essential fire safety measures | \$1500 |

What should you do now?

It is important that you are aware of the date on which the Fire Safety Statement must be submitted to the Council, to make the necessary arrangements for the fire safety measures to be inspected and certified prior to the 'due date'.

You must arrange for the essential fire safety services to be inspected and to obtain a fire safety statement by employing the services of a professional building regulation and fire safety consultant. In this regard, it is important that your consultant is suitably qualified and fully aware of the relevant legislative and Building Code of Australia requirements.

In the case of residential flat buildings or other strata buildings, the Owners Corporation is advised to make prior arrangements for their building and fire safety consultant to inspect the premises and to provide the required certification by the due date annually. This will also require the Owners Corporation to make the necessary arrangements to provide funding for these annual inspections and certifications services.

If different consultants or contractors are engaged to provide these services, it will be necessary for the owner or authorised agent to collate the documentation and to provide a single fire safety statement to the council, which encompasses **all** of the fire safety measures. The owner and the agent should keep the supporting documentation for their records. Documentary evidence must be supplied of the owner's consent, if an agent provides this information.

Need further information?

In order to facilitate these important fire safety requirements you are advised that Council's Fire Officer or Health and Building Surveyors, are available to assist you by telephoning 9369 8000. Alternatively, please contact your own building and fire safety consultant. These consultants can be sourced from the Yellow Pages Directory or from the Fire Protection Association of Australia, telephone 9969 0932.