

## **QUESTIONS AND ANSWERS RELATING TO LEGISLATION AND COUNCILS' LETTER**

**Q. When do I have to obtain an annual fire safety statement?**

**A.** The inspection and assessment of fire safety measures must be carried out within 3 months prior to the date in which the annual fire safety statement was issued.

**Q. I haven't had to do it before, why now?**

**A.** You should have been doing it each year since the completion of the building. Council has recently implemented a system to check all building and development approvals to ensure this requirement is being met.

**Q. What happens if I don't submit the required certificates and information?**

**A.** It is a statutory requirement under the Environmental Planning and Assessment Act 1979 and Regulation to check and submit certificates for essential fire safety measures. Failure to comply is a breach of the Regulation and renders you liable to prosecution or penalty under the Act. In the event of a fire and/or injury to persons in the building it could also render you liable to civil action as a result of the fire and could void your insurance policy for failure to maintain and certify fire evacuation systems and fire fighting and fire suppression equipment.

**Q. Who can do the inspections?**

**A.** The choice of a person who is suitably qualified to carry out an assessment or inspection of fire safety measures is the responsibility of the property owner. The person who carries out the assessment must inspect and verify the performance of each fire safety measure installed in the building. Obviously, the assessor must know the operational requirements of each item installed. It is the owner's responsibility to insure the assessor is suitably qualified.

**Q. What do I do with the fire safety statement?**

**A.** As soon as practicable after the Fire Safety Statement is issued the owner of a building to which it relates must:

1. Submit a copy of the Statement to Council;
2. Ensure a copy of the Statement together with a copy of the current Fire Safety Schedule is forwarded to the New South Wales Fire Brigades; and
3. Ensure a copy of the Statement together with a copy of the current Fire Safety Schedule is prominently displayed in the building.

The postal address and contact details of the NSW Fire Brigades are:

Fire Commissioner  
New South Wales Fire Brigades  
Locked Bag 12  
GREENACRE NSW 2190  
Ph: 02 9742 7400 Fax: 02 9742 7486

**Q. Does the requirement to certify fire safety measures apply to all buildings?**

**A.** It applies to all buildings which have fire safety measures installed (except single dwelling houses and domestic outbuildings).

**Q. Where can I find a list of statutory fire safety measures?**

**A.** Clause 166 of the Environmental Planning and Assessment Regulation specifies statutory fire safety measures.

## DEFINITIONS

**annual fire safety statement** means a statement issued by the owner of a building to the effect that:

- (a) each essential fire safety measure specified in the statement has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing:
  - (i) in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule, or
  - (ii) in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and
- (b) the building has been inspected by a properly qualified person and was found, when it was inspected, to be in a condition that did not disclose any grounds for a prosecution under Division 7.

**Building Code of Australia** is a uniform set of technical provisions for the design and construction of buildings and other structures throughout Australia published on behalf of the Australian Building Codes Board.

**critical fire safety measure** means a fire safety measure that is identified in a fire safety schedule or fire link conversion schedule as a critical fire safety measure, being a measure that is of such a nature, or is implemented in such an environment or in such circumstances, that the measure requires periodic assessment and certification at intervals of less than 12 months.

**essential fire safety measure**, in relation to a building, means a fire safety measure that is included in the fire safety schedule for the building.

**final fire safety certificate** is a certificate issued by the owner of a building to the effect that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates:

- (a) has been assessed by a properly qualified person, and
- (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

**fire safety certificate** means an interim fire safety certificate or a final fire safety certificate.

**fire safety measure** means any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in a building to ensure the safety of persons using the building in the event of fire.

**fire safety schedule** is a schedule which specifies the fire safety measures that are installed in the building. The schedule is issued with a building/development/construction certificate approval as part of the use or construction of a building.

**fire safety statement** means an annual fire safety statement or a supplementary fire safety statement.

**statutory fire safety measure** means a fire safety measure of a kind referred to in clause 166 of the Environmental Planning and Assessment Regulation.

## Fire Safety Statement

MADE UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 SECTION

Nominate	Annual <input type="checkbox"/>	or	Supplementary <input type="checkbox"/>
Application Fee		Receipt No.	
		Date received	

### 1. Property Owner details

<b>Owners / Authorised Person</b>	
<b>Contact Name (if Company)</b>	
<b>Address</b>	
<b>Contact Phone Number</b>	
<b>Email Address</b>	
<b>Signature/Company Seal</b>	

### 2. Property details

<b>Address of Site</b>	<i>Unit No. and/or Street No. and Street Name</i>	
	<i>Suburb</i>	<i>Post Code</i>
<b>Legal Description of Site</b>	<i>Lot No(s)</i>	<i>Deposited Plan / Strata Plan No(s)</i>
	<i>Section</i>	
<b>Description of Building or Part being Certified</b>		



### Essential/Critical Fire Safety Measures

Measure	Standard of Performance
Access panels, doors, Hoppers to Fire Resisting Shafts	BCA C 3.13
Automatic Fire Detection	BCA E2.2, Spec E2.2a, AS3786-1993, AS1851-2005
Automatic Fire Suppression System (Sprinklers)	AS 21118- Part 1, Part 4, Part 6
Automatic Fail Safe Devices	BCA Part D2
Emergency Lifts	AS 1735.2, AS 1735.11
Emergency Lighting	BCA E4.2, E4.4 AS2293.1 - 1998
Emergency Warning & Intercommunication Systems	BCA E4.9, AS 1670.4
Exit Signage	BCA E4.5, E4.6, E4.8, AS 2293.1 - 1998
Evacuation Procedures	AS 3745
Fire Blankets	AS 2444
Fire Control Centre	BCA E1.8
Fire Doors	BCA C2.12, C2.13, C3.4, C3.8, C3.10, C3.11, C3.13, C3.15, spec C3.4.2, AS1905.1
Fire Hose Reels	BCA E1.4, AS2441-1998, AS 1851-2005
Fire Hydrants	BCA E1.3, AS2419.1-1994, AS 1851-2005
Fire seals	BCA Spec C3.15
Fire seals protecting openings in fire resisting components of the building	BCA C3.12, C3.15, BCA Spec C3.15 AS 4072.1, AS 1530.4
Fire Shutters	AS 1905.2 & BCA Spec C3.4
Fire Window	BCE Specification C3.4
Hose Reel Systems	AS 2441
Lightweight construction	BCA Spec C1.1 & C1.8
Mechanical Air Handling System	BCA E2.2, AS1668.2-1991
Paths of Travel	Part D of the BCA
Portable Fire Extinguishers	BCA E1.6 AS2444
Perimeter vehicle access for emergency vehicles	BCA Clauses C2.3 & 2.4
Safety Curtains in Proscenium Openings	BCA NSW Part M101
Smoke and Heat Vents	BCA Specification E2.2c & AS 2665
Smoke Dampers	AS/NZS 1668.1
Smoke and Heat Detectors	AS 1670.1 & AS 3786 (as applicable)
Smoke Detectors	AS3786-1993 BCA E2.2, Spec E2.2a
Smoke Doors	BCA Specification C3.4
Solid Core Door (self –closing)	BCA Clause C3.11
Stand-by Power Systems	BCA E1.8 & G3.8
Wall wetting sprinkler and drencher systems	BCA Clause C3.4 & AS 2118.2
Warning and Operational Signs	EP & A Act & Reg, BCA Part C