

What is an essential fire safety measure?

An essential fire safety measure means a fire safety measure in a building that is included in:

- The fire safety schedule for the building or;
- The essential services (within the meaning of Ordinance 70 under the Local Government Act 1919) attached to an approval or order that was in force immediately before 1 July 1993 or;
- The essential services (within the meaning of the Local Government (Approvals) Regulation 1993) attached to an approval referred to in clause 22 of that regulation being the latest approval granted during the period from 1 July 1993 to 30 June 1997 or;
- The essential services (within the meaning of the Local Government (Orders) Regulation 1993) attached to an order referred to in clause 6(1) of that regulation being the latest order given during the period from 1 July 1993 to 30 June 1997.

Fire Safety Schedules

A Fire Safety Schedule lists all essential fire safety measures that must be installed in a building and specifies the minimum standard of performance for each fire safety measure.

A Fire Safety Schedule is issued as part of a:

- Development consent for a change of building use (other than complying development).
- Complying development certificate to erect a building or for a change of building use.
- Construction certificate for proposed building work.
- Fire safety order to upgrade fire safety in a building;

The *Environmental Planning and Assessment Act 1979* requires all essential fire safety measures specified in a Fire Safety Schedule to be installed in the building before the building is occupied.

Fire Safety Certificates

A Fire Safety Certificate is a certificate issued **by or on behalf of** the owner of a building to the effect that all essential fire safety measures specified in the current Fire Safety Schedule have been assessed by a properly qualified person and found to be capable of performing

to at least the standard required by the **current** Fire Safety Schedule for the building.

When must a Final Fire Safety Certificate be issued?

A Final Fire Safety Certificate must be issued on completion of building work or before occupation of the premises. The person who carries out the assessment must inspect and verify the performance of each fire safety measure listed in the Fire Safety Schedule and must test the operation of each measure.

The assessment of the essential fire safety measures must have been carried out within a period of three months prior to the date on which the certificate is issued.

Note: An occupation certificate authorising occupation/use of building premises cannot be issued until the Council receives the Fire Safety Certificate.

What information must a Fire Safety Certificate contain?

Council can provide a blank Fire Safety Certificate which must be fully completed and be accompanied by a Fire Safety Schedule for the building.

What other matters must the building owner attend to?

As soon as practicable after the Fire Safety Certificate is issued the owner of the building must cause a copy of the certificate together with a copy of the Fire Safety Schedule to be given to the Commissioner of New South Wales Fire Brigades Community Safety Division Locked Bag 12 PO Greenacre GREENACRE 2190 and must cause a copy of the certificate together with a copy of the Fire Safety Schedule to be prominently displayed in the building.

Fire Safety Statements

An Annual Fire Safety Statement is a statement issued by or on behalf of the owner of a building to the effect that each essential fire safety measure specified in the statement has been assessed by a properly qualified person and was found, when assessed, to be capable of performing to the standard specified in the schedule or in the case of an

essential fire safety measure not the subject of a Fire Safety Schedule, to a standard not less than that to which the measure was originally designed and implemented.

Note: The fire safety measures relating to the building may not be installed to current Australian Standards, but those applicable when the building was constructed, modified or upgraded. In any case maintenance standards are **not** acceptable

Who carries out the assessment and inspection for the Annual Fire Safety Statement?

The choice of the person to carry out an assessment or inspection is made by the owner of the building. However the building must be inspected by a properly qualified person and found, when it was inspected, to be in a condition that did not disclose any grounds for a prosecution concerning matters including but not limited to, the display of fire safety notices, the obstruction or impedance of fire exit passageways, the interference with or obstruction of fire exit doors, not keeping paths of travel to fire exits clear and unobstructed.

The assessment and inspection of an essential fire safety measure or building must have been carried out within the period of three months prior to the date on which the Annual Fire Safety Statement is issued. The person who carries out an assessment must inspect and verify the performance of each fire safety measure being assessed.

When does a building owner issue an Annual Fire Safety Statement?

Each year the owner of a building to which an essential fire safety measure is applicable must cause the council to be given an Annual Fire Safety Statement for the building. An Annual Fire Safety Statement must be given:

- Within twelve months after the date on which an Annual Fire Safety Statement was previously given or
- If a Fire Safety Certificate has been issued within the previous twelve months, within twelve months after the Fire Safety Certificate was issued, whichever is the later.

What other matters must the building owner attend to?

As soon as practicable after the Annual Fire Safety Statement is issued the owner of the building must cause a copy of the Statement together with a copy of the Fire Safety Schedule to be given to the Commissioner of New South Wales Fire Brigades Community Safety Division, Locked Bag 12, PO Greenacre, GREENACRE 2190 and must cause a copy of the statement together with a copy of the Fire Safety Schedule to be prominently displayed in the building.

What information must a Fire Safety Statement contain?

Council can provide a blank Fire Safety Statement which must be fully completed and be accompanied by a Fire Safety Schedule for the building.

PENALTIES

Failure to maintain essential fire safety measures, display fire safety certificates or fire safety statements or provide annual fire safety statements to Council when due is a breach of the Environmental Planning and Assessment Regulation 2000. Penalty Notices range from \$500 for the first week the annual fire safety statement is due to \$1000 for the second week to \$1500 for the third week to \$2000 for the fourth or any subsequent week. The maximum penalty if convicted in the Land and Environment Court is \$1,100,000.

Disclaimers

This information was believed to be correct at the date of its publication.

This information is for general information purposes only and should not be relied upon for legal advice.