

Fire Safety

General fire safety awareness, fire safety issues and how Council deals with building fire safety

This information is relevant to various types of premises including residential, commercial, retail and industrial buildings and is important for all property owners, property managers, service providers and building occupants.

Smoke Alarm Regulation

Smoke alarms have been required to be installed in newly constructed dwellings since 1996. On 1 May 2006, additional legislation was introduced expanding this requirement to include existing dwellings, making it mandatory for smoke alarms to be installed in all homes and other places people sleep. The legislation requires that all residential properties have at least one working smoke alarm installed on each level of the dwelling. This includes owner-occupied homes, rental properties, relocatable homes or any other residential building where people sleep.

The *Smoke Alarms Regulation 2006* specifies:

- which types of buildings will need smoke alarms installed
- the types of alarms
- where they are to be located
- and other matters.

Smoke alarms are highly valuable in reducing the risk to life from fires in buildings particularly where there are sleeping occupants. Provided the alarms are correctly installed and maintained, they give early warning so that people can safely evacuate.

The regulations introduced by the State Government allow building owners to install either hard-wired smoke alarms, or battery operated (in certain existing buildings only). Smoke alarms installed in residential dwellings must comply with Australian Standards (AS3786) and be located in the hallway or a room outside bedroom/s and in any storey that does not include a bedroom.

It is important to note that this Regulation does not override Council's ability to apply more stringent requirements, under the National Construction Code when new applications are submitted for approval, such as a development application, complying development certificate, construction certificate, building certificate or following a building inspection audit. In these circumstances Council can insist that the National Construction Code requirements of a 'hard-wired' smoke alarm system applicable for the particular building use is installed.

The NSW Department of Planning Infrastructure has prepared further information relating to Smoke Alarms Regulation and can be found on the [smoke alarms](#) webpage.

What are essential fire safety measures

Essential fire safety measures are any components or type of construction that have been incorporated into the building to ensure the safety of the occupants within the building in the event of fire or other emergency, and may include such measures as:

- access panels, doors and hoppers to fire-resisting shafts
- automatic fail-safe devices
- automatic fire detection and alarm systems
- automatic fire suppression systems
- emergency lifts
- emergency lighting
- emergency warning and intercommunication systems
- exit signs
- fire control centres and rooms
- fire dampers
- fire doors
- fire hydrant systems
- fire seals protecting openings in fire-resisting components of the building
- fire shutters
- fire windows
- hose reel systems
- lightweight construction
- mechanical air handling systems
- perimeter vehicle access for emergency vehicles
- portable fire extinguishers
- safety curtains in proscenium openings
- smoke and heat vents
- smoke dampers
- smoke detectors and heat detectors
- smoke doors
- solid core doors
- standby power systems
- wall-wetting sprinkler and drencher systems
- warning and operational signs.

The *Environmental Planning and Assessment Regulation 2000* contains a list of statutory fire safety measures that may be installed in a building.

It is a legal requirement that the essential fire safety measures must be certified yearly, or as required by the relevant Australian Standard to ensure the safety of residents, workers or visitors to buildings.

All building owners and property managers need to understand their responsibilities for the maintenance of essential fire safety measures in their buildings, as outlined in the *Environmental Planning & Assessment Regulation 2000*.

Owners of a building are required to maintain each essential fire safety measure in a building to meet the required design performance standard in order to satisfy legislative requirements. The fire safety measures are designed to:

- ensure the safety of building occupants
- maintain the operation and performance of the fire safety systems and equipment
- protect assets
- minimise disruption in the event of fire.

What buildings require an annual fire safety certificate?

All Class 2 - 9 buildings, as prescribed under the National Construction Code (NCC) are subject to the annual fire safety certificate requirements.

Class 2 to 9 buildings include:

- residential flat buildings
- places of shared accommodation
- office buildings used for professional and commercial purposes
- commercial buildings
- shops and restaurants
- warehouses
- industrial buildings
- public buildings including churches and halls
- aged care facilities
- hotels and clubs.

It is recommended that owners of older buildings have a fire safety audit prepared by a qualified building and fire safety consultant and schedule any necessary fire safety upgrading works (subject to Council approval) where required.

Where do I find the rules relating to fire safety measures?

The National Construction Code (Building Code of Australia) provides detail on how essential fire safety measures are to be installed in the building and what level of maintenance is needed.

My building is heritage listed; does it need a fire upgrade?

There are special requirements for the fire upgrade of buildings that are heritage listed. Council's Building Certifiers and Heritage Advisor are able to provide advice in achieving the required outcomes whilst retaining the heritage value of the building. This may be achieved by engaging the services of a Fire Consultant to give specific professional advice and solutions associated with the fire upgrade of the building.

What is a fire safety schedule?

A fire safety schedule details all the Essential Fire Safety Measures (both existing and proposed) serving the whole building and specifying the minimum performance standard that each individual fire safety measure is required to meet.

If the building was constructed prior to the introduction of the *Environmental Planning and Assessment Act 1979* (EPA Act) and the *Regulation 2000* and no Fire Safety Schedule was prepared, a suitably qualified person is required to undertake an inspection of the building and prepare an annual fire safety schedule to be submitted to Council for registration.

When is a fire safety schedule prepared?

A Council prepared fire safety schedule is prepared in conjunction with:

- a construction certificate or complying development approval issued for new building work
- a development consent involving a change of use (such as conversion of a shop to an office)
- a fire safety audit of a building
- at the request of the owner.

When do fire upgrades of an existing building take place?

Voluntary decision by owner

Once owners identify that essential fire safety measures have not been installed in their building they may seek the services of a Fire Consultant and/or Council's Building Certifiers for advice and help in achieving an acceptable level of fire safety to protect the occupants in the event of a fire.

Council Order following a fire safety audit

Where council has identified a building as not being able to meet the current fire safety standards the owner will be sent a letter advising of a set time frame to attend to these matters. If the owner does not take action to remedy the problem Council will be forced to issue an order to seek compliance.

Council would prefer to seek the co-operation of the building owners to achieve necessary fire safety upgrades rather than proceed to take enforcement or legal action.

What are the requirements for annual fire safety certificates?

The assessment and inspection of an essential fire safety measure or building must be carried out within the period of three months prior to the date on which the annual fire safety statement is issued.

The EPA Act requires that the owner must engage a suitably qualified person to carry out assessment and inspection. The person who carries out an assessment must inspect and verify the performance of each fire safety measure being assessed.

The *Environmental Planning and Assessment Regulation 2000* details what information must be included in a fire safety certificate and an annual/supplementary fire safety statement and includes:

- the name and address of the owner of the building or part
- a description of the building or part (including its address)
- a list identifying each essential fire safety measure in the building or part, together with the minimum standard of performance specified in the relevant fire safety schedule in relation to each such measure
- the date or dates on which the essential fire safety measures were assessed
- the type of certificate being issued (that is, final or interim)
- the date on which the certificate is issued
- a statement that all the measures as listed in the Fire Safety Schedule:
 - have been assessed by a suitably qualified person are installed
 - are capable of performing to at least the standard required by the current fire safety schedule for the building
- a statement that the building has been inspected by a suitably qualified person and was found, when it was inspected, to be in a condition that did not disclose any grounds for a prosecution under Part 9, Division 7 of the *Environmental Planning and Assessment Regulation, 2000*.

Copies of any fire safety certificate, annual fire safety statement and/or supplementary fire safety statement together with the fire safety schedule must be submitted to Council, be prominently displayed in the building and provided to the Commissioner of Fire and Rescue NSW.

What is a supplementary fire safety statement?

A Supplementary Fire Safety Statement is a statement applying to Critical Fire Safety Measures installed on the premises, which are measures that are of such importance that they must be certified more frequently than every 12 months and at an interval specified on the fire safety schedule for the premises. The assessment of the critical fire safety measures must be undertaken within one month of the date of issue of the Statement.

Who is responsible for fire safety statements?

Fire safety statements that are required to be organised by the building owner to the effect that the relevant fire safety measures have been assessed and meet the identified standards. These statements are required to be signed by the building owner and are not to be signed by the person that has been engaged to assess the essential fire safety measures.

Who is responsible for fire safety certificates for Strata-Title properties?

For Strata title property, one annual fire safety statement is to cover the entire building. The Executive Committee of the Owners' Corporation (or Body Corporate) has the responsibility for organising the assessment of all fire safety measures that exist within individual units and within common property areas.

The Owners' Corporation is required to prepare and submit one complete annual fire safety statement for the whole of the premises. The Executive Committee may appoint the property strata manager to prepare and submit the annual fire safety statement on their behalf.

Does Council issue annual fire safety reminders?

Building owners need to be aware of the date on which the fire safety statement must be submitted to Council and to make the necessary arrangements for the fire safety measures to be inspected and certified prior to the due date.

Council accepts no responsibility for any reliance upon it. The legal responsibility for providing the statement rests with the owner of the premises.

Are there any problems with the submission of annual Fire Safety Statements?

Some building owners are unaware of their obligation to have buildings checked and to submit the statement to Council each year.

Some of the statements Council receive do not identify all of the fire safety measures that exist within the building. Other statements make reference to incorrect standards or fail to identify any standards.

The annual Fire Safety Statement must identify all fire safety measures provided on the whole property and the standard to which they have been installed (and are being maintained).

This information is available from the Fire Safety Schedule that was issued with the most recent approval for the property.

If the building is of older stock and this information is not available, the owner would be wise to engage a building regulation or fire safety consultant, to assist and provide advice.

Are there penalties for not submitting an Annual Fire Safety Statement?

Council can issue infringement notices under the *Environmental Planning and Assessment Regulation 2000*.

What are Council's registration fees?

For details of the current fees for the registration of annual fire safety statements, please refer to Council's Operational Plan – Fees & Charges.

For more information, contact Council's Duty Officer on (02) 4560 4444 or via email at council@hawkesbury.nsw.gov.au



This document contains important information. If you do not understand it, contact the Telephone Interpreter Service on 131 450.



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