

# KEMPSEY SHIRE COUNCIL

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PO Box 3078, West Kempsey 2440  
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## ANNUAL/SUPPLEMENTARY FIRE SAFETY CERTIFICATE

Environmental Planning and Assessment Regulation, 2000

Please print information or tick box, as applicable

<b>Type of Certificate</b>	<input type="checkbox"/> Annual	<input type="checkbox"/> Supplementary
Name owner/agent	I	
Address	of	
See note 2 assessment requirements	<b>hereby certify that:</b> (a) each of the essential fire measures listed below has been assessed by a person (chosen by me) who was properly qualified to do so, and was found, when it was assessed, to have been properly implemented and to be capable of performing to a standard not less than that required by the most recent fire safety schedule (copy attached) for the building for which the certificate is issued.	
See note 3 relevant fire safety schedule	(b) the information contained in this certificate is, to the best of my knowledge and belief, true and accurate.	
<b>Identification of Building Address</b>	No.	Street
	Lot(s)	Section DP/SP
	Location	
<b>Particulars of building</b>	<input type="checkbox"/> Whole of building <input type="checkbox"/> Part only of building (please briefly describe Part)	
<b>Owner's Details</b>		
Name:		
Address:		
<b>Essential Fire Safety Measure</b>	<b>Standard of Performance</b>	<b>Date of Assessment</b>
<b>Date of Certificate</b>	Dated this                      day of                      20	
<b>Signature</b>		
<input type="checkbox"/> Owner <input type="checkbox"/> Owner's agent (authorised in writing by the building owner to submit this certification).		

## ESSENTIAL / CRITICAL FIRE SAFETY MEASURES

**Kempsey Shire Council Essential/Critical Fire Safety Measures Schedule** **Note:** This Schedule is listing the present Standards of Performance which may vary depending upon the dates of installation. This schedule may not be exhaustive therefore if additional measures are installed, annual certification is also required. Please tick right hand column for your appropriate installed measures

**Please tick in the right hand column, the appropriate safety measures installed in your premises.**

Statutory Fire Safety Measures		Standard of Performance	
		Design & Installation	Maintenance
1	Access panels, doors and hoppers to fire resisting shafts	AS 1530 Part 4-2005, AS 4072 Part 1-2005, Clause C3.13, C3.15 BCA	To meet specified performance criteria
2	Automatic fail-safe devices	Clause C3.6, Spec. C3.4, D2.21 BCA	To meet specified performance criteria
3	Automatic fire detection and alarm Systems	AS 1670-2004, AS 3786-1993, Clause C2.3, E2.2 BCA	To meet specified performance criteria
4	Automatic fire suppression systems	AS 2118 Parts 1,4 & 6-1995, Clause C2.3, E1.5, E2.2 BCA	To meet specified performance criteria
5	Emergency lifts	AS 1735 Part 2-2001, Clause C3.10, E3.4 BCA	To meet specified performance criteria
6	Emergency lighting	AS 2293 Part 1-2005, Clause E4.4. E4.8 BCA	To meet specified performance criteria
7	Emergency warning and intercommunication systems	AS 2220-1989, Parts 1 & 2, Clause E4.9, G3.8 BCA	To meet specified performance criteria
8	Exit signs	AS 2293 Part 1-2005, Clause E3.10, E4.8 BCA	To meet specified performance criteria
9	Fire control centres and rooms	Clause E1.8. Spec. E1.8 BCA	To meet specified performance criteria
10	Fire dampers	AS 1668 Part 1-1998 & Part 2-1991	To meet specified performance criteria
11	Fire doors	AS 1905 Part 1 & 2-2005, C3.6, C3.4 BCA	To meet specified performance criteria
12	Fire hydrant systems	AS 2419 Part 1-2005, Clause E1.3 BCA	To meet specified performance criteria
13	Fire seals protecting openings in fire-resisting components of the building	AS 4072 Part 1-2005, Clause 3.15 BCA	To meet specified performance criteria
14	Fire shutters	AS 1905 Part 2-2005, Spec. C3.4 BCA	To meet specified performance criteria
15	Fire windows	Clause C3.4 BCA	To meet specified performance criteria
16	Hose reel systems	AS 2441-2005, Clause E1.4 BCA	To meet specified performance criteria
17	Lightweight construction	AS 1530 Part 4-2005, Clause C1.8, Spec. C1.8 BCA	To meet specified performance criteria
18	Mechanical air handling systems	AS/NZS 1668 Part 1-1998, Clause E2.2, Spec. E2.2a BCA	To meet specified performance criteria
19	Perimeter vehicle access for emergency vehicles	Clause C2.3, C2.4 BCA	To meet specified performance criteria
20	Portable fire extinguishers	AS 2444-2001, Clause E1.6 BCA	To meet specified performance criteria
21	Safety curtains in proscenium openings	Clause H1.3, Spec. H1.3 BCA	To meet specified performance criteria
22	Smoke and heat vents	AS 2665-2001, Spec. E2.2c, Spec. G3.8 BCA	To meet specified performance criteria
23	Smoke dampers	AS/NZS 1682 part 1-1998	To meet specified performance criteria
24	Smoke detectors and heat detectors	AS 3786-1993, AS 1670 Part 1-2004, Spec. E2.2a BCA	To meet specified performance criteria
25	Smoke doors	Clause C2.5, C3.4, D2.6 BCA	To meet specified performance criteria
26	Solid core doors	Clause C3.11 BCA	To meet specified performance criteria
27	Standby power systems	Spec. E1.8, G3.8 BCA	To meet specified performance criteria
28	Wall - wetting sprinkler and drencher systems maintenance schedule	AS 2118 Part 1-1999, Clause 3.4, Spec. E1.5 BCA	To meet specified performance criteria
29	Warning and operational signs	Clause C3.6, D2.23, E3.3 BCA	To meet specified performance criteria
30	Fire safety notices, fire exits, doors relating to fire exits and paths of travel to exits	Clause 183, 184, 185 & 186 EP&A Regulation	To meet specified performance criteria
31	Other including alternative solutions	<i>Insert requirements</i>	

Signature of Owner

Or on behalf of: .....

Inspection Date: ...../...../.....

Date of Assessment: ...../...../.....

In accordance with Clauses 177 & 180 of the E.P. & A. Regulation 2000, the owner of the building must cause a copy of this statement is: **to be forwarded to Kempsey Shire Council and a copy to the Commissioner of the New South Wales Fire Brigades, Locked Bag 12, Greenacre, NSW, 2190 and also be prominently displayed within the building.**



# 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 of 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 essentials 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).

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

1. The Fire Safety Schedule that is issued with 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 (i.e. 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:

- Owner fails to maintain essential fire safety measures \$3000 (for an individual)  
\$6000 (for a corporation)
- Owner fails to display annual fire safety statement and schedule \$580
- Owner fails to provide statement within one week after expiration of notification \$1000
- Owner fails to provide statement within two weeks after expiration of notification \$2000
- Owner fails to provide statement within three weeks after expiration of notification \$3000
- Owner fails to provide statement within four weeks after expiration of notification \$4000

### 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.

### What Are My Legal Responsibilities?

It is an offence to make a false statement when preparing certification. Further, you may be liable under common law if you do not ensure that the person/s that you rely on for inspecting the essential fire safety measures are acting within their level of competency or if you fail to maintain the essential fire safety measures and it can be shown that this has led to an injury, death or loss.

For further information, please contact Sustainable Environment on 6566 3200