

Fire Safety Statement

Approved under the Environmental Planning and Assessment Regulation 2000.

Version 2.0

Effective from 1 December

How to complete this form

1. Please print in CAPITAL LETTERS
2. Please complete all relevant sections in full

Note

1. A reference to 'the Regulation' in this statement is a reference to the Environmental Planning and Assessment Regulation 2000
2. A reference to a CFSP in this statement is a reference to a 'competent fire safety practitioner' as defined by clause 167A of the Regulation

Section 1: Type of statement

- This is (mark applicable box) an annual fire safety statement (complete the declaration at [Section 7](#) of this form)
- a supplementary fire safety statement (complete the declaration at [Section 8](#) of this form)

Section 2: Building the subject of this statement

Street No.	Street Name	Suburb	Postcode

Lot No (if known)	DP/SP (if known)	Building Name (if applicable)

- This statement applies to (mark applicable box) the whole building
- part of the building

Section 3: Description of the building or part of the building the subject of this statement

Storeys above ground in the building (No.)	Storeys below ground in the building (No.)

If statement relates to a part – describe that part and its location in the building

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Uses of building or part subject to this statement (e.g. retail, offices, residential, assembly, carparking)

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Section 4: Name and address of owner of the building or part

Title	Given Name/s	Family Name

Street No.	Street Name	Suburb	Postcode

Section 5: Fire Safety Measures

1. All essential fire safety measures (including critical fire safety measures) must be listed for an annual fire safety statement
2. Only critical fire safety measures must be listed for a supplementary fire safety statement

Fire Safety Measure	Date Assessed	CFSP*	Minimum Standard of Performance

* Insert initials of CFSP

Section 6: Details of competent fire safety practitioners (CFSPs)

The table must include details of:

1. Each CFSP who endorsed a fire safety measure referred to in Section 5 of this form
2. Each CFSP who inspected the building in accordance with clause 175(b) of the Regulation (in a shaded row)

Initials	Given Name/s	Family Name	Phone	Email	Signature



Section 7: Annual fire safety statement declaration

I, Click here (insert full name)

being the (mark applicable box) owner
 owner's agent

certify that: a) each essential fire safety measure specified in this statement has been assessed by a competent fire safety practitioner and was found, when it was assessed, to be capable of performing:
i. in the case of an essential fire safety measure identified in Section 5 of this form and the fire safety schedule - to a standard no less than that specified in the schedule, or
ii. in the case of any other essential fire safety measure identified in Section 5 of this form - 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 competent fire safety practitioner and was found, when it was inspected, to be in a condition that did not disclose any grounds for a prosecution under Division 7 of the Regulation.

Owner/Agent Name	Owner/Agent Signature	Date

Section 8: Supplementary fire safety statement declaration

I, Click here (insert full name)

being the (mark applicable box) owner
 owner's agent

certify that each critical fire safety measure specified in this statement has been assessed by a competent fire safety practitioner and 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 this statement is issued.

Owner/Agent Name	Owner/Agent Signature	Date

Section 9: Owner's authorisation

(To be completed where an agent makes the declaration in Section 7 or Section 8 of this form)

I, being the owner, authorise the agent named in Section 7 or Section 8 to act on my behalf to make the declaration.

Owner's Name	Owner's Signature	Date

Section 10: Contact details of person issuing this statement

Title	Given Name/s	Family Name

Phone	Email

Section 11: Fire safety schedule

A current fire safety schedule for the building must be attached to this statement.



Building Fire Safety Regulation

Fact sheet for building owners on new fire safety requirements

August 2017

Introduction

This factsheet outlines how recent changes to the *Environmental Planning and Assessment Regulation 2000* (the regulations) that commence on 1 October 2017, will affect building owners responsible for issuing fire safety statements.

The changes form part of a wider package of fire safety reforms to improve fire safety in new and existing buildings. The new regulations and an associated Planning Circular explaining the wider package of reforms can be found here: <http://www.planning.nsw.gov.au/Policy-and-Legislation/Under-review-and-new-Policy-and-Legislation/Building-Regulation-and-Certification-Reform>

Fire safety statements- the current system

Many building owners are required to ensure the fire safety measures serving their buildings are kept in working order. It is critical that these measures work as expected if a fire eventuates. These owners are also required to verify they are fulfilling this responsibility by routinely issuing fire safety statements.

The fire safety statement must be issued by the owner or the owner's agent. The fire safety statement is usually required to be issued at least once each year. These are referred to as annual fire safety statements. In some cases, there is a requirement to issue additional statements. These are referred to as supplementary fire safety statements.

The building owner or their agent must submit a copy of these documents to their local council and Fire and Rescue NSW. A copy must also be displayed in a prominent location in the building that it applies to, with a copy of the fire safety schedule. If you do not have a copy of the fire safety schedule you can get one from your local council.

The fire safety statement is a declaration that the existing essential fire safety measures serving the building have been assessed and are capable of performing to the standard required. It also declares that the building has been inspected and no fire exit breaches were observed.

The essential fire safety measures for a building are listed in the fire safety schedule. The fire safety schedule also specifies the required standard of performance for each measure listed.

The current regulation states assessments and inspections must be completed by *properly qualified persons*, as chosen by the building owner.

The current regulations do not currently describe the attributes of a *properly qualified person*, leaving building owners to determine this on a case by case basis. If the necessary checks are not taken building owners may inadvertently select the services of someone who is not properly qualified. In this case, there is no guarantee the owner's obligations under the regulations are being met, which could result in the building being unsafe.

Building Fire Safety Regulation

○ Fact sheet for building owners on new fire safety requirements

Changes to the current system

Changes to the regulations will eventually provide building owners with greater clarity and certainty on how to identify a person or persons competent to undertake fire safety statement assessments and inspections.

The changes will come into effect on 1 October 2017. From this date, building owners will need to select a *competent fire safety practitioner* to undertake the necessary assessments and inspections before an annual fire safety statement or supplementary fire safety statement is issued.

In cases where a range of fire safety measures serve a building, more than one *competent fire safety practitioner* may be needed.

Accreditation of competent fire safety practitioners

The Department of Finance, Services and Innovation is currently developing an accreditation framework for recognising industry schemes that will accredit individuals as *competent fire safety practitioners*.

Once the accreditation system is established, building owners must select persons from a register of recognised *competent fire safety practitioners*.

Until then, owners remain responsible for being satisfied that the persons they engage to perform fire safety statement assessments and inspections are competent.

Guide for Building Owners

The Department of Planning and Environment (the Department) will soon publish a 'Guide for Building Owners' to assist owners prior to the establishment of the accreditation framework and accreditation of *competent fire safety practitioners*.

The Guide will help building owners' in determining if a person is a *competent fire safety practitioner*.

Changes relevant to the fire safety statement and fire safety certificate

In addition to what information is currently required to be in a fire safety statement, from October 1, the fire safety statement will need building owners to include details of the *competent fire safety practitioner(s)* who completed the assessments and inspections.

New changes now allow the Secretary of the Department to prescribe standard forms for fire safety statements and certificates. The standard forms will be published on the Department's website once finalised, and must be used when they become available.

These changes will help improve consistency, accountability and building safety.

Further Information

More information on building regulation reform can be found on the *Building Regulation and Certification Reform* page on our website at www.planning.nsw.gov.au

For further information please contact us on 1300 305 695.



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