

## INFORMATION SHEET

### ESSENTIAL FIRE SAFETY SERVICES WITHIN BUILDINGS

#### What is an essential fire safety service?

Essential fire safety services encompass a number of fire safety measures within buildings or premises and include:

- Automatic fire sprinkler systems
- Smoke detection and alarm systems
- Self-closing fire doors
- Self-closing solid-core doors
- Exit doors
- Doors relating to fire exits
- Exit signs
- Emergency lighting
- Fire hose reels
- Fire hydrants
- Fire dampers
- Fire extinguishers
- Smoke exhaust systems
- Fire drenchers/wall-wetting sprinklers
- Fire exits & exit systems
- Paths of travel to exits
- Mechanical Air Handling Systems

#### What is a fire safety statement?

The relevant provisions regarding fire safety statements can be found in Part 9 of the *Environmental Planning and Assessment Regulation 2000*.

Generally, a *fire safety statement* is a type of certificate submitted by or on behalf of the building owner which in effect certifies that the specified essential fire safety measures have been tested, are currently operational and have been maintained in accordance with the relevant Building Code of Australia requirements and Australian Standards.

#### When is a building or premises subject to these requirements?

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 essential fire safety services requirements.

Class 2 to Class 9 buildings 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
- Places of public entertainment

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 which will incorporate these requirements.

In relation to these older buildings, it would be appropriate for building owners to obtain a fire safety report from a building and fire safety consultant and to voluntarily carry out any



necessary fire safety upgrading works (subject to obtaining the prior consent of Council). This way, the building owner is in a better position to specify the necessary works, which suit the characteristics of the building as well as achieving an acceptable level of fire safety over a reasonable period of time.

### **What should I do now?**

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.

But 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.

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'.

To arrange for the essential fire safety services to be inspected and to obtain a *fire safety statement*, you are advised to employ 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 certification 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 supporting documentation should be kept by the owner and agent for their records.

### **When is an annual fire safety statement due?**

A *fire safety statement* must be obtained on an annual basis, from the date on which the initial '*fire safety certificate*' was obtained and submitted to Council in response to a building approval or fire safety order.

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 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 may apply?**

Failure to comply with these requirements is an offence and Council may issue a penalty infringement notice ('on-the-spot fine') if the essential fire safety services are not fully maintained or if the annual *fire safety statement* requirements are not complied with, of up to \$2,000. Council may also serve a fire safety Notice and Order requiring compliance with these fire safety requirements.