

Fire and Building Safety

Fact sheet for building owners on new fire safety requirements.

Your obligations under the Environmental Planning and Assessment Act 1979.

Fact sheet

Certification and Fire Safety Statements

Applies to all Class 1b to Class 9 buildings that are subject to a building approval, construction certificate, complying development certificate, a fire safety schedule, notice or order by the Council after 1 July 1998.

Buildings of this type are subject to these requirements:

- Residential flat buildings
- Some dual occupancies.
- Townhouse developments
- Shops and restaurants
- Office buildings
- Public assembly buildings
- Nursing homes
- Industrial buildings and warehouses
- Places of shared accommodation
- Places of public entertainment

New buildings will have a Fire Safety Schedule issued with the construction certificate. The Fire Safety Schedule will list the essential fire safety measures that must be installed in the building or on the land and the Standards to which they must be installed. A Fire Safety Certificate must be issued prior to the occupation of a building.

Existing buildings may not have had a fire safety schedule issued with the construction certificate but require certain fire safety measures as outlined in the conditions of approval and/or required under the Ordinance at the time.

Some existing buildings may be required to upgrade the fire safety measures in order to adequately comply with current requirements.

Fire Safety Measures

The types of fire safety measures that may need to be installed include:

- Automatic sprinkler systems
- Emergency lighting
- Exit signs
- Exit systems and paths of travel to exits
- Fire doors
- Fire drenchers
- Fire extinguishers
- Fire hose reels
- Fire hydrants
- Smoke detection and alarm systems
- Smoke exhaust systems
- Solid-core doors

Fire Safety Schedule

A fire safety schedule specifies each of the fire safety measures that apply to the building premises. The fire safety measures specified in the fire safety schedule will vary for each building. The schedule also specifies the minimum standard of performance for each of the measures. This standard reflects the specification to which each measure is designed, installed and capable of operating.

A fire safety schedule can be issued with a development consent, construction certificate or complying development certificate. A fire safety schedule may also be issued if Council conducts a fire safety audit of the premises and orders a fire safety upgrade.

Fire Safety Certificate

A fire safety certificate is a document issued by or on behalf of the building owner(s) upon the completion of new building work.

The certificate confirms that each of the fire safety measures that apply to a building (as listed in the fire safety schedule) have been installed and checked by a properly qualified person. This process helps verify that the required fire safety measures can perform to the minimum standard.

A fire safety certificate must be issued using a standard template form published by the NSW Government.

The fire safety certificate should be provided to the Certifier of the building work as part of the Final Occupation assessment process.

Fire Safety Statement

Owners of applicable buildings are required under law to have the essential fire safety measures in their building inspected by a person who is competent to perform fire safety assessment functions. This means that building owners who submit fire safety statements will need to choose a **competent fire safety practitioner (CFSP)**.

A fire safety statement is a document issued by or on behalf of the owner(s) of an existing building confirming that a competent fire safety practitioner has assessed, inspected and verified the performance of each fire safety measure that applies to the building.

Fire safety statements must be issued using a standard template form published by the NSW Government.

The Regulation requires that the building owner or their agent issue the fire safety statement by signing the declaration in section 8 of the fire safety statement form.

Building owners could include individuals, a company or an owner's corporation. Where a person issues the statement on behalf of the owner(s) (as the owner's agent), this person must have the appropriate authority from the building owner(s) to undertake this function. In the case of a building with multiple owners, one owner may issue the statement, however each of the other owners must authorise the owner who issues the statement to act as their agent.

Competent fire safety practitioners that have inspected and assessed the fire safety measures cannot issue the fire safety statement. It must be issued by the building owner/s or their agent to ensure building owners (who are ultimately responsible) remain directly engaged in the fire safety statement process.

Your Responsibilities

The owner of the building or their agent must ensure that each essential fire safety measure has been assessed by a competent fire safety practitioner and the Fire Safety Statement has been fully completed and signed. Copies of the completed Fire Safety Statement must be:

- Lodged with Port Macquarie Hastings Council
- Sent to Fire and Rescue NSW
- Displayed prominently in the building ie at the fire panel or Fire and Rescue's site contact point.

Building owners or managers need to be aware of the date by which the Fire Safety Statement is due to be submitted to Council, to make necessary arrangements for the fire safety measures to be inspected and certified prior to the due date.

It is recommended that fire safety assessment be scheduled with the CSFP.

In the case of residential flat buildings or other strata buildings, the owners' corporation is advised to make prior arrangements, including the allocation of funds, access for a building and fire safety consultant to inspect the premises and to provide the required certification and fee upon the due date annually.

Fire Safety Statement Lodgements with Council

Council is required to ensure satisfactory fire safety statement lodgement is made for applicable buildings every 12months. To assist building owners meet their obligations we have developed a Register of the buildings in the local area for which a fire safety statement is required.

Every 12 months after a Fire Safety Certificate or Final Occupation Certificate is issued, a Fire Safety Statement must be provided to Council by the building owner or their agent together with the Council lodgement fee.

A copy should also be provided to Fire & Rescue NSW.

Council will advise the registered owner in writing when their fire safety statement is due or if it has not been received and a Penalty Infringement might be issued.

Whilst Council makes every effort to issue a reminder for annual Fire Safety Statement lodgement in a timely manner, Council accepts no responsibility for any oversight by the responsible owner or agent due to their reliance on the reminder letter. The legal responsibility for providing the statement when due, rests with the owner of the premises.

Forms

Fire safety statements must be issued using a standard template form published by the NSW Government.

The competent fire safety provider will partially complete the Sections of the template form relevant to them and then provide to the registered owner or agent for completion of the remaining Sections, signature and lodgement.

Both the new fire safety statement standard template form and the FAQs are available on the ['Fire Safety'](#) page of Council's website www.pmhc.nsw.gov.au

Reference number

Check the reminder letter you received from Council for your fire safety register reference number (top RHS of letter eg. 125.2019.123) and refer to this number when lodging your form or paying the lodgement fee.

Lodge and pay

Submit signed and completed form(s) to council@pmhc.nsw.gov.au or lodge them at any Port Macquarie-Hastings Council office.

To ensure your lodgement is processed correctly you will need to tell us the following when submitting a Fire Safety Statement:

1. Your Reference Number (at the top of your reminder letter ie. 125.2019.123)
2. How you want to pay the fee ie. at Counter, Direct Debit, by Invoice or Credit Card over the phone.

For information on Council's fees and Charges please refer to our website. As a guide, the Fire Safety Statement lodgement fee for the 2019/20 year is \$80.00.

Compliance

Satisfactory lodgement requires that your Fire Safety Statement:

- Has all relevant sections completed and is signed
- Is received by the due date
- Fire safety assessment has taken place within 90 days of the due date
- The Council lodgement fee is paid

Penalties

It is an offence to fail to provide the statement.

Substantial and continuing weekly penalty notices apply for this offence:

- 1 week late \$1,000
- 2 weeks late an additional \$2,000
- 3 weeks late an additional \$3,000
- 4 weeks late an additional \$4,000

Council may also issue a penalty infringement notice (on the spot fine) if the essential fire safety services are not fully maintained:

- Statement not prominently displayed in the building \$580
- Owner fails to maintain fire safety measures (individual) \$3,000
- Owner fails to maintain fire safety measures (corporation) \$6,000

These substantial penalties reflect the importance placed by the NSW Government on changes to the Environmental Planning and Assessment Regulation 2000 (the EP&A Regulation) introduced by the Environmental Planning and Assessment Amendment (Fire Safety and Building Certification) Regulation 2017 (the Amending Regulation), to improve fire safety in new and existing buildings.

For more information and copies of the Fact Sheet visit pmhc.nsw.gov.au or contact the Fire Safety Administration Officer on (02) 6581 8111.