



# Good Practice Guide

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## GPG-04

## Fire Safety Statements — New South Wales

Version 3.0, August 2024

## Fire Protection Association Australia

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### Document history

| Version | Status   | Details                                                                                                                                                                                                                                | Published     |
|---------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 1.0     | Approved | Initial version                                                                                                                                                                                                                        | March 2014    |
| 2.0     | Approved | Document updated to acknowledge changes in the Environmental Planning and Assessment Regulation 2000, particularly the introduction of competent fire safety practitioner in regards to fire safety statements and fire system design. | February 2020 |
| 2.1     | Approved | Converted to single-source project, edited content and applied new structure.                                                                                                                                                          |               |
| 3.0     | Approved | Updated due to the introduction of the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .                                                                                      | August 2024   |

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# Introduction

Application of the NSW regulatory requirements for fire safety statements requires an understanding of several functions and expectations of the legislation. The introduction of the requirement for building owners to engage an Accredited Practitioner (Fire Safety) (APFS) to perform certain tasks has increased the focus on achieving compliance.

This Good Practice Guide provides the following information to improve understanding:

- Outline of the legislative landscape.
- Discussion of the specific regulatory requirements.
- Information on the roles and responsibilities regarding the preparation of a fire safety statement.
- Discussion of the penalties for non-compliance.
- Responses to frequently asked questions and advice for good practice (including where the regulatory requirements are unclear).
- Examples of typical documents (including the fire safety statement approved form) and how these should be completed.

Whilst this guide addresses all of these elements, it should not be considered to be a substitute for site specific legal or professional advice that has been tailored to the specific onsite circumstances regarding essential fire safety measures. This is an informative guide for good practice only.

FPA Australia encourages collaboration between stakeholders with associated responsibilities and interests to achieve mutual fire safety objectives. It is hoped that the information contained within this Good Practice Guide will lead to more consistent application of the regulatory requirements associated with fire safety statements.

## Scope

This document has been prepared by FPA Australia to provide guidance to the fire protection industry, building owners and building occupiers in relation to the objective of fire safety statements and the requirements and responsibilities for preparing these documents in New South Wales.

This guide presents features of good practice in relation to the application and implementation of fire safety statement requirements and is recommended to industry in order to achieve consistency for all stakeholders in the process.

## Definitions

[Appendix A: Definitions](#) includes definitions of particular terms used in this document.

This document generally refers to the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (2021-689), dated 4 March 2024. For the sake of brevity, we refer to this Regulation as the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*.

# What is a fire safety statement?

A fire safety statement is a declaration from a *building owner* or *owners' agent* that each essential fire safety measure specified in the *fire safety schedule* has been assessed by an Accredited Practitioner (Fire Safety) also known as an (APFS) as capable of performing;

- (i) for an essential fire safety measure specified in the fire safety schedule to a standard no less than that specified in the schedule; or
- (ii) for an essential fire safety measure applicable to the building, but not specified in the fire safety schedule, to a standard no less than to which that measure was originally designed and implemented; and
- (iii) the building was inspected by an accredited practitioner (fire safety) and was found, when it was inspected to be in a condition that did not disclose grounds for a prosecution under Part 15 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*.

Section 5 of the annual fire safety statement also includes a further requirement confirming that an APFS has conducted an inspection of each fire exits and paths of travel to fire exits and were found to be unobstructed and fire safety notices regarding offences relating to fire exits were displayed as required by Part 15 of the *(EP&A (Dev. Cert. & Fire Safety) Reg. 2021)*.

The information in this Good Practice Guide expands on this definition and explains the specific requirements of fire safety statements.

In NSW, the primary legislation governing fire safety requirements includes:

- Environmental Planning and Assessment Act 1979 (the Act)
- Environmental Planning and Assessment Regulation 2021
- Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021
- Environmental Planning Assessment (Development Certification and Fire Safety) Amendment (Fire Safety) 2022.

This legislation prescribes requirements for:

- The fire protection systems and equipment to be installed in buildings; and
- The expected performance of fire protection systems and equipment; and
- The ongoing need to maintain fire protection systems and equipment (Section 81) as well as compliance with Part 15.

At the required frequency, the owner of a building to which these requirements apply must ensure that the council where the building is located receives an annual or supplementary fire safety statement confirming these requirements have been met. Copies of this statement must also be sent to the Fire Commissioner and displayed in a prominent position in the building.

# NSW legislation regarding fire safety

To apply the fire safety statement provisions appropriately, it is important to first understand the legislative landscape regarding fire safety in New South Wales.

Clause 10.13(d) of the Environmental Planning and Assessment Act 1979 (the Act) empowers the Governor to make regulations for, or with respect to, obligations on persons regarding fire and building safety, including the functions to be exercised only by a holder of an accreditation under the Building and Development Certifiers Act 2018.

Under this clause of the Act, the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* outlines specific requirements for fire safety in buildings. The key parts of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* that apply to and/or are relevant to fire safety statements are:

- [Schedule 2 dictionary](#)
- [Part 10 – Fire safety schedules](#)
- [Part 11 – Fire safety certificates](#)
- [Part 12 – Fire safety statements](#)

## Schedule 2 dictionary

Schedule 2 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* defines the terms used throughout the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*.

It is important that the definitions in Schedule 2 are applied, as they directly impact the compliance outcomes expected by the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*.

Critically important to the application of Parts 10, 11 and 12 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* is the definition in Schedule 2 of the following terms:

- essential fire safety measure;
- critical fire safety measure; and
- Accredited Practitioner (Fire Safety)) (APFS)

Only buildings to which an essential or critical fire safety measure is applicable are required to comply with the provisions of Parts 10 and 12 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* regarding fire safety statements in relation to their standard of performance. However, compliance with Part 15 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* is required regardless of whether a building contains essential or critical fire safety measures.

### Essential fire safety measure

Schedule 2 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* defines an essential fire safety measure, as a fire safety measure in a building that:



- (a) *"is or was included in the fire safety schedule for the building, or*
- (b) *was included in the essential services, within the meaning of Ordinance No 70 under the Local Government Act 1919, attached to an approval or order referred to in that Ordinance, Part 59, being an approval or order that was in force immediately before 1 July 1993, or*
- (c) *was included in the essential services, within the meaning of the Local Government (Approvals) Regulation 1993, attached to an approval referred to in that Regulation, clause 22, being the latest approval granted during the period from 1 July 1993 to 30 June 1997, or*
- (d) *was included in the essential services, within the meaning of the Local Government (Orders) Regulation 1993, attached to an order referred to in that Regulation, clause 6(1), being the latest order given during the period from 1 July 1993 to 30 June 1997."*

To summarise, any new Class 1b to 9 building approved after 30 June 1997 should have a fire safety schedule as defined in clause (a) above. Any building that has any approval or order dated after 30 June 1988 could have either a schedule of essential services as per clauses (b), (c) or (d) above, or a fire safety schedule as per clause (a).

See [Appendix G: Essential services, essential fire safety measures and previous regulations](#) of this document for further information about essential services and their past requirements.

See the [Part 10 – Fire safety schedules](#) section of this document for further information about fire safety schedules and the [What to do when there are anomalies between what is listed on a fire safety schedule and what is installed in a building, or the fire safety schedule appears to be incorrect?](#) and [What if there is no fire safety schedule available, or the fire safety schedule is not correct?](#) sections of this document for the requirements and procedures for buildings that do not currently have a fire safety schedule.

## Critical fire safety measure

In Schedule 2 of the EP&A (Dev. Cert. & Fire Safety) Reg. 2021, a

**"critical fire safety measure** in relation to a building means a fire safety measure that:

- (a) *requires periodic assessment and certification at intervals of less than 12 months, because of its nature, the environment or the circumstances, and*
- (b) *is identified as a critical fire safety measure in a fire safety schedule."*

## Accredited Practitioner (Fire Safety) (APFS)

In Schedule 2 of the EP&A (Dev. Cert. & Fire Safety) Reg. 2021 an

**"Accredited Practitioner (Fire Safety)** means the holder of an accreditation under the Building and Development Certifiers Act 2018 that authorises the holder to exercise the functions of an Accredited Practitioner (Fire Safety) who is acting in relation to matters to which the accreditation relates."

The sections of the Building and Development Certifiers Act 2018 relevant to an APFS are Parts 5 and 6.

Part 5 of this Act defines 'regulated work' and explains that regulated work requires accreditation and that an accreditation authority may, by granting accreditation under this Part, authorise a person to carry out regulated work.

Part 6 of this Act refers to the approval of accreditation authorities.

The Fire Practitioner Accreditation Scheme for Fire Safety Assessment was approved as an accreditation authority on 1 July 2000 and additional amendments to the scheme were approved on 9 November 2023 (<https://www.fairtrading.nsw.gov.au/housing-and-property/reforms-to-fire-safety-regulation/approved-fire-protection-accreditation-schemes>). Persons who hold Fire Safety Assessment accreditation from FPA Australia are accredited to assess fire safety measures as per Part 12 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*.

## Part 10 – Fire safety schedules

Refer to [Appendix C: Fire safety schedule –Approved form](#) of this document for an example of a typical fire safety schedule.

Since 1 July 1997, a fire safety schedule specifying the fire safety measures (both current and proposed) that must be implemented in the building has been required to be issued by the person granting approval for, or ordering, building works; or for a change of building use.

In Part 10 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*, the requirement to issue a fire safety schedule applies to a person who:

- (a) *"grants a development consent for a change of building use, other than by a complying development certificate, if building work is not—
  - (i) proposed by the applicant for the consent, or
  - (ii) required by the consent authority, or*
- (b) *issues a complying development certificate for the erection of a building or a change of building use, or*
- (c) *issues a construction certificate for building work, or*
- (d) *gives a fire safety order in relation to premises."*

A fire safety schedule must be issued in the approved form and is required to be attached to the relevant development consent, construction certificate or fire safety order and is taken to form part of these documents.

Section 79 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* specifies the content of fire safety schedules as:

- (1) *"A fire safety schedule must specify the current and proposed fire safety measures that must be implemented for the building, including statutory fire safety measures and other fire measures.*
- (2) *A fire safety schedule must deal with the whole of the building and not only the part of the building to which the development consent, construction certificate or fire safety order relates.*
- (3) *A fire safety schedule must—
  - (a) specify and distinguish between the statutory fire safety measures that are—*

- (i) *currently implemented for the building, and*
- (ii) *proposed or required to be implemented for the building, and*
- (b) *specify each **critical** fire safety measure and the intervals, of less than 12 months, at which a supplementary fire safety statement must be given to the council for each measure, and*
- (c) *specify the minimum standard of performance for each fire safety measure in the schedule."*

**Statutory fire safety measures** are those specified in the Table in Section 79 (4) of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*. See [Appendix B: Statutory fire safety measures](#) of this document.

As defined in Schedule 2 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*

**"critical fire safety measure**, in relation to a building, means a fire safety measure that—

- (a) *requires periodic assessment and certification at intervals of less than 12 months, because of its nature, the environment or the circumstances, and*
- (b) *is identified as a critical fire safety measure in a fire safety schedule."*

**Other fire measures** include, but are not limited to, any item of equipment, form or construction or fire safety strategy implemented in a building to ensure the safety of persons using the building in the event of fire.

### Minor corrections to fire safety schedules

Previously, the only pathways for the correction of an incorrect fire safety schedule under the legislation was through obtaining a development control order (fire safety order) with an amended schedule, or obtaining a complying development certificate, or a development consent and construction certificate with an amended schedule. These pathways were not designed for minor corrections.

From 13 February 2023, the Environmental Planning and Assessment (Development Certification and Fire Safety) Amendment (Construction Certificates) Regulation 2023 (Amending Regulation) permits the re-issue of a fire safety schedule on request by a building owner to correct minor errors or omissions, or to replace a missing schedule.

The Amending Regulation only permits schedules to be re-issued through this pathway to resolve errors or omissions (such as typographical errors, incorrect address, omitted approved and installed measures) or to replace a lost or destroyed schedule, where one previously existed.

The Amending Regulation does not offer a way to authorise illegal building work. That is, work that is not authorised by a consent or an order. It specifically prohibits the correction or re-issue of a schedule if errors or omissions occurred due to building work, or a change in the plans or specifications for the fire safety measures of the building. For further information see [https://www.fairtrading.nsw.gov.au/\\_data/assets/pdf\\_file/0011/1143596/Fire-Safety-Regulation-fact-sheet-revised-13-June-2023.pdf](https://www.fairtrading.nsw.gov.au/_data/assets/pdf_file/0011/1143596/Fire-Safety-Regulation-fact-sheet-revised-13-June-2023.pdf)

**Fire safety orders.** If a fire safety schedule is prepared as a result of a fire safety order, a copy of that fire safety schedule must be provided to the relevant council and to the Fire Commissioner.

## Part 10 – Section 81 – Essential fire safety measures to be maintained

Section 81 in Part 10 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* states that the building owner must maintain each essential fire safety measure for the building. Currently, building owners are required to ensure that each essential fire safety measure in the building performs to at least the standard specified in the fire safety schedule or, for some pre-1997 buildings, to at least the original design and installation standard.

From February 2025, the Amending Regulation will add Section 81A. This additional section will require owners to ensure that inspection, testing and, where applicable, other servicing of essential fire safety measures in new and existing Class 1b to 9 buildings are done in accordance with AS 1851-2012 Routine service of fire protection systems and equipment (AS 1851), where these measures are covered by AS 1851. AS 1851 covers testing processes, frequency and documentation for specific fire safety measures.

Any fire safety measures not covered by AS 1851, for example emergency lighting, will still be required to be maintained as per Section 81 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*.

## Part 11 – Fire safety certificates

A fire safety certificate must be submitted with an application for an occupation certificate for a building. See Part 5, Sections 37 and 41 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*.

Part 11 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* states that a fire safety certificate certifies that each essential fire safety measure specified in the current fire safety schedule for the building has been assessed by a properly qualified person as capable of performing to at least the standard required by the current fire safety schedule.

Under Section 84 (3) of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*,

*"the person who carries out assessment of the fire safety measures for the purposes of a fire safety certificate must:*

- (a) **inspect** and **verify** the performance of each essential fire safety measure being assessed, and*
- (b) **test** the operation of equipment relevant to the essential fire safety measure being assessed that—*
  - (i) is specified in the current fire safety schedule for the building, and*
  - (ii) has not previously been tested in an assessment because it is newly installed."*

Section 84 (2) of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* states that the person who assesses the performance of a fire safety measure for the purpose of a fire safety certificate:

- (a) "must be an Accredited Practitioner (Fire Safety), and*
- (b) must not have installed a fire safety measure being assessed, and*
- (c) may be chosen by the building owner."*

### Accredited Practitioner (Fire Safety) and Fire Safety Certificates

Therefore, while the current *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* makes mention of Accredited Practitioner (Fire Safety) (APFS) in relation to the completion of fire safety certificates, it should be noted that, at the time of writing, APFS who are accredited by FPA Australia under the authority of the Building and Development Certifiers Act 2018 are **only accredited for fire safety functions that are covered by the FPA Australia NSW Accredited Practitioner (Fire Safety) Scheme (the Scheme) document.**

The fire safety functions in the Scheme document specifically relate to:

- fire system design; and
- **fire safety assessment for the purposes of completing a Fire Safety Statement as per the [What is a fire safety statement?](#) section in this document.**

The NSW government's advice at the time of writing for fire safety functions where there are no practitioners accredited by FPA Australia is that building owners, or certifiers, must determine whether a person is an Accredited Practitioner (Fire Safety). This is much like the role building owners and certifiers did previously. See here for further information <https://www.planning.nsw.gov.au/policy-and-legislation/buildings/fire-safety-in-buildings/fire-safety-certification#accredited-practitioners-fire-safety>

To download a copy of the FPA Australia Scheme document:

[https://www.fpaa.com.au/Web/Accreditation\\_and\\_Licensing/FPAS/Web/Accreditation/FPAS.aspx](https://www.fpaa.com.au/Web/Accreditation_and_Licensing/FPAS/Web/Accreditation/FPAS.aspx)

For further information about fire safety certificates please see [What's the difference between a fire safety certificate and a fire safety statement?](#) and [Appendix E: Fire safety certificates – Approved form of this document.](#)

## Part 12 – Fire safety statements

Part 12 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* defines and outlines the requirements of annual and supplementary fire safety statements.

An annual fire safety statement is a statement issued each year by, or on behalf of, a building owner that states the fire safety measures in the building have been assessed by an accredited practitioner (fire safety). The assessment of these fire safety measures is carried out by a person who is accredited under the Fire Practitioner Accreditation Scheme for Fire Safety Assessment with FPA Australia.

The essential fire safety measures in the building's fire safety schedule must be assessed as capable of performing to a standard no less than that specified in the fire safety schedule.

For a building with original measures within the meaning of section 81 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*, the measures must be assessed to a standard no less than that to which the measure was originally designed and implemented.

The annual fire safety statement also includes the inspection of fire exits and paths of travel to fire exits as defined in Part 15 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*. The building is required to be inspected by an Accredited Practitioner (Fire Safety) and the building must be found, when it was inspected, to be in a condition that did not disclose grounds for a prosecution under Part 15 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*. See the [Part 15 – Fire safety offences](#) section of this document for further details about Part 15.

The owner of the building chooses the APFS to carry out the assessment or inspection of the building's fire safety measures. Assessment and inspection of essential fire safety measures and buildings must occur within the period of **3 months prior** to the date on which the annual fire safety statement is issued.

The building owner must provide the annual fire safety statement to council within 12 months of the date on which an annual fire safety statement was previously given or—if a fire safety certificate has been issued within the previous 12 months—within 12 months of the fire safety certificate being issued.

The APFS who carries out an assessment of a fire safety measure must **inspect and verify** the performance of each essential fire safety measure being assessed. For further information about the inspection and verification of fire safety measures, see [The fire safety assessment role](#) section of this document.

Each year the building owner must provide the council where the building is located with a copy of the annual fire safety statement. As soon as practicable after an annual fire safety statement is issued to council, a copy must also be given to the Fire Commissioner and a further copy displayed prominently in the building.

Where the building contains critical fire safety measures, a supplementary fire safety statement must also be made in the manner described above in accordance with the frequency stipulated on the fire safety schedule for those critical fire safety measures.

An annual fire safety statement or supplementary fire safety statement must be made in the approved form published by the NSW Government Planning Secretary (see [Appendix E: Fire safety certificates – Approved form](#)) and contain the following information:

- (i) the name and address of the owner of the building,
- (ii) a description of the building, including the address,
- (iii) for an annual fire safety statement—a list of each essential fire safety measure for the building and the minimum standard of performance for each measure,
- (iv) for a supplementary fire safety statement—a list of each critical fire safety measure for the building and the minimum standard of performance specified in the relevant fire safety schedule for each measure,
- (v) the date on which the essential and critical fire safety measures were assessed,
- (vi) the date on which the building was inspected,
- (vii) whether the statement is an annual or supplementary statement,
- (viii) a statement to the effect referred to in section 88(1) for an annual statement or section 90(1) for a supplementary statement,
- (ix) the date on which the statement is issued,
- (x) the name, address and telephone number of the person who issued the statement,
- (xi) the name, address and telephone number of the Accredited Practitioner (Fire Safety) who assessed the fire safety measures for the statement.

## Part 15 – Fire safety offences

Part 15 relates to:

- (i) Fire safety notices regarding offences relating to fire exits;
- (ii) Fire exits, paths of travel leading to a fire exit and doors within fire exits or paths travel to fire exits.

## Fire safety notice – Section 108

A fire safety notice in the form shown in Figure 3 (below)—or a notice in the form prescribed under the Local Government Act 1919 or the Local Government Act 1983—is required to be displayed at all times in a prominent position adjacent to doorway in the building that provides access to, but is not within, the fire isolated stairway, fire isolated passageway or fire isolated ramp.

If this fire safety notice is not displayed then both the occupier (tenant) of the part of the premises adjacent to the stairway, passageway or ramp and the owner of the building are guilty of an offence under Section 108 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*.

Also, if any person removes, damages or otherwise interferes with a fire safety notice they are guilty of an offence under Section 108 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*.

### Example of a Fire Safety Notice

| OFFENCE RELATING TO FIRE EXITS                                                                            |
|-----------------------------------------------------------------------------------------------------------|
| It is an offence under the Environmental Planning and Assessment Act 1979:                                |
| (a) To place anything in or near this fire exit that may obstruct persons moving to and from the exit, or |
| (b) To interfere with or obstruct the operation of any fire doors, or                                     |
| (c) To remove, damage or otherwise interfere with this notice.                                            |

## Fire exits and fire exit doors – Section 109

Section 109 (3) of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* requires the building owner to ensure that:

- (a) *"each fire exit area for the building is kept clear of anything that may obstruct the free passage of persons, and*
- (b) *the operation of a fire exit door is not interfered with or obstructed, except with lawful excuse."*

If this is not the case, then the building owner is guilty of an offence.

Additionally, under Section 109, it is also an offence for **any** person to

- (1) *"place anything that may obstruct the free passage of persons in a fire exit area for a building.*
- (2) *without lawful excuse, interfere with or obstruct the following—*
  - (a) *a fire exit door or the operation of a fire exit door for a building,*
  - (b) *the operation of a fire door providing access to a building's fire exit. impede, obstruct or interfere with any of the above."*



# Roles and responsibilities regarding the preparation of an annual fire safety statement

## Principal certifiers

Principal certifiers do not have a specific role in the preparation and issuing of fire safety statements. However, since 1 July 1997, they have been responsible for preparing the fire safety schedule that is attached to the relevant development consent, complying development certificate or construction certificate listing the essential or critical fire safety measures for a building and their required standard of performance.

Under Part 10 Section 80A (2) (b) of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*, a principal certifier may reissue a fire safety schedule at the request of the building owner if the certifier:

- (i) *"has not yet issued an occupation certificate, and*
- (ii) *is satisfied there are errors or omissions in the schedule that require correction."*

Under Section 80A a principal certifier who reissues a fire safety schedule must give the council a copy of the reissued schedule and evidence of the errors or omissions that required correction.

Any building work undertaken with regards correcting errors or omissions in a fire safety schedule that require it to be reissued are activities that require the approval of a principal certifier and/or council.

## The building owner

Building owners are ultimately responsible for maintaining essential and critical fire safety measures in their building and ensuring fire exits (and paths of travel to fire exits) are unobstructed and that fire safety notices regarding offences relating to fire exits are displayed to achieve compliance with Part 15 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*.

Part 10 Section 81 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* specifies a general requirement for building owners to maintain essential and fire safety measures.

However, from 13 February 2025, building owners will be required to ensure that maintenance activities for each essential fire safety measure for the building are undertaken in accordance with AS 1851-2012 if the maintenance activity is not addressed by a performance solution approved for building work and is addressed by AS 1851-2012. See Environmental Planning and Assessment (Development Certification and Fire Safety) Amendment (Fire Safety) Regulation 2022 Section 81A and <https://www.fairtrading.nsw.gov.au/housing-and-property/reforms-to-fire-safety-regulation>

Until this change becomes a legal requirement, it is up to a building owner to maintain essential fire safety measures to a level they can demonstrate confirms these systems and equipment are performing as required.

FPA Australia contends that the latest version of the Australian Standard for routine servicing of fire protection systems and equipment (AS 1851-2012) is most appropriate for this task for most essential fire safety measures. Where a fire safety measure is not covered by AS 1851 it is still required to be



maintained in accordance with Section 81 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*. Refer to the [Frequently asked questions](#) section of this document for further information on the use of AS 1851-2012 in relation to fire safety statements.

Part 10 Section 81 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* specifies the general requirement for building owners to maintain essential fire safety measures.

Part 12 Section 88 sets out that the building owner must have the building assessed by an APFS. Section 89 also sets out the duties of building owners in relation to annual fire safety statements. See [Part 11 – Fire safety certificates](#) of this document for these duties and requirements of the building owner in relation to annual, and supplementary fire safety statements.

**Note:** Where assessment reveals that fire safety measures are not operating as required, the owner is responsible for rectifying this before an APFS can complete the tasks associated with fire safety assessment.

It should be noted that the owner must ensure that any contractual relationship with tenants makes provisions for the assessment and inspection required, to allow the fire safety statement to be prepared. See [Appendix F: Owners and tenants](#) for more information about access under the Strata Schemes Management Act and Residential Tenancies Act.

## Accredited Practitioner (Fire Safety) (APFS)

The *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* requires the building owner to engage an Accredited Practitioner (Fire Safety) (APFS) for a number of tasks.

The tasks of an Accredited Practitioner (Fire Safety) (APFS) engaged by the building owner in regards to fire safety statements are:

- to carry out assessment, inspection and verification of essential and/or critical fire safety measure under Section 88 (4) of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*
- inspect the building for compliance with Part 15 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*
- complete Sections 4, 5 and 6 on the approved form for fire safety statements. [Appendix E: Fire safety certificates – Approved form.](#)

APFS are typically engaged by building owners via a contract or engagement agreement outlining their service obligations. The regulations are silent in relation to how the APFS is engaged and what their obligations might include beyond the tasks listed above.

Any terms under which the APFS is engaged must include the functions expressed in Part 12 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*. However, building owners may choose the individual APFS who performs these functions.

Additional contract terms that may be negotiated between the parties may depend on:

- The extent of services the building owner requires them to undertake.
- The type, number and complexity of essential fire safety measures installed in the building.

- The age of the building and availability of documentation, including but not limited to approved plans, fire safety schedule, routine service records and the identification of key performance indicators for individual fire safety measures.

It is important that any agreement or contract clarifies the scope of work agreed to be completed.

Also, it is important to note that the building owner (or a person acting on the owner's behalf) may engage more than one APFS to undertake the APFS work activities associated with the issuing of a fire safety statement. For example, an APFS competent in the assessment of fire sprinkler and fire hydrant operating performance may not have competence in smoke detection and alarm systems, or Part 15 compliance assessment. In this case, another APFS can be engaged to assess these aspects.

When undertaking an assessment and inspection of a building an APFS must notify the building owner if they identify that:

- the required performance standard of any essential or critical fire safety measure is not being achieved; and/or
- Part 15 compliance is not being achieved.

The building owner is responsible for ensuring the appropriate rectification action is undertaken to resolve issues with fire safety measures that are reported to them.

The building owner has discretion as to who they engage to undertake, or assist them to undertake, the appropriate rectification action. This is a separate role to the assessment, inspection and verification of fire safety measures for the purposes of completing the relevant sections of a fire safety statement.

Once the rectification is completed, FPA Australia recommends a further assessment and inspection by an APFS of the rectified measure(s). This additional assessment is recommended to ensure the required standard of performance is being achieved prior to the APFS completing the relevant sections of the fire safety statement and the building owner being able to complete and issue the fire safety statement.

While it is the building owner's responsibility to prepare and issue the fire safety statement, a building owner may contract an APFS to act as the owner's agent for the purpose of preparing a fire safety statement. In this case, the APFS acting as the owner's agent must not be the APFS who undertook assessment and inspection of fire safety measures, inspected for Part 15 compliance, or completed sections 4, 5 and 6 of the fire safety statement. The is to keep the roles and responsibilities of the building owner separate from those of an APFS. See also the [Do any of the requirements of the EP&A \(Dev. Cert. & Fire Safety\) Reg. 2021 in regards to fire safety apply to buildings constructed prior to 1 July 1988?](#) section of this document.

## Fire protection service provider

Fire protection service providers do not have a specified role in the assessment, inspection or verification of fire safety measures for fire safety statements and are not recognised by the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*.

However, these providers are engaged by building owners to undertake activities to assist owners to comply with their requirement to maintain essential fire safety measures in accordance with the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*.

Fire service providers are typically engaged by building owners to:

- (i) Conduct periodic routine service activities, including preventative maintenance on essential and / or critical fire safety measures

- (ii) maintain and repair essential and / or critical fire safety measures
- (iii) prepare condition reports
- (iv) undertake fire safety audits or inspections.

Routine service records, condition reports, audits or inspection reports prepared by fire protection service providers may be used by an APFS—who may also be the fire protection service provider where such competence is demonstrated—to assist in the assessment of the essential and / or critical fire safety measures for the purpose of a fire safety statement.

Fire protection service providers are typically engaged by building owners via a contract or engagement agreement outlining their service obligations to perform the activities identified above.

The scope of work for fire protection service providers is limited to those matters stipulated in the engagement agreement or contract that they have entered into with the building owner. It is important that any agreement or contract clarifies the scope of work agreed to be completed.

## Council

Fire safety statements are submitted to the council which has jurisdiction over the local government area in which the building is located.

Council's role regarding fire safety statements is to record receipt of these statements. They may, but are not obligated to, review fire safety statements for compliance. Where non-compliances are identified, council may take enforcement action. Enforcement action may be taken by council officers conducting the following:

- (i) inspecting the building; and /or
- (ii) reviewing fire safety schedules, receipts or logbooks and other evidence recording the activities of building owners or fire protection service providers and comparing this with the fire safety statement provided to council; and / or
- (iii) questioning building owners or those appointed to act on their behalf.

If a fire safety statement has not been provided, provided late or is incorrect, an employee or other person authorised by council (see Schedule 1 Penalty notice offences of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*) may:

- (i) issue a penalty notice in accordance with Section 9.58 of the EP&A Act in relation to contravention of Part 12 Fire safety statements of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*.
- (ii) issue a fire safety order requiring the building owner to undertake specific works. (Schedule 5, Parts 2 and 4 of the EP&A Act 1979).

In addition to the roles above, Section 81 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* means that—where a building owner is unsure what essential fire safety measures apply to their building, otherwise than by virtue of a fire safety schedule,—a building owner may contact the council who must provide the owner with a schedule of the original fire safety measures for the building. An original fire safety measure is defined in the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* as an essential fire safety measure applicable to the building but not specified in the fire safety schedule (See Section 81 (1) (b)).

# Fire Commissioner

Fire safety statements are required to be submitted to the Fire Commissioner (Part 12 Fire safety statements of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*).

Reference to the Fire Commissioner in the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* is a reference to Fire & Rescue NSW. The Fire Commissioner has broad responsibilities for community safety in the built environment but also for the safety of responding firefighters.

Fire safety statements are sent to the Fire Commissioner to notify Fire & Rescue NSW of the fire systems and equipment installed in the building. This information informs the pre-incident planning of responding fire brigades because the initial actions of fire brigades responding to a fire incident at the building may be dictated by the fire safety measures in the building.

If the Fire Commissioner is concerned that compliance is not being achieved on the basis of receipt of a fire safety statement, the following action may occur:

- (i) Liaison with the relevant council to confirm extent of any non-compliance and prepare a report or undertake enforcement action;
- (ii) Issuance of a penalty notice in accordance with Section 9.58 of the EP&A Act in relation to contravention of Part 12 Fire safety statements of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*.

## Tenants

Building tenants do not have a specific role in the preparation and issuing of fire safety statements, this is the solely the responsibility of the building owner (although the building owner may engage someone to undertake this work on their behalf). However, tenants may have a role to liaise with the building owner if a service was installed in their tenancy on their behalf that is not required elsewhere in the building (e.g. gaseous suppression system in a computer room).

As such, despite any tenancy agreement that a building owner may have in place with a tenant, any enforcement action for non-compliance will be directed to the building owner, other than issues identified with fire exits (and paths of travel to fire exits) and fire safety notices regarding offences relating to fire exits.

Building owners will sometimes require access to the premises they let so that the essential and / or critical fire safety measures within these tenanted premises can be assessed and maintained. Access to tenanted premises (and the requirements that exist regarding the cooperation of owners and tenants) is prescribed in the following legislation:

- (i) Strata Schemes Management Act 2015, Section 123
- (ii) Residential Tenancies Act 2010, Clauses 55-61

For more information, refer to [Appendix F: Owners and tenants](#) of this document.

Tenants do, however, have responsibilities in regard to fire exits and fire safety notices regarding offences relating to fire exits.

In accordance with the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* Part 15, occupiers (tenants) of a building are guilty of an offence if:

- (i) *"A notice in the form below is not displayed at all times in a prominent position adjacent to doorways leading to fire isolated stairways, passageways or ramps; or*
- (ii) *If a notice in the form prescribed under the Local Government Act 1919 or the Local Government Act 1983 is not provided to meet the same provision."*

#### Example of a Fire Safety Notice

| OFFENCE RELATING TO FIRE EXITS                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>It is an offence under the Environmental Planning and Assessment Act 1979:</p> <ul style="list-style-type: none"><li>(a) To place anything in or near this fire exit that may obstruct persons moving to and from the exit, or</li><li>(b) To interfere with or obstruct the operation of any fire doors, or</li><li>(c) To remove, damage or otherwise interfere with this notice.</li></ul> |

Part 15 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* also requires that a person (which could include the owner, occupier or indeed any person) must not impede or cause obstruction of fire exits, paths of travel to fire exits or doors in fire exits (or paths of travel to fire exits).

# Penalties for non-compliance

Part 9 of the Environmental Planning and Assessment Act 1979 (the Act) prescribes the processes and penalties associated with offences against the Act and the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*. Proceedings for an offence against the Act or *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* may take place before the Local Court or the Court in its summary jurisdiction as applicable.

Section 9.58(1) of the Act states –

*“An authorised person may serve a penalty notice on a person if it appears to the authorised person that the person has committed an offence under this Act or the regulations, being an offence prescribed by the regulations.”*

The maximum penalties for failure to comply with relevant sections of Parts 10, 12 and 15 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* are listed in the section of the regulation to which the offence pertains. Schedule 1 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* confirms that prescribed offences are listed in Column 1 of Schedule 1 of the regulation and prescribed penalties associated with these prescribed offences are specified in Column 2 of Schedule 1 (for individuals) or Column 3 of Schedule 1 (for a corporation).

Table 1, below, summarises the prescribed penalties in Schedule 1 that relate to Parts 10, 12 and 15 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*.

Please note: The penalty unit for an offence under NSW legislation is currently \$110. Section 17 Crimes (Sentencing Procedure) Act 1999 No 92 (NSW).

**Table 1 —Offences and Penalties Summary – Fire Safety Maintenance and Fire Safety Statements**

| Prescribed Offence                                                                                                                                                                       | Individual Penalty                                                                                                                                                                                        | Corporation Penalty                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Failure to maintain each essential fire safety measure for a building. Part 10, Section 81 (1)                                                                                           | \$3000                                                                                                                                                                                                    | \$6000                                                                                                                                                                                                    |
| Failure to inspect and verify the performance of each essential fire safety measure for an annual and/or supplementary fire safety statement. Part 12, Section 88 (4) and Section 90 (4) | \$1500                                                                                                                                                                                                    | \$3000                                                                                                                                                                                                    |
| Failure to provide council with an annual fire safety statement for the building. Part 12, Section 89 (1)                                                                                | 400 penalty units                                                                                                                                                                                         | 800 penalty units                                                                                                                                                                                         |
| Failure to provide an annual and/or supplementary fire safety statement during—<br>Part 12, Section 89 (1) and Section 91 (1)                                                            | (a) the first week after the time for giving the statement ends - \$1000<br><br>(b) the second week after the time for giving statement ends - \$2000<br><br>(c) the third week after the time for giving | (a) the first week after the time for giving the statement ends - \$1000<br><br>(b) the second week after the time for giving statement ends - \$2000<br><br>(c) the third week after the time for giving |

| Prescribed Offence                                                                                                                                                                                                                                                                                                                                                                                                      | Individual Penalty                                                                                                 | Corporation Penalty                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                         | statement ends - \$3000<br><br>(d) the fourth or subsequent week after the time for giving statement ends - \$4000 | statement ends - \$3000<br><br>(d) the fourth or subsequent week after the time for giving statement ends - \$4000 |
| Failure to prominently display a copy of the annual and/or supplementary fire safety statement and fire safety schedule in the building. Part 12, Section 89 (4) (b) and Section 90 (4) (b)<br><br>Failure to provide the required information on the required form and/or failure to provide the fire safety schedule when issuing an annual and/or supplementary fire safety statement Part 12 Section 92 (1) and (2) | \$580                                                                                                              | \$580                                                                                                              |
| Failure to provide the required information on the required form and/or failure to provide the fire safety schedule when issuing an annual and/or supplementary fire safety statement Part 12 Section 92 (1) and (2)                                                                                                                                                                                                    | \$1500                                                                                                             | \$3000                                                                                                             |
| Failure to display a required fire safety notice Part 15                                                                                                                                                                                                                                                                                                                                                                | \$1500                                                                                                             | \$1500                                                                                                             |
| Interfering with fire exits or fire safety notices Part 15                                                                                                                                                                                                                                                                                                                                                              | \$1500                                                                                                             | \$1500                                                                                                             |
| Obstructing a door that forms part of a fire exit or is in the path of travel to a fire exit without a lawful excuse Part 15                                                                                                                                                                                                                                                                                            | \$1500                                                                                                             | \$1500                                                                                                             |
| Obstructing paths of travel to exit without a lawful excuse or not displaying a fire safety notice Part 15                                                                                                                                                                                                                                                                                                              | \$1500                                                                                                             | \$1500                                                                                                             |

# The fire safety assessment role

The work activities associated with fire safety assessment include acting as an Accredited Practitioner (Fire Safety) (APFS) to carry out the assessment of one or more of the **essential fire safety measures** (EFSM) in a building in accordance with the requirements of Part 12 and Part 15 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* to enable the owner, or person acting as an agent of the owner, to issue an Annual Fire Safety Statement (AFSS).

There are a number of work activities associated with assessment of fire safety measures:

1. Determining the standard of performance
2. Assessment of fire safety measures
3. On-site physical assessment
4. Performance tests
5. System interface functionality
6. Risk assessment
7. Record keeping
8. Part 15 – Fire safety offences
9. Completing relevant sections of the approved annual/supplementary fire safety statement form

## Determining the standard of performance

The APFS determines the required standard of performance for each fire safety measure from the building's Fire Safety Schedule and as per the approved design. Where the approved design is not available the APFS considers documentation relating to the original approved design, baseline data, previous fire safety statements or building manual where these are available. Schedule 2 Dictionary of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* defines performance requirement as having the same meaning as in the Building Code of Australia.

## Assessment of fire safety measures

Section 88 (1) (a) of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* states that, for the purposes of an annual fire safety statement—

- (a) "each essential fire safety measure specified in the statement has been assessed by an accredited practitioner (fire safety) as capable of performing—
  - (i) for an essential fire safety measure specified in the fire safety schedule—to a standard no less than that specified in the schedule, or



- (ii) *for an original measure within the meaning of section 81—to a standard no less than that to which the measure was originally designed and implemented, and*
- (b) *the building has been inspected by an accredited practitioner (fire safety) and was found, when it was inspected, to be in a condition that did not disclose grounds for a prosecution under Part 15."*

**Note:** The reference to 'standard' in these sections of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* is a reference to operating standard, or operating level. It is not a reference to determining design or installation compliance with a Standard referenced by legislation or otherwise.

## On-site physical assessment

Section 88 (4) of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* states that the APFS who carries out the assessment of a fire safety measure for the purpose of a fire safety statement must **"inspect and verify"** the performance.

This requirement means that the APFS must physically attend and inspect the site as a crucial part of the assessment of any fire safety measure's performance. On-site attendance also identifies if any fire safety measure has been inappropriately altered or compromised by changes in occupancy, environment or building in the last twelve (12) months. (This is comparable to the definition of 'survey' in AS 1851-2012.)

FPA Australia considers there to be no grounds for non-physical attendance of the site.

All on-site inspection dates, and the building owners' sign-off date, must be within three (3) months of the date the fire safety statement is submitted to council.

Adequate evidence of on-site inspection must be recorded and saved by the APFS for every fire safety measure inspected, verified and assessed. This evidence could include one or more of the following:

- Written and/or digital inspection reports
- Testing records
- Photos
- Time and date-stamped selfies
- Videos
- GPS stamped reporting
- Client declaration of APFS attendance.

The above information may be used as evidence in support of attendance at a site for the purposes of assessment of a fire safety measure.

**Note:** A report of visual inspection prepared by another APFS, or other suitably qualified/experienced technician, may be used to substantiate decision making regarding fire safety measure performance. However, the APFS who completes the fire safety statement for that measure cannot rely on this report alone and it is not considered as a substitute for the APFS completing an inspection themselves.

If an APFS is audited by FPA Australia they will be required to supply evidence of on-site attendance to the auditors.

## Failures of Fire Safety Measures

If failures to a fire safety measure are identified at the initial APFS inspection during on-site attendance, the APFS is required to return to the site after rectification of the defect for re-inspection and re-verification of performance. If the APFS does not return to the site, then evidence that justifies how and why they deemed it unnecessary to return on-site must be provided.

The evidence that a fire safety measure now meets the required minimum standard of performance may include but is not limited to photos, videos, reports from another APFS and/or suitably qualified and/or experienced technician.

It is always required to physically re-inspect and verify the fire safety measure or component if the APFS is not satisfied that performance can be proven via alternate means.

## Performance tests

In addition to on-site inspection, an assessment of a fire safety measure for a fire safety statement must include reviewing and verifying performance test results obtained through AS 1851-2012 routine service. Review and verification of other routine service methodology is at the discretion of the APFS. Inspection and testing records may be relied upon as supporting evidence of the fire safety measure performance.

Testing over and above the routine service methodology may be required to verify the performance of a fire safety measure.

## System interface functionality

The assessment of a fire safety measure for a fire safety statement will also, where applicable, include a review and verification of specific system interface functionality and operation between fire safety measures as required by Australian Standards, the National Construction Code, fire engineering reports, or legislation. Routine service records are to be considered holistically in this regard.

## Risk assessment

Where a fire safety measure contains large quantities of identical devices/equipment (eg. fire doors, smoke alarms, sprinkler heads etc.), the APFS may elect to carry out an inspection of less than 100% of the components of the system or identical devices by conducting a risk assessment to determine the quantity of random components or devices to be inspected and verified in-person.

The risk assessment should also consider the qualifications and experience of the technicians who carried out the routine service of the measure, and the time frame since that maintenance had been carried out.

## Record keeping

All of the necessary records for every site inspected and used for verification of performance must be retained in a reliable location and maintained by the business and/or accredited individual.

## Part 15 – Fire safety offences

The inspection of fire safety notices, paths of travel to exits, fire exits & exit doors to ensure they are not in a condition to warrant any grounds for prosecution under Part 15 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* must be conducted on the day/s of physical inspection.

If any failures are recorded relating to Part 15, a full physical re-inspection of that part of the building by the APFS must be carried out until compliance with Part 15 is achieved.

## Completing relevant sections of the approved annual/supplementary fire safety statement form

The APFS who inspected the fire safety measure and verified it as meeting the minimum standard of performance (Part 12 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*) is required to complete sections 4 and 6 of the Fire Safety Statement approved form for each fire safety measure they have inspected and verified.

The APFS who inspected the fire exits and paths of travel to fire exits as per Part 15 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* is required to complete sections 5 and 6 of the Fire Safety Statement approved form.

### Fire Safety Statement – Section 4: Fire Safety Measures

The following details are required to be reported in Section 4 of the approved Fire Safety Statement form (see [Appendix E: Fire safety statement](#)).

- The Fire Safety Measure assessed
- Minimum Standard of Performance
- Date(s) assessed\*
- APFS accreditation number

\*The date(s) assessed should be the date the fire safety measure was inspected and verified and found to be fully capable of performing. Where there are defects with components of the fire safety measure, the APFS may, if necessary, use the date of initial inspection and assessment and the date(s) of the successful assessment(s) of the measure and list all these dates against that measure on the form.

### Fire Safety Statement – Section 5: Inspection of fire exits and paths of travel to fire exits (Part 15)

The following details are recorded in Section 5 of the approved Fire Safety Statement form by the APFS who inspected any fire exits or paths of travel to fire exits as per Part 15 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*.

- Part of the building inspected
- Date(s) inspected\*

- APFS accreditation number

*\*The date(s) inspected should be the date the parts of the building were inspected and found to be compliant with Part 15 of the EP&A (Dev. Cert. & Fire Safety) Reg. 2021. Where an APFS has returned to the site for inspection after rectification of non-compliance, the APFS may use the date of initial inspection and assessment and the date(s) of the compliant inspection and assessment(s) and list all these dates against that part of the building on the form.*

## Fire Safety Statement – Section 6: Name and contact details of each Accredited Practitioner (Fire Safety) (APFS)

Each APFS whose accreditation number was provided in sections 4 and 5 of the approved Fire Safety Statement form must provide the following details in section 6 of the form:

- Full name
- Address
- Phone
- APFS accreditation number
- Signature.

**Note:** Decisions on whether to pass the assessment of a fire safety measure or not should be made conservatively with the safety of building occupants in front-of-mind. Where there is no evidence available to determine performance, the APFS should look to the requirements for compliance to determine if a measure passes the assessment. This should not include re-designing systems.

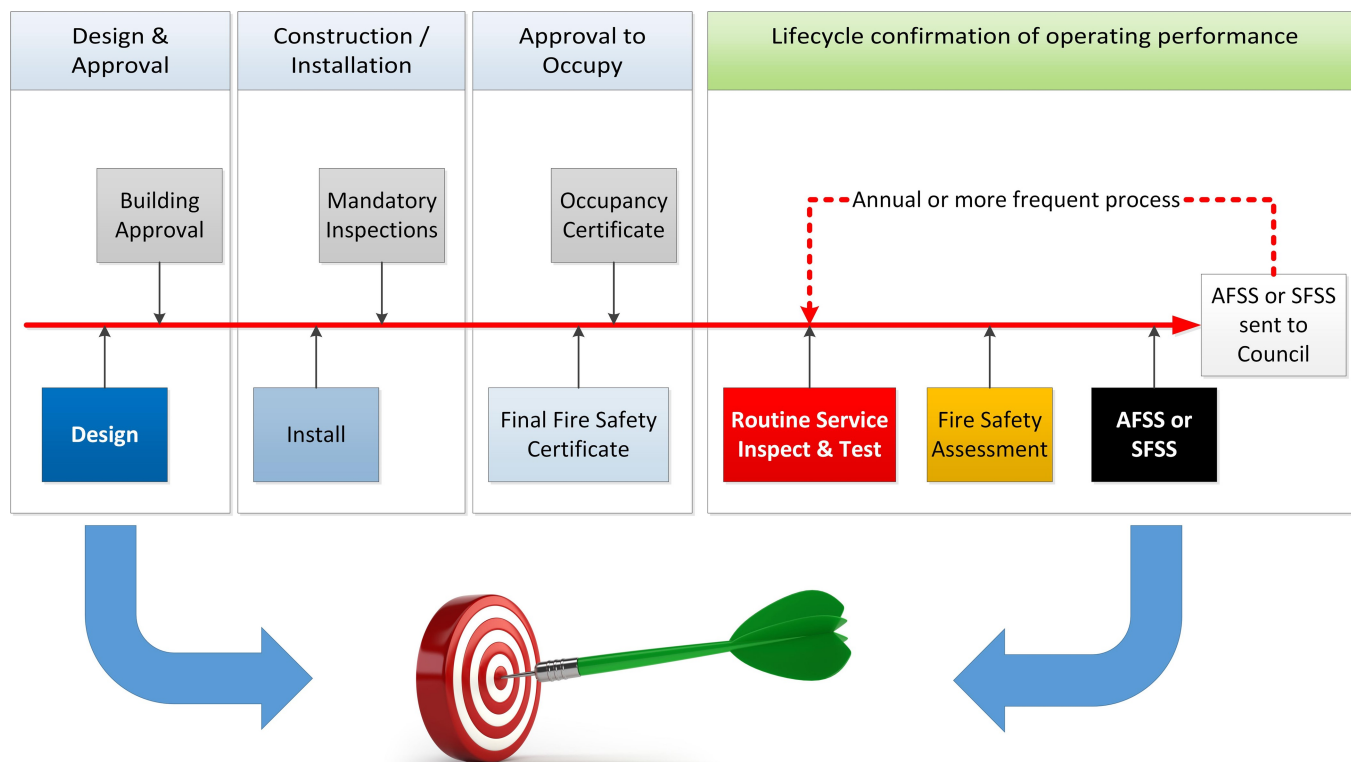
Practice notes developed by FPA Australia on how to assess essential fire safety measures and individual non-conformance should be reviewed regularly and followed. If decisions are made contrary to the practice notes, practitioners must have evidence substantiating their reasoning.

## Activities outside of the scope of an APFS

The following work activities are **NOT** included in the scope of an APFS undertaking assessment for the fire safety statement:

1. **Re-certifying** the fire safety measure for compliance with the respective design or installation Code / Standard.
2. Conducting a Building Code Compliance Audit or Fire Safety Audit to AS 4655.
3. Conducting routine service or maintenance (however, this does not preclude individuals from doing this if they are competent and engaged by the building owner accordingly).
4. Upgrading legacy EFSM's to current Codes and Standards.

The matrix in Figure 1, illustrates how the role of the Accredited Practitioner (Fire Safety) (APFS) undertaking assessment is different to other stakeholders in the process.



**Figure 1** – Design, construction, compliance lifecycle

# Frequently asked questions

## What's the difference between a fire safety certificate and a fire safety statement?

A **fire safety certificate** is a commissioning certificate that must be provided to the Fire Commissioner by the building owner (or a person acting on the owner's behalf) either **before completion of a fire order, and/or prior to the issue of a final occupation certificate**. A fire safety certificate is required before a final occupation certificate can be issued for a new or existing building.

A **fire safety statement** is a document prepared by the building owner (or a person acting on the owner's behalf) **every twelve (12) months after a building is occupied** stating that the fire safety measures in their building have been assessed by an APFS and are continuing to perform as required; that fire exits (and paths of travel to fire exits) are unobstructed and that fire safety notices regarding offences relating to fire exits are displayed to achieve Part 15 compliance. Fire safety statements are issued to the local council where the building is located.

An annual fire safety statement is required to be prepared for essential fire safety measures every twelve (12) months on the anniversary of the final fire safety certificate being issued. Supplementary fire safety statements are required to be provided regarding the operating performance of critical fire safety measures at frequencies stated on a relevant fire safety schedule.

Fire safety certificates and fire safety statements each have an approved form that must be used for lodgement of the document. See [Appendix D: Fire safety statement - Approved form](#) for a copy of a fire safety statement. [Appendix E: Fire safety certificates – Approved form](#) has a copy of a fire safety certificate and further information about fire safety certificates.

Part 11 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* outlines the requirements of fire safety certificates and Part 12 outlines the requirements of fire safety statements.

## What to do when there are anomalies between what is listed on a fire safety schedule and what is installed in a building, or the fire safety schedule appears to be incorrect?

When an APFS or building owner identifies suspected errors or anomalies between a fire safety schedule and the fire safety systems and equipment installed in the building, the following steps are recommended.

### When anomalies are identified by an Accredited Practitioner (Fire Safety) (APFS)

The APFS should immediately advise the building owner in writing and specifically nominate the type and extent of anomalies identified. These anomalies might include, but are not limited to:

- (i) Fire safety measure installed in the building but not listed on the fire safety schedule.
- (ii) Essential fire safety measure listed on the fire safety schedule but not installed in the building.

- (iii) Suspected incorrect standard of performance listed on fire safety schedule.

The building owner is responsible for compliance with the fire safety schedule, and for taking any action to rectify the fire safety schedule, or the fire safety systems and equipment in the building, to ensure they align and are appropriate.

### **When the building owner becomes aware of, or identifies anomalies**

When a building owner is advised of, or identifies, anomalies the building owner should take the required actions to resolve the anomalies.

### **Re-issue of a fire safety schedule in accordance with Section 80A of the EP&A (Dev. Cert. & Fire Safety) Reg. 2021**

If the anomalies have not occurred due to building work, or a change in the plans and specifications for the fire safety measures in the building, then the owner may request the re-issue of a fire safety schedule in accordance with Section 80A of the EP&A (Dev. Cert. & Fire Safety) Reg. 2021 from council or a principal certifier.

Under Section 80A of the EP&A (Dev. Cert. & Fire Safety) Reg. 2021, council can re-issue the fire safety schedule if they are satisfied the schedule has been lost or destroyed, or if there are errors or omissions in the schedule that require correction. A principal certifier can re-issue the fire safety schedule if the certifier has not yet issued an occupation certificate and they are satisfied there are errors or omissions in the schedule that require correction.

### **Re-issue of a fire safety schedule in accordance with Section 78 of the EP&A (Dev. Cert. & Fire Safety) Reg. 2021**

If the fire safety schedule cannot be re-issued in accordance with Section 80A then it will need to be re-issued in accordance with Section 78 of the EP&A (Dev. Cert. & Fire Safety) Reg. 2021. The requirements of Section 78 are covered in [Part 10 – Fire safety schedules](#) of this document.

### **Actions required upon approval of a re-issued fire safety schedule**

Upon approval of a revised fire safety schedule from council or a principal certifier under Section 80A of the EP&A (Dev. Cert. & Fire Safety) Reg. 2021, the affected fire safety measures are re-assessed by an APFS before the owner can issue an annual fire safety statement.

If the building owner has had to request a fire safety schedule in accordance with Section 78 of the EP&A (Dev. Cert. & Fire Safety) Reg. 2021, rectification works can be undertaken upon approval of a development application or complying development certificate. Once these works are completed, and a fire safety certificate is issued, the building owner must then provide an annual fire safety statement 12 months after the fire safety certificate is issued. This may change the date that the next annual fire safety statement is to be issued. See the [What building changes / alterations impact on the requirement to produce an annual fire safety statement?](#) section of this document.

### **Further information**

The [What if there is no fire safety schedule available, or the fire safety schedule is not correct?](#) section of this document provides further information about issuing fire safety schedules where the building does not have one or it is not correct.



# What if there is no fire safety schedule available, or the fire safety schedule is not correct?

**If there is no fire safety schedule available for fire safety measures in the building** - Section 81 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* outlines the requirements for a building where essential fire safety measures are applicable to the building but are not specified in the fire safety schedule. Such measures are called **original measures** (Section 81 (1) (b) of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*).

A building owner can request a schedule of the **original** measures for the building from council when the owner is unsure what essential fire safety measures apply to their building (see Section 81 (2) of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*).

## **If the fire safety schedule is not correct? –**

If a fire safety measure is missing from the fire safety schedule the APFS is advised to:

- advise the owner that the measure is missing off the schedule
- recommend that they continue to maintain the measure
- recommend they engage an appropriate registered certifier to review the building requirements.

The APFS is also advised to ensure this information is supplied in writing to the building owner/agent to discharge their duty of care.

Under Section 80A of the EP&A Regulation 2021, a building owner can request council to reissue a fire safety schedule if the council is satisfied that:

- The schedule has been lost or destroyed, or
- There are errors or omissions in the schedule that require correction.

A building owner cannot request a fire safety schedule be re-issued under Section 80A if the errors or omissions occurred due to building work or a change in plans or specifications for the fire safety measures of the building.

Ultimately, where there is doubt regarding what essential fire safety measures exist in the building and the level of performance they must achieve, the approval of council should be sought for any proposed approach to achieving compliance.

# What building changes / alterations impact on the requirement to produce an annual fire safety statement?

Any changes to an existing building that require a fire safety certificate to be issued before re-occupation of the building will impact the date of the building's annual fire safety statement.

An annual fire safety statement must be provided to council within 12 months of the date on which an annual fire safety statement was previously given, or, if a fire safety certificate has been issued within the previous 12 months – 12 months after the fire safety certificate was issued, whichever is the later. See Section 89 (2) (a) (b) of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*.



Part 11 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* outlines when a fire safety certificate is required to be issued. Generally, if the proposed change(s) relate to a change in building use and affect the performance of existing fire safety measures in a building, or new fire safety measures are required to be installed, a fire safety certificate will need to be issued. See [Appendix E: Fire safety certificates – Approved form](#) of this document for detailed information about fire safety certificates.

## Does a building need to be upgraded to the latest version of the BCA or Australian Standard?

There is no requirement to upgrade any essential fire safety measure due to an update of the BCA or if a Standard has been updated or amended. The purpose of a fire safety statement is to declare that the measures are capable of performing to a standard no less than that specified in the fire safety schedule, or to a standard no less than that to which the measure was originally designed and implemented. Upgrading essential fire safety measures is only necessary if required as a result of:

- a fire order;
- a complying development certificate or construction certificate for new building work; or
- a development consent for a change of building use.

## What is the difference between Standards of performance and routine service Standards?

Standards of performance specify what and how a system, or piece of equipment, is to be designed, installed and the standard of operating performance it should achieve.

Standards of routine service specify a regime for the inspection, testing and preventative maintenance of installed systems and equipment to ensure they continue to operate and perform.

Note that unlike standards of performance, standards of routine service are not required to be listed on a fire safety schedule even though a building owner has a responsibility to maintain essential fire safety measures in their building in accordance with Section 81 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*. Building owners often engage fire protection service providers and building certifiers to determine appropriate routine service standards to ensure performance standards are met. [Appendix G: Essential services, essential fire safety measures and previous regulations](#) provides an indicative list of routine service standards for each statutory fire safety measure.

## How should performance standards be identified for buildings not required to have a fire safety schedule?

This is often a process of elimination and detective work that should begin with attempting to determine when the building was originally approved. This date or date period will allow for determination of the fire safety system and equipment installation requirements that applied via legislation and regulation at the time.

If it is not possible to determine the building age or time of approval, the systems and equipment installed in a building themselves can also provide clues to likely period of installation and approval.

Fire protection service providers, Accredited Practitioner (Fire Safety) (APFS)s, building certifiers and regulatory consultants can assist with this detective work.

Ultimately, the objective of this legislation is to ensure that the fire safety systems and equipment that are installed in the building are operating to their original expected performance level.

Accordingly, building owners who can demonstrate that they have exhausted all reasonable attempts to determine the original performance standards for their building in the pursuit of ensuring installed systems and equipment will operate are unlikely to be penalised.

Some building owners may wish to upgrade existing systems and equipment to modern performance standards to provide confidence as to what is required to be maintained and when. However, this is the building owner's choice.

## What is the difference between a condition report and a fire safety statement?

A condition report is not currently recognised or required by NSW legislation. However, as per the [How should performance standards be identified for buildings not required to have a fire safety schedule?](#) section above, it will be required, as per the requirements of AS 1851-2012, from 13 February 2025.

A condition report is a typical way for a fire service contractor to report to the building owner the status of installed essential fire safety measures after routine service activities. A condition report details the condition of essential fire safety measures in the building and will identify if essential fire safety measures are performing as required or if there are any measures that are not operating or performing as required and require rectification maintenance or repair.

A fire safety statement is a legally required statement provided by the building owner (or a person acting on the owner's behalf) using the approved form published by the NSW government confirming that essential fire safety measures are performing as required. As such, any lack of performance identified (e.g. a defect identified by a condition report) must be rectified before a fire safety statement can be issued.

Until 13 February 2025, whether a condition report is undertaken or not is at the discretion of the building owner and the terms of their engagement agreement with a fire protection service provider. However, without a condition report, or similar, it would be difficult for APFS and building owners to confidently prepare their respective sections of a fire safety statement.

## What about occupational health and safety obligations?

Occupational health and safety obligations apply to all workplaces in New South Wales and are broader than the fire safety requirements of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*.

Compliance with the requirements of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* will contribute to meeting occupational health and safety obligations but not satisfy them completely as there are other matters that impact on occupational health and safety beyond fire safety measures. Accordingly, occupational health and safety concerns are beyond the scope of this document.

## How should defects identified with essential fire safety measures be rectified?

Defects identified by a fire service contractor or APFS should be immediately brought to the attention of the building owner in writing. Building owners must then ensure defects are rectified prior to issuing a fire safety statement—similar to when anomalies are identified between the fire safety schedule and what is or isn't installed in the building (see the [What to do when there are anomalies between what is listed on a fire safety schedule and what is installed in a building, or the fire safety schedule appears to be incorrect?](#) and [What if there is no fire safety schedule available, or the fire safety schedule is not correct?](#) section of this document).

If defects are not rectified, building owners are not able to state that essential fire safety measures have been assessed and are meeting required performance and therefore cannot issue the fire safety statement.

This means that building owners must apply comprehensive and ongoing management and maintenance of essential fire safety measures to ensure that they continue to perform as required.

Penalty notice(s) may be issued by council when defects identified with essential fire safety measures are not rectified as necessary. For further information refer to the [Penalties for non-compliance](#) section of this document.

## How is the anniversary date of the annual fire safety statement & supplementary fire safety statement defined?

After essential fire safety measures have been installed and commissioned, a final fire safety certificate is issued confirming required performance has been achieved. Following this, a final occupation certificate can be issued. The initial annual fire safety statement is issued 12 months after the final fire safety certificate.

The anniversary date of the **annual** fire safety statement is 12 months after the initial annual fire safety statement was issued. If a fire safety certificate has been issued for the building within this 12 month period then the fire safety statement is issued 12 months after the date of the fire safety certificate.

The anniversary date of **supplementary** fire safety statements varies and is based on the intervals prescribed on a fire safety schedule to confirm the performance of **critical** fire safety measures. The building certifier or principal certifying authority determines these intervals for critical fire safety measures and may do so based on advice from manufacturers or designers.

## What happens if non-compliances are identified within the 3-month period prior to the anniversary date of the annual fire safety statement and more time is required to comply?

In this instance, building owners should contact the council in writing to explain the type and extent of non-compliances that have been identified and to propose a program for rectification and the time that this will take.

Council may issue a Fire Safety Order for these rectification works if deemed necessary.

Council has discretion as to whether or not to issue a Penalty Notice for non-compliance. The *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* is silent as to how councils should administer this discretion and therefore each council may have different expectations.

Typically, though, the decision as to whether or not to issue a Penalty Notice is likely to be based on:

1. the type of essential fire safety measure that is defective;
2. the extent to which it is defective;
3. whether the building owner has demonstrated a willingness to rectify the matter as soon as possible after being notified of the defect;
4. the past track record of the building owner in relation to compliance.

Although the situation described in this question is not accommodated by the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*, FPA Australia recommends that building owners should be upfront about the status of their essential fire safety measures.

## How are performance solutions captured on a fire safety statement?

Any fire safety measures required to be installed in a building as part of a performance solution in accordance with the NCC are to be listed on a fire safety schedule like any other essential fire safety measure. However, this may mean listing additional items on a fire safety schedule that are beyond statutory fire safety measures and critical fire safety measures. The performance standard these additional items are required to achieve is bespoke and/or unique and are detailed beyond or differently to prescriptive requirements.

Where performance solutions directly impact on the design or operation of individual fire safety measures, they should be listed separately on the fire safety schedule accordingly, not grouped together by simply listing the associated report. This assists the APFS in the process of assessing individual fire safety measures.

# Who signs the declaration on a fire safety statement?

It is the building owner's responsibility to ensure the fire safety statement is issued. However, the declarations in Section 8 (annual) and Section 9 (supplementary) of the fire safety statement may be signed by the building owner, or a person acting on the owner's behalf.

A person who signs the declaration on the owner's behalf must have the appropriate authority from the building owner(s) to undertake this function.

To differentiate the roles and responsibilities of building owners from those of an APFS, the person who signs the declaration must not be an APFS who is listed in Section 6 or their employer/employee or direct associate (see the notes on page 4 of the Fire Safety Statement approved form in [Appendix D: Fire safety statement - Approved form](#)).

The [Accredited Practitioner \(Fire Safety\) \(APFS\)](#) section of this document outlines the completion requirements for sections 4, 5 and 6 of a fire safety statement.

**Note:** Persons signing the fire safety statement on the owner's behalf should be clear that they are placing themselves in the position of the building owner and stating that the owner has met their obligations under Part 12 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*. This carries significant responsibility and does not make the building owner any less responsible for fulfilling their obligations.

No building owner can completely absolve themselves from the responsibility to comply.

## Do any of the requirements of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* in regards to fire safety apply to buildings constructed prior to 1 July 1988?

Yes, the fire safety requirements of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* apply to buildings constructed prior to 1 July 1988, in the following circumstances:

1. If approvals have been provided for alterations to the building and these approvals were provided after 1 July 1988.
2. If orders have been issued by council or the fire commissioner on the building after 1 July 1988.

In both these instances, essential services or fire safety measures attached to approval(s) or order(s) would constitute essential fire safety measures as defined by Schedule 2 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* and therefore require compliance with the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* as applicable.

However, the requirements of *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* do not apply to buildings constructed prior to 1 July 1988 if no approvals or orders have been issued for or on the building since 1 July 1988.

In this case, there is still a common law duty of care to the health and safety of the occupants of the building and owners should maintain the performance of installed fire protection systems and equipment to remain fit-for-purpose. FPA Australia recommends fire protection systems and equipment that would typically be considered as essential fire safety measures in buildings post 1 July 1988 are maintained as such in buildings constructed prior to 1 July 1988.

## What if tenants prevent access for assessments being undertaken?

Tenants are required under the Strata Schemes Management Act and Residential Tenancies Act to allow access for a person authorised by the owners corporation or landlord to inspect fire safety measures in the tenancy for the purpose of the owners corporation or landlord meeting their statutory obligations for fire safety compliance.

However, such access is subject to the restrictions outlined in:

1. Strata Schemes Management Act 2015, Section 123
2. Residential Tenancies Act 2010, Clauses 55-61

These requirements essentially mean that the owners corporation or landlord must give adequate notice to the tenant before the person who is to inspect the fire safety measures carries out their inspection.

For more information, refer to [Appendix F: Owners and tenants](#) of this document for the relevant clauses from the above Acts.

# References

## FPA Australia

- FPA Australia Accreditation Reference Group
- FPA Australia NSW Local Leadership Committee
- FPA Australia Position Statement PS-03 Adoption and use of AS 1851-2012

## NSW Legislation

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021
- Environmental Planning Assessment (Development Certification and Fire Safety) Amendment (Fire Safety) 2022
- Building and Development Certifiers Act 2018 No 63
- Residential Tenancies Act 2010
- Strata Schemes Management Act 1996

## Australian Standards

- AS 1851-2012 Routine service of fire protection systems and equipment, published by Standards Australia, December 2012
- AS 4655-2005, Fire Safety Audits, published by Standards Australia, May 2005.

# Appendix A: Definitions

## A1 Statutory definitions

The following definitions are taken from the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 except where otherwise stated.

**Note:** Regulation is regularly amended. As such, for the most up-to-date definitions of these terms, please refer to the applicable legislation on the NSW legislation website [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

- **Annual fire safety statement**—means a statement referred to in Section 88.
- **Complying development certificate**—means a complying development certificate referred to in Section 4.27. (from Division 4.5 of the EP&A Act)
- **Construction certificate**—means a certificate referred to in Section 6.4 (from Division 6.2 of the EP&A Act)
- **Critical fire safety measures**—in relation to a building, means a fire safety measure that:
  - (a) requires periodic assessment and certification at intervals of less than 12 months, because of its nature, the environment or the circumstances, and
  - (b) is identified as a critical fire safety measure in a fire safety schedule.
- **Development consent**—means consent under Part 4 to carry out development and includes, unless expressly excluded, a complying development certificate. (from Section 1.4 “Definitions” of the EP&A Act)
- **Essential fire safety measure**—in relation to a building, means a fire safety measure that:
  - (a) is or was included in the fire safety schedule for the building, or
  - (b) was included in the essential services, within the meaning of Ordinance No 70 under the Local Government Act 1919, attached to an approval or order referred to in that Ordinance, Part 59, being an approval or order that was in force immediately before 1 July 1993, or
  - (c) was included in the essential services, within the meaning of the Local Government (Approvals) Regulation 1993, attached to an approval referred to in that Regulation, clause 22, being the latest approval granted during the period from 1 July 1993 to 30 June 1997, or
  - (d) was included in the essential services, within the meaning of the Local Government (Orders) Regulation 1993, attached to an order referred to in that Regulation, clause 6(1), being the latest order given during the period from 1 July 1993 to 30 June 1997.
- **Essential services**—meaning differs between legislation:
  - “Essential service” under Section 1.3 “Interpretation” of Ordinance 70 under Local Government Act 1919:  
in relation to a building, means:



- (i) such of the items of equipment or forms of construction referred to in the Sixth Schedule as are installed in the building; or
- (ii) such other items of equipment or forms of construction as are required or permitted by the Council to be installed in the building pursuant to Part 59
- “Essential service” under Clause 4(1) of the Local Government (Approvals) Regulation 1993:

in relation to a building, means:

- (i) any of the following items of equipment or forms of construction that are installed in the building:
  - access panels
  - automatic sprinkler systems
  - emergency lighting
  - emergency warning and intercommunication systems
  - exit signs
  - external wall-wetting sprinklers
  - fire and smoke alarms
  - fire dampers
  - fire doors
  - fire hydrants
  - fire mains and water supply services
  - fire shutters
  - fire windows
  - hose reels
  - lightweight construction
  - mechanical ventilation systems
  - portable fire extinguishers
  - pressurising systems
  - required exit doors (automatic)
  - self-closing fire hoppers
  - smoke and heat vents
  - smoke control systems
  - smoke dampers
  - smoke doors

- solid-core doors
- stand-by power systems; and
- (ii) other items of equipment or forms of construction that are required or permitted by the council to be installed in the building pursuant to Clause 22
- “Essential service” under Clause 4(1) of the Local Government (Orders) Regulation 1993:

In relation to a building, means:

- (i) any of the following items of equipment or forms of construction that are capable of being installed in the building:
  - access panels
  - automatic sprinkler systems
  - emergency lifts
  - emergency lighting
  - emergency warning and intercommunication systems
  - exit signs
  - external wall- wetting sprinklers
  - fire and smoke alarms
  - fire dampers
  - fire doors
  - fire hydrants
  - fire mains and water supply services
  - fire shutters
  - fire windows
  - hose reels
  - lightweight construction
  - mechanical ventilation systems
  - portable fire extinguishers
  - pressurising systems
  - required exit doors (automatic)
  - self-closing fire hoppers
  - smoke and heat vents
  - smoke control systems
  - smoke dampers
  - smoke doors

- solid-core doors
- stand-by power systems; and
- (ii) other items of equipment or forms of construction that are required or permitted by the council to be installed in the building pursuant to Clause 22 of the Local Government (Approvals) Regulation 1993.
- **Final fire safety certificate**—means a certificate referred to in Section 83 of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021*.
- **Final occupation certificate**—a certificate that authorises a person to commence occupation or use of a new building, or to commence a new use of a building resulting from a change of building use for an existing building. (from Section 6.10 “Restrictions on issue of occupation certificates” of the EP&A Act)
- **Fire exits**— in relation to a building, means an exit, within the meaning of the Building Code of Australia, from the building that has been provided in compliance with a requirement imposed by or under the Act, this Regulation or another law, whether or not that law is currently in force.
- **Fire safety measure**— means a measure, including an item of equipment, form of construction or fire safety strategy, that is, or is proposed to be, implemented in a building to ensure the safety of persons using the building if there is a fire.
- **Fire safety notice**—means
  - (a) a notice in a form previously prescribed under the [Local Government Act 1919](#) or the [Local Government Act 1993](#) for the purposes of a provision corresponding to this section, or
  - (b) a notice in the following form, in which the words “OFFENCE RELATING TO FIRE EXITS” are in letters at least 8 millimetres high and the other words are in letters at least 2.5 millimetres high—

| OFFENCE RELATING TO FIRE EXITS                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>It is an offence under the Environmental Planning and Assessment Act 1979:</p> <ul style="list-style-type: none"> <li>a. To place anything in or near this fire exist that may obstruct persons moving to and from the exit, or</li> <li>b. To interfere with or obstruct the operation of any fire doors, or</li> <li>c. To remove, damage or otherwise interfere with this notice.</li> </ul> |

- **Fire safety order**— a fire safety order under the Act, Schedule 5, Part 2, and includes an order under the Act, Schedule 5, Part 4, clause 1.
- **Fire safety schedule**—means a schedule referred to in Sections 78, 79, 80, 80A and 81.
- **Maintain**—to keep in due condition, operation, or force; keep unimpaired; keep in a specified state, position. (from Macquarie Dictionary)

- **Penalty notice**—a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person may pay, within the time and to the person specified in the notice, the amount of penalty prescribed by the regulations for the offence if dealt with under this section. (from Section 9.58 “Penalty notices for certain offences” of the EP&A Act)
- **Statutory fire safety measures**—means a fire safety measure specified in the Table in Section 79 (4) of the EP&A (Dev. Cert. & Fire Safety) Reg. 2021.
- **Supplementary fire safety statement**—means a statement referred to in Section 90 of the EP&A (Dev. Cert. & Fire Safety) Reg. 2021.

## A2 Definitions for this document

- **(Annual) condition report**—A report prepared annually for the responsible entity, which summarises the routine service activities, records operational status, notes defects and non-conformances and confirms that the installed fire protection systems and equipment generally accord with the approved design. (from AS 1851-2012, Clause 1.5.21 “Yearly condition report”)
- **Performance solution**—means a method of complying with the Performance Requirements other than by a Deemed-to-Satisfy Solution (from NCC2019 Volume One BCA, Schedule 3 “Definitions”).

# Appendix B: Statutory fire safety measures

The following is the list of statutory fire safety measures included in Section 79 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

**Note:** Regulation is regularly amended. As such, for the most up-to-date definitions of these terms, please refer to the applicable legislation on the NSW legislation website [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

## B1 Statutory fire safety measures

- 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 hose reel systems
- Fire hydrant systems
- Fire seals protecting openings in fire-resisting components of the building
- Fire shutters
- Fire windows
- Lightweight construction
- Mechanical air handling systems
- Perimeter vehicle access for emergency vehicles
- Portable fire extinguishers
- Safety curtains in proscenium openings
- Smoke alarms and heat alarms
- 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

# Appendix C: Fire safety schedule – Approved form

## Fire Safety Schedule

Part 10 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021



### Please note:

- A fire safety schedule must deal with the whole of the building not just part of the building.
- Please complete all sections in full using CAPITAL LETTERS.
- Information to assist to complete each section is provided at the end of this document.

### Section 1: Location of the building

Address (Street No., Street Name, Suburb and Postcode)

ADDRESS

Lot No. (if known) CP/DP/SP No. (if known) Building name (if applicable)

LOT PLAN TYPE & NUMBER BUILDING NAME

### Section 2: Reissue of Fire Safety Schedule (Section 80A of the Regulation)

- ☐ Not applicable – Fire Safety Schedule is not being re-issued.  
☐ Reissued Fire Safety Schedule (please state reason below)

Reason for Reissue of Schedule

- ☐ Original Schedule Lost or Destroyed ☐ Correction of errors or omissions.

### Section 3: Reference Details (Section 78 of the Regulation)

Reference Type

Reference Number (if known)

CHOOSE AN ITEM

### Section 4: Fire Safety Measures for the building – excluding Critical Fire Safety Measures (Section 79 of the Regulation)

Item No. Fire safety measure

Current (Existing) Minimum standard of performance

|  |                              |  |
|--|------------------------------|--|
|  |                              |  |
|  |                              |  |
|  | ADD/DELETE ROWS AS NECESSARY |  |
|  |                              |  |
|  |                              |  |

Proposed (New or Modified including section 84(6) of the Regulation)

|  |                              |  |
|--|------------------------------|--|
|  |                              |  |
|  |                              |  |
|  | ADD/DELETE ROWS AS NECESSARY |  |
|  |                              |  |
|  |                              |  |

### Details of Fire Safety Building Code of Australia (BCA) Performance Solution Report(s)

(Ref No./Title of report/Author/Date) BCA Performance Requirement(s)

BCA DTS Provision(s) and details of non-compliance

|  |                              |  |
|--|------------------------------|--|
|  |                              |  |
|  | ADD/DELETE ROWS AS NECESSARY |  |
|  |                              |  |

ADDRESS

Version 1.0 | Effective from 1 August 2023 | NSW Department of Customer Service | 1

# Fire Safety Schedule

Part 10 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021



## Section 5: Critical Fire Safety Measures – where applicable to the building (Section 79 of the Regulation)

Note: A critical fire safety measure is one where the performance is verified at intervals of less than 12 months through the submission of a supplementary fire safety statement.

| Item No. | Fire safety measure          | Minimum standard of performance |
|----------|------------------------------|---------------------------------|
|          |                              | Current (Existing)              |
|          |                              |                                 |
|          |                              |                                 |
|          | ADD/DELETE ROWS AS NECESSARY |                                 |
|          |                              |                                 |
|          |                              |                                 |

| Item No. | Fire safety measure          | Minimum standard of performance |
|----------|------------------------------|---------------------------------|
|          |                              | Proposed (New or Modified)      |
|          |                              |                                 |
|          |                              |                                 |
|          | ADD/DELETE ROWS AS NECESSARY |                                 |
|          |                              |                                 |
|          |                              |                                 |

## Section 6: Details of approved exemptions from compliance with BCA standards for a relevant fire safety system (Section 74 of the Regulation)

| Item No. | Relevant fire safety measure | Description of exemption |
|----------|------------------------------|--------------------------|
|          |                              |                          |
|          |                              |                          |
|          | ADD/DELETE ROWS AS NECESSARY |                          |
|          |                              |                          |
|          |                              |                          |

## Section 7: Name of authority or registered certifier issuing this schedule

|                                                                 |                                 |                            |
|-----------------------------------------------------------------|---------------------------------|----------------------------|
| Name                                                            | Organisation                    | (Business or Council Name) |
| INSERT NAME HERE                                                | INSERT BUSINESS OR ORGANISATION |                            |
| Business Address (Street No., Street Name, Suburb and Postcode) |                                 |                            |
| INSERT BUSINESS ADDRESS HERE                                    |                                 |                            |
| Registration Number (Where Applicable)                          |                                 |                            |
| INSERT REGISTRATION NUMBER                                      |                                 |                            |
| Date of Issue                                                   |                                 |                            |
| CLICK OR TAP TO ENTER A DATE                                    |                                 |                            |



# Fire Safety Schedule

Part 10 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021



## Please note:

The following information is provided to help persons completing this fire safety schedule (FSS) template and does not comprise part of the form. The following pages **do not** have to be displayed in the building or submitted to the local Council or the Commissioner of Fire and Rescue NSW or attached to any fire safety certificate or annual fire safety statement.

## General

- Please print in CAPITAL LETTERS and complete all relevant sections in full.
- A reference to 'the Regulation' is a reference to the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- The completed fire safety schedule form must be attached to the relevant application.
- An earlier fire safety schedule is superseded by a later fire safety schedule and ceases to have effect when the later fire safety schedule is issued.
- A fire safety schedule must deal with the whole of the building and not only the part of the building to which the development consent, complying development certificate, construction certificate or fire safety order relates.
- Further information about building fire safety is available on the 'Fire safety' page of the Department's website at <https://www.fairtrading.nsw.gov.au/housing-and-property/reforms-to-fire-safety-regulation-2022>.

## Section 1: Description of the building

- The address and other property details should be provided here.

## Section 2: Reissue of Fire Safety Schedule

- The purpose of this section is to specify whether the fire safety schedule is a new schedule or a schedule that has been reissued under section 80A of the Regulation.
- An initial fire safety schedule issued when a Development Consent, Complying Development Certificate, Construction Certificate, or a fire safety order is issued is not taken to be a re-issued Schedule.
- The re-issue of a fire safety schedule may occur because the original schedule was lost or destroyed or to correct errors or omissions in the fire safety schedule.
- It must be noted that a fire safety schedule **cannot** be reissued under section 80A of the Regulation if the error or omission is due to building work or a change in plans or specifications for the fire safety measures of the building.
- A private certifier **cannot** re-issue a schedule under s80A after an occupation certificate has been issued by the certifier.
- A council that reissues a fire safety schedule where the 'original' was not required to be in the approved form does not need to issue the replacement schedule on the approved form. Instead, a council may reissue the schedule in the same form as the schedule being replaced.

## Section 3: Reference Details

- Provide details of the relevant reference document by selecting the relevant type from the drop-down list.
- The reference number of the relevant Development Consent, Construction Certificate, Complying Development Certificate or Fire Safety Order Reference must be listed where known.
- For ease of use only one reference to a relevant document type is necessary for filling out this part. It is unnecessary to reference multiple Development Consents, staged CCs, or CDCs that are/or were once applicable to the building over its lifetime.

## Section 4: Fire Safety Measures currently implemented OR proposed to be implemented for the building

- The purpose of this section is to identify those current and proposed fire safety measures that must be implemented for the building.

### Fire safety measures

- A proposed fire safety measure is taken to be either a required measure not currently installed in the building or an existing measure which is being altered.
- Fire safety measures include both statutory fire safety measures and other fire safety measures. The statutory fire measures are specified in section 79(4) of the Regulation and include portable fire extinguishers, fire hydrants, fire sprinklers, fire detection and alarm systems and lightweight construction.
- Other fire safety measures could include any measure that is specific to the building such as those required as part of a fire safety Building Code of Australia (BCA) performance solution for the building.

# Fire Safety Schedule

Part 10 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021



## Minimum standard of performance

- The minimum standard of performance for a fire safety measure describes the technical specification for the design, installation and operation of the measures. The minimum standard of performance is generally determined by the BCA and should not be confused with the specified maintenance activities which are used for maintenance of a fire safety measure.
- Where noting the minimum standard of performance for a fire safety measure (FSM) care needs to be taken to ensure relevant details are provided. When expressing a minimum standard of performance for a FSM the following referencing sequence should be used: (the Building Code of Australia (BCA) edition applicable to the FSM, then any relevant BCA Deemed-to-Satisfy Clause(s) or Specification(s), then any relevant Reference Document(s) (such as Australian Standards) and the applicable edition (year) of that Referenced Standard.
- If an application relates only to a part of a building and the required fire safety measures and their associated minimum standard of performance varies from other parts of the building, the fire safety schedule must clearly identify the different fire safety measures and/or different standards of performance in a building.

## Using the table

- If there are no existing fire safety measures specify 'Nil' in the first row under both 'Current' and 'Minimum standard of performance'. The remaining rows of the table under 'Current' can be deleted.
- If there are no proposed fire safety measures specify 'Nil' in the first row under both 'Proposed' and 'Minimum standard of performance'. The remaining rows of the table under 'Proposed' can be deleted.
- Additional rows can be added under 'Current' and 'Proposed' measures if required.

## Performance solutions

- The fire safety schedule must identify all fire safety measures that are required as part of a fire safety BCA performance solution, including any reference to the BCA performance solution report document when specifying the standard of performance for each measure.
- Provide identifying details of any fire engineered BCA performance solution report(s) relevant to those corresponding fire safety measures in the table 'Details of Building Code of Australia Performance Solution Report(s)'.
- Details including the author of the report, the relevant BCA performance requirements about which the report demonstrates compliance, and a brief description of the relevant BCA deemed-to-satisfy provision(s) considered are to be provided here.

## **Section 5: Critical Fire Safety Measures currently implemented OR proposed to be implemented in the building**

- The purpose of this section is to identify those current or proposed critical fire safety measures for the building.
- A critical fire safety measure is a measure that requires periodic assessment and certification at intervals of less than 12 months, because of its nature, the environment, or other circumstances.
- Not all buildings will be subject to critical fire safety measures and this section must only be filled out where a building has critical fire safety measures as identified by the registered certifier (council or private) or appropriate authority.
- Each critical fire safety measure and the associated minimum standard of performance must be listed.
- The intervals, of less than 12 months, at which the critical fire safety measure must be assessed and requiring the submission of a supplementary fire safety statement must also be specified.
- It is up to the registered certifier (council or private) or appropriate authority to identify what is a critical fire safety measure and the frequency in which a supplementary fire safety statement is required to be lodged to the council.
- If there are no applicable critical fire safety measures insert 'Nil' in the row under 'Current', 'Proposed' and 'Minimum standard of performance'. The remaining rows of the table under 'Current' and 'Proposed' can be deleted.
- Additional rows can be added to the table if required.

## **Section 6: Exemption from BCA standard for a relevant fire safety system**

- The purpose of this section is to identify in accordance with section 23(3)(b) of the Regulation any exemptions from BCA standards for the fire safety building work granted under a construction certificate by a certifier resulting from an objection under section 74 of the Regulation.
- Objections made under this provision relate to the operational performance of a relevant fire safety system.
- A relevant fire safety system is defined by the Regulation and can be either a hydraulic fire system, a fire detection and alarm system, or a mechanical ducted smoke control system.
- In this section the applicant must specify the relevant fire safety measure to which an exemption applies. In addition, a detailed description of the exemption is to be provided.
- If there are no exemptions relevant to the building insert 'Nil' in the first row under both 'Relevant Fire Safety System' and 'Details of the exemption'. The remaining rows of the table can be deleted.
- Additional rows may be added to the table if required.

# Fire Safety Schedule

Part 10 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021



## Section 7: Name and contact details of the person issuing the schedule

- The purpose of this section of the form is to include details of the person or authority that is issuing the schedule.
- Where the fire safety schedule is issued by a registered certifier details of the registration number of the certifier are to be provided.
- The date of issue must also be included on the fire safety schedule.

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# Appendix D: Fire safety statement - Approved form

The Fire Safety Statement is now an approved form, which is available from <https://www.planning.nsw.gov.au/policy-and-legislation/buildings/fire-safety-in-buildings/fire-safety-certification> and is as follows:

## Fire Safety Statement

Part 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021



**Please note:**  
Information to assist building owners to complete each section of the statement is provided on pages 3, 4 and 5.

**Section 1: Type of statement**  
This is (mark applicable box): ☐ an annual fire safety statement (complete the declaration at Section 8 of this form)  
☐ a supplementary fire safety statement (complete the declaration at Section 9 of this form)

**Section 2: Description of the building or part of the building**  
This statement applies to: ☐ the whole building ☐ part of the building  
Address (Street No., Street Name, Suburb and Postcode)  
Address  
Lot No. (if known) DP/SP (if known) Building name (if applicable)  
Provide a brief description of the building or part (building use, number of storeys, construction type etc)

**Section 3: Name and address of the owner(s) of the building or part of the building**  
Full Name (Given Name/s and Family Name) \*  
\* Where the owner is not a person/s but an entity including a company or trust insert the full name of that entity.  
Address (Street No., Street Name, Suburb and Postcode)

**Section 4: Fire safety measures**

| Fire safety measure | Minimum standard of performance | Date(s) assessed | APFS * |
|---------------------|---------------------------------|------------------|--------|
|                     |                                 |                  |        |
|                     |                                 |                  |        |
|                     |                                 |                  |        |
|                     |                                 |                  |        |
|                     |                                 |                  |        |

\* See notes on page 4 about how to correctly identify an accredited practitioner (fire safety) (APFS). Also, new rows can be added if required.

**Section 5: Inspection of fire exits and paths of travel to fire exits (Part 15)**

| Part of the building inspected | Date(s) inspected | APFS * |
|--------------------------------|-------------------|--------|
|                                |                   |        |
|                                |                   |        |
|                                |                   |        |

\* See notes on page 4 about how to correctly identify an accredited practitioner (fire safety) (APFS). Also, new rows can be added if required.

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# Fire Safety Statement

Part 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021



## Section 6: Name and contact details of each accredited practitioner (fire safety) (APFS)\*

| Full name (Given Name/s and Family Name) | Address | Phone | APFS* | Signature |
|------------------------------------------|---------|-------|-------|-----------|
|                                          |         |       |       |           |
|                                          |         |       |       |           |
|                                          |         |       |       |           |
|                                          |         |       |       |           |
|                                          |         |       |       |           |

\* Where applicable – see notes on page 4 for further information.

## Section 7: Details of the person making the declaration in section 8 or 9 #

Full name (Given Name/s and Family Name)

Organisation (if applicable)

Title/Position (if applicable)

Address (Street No, Street Name, Suburb and Postcode)

Phone

Email

# The person making the declaration in section 8 or 9 must not be an APFS listed in section 6 or their employer/employee or direct associate.

## Section 8: Annual fire safety statement declaration

I, Click here

(insert full name) being the: ☐ owner ☐ owner's agent

declare that:

- each essential fire safety measure specified in this statement has been assessed by an accredited practitioner (fire safety) as capable of performing:
  - for an essential fire safety measure specified in the fire safety schedule, to a standard no less than that specified in the schedule, or
  - for an essential fire safety measure applicable to the building but not specified in the fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and
- the building has been inspected by an accredited practitioner (fire safety) and was found, when it was inspected, to be in a condition that did not disclose grounds for a prosecution under Part 15 of the Regulation.

Owner/Agent Signature

Date issued

## Section 9: Supplementary fire safety statement declaration

I, Click here

(insert full name) being the: ☐ owner ☐ owner's agent

declare that each critical fire safety measure specified in this statement has been assessed by an accredited practitioner (fire safety) as capable of performing to at least the standard required by the current fire safety schedule for the building.

Owner/Agent Signature

Date issued

### Note:

- A fire safety statement for a building must not be issued unless the statement is accompanied by a fire safety schedule for the building in accordance with the Regulation.
- The building owner(s) are also responsible for ensuring that essential fire safety measures are maintained in accordance with section 81 of the Regulation. An agent cannot be made responsible for this requirement.

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# Fire Safety Statement

Information to help building owners complete the Fire Safety Statement form



## **Please note:**

The following information has been provided to help building owners complete the fire safety statement template and does not comprise part of the form. The following pages do not have to be displayed in the building and need not be submitted to the local council and the Commissioner of Fire and Rescue NSW.

## General

- Please print in CAPITAL LETTERS and complete all relevant sections in full.
- A reference to 'the Regulation' is a reference to the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- An 'APFS' is an accredited practitioner (fire safety) as defined in the Dictionary in the Regulation.
- The completed fire safety statement form must be submitted to both the local council and Fire and Rescue NSW.
- Please contact your local council for further information about how to submit the completed statement.
- Completed statements need to be emailed to Fire and Rescue NSW at [afss@fire.nsw.gov.au](mailto:afss@fire.nsw.gov.au). For further information about this process, please visit the 'Lodge a fire safety statement' page at [www.fire.nsw.gov.au](http://www.fire.nsw.gov.au).
- As soon as practicable after issuing the fire safety statement, the building owner must ensure a copy (together with a copy of the current fire safety schedule) is displayed in a prominent location within the building.
- Further information about building fire safety is available on the 'Fire safety in buildings' page of the Department's website at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au).

## Section 1: Type of statement

- Mark the applicable box to identify if the statement being issued is an annual fire safety statement or a supplementary fire safety statement.
- An annual fire safety statement is issued under Part 12 of the Regulation and relates to each essential fire safety measure that applies to the building.
- A supplementary fire safety statement is issued under Part 12 of the Regulation and relates to each critical fire safety measure that applies to the building.

## Section 2: Description of the building or part of the building

- Mark the applicable box to identify whether the statement relates to the whole building or part of the building.
- In addition to the address and other property identifiers, a brief description of the building or part is to be provided. This could include the use(s) of the building (e.g. retail, offices, residential, assembly, carparking), number of storeys (above and/or below ground), construction type or other relevant information.
- If the description relates to part of a building, the location of the part should be included in the description.

## Section 3: Name and address of the owner(s) of the building or part of the building

- Provide the name and address of each owner of the building or part of the building.
- The owner of the building or part of the building could include individuals, a company, or an owner's corporation.

## Section 4: Fire safety measures

- The purpose of this section is to identify all of the fire safety measures that apply to a building or part of a building.
- The statutory fire safety measures are listed in section 79 of the Regulation.
- Fire safety measures include both essential fire safety measures and critical fire safety measures. They include items such as portable fire extinguishers, fire hydrants, fire sprinklers, fire detection and alarm systems and lightweight construction.
- Essential fire safety measures are those fire safety measures which are assessed on an annual basis, while critical fire safety measures are those which are required to be assessed at more regular intervals (as detailed on the fire safety schedule). These terms are defined in the Dictionary in the Regulation.
- For annual fire safety statements, the table in section 4 must list each of the essential fire safety measures that apply to the building or part of the building and the relevant standard of performance. The date(s) on which these measures were assessed and inspected must be within the 3 months prior to the date the annual fire safety statement is issued.

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# Fire Safety Statement

Information to help building owners complete the Fire Safety Statement form



- For supplementary fire safety statements, the table in section 4 must list each of the relevant critical fire safety measures that apply to the building or part and the relevant standard of performance. The date(s) on which these measures were assessed and inspected must be within 1 month prior to the date the supplementary fire safety statement is issued.
- The accreditation number of the APFS who assessed a fire safety measure listed in section 4 must be nominated against the relevant measure(s) in the column titled 'APFS'. If the APFS is not required to hold accreditation, the name of the APFS must be listed. Further information relating to the accreditation of practitioners is provided at section 6.

## Section 5: Inspection of fire exits and paths of travel to fire exits (Part 15)

- This section applies only to an annual fire safety statement.
- The purpose of this section is to identify that an APFS has inspected the fire safety notices, fire exits, fire exit doors and the paths of travel to fire exits in the building or part of the building and found there has been no breach of Part 15 of the Regulation.
- The table in section 5 must detail the parts of the building that were inspected. The date(s) of the inspection(s) must be within the 3 months prior to the date the annual fire safety statement is issued.
- The accreditation number of the APFS who inspected the whole or part of the building listed in section 5 must be nominated against the relevant part in the column titled 'APFS'. Further information relating to the accreditation of practitioners is provided at section 6.

## Section 6: Name and contact details of each accredited practitioner (fire safety) (APFS)

- An APFS is a person engaged by the building owner(s) to undertake the assessment of fire safety measures in section 4 and the inspection of the buildings exit systems in section 5 (for an annual fire safety statement).
- The purpose of this section is to record the name, address and contact details of each APFS who assessed a fire safety measure listed in section 4 or inspected the building or part of the building as specified in section 5.
- Each APFS listed in the table must also sign the fire safety statement. Alternatively, an APFS could provide the building owner or agent with a separate signed document to indicate their assessment of the fire safety measure/s and the relevant standard of performance. In addition, where the relevant practitioner that inspected the matters in section 5 did not sign the fire safety statement, they would need to address section 5 in a separately signed document.
- A building owner must select an APFS from a register of practitioners accredited under an approved industry accreditation scheme. The accreditation number of each relevant APFS must be listed on the form.
- If the building owner has determined the competence of a person to act as a APFS because the Commissioner for Fair Trading is satisfied there are no practitioners accredited under an industry approved accreditation scheme to assess a specific fire safety measure and has authorised the owner to do so, there is no requirement to include an accreditation number on the form.
- Further information about the approved industry accreditation schemes can be found on the 'Fire safety practitioners' page of the NSW Fair Trading website at [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au).

## Section 7: Details of the person making the declaration in section 8 or 9

- The purpose of this section of the form is to detail the name, address and contact details of the person who is making the required declaration i.e., the person who completes and signs section 8 or section 9 of the form. This could be the owner(s) of the building or a nominated agent of the owner(s).
- Where a person makes the required declaration on behalf of an organisation (as the owner of the building), the name of the organisation and the title/position of the person must be provided. The person making the required declaration as a representative of the organisation must have the appropriate authority to do so.
- Where a person makes the required declaration 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 make the required declaration, however each of the other owners must authorise that owner to act as their agent.
- The person making the required declaration must not be an APFS who is listed in section 6 or their employer/employee or direct associate. This recognises the different roles and responsibilities for building owner(s) and the APFS in the fire safety statement process. This is important because the Regulation makes building owners responsible for declaring that fire safety measures have been assessed and the building inspected (for the purposes of section 5) by an APFS. This ensures that building owners, who are ultimately responsible, remain engaged in the fire safety statement process.

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# Fire Safety Statement

Information to help building owners complete the Fire Safety Statement form



- In addition, only the building owner(s) can determine that a person is competent to perform the fire safety assessment functions where there is no person who holds accreditation.

## Section 8: Annual fire safety statement declaration

- The person completing this section is the person who is making the required declaration for the annual fire safety statement in accordance with section 88 of the Regulation and is the same person as detailed in section 7. The person making this required declaration must identify if they are the owner or the owner's agent.
- **In making the required declaration, the building owner or agent is not declaring that each fire safety measure meets the minimum standard of performance, but rather that each fire safety measure has been assessed, and was found by an APFS to be capable of performing to that standard, as listed in section 4. In performing this function, the building owner or owner's agent could obtain documentation from each APFS to verify that the standard of performance has been met, prior to completing the form.**
- The person who makes the required declaration by completing section 8 or section 9 of the form must not be an APFS who was involved in the assessment of any of the fire safety measures, or inspection of the building for the purposes of the statement, or their employer/employee or direct associate. This is to ensure that building owners, who are ultimately responsible, remain engaged in the fire safety statement process.

## Section 9: Supplementary fire safety declaration

- The person completing this section is the person who is making the required declaration for the supplementary fire safety statement in accordance with section 90 of the Regulation and is the same person as detailed in section 7. The person making this required declaration must identify if they are the owner or the owner's agent.
- The information provided above in relation to section 8 on what the owner is declaring also applies to a supplementary fire safety statement.

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## Appendix E: Fire safety certificates – Approved form

The Fire Safety Certificate has an approved form, which is available from <https://www.planning.nsw.gov.au/policy-and-legislation/buildings/fire-safety-in-buildings/fire-safety-certification> and is as follows:

[illegible]

# Fire Safety Certificate

Part 11 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021



## Section 5: Name and contact details of the person making the declaration in section 6 or 7

Full name (Given Name/s and Family Name)

Organisation (if applicable)

Title/Position (if applicable)

Address (Street No, Street Name, Suburb and Postcode)

Phone

Email

## Section 6: Final fire safety certificate declaration - for the whole of the building work

I, [Click here](#)

(insert full name) being the: ☐ owner ☐ owner's agent

certify that each essential fire safety measure specified in the current fire safety schedule for the building has been assessed by a properly qualified person as capable of performing to at least the standard required by the current fire safety schedule.

Owner/Agent Signature

Date issued

## Section 7: Interim fire safety certificate declaration

I, [Click here](#)

(insert full name) being the: ☐ owner ☐ owner's agent

certify that each essential fire safety measure specified in the current fire safety schedule for the part of the building has been assessed by a properly qualified person as capable of performing to at least the standard required by the current fire safety schedule.

Owner/Agent Signature

Date issued

### Note:

A fire safety certificate must not be issued unless the certificate is accompanied by a fire safety schedule for the building or part of the building in accordance with the Regulation.

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# Fire Safety Certificate

Information to help building owners complete the Fire Safety Certificate form



## Please note:

The following information has been provided to help building owners complete the fire safety certificate template and does not comprise part of the form. The following pages do not have to be displayed in the building and need not be submitted to the Commissioner of Fire and Rescue NSW.

## General

- Please print in CAPITAL LETTERS and complete all relevant sections in full.
- A reference to 'the Regulation' is a reference to the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- Completed fire safety certificates must be lodged with Fire and Rescue NSW by email at [firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au). For further information about this process, please visit the 'Lodge a fire safety certificate' page at [www.fire.nsw.gov.au](http://www.fire.nsw.gov.au).
- As soon as practicable after issuing the fire safety certificate, the building owner must ensure a copy (together with a copy of the current fire safety schedule) is displayed in a prominent location within the building.
- Further information about building fire safety is available on the 'Fire safety in buildings' page of the Department's website at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au).

## Section 1: Type of certificate

- Mark the applicable box to identify if the certificate being issued is a final fire safety certificate or an interim fire safety certificate.
- Fire safety certificates are issued under Part 11 of the Regulation.
- A final fire safety certificate concerns the whole of the building work.
- An interim fire safety certificate concerns a completed part of the building work.

## Section 2: Description of the building or part of the building

- In addition to the address and other property identifiers, a brief description of the building or part is to be provided. This could include the use(s) of the building (e.g. retail, offices, residential, assembly, carparking), number of storeys (above and/or below ground), construction type or other relevant information.
- If the description relates to part of a building, the location of the part should be included in the description.

## Section 3: Name and address of the owner(s) of the building or part of the building

- Provide the name and address of each owner of the building or part of the building.
- The owner of the building or part of the building could include individuals, a company, or an owner's corporation.

## Section 4: Fire safety measures

- The purpose of this section is to identify all of the fire safety measures that apply to a building or part of a building.
- The statutory fire safety measures are listed in section 79 of the Regulation.
- Fire safety measures include items such as portable fire extinguishers, fire hydrants, fire sprinklers, fire detection and alarm systems and lightweight construction.
- For final fire safety certificates, the table in section 4 must list each of the essential fire safety measures that apply to the building and the relevant standard of performance. The date(s) on which these measures were assessed and inspected must be within the 3 months prior to the date the final fire safety certificate is issued.
- For interim fire safety certificates, the table in section 4 must list each of the essential fire safety measures that apply to the part of the building and the relevant standard of performance. The date(s) on which these measures were assessed and inspected must be within the 3 months prior to the date the interim fire safety certificate is issued.
- The person who carries out the assessment must—
  - (a) inspect and verify the performance of each essential fire safety measure being assessed, and
  - (b) test the operation of equipment that—
    - (i) is specified in the current fire safety schedule for the building, and
    - (ii) has not previously been tested in an assessment because it is newly installed.

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# Fire Safety Certificate

Information to help building owners complete the Fire Safety Certificate form



- A fire safety certificate deals with all essential fire safety measures in the current fire safety schedule for the building or part. However, the certificate need not deal with any measure the subject of other fire safety certificates or fire safety statements issued within the previous 6 months, except if the person who issued the relevant development consent, construction certificate or fire safety order determines that the fire safety certificate must address these measures.

## Section 5: Name and contact details of the person making the declaration in section 6 or 7

- The purpose of this section of the form is to detail the name, address and contact details of the person who is making the required declaration i.e., the person who completes and signs section 6 or section 7 of the form. This could be the owner(s) of the building or a nominated agent of the owner(s).
- Where a person makes the required declaration on behalf of an organisation (as the owner of the building), the name of the organisation and the title/position of the person must be provided. The person making the required declaration as a representative of the organisation must have the appropriate authority to do so.
- Where a person makes the required declaration 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 make the required declaration, however each of the other owners must authorise the owner who makes the required declaration to act as their agent.

## Section 6: Final fire safety certificate declaration

- The person completing this section is the person who is making the required declaration for the final fire safety certificate in accordance with section 83 and 84 of the Regulation and is the same person as detailed in section 5. The person making the required declaration must identify if they are the owner or the owner's agent.
- **In making the required declaration, the building owner or agent is not declaring that each fire safety measure meets the minimum standard of performance, but rather that each fire safety measure has been assessed, and was found by a properly qualified person to be capable of performing to that standard, as listed in section 4.** In performing this function, the building owner or owner's agent could obtain documentation from each properly qualified person to verify that the standard of performance has been met and that any new items of equipment have been tested, prior to completing the form.

## Section 7: Interim fire safety certificate declaration

- The person completing this section is the person who is making the required declaration for the interim fire safety certificate in accordance with section 83 and 84 of the Regulation and is the same person as detailed in section 5. The person making the required declaration must identify if they are the owner or the owner's agent.
- The information provided above in relation to section 6 on what the owner is declaring also applies to an interim fire safety certificate.

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# Appendix F: Owners and tenants

## F1 Strata Schemes Management Act 2015, Section 123

### **"123 Access for fire safety inspections**

1. A person authorised to carry out an inspection under the [Environmental Planning and Assessment Act 1979](#) of a building or premises that is part of a strata scheme for purposes relating to fire safety may give a written notice to the owners corporation requiring the owners corporation to ensure that access is provided, within a period or at a time specified in the notice, to the common property of the strata scheme and, if so specified, some or all of the lots in the strata scheme.
2. An owners corporation must comply with a requirement of a notice given to the owners corporation under this section.

Maximum penalty—20 penalty units.

3. It is a defence to a prosecution for an offence against this section consisting of a failure to ensure that access is provided to a lot in a strata scheme if the owners corporation establishes that the owner or occupier of the lot refused to allow the access or could not be contacted by the owners corporation."

## F2 Residential Tenancies Act 2010 No 42 Clause 55-61

### **"55 Access generally by landlord to residential premises without consent**

1. A landlord, the landlord's agent or any other person authorised by the landlord may enter residential premises during a residential tenancy agreement without the consent of the tenant, and without giving notice to the tenant, only in the following circumstances:
  - (a) in an emergency,
  - (b) to carry out urgent repairs,
  - (c) if the landlord, landlord's agent or person has made a reasonable attempt to obtain entry with consent and has reasonable cause for serious concern about the health or safety of the tenant or any other person that the landlord, landlord's agent or person believes is on the residential premises,
  - (d) if the landlord forms a reasonable belief that the residential premises have been abandoned,
  - (e) in accordance with an order of the Tribunal.



2. *A landlord, the landlord's agent or any other person authorised by the landlord may enter residential premises during a residential tenancy agreement without the consent of the tenant, after giving notice to the tenant, only in the following circumstances:*
  - (a) *to inspect the residential premises, not more than 4 times in any period of 12 months, if the tenant has been given not less than 7 days written notice each time,*
  - (b) *to carry out or assess the need for necessary repairs (other than urgent repairs) to, or maintenance of, the residential premises, if the tenant has been given not less than 2 days notice each time,*
  - (c) *to carry out, inspect or assess the need for work for the purpose of compliance with the landlord's statutory obligations relating to the health or safety of the residential premises, if the tenant has been given not less than 2 days notice each time,*
  - (d) *to value the property, not more than once in any period of 12 months, if the tenant is given not less than 7 days notice each time,*
  - (e) *to show the premises to prospective tenants, a reasonable number of times during the period of 14 days preceding the termination of the agreement, if the tenant is given reasonable notice each time,*
  - (f) *if the landlord and tenant fail to agree under Section 53 to show the premises to prospective purchasers, not more than twice in any period of a week, if the tenant is given not less than 48 hours notice each time.*
3. *This section does not apply to any part of premises to which the tenant does not have the right of exclusive occupation.*
4. *This section is a term of every residential tenancy agreement.*

#### **56 Entry with tenant's consent**

1. *The landlord, the landlord's agent or any other person authorised by the landlord may enter the residential premises at any time during the residential tenancy agreement with the consent of the tenant.*
2. *This section is a term of every residential tenancy agreement.*

#### **57 Limits on entry by landlord or others without consent**

1. *A landlord, the landlord's agent or other person who enters residential premises under a right to enter the premises without the consent of the tenant:*
  - (a) *must enter the premises between the hours of 8.00 am and 8.00 pm, and*
  - (b) *must not enter on a Sunday or a public holiday, and*
  - (c) *must not stay on the residential premises longer than is necessary to achieve the purpose of the entry to the residential premises, and*

- (d) *must, if practicable, notify the tenant of the proposed time and day of entry.*
- 2. *A person authorised by the landlord or landlord's agent must not enter residential premises under a right to enter the premises without the consent of the tenant unless:*
  - (a) *the person first obtains the written consent of the landlord or landlord's agent, and*
  - (b) *the person produces the consent to the tenant if the tenant is at the premises.*
- 3. *This section does not apply to entry:*
  - (a) *as agreed with the tenant, or*
  - (b) *in an emergency, or*
  - (c) *to carry out urgent repairs, or*
  - (d) *if the landlord forms a reasonable belief that the premises have been abandoned, or*
  - (e) *in accordance with an order of the Tribunal.*
- 4. *This section is a term of every residential tenancy agreement.*

**58 Duty of tenant to give access to residential premises**

- 1. *A tenant must permit a landlord, landlord's agent or other person exercising a right of access to the residential premises in accordance with this Division to have access to the premises.*
- 2. *This section is a term of every residential tenancy agreement.*

**59 Landlord must only enter premises in accordance with Division**

- 1. *A landlord, the landlord's agent or other person authorised by the landlord must not enter the residential premises during the residential tenancy agreement, except in accordance with this Division.*

*Maximum penalty: 20 penalty units.*

- 2. *This section is a term of every residential tenancy agreement.*

**60 Landlord's remedies relating to access to premises**

- 1. *The Tribunal may, on application by a landlord, make any of the following orders:*
  - (a) *an order authorising the landlord or any other person to enter the residential premises for a purpose permitted under this Division,*



- (b) *an order authorising the landlord or any other person to enter the residential premises for the purposes of showing the residential premises to prospective purchasers on a periodic basis,*
  - (c) *an order authorising the landlord or any other person to enter the residential premises for the purpose of determining whether the tenant has breached a term of the residential tenancy agreement.*
- 2. *The order may specify the days and times, and purposes for which, entry to the residential premises is authorised.*

**61 Tenant's remedies relating to access to premises**

- 1. *The Tribunal may, on application by a tenant, make an order specifying or limiting the days and times, and purposes for which, entry to the residential premises by a landlord, landlord's agent, agent for the sale of the residential premises or other persons is authorised.*
- 2. *The Tribunal may, on application by a tenant, order the landlord or the landlord's agent to pay compensation to the tenant for damage to or loss of the tenant's goods caused by any person in the exercise of a power of the landlord or landlord's agent to enter residential premises under this Act or the residential tenancy agreement."*

# Appendix G: Essential services, essential fire safety measures and previous regulations

There were several schemes under previous legislation regarding identification and maintenance of fire protection systems and equipment.

**Council Approvals and Orders Between 1 July 1988 and 30 June 1993.** The first of these past schemes for the regulation of the maintenance of fire safety measures in NSW commenced in 1988 under the then current Ordinance 70 of the Local Government Act 1919. From 1 July 1988, council approvals for Class 1b to 9 buildings, and council orders on any building, were required to have attached to them a schedule specifying the essential services to be installed and the minimum standard for design, installation and maintenance of those essential services. Essential services in buildings attached to an approval or order issued between 1 July 1988 and 1 July 1993 are subject to the requirements of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* under this aspect of the definition of essential fire safety measure.

**Council Approvals Between 1 July 1993 and 30 June 1997,** the Local Government (Approvals) Regulation 1993 regulated the maintenance of essential services when an approval was granted. Accordingly, essential services in buildings attached to an approval between 1 July 1993 and 30 June 1997 are subject to the requirements of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* under this aspect of the definition of essential fire safety measure.

**Council Orders Between 1 July 1993 and 30 June 1997,** the Local Government (Orders) Regulation 1993 regulated the maintenance of essential services when a council order was issued. Accordingly, essential services in buildings attached to a council order issued for the building between 1 July 1993 and 30 June 1997 are subject to the requirements of the *EP&A (Dev. Cert. & Fire Safety) Reg. 2021* under this aspect of the definition of essential fire safety measure.

**New Buildings Approved After 30 June 1997** Fire Safety Schedules were required for all new Class 1b to 9 buildings approved after 30 June 1997.

# Appendix H: Indicative routine service standards

This appendix provides an indicative list of routine service standards for each statutory fire safety measure.

**Note:** It is currently not mandatory to follow these standards.

From 13 February 2025 – Persons maintaining essential fire safety measures in class 1b-9 buildings must do so in accordance with procedures in the AS 1851-2012 Routine service of fire protection systems and equipment, where the maintenance activity is addressed by the standard. See the [What is the difference between a condition report and a fire safety statement?](#) section of this document and <https://www.fairtrading.nsw.gov.au/housing-and-property/reforms-to-fire-safety-regulation>

Where a performance solution forms part of the fire safety schedule, it may include specific maintenance requirements, in which case the performance solution requirements should be followed.

| Statutory Fire Safety Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Indicative maintenance standard methodology and/or frequency                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Access panels, doors and hoppers to fire-resisting shafts</li> <li>• Automatic fail-safe devices</li> <li>• Automatic fire detection and alarm systems</li> <li>• Automatic fire suppression systems</li> <li>• Emergency warning and intercommunication systems</li> <li>• Fire dampers • Fire doors</li> <li>• Fire hydrant systems</li> <li>• Fire seals protecting openings in fire-resisting components of the building</li> <li>• Fire shutters</li> <li>• Fire windows</li> <li>• Hose reel systems</li> <li>• Mechanical air handling systems</li> <li>• Portable fire extinguishers</li> <li>• Smoke alarms and heat alarms</li> <li>• Smoke and heat vents</li> <li>• Smoke dampers</li> </ul> | <p>AS 1851-2012, <i>Routine servicing of fire protection systems and equipment</i></p> |

| Statutory Fire Safety Measure                                                                                                                                                                    | Indicative maintenance standard methodology and/or frequency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <ul style="list-style-type: none"> <li>• Smoke detectors and heat detectors</li> <li>• Smoke doors</li> <li>• Solid core doors</li> <li>• Wall-wetting sprinkler and drencher systems</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <ul style="list-style-type: none"> <li>• Emergency lighting</li> <li>• Exit signs</li> </ul>                                                                                                     | <p>AS/NZS 2293.2:1995, <i>Emergency evacuation lighting for buildings - Inspection and maintenance</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <ul style="list-style-type: none"> <li>• Emergency lifts</li> </ul>                                                                                                                              | <p>AS 1735.2 Appendix E requires periodic inspection and testing of every installation at intervals of not more than one year and regular maintenance of installations at more frequent intervals. Maintenance should be carried out in accordance with the manufacturer's instructions.</p> <p>Check that the Fireman's recall control operates.</p> <p>Where required as part of the standard of performance, check that any automatic general fire system (GFA) recall facility operates.</p> <p>Where the emergency lifts are served by a standby power system, a test must be conducted to establish the lifts will automatically restart after a power supply failure and the start of the standby power system.</p> <div data-bbox="804 1196 1474 1377"> <p><b>Note:</b> This is a common mode of failure for emergency lifts. Emergency lifts must be specifically configured for standby power supply restart.</p> </div> |
| <ul style="list-style-type: none"> <li>• Fire control centres and rooms</li> </ul>                                                                                                               | <p>Annual inspection of facility to ensure it continues to meet the requirements of the original design.</p> <p>Recommended that an exercise be held at least yearly to ensure this facility is workable .</p> <p>It is recommended that the relevant building certifier should require an annual inspection of this facility. The owner may delegate this function to another person or body where necessary or appropriate.</p> <p>It is also recommended that an exercise be held at least yearly to ensure this facility is workable.</p> <p>This exercise could be held in conjunction with:</p> <p>(a) The fire authority serving the area.</p>                                                                                                                                                                                                                                                                              |

| Statutory Fire Safety Measure                                                                              | Indicative maintenance standard methodology and/or frequency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                            | (b) An evacuation exercise for the premises.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <ul style="list-style-type: none"> <li>• <b>Lightweight construction</b></li> </ul>                        | <p>Annual inspection to ensure the integrity of lightweight construction (no unauthorised penetrations or attachments and no physical damage has occurred).</p> <div data-bbox="804 416 1474 562" style="border: 1px solid black; padding: 5px;"> <p><b>Note:</b> Building baseline data drawings must identify the location of any lightweight construction and the required FRL..</p> </div> <p>To ensure the integrity of lightweight construction, the following inspection is recommended:</p> <ul style="list-style-type: none"> <li>(a) If the structure has a fire-resistance level, the inspection should ensure that: <ul style="list-style-type: none"> <li>(i) no unauthorised penetrations or attachments have occurred.</li> <li>(ii) no physical damage has occurred.</li> </ul> </li> <li>(b) If a surround for a shaft or a wall bounding a corridor, passageway or ramp: <ul style="list-style-type: none"> <li>(i) no unauthorised attachments.</li> <li>(ii) no physical damage.</li> </ul> </li> <li>(c) If providing fire-resisting covering to a steel column: <ul style="list-style-type: none"> <li>(i) damage-prevention equipment is in place e.g. steel cladding or protective barriers.</li> <li>(ii) no physical damage.</li> </ul> </li> </ul> |
| <ul style="list-style-type: none"> <li>• <b>Perimeter vehicle access for emergency vehicles</b></li> </ul> | <p>Building Code of Australia, Volume 1, Section C Fire Resistance, Part C2 Compartment and Separation, Clause C2.4 – Include visual inspection to ensure access is not obstructed in any way.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <ul style="list-style-type: none"> <li>• <b>Safety curtains in proscenium openings</b></li> </ul>          | <p>Testing must be carried out in a full interface function in accordance with the cause and effects matrix and the manufacturer's instructions.</p> <p>Part of the inspection must be to ensure that the area into which the curtain lowers is NOT obstructed and the stage area is appropriately marked to keep obstructions clear.</p> <p><b>YEARLY CHECK</b></p> <ul style="list-style-type: none"> <li>• Visual check of operating mechanism to ensure no physical damage or obstruction;</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| Statutory Fire Safety Measure                                                    | Indicative maintenance standard methodology and/or frequency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                                                                                  | <p>and</p> <ul style="list-style-type: none"> <li>• Visual check of curtain's condition; and</li> <li>• Visual check of heat detection equipment and sprinkler heads (if provided); and</li> <li>• Carry out a full fire system interface test to confirm the operation of the curtain by: <ul style="list-style-type: none"> <li>(i) Activating any heat/smoke-sensing equipment.</li> <li>(ii) Activating the manual operating system.</li> <li>(iii) Activating the emergency push-button device.</li> </ul> </li> </ul> <div data-bbox="801 792 1481 981" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>Note:</b> Many proscenium arch fire curtains operate in stages that have active smoke exhaust and supply air systems and fire curtain water drenchers.</p> </div> <p>Many proscenium arch fire curtains operate in stages that are equipped with active smoke exhaust and supply air systems and fire curtain water drenchers. Where such systems are installed, test the required operation end-to-end including with the automatic initiation of the mechanical smoke control system. This must be done properly as an excessive differential pressure in the stage smoke control system may prevent deployment of the proscenium arch curtain or in the worst-case damage the curtain; this is a known failure mode.</p> <p>NSW stages fitted with flying scenery are required to have safety curtains of steel construction.</p> <p>Many safety curtains are subject to Performance Solutions (PS) and the PS must be examined for the required safety curtain operation.</p> |
| <ul style="list-style-type: none"> <li>• <b>Standby power systems</b></li> </ul> | <p>The responsibility for continuing operation and annual maintenance and testing of fire safety measures is that of the building owner in accordance with the legislation.</p> <p>Where standby power systems are required as a statutory fire safety measure, section 7 of AS/NZS 3000 requires the standby power system to have the capacity to serve safety services in the building such as smoke control systems, electric</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

| Statutory Fire Safety Measure                                                            | Indicative maintenance standard methodology and/or frequency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                          | <p>fire pumps, emergency lifts etc.</p> <p>Standby power systems must be tested as a minimum annually as part of the System Interface Test in a 'hot changeover' mode to establish the standby system's capacity to supply the restart loads of the safety services. AS/NZS 3000 requires where necessary that starting of safety services provided with standby power is automatically staged as part of the design to allow the standby power system capacity to supply restart loads.</p> <p>A critical component of the test MUST check the proper operation of the automatic changeover sequence via any automatic transfer switching mechanism. This is a common failure mode on standby power systems.</p> <p>It is recommended that standby power systems be tested six-monthly as a minimum to maintain reliability. Load bank duration testing is recommended at least annually.</p> <p>Maintenance routines are recommended to be carried out in accordance with the manufacturer's instructions. Depending on the criticality of operation, maintenance intervals may be:</p> <ul style="list-style-type: none"> <li>• Monthly</li> <li>• Quarterly</li> <li>• Six-monthly</li> <li>• Yearly</li> </ul> <p>The building owner may choose a more frequent hot changeover or load bank test.</p> <p>Where the alternative supply is provided externally to the premises by the power supply authority, it is recommended that the power supply authority is contacted, to request that it test the automatic changeover switching facility, which in most cases is part of its supply equipment.</p> |
| <ul style="list-style-type: none"> <li>• <b>Warning and operational signs</b></li> </ul> | <p>Annual inspection to ensure no obstruction or removal of the signage has occurred.</p> <p>It is recommended that in carrying out the required inspections, the following point should be covered:</p> <ul style="list-style-type: none"> <li>• Ensure no obstruction or removal of the signage has occurred.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |



| Statutory Fire Safety Measure | Indicative maintenance standard methodology and/or frequency                                                                               |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
|                               | <div data-bbox="821 210 1423 286"> <b>Note:</b> Signage includes those required by the BCA and those required by State Legislation. </div> |