



## What are building fire safety measures?

Fire safety measures are defined as “any measures (including any 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 in the event of fire” and are to be capable of functioning at a standard of performance in accordance with the requirements of the Building Code of Australia. For more information go to [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

## Fire safety measures are required when:

- constructing a new building, class 2 to 9 buildings,
- the use of the building changes from one class of building to a different class (i.e. from a house to use as an office building),
- as part of a Fire Safety Upgrade (i.e. Council may undertake a fire audit inspection of an existing building and require fire safety measures to be installed within the building).

## Fire Safety, does this apply to you?

If you own or manage an apartment building or commercial property or strata management/body corporate or property development, architect, builder then you need to ensure that your building has adequate fire safety measures.

## Installation of fire safety measures

The installation of fire safety measures will depend on the classification of the building (the use of the building) as determined under the Building Code of Australia. Council or an Accredited Certifier will attach a schedule to the approval associated with a change in use or new building work detailing the required fire safety measures. In the case of a safety audit, Council will also detail the list of required measures.

The Environmental Planning and Assessment Regulation contains a list of Statutory Fire Safety Measures. However, you may also be required to install additional safety measures that are not included in this list in certain high-risk buildings or where buildings are upgraded.

## Interim Fire Safety Certificates

- an interim occupation certificate can be issued to allow a partially completed new building (including an altered portion of, or extension to, a new
- building) to be occupied or used, or



- an interim occupation certificate can be issued to allow a change of building use for part of an existing building.

## Final Fire Safety Certificates

- before a final occupation certificate can be issued to allow a new building (including an altered portion of, or extension to, a new building) to be occupied or used, or
- before a final occupation certificate can be issued to allow a change of building use for an existing building, or in accordance with a fire safety order given by Council.

## Maintenance of Essential Fire Safety Measures

The Environmental Planning and Assessment Regulation 2000 requires that a property owner must maintain each essential fire safety measures in their respective buildings.

The owner is required to issue an annual statement to the effect that each essential fire safety measure has been assessed by a properly qualified person and was found when it was assessed, to be capable of performing to the installation and design performance.

The assessment and inspection of the essential fire safety measures must have been carried out within the period of 3 months prior to the date on which the annual statement is issued. The choice of person to carry out an assessment or inspection rests with the property owner.

The property owner is required to display the **Annual Fire Safety Statement** in a prominent location in the building. The owner is also required to provide copies of the statement to Council and the Fire Commissioner.

The commencement of the Environmental Planning and Assessment Regulation replaced previous regulations that controlled fire safety matters. The current legislation refers to the “Annual Fire Safety Statement” not “Form 15A” which was previously familiar to building practitioners and property owners.

**For further information and advice on Building Fire Safety Measures**  
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