



LEETON SHIRE COUNCIL

Preserving the Past, Enhancing the Future

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FIRE SAFETY AND SMOKE ALARMS

What are the responsibilities of the building owner?

Under the provisions of the Environmental Planning and Assessment Regulation 2000, owners of buildings, such as commercial or industrial premises, residential flat buildings etc. have a legal obligation to ensure that all the fire safety measures installed on the premises as a result of new construction work or a fire order are maintained in good working condition at all times.

It is the responsibility of the building owner to ensure that:

- All fire safety measures are inspected by a properly qualified person or persons to ensure the measures are being maintained to the appropriate standard of performance
- Fire Safety Statements are displayed in a clearly visible prominent position inside the building such that Council or NSW Fire Brigade officers can see them when inspecting the premises.
- All exit doors are kept in good working condition, and corridors or other paths of egress are kept clear of any obstructions.

Note: These requirements are in place to promote the prevention and spread of fire. Fire safety measures assist in reducing the spread of a fire and early detection helps to save property and lives.

What is a Final Fire Safety Certificate?

A Final Fire Safety Certificate is a certificate which is issued at the initial stage of the installation of the essential fire safety measures either as a result of a fire order or new building construction works.

The certificate is usually supplied by the contractor for the installation of the works to Council prior to the Order or building being occupied.

What is an Annual Fire Safety Statement?

Each year, the owner of a building to which an essential fire safety measure is applicable must submit to Council an Annual Fire Safety Statement for the building.

Annual Fire Safety Statements are issued by, or on behalf of, the owner of the building. They declare that all the existing fire safety measures on the premises have been maintained to the appropriate standards and that exit paths allow for the safe passage through the premises in the event of fire.

Annual Fire Safety Statements submitted to Council are subject to payment of a lodgement fee. Please refer to Council's current Fees & Charges document.

What is a fire safety measure?

A fire safety measure is any aspect of construction, piece of equipment or can be evacuation plans that are required to ensure the safety of people within the building in the event of fire or other emergency.

These measures include things like fire rated construction, smoke detection and alarm systems, portable fire extinguishers, fire hose reels, hydrants, exit signs or evacuation plans. Fire safety requirements vary from building to building.

Who should inspect my premises?

The owner must ensure that a properly qualified and competent person inspects each fire safety measure.

The choice of person to carry out the assessment and or inspection is up to the owner. The person who carries out an assessment must inspect and verify the performance of each fire safety measure being assessed.

Note: All paperwork provided by your service provider is for the owner only and is NOT to be lodged with council. It is important that records of inspections are kept by the owner.

How do I lodge my Annual Fire Safety Statement?

Complete all sections on the form provided by council, and provide dates where required to do so. Check the form again for accuracy and completeness and lodge it at Council.

An Annual Fire Safety Statement for a building must deal with each essential fire safety measure in the building premises. It must be submitted within 12 months after the date on which the previous statement or the Final Fire Certificate was given, and it must be lodged within 3 months of the date of inspection and assessment.

The statement must be submitted to Council and the Commissioner of the NSW Fire Brigades. A blank Annual Fire Safety Statement Form is available from Council's Customer Service Centre by phoning (02) 6953 0911 or by emailing council@leeton.nsw.gov.au

What about home owners?

There is no requirement to submit an Annual Fire Safety Statement for single dwelling houses classified under 1a under the Building Code of Australia. Typically, Class 1a refers to single dwelling houses, terraces or villa houses. If in doubt, ask. Home owners must ensure that every home is provided with a working smoke alarm and that it is maintained.

Penalties for not submitting an Annual Fire Safety Statement

Council treats fire safety very seriously. Where required under legislation to provide a statement, the owner is responsible to ensure lodgement, regardless as to whether the property is tenanted or vacant. Please consider the following:

- If this statement is not completed satisfactorily this may result in a fine. It will be necessary to submit a corrected statement.

- On-the-spot fines can be imposed against the owner for 'Failure to provide an Annual/Supplementary Fire Safety Statement' and range from \$500 to \$2000.

- Receipt and payment of a fine does not negate the need to submit a Fire Safety Statement.

'Failure to maintain essential Fire Safety Measures' (which is a separate offence) can also result in a fine. The penalty in this instance is \$1500 and Council will impose this as necessary.

Should you require any further information please contact Council's Environmental Health and Planning staff on (02) 6953 0911 or email council@leeton.nsw.gov.au

Smoke Alarms

Building owners with properties in the Leeton Shire local government area are reminded that the installation of smoke alarms is mandatory. Smoke alarms reduce fire related injuries and deaths.

It is an offence to not have smoke alarms installed in every storey of all homes and other shared accommodation buildings where people sleep. A maximum penalty of \$300 is applicable.

It is also an offence to interfere with or remove a smoke alarm unless for the purpose of maintenance or replacement.

Different premises have differing requirements in terms of the types of alarms that need to be installed and where they need to be located.

Private dwellings require, for example, an Australian Standard 3786 hard-wired or battery smoke alarm. The NSW Fire Brigades recommends hard-wired photo-electric alarms.

The number of alarms depends on the size of the building and its configuration. For example, in a private dwelling, an alarm must be placed on the ceiling in an area between sleeping areas and living areas (such as a hallway leading to a bedroom), as well as in any other storey of the same building, even if it does not contain bedrooms.

The new laws aim to significantly reduce the number of home fire injuries and deaths.

For further information on smoke alarms go to the NSW Fire and Rescue website by clicking [here](#) or contact Council's Environmental Planning and Development staff on (02) 6953 0911.