

Fire safety upgrading of buildings

Why upgrade?

Fire safety is important to ensure the safety of the lives of persons who reside in, work in, or visit buildings of many classes such as group homes, residential flats, offices, shops, warehouses, factories, and assembly buildings.

Council has been involved for many years in the inspection and upgrading of buildings, many of which were erected long before the introduction of the current building standards and were found to be a fire safety risk.

The process is a long, ongoing one involving many buildings of varying size and classification throughout the area, and is deemed most important in terms of public safety. This aspect can be particularly related to the many examples of the tragic loss of life in cases in Australia and overseas where adequate fire safety measures were not provided to various types of buildings.

When is upgrading required?

Assessments are done routinely, when an application is lodged for permission to erect or alter a building or change a use in an existing building, in response to enquiries or complaints, or with other matters such as applications for *Places of Public Entertainment* or Building Certificates.

During an inspection, comparisons generally are made between the existing building design and services and those that are needed today under the Building Code of Australia. Council does not look at every difference to the Code, as it is mainly interested in the ones that could affect the safety or lives of persons in the building.

If fire safety risks are found Council can ask the building owner to rectify them. Usually the owner is advised in writing via a fire safety order. This is usually done in cases where Council officers are of the opinion that:

- (a) Provision for fire safety or fire safety awareness are not adequate to prevent fire, suppress fire or prevent the spread of fire or ensure or promote the safety of persons in the event of fire, and/or
- (b) Maintenance or use of the premises constitutes a significant fire hazard.

Such an order can specify what the Council requires to be done to ensure adequate fire safety. Usually an order will be specific as to what is required to be done, but in some cases, such as where there is a great deal of work that could be completed in various ways, we may require an owner to submit particulars of the work that he/she considers necessary to make provision for fire safety.

Orders may require things like the installation of exit doors, exit stairs, hose reels, exit signs, portable fire extinguishers, fire protective ceilings, fire alarms and the like. Major issues often include "egress" and "fire fighting services" issues, and where there are options available the least costly ones are selected wherever possible.

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The importance of adequate fire safety measures is reflected in severe penalties, which can be imposed on a person or business that does not carry out the work listed in a fire safety order.

What if I don't agree?

Before an order is issued, a copy of a proposed order is always sent to the owner so that the owner can tell us why the order should not be served, or as to the terms or period of compliance with the order, and any representation is taken in to account prior to further action being taken.

There is also a right of appeal against an order to the Land and Environment Court, however we prefer to try and resolve any problems by agreement if possible.

Who is responsible for the work?

The **owner** is responsible for complying with an order. Where there is more than one owner, we may direct each owner to do the things specified in the order. When work is required as a result of a change of use brought about by a new tenant, owners sometimes expect the tenant to meet the cost of the fire safety work. If this is the case any question about who is to meet the cost of work is a matter for the owner and tenant to resolve, however the Law states that the final responsibility rests with the building owner.

How long can the work take?

The amount of time allowed for completion of work is related to the amount of work involved in the order. Simple items like installing fire extinguishers may be allowed one month, whilst detailed or high cost works could be allowed six months or more. In some circumstances Council can allow extra time to complete work.

What are essential fire safety measures?

These are items such as hose reels, hydrants, exit signs, portable fire extinguishers, fire and smoke alarms and the like. If they are required in a building Council will advise the building owner in a schedule, which lists the items, and relevant maintenance standards.

Essential Fire Safety Measures include:

- Access panels, doors and hoppers to fire resisting shafts
- Automatic fail safe devices
- Automatic fire detection and alarm systems
- Automatic fire suppression systems
- Emergency lighting
- Emergency lifts
- Emergency warning and intercommunication systems
- Exit signs
- Fire dampers
- Fire control centres and rooms
- Fire doors
- Fire hydrant systems
- Fire seals protecting openings in fire resisting components of the building
- Fire shutters

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- Fire windows
- Perimeter vehicle access for emergency vehicles
- Portable fire extinguishers
- Safety curtains in proscenium openings
- Smoke and heat vents
- Smoke dampers
- Smoke detectors and heat detectors
- Smoke doors
- Solid core doors
- Stand-by power systems
- Wall wetting sprinkler and drencher systems
- Warning and operational signs
- Other

When are they needed?

Generally, the Building Code of Australia specifies in what parts or types of buildings the essential fire safety measures are required. Council can require that they be installed in **existing buildings** under a fire safety order, in a **new building, addition, or if you apply to change the use in an existing building**. Fire Safety Certificates are only required if any of these things applied to your building since **1 July 1988**. If they are required and you must give us Certification for them, we will advise you in a fire safety order, approval (development consent or construction certificate) and include detailed information such as the installation and maintenance standards.

What is a fire safety certificate?

This is the Certificate, which tells us that the measures comply with the appropriate performance standards. It must be lodged with us immediately upon completion of the fire safety upgrading, building work, or before the new use is commenced in an existing building.

What is a fire safety statement?

This is the Certificate that tells us that the services have been maintained to the appropriate performance standards. It also tells us that the paths of travel to exits are clear (and that fire doors/notices on any enclosed fire stairs comply). The building owner must send us a Fire Safety Statement within twelve months of the Fire Safety Certificate. You should make a diary entry or some other form of reminder so this date is not overlooked.

Blank Certificates may be obtained free from the Council, and you only need to nominate the measures relating to your building. All information must be complete on the Certificate, otherwise it will be deemed not to have been lodged and it will be returned to you to complete. If you are in doubt about how to complete either Certificate, please contact us for advice on (02) 4325-8222.

Who assesses the standard of performance?

The building owner must have the inspection done by a person who is qualified to assess the particular items concerned. This could be a licensed tradesman like a plumber for hydraulic items or an electrician for electrical items.

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Who completes the certificates?

The **owner** or the owner's agent. It cannot be the person doing the inspection.

Who is responsible for the certification?

The **owner** must ensure that the certificates are lodged with the Council. There are substantial penalties for failing to submit any Certificate by the due date. Copies of each certificate must be sent to:

The Commissioner of the New South Wales Fire Brigades
(Locked Bag 12, P.O. GREENACRE NSW 2190),

and

Displayed in a prominent position within the building.

What happens if I complete these certificates?

You will avoid severe penalties, which apply for failure to give a completed certificate to Council when it is required. There is a penalty of up to \$110,000 and a further daily penalty of \$11,000 for an offence of this type.

Why is this important?

To ensure that essential fire safety measures are properly designed, installed and maintained for the safety of persons within buildings.

For further information:

Call in to see the duty Building Surveyor in our Customer Service Centre at 49 Mann Street, Gosford, send an email to gocity@gosford.nsw.gov.au or phone on (02)4325 8222.

This is a guide only to the relevant legislation, which should be consulted in the event of any required detailed interpretation. The Legislation includes the Environmental Planning and Assessment Act 1979 and Regulation, including the Building Code of Australia.