



Draft Annual Fire Safety Statement Policy and Program

Policy Approval and Distribution

Approved by	Council resolution
Responsible Officer	Lauren Dawes
Council Service Unit	Sustainable Development
Next Review Date	dd-MMM-yyyy
RELEVANCE TO COMMUNITY STRATEGIC PLAN	4. Good governance: an actively engaged community and strong leadership team 1.3 Our community members are healthy and safe

Version Control

Ref	Date	Description	Resolution Number
0.1		<i>Presented to Council to facilitate public exhibition process</i>	

Purpose

To assist the community to meet fire safety obligations under the *Environmental Planning and Assessment Act 1979* within the Cootamundra-Gundagai Regional Council area.

Scope

Applies to all buildings within the local government area required to maintain essential and/or critical fire safety measures.

Definitions

approved form means a form approved by the Planning Secretary and published on the NSW planning portal.

As defined in Schedule 2 Dictionary of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

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.

As defined in Schedule 2 Dictionary of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

annual fire safety statement (AFSS) is means:

- (1) An annual fire safety statement is a statement issued by or on behalf of the owner of a building to the effect that—
 - (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.

As defined by Section 88 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 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.

As defined in Schedule 2 Dictionary of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

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.

As defined in Schedule 2 Dictionary of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

fire safety schedule, means a schedule issued under Section 78 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* in the approved form.

Legislative Framework

Obligations of property owners regarding statutory fire safety measures are set out by:

- Environmental Planning & Assessment Act 1979; and
- Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021.

Related CGRC Documents

- Complaints handling policy and procedure
- Compliance and Enforcement Policy
- Legislative Compliance Policy

Review Period

This document is to be reviewed every five (5) years to ensure that it remains relevant and meets legislative requirements.

Policy Statement: Fire Safety

Fire safety is fundamental to protecting lives, property, and the well-being of our community. Fostering awareness and shared responsibility through education and engagement is essential to creating a safer, more resilient region.

Cootamundra-Gundagai Regional Council is committed to supporting fire safety compliance across the diverse industries and businesses that contribute to our community. This diversity presents unique challenges in applying fire safety regulations equitably, which the Council addresses with diligence, fairness, and transparency.

Under State regulations and Australian Standards:

- **Class 1b–9 Buildings:** Owners must maintain statutory fire safety measures, conduct regular inspections, and submit an Annual Fire Safety Statement (AFSS) with a maintenance report to Council for registration. A copy must also be sent to Fire and Rescue NSW.

Council works in collaboration with property owners, businesses, and the broader community to uphold fire safety standards and protect the people and assets that define the Cootamundra-Gundagai region. To support this, the Council will:

- Ensure fire safety assessments, education, and compliance efforts are conducted by appropriately skilled, qualified, and accredited professionals.
- Facilitate training opportunities for relevant personnel and, where necessary, engage external expertise.
- Allocate administrative resources for the development of a property database within IT systems to enhance fire safety management and record-keeping.

By maintaining a strong commitment to fire safety, Council aims to create a safer, more prepared community while ensuring compliance with legislative requirements.

Program: Fire Safety Management

Aims and Objectives

1. **Fire Safety Register:** Record all Class 2–9 buildings in the Council’s Fire Safety Register.
2. **Auditing:** Implement a program to audit Class 2–9 buildings, ensuring statutory fire safety measures are certified and functional.
3. **Risk Mitigation:** Minimise fire safety risks to the community through compliance and proactive measures.
4. **Education and Awareness:** Promote fire safety among industry participants, building managers, property owners, and developers.
5. **Compliance Enforcement:** Address non-compliance with fire safety standards through enforcement.
6. **Enhance Building Fire Safety for Occupants and Visitors** – To progressively improve fire safety standards within buildings by identifying necessary upgrades and supporting long-term compliance measures.

Program Outline

1. **Maintain a Fire Safety Register:** Develop and manage a comprehensive database to improve tracking, workflow efficiency, and customer service.
2. **Identify Class 1b–9 Buildings:** Locate all eligible buildings using rate data and site visits and ensure inclusion within the register.
3. **Education and Promotion:** Inform property owners of their responsibilities under the *Environmental Planning and Assessment (Development, Certification, and Fire Safety) Regulation 2021* through letters aimed at education and voluntary compliance. Additionally, conduct outreach targeting council staff, businesses, developers, property

owners, and the broader community to enhance engagement with fire safety requirements.

- 4. Availability of Fire Safety Schedules:** Where building owners are unsure of essential and/or critical fire safety measures that apply to their buildings, an application may be made for a Fire Safety Schedule. Schedules will be issued by a suitability qualified building surveyor following review building files and inspections to determine required critical fire safety measures and verify building use/s.
- 5. Risk Based Audits and Inspections:** Compliance audits will be conducted by staff based on an assessment of building risk. High-risk tenancies, such as seniors housing and multi-residential developments, pose a greater risk to life due to potential inadequacies in fire safety measures. These will be prioritised for audits and inspections over lower-risk commercial uses, such as storage premises, as part of the risk-based audit program.
- 6. Enforcement:** Where non-compliant buildings are identified as part of audits:
 - a. Engage with property owners to encourage participation before taking regulatory action.
 - b. Issue warnings and penalty infringement notices (PINs) for non-compliance.
 - c. Issue Orders where voluntary compliance unsuccessful.
- 7. Registration Fee:** Charge an annual fee per submitted Annual Fire Safety Statement (AFSS) to support the program's administration. Additional fees apply for overdue notices.