

Annual Fire Safety Statement Operational Procedure

FOR LAHC-OWNED PROPERTIES MANAGED BY COMMUNITY HOUSING
PROVIDER



1. Overview

1.1 Rationale

Under the Long Term Lease, being a lease of fifteen (15) years or more commencing on or after 1 January 2018, or any lease forming part of the Social Housing Management Transfer Program (the Long Term Lease); the New Build Lease, being a lease of typically 20-49 years for properties that were new at the commencement of the lease (the New Build Lease), and the Short Term Lease being a lease of three (3) years or less (Short Term Lease) Community Housing Providers (CHPs) are required to manage the preparation and lodgment of Annual Fire Safety Statements (AFSS) and/or Supplementary, Fire Safety Statements (FSS) as required under the *Environmental Planning and Assessment Regulation 2000 (NSW)* (the Regulation).

As of 1 October 2017, the Regulation was amended to require the preparation of an AFSS and/or a Supplementary FSS for each property which falls within the requirements of the Regulation.

1.2 Overview of requirements

CHPs are required, at their sole cost and expense, to engage on behalf of NSW Land and Housing Corporation (LAHC) a competent fire safety practitioner to carry out a fire safety assessment and inspection of the properties which are leased to the CHP by LAHC and which are subject to the ongoing AFSS and/or Supplementary FSS requirements under the Regulation (Properties). This must occur within three (3) months before an AFSS or Supplementary AFSS is required by the Council for the Properties.

A copy of the standard template forms for completing an AFSS and/or a Supplementary FSS can be found at <https://www.planning.nsw.gov.au/Policy-and-Legislation/Buildings/Safety-reforms/Fire-safety>.

2. Procedure

2.1 Initial process

- At least ten (10) business days prior to the date on which the AFSS and/or Supplementary FSS is due to the Council, the CHP must submit to LAHC:
 - a completed copy of the AFSS (including the completion of all applicable sections) and/or the Supplementary FSS (including the completion of all applicable sections) for the Properties noting that, a copy of the current Fire Safety Schedule must be attached, and
 - when completed, the Documents are to be sent to the Technical Advisor (BES) at LAHC-Buildingservices@fac.s.nsw.gov.au.

2.2 Signing of documents

- Following receipt of the documents, LAHC will arrange for the owner's signature section of the AFSS and/or Supplementary FSS to be signed and returned to the CHP. The CHP should allow at least five (5) business days for LAHC to sign the relevant section and return a copy of the same to the CHP. The CHP must take this timeframe into consideration to ensure the CHP is able to comply with any dates which are set by the Council.

Annual Fire Safety Statement Operational Procedure

FOR LAHC-OWNED PROPERTIES MANAGED BY COMMUNITY HOUSING
PROVIDER



- Following receipt of the signed AFSS and/or Supplementary FSS, the CHP is required to submit the AFSS and/or Supplementary FSS directly to the Council and pay any applicable lodgment fees.
- The CHP must copy LAHC into the CHP's email correspondence to the Council when the signed copy of the AFSS and/or Supplementary FSS is submitted. If the CHP submits the signed AFSS and/or Supplementary FSS to the Council in hard copy, the CHP is required to provide LAHC with a copy of the correspondence to the Council in relation to same, as soon as possible.
- The CHP must ensure that LAHC is provided with a copy of the email/hard copy confirmation which the CHP receives from the Council confirming acceptance of the AFSS and/or Supplementary FSS, as soon as possible.
- Pursuant to the Regulation, the CHP will also be required to submit the AFSS and/or Supplementary FSS to the Fire Commissioner, and the CHP must ensure a copy of same is prominently displayed at the Properties.

3. CHP Responsibilities

3.1 Rectification of non-compliance

The CHP must at its own costs and expenses rectify any non-compliance identified in the statement(s) provided by the Competent Fire Safety Practitioner within a reasonable time and to the satisfaction of LAHC and the Competent Fire Safety Practitioner. The CHP must complete all coordination and liaison with required Authorities (including, but not limited to, Emergency Services) to meet all the requirements of providing an annual fire safety statement and / or supplementary fire safety statement.

3.2 Fire safety

- The CHP must:
 - (a) organise and take part in any fire drills and other emergency procedures required to ensure fire safety measures are appropriately managed
 - (b) nominate appropriate staff members to act as fire wardens to supervise the evacuation of the Properties during any fire drill or emergency
 - (c) ensure that it is aware of all safety and emergency procedures in connection with the Properties
 - (d) evacuate the Properties and obey lawful instructions of any relevant Authority in an emergency, and
 - (e) comply with all fire safety requirements, legislation and regulations.

4. Enquiries

CHPs are advised to direct any queries regarding Annual Fire Safety Statement requirements, Fire Safety Orders, and Notice of Intent to LAHC-Buildingservices@fac.s.nsw.gov.au.