



BSC File No: 42640D x 10.2024.31.1/#A2024/34305Contact: Benjamin Grant

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

<b>Application No.</b>	10.2024.31.1 PAN-412031
<b>Applicant</b>	Mr C Lonergan
<b>Property</b>	40 Lawson Street BYRON BAY LOT: 0 SP: 37976
<b>Development</b>	Change of Use of Dual Occupancy (Attached) to Include Serviced Apartment Use
<b>Determination</b>	Approved Consent Authority - Council
<b>Date of determination</b>	4 July 2024
<b>Date from which the consent operates</b>	5 July 2024
<b>Date on which the consent lapses</b>	5 July 2029
<b>BCA Classification</b>	Class 3

*Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.*

**Reason for conditions**

The conditions imposed have been included in response to development considerations and to ensure a high standard of development having regard to the effect upon the environment and the amenity of the neighborhood.

**Right of appeal / review of determination**

If you are dissatisfied with this determination:

**Request a review**

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

**Rights to appeal**

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

**Signed on behalf of the Consent Authority**

Benjamin Grant  
Planner

## CONDITIONS OF CONSENT

### Schedule 1. CONDITIONS OF CONSENT

#### Parameters of consent

#### 1. Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Title	Drawn by	Dated
P1	Ground and First Floor Plan	C Lonergan	31/01/2024
P2	Site, Elevations and Section Plan	C Lonergan	31/01/2024

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

**Note:** An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

#### 2. Coastal Erosion

The development must cease if at any time the coastal erosion escarpment comes within 50 metres of any building associated with this development. In this condition coastal erosion escarpment means the landward limit of erosion in the dune system caused by storm waves.

**Note: at the end of a storm the escarpment may be nearly vertical; as it dries out, the escarpment slumps to a typical slope of 1 vertical to 1.5 horizontal.**

#### 3. Conditions prescribed by the Regulation

This development consent is subject to the conditions prescribed by the regulations in accordance with subsection 4.17(11) of the Environmental Planning and Assessment Act 1979. Conditions are provided in a **Schedule** to this consent.

#### 4. Integrated Approvals from State Government Approval Bodies

This development consent includes an Integrated Development Approval under Sections 4.46 and 4.47 of the Environmental Planning and Assessment Act 1979, being an authorisation under section 100B of the Rural Fires Act 1997 in respect of development for the purposes of a special fire protection purpose and is subject to the General Terms of Approval from the NSW Rural Fire Service dated 16 May 2024 contained in a Schedule to this Notice of Determination.

## The following conditions are to be complied with prior to occupation of the building

### 5. Final Fire Safety Certificate

Prior to issue of any Occupation Certificate for the use approved under this development consent the Registered Certifier is to be furnished with a final fire safety certificate signed by the owner(s) of the property. The certificate is to indicate that all fire safety measures required to be installed in the building as indicated in the attached schedule at the end of this consent have been installed and meet relevant Australian Standards for design & installation. Forms are available on Council's website. Minor changes to the schedule may be undertaken as part of the certification process without the issue of any amendment under Section 4.55 of the Act.

### 6. Compliance with bushfire conditions

Prior to the issue of any occupation certificate, documentary evidence from a suitably qualified professional is to be submitted to the Registered Certifier demonstrating that the bush fire conditions in this Notice of Determination have been complied with.

Any building upgrades or other works specified in the Bush Fire Safety Authority under Schedule 3 must be fully completed and/or implemented prior to the issue of any Occupation Certificate.

## The following conditions are to be complied with at all times

### 7. Approved change of use

This consent approves the existing dual occupancy (attached) to be used as two serviced apartments.

**Serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

### 8. Carparking for guests

At least two (2) carparking space must be reserved for the sole use of guests/occupants of **each** serviced apartment at all times.

### 9. Single occupation of serviced apartment - fire separation

The consent approves two (2) serviced apartments. To comply with the Building Code of Australia in relation to fire separation and sound attenuation requirements, each serviced apartments are to be used as a whole and individual rooms must not to be separately rented or occupied.

### 10. Bush fire safety measures to be maintained

The development is to be operated and maintained at all times in accordance with the requirements of the Bush Fire Safety Authority under Schedule 3 of this consent.

**11. Must not interfere with the amenity of the neighbourhood**

The use of the development must not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise. In particular:

- a. Any complaints to Council about 'offensive' noise will be dealt with under the provisions of the Protection of the Environment Operations Act 1997.
- b. Only clean and unpolluted water is permitted to be discharged to Councils' stormwater drainage system or any waters.
- c. All wastes shall be contained within appropriate containers fitted with a tight-fitting vermin-proof lid.
- d. All waste storage and sewage facilities shall be serviced and maintained to ensure that all relevant environment protection standards are satisfied.
- e. Goods deliveries shall be restricted to daytime operating hours.

**Schedule 2. PRESCRIBED CONDITIONS**

The prescribed conditions in accordance with Division 2, Subdivision 1 of the Environmental Planning and Assessment Regulation 2021 as at the date of this development consent as are of relevance to this development must be complied with:

- [69](#) Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
- [70](#) Erection of signs
- [71](#) Notification of Home Building Act 1989 requirements
- [72](#) Entertainment venues
- [73](#) Maximum capacity signage
- [74](#) Condition relating to shoring and adequacy of adjoining property
- [75](#) Fulfilment of BASIX commitments

Refer to the [Environmental Planning and Assessment Regulation 2021](#), Division 2, Subdivision 1 of for full text of the above clauses. This can be accessed at <http://www.legislation.nsw.gov.au>.

Schedule 3. INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL



Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

Your reference: (CNR-67418) 10.2024.31.1  
Our reference: DA20240405001340-Original-1

ATTENTION: Ben Grant

Date: Thursday 16 May 2024

Dear Sir/Madam,

**Integrated Development Application**  
**s100B - SFPP - Hotel/Motel**  
**40 LAWSON STREET BYRON BAY 2481, //SP37976**

I refer to your correspondence dated 12/04/2024 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

**Asset Protection Zones**

***The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

1. From the commencement of building works and in perpetuity, the entire property must be managed as an inner protection area in accordance with the following requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly.

1

**Postal address**

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

**Street address**

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



### Construction Standards

***The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

2. The existing dwellings must be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any subfloor areas, openable windows, vents, weep holes and eaves. External doors are to be fitted with draft excluders.

### Water and Utility Services

***The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

3. The provision of water, electricity and gas must comply with the following in accordance with Table 7.4a of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available, or a static water supply is to be provided where no reticulated water is available,
- all above-ground water service pipes external to the building are metal, including and up to any taps,
- where practicable, electrical transmission lines are underground,
- where overhead, electrical transmission lines are proposed as follows:
  - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas, and
  - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used,
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side,
- connections to and from gas cylinders are metal,
- polymer-sheathed flexible gas supply lines are not used, and
- above-ground gas service pipes are metal, including and up to any outlets.

### Landscaping Assessment

***The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

4. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);





# RFS



- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

#### **General Advice - Consent Authority to Note**

The recommendations are based on the plans and Bushfire Report prepared by Byron Bay Planning Pty Ltd, amended report dated 09-05-24. Council is advised that where a minor amendment to the above-noted documents is proposed, Council may use its discretion to determine whether the minor amendment warrants further assessment by the NSW RFS.

For any queries regarding this correspondence, please contact Khatera Tokhi on 1300 NSW RFS.

Yours sincerely,

Alan Bawden  
**Manager Planning & Environment Services**  
**Built & Natural Environment**





## BUSH FIRE SAFETY AUTHORITY

SFPP - Hotel/Motel  
40 LAWSON STREET BYRON BAY 2481, //SP37976  
RFS Reference: DA20240405001340-Original-1  
Your Reference: (CNR-67418) 10.2024.31.1

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under s100b of the Rural Fires Act 1997.

**Alan Bawden**

Manager Planning & Environment Services  
Built & Natural Environment

Thursday 16 May 2024



## Schedule 4. REASONS FOR DECISION, HOW COMMUNITY VIEWS WERE ADDRESSED

*Note: From July 1 2018, Council's are required to give and publicly notify reasons for a range of planning decisions where they are deciding if development should proceed to help community members to see how their views have been taken into account and improve accountability to stakeholders. A statement of reasons for the determination of this application is provided below.*

### Statement of Reasons

The proposed development complies with the provisions of Byron Local Environmental Plan 2014.

The proposed development complies with relevant State Environmental Planning Policies

The proposed development complies with relevant provisions of Development Control Plan 2014

The proposed development complies with Environmental Planning & Assessment Regulation 2021 considerations.

The proposed development will not have significant adverse impact on the natural, built or social environment or economic impacts on the locality.

The proposed development is considered suitable for the proposed site.

The development application was notified/advertised in accordance with Council's Community Participation Plan. Issues raised in the submissions have been addressed during assessment of the application.

The proposed development is unlikely to prejudice or compromise the public interest.

### How community views were addressed

The DA was notified/advertised in accordance with Council's Community Participation Plan. No submissions were received.

## Schedule 5. NOTES

### Principal Certifying Authority:

Work must not commence until the applicant has:

- a. appointed a Principal Certifying Authority (if the Council is not the PCA); and
- b. given Council at least two days' notice of the intention to commence the erection of the building. Notice must be given by using the prescribed 'Form 7'.
- c. notified the Principal Certifying Authority of the Compliance with Part 6 of the Home Building Act 1989.

### Occupation Certificate required:

The building must not be occupied until the Principal Certifying Authority has issued an Occupation Certificate.

### Protection of the Environment Operations Act 1997:

It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ("on-the-spot fine") or prosecution.

### Penalties apply for failure to comply with development consents

Failure to comply with conditions of development consent may lead to an on-the-spot fine being issued pursuant to section 4.2(1) of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 9.50 of the Environmental Planning & Assessment Act 1979.

### **Relics Provisions- Advice**

Attention is directed to the NSW Heritage Act 1977 and the provisions of the Act in relation to the exposure of relics. The Act requires that if:

- a) a relic is suspected, or there are reasonable grounds to suspect a relic in ground, that is likely to be disturbed damaged or destroyed by excavation; and/or
- b) any relic is discovered in the course of excavation that will be disturbed, damaged or destroyed by further excavation;

Those responsible for the discovery must notify nominated management personnel who will in turn notify the Heritage Council of New South Wales or its delegate, the Office of Environment and Heritage, NSW Heritage Branch, and suspend work that might have the effect of disturbing, damaging or destroying such relic until the requirements of the NSW Heritage Council have been satisfied (ss139, 146).

### **Fire Ants**

The importation of any of the following material from Queensland invasive ant biosecurity zones must be in accordance with the [Biosecurity \(Invasive Ant Carriers\) Control Order 2023](#) (including any revised orders made under the Biosecurity Act 2015) and meet the requirements of NSW Department of Primary Industries:

- organic mulch (which includes manure, bark, wood chips, hay, straw, silage, and sugar cane bagasse);
- baled materials;
- potted plants;
- agricultural or earth-moving machinery;
- fill or soil (which includes anything with soil on it such as turf); and
- mining or quarrying materials.

Prior to the importation of each material type, the supplier must provide the receiver and the Principal Certifying Authority with the relevant Certificate as identified within the Biosecurity (Invasive Ant Carriers) Control Order 2023 or revised biosecurity control orders. All material shall meet the requirements of the relevant Certificate.

It is an offence under the Biosecurity Act 2015 if this material comes from within five kilometres of a known invasive ant infested area (e.g. identified Fire Ant Biosecurity Zones in Queensland), or any other place at which the person knows, or ought reasonably to know, that an invasive ant has been detected, unless the carrier material has been managed and treated to reduce the risk and meets the certification requirements listed in the Control Order.

# Fire Safety Schedule

Part 10 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021



**Please note:**

- A fire safety schedule must deal with the whole of the building not just part of the building.
- Please complete all sections in full using **CAPITAL LETTERS**.
- Information to assist to complete each section is provided at the end of this document.

## Section 1: Location of the building

Address (Street No., Street Name, Suburb and Postcode)

40 LAWSON STBYRONBAY

Lot No. (if known) CP/DP/SP No. (if known) Building name (if applicable)

LOT SP 3796 N/A

## Section 2: Reissue of Fire Safety Schedule (Section 80A of the Regulation)

- Not applicable – Fire Safety Schedule is not being re-issued.  
 Reissued Fire Safety Schedule (please state reason below)

Reason for Reissue of Schedule

- Original Schedule Lost or Destroyed  Correction of errors or omissions.

## Section 3: Reference Details (Section 78 of the Regulation)

Reference Type

Reference Number (if known)

DEVELOPMENT CONSENT

10.2024.31.1 / PAN-412031

## Section 4: Fire Safety Measures for the building – excluding Critical Fire Safety Measures (Section 79 of the Regulation)

Item No. Fire safety measure

Minimum standard of performance

Current (Existing)

Item No.	Fire safety measure	Minimum standard of performance
1	Automatic fire Detection and Alarm Systems	BCA 2022, E2D3, E2D8, SPECIFICATION 20 CLAUSE S2OC5, AS3786-2014, & AS1670.1-2018
2	Building Occupant warning System	BCA 2022, SPECIFICATION 20 CLAUSES 2OC7
3	Emergency Lighting	BCA PART D, E, & AS2293
4	Exit signs	BCA PART E & AS2293
5	Fire Blankets	BCA PART E & AS2444, STRA 2021

Proposed (New or Modified including section 84(6) of the Regulation)

6	PORTABLE FIRE EXTINGUISHERS	BCA PART E & AS 2444, STRA 2021
7	SOLID CORE DOORS	BCA PART C&D

## Details of Fire Safety Building Code of Australia (BCA) Performance Solution Report(s)

(Ref No./Title of report/Author/Date) BCA Performance Requirement(s) BCA DTS Provision(s) and details of non-compliance

NIL

# Fire Safety Schedule

Part 10 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021



## Section 5: Critical Fire Safety Measures – where applicable to the building (Section 79 of the Regulation)

Note: A critical fire safety measure is one where the performance is verified at intervals of less than 12 months through the submission of a supplementary fire safety statement.

Item No.	Fire safety measure	Minimum standard of performance	
		Current (Existing)	
	WHOLE BUILDING		

Proposed (New or Modified)

## Section 6: Details of approved exemptions from compliance with BCA standards for a relevant fire safety system (Section 74 of the Regulation)

Item No.	Relevant fire safety measure	Description of exemption
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## Section 7: Name of authority or registered certifier issuing this schedule

Name	Organisation (Business or Council Name)
BYRON SHIRE COUNCIL	BYRON SHIRE COUNCIL

Business Address (Street No., Street Name, Suburb and Postcode)  
70 STATION ST MULLUMBIMBY

Registration Number (Where Applicable)  
N/A

Date of Issue  
3/07/2024

# Fire Safety Schedule

Part 10 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021



## **Please note:**

The following information is provided to help persons completing this fire safety schedule (FSS) template and does not comprise part of the form. The following pages **do not** have to be displayed in the building or submitted to the local Council or the Commissioner of Fire and Rescue NSW or attached to any fire safety certificate or annual fire safety statement.

## **General**

- Please print in CAPITAL LETTERS and complete all relevant sections in full.
- A reference to 'the Regulation' is a reference to the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- The completed fire safety schedule form must be attached to the relevant application.
- An earlier fire safety schedule is superseded by a later fire safety schedule and ceases to have effect when the later fire safety schedule is issued.
- A fire safety schedule must deal with the whole of the building and not only the part of the building to which the development consent, complying development certificate, construction certificate or fire safety order relates.
- Further information about building fire safety is available on the 'Fire safety' page of the Department's website at <https://www.fairtrading.nsw.gov.au/housing-and-property/reforms-to-fire-safety-regulation-2022>.

## **Section 1: Description of the building**

- The address and other property details should be provided here.

## **Section 2: Reissue of Fire Safety Schedule**

- The purpose of this section is to specify whether the fire safety schedule is a new schedule or a schedule that has been reissued under section 80A of the Regulation.
- An initial fire safety schedule issued when a Development Consent, Complying Development Certificate, Construction Certificate, or a fire safety order is issued is not taken to be a re-issued Schedule.
- The re-issue of a fire safety schedule may occur because the original schedule was lost or destroyed or to correct errors or omissions in the fire safety schedule.
- It must be noted that a fire safety schedule **cannot** be reissued under section 80A of the Regulation if the error or omission is due to building work or a change in plans or specifications for the fire safety measures of the building.
- A private certifier **cannot** re-issue a schedule under s80A after an occupation certificate has been issued by the certifier.
- A council that reissues a fire safety schedule where the 'original' was not required to be in the approved form does not need to issue the replacement schedule on the approved form. Instead, a council may reissue the schedule in the same form as the schedule being replaced.

## **Section 3: Reference Details**

- Provide details of the relevant reference document by selecting the relevant type from the drop-down list.
- The reference number of the relevant Development Consent, Construction Certificate, Complying Development Certificate or Fire Safety Order Reference must be listed where known.
- For ease of use only one reference to a relevant document type is necessary for filling out this part. It is unnecessary to reference multiple Development Consents, staged CCs, or CDCs that are/or were once applicable to the building over its lifetime.

## **Section 4: Fire Safety Measures currently implemented OR proposed to be implemented for the building**

- The purpose of this section is to identify those current and proposed fire safety measures that must be implemented for the building.

### **Fire safety measures**

- A proposed fire safety measure is taken to be either a required measure not currently installed in the building or an existing measure which is being altered.
- Fire safety measures include both statutory fire safety measures and other fire safety measures. The statutory fire measures are specified in section 79(4) of the Regulation and include portable fire extinguishers, fire hydrants, fire sprinklers, fire detection and alarm systems and lightweight construction.
- Other fire safety measures could include any measure that is specific to the building such as those required as part of a fire safety Building Code of Australia (BCA) performance solution for the building.

# Fire Safety Schedule

Part 10 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021



## Minimum standard of performance

- The minimum standard of performance for a fire safety measure describes the technical specification for the design, installation and operation of the measures. The minimum standard of performance is generally determined by the BCA and should not be confused with the specified maintenance activities which are used for maintenance of a fire safety measure.
- Where noting the minimum standard of performance for a fire safety measure (FSM) care needs to be taken to ensure relevant details are provided. When expressing a minimum standard of performance for a FSM the following referencing sequence should be used: (the Building Code of Australia (BCA) edition applicable to the FSM, then any relevant BCA Deemed-to-Satisfy Clause(s) or Specification(s), then any relevant Reference Document(s) (such as Australian Standards) and the applicable edition (year) of that Referenced Standard.
- If an application relates only to a part of a building and the required fire safety measures and their associated minimum standard of performance varies from other parts of the building, the fire safety schedule must clearly identify the different fire safety measures and/or different standards of performance in a building.

## Using the table

- If there are no existing fire safety measures specify 'Nil' in the first row under both 'Current' and 'Minimum standard of performance'. The remaining rows of the table under 'Current' can be deleted.
- If there are no proposed fire safety measures specify 'Nil' in the first row under both 'Proposed' and 'Minimum standard of performance'. The remaining rows of the table under 'Proposed' can be deleted.
- Additional rows can be added under 'Current' and 'Proposed' measures if required.

## Performance solutions

- The fire safety schedule must identify all fire safety measures that are required as part of a fire safety BCA performance solution, including any reference to the BCA performance solution report document when specifying the standard of performance for each measure.
- Provide identifying details of any fire engineered BCA performance solution report(s) relevant to those corresponding fire safety measures in the table 'Details of Building Code of Australia Performance Solution Report(s)'.
- Details including the author of the report, the relevant BCA performance requirements about which the report demonstrates compliance, and a brief description of the relevant BCA deemed-to-satisfy provision(s) considered are to be provided here.

## **Section 5: Critical Fire Safety Measures currently implemented OR proposed to be implemented in the building**

- The purpose of this section is to identify those current or proposed critical fire safety measures for the building.
- A critical fire safety measure is a measure that requires periodic assessment and certification at intervals of less than 12 months, because of its nature, the environment, or other circumstances.
- Not all buildings will be subject to critical fire safety measures and this section must only be filled out where a building has critical fire safety measures as identified by the registered certifier (council or private) or appropriate authority.
- Each critical fire safety measure and the associated minimum standard of performance must be listed.
- The intervals, of less than 12 months, at which the critical fire safety measure must be assessed and requiring the submission of a supplementary fire safety statement must also be specified.
- It is up to the registered certifier (council or private) or appropriate authority to identify what is a critical fire safety measure and the frequency in which a supplementary fire safety statement is required to be lodged to the council.
- If there are no applicable critical fire safety measures insert 'Nil' in the row under 'Current', 'Proposed' and 'Minimum standard of performance'. The remaining rows of the table under 'Current' and 'Proposed' can be deleted.
- Additional rows can be added to the table if required.

## **Section 6: Exemption from BCA standard for a relevant fire safety system**

- The purpose of this section is to identify in accordance with section 23(3)(b) of the Regulation any exemptions from BCA standards for the fire safety building work granted under a construction certificate by a certifier resulting from an objection under section 74 of the Regulation.
- Objections made under this provision relate to the operational performance of a relevant fire safety system.
- A relevant fire safety system is defined by the Regulation and can be either a hydraulic fire system, a fire detection and alarm system, or a mechanical ducted smoke control system.
- In this section the applicant must specify the relevant fire safety measure to which an exemption applies. In addition, a detailed description of the exemption is to be provided.
- If there are no exemptions relevant to the building insert 'Nil' in the first row under both 'Relevant Fire Safety System' and 'Details of the exemption'. The remaining rows of the table can be deleted.
- Additional rows may be added to the table if required.

# Fire Safety Schedule

Part 10 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021



## Section 7: Name and contact details of the person issuing the schedule

- The purpose of this section of the form is to include details of the person or authority that is issuing the schedule.
- Where the fire safety schedule is issued by a registered certifier details of the registration number of the certifier are to be provided.
- The date of issue must also be included on the fire safety schedule.

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## General Advisory Notes

### Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth) Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on Phone Number 1800 810 443.

### The Environmental Planning and Assessment Act 1979 requires you to:

1. For building works, obtain a **Construction Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate.

For subdivision works, obtain a **Subdivision Works Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Subdivision Works Certificate.

An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the above Certificates.

All applications must be lodged via the [NSW Planning Portal](#).

2. Nominate a **Principal Certifier** which may be either Council or a registered certifier and notify Council of that appointment. You **cannot lawfully commence works** without complying with this requirement. Appointment must be made through the [NSW Planning Portal](#)
3. Give Council at least two days' notice of your intention to commence the erection of a building before commencing construction works. You cannot lawfully commence works without complying with this requirement.
4. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

All applications must be lodged via the [NSW Planning Portal](#).

### You may also need to:

5. Lodge an Application for Subdivision to obtain a Subdivision Certificate if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain Strata Title Subdivision under the relevant Strata Titles Act if strata title of the development is proposed.
6. Carry out critical stage inspections in accordance with Section 6.5 of the EP&A Act 1979 and clauses 61, 63 and 65 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.