



Environmental Planning and Assessment Amendment (Conversion of Fire Alarm Monitoring) Regulation 2002

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

ANDREW REFSHAUGE, M.P.,

Minister for Planning

Explanatory note

The object of this Regulation is to simplify the procedures for the issuance of complying development certificates, construction certificates and occupation certificates that relate only to the conversion of fire alarm systems from monitoring by the New South Wales Fire Brigades to monitoring by private entities.

At present, all complying development certificates, construction certificates and occupation certificates for the conversion of fire alarm systems must be accompanied by a fire safety schedule which, in turn, requires the inclusion of all present and proposed fire safety measures in the building.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 84A (3), 109Q and 157 (the general regulation-making power).

2002 No 506

Clause 1 Environmental Planning and Assessment Amendment (Conversion of Fire Alarm Monitoring) Regulation 2002

**Environmental Planning and Assessment
Amendment (Conversion of Fire Alarm Monitoring)
Regulation 2002**

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Conversion of Fire Alarm Monitoring) Regulation 2002*.

2 Amendment of Environmental Planning and Assessment Regulation 2000

The *Environmental Planning and Assessment Regulation 2000* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Clause 3 Definitions

Insert in alphabetical order:

fire alarm communication link means that part of a fire alarm system which relays a fire alarm signal from the system to an alarm monitoring network.

fire link conversion means the conversion of a fire alarm communication link from connection with the fire alarm monitoring network operated by the New South Wales Fire Brigades to connection with an alarm monitoring network operated by a private service provider.

fire link conversion schedule means a conversion schedule referred to in clause 168A (2) (a).

private service provider means a person or body that has entered into an agreement with the New South Wales Fire Brigades to monitor fire alarm systems.

[2] Clause 3, definition of “fire safety schedule”

Omit the definition. Insert instead:

fire safety schedule means a schedule referred to in clause 168 (1), 168A (2) (b) or 182 (2).

[3] Clause 130 Procedure for determining application for complying development certificate

Insert “, together with any associated fire safety schedule or fire link conversion schedule” after “determination” in clause 130 (4) (c).

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Schedule 1 Amendments

[4] Clause 134 Form of complying development certificate

Insert after clause 134 (2):

- (3) Subclause (2) does not apply to:
 - (a) a class 1a or class 10 building within the meaning of clause 167, or
 - (b) a complying development certificate that relates only to fire link conversion.

Note. The documents that must be issued with and accompany a complying development certificate that relates only to fire link conversion are set out in clause 168A.

[5] Clause 142 Procedure for determining application for construction certificate

Insert “or fire link conversion schedule” after “schedule” in clause 142 (2) (d).

[6] Clause 147 Form of construction certificate

Omit clause 147 (3). Insert instead:

- (3) Subclause (2) does not apply to:
 - (a) a class 1a or class 10 building within the meaning of clause 167, or
 - (b) a construction certificate that relates only to fire link conversion.

Note. The documents that must be issued with and accompany a construction certificate that relates only to fire link conversion are set out in clause 168A.

[7] Clause 153 Fire safety certificates: section 109H

Insert after clause 153 (1):

- (1A) If the need for the final occupation certificate arises solely from fire link conversion, the final fire safety certificate referred to in subclause (1) need only deal with the new fire alarm communication link.

[8] Clause 155 Form of occupation certificate

Omit “The certificate” in clause 155 (2).

Insert instead “Except as provided by subclause (3), the certificate”.

[9] Clause 155 (3)

Insert after clause 155 (2):

- (3) If the need for the occupation certificate arises solely from fire link conversion, the certificate need only be accompanied by a fire safety certificate of the kind referred to in section 153 (1A) and the relevant fire link conversion schedule or fire safety schedule issued under clause 168A.

[10] Clause 165 Definitions

Insert “or fire link conversion schedule” after “schedule” in the definition of *critical fire safety measure*.

[11] Clause 168 Fire safety schedules

Insert “(other than a certificate that relates only to fire link conversion)” after “erection of a building” in clause 168 (1) (b).

[12] Clause 168 (1) (c)

Insert “(other than a certificate that relates only to fire link conversion)” after “building work”.

[13] Clause 168A

Insert after clause 168:

168A Conversion of fire alarm communication links

- (1) This clause applies to a complying development certificate or a construction certificate that relates only to fire link conversion.

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Schedule 1 Amendments

- (2) A person issuing such a certificate must also issue:
 - (a) if there is a current fire safety schedule for the building concerned, a schedule (a ***fire link conversion schedule***) for the new fire alarm communication link, or
 - (b) in any other case, a fire safety schedule dealing only with the new fire alarm communication link.
- (3) A fire link conversion schedule or fire safety schedule issued under this clause:
 - (a) must specify the minimum standard of performance for the new fire alarm communication link, and
 - (b) if the new fire alarm communication link is a critical fire safety measure, must identify the link as such and specify the intervals (being intervals of less than 12 months) at which supplementary fire safety statements must be given to the council.
- (4) If a fire link conversion schedule is issued, a copy of the schedule must be attached to the current fire safety schedule for the building concerned and the copy is taken, for the purposes of this Regulation, to form part of the fire safety schedule.

Note. This means that when the current fire safety schedule is updated, the updated fire safety schedule must incorporate not only the current fire safety schedule but also the fire link conversion schedule.
- (5) Clause 168 (4) applies to a fire link conversion schedule and a fire safety schedule issued under this clause.

[14] Clause 170 What is a final fire safety certificate?

Insert at the end of the note:

Under clause 153 (1A), a final fire safety certificate that relates solely to a final occupation certificate for fire link conversion need only deal with the new fire alarm communication link and not with other essential fire safety measures.

[15] Clause 286 Repeal, savings and transitional

Insert after clause 286 (3):

- (4) Any instrument (including a schedule attached to a building approval or to a fire safety order) in force under the *Environmental Planning and Assessment Regulation 1994* immediately before its repeal is taken to have been issued under this Regulation, and may be amended or revoked accordingly.

[16] Schedule 1 Forms

Insert “or work that relates only to fire link conversion” after “ancillary to a dwelling-house” in clause 4 (1) (e).

[17] Schedule 1, clause 4 (5A)

Insert after clause 4 (5):

- (5A) An application for a complying development certificate that relates only to fire link conversion need only be accompanied by a document that describes the design and construction, and mode of operation, of the new fire alarm communication link.

[18] Schedule 1, clause 6 (1) (b)

Insert “or work that relates only to fire link conversion” after “ancillary to a dwelling-house”.

[19] Schedule 1, clause 6 (3A)

Insert after clause 6 (3):

- (3A) An application for a construction certificate that relates only to fire link conversion need only be accompanied by a document that describes the design and construction, and mode of operation, of the new fire alarm communication link.