Fire safety system report process

1 Purpose
This technical information sheet outlines the Fire & Rescue NSW (FRNSW) procedures for the fire safety system report (FSSR) as required under clause 152A of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg.).

2 Scope
This technical information sheet details:
(a) FRNSW procedures for the FSSR process
(b) legislated responsibilities of the principal certifying authority (PCA) regarding the FSSR and the occupation certificate (OC) to which it relates
(c) FRNSW obligations under the EP&A Reg.
(d) charges applicable under the Fire Brigades Act 1989.

3 Application
This document applies to any building which comprises either class 2 or 3 and:
(a) for which any application for OC has been received
(b) includes building work that involved installing, extending or modifying a relevant fire safety system (see clause 6.2) within the building to which the OC relates.

Note: This document applies irrespective of the building size, whether the building has an alternative solution or not, and whether the building work is within the class 2 or 3 parts of the building or not.

This document is intended to be used by the PCA who must request a FSSR from FRNSW, and take into consideration any FSSR prior to issuing an OC for the proposed building occupancy.

Within this document, any reference to FRNSW is a reference to the Fire Commissioner. All short form references such as [cl152A] relate to the EP&A Reg. unless identified otherwise.

4 Background
From 1 October 2017, the EP&A Reg. was amended to give the Fire Commissioner discretion to provide a report on relevant fire safety systems for a class 2 or 3 building. FRNSW may attend an inspection to assess the function and performance of each system and provide its findings within a furnished report to be considered by the PCA.

This regulation change was imposed by the NSW Government in response to the statutory review of the Building Professionals Act 2005, and the fire safety reforms being implemented to strengthen the NSW building regulation system.

5 Applying for an FSSR from FRNSW
5.1 When the PCA receives an application for an OC for an applicable building (refer to section 3), the PCA must request an FSSR from FRNSW as soon as practicable [cl152A(1)].
5.2 FRNSW requires the PCA to complete and submit the **FSSR application** form when requesting the FSSR. The form is available online at firesafety.fire.nsw.gov.au.

**Note:** The form should be transmitted electronically.

5.3 For the purpose of preparing a written report, FRNSW requires the following documentation to be provided with the FSSR application:

(a) a copy of the application for OC (e.g. date endorsed and detailing the area to be occupied)
(b) a copy of the relevant development consent or complying development certificate
(c) a copy of any relevant construction certificate
(d) a copy of any relevant compliance certificate
(e) a copy of the relevant fire safety certificate and current fire safety schedule.

**Note:** The documentation above is required to be lodged with the application for OC [cl149(2)].

5.4 Upon receiving the FSSR application, FRNSW will determine whether or not an FSSR will be furnished [cl152A(4)].

5.5 If being provided, FRNSW intend to furnish any FSSR within ten (10) days of the application being received [cl152A(5)].

5.6 The PCA is not required to request an FSSR if [cl152A(2)]:

(a) the application for OC has already been refused
(b) a final fire safety report (FFSR) has already been furnished under clause 152.

5.7 If the application for OC requires both an FFSR and FSSR (i.e. cl152 and cl152A both apply) the PCA should submit a final fire safety report application form to request both reports concurrently.

**Note:** If separate applications are made, two reports with applicable charges may result.

6 **Function of the FSSR**

6.1 The FSSR is a written report specifying whether FRNSW is satisfied that a relevant fire safety system is capable of performing to the standard in the current fire safety schedule [cl152A(6)].

**Note:** The FSSR is not a final inspection report on the compliance of fire safety systems.

6.2 A relevant fire safety system is defined as meaning any of the following [cl152A(5)]:

(a) a hydraulic fire safety system within the meaning of clause 165, which includes
   • a fire hydrant system
   • a fire hose reel system
   • a sprinkler system (including a wall-wetting sprinkler or drencher system)
   • any type of automatic fire suppression system of a hydraulic nature;
(b) a fire detection and alarm system
(c) a mechanical ducted smoke control system.

6.3 In order to assess the fire safety system, FRNSW will attend the premises for an inspection and request a demonstration of the system’s functionality and performance during testing.

**Note:** FRNSW recommends the installer or their nominated representative conduct the testing of each system. Any costs will be at the owner’s expense. If the installer or representative is not in attendance, the PCA will be responsible for conducting each test.

6.4 The PCA must take the FSSR into consideration when determining the application for OC, and whether the building (or part of) is suitable for occupation [cl152A(5)].
7 Obligations on PCA

7.1 Before applying for the FSSR

7.1.1 Documentation pertaining to the completed as-built building works, subject to the occupancy that is being applied for, must be provided to the PCA with the application for an OC [cl149(2)].

7.1.2 A fire safety certificate, whether final or interim as per the occupancy being applied for, must be issued for the building [cl153].

7.1.3 Any ‘Part 4A’ compliance certificate specifying that building works have been completed and complies with the specified plans and specifications [s109C(1)(a)(1) of EP&A Act 1979], must be submitted to the PCA with the application for OC.

7.1.4 Under section 109E(3)(e) of EP&A Act 1979, the PCA must be satisfied that preconditions of the development consent or complying development certificate are met, including work being carried out in accordance with the Building Code of Australia (BCA) [cl98(1)(a)]. FRNSW recommends the final critical stage inspection [cl162A(3)] be undertaken prior to applying for the FSSR to verify all building works are complete.

7.1.5 The PCA is reminded that under s109F(1A) of EP&A Act 1979 a valid CC cannot be issued for completed building works (i.e. a CC cannot be issued to retrospectively cover any build defect).

Note: The PCA should refuse the application for OC and request rectification works be done.

7.2 Determining the application for OC

7.2.1 The PCA may only issue an OC after ten (10) days from when FRNSW receives the FSSR application [cl152A(5)] or after any furnished report has been considered.

7.2.2 If the PCA refuses the application for OC prior to any FSSR being received, the PCA must notify FRNSW of the refusal and request the application for FSSR to be withdrawn [cl152A(3)].

Note: If no such notice is received, charges may apply if FRNSW attends the building.

7.2.3 If the PCA receives an FSSR within ten (10) days it must be taken into consideration when determining the application for OC [cl152A(5)]. FRNSW expects any issues identified within the FSSR to be addressed prior to the OC being issued.

7.2.4 As the FSSR must be taken into consideration by the PCA when issuing the OC, FRNSW expects a copy of the FSSR to be provided to the consent authority as documentary evidence that was relied on when issuing the OC [cl151(2)(e)].

7.2.5 FRNSW will take all practicable measures to ensure life safety is not compromised in occupied buildings, and may follow up an FSSR including with the relevant Council or consent authority.

Note: FRNSW has a legislated responsibility to protect life and property from fire, including statutory powers to inspect a building and initiate enforcement action as necessary.
8 FRNSW inspection

8.1 Function and performance testing

8.1.1 FRNSW staff will contact the PCA to arrange an inspection with the PCA and relevant fire safety system installers to conduct function and performance testing of the following:

(a) fire hydrant system
(b) fire hose reel system
(c) sprinkler system (including a wall-wetting sprinkler or drencher system)
(d) any other type of automatic fire suppression system of a hydraulic nature
(e) fire detection and alarm system
(f) mechanical ducted smoke control system.

Note: The PCA should organise representatives from each installer to demonstrate the performance of each system and reset to the normal operating state following any testing.

8.1.2 A summary of the relevant fire safety systems required to demonstrate they can perform to at least the standard in the fire safety schedule is provided in section 11.3.

8.1.3 Any fire safety certificate for a fire safety system, whether issued on behalf of the owner or not, may be scrutinised if during testing the fire safety system does not perform as certified.

Note: FRNSW may initiate enforcement action when a fire safety system doesn't, or never did, function or perform to the standard as certified.

8.2 Incomplete building works and defects

8.2.1 If during inspection it is clear that building works are incomplete and the building is not appropriate for inspection, FRNSW will furnish an FSSR stating the application for OC should be refused given the application is invalid with false or misleading documentation.

Note: New documentation should be provided following completion of all buildings works.

8.2.2 If during inspection any defect is identified which renders a relevant fire safety system totally inoperative, FRNSW will furnish an FSSR stating that the fire safety system will not protect life and property from fire and the application for OC should be refused.

8.2.3 If during inspection any other defect is identified which causes the relevant fire safety system to not perform to the standard required, FRNSW will furnish an FSSR specifying as such.

8.2.4 Any rectification works undertaken on a fire safety system after FRNSW inspection should be recertified, including a new fire safety certificate, before a new application for OC is made with the new documentation. When the new application for OC is received the PCA should apply for new FSSR [cl152A(2)].

9 Charges for furnishing an FSSR

9.1 Section 42(1) of the Fire Brigades Act 1989 allows FRNSW to charge for services. Clause 46(2) of the Fire Brigades Regulation 2014 prescribe the charges for the inspection of a premises. This comprises a charge based on the cost of an inspection which is undertaken to assess the relevant fire safety systems.

9.2 No charge will apply if an inspection is not undertaken and the FSSR is not furnished.

9.3 The inspection cost is time based and inclusive of time taken to travel to and from the premises. Travel time is pre-determined and calculated to and from the nearest regional office (i.e. Greenacre, Coffs Harbour, Dubbo or Queanbeyan).
9.4 Any re-inspection will be charged at a rate double the initial inspection rate for the first two (2) hours only.

9.5 When an FSSR is furnished, FRNSW will issue an invoice with applicable charges to the remitter as noted on the FSSR application form.

9.6 The applicant is solely responsible for the agreement to pay the charges incurred, irrespective of whether acting on behalf of another person. If the applicant is not the remitter as noted on the application form, FRNSW will verify in writing the agreement to pay from the remitter.

Note: If the remitter does not agree to pay the invoice within the terms then the application will be refused and the applicant asked to re-submit providing their details as the remitter. Under clause 152A the PCA must apply for the FSSR.

10 Contact us

For further information contact the Fire Safety Branch on (02) 9742 7434 or email firesafety@fire.nsw.gov.au.
11 Appendices

11.1 Summary of legislated process

Principal certifying authority (PCA) receives an application for occupation certificate (OC)

PCA considers building works to be complete

Yes → PCA applies for fire safety system report (FSSR) with all required documentation

No → PCA notifies applicant to resubmit application for OC

PCA applies for fire safety system report (FSSR) with all required documentation

The Fire Commissioner furnishes FSSR to the PCA within 10 days of receiving the FSSR application

Yes → PCA considers FSSR and is satisfied

No → PCA refuses the application for OC and notifies Fire Commissioner

Yes → PCA may issue the OC after 10 days since FRNSW received the FSSR application

No → PCA considers FSSR and is satisfied

Uncontrolled if printed, copied or emailed. Always check the Fire & Rescue NSW website for the most recent version.
11.2 Summary of FSSR vs FFSR process

Principal certifying authority (PCA) receives an application for occupation certificate (OC) which requires both a fire safety system report (FSSR) (e.g. OC relates to any class 2 or 3 building) and a final fire safety system report (FFSR) (e.g. building has a clause 152 alternative solution).

- **PCA requests an FSSR**
  - Fire Commissioner may furnish FSSR within 10 days
    - FRNSW furnishes FSSR?
      - Yes: PCA considers the furnished FSSR
        - FFSR request been made?
          - No: PCA still needs to request a FFSR if not already made
          - Yes: PCA may issue OC after 7 or 10 days* since FRNSW received the application
    - No: Up to 10 additional days per request
  - FRNSW furnishes FSSR?
    - Yes: FSSR request been made?
      - No: PCA still needs to request a FFSR if not already made
      - Yes: PCA considers the furnished FFSR
    - No: Fire Commissioner may furnish a report within 7 or 10 days*

- **PCA requests an FFSR**
  - Fire Commissioner may furnish FFSR within 7 or 10 days*
    - FRNSW furnishes FSSR?
      - Yes: PCA considers the furnished FFSR
        - FFSR request been made?
          - No: PCA still needs to request a FFSR if not already made
          - Yes: PCA may issue OC after 7 or 10 days* since FRNSW received the application
    - No: Up to 10 additional days per request
  - FRNSW furnishes FSSR?
    - Yes: FSSR request been made?
      - No: PCA still needs to request a FFSR if not already made
      - Yes: PCA considers the furnished FFSR
    - No: Fire Commissioner may furnish a report within 7 or 10 days*

*Note: The FFSR may have different timeframes depending on savings and transitional provisions applying to existing consent. If an application is made for both an FFSR and FSSR using the FFSR application, the FFSR will take highest priority and be the report more likely furnished.
11.3 Summary of inspection requirements

The installer, or PCA if no installer is present, may be asked to demonstrate the performance of each relevant fire safety system during the inspection, including the following:

**Fire hydrant system**
- Performance of the fire hydrant system as a fully operational system (e.g. AS 2419.1)
- Fire brigade booster assembly
- Fire hydrant valves

**Fire hose reel system**
- Performance of the fire hose reel system as a fully operational system (e.g. AS 2441)

**Fire sprinkler and/or drencher system**
- Performance of the fire sprinkler system as a fully operational system (e.g. AS 2118.1)
- Combined sprinkler and hydrant system
- Residential sprinkler system
- Drencher system
- Deluge system

**Other automatic fire suppression system**
- Gaseous fire-extinguishing system
- Water mist fire suppression system

**Fire detection and alarm system**
- Performance of the fire detection, warning, control and intercom system as a fully operational system (e.g. AS 1670.1)
- Fire alarm monitoring, including detector and call point activations
- Fire brigade panel
- Emergency intercom control and indicating equipment
- Alarm signalling equipment
- Air handling fire mode control panel
- Emergency warning and intercom system
- Smoke alarm system

**Mechanical smoke control system**
- Performance of fire and smoke control as a fully operational system (e.g. AS 1668.1)
- Fire, smoke and air dampers
- Smoke and heat release vents
- Smoke/heat venting system
- Mechanical ventilation

**Systems interfacing**
- Systems interface functions (e.g. mechanical smoke control system operates when fire detection and alarm system activates from a detector)

**Alternative solutions**
- Any alternative solution on the relevant fire safety system