



Fire safety system report (FSSR) process

1 Purpose

This technical information sheet outlines the Fire and 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 certifier 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 and Rescue NSW Act 1989*.

3 Application

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

Note: This applies irrespective of building size, whether a performance solution or not, and whether the building work is within the class 2 or 3 building or not.

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

Within this document, any reference to FRNSW is a reference to the Fire Commissioner. All short form references such as [\[c/152A\]](#) 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 principal certifier.

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.

On 1 December 2019, Part 6 of the *EP&A Act* and corresponding sections of the regulation that related to building and subdivision certification were amended.

5 Applying for an FSSR from FRNSW

5.1 When the principal certifier receives an application for OC for an applicable building (refer to section 3), the principal certifier must request an FSSR from FRNSW as soon as practicable [*cl152A(1)*].

5.2 FRNSW requires the principal certifier 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 preparing the written report, FRNSW requires the following documentation to be provided with the FSSR application:

- (a) a copy of the application for OC (e.g. the principal certifier's application form which is date endorsed and contains details of 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/s
- (d) a copy of any relevant compliance certificate/s
- (e) a copy of the relevant fire safety certificate and current fire safety schedule
- (f) a copy of any performance solution report applicable to a relevant fire safety system.

Note: These documents are 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 principal certifier 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* of the *EP&A Reg.*

5.7 If the application for OC requires both an FFSR and FSSR (i.e. *cl152* and *cl152A* both apply) the principal certifier 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 the relevant fire safety system is capable of performing to the standard in the current fire safety schedule for the building [*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* of the *EP&A Reg.* 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 To assess the fire safety systems, at least two FRNSW staff will undertake 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 principal certifier should conduct each test.
- 6.4 The principal certifier 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 principal certifier

7.1 Before applying for the FSSR

- 7.1.1 All documentation pertaining to the completed as-built building works, subject to the occupancy that is being applied for, must be provided to the principal certifier with the corresponding application for OC [cl149(2)].
- 7.1.2 A fire safety certificate, whether final or interim as relevant to the occupancy being applied for, must be issued for the building [cl153]. This certificate must be submitted to the principal certifier with the corresponding application for OC.
- 7.1.3 Any compliance certificate specifying that building works have been completed and complies with the specified plans and specifications [s6.4(e) of EP&A Act 1979], must be submitted to the principal certifier with the corresponding application for OC.
- 7.1.4 Under section 6.10(1) of EP&A Act 1979, the principal certifier must be satisfied that preconditions of the development consent are met before issuing the OC. One such condition is that work has been carried out in accordance with the requirements of the *Building Code of Australia* (BCA) [cl98(1)(a)].
- 7.1.5 The principal certifier must undertake a final critical stage inspection after the relevant building works have been completed [cl162A(3)]. FRNSW recommends that the principal certifier undertake their final critical stage inspection to verify the application for OC documentation and be satisfied that all works have been carried out in accordance with the BCA prior to applying for the FSSR.
- Note:** Doing the final critical stage inspection prior to applying for the FSSR will ensure that building works are complete and ready for inspection by FRNSW.
- 7.1.6 The principal certifier is reminded that under section 6.8(2) of the EP&A Act 1979, a valid CC cannot be issued for completed building works (i.e. a CC cannot be issued to retrospectively cover 'as-built' variations or defects).

7.2 Determining the application for OC

- 7.2.1 The principal certifier 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 principal certifier refuses the application for OC prior to any FSSR being received, the principal certifier must notify FRNSW of the refusal and request the application for FSSR be withdrawn [cl152A(3)].
- Note:** If no such notice is received, charges will apply if FRNSW arrives to undertake an inspection, even if the inspection is not conducted due to not being ready.
- 7.2.3 If the principal certifier receives an FSSR within ten (10) days it must be taken into consideration when determining the application for OC [cl152A(5)].
- Note:** Issues identified within the FSSR should be addressed prior to issuing the OC.

- 7.2.4 As the FSSR must be taken into consideration by the principal certifier 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 the legislated responsibility to protect life and property, 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 principal certifier to arrange an inspection and conduct function and performance testing of the following:
- fire hydrant system
 - fire hose reel system
 - sprinkler system (including a wall-wetting sprinkler or drencher system)
 - any other type of automatic fire suppression system of a hydraulic nature
 - fire detection and alarm system
 - mechanical ducted smoke control system.
- Note:** The principal certifier should organise to have representatives from each fire system 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 the standard identified by the fire safety schedule is provided in Appendix B.
- 8.1.3 Any fire safety certificate for a fire safety system, whether issued on behalf of the owner or not, may be scrutinized if during testing the fire safety system does not perform as certified.
- Note:** FRNSW may initiate enforcement action if a fire safety system doesn't, or never did, function or perform to the standard as has been certified.

8.2 Incomplete building works and defects

- 8.2.1 If during inspection it is evident that building works are incomplete and not appropriate for inspection, FRNSW will furnish an FSSR stating such and that the application for OC should be determined by refusal.
- Note:** New documentation should be provided following the completion of buildings works.
- 8.2.2 If during inspection any defect is identified which renders the relevant fire safety system totally inoperative, FRNSW will furnish an FSSR stating the fire safety system was inoperable and the application for OC should be determined by refusal.
- 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 stating 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 principal certifier should apply for new FSSR [cl152A(2)].
- Note:** FRNSW may initiate enforcement action if the principal certifier issues an OC for a building (or part) which is clearly not suitable for occupation.

9 Charges for furnishing an FSSR

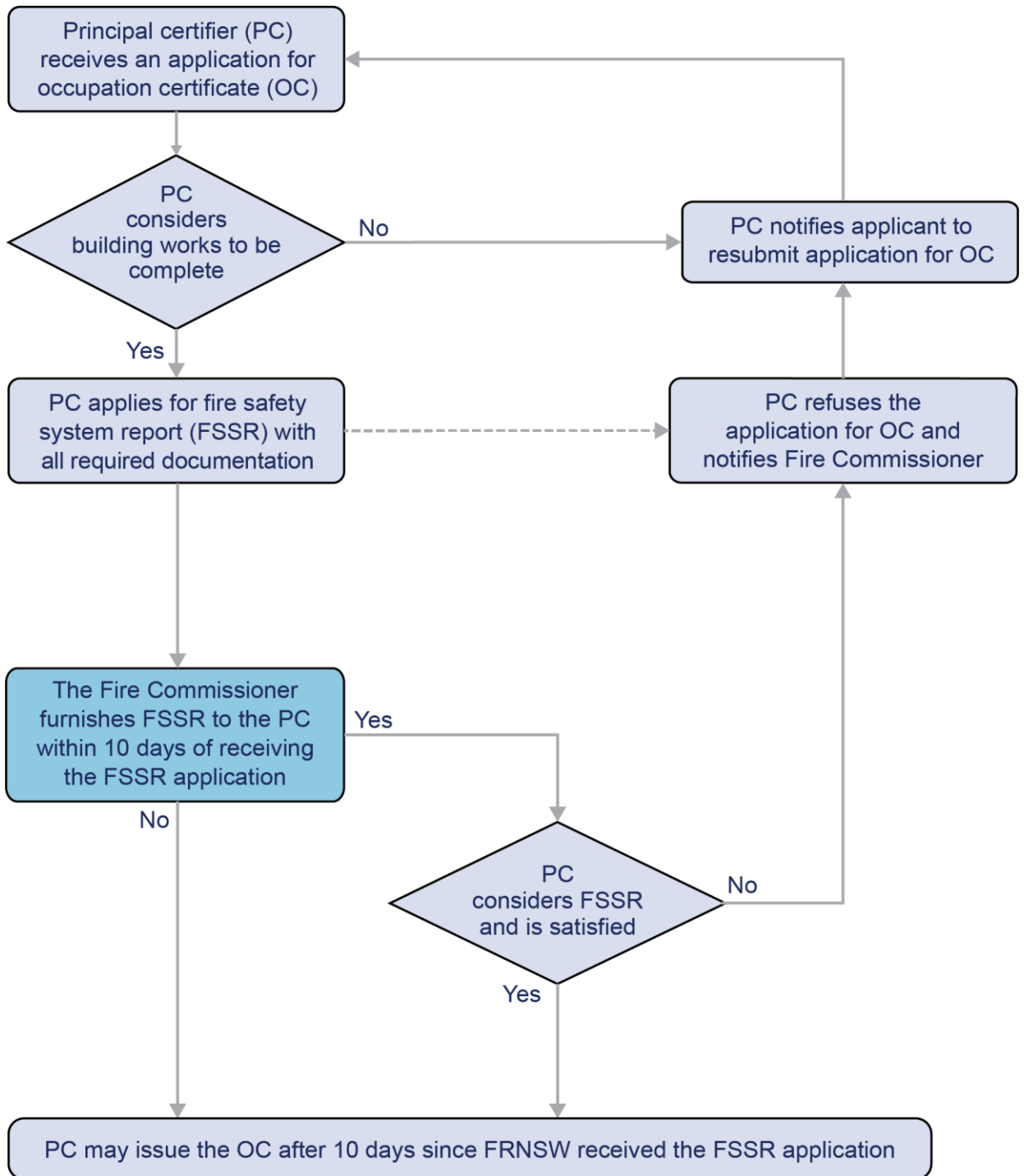
- 9.1 [Section 42\(1\)](#) of the *Fire and Rescue NSW Act 1989* allows FRNSW to charge for services. [Clause 46\(2\)](#) of the *Fire Brigades Regulation 2014* prescribe the charges for the inspection of a premises. This comprises a charge based on the cost of an inspection which is undertaken to assess 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 When an FSSR is furnished, FRNSW will issue an invoice with applicable charges to the remitter as noted on the FSSR application form.
- 9.5 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 may be refused, and the applicant asked to re-submit providing their details. Under [clause 152A](#) it is the principal certifier must apply for the FSSR.

10 Contact us

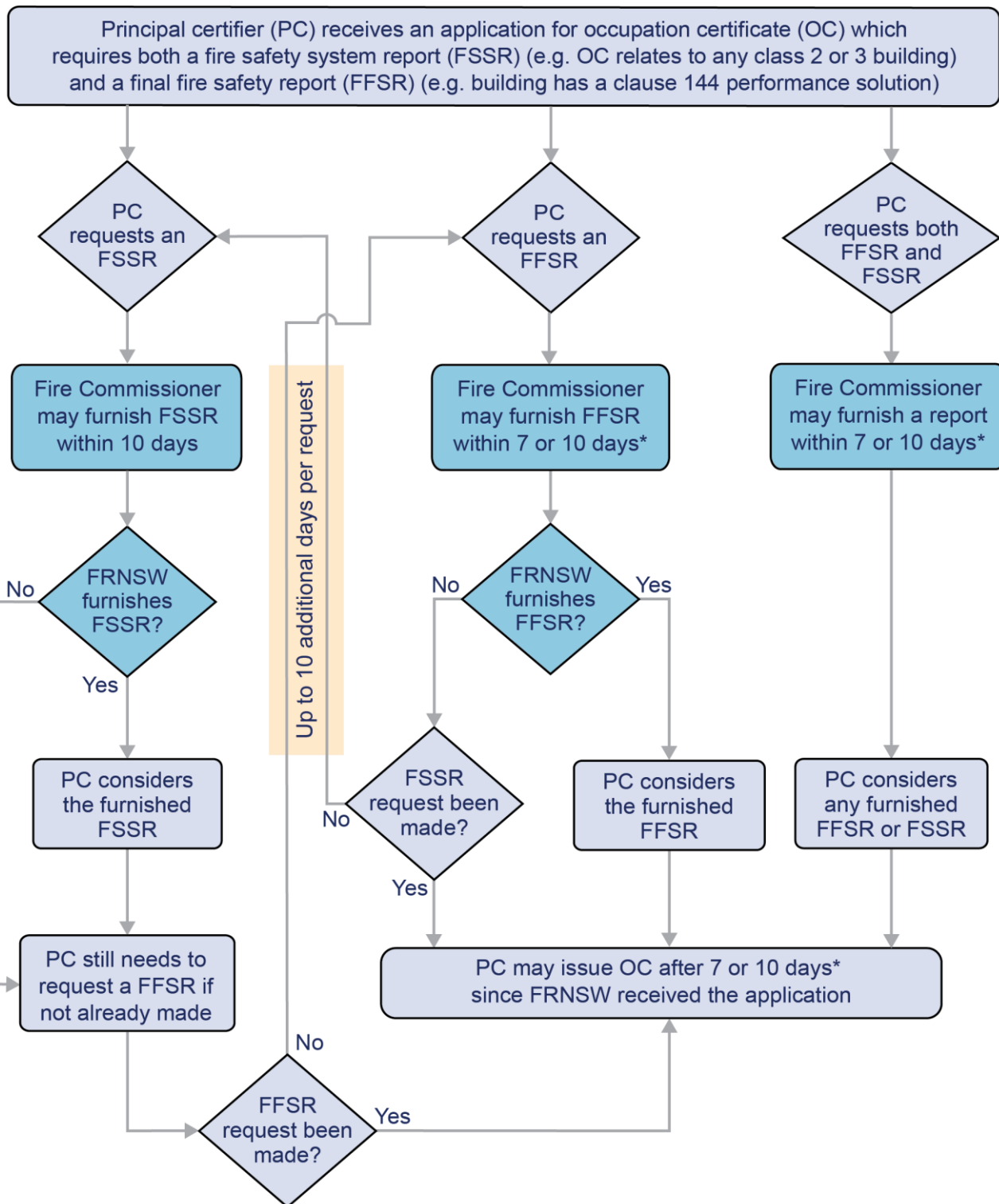
For further information contact the Fire Safety Branch on (02) 9742 7434 or email firesafety@fire.nsw.gov.au.

Appendix A: Process flow charts



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Figure 1 Summary of legislated process



***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.

Figure 2 Summary of FSSR vs FFSR process

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Appendix B: Summary of performance testing

The installer, or the principal certifier if no installer is present, may be asked to demonstrate the system performance of each relevant fire safety system during the inspection, including but not limited to 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)

Performance solutions

- Any performance solution on the relevant fire safety system