

# FIRE SAFETY

Strata+

Supporting liveable and enjoyable communities

Fire safety is a core responsibility of owners corporations and strata committees. It is not simply a matter of compliance with regulations but of life and death. It is one area where a 'near enough is good enough' can be a fatal error.

NSW Fire and Rescue Service (FRNSW) is called to residential strata fires of one form or another daily. Thankfully, the existing passive and active fire suppression and safety measures have usually done their job. But they also see vulnerabilities where things could have turned out very differently.

To mitigate fire risk, NSW legislation, the Building Code of Australia, and Australian Standards set essential requirements for fire safety.

These prerequisites must be met during the construction and adequately maintained and operating correctly post completion by building owners.

## **What is a fire safety measure?**

Means any measure that could be implemented in a building to ensure the safety of persons in the event of fire. This includes:

- Access panels, doors & hoppers to fire-resisting shafts
- Automatic fail-safe devices
- Fire detection & alarm systems
- Fire suppression systems
- Emergency lifts & lighting
- Smoke dampers
- Sprinkler & damper systems

A full list can be found in [Regulation 79 of the Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#).

The specific fire safety measures necessary for a particular building depends on factors such as its size, style, and construction.

Typically, these measures are factored in during the planning and design phase of the development, requiring approval from the local council before construction can commence.

## **What are the requirements for inspecting and testing fire safety measures?**

Regulation 81 of the Environmental Planning & Assessment (Development Certification and Fire Safety) Regulation 2021 imposes a duty on building owners to ensure fire safety measures are maintained, continue to operate and all measures are endorsed on a fire safety statement at least annually.

Fire safety statements confirm the fire safety measures are operating to the standard that is listed on the fire safety schedule.

## **Who carries out inspections & testing?**

Currently, in NSW, there is no mandatory qualification for a person to conduct the routine maintenance of fire safety measures. However, owners should consider using companies and individuals accredited under the Fire Protection Association Australia (FPAS scheme) for the maintenance of safety measures or other industry schemes.

CENTRAL SYDNEY + PARRAMATTA  
SOUTH WEST SYDNEY + NEWCASTLE  
PORT STEPHENS + TWEED BYRON

[strataplus.com.au](http://strataplus.com.au)

# FIRE SAFETY

Strata+

Supporting liveable and enjoyable communities

## TESTING, INSPECTING & CERTIFYING FIRE SAFETY MEASURES

### Who endorses measures on the fire safety statement?

Only fire safety practitioners accredited by the Fire Protection Association Australia (FPAA) can endorse Fire Safety Measures in a building on Fire Safety Statement (Annual or Supplementary).

The [FPAA register](#) should be checked to ensure the person endorsing your fire safety measures hold the accreditation for the specific measure as required by the NSW Building and Development Certifiers Act 2018.

### Types of certification

In NSW there are four certificates and statements which building owners should be aware of:

#### 1. Fire Safety Schedule

Is the responsibility of a council, registered certifier, or another authorised consent authority. The fire safety schedule lists the fire safety measures which are required to be installed in a building and their minimum standard of performance. The fire safety schedule must be prominently displayed in the building.

#### 2. Fire Safety Certificate

Upon completing new construction work, the building owner provides a fire safety certificate attesting that a qualified professional has correctly installed, inspected, and ensured that measures specified in

the fire safety schedule meet the required minimum performance standard listed in the fire safety schedule. The fire safety certificate must be prominently displayed in the building.

#### Fire Safety Statements

Are legal documents issued by or on behalf of a building's owner(s) to confirm that an accredited fire safety practitioner has assessed, inspected, and confirmed each measure continues to perform to the standard listed on the fire safety schedule. There are two main types of fire safety statements:

#### 3. Annual Fire Safety Statements

Are issued annually and cover a schedule of essential fire safety measures applicable to the building. The statement indicates that an appropriately accredited practitioner has conducted and carried out testing and inspections to verify the compliance of each system against the relevant building regulations, codes and/or standards and that the fire safety installations and maintenance adhere to a minimum performance standard.

Each AFSS outlines existing fire safety measures relevant to the building, which can vary significantly from one building to another.

The issuing of a due Annual FSS to council is the responsibility of the

CENTRAL SYDNEY + PARRAMATTA  
SOUTH WEST SYDNEY + NEWCASTLE  
PORT STEPHENS + TWEED BYRON

[strataplus.com.au](http://strataplus.com.au)

# FIRE SAFETY

Strata+

Supporting liveable and enjoyable communities

## TESTING, INSPECTING & CERTIFYING FIRE SAFETY MEASURES

building owners and/or the strata manager or agent.

### 4. Supplementary Fire Safety Statements

Are issued more frequently, as dictated by the fire safety schedule, for any critical fire safety measures applicable to the building. They provide ongoing assurance that each critical fire safety measure specified in the statement assessed by an accredited practitioner (fire safety) measures are functioning as required.

The significance of Fire Safety Statements cannot be overstated when it comes to ensuring the effectiveness fire safety measures within a building. There are fines of up to \$4,000 per week which can be issued for not providing your AFSS to Council on time.

### Fire safety orders

Are mandatory government directives in cases where buildings, particularly those over 40 years old, lack adequate fire safety equipment. They specify the steps to be taken to reduce the risk of fires that could otherwise result in loss of life and property damage. Property owners are legally obliged to carry out the upgrades in response to a fire order.

### Who issues fire safety orders?

The local council usually issues them. Fire and Rescue NSW also has the statutory authority to issue fire orders. These can include Emergency Orders requiring swift action to mitigate fire risk or face court proceedings.

### Working with Council on fire orders

When faced with a fire order, it is crucial to open clear lines of communication with the council to confirm your commitment to fulfilling the order's requirements.

Most councils will allow a degree of negotiation with fire orders in recognition that all buildings are different and that it will take time and money to achieve the desired standard.

Councils and FRNSW have permitted negotiated outcomes that consider the constraints of the building in question. They will help you determine how to prioritise works that impact safety the most.

FRNSW has a [technical information](#) sheet suggesting concessions to Councils to reduce the cost to owners of upgrading fire hydrant coverage to existing buildings.

CENTRAL SYDNEY + PARRAMATTA  
SOUTH WEST SYDNEY + NEWCASTLE  
PORT STEPHENS + TWEED BYRON

[strataplus.com.au](http://strataplus.com.au)

# FIRE SAFETY

Strata+

Supporting liveable and enjoyable communities

## FIRE SAFETY REFORMS

Regulations are progressively being tightened to overcome a history of a lax approach to fire safety compliance. The NSW Building Commissioner is prioritising elevating standards in residential apartments, particularly in fire safety, a key area of defects.

### Accredited practitioners

In July 2020, the government approved the Fire Protection Association Australia (FPAA) accreditation scheme. Only fire safety practitioners accredited by the FPAA scheme are qualified to carry out specific specialised fire safety assessments.

### Fire Safety Reforms 2022

In 2022, a new set of comprehensive fire safety reforms were rolled out for the construction industry, including building owners, developers, fire safety practitioners, certifiers and building practitioners, based on recommendations from the NSW Building Commission's office.

Affect on August 1 2023, was the requirement for Fire Safety Schedules to be issued using a [standardised template form](#).

This aims to create a consistent approach to documenting fire safety measures across different buildings and ensures buildings met necessary standards in their design, certification, and maintenance.

Other measures included involving FRNSW to review non-standard fire safety design proposals, and an independent assessor for newly installed fire safety measures.

### Corrections to fire safety schedules

From 13 February 2023 a fire safety schedule can be re-issued to correct minor errors, omissions or to replace a missing schedule.

Previously, the only pathways for the correction of an incorrect FSS was through a fire safety order with an amended schedule, or a complying development certificate.

### Fire Safety Reforms 2025

From 13 February 2025 owners will be obligated to uphold essential fire safety measures in all building types (excluding single dwellings) to Australian Standard 1851-2012 requirements. Routine fire protection systems and equipment service must specifically adhere to maintenance activities covered by this standard. The measures listed on the fire safety certificate will also need to be endorsed by an accredited person.

In addition, owners need to maintain records on-site for at least seven years and allow inspection by FRNSW or council. Fines of up to \$66,000 for maintenance neglect and up to \$33,000 for not having records on-site or accessible is applicable.

CENTRAL SYDNEY + PARRAMATTA  
SOUTH WEST SYDNEY + NEWCASTLE  
PORT STEPHEN + TWEED BYRON

strataplus.com.au

# FIRE SAFETY

Strata+

Supporting liveable and enjoyable communities

## FREQUENTLY ASKED QUESTIONS

### **Who should we contact if we have concerns about our buildings fire safety?**

If residents have specific concerns about fire safety in their building, they can contact [FRNSW](#).

### **How do we find a qualified fire assessor at a reasonable cost?**

Strata Plus has established specialised compliance team to assist you navigate fire safety issues and obtain competitive quotes from suitably qualified and accredited specialists.

Opting for the cheapest quote without considering the comprehensive inspection and rectification work required for all fire safety measures is a misguided cost-saving strategy. A quote that promises to do the inspection and issue a certificate on the same day is a red flag. If it does not look right, seek a second opinion.

### **Do we need a fire warden on each floor like in office buildings?**

Residential strata buildings do not typically need a dedicated fire warden, however in some instances fire wardens may be required as part of the approved performance-based design of the building. [FRNSW](#) has many helpful tips for home fire safety.

### **What must be budgeted for to prepare for the 2025 changes?**

This will depend on how much you already use an appropriately qualified and accredited practitioner and whether your current fire systems are installed and maintained to the relevant Australian standard.

A starting point might be obtaining an independent review of your current fire safety schedule and identifying areas where additional maintenance, testing, inspection, or other measures may be needed to comply and then budget accordingly. Amendments to legislation have been delayed intentionally, allowing owners corporations to review existing maintenance contracts and make necessary adjustments before the Regulation changes become effective.

### **Does the requirement to use an accredited person for the purposes of a fire safety certificate already apply?**

No. This requirement does not apply until 13 February 2025 or 18 months after an accreditation scheme is approved (whichever occurs first). Stakeholders will be notified when an accreditation authority and scheme has been established.

CENTRAL SYDNEY + PARRAMATTA  
SOUTH WEST SYDNEY + NEWCASTLE  
PORT STEPHENS + TWEED BYRON

[strataplus.com.au](http://strataplus.com.au)

# FIRE SAFETY

Strata+

Supporting liveable and enjoyable communities

## FREQUENTLY ASKED QUESTIONS

### How can we ensure all units provide access for annual inspections?

Safety is a shared responsibility. Any unit with a faulty alarm or sprinkler system represents a danger to the entire building, as these are the primary safety measures to prevent fires from spreading. Strata committees should do everything they can to promote unit access during annual inspections, utilising all available channels, including notices, apps and web portals.

Investors should ensure their property managers are actively assisting to obtain access to tenanted units. Absentee owners should designate a building manager or neighbour to aid with access.

### What is the role of a building manager relating to fire safety?

Building managers are not usually accredited to conduct fire safety inspections or certifications but will need to work closely with those professionals and assist with access and knowledge of the building during annual or any more frequent fire inspections that may be required. They can also play a key role in identifying, reporting and remediating any defects or urgent maintenance issues outside the regular inspection cycle.

### Will installing EV charging create a new fire hazard?

Electric vehicles (EVs) and lithium batteries pose fire risks that global authorities are starting to address. Electric scooter lithium batteries have already triggered several strata fires and owners corporations are considering by-laws to regulate charging in units.

While there is no evidence that EVs create more fire risk than internal combustion engines, it is already well understood that sprinkler or hydrant discharge will not control a fire from this type of battery.

FRNSW is developing strategies to reduce risks of EVs to ensure an effective response. They advise to stay updated with the [latest guidance](#) for installing charging facilities in existing buildings and suggest installing smoke or heat alarms in garages with regular EV usage, interconnected with building fire systems.

### What triggers a change to an existing schedule?

The most common reason for amending a schedule is the discovery of a discrepancy between the schedule and the actual measures installed in the building. Schedules also need to be amended when measures are upgraded or changed or there are modifications to the building or changes of use that require different levels of protection.

CENTRAL SYDNEY + PARRAMATTA  
SOUTH WEST SYDNEY + NEWCASTLE  
PORT STEPHENS + TWEED BYRON

[strataplus.com.au](http://strataplus.com.au)

# FIRE SAFETY

Strata+

Supporting liveable and enjoyable communities

## FREQUENTLY ASKED QUESTIONS

### What are the main legislation, standards applicable to fire safety?

- Environmental Planning and Assessment Act 1979 (EP&A Act)
- Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021
- National Construction Code (NCC)
- NSW Building and Development Certifiers Act 2018

### Who are the main governing bodies?

- Planning NSW provides the overall policy framework.
- Local councils have responsibility to ensure buildings are compliant
- **Fire and Rescue NSW (FRNSW)** has powers to enforce regulations and provide technical support
- **Fire Protection Association Australia (FPA Australia)** is the peak body representing and accrediting fire protection practitioners.

### Our panellists

Thanks to our esteemed panel who collectively shared their expertise and experience on managing fire safety measures and shedding light on the recent, and upcoming reforms at our recent webinar.

- Paul Waterhouse  
**Fire Protection Association Australia (FPAA)**
- Stephan Netting  
**Fire & Rescue NSW**
- Michael Barnes  
**Credwell (Fire & Risk)**
- Adrian Cencigh  
**A Plus Fire**
- Paul Davey  
**Eagle Fire**
- David Bolt  
**WSce (Fire, Hydraulic & Water Engineers)**
- Jorge Fernandez  
**Owners Corporation Network (OCN)**
- Thanks also to our Moderator, Mark Lever **Strata Plus**, and our partner in the webinar, **OCN**.

CENTRAL SYDNEY + PARRAMATTA  
SOUTH WEST SYDNEY + NEWCASTLE  
PORT STEPHENS + TWEED BYRON

strataplus.com.au