



# NSW FIRE SAFETY REFORMS - WHY WE NEED IT AND HOW IT WILL IMPACT BUILDING OWNERS, CERTIFIERS AND FIRE PROTECTION COMPANIES

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# OUTLINE



## Issues with the current system

- Design
- Installation
- General

## Changes based on the Government objectives and findings

# THE CURRENT SYSTEM



## Current Certification Issues – Design

- Varying standards between Certifying Authorities and designers
- Schedule 1 requirements of EPAR deficient / lacking
- Inconsistent deliverables by different designers
- Builders / Developers looking for the cheapest way out
- Design statements rather than certified documentation
  - Further design causes non compliance with the DA etc
  - Causes underquoting of systems hence incorrect allowances made
  - Compliance may not be achievable at full design stage

# THE CURRENT SYSTEM



## Current Certification Issues - Installation

- Varying requirements between different Certifying Authorities and designers
- Follows the fire safety certificate requirements for buildings
- Acceptance of certificates where
  - may be incomplete works by installers
  - Certificates are incorrect
  - Installed work is non compliant
  - Persons issuing certificates not qualified to do so
  - Installers are not insured

# THE CURRENT SYSTEM



## Current Certification Issues - Generally

- Accountability of designers and installers
- Pressure to complete due to program is not the PCA's problem
- Misconception that the PCA knows all the Australian Standards and requirements of systems
- Plans and specifications are inadequate
- Other designers may need to redesign due to lack of adequate detail
- Amendments to DA's due to increases in specials for services etc
- Late fire engineering to justify omissions by designers and installers
- General construction industry lack of understanding of expectations

# GOVERNMENTS' PROPOSAL



## The current proposal – public consultation draft

- Environmental Planning and Assessment Amendment (Fire Safety and Building Certification) Regulation 2017
- Roundtable middle of last year with Minister Dominello by major stakeholders
- Issued for comment December 2016
- Comments closed end of January 2017
- AAC, AIBS, FA, SFS etc have put in submissions
- Awaiting next round of discussions due in the next month or two

# GOVERNMENTS' PROPOSAL



## How has this come about ?

- Maltabarow report outcomes and recommendations
- Lambert report outcomes and recommendations
- Common findings
  - Findings of deficiencies in the approvals process
  - Clarity in roles of persons in the approval and certification system
  - Need for accountability
  - Need for better guidance to industry
  - Lack of industry understanding of expectation legislation and roles

# GOVERNMENTS' PROPOSAL



## Reform intent

- improve rigour in the certification process
- strengthen and streamline building safety maintenance regulation
- improve certainty for approvals of changes to existing buildings
- clarify roles and responsibilities
- and provide better support for Certifying Authorities, certifiers of systems and the industry generally



# GOVERNMENTS' PROPOSAL



## The draft regulation changes proposed

- Introduce competent fire safety practitioners in certain specialist fire safety functions.
- Require submission of plans and specifications for relevant fire safety system works relating to class 2 – 9 buildings rather than design intent statements
- Allow limited exemptions from compliance with some BCA standards relating to relevant fire safety system work to existing buildings.
- Require new critical stage inspections for class 2 – 9 buildings.

# GOVERNMENTS' PROPOSAL



## Additionally

- Require new inspections of fire safety system work relating to Class 2 and 3 buildings by Fire and Rescue NSW before OC
- Require a Performance Solution report for all fire safety performance solutions for class 1b – 9 buildings
- Require more information to be provided at approvals stages ie at CC CDC and OC stages
- Require fire safety certificates and statements to be in a form approved by the Secretary of the Department of Planning and Environment (DPE).
- Require competent fire safety practitioners to compile annual fire safety statements

## What does this mean ?

Intent is to establish a **co regulatory accreditation framework** that may require that industry bodies and their accreditation schemes

- Be responsible for the code of conduct
- Ensure members are insured and accountable
- Administer their scheme in accordance with Government guidelines

# CHANGES AND IMPACT



## Competent fire safety practitioner (cfsp)

New term in the regulations for fire safety system

- designers
- installers and
- any persons involved in the maintenance of fire safety systems

Includes

fire engineers, mechanical, electrical, hydraulic, plumbing and the like services engineers, designers and installers of systems

# CHANGES AND IMPACT

**relevant fire safety system** means any of the following:

- (a) a hydraulic fire safety system within the meaning of clause 165,
- (b) a fire detection and alarm system,
- (c) a mechanical ducted smoke control system.

**hydraulic fire safety system** means:

- (a) a fire hydrant system, or
- (b) a fire hose reel system, or
- (c) a sprinkler system (including a wall-wetting sprinkler or drencher system), or
- (d) any type of automatic fire suppression system of a hydraulic nature,

that is installed in accordance with a requirement of, or under, the Act or any other Act or law (including an order or a condition of an approval or some other sort of authorisation).

## Submission of fire safety system plans and specifications

The changes will require that **before** installing, extending or modifying relevant fire safety systems, the **plans and specifications** for the fire safety system work **must**;-

- be endorsed by a **competent fire safety practitioner** as compliant with relevant requirements
- **submitted** to the certifying authority prior to the work commencing
- the specifications must **describe any performance solutions** that apply to the system.

## Limited exemptions from compliance to existing systems

- Minor exemption to alteration to existing systems where to older Australian Standards are in place and cannot fully comply with current BCA requirements.
- Strict compliance may be unreasonable and unnecessary in these cases and may impose unreasonable costs.
- Certifying authorities can be provided with submissions on exemption based on
  - the certifying authority being satisfied that the non-compliance will not reduce the operational performance of the existing fire safety system;
  - another independent ‘competent fire safety practitioner’ has endorsed the proposed BCA variation.
  - CA does not need to accept the submission.

# CHANGES AND IMPACT

## New critical stage inspections

### Fire compartmentation class 2 – 9 buildings

- Requires work **be inspected prior to the covering** of fire protection at service penetrations.

### Extent

- a minimum area of 20 percent of the total floor area of the storey.

### Includes, but not limited to :

fire doors, panels and hoppers,  
fire seals,  
fire dampers and

fire stop collars,  
fire pillows,  
fire spray



## New critical stage inspections

### Apartment bounding walls class 2, 3 and 4 buildings

- Requires work be inspected **prior to the covering of the junction** of any fire-resisting construction between or bounding a sole-occupancy unit, and any other building element

### Extent

- A minimum of 30 percent of sole occupancy units on each storey of the building containing sole-occupancy units.

### Includes

- the type and compliance of the bounding construction installation,
- gaps where the construction abuts other building elements.

## **Pre OC Fire and Rescue NSW inspections for class 2 and 3**

### **Application**

- Any work affecting the building where there are changes to the relevant fire safety measures
- PCA must notify Fire and Rescue NSW within 2 days after receipt of the OC application
- Fire and Rescue NSW have 10 days to respond and provide a report
- PCA cannot release the OC before the 10 days have lapsed.

### **If Fire and Rescue NSW agree to inspect they must state whether they are satisfied**

- that the relevant fire safety system is capable of performing to at least the standard in the current fire safety schedule for the building
- that any fire hydrant will be accessible for use by Fire and Rescue NSW, and
- that any coupling in the fire hydrant system will be compatible for use

## Issue of fire safety certificates

### Fire safety certificate benchmarks the fire safety measures in a building

- issued by or on behalf of the building owner and verifies that each new and existing measure has been assessed by a properly qualified person (chosen by the owner), and
- was found when assessed to be capable of performing to at least the standard specified in the current fire safety schedule.

### Changes proposed

- regulations will require that fire safety certificate assessments be carried out by competent fire safety practitioners
- standardise the form of the fire safety certificate for all buildings
- Must include the fire engineering for the building

## Performance solutions – documentation

**Currently a very limited outline** of what is required in documentation for performance solutions

- Outline is under cl144a of the regulations where a fire engineering report is required
- Documentation to be included on issue of Construction Certificate or Occupation Certificate.
- Led by the Fire and Rescue NSW requirements for submission rather than regulation

## Performance solutions – documentation

### Changes proposed

- A record of the performance solutions is to be maintained and details prescribed on the CC, CDC and OC documentation
- Certifying authority to validate the content and correctness of the report and that the report coordinates with the drawings and specifications
- Certifying authority to endorse the report
- PCA to inspect the building against the requirements of the performance solution report
- PCA can rely on Certification from the CFSP

# CHANGES AND IMPACT



## Fire safety statements

### Changes proposed

- The fire safety statement assessment and reports for all buildings needs to be carried out by a competent fire safety practitioner
- Will need to also reflect the fire engineering to the building

## For Certifying Authorities and PCA's

- Higher reliance on qualification of persons
- Better level of documentation
- Larger scope in terms of assessment and coordination of documentation for approvals
- Larger scope for inspections
- More transparency of capability and accountability of involved persons
- Better guidance on documentation across the board
- Unfortunately more cost and red tape for the industry