



Fire Safety Charging Policy

Community Safety
Field Operations Division

Policy no CS04-005
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Contents

1	Purpose	3
2	Scope and application.....	3
3	Legal and policy framework	3
	3.1 Legal framework	3
	3.2 Policy framework	4
	3.3 Policy principles	5
4	FRNSW Charging.....	5
	4.1 Charging Types	5
	4.2 Charging Method	6
	4.3 Charging government agencies.....	7
5	Exemptions, Waivers and Appeals	7
	5.1 Exemption from Charges.....	7
6	Debt Recovery Process.....	8
7	Roles and Responsibilities	8
	7.1 Fire Safety Branch Staff	8
	7.2 Managers Fire Safety Branch.....	8
	7.3 Business Support Co-ordinator	8
	7.4 Chief Superintendent Fire Safety	8
	7.5 Commissioner and delegated staff.....	9
8	Further information	9
	8.1 Document control.....	10
	8.2 Revision history	10
	8.3 Appendix 1 - Charging Method A. Schedule 2	11
	8.4 Appendix 2 - Charging Method F. Schedule 3	11

1 Purpose

The current Policy for the charging for Fire Safety Services can be found in Clause 46 and 48 of the *Fire Brigades Regulation 2014*.

The purpose of this document is to provide guidance to Fire & Rescue New South Wales (FRNSW) staff regarding the application of that policy and the process for charges to be waived.

2 Scope and application

This policy applies to all Fire Safety Applications received by FRNSW.

This Document applies to officers delegated by the Commissioner under section 14 of the Delegations Manual together with other administrative and operational support staff involved in providing or processing chargeable fire safety services under the *Fire Brigades Regulation 2014*.

This Document excludes those regulatory functions of a compliance nature that involve issuing of orders under the *Environmental Planning and Assessment Act 1979* and any associated penalty infringement notices or other fines that may apply.

3 Legal and policy framework

3.1 Legal framework

A number of Regulations and Legislation apply to the current Policy:

- The *Building Professional Act 2005* regulates accredited certifiers and as part of disciplinary provisions can impose conditions on the accreditation of a certifier. These may include a requirement for fire safety matters dealt with by the certifier to be assessed by FRNSW above and beyond requirements under clause 144 of the EP&A Regulation.
- The *Environmental Planning and Assessment Regulation 2000* provides for a number of reports that must be supplied by the Fire Commissioner.
 - Clause 144 relates to an Initial Fire Safety Report (IFSR) on the adequacy of a performance solution to the prescriptive NCC), which must be provided to certifying authorities when a construction certificate is sought.
 - Clause 152 relates to a Final Fire Safety Report (FFSR) provided to the certifying authority when an occupation certificate is sought.
 - Clause 152A relates to a Fire Safety System Report (FSSR) when an occupancy certificate is required for a class 2 or 3 building and works involved installing, extending or modifying fire safety systems
 - Clause 188 relates to exemptions from fire safety standards that may be unreasonable or unnecessary in certain specific circumstances.
- *Environmental Planning and Assessment Act 1979*
 - Section 109R requires certification of Crown building work to ensure that it complies with the technical provisions of the State's building laws which include the NCC.
 - Ministerial conditions for consent for State Significant Development may also require referral to FRNSW.

- Clause 66 of the *Explosives Regulation 2005* requires a licensee storing more than 50kg of explosives or more than 50 tonnes of security sensitive dangerous substances to provide a draft emergency plan to the Commissioner and have regard to any written advice provided.
- *Fire and Rescue Act 1989*
 - Section 42 entitles the Commissioner to payment for certain services performed. This includes under s42(1)(c), the furnishing of any advice or report concerning fire prevention or protection. The charge for these services is as prescribed in Part 5 of the regulations.
 - Section 43 provides for a waiver of any charge at the Commissioner's discretion by such a proportion as is thought fit having regard to matters considered relevant.
- Clause 46 of the *Fire Brigades Regulation 2014* (hereafter, the Regulation) provides specific charges for statutory fire safety involving development assessment. Other services not specifically covered by clause 46 are covered by clause 48.
- The *Hazardous Industry Planning and Assessment Guidelines (HIPAP)* describe the process for integrated risk assessments that are required for consideration under the EPA Act and Regulations and some *State Environmental Planning Policy*. These involve preliminary and final hazard analyses as well as fire safety studies.
- Clause 174ZC of the *OHS Regulation 2001* requires emergency plans be developed for premises where dangerous goods are stored and handled in specified quantities with a copy of the Emergency Plan to be lodged with FRNSW.

3.2 Policy framework

The National Construction Code and the International Fire Engineering Guidelines (IFEG) both deal with the development of fire engineered building designs that constitute a performance solution meeting the performance requirements of the National Construction Code. Some of these performance requirements are specifically cited as Category 2 under the *Environmental Planning and Assessment Regulation 2000*.

In developing this policy, FRNSW has taken into account:

- NSW Treasury Circular TC12-16, [Goods and Services Tax \(GST\) regulations exempting certain government taxes, fees and charges \(Division 81 of the GST Act\)](#).
- NSW Treasury Policy and Guidelines Paper TPP 07-3, [Service costing in general government sector agencies](#)
- Treasury Directions 93/4 and 85/5 – *Recovery of Debts due to the State*

3.3 Policy principles

The objectives and principles of this policy are as follows:

1. FRNSW may charge for all applications which meet the legislative criteria set out in Section 3 above, subject to these principles.
2. Waiver or reduction of charges is by exception and requires approval by the Commissioner or a delegated officer in accordance with FRNSW's Delegations Manual. Requests for waivers must be received within 30 calendar days from date of invoice. Waivers are forwarded to Community Safety Administrative Unit, Field Operations, which will then liaise with the Chief Superintendent Fire Safety.
3. A process is available for parties wishing to apply for a waiver or reduction of charges (see Section 5).

4 FRNSW Charging

4.1 Charging Types

The following table provides a list of all services (Job Types) provided by the Fire Safety Branch. Note that this document is primarily concerned with chargeable services (as indicated in the following table).

Job Type	Title	Website
FEBQ Fire Engineering Brief	Fire engineering brief consultation	https://www.fire.nsw.gov.au/page.php?id=9154
FFSR Final Fire Safety Rpt	Final fire safety report	https://www.fire.nsw.gov.au/page.php?id=9150
IFSR Initial Fire Safety Rpt	Initial fire safety report	https://www.fire.nsw.gov.au/page.php?id=9149
FSSR Fire Safety System Rpt	Fire Safety System Report	https://www.fire.nsw.gov.au/page.php?id=585
Emergency Plan	Lodge an emergency plan	https://www.fire.nsw.gov.au/page.php?id=9159
Fire Safety Complaint	Lodge a fire safety complaint	https://www.fire.nsw.gov.au/page.php?id=9162
Notification of Radiation Gauge	Lodge radiation gauge notification	https://www.fire.nsw.gov.au/page.php?id=9160
Meeting	FRNSW meetings	https://www.fire.nsw.gov.au/page.php?id=9193
Joint Inspection	Request a joint inspection	https://www.fire.nsw.gov.au/page.php?id=9165
Maritime Lease Inspection	Request a maritime lease inspection	https://www.fire.nsw.gov.au/page.php?id=9164
FS Matter on Occupied Building	Comment on an occupied building	https://www.fire.nsw.gov.au/page.php?id=9163
Rpt – BPB Condition	BPB Condition Report	https://www.fire.nsw.gov.au/page.php?id=9178
Rpt – Condt of Dev Consent	FRNSW report (other) application – Condition of consent	https://www.fire.nsw.gov.au/page.php?id=9156

Rpt – Cladding Review	FRNSW report (other) application – Cladding review	https://www.fire.nsw.gov.au/page.php?id=9156
Fire Safety Exemption	Fire safety exemption	https://www.fire.nsw.gov.au/page.php?id=9155
Rpt – EIS	FRNSW report (other) application – Environmental impact study	https://www.fire.nsw.gov.au/page.php?id=9156
Rpt – Fire Safety Study	FRNSW report (other) application – Fire safety study	https://www.fire.nsw.gov.au/page.php?id=9156
Rpt – Inspectn/System Test	FRNSW report (other) application – Inspection or system test	https://www.fire.nsw.gov.au/page.php?id=9156
Rpt – Other	FRNSW report (other) application - Other	https://www.fire.nsw.gov.au/page.php?id=9156

4.2 Charging Method

Charges for providing Fire Safety Services are summarised as follows:

Charging Method

A. As per Clause 46(1) of the Regulation

The charge prescribed for the provision of an Initial Fire Safety Report in respect of a development is the amount specified in Column 2 of Schedule 2 opposite the estimated cost of the development specified in Column 1 of that Schedule. (See Appendix A)

B. As per Clause 46(2) of the Regulation

(a) in the case of an initial inspection, \$215 plus, if the inspection takes more than 2 hours (including time spent travelling to and from the premises), \$200 for each additional hour, or part of an hour, of the inspection. Travelling time to and from FRNSW Head Office (or nearest Zone management premises in regional areas) are included in the time calculation.

(b) in the case of a re-inspection, \$430 plus, if the re-inspection takes more than 2 hours (including time spent travelling to and from the premises), \$200 for each additional hour, or part of an hour, of the re-inspection.

C. As per Clause 46(3) of the Regulation

For each assessment of a Building Code of Australia Category 2 fire safety provision by the Commissioner or a fire brigade member is \$180. This charge will be applied once only per assessment, irrespective of how many alternative solutions apply to that Category 2 provision. e.g. If an application has four alternative solutions which impact on the hydrant system (EP1.3) FRNSW will charge 1 x \$180 for the EP1.3 assessment, not 4 x \$180.

Category 2 fire safety provision means the following provisions of the Building Code of Australia, namely, CP9, EP1.3, EP1.4, EP1.6, EP2.2 and EP3.2 in Volume One of that Code.

D. As per Clause 46(4) of the Regulation

for attendance by the Commissioner or a fire brigade member at a fire safety meeting in connection with a development or proposed development is \$200 for each hour, or part of an hour, of the meeting. Charged per person.

E. As per Clause 46(5) of the Regulation

\$2,600 for each day (or part of a day) spent by the Commissioner or a fire brigade member providing advisory, assessment or consultancy services (for which a fee is not otherwise prescribed by this clause) in respect of:

- (a) State significant infrastructure (within the meaning of section 5.12 of the Environmental Planning and Assessment Act 1979), or
- b) Crown building work (within the meaning of section 6.28 of the Environmental Planning and Assessment Act 1979), or
- (c) other development

F. As per Clause 48(1) of the Regulation

The charges prescribed for the performance of any other service specified in section 42 (1) of the Act (not being a service for which a charge is otherwise prescribed by this Part) are:

in relation to each fire brigade member performing the service, the charge per hour specified in Column 2 of Part 1 of Schedule 3 opposite the rank of the member concerned (see Appendix B)

4.3 Charging government agencies

FRNSW may charge other government agencies in accordance with *Fire and Rescue NSW Act 1989* and the Regulation or alternatively with an MOU, where one exists.

5 Exemptions and Waivers

Consideration can be given to a charge being waived or reduced for:

- Hardship (evidence must be provided)
- If the charge that has been levied is incorrect

In both cases, a formal application in writing must be lodged within 30 calendar days from the FRNSW invoice date. Verbal or other informal appeals will not be considered.

Documentation substantiating the grounds for waiver should be included with the application.

5.1 Exemption from Charges

All Fire Safety services will be automatically charged, except for the following services that are exempt (i.e. no invoice will be issued):

- **Lodgement of Fire Safety Concerns and Lodgement of Hoarding or Squalor Fire Concern.** These are complaints and are not to be confused with requests for fire safety inspections from the landlord or owner, which are chargeable as in **Request for Report - Other (RR-OTH)** in relation to premises subject to a Fire Safety Order or notice of intention to serve one.

In addition, the following forms are required to be lodged with FRNSW and are exempt from charges:

- **Lodgement of Radiation Gauge (L-RG)**
- **Lodgement of Emergency Plan (L-EP)**

5.1.1 Government Agencies

Charges may apply to all Government Agencies and are not automatically exempt from charge. Agencies seeking a waiver will need to lodge a formal request.

Charges may also apply to the Commonwealth Government Agencies unless charges are specifically covered by a MOU between FRNSW and the agency

6 Debt Recovery Process

Fire Safety Administration will manage the pursuit of bad debts, in consultation with FRNSW Finance for all debts up to 60 days.

All debts exceeding 60 days may be forwarded to an external third party for debt collection purposes and resolution.

7 Roles and Responsibilities

7.1 Fire Safety Branch Staff

Fire Safety staff members are responsible for recording details of jobs performed in an accurate, complete and timely manner in SAP CRM, to facilitate charging.

7.2 Managers Fire Safety Branch

The Managers of the Fire Safety Branch are responsible for:

- Providing advice/input to the Chief Superintendent Fire Safety
- Providing charging guidance to Fire Safety staff where required.

7.3 Business Support Co-ordinator

Business Support Co-ordinator (supported by Admin staff) is responsible for:

- In-putting all application forms into SAP CRM.
- Verifying job data, following up on incomplete or incorrect information.
- Running the billing and generating invoices.
- Addressing and queries from customers and following up with the Fire Safety Branch Managers
- Receiving and recording the workflow for Waiver Requests
- Notifying customers of the outcome of Waiver Requests
- Generating reports from SAP CRM for statistical reporting.

7.4 Chief Superintendent Fire Safety

The Chief Superintendent Fire Safety is responsible for:

- Determining exemptions and requests for waiver, in consultation with the Fire Safety Branch Managers.

7.5 Commissioner and delegated staff

The Commissioner and any delegated staff are responsible for deciding whether to approve requests for waivers or reduction of charges.

8 Further information

For further information on this policy contact Community Safety Business Support Coordinator, Field Operations on 02 9742 7514 or email CommunitySafety.BusinessSupport@fire.nsw.gov.au

8.1 Document control

Policy Manager	Assistant Commissioner Community Safety
Contact Officer	Business Support Co Ordinator Community Safety
Contact No	9742 7514
Document type	Policy
Applies to	<input checked="" type="checkbox"/> Firefighters <input type="checkbox"/> Community Fire Unit Members <input checked="" type="checkbox"/> Administrative and Trades Staff <input checked="" type="checkbox"/> Contractors and Consultants
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Rescinds	V4 Fire Safety Charging Policy
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8.2 Revision history

Version	Date	Status	HPE RM Ref	Details
Draft Version 06	1/07/2021	FINAL		

9 Appendix 1 - Charging Method A. Schedule 2

Column 1	Column 2
Estimated cost of development	Amount
Up to and including \$250,000	\$500
\$250,001–\$500,000	\$500, plus an additional \$0.40 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$250,000
\$500,001–\$1,000,000	\$600, plus an additional \$0.30 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$500,000
\$1,000,001–\$10,000,000	\$750, plus an additional \$0.20 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$1,000,000
More than \$10,000,000	\$2,550, plus an additional \$0.10 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000

10 Appendix 2 - Charging Method F. Schedule 3

Column 1	Column 2
Rank of member of fire brigade	Amount per hour per member
Fire safety engineer	\$200
Chief superintendent or above	\$132
Building surveyor	\$130
Engineer	\$130
Fire safety manager	\$125
Superintendent	\$121
Fire safety team leader	\$110
Inspector	\$99
Fire safety officer	\$90
Station commander or captain	\$83
Firefighter	\$66