



Final fire safety report (FFSR) process

1 Purpose

This technical information sheet outlines Fire and Rescue NSW (FRNSW) procedures for the final fire safety report (FFSR) as required under [clause 152](#) of the *Environmental Planning and Assessment Regulation 2000 (EP&A Reg.)*.

2 Scope

This technical information sheet details:

- (a) FRNSW procedures for the FFSR process
- (b) legislated responsibilities of the principal certifier regarding the FFSR 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 building to which [clause 144](#) of the *EP&A Reg.* applies and for which an application for OC has been received.

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

The principal certifier is to check the *EP&A Reg.* savings and transitional provisions to determine applicability of any new provisions on existing consent.

Note: Requirements depend on savings and transitional provisions applying to existing consent, such as the timeframe being either seven (7) or ten (10) day period.

Within this document, any reference to FRNSW is a reference to the Fire Commissioner. All short form references such as [[cl152](#)] relate to the *EP&A Reg.* unless identified otherwise.

4 Background

Since 2001, the *EP&A Reg.* has included provisions for FRNSW to provide a report on building works in respect of Category 2 fire safety provisions. FRNSW conducts an inspection of the building and provides its findings within the furnished report.

In 2015 the *EP&A Reg.* was amended to give the Fire Commissioner discretion as to whether an FFSR will be provided [[cl152\(4\)](#)].

On 1 October 2017, the *EP&A Reg.* was amended again to include new fire safety and building certification provisions.

On 22 October 2018, [clause 144](#) of the *EP&A Reg.* was amended to include new fire safety provisions regarding external combustible cladding.

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 FFSR from FRNSW

- 5.1 The principal certifier must request an FFSR from FRNSW as soon as practicable after receiving an application for OC for an applicable building (refer to section 3) [cl152(2)].
- 5.2 FRNSW requires the principal certifier to complete and submit the *FFSR application form* when requesting the FFSR. The form is available online at firesafety.fire.nsw.gov.au.
- 5.3 For preparing the written report, FRNSW requires the following documentation to be provided with the FFSR 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 fire safety certificate
 - (c) a copy of the current fire safety schedule as per the relevant construction certificate (CC) applicable for the building works
 - (d) a copy of the performance solution report version attached to the fire safety schedule.
- 5.4 Upon receiving the FFSR application, FRNSW will determine whether or not an FFSR for the building is to be furnished [cl152(4)].
- 5.5 FRNSW will furnish any FFSR within seven (7) or ten (10) days of FRNSW receiving the FFSR application [cl152(5)].
- Note:** FRNSW will not furnish an FFSR outside this period (e.g. you cannot apply for an FFSR in two weeks' time). FRNSW staff do not work on weekends; the number of business days available to furnish an FFSR is less than the legislated days.
- 5.6 As a courtesy, FRNSW will notify the principal certifier if the FFSR is not being provided. However, the principal certifier still cannot issue an OC within the seven (7) or ten (10) day time period [cl152(5)].
- 5.7 If a fire safety system report (FSSR) has been furnished for the building, FRNSW does not have to prepare a separate FFSR for the same building [cl152(5A)].
- Note:** If the application for OC pertains to a building to which both an FSSR and FFSR applies, the FFSR will take highest priority and the FSSR is unlikely to be furnished. However, even if an FSSR has been furnished the principal certifier still has to request the FFSR for the same given application for OC (refer to Figure 3).

6 Function of the FFSR

- 6.1 The FFSR is a written report specifying whether FRNSW is satisfied that:
- (a) the building work complies with any performance solution in respect of a Category 2 fire safety provision that was the subject of the CC
 - (b) fire hydrants in the fire hydrant system will be accessible for use
 - (c) all couplings in the fire hydrant system will be compatible with FRNSW [cl152(6)].
- Note:** The FFSR is not a final inspection report on all fire safety compliance within the building nor is it to be solely relied on when determining the OC.
- 6.2 To assess whether such building works are satisfactory, FRNSW will undertake an inspection with at least two FRNSW staff.
- 6.3 As a matter of diligence, FRNSW will check recommendations from any applicable initial fire safety report (IFSR) to determine whether conditions were adopted on the relevant CC, and whether such conditions have been complied with as part of the building works.
- 6.4 The principal certifier must take the FFSR into consideration when determining the application for OC, and whether the building (or part of) is suitable for occupation [cl152(5)].

7 Obligations on principal certifier

7.1 Before applying for the FFSR

- 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 Any compliance certificate by a fire safety engineer stating that building work relating to a performance solution is completed and complies with the performance solution [cl152B(b)], must be submitted to the principal certifier with the corresponding application for OC.
- 7.1.5 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)].
- 7.1.6 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 FFSR.

Note: Doing the final critical stage inspection prior to applying for the FFSR will ensure that building works are complete and ready for inspection by FRNSW.

7.2 Performance solution report (PSR)

- 7.2.1 If the PSR relates to a performance solution in respect to any requirement set out in EP1.4, EP2.1, EP2.2, DP4 and DP5 of the BCA, and the building is:

- (a) a class 9a building having a total floor area of 2,000m² or more, or
- (b) a building (other than class 9a) having a fire compartment with a total floor area of more than 2,000m², or
- (c) a building (other than class 9a) having a total floor area of more than 6,000m²,

then a fire safety engineer must provide a compliance certificate or written report that includes a statement that the building work relating to the performance solution has been completed and is consistent with that performance solution [cl152B(b)].

- 7.2.2 Although not listed, the principal certifier should request the written report from the fire safety engineer be provided with the application for OC as supporting evidence [cl149A(1)].
- 7.2.3 Irrespective of any compliance certificate or written report from a fire safety engineer, the principal certifier must also be satisfied that relevant building work was constructed or installed in accordance with the performance solution before issuing an OC [cl152B(a)].

Note: The principal certifier should check building works when undertaking their final critical stage inspection and not rely solely on the fire safety engineer's certificate or report.

- 7.2.4 If the OC relates to existing consent as per the savings and transitional provisions, the certifying authority must obtain or be provided with a compliance certificate or written report issued by the fire safety engineer stating that building work relating to a performance solution is completed and consistent with the performance solution [cl153A(1)].

7.3 Managing building variations and defects

- 7.3.1 The principal certifier is reminded that under [section 6.8\(2\)](#) of *EP&A Act 1979*, a valid CC cannot be issued for building works that physically exist (i.e. a CC cannot be issued to retrospectively cover 'as-built' variations or defects).
- 7.3.2 Under [section 6.31](#) of the *EP&A Act*, the principal certifier must issue (or, if the principal certifier is a council, may issue) a notice in writing of any non-compliance they become aware of in accordance with the regulation [[cl161A](#)].
- 7.3.3 When 'as-built' building work variations or defects are identified during the final critical stage inspection, the principal certifier is to determine the appropriate course of action needed to address the issue/s identified.

Note: The principal certifier should address identified building variations and/or defects prior to making any application for FFSR.

7.4 Determining the application for OC

- 7.4.1 The principal certifier may only issue an OC for the building (or part) after seven (7) or ten (10) days (as applicable) from when FRNSW received the FFSR application [[cl152\(5\)](#)].
- 7.4.2 If the principal certifier refuses the application for OC prior to any FFSR being received, the principal certifier must notify FRNSW of the refusal and request the application for FFSR be withdrawn [[cl152\(3\)](#)].
- 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.
- 7.4.3 If the principal certifier receives an FFSR within the seven (7) or ten (10) day time period it must be taken into consideration when determining the Application for OC [[cl152\(5\)](#)].

Note: Issues identified within the FFSR should be addressed prior to issuing the OC.

8 FRNSW inspection

8.1 Arranging the inspection

- 8.1.1 FRNSW staff will contact the principal certifier to arrange and confirm a mutually agreed date and time to conduct an inspection.
- Note:** Depending on the day the application for FFSR is made, the statutory seven (7) day period means FRNSW only has five (5) business days to furnish the FFSR, or six (6) to eight (8) business days for the ten (10) day period.
- 8.1.2 The start time for the inspection must consider the time taken to travel to and from the premises. For billing purposes, travel time will be pre-determined and calculated to and from the nearest regional office (i.e. Greenacre, Coffs Harbour, Dubbo or Queanbeyan).
- 8.1.3 The principal certifier or their nominated representative is to be in attendance during the inspection so that any issues arising can be directly addressed on site.
- 8.1.4 The fire safety engineer should be in attendance during the inspection to explain the functionality of included works and their proper mode of operation.
- 8.1.5 A representative from fire safety system installers should attend the inspection to assist with function and performance testing of the following (refer to section 8.4):
- (a) the fire hydrant system
 - (b) the fire sprinkler and/or drencher system
 - (c) the fire detection and alarm system.

Note: The installers should test and demonstrate the system and reset to the normal operating state following any testing.

8.1.6 An inspection by FRNSW is not to be assumed unless confirmation has been made by FRNSW staff.

8.2 Incomplete building works

8.2.1 If upon arrival it is evident to FRNSW staff that significant building works are still being undertaken and the building is clearly not appropriate for inspection, FRNSW will:

- (a) notify the principal certifier that the building is incomplete and unsuitable for inspection
- (b) advise the principal certifier to withdraw their FFSR application
- (c) advise the principal certifier to refuse the given application for OC
- (d) leave the site without conducting any visual inspection.

Note: In this case FRNSW expects all buildings works to be completed, relevant systems recertified, and a new fire safety certificate issued, before a new application for OC is made to the principal certifier.

8.2.2 Significant building works includes any installation, modification or rectification work being undertaken on any structural member or building element located in part of the building subject of the application for OC and requires completion for the related works to be safely inspected by FRNSW staff.

8.2.3 When notified of incomplete building works, the principal certifier must advise FRNSW in writing that they agree to withdraw the FFSR application. If the principal certifier disagrees or does not by the agreed timeframe, FRNSW will furnish an FFSR stating the building was incomplete and unsuitable for inspection and the application for OC should be determined by refusal.

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 (refer to clause 9.2).

8.3 Undertaking a visual inspection

8.3.1 FRNSW will conduct a full visual inspection of the building (or part) that is subject to the application for OC. If a defect is identified during the inspection, FRNSW will:

- (a) furnish an FFSR identifying all noted defects within the seven (7) or ten (10) days
- (b) assert that the inspected building may not comply with required fire safety provisions and therefore should not be occupied until rectification works have been undertaken.

8.3.2 If a new application for OC is received after any rectification works, the principal certifier must apply for new FFSR [[cl152\(2\)](#)].

Note: FRNSW may undertake an inspection to assess the rectification works done in relation to any identified defect.

8.4 Function and performance tests

8.4.1 FRNSW may request the function and/or performance of various fire safety systems be demonstrated during the inspection to determine FRNSW satisfaction with the system.

8.4.2 The fire hydrant system installer may be requested to demonstrate that:

- the fire hydrant system is charged and pressurised to the required level
- the hydrant system pump will automatically start when a hydrant valve is opened
- water supplies are connected, and water storage tanks are full.

- 8.4.3 The fire sprinkler and/or drencher system installer may be requested to demonstrate that:
- the fire sprinkler/drencher system is charged and pressurised to the required level
 - an alarm will indicate on the FIP when a sprinkler/drencher system head activates
 - the sprinkler/drencher system pump will automatically start when a sprinkler/drencher system head activates (simulated by opening drain or discharge valve)
 - water supplies are connected, and water storage tanks are full.
- 8.4.4 The fire detection and alarm system installer may be requested to demonstrate that:
- detectors will activate and correctly indicate on the fire indicator panel (FIP)
 - the FIP will successfully signal an alarm to FRNSW
 - relevant fire safety systems will activate (e.g. building occupant warning system, stair pressurisation, zone pressurisation, smoke exhaust system, open/shut controls).
- 8.4.5 Any fire safety certificate for a fire safety system, whether issued on behalf of the owner or not, may be scrutinized if the fire safety system does not perform as certified during testing.
- 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.

9 After the OC has been issued

- 9.1 As the FFSR must be taken into consideration by the principal certifier when issuing an OC, FRNSW expects a copy of the FFSR to be provided to the consent authority as documentary evidence that was relied on in issuing the OC [cl151(2)(e)].
- 9.2 FRNSW expects defects identified within the FFSR to be rectified prior to the OC being issued. FRNSW may refer the principal certifier to the NSW Building Professionals Board if an OC has been issued for a building (or part) where a defective fire safety system has significant adverse impact on occupant safety (i.e. the building is not suitable for occupation).
- 9.3 FRNSW will take all practicable measures to ensure life safety is not compromised in occupied buildings. FRNSW may follow up its own FFSR findings, either exclusively or jointly with the relevant Council and consent authority.
- Note:** FRNSW has a legislated responsibility to protect life and property including the statutory power to inspect a building and initiate enforcement action as necessary.

10 Charges for furnishing an FFSR

- 10.1 [Section 42](#) of the *Fire and Rescue NSW Act 1989* allows FRNSW to charge for services. [Clause 46\(2\) & \(3\)](#) of the *Fire Brigades Regulation 2014* prescribe the charges for the provision of an FFSR. This comprises a charge based on the cost of the inspection and for the assessment of each applicable Category 2 fire safety provision.
- Note:** Each Category 2 fire safety provision impacted by a performance solution will only be charged once per inspection.
- 10.2 No charge will apply if an inspection is not undertaken and the FFSR is not furnished.
- 10.3 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).
- 10.4 When an FFSR is furnished, FRNSW will issue an invoice with applicable charges to the remitter as noted on the FFSR application form.

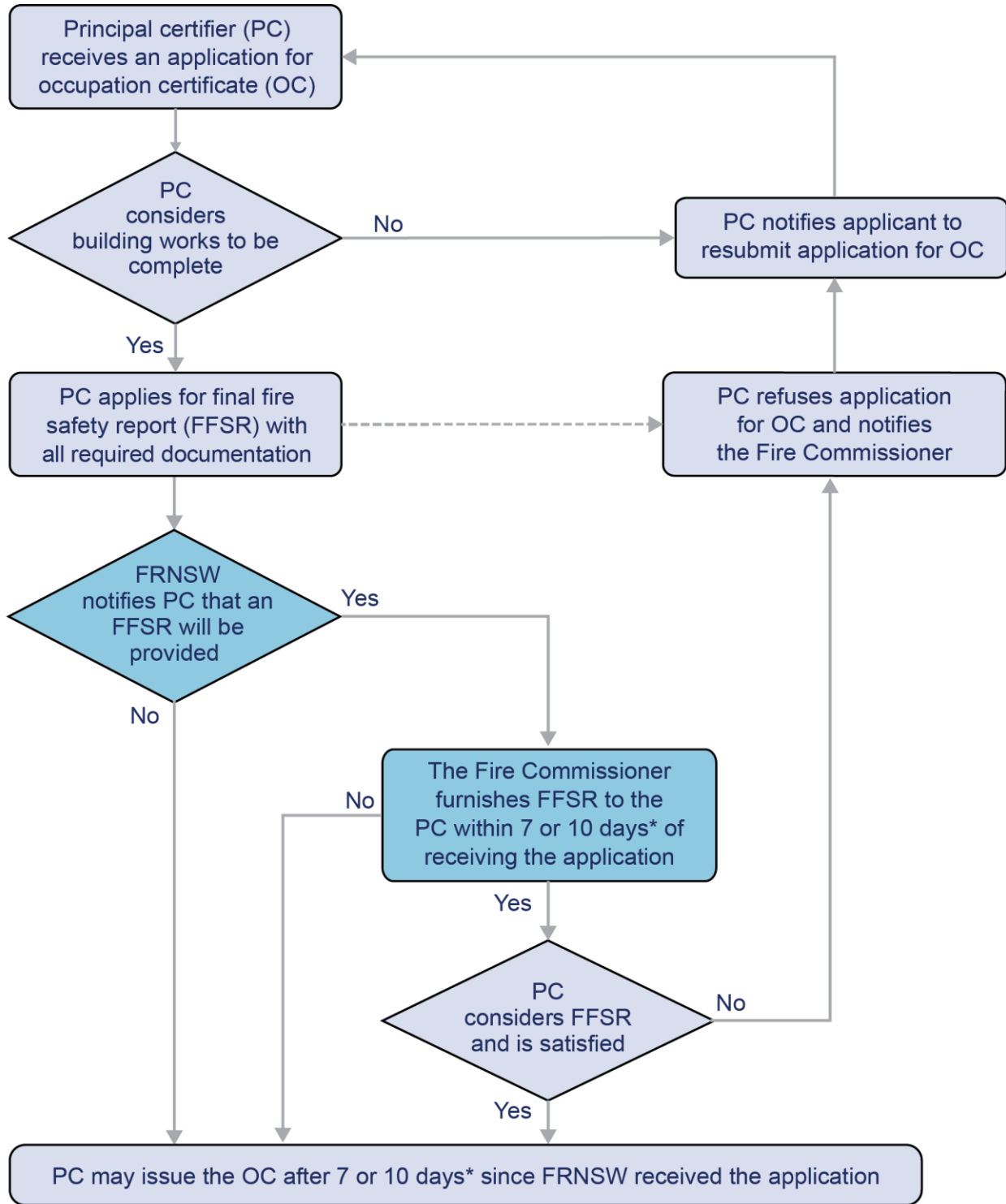
10.5 The applicant is solely responsible for the agreement to pay the charges incurred, irrespective of whether acting on behalf of another person. If the applicant is not the remitter as noted on the application form, FRNSW will verify in writing the agreement to pay from the remitter.

Note: If the remitter does not agree to pay the invoice within the agreed terms then the application may be refused, and the applicant asked to re-submit providing their details. Under [clause 152](#) it is the principal certifier who must apply for the FFSR.

11 Contact us

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

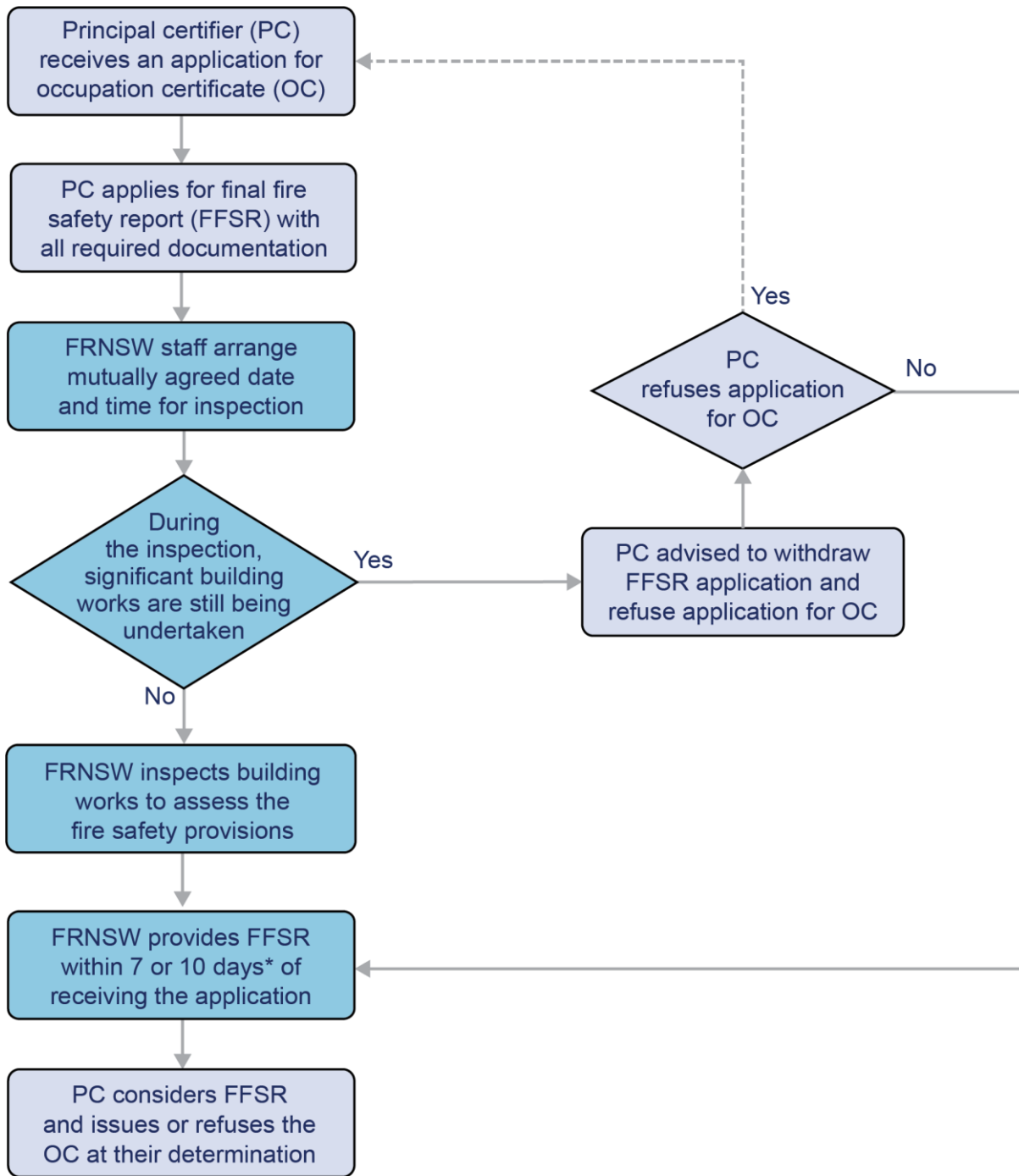
Appendix A: Process flow charts



***Note:** The FFSR may have different timeframes depending on savings and transitional provisions applying to existing consent.

Figure 1 Summary of legislated process

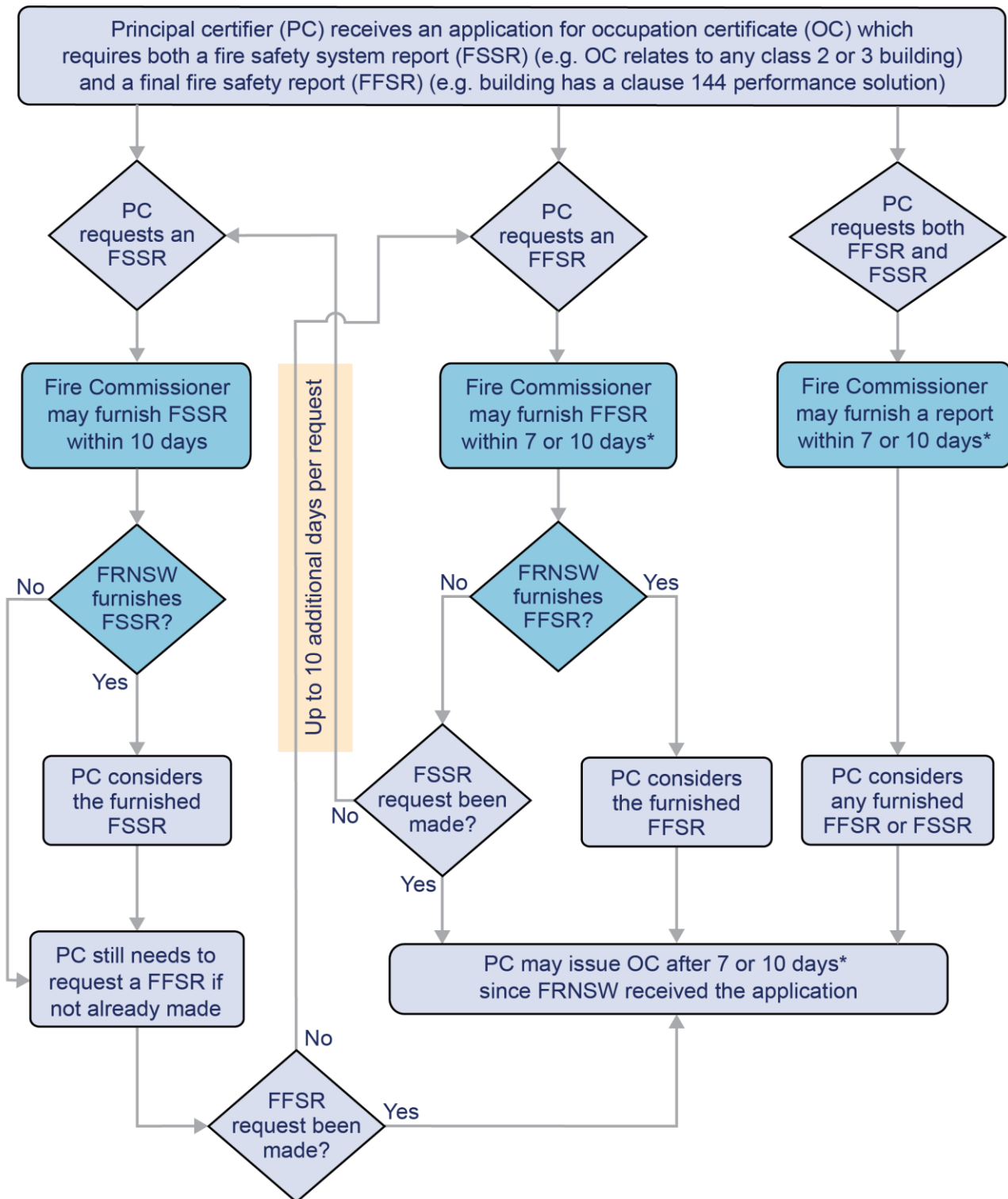
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***Note:** The FFSR may have different timeframes depending on savings and transitional provisions applicable to existing consent.

Figure 2 Summary of FRNSW inspection process

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***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 3 Summary of FFSR and FSSR process (if applicable)