

# Reforms to fire safety regulation 2023

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## Why are fire safety reforms being introduced?

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Reforms have been introduced to fire safety regulations to improve compliance with requirements for the design, certification and maintenance of fire safety measures in buildings through:

- increasing the involvement of Fire and Rescue NSW (**FRNSW**) in reviewing non-standard fire safety design proposals;
- creating an independent checker role to assess installed fire safety measures before buildings are occupied;
- improving documentation of fire safety measures by standardising documentation and simplifying amendment processes; and
- mandating procedures for the maintenance of fire safety measures.

These changes were made to the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 in December 2022 and aim to reduce life safety risks, damage to property and the incidence and cost of fire safety defects. They implement a number of recommendations from a report commissioned by the Office of the Building Commissioner, [Improving fire safety in new and existing buildings](#).

For more information, [read the amending legislation](#).

The reforms will come into effect in stages to assist compliance by industry and property owners.

Further information on the reforms will be added to this page progressively.

## How do the changes affect me?

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## **I'm a building owner or a developer**

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The key changes affecting building owners and/or developers are:

### **From 13 February 2023**

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- For class 2 building work, owners must provide a copy of the fire safety certificate to the building practitioner issuing a building compliance declaration under the Design and Building Practitioners Act 2020. Find out more about [building practitioners and building compliance declarations](#).
- Building owners will also be able to more easily request corrections of minor errors in fire safety schedules or a replacement if the schedule is lost or destroyed.

### **From 1 August 2023**

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- Owners must ensure that a person who develops a non-standard fire safety design proposal in all types of buildings except single dwellings and certain types of boarding houses, guest houses or similar, consults with FRNSW if a construction certificate is required for the building work.
- There will also be expanded requirements for fire safety related matters to be referred to FRNSW after an application for construction certificate is made.

### **From 13 February 2025**

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- From 13 February 2025 (or 18 months after an accreditation scheme is approved, whichever occurs first), owners must use an accredited person(s) to certify installed fire safety measures before issuing a fire safety certificate, and include relevant information about that accredited person in the fire safety certificate.
- Owners must maintain essential fire safety measures in all types of buildings except single dwellings in accordance with procedures in the [Australian Standard 1851-2012 Routine service of fire protection systems and equipment](#), where the maintenance activity is addressed by the standard.

## **I'm a fire safety practitioner**

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The key changes affecting fire safety practitioners are:

### **From 1 August 2023**

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Fire safety practitioners (usually a fire safety engineer) who develop a design brief for a performance solution for a fire safety requirement in a Class 2-9 building will need to consult with FRNSW if a construction certificate is required for the building work.

### **From 13 February 2025**

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- From 13 February 2025 (or 18 months after an accreditation scheme is approved, whichever occurs first), persons who certify installed fire safety measures before a fire safety certificate is issued must be accredited.

- Persons maintaining essential fire safety measures in class 1b-9 buildings must do so in accordance with procedures in the [Australian Standard 1851-2012 Routine service of fire protection systems and equipment](#), where the maintenance activity is addressed by the standard.

## **I'm a certifier or local council officer**

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The key changes affecting certifiers and councils are:

### **From 13 February 2023**

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A council or a certifier will be able to re-issue a fire safety schedule on request by a building owner to correct minor errors or omissions or to replace a missing schedule.

### **From 1 August 2023**

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- A certifier must refer all fire safety related performance-based matters for all Class 2-9 buildings to FRNSW after receiving an application for construction certificate and after receiving an application for an occupation certificate.
- Councils and certifiers must use a mandatory Fire Safety Schedule template for Class 1b to 9 buildings.

## **I'm a building practitioner**

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### **From 13 February 2023**

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Building practitioners who issue a building compliance declaration under the Design and Building Practitioners Act 2020 (currently applicable to Class 2 buildings and buildings with a Class 2 component) must lodge a copy of the fire safety certificate with their declaration. Building owners will be required to provide a copy of the fire safety certificate to the building practitioner.

Find out more about [building practitioners and building compliance declarations](#).

## **When do the changes come into effect?**

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No substantive changes will commence until mid-February 2023 and there will be a staggered commencement for the key reforms affecting building owners and industry.

<b>Date</b>	<b>Changes that will take effect</b>
13 February 2023	Councils / certifiers able to correct minor errors in Fire Safety Schedules or to replace a missing schedule.
	Builders required to lodge Fire Safety Certificate with Building Compliance Declaration.

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Date	Changes that will take effect
1 August 2023	Owners, developers and certifiers consulting with Fire and Rescue NSW on performance solutions.  Councils / certifiers required to use the Fire Safety Schedule template.
13 February 2025	Building owners applying mandatory procedures for maintaining fire safety measures.
13 February 2025, or 18 months after an accreditation scheme is approved (whichever occurs first).	Building owners required to use accredited person(s) to certify installed fire safety measures.

## How do I find out further information?

For more information, [read the amending legislation](#).

Further information on the reforms will be added to this page progressively.

## Related links

- [NSW Department of Planning and Environment - Fire safety certification](#)
- [NSW Fair Trading - Fire safety practitioners](#)

[Next](#) Elderton Homes

<https://www.fairtrading.nsw.gov.au/news-and-updates/notices/reforms-to-fire-safety-regulation-2023> 23-01-23

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