

Thursday 8 February 2024

Better Regulation Division  
Department of Customer Service  
GPO Box 7057 SYDNEY NSW 2001  
Via email: hbareview@customerservice.nsw.gov.au

## **RE: Regulation of fire safety systems (Design)**

We thank the Department of Customer Service (the Department) and Building Commission NSW for the opportunity to provide feedback on Discussion Paper 1 Regulation of fire safety systems (Design).

The Property Council has been actively engaged in the building reform work underway in NSW, including advocating for a holistic framework for the registration of fire safety design practitioners. We commend the NSW Government and the Building Commission NSW on their achievements to date in progressing reforms to ensure the integrity of the industry and quality of the built product.

As Australia's peak representative of the property and construction industry, which employs more Australians than any other sector, the Property Council's members include investors, owners, managers and developers of property across all asset classes across NSW. The property industry shapes the future of our cities and has a deep long-term interest in seeing them prosper as productive, sustainable, and safe places.

### **Overview**

The Property Council supports the holistic regulation of fire safety design practitioners to address the issue of fire safety defects in NSW residential buildings. This new framework addresses the current complexity that exists in the regulation of fire safety design practitioners and ensures the design of fire safety elements are integrated for a cohesive fire safety system in buildings.

The *Design and Building Practitioners Act* under the *Building Bill 2024* provides a pathway for consolidating practitioner licensing for a simplified framework captured under one Act. We are supportive of a single point of responsibility for the compliance declaration of a fire safety system, in turn supporting the integrity of the entire fire safety system and clarifying the role and responsibility of practitioners.

The options proposed for the regulation of passive fire safety systems design are welcomed, with members expressing concern with the regulatory gap that currently exists.

Under the proposed new regulatory framework on p.15, we would recommend greater specificity for considering the impact of building modifications on the fire safety system.

P.29-30 outlines the proposed scope of licence categorises. Below we have outlined some inclusions for consideration in red:

Licence class	Proposed scope
Fire systems (fire sprinklers)	Fire sprinkler systems (including wall wetting sprinkler and drencher systems)
Fire systems (fire hydrant and fire hose reel)	Fire hydrant systems Fire hose reel systems
Fire systems (detection and alarm systems)	Smoke alarm/detection. Emergency warning and intercommunication systems <b>Aspirating smoke detection (ASD)</b>
Electrical	Emergency lighting Exit signs (and directional) Standby power systems
Fire systems (mechanical)	Mechanical smoke control systems Smoke and heat vents. <b>Including fire trips (these are the interface from the alarm system.)</b>
	<b>Fire blankets and extinguishers should be considered.</b>

We thank the Department for the opportunity to provide feedback to this discussion paper and look forward to participating in the roundtable on 22 February and further consultation for the drafting of the *Building Bill 2024*.

If you have any questions about this submission, please contact NSW Deputy Executive Director Helen Machalias at [HMachalias@propertycouncil.com.au](mailto:HMachalias@propertycouncil.com.au).

Yours sincerely



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NSW Executive Director  
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## Questions for discussion

1. **What gaps in the current regulatory framework do you consider could impact the proposed model that could compromise fire safety?**

A: No comment.

2. **Do you have any overarching comments on the proposed approach to fire safety licensing that could help inform the development of the model and further discussion papers?**

A: The proposed licence classes should include standards and scope of that licence category to ensure there is no confusion in interpreting the word choice of system names.

We also see benefit in analysing and providing a note for different procurement models to ascertain where responsibility would lie within each model i.e. will a D&C contract with novated consultants differ from a traditional contract. This could be detailed in a practice note.

3. **Should the new licensing requirements be applicable to all classes of buildings (except for class 1a and class 10 buildings/structures)?**

A: Not at this stage. The threat to life is significantly greater with building classes that involve habitation. However, this should be monitored given the scale of other use class buildings such as commercial.

4. **What regulatory burden impacts should be considered before the fire safety regulatory framework is finalised?**

A: No comment.

5. **Are there any other fire safety systems that should be included in the regulated fire safety systems list proposed above? (i.e. are there any fire safety systems from the statutory fire safety measures list (such as automatic fail-safe devices) that should be captured?)**

A: We acknowledge the issue is out-of-scope for this discussion paper but wish to emphasise the importance of the excluded passive fire safety elements and bushfire accessors for the development of a holistic regulatory model and encourage the Department to include these other items in their regulatory agenda.

6. **Do you support that PSRs relating to fire safety should only be prepared by licensed fire safety engineers? If not, why?**

A: Yes, this fixes the confusion.

7. **Do you have any concerns with the proposed model for licensing fire-safety engineers? If so, what are they?**

A: No, but we recommend that the distinction between performance justification and service design is made clear.

**8. Do you support using the qualifications and experience currently prescribed by DBP for fire safety engineers? If not, why?**

A: Yes.

**9. Do you support that active fire safety designs should be declared by licensed design practitioners? If not, why?**

A: Yes.

**10. Do you agree with the proposed licence classes and their proposed scope?**

A: Yes.

**11. Should the classes of fire sprinklers, hose reels and hydrants be merged into one fire safety (hydrant) class?**

A: Yes.

**12. Do you support using the same eligibility requirements under the DBP Act for these licence classes? If not, what would you change?**

A: Yes.

**13. What option do you think should be taken for the design of passive fire safety systems?**

A: All options would be sufficient. Practitioners see merit in option 3 which would ensure that a system is tested by a third-party certifier with expertise in integrated design.

**14. Are there any other alternative options that could be considered for passive fire systems?**

A: The development of a specific licence class for the compliant design and declaration of passive fire systems

**15. Which option do you support and why?**

A: Option 2 and 3. Designs should be certified by a practitioner with expertise in integrated design.

**16. Are there any other options that could be considered to provide the holistic view of all fire systems?**

A: No comment.

**17. For option 2, what skills, qualifications, experience and competencies would a principal fire safety systems designer need to carry out the proposed function?**

A: Bachelor or Diploma of engineering. They would need experience with the design and integration of fire fan trips and wet fire system monitoring and be assessed for competency.