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Policy

Building Commission NSW

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

The Owners Corporation Network of Australia Limited (OCN) is the independent peak consumer body representing residential strata and community title owners and residents. As such, OCN is uniquely positioned to understand the impact that the legislative framework has on day-to-day machinations and community living. We have a lived experience and a practical hands-on approach to strata administration, issues management and resolution, and harmonious living. OCN is a full member of the Consumers' Federation of Australia.

We note that the discussion paper is written in line with the intentions to improve the industry. The Owners Corporation Network, however, is concerned that the industry is already under-resourced and under-serviced (quality wise), and the proposed changes will only affect new buildings. Retrospective upgrades will more likely be 'maintenance' or alternatively managed under a fire order that becomes exempt from planning (CDCs, CCs etc) and from the Design & Building Practitioners Act.

A few considerations and comments:

- Q1. Document Control and Record Keeping – intent of systems, testing regimes and baseline data forever go missing or are not provided and therefore reverse engineering and re-engineering of systems is commonplace.
- Q2. No – just try to keep change smooth and concise as the industry is already fatigued by legislative and regulatory change (in the right direction but it has been significant in the past decade).
- Q3. Yes – Standardisation is key.
- Q4. Industry resourcing, training facilities, cost to consumer, availability of quality providers in certain sectors. With regard to resourcing, the industry, especially broadly competent individuals and passive fire specialists, as examples, are already run off their feet. Further levels of regulation on an already regulation-fatigued industry is going to be a further, though necessary, challenge. We do need to be considerate of the reality that, for many, qualifications have only existed for years not decades and this further change is another large administrative pill to swallow. Making the change as smooth as possible is imperative for the industry not to be further hamstrung. Training facilities and spots to undertake all necessary qualifications to become accredited in the fire industry are limited.

- Q5. Egress Paths/Emergency Plans
- Q6. Absolutely.
- Q7. No comment on this item.
- Q8. Layering of qualifications between various areas is questionable however it has been proven necessary for other engineers etc so we support standardising it for Fire Engineers. Government needs to ensure the qualification pathway is relevant and not time wasting.
- Q9. Yes, best practice approach is always supported and having a designer with formal Professional Indemnity insurance and independence from the installer provides building owners with further recourse options if defects are triggered.
- Q10. No comment on this item.
- Q11. No comment on this item.
- Q12. Consistency is preferred in whichever mechanism is used to determine suitability.
- Q13. Option 1 is best practice, Option 2 is current standard and option 3 is overbearing. Given that the designers in all retrofit scenarios are the passive fire technicians, consideration should be given to the individual signing off on the proposed tested system (at design stage) being required to be independent of the person completing the works and confirming that the tested system was fit for purpose and installed to manufacturer's standards (not necessarily another certifier role but an independent person of equal qualification).  
Compartmentalisation plans for fire and smoke should be mandated for generation for all existing buildings in a mid-term plan and uploaded to the planning portal for referencing along with completed passive fire registers for all sites.
- Q14. Not so much an alternative but a further consideration for existing buildings (again this document is written much for new construction) – When something is defected there needs to be a standard approach to allow owners the opportunity to rectify the defects (propose up to 12 months or the next/subsequent AFSS due date where non-critical as per AS1851).
- Q15/16. This depends on the class and complexity of the project and the systems within the proposed building. In general for new construction or major refurbishment, an architect with support from a qualified BCA Consultant/Building Surveyor (providing design advice not certification services) should be able to assess and qualify integration from the outset. It is their responsibility, in conjunction with Fire Engineering Providers, to set the tone and expectation for the services within a building after which the individual consultants should be able to work independently in their own fields of specialty. In other scenarios where there is no principal design practitioner it is assumed that it is the builder's responsibility in conjunction with a certifier and/or council (for DCOs) to review information sufficiently prior to construction.
- Q17. Broad knowledge of the overall expected output of a design so really limited to fire engineers, surveyors, architects and limited other individuals.

Yours sincerely



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