

## Fact Sheet

# Environmental Planning and Assessment (Development Certification and Fire Safety) Amendment Regulation 2025

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### What Legislation?

The Environmental Planning and Assessment (Development Certification and Fire Safety) Amendment Regulation 2025 (**Amendment Regulation**) makes amendments to the EP&A (DCFS) Regulations and EP&A Regulation.

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### When are these changes occurring?

The amendments will commence on 13 February 2025.

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### What are the key amendments?

**1. Defer the commencement of two upcoming fire safety requirements:**

- a. defer by 12 months the mandatory requirement to comply with Australian Standard (AS) 1851 to **13 February 2026**, which mandates the frequency of fire safety servicing and maintenance.
- b. defer by 24 months the requirements that a fire safety certificate can only be issued if an assessment has been done by an accredited practitioner (fire safety) to **13 February 2027**.

**2. Enable mechanisms so that a Fire Safety Schedule can reflect work resulting from compliance action taken by Building Commission NSW.**

This amendment brings into line Building Commission NSW's process for issuing Building Work Rectification Orders (BWROs), Undertakings and the EPA (DCFS) Regulation. It will allow a new Fire Safety Schedule (FSS) to be amended or issued following the completion of a BWRO or undertaking where the BWRO and undertaking had required changes to fire safety measures. There is currently a mechanism to do this when a Fire Safety Order is issued in relation to a property.

This provision commences on 13 February 2025. An FSS specifies each of the existing and proposed fire safety measures that apply to the building. The measures specified in the fire safety schedule will vary for each building and can include both essential and critical fire safety measures.

**3. Include housekeeping amendments aimed at correcting drafting errors, removing inconsistencies and clarifying ambiguities.**

The regulation improves the clarity and consistency of the regulations, to facilitate the intended operation of the requirements. These provisions commence on 13 February 2025.

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## What does this mean for industry and consumers?

Existing fire protection requirements in NSW will not be changing for the next 12 months.

Those currently qualified to be carrying out fire safety assessment work to issue a fire safety certificate can continue to do so.

The maintenance, servicing and testing requirements prescribed in AS 1851 will not be mandatory, with mandatory compliance scheduled to be required from 13 February 2026.

Some fire contractors and building owners already undertake maintenance of their fire safety systems by applying AS 1851 and they can continue to do so.

Building Commission NSW will work closely with key stakeholders over the next 12 months to make sure that the fire protection industry, strata managers, local councils, certifiers and owners are ready for the standard to become mandatory in February 2026.

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## What does this mean for building owners/developers?

From February 2026, owners must maintain essential fire safety measures in all types of buildings except single dwellings in accordance with procedures in AS 1851-2012 routine service of fire protection systems and equipment, where the maintenance activity is addressed by the standard.

If you need to complete an annual or supplementary fire safety statement, you are required to maintain the essential fire safety measures in your building.

From 13 February 2027 (or 18 months after an accreditation scheme is approved, whichever occurs first), owners must use an accredited person(s) to certify newly installed fire safety measures before issuing a fire safety certificate and include relevant information about that accredited person in the fire safety certificate.

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## How should building owners prepare for the requirement to maintain essential fire safety measures in accordance with AS 1851-2012?

For some owners, no preparation is needed if you already have contracts with practitioners to maintain measures and provide documentation in accordance with AS 1851-2012.

If measures are not already being maintained to AS 1851-2012 in buildings needing an annual fire safety statement, the standard is not mandatory until 13 February 2026. However, building owners should ensure maintenance contracts are updated to require compliance with this standard by that date.

If an annual fire safety statement is not required for your building, building owners should still ensure that the fire safety measures serving the building are adequately maintained.

Contact us
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