

## Making a submission

Please send submissions by email to [consult.firesafety@fire.nsw.gov.au](mailto:consult.firesafety@fire.nsw.gov.au)

Submissions must be received by the due date for each public consultation document. The due date applicable to the document is given on our website at [www.fire.nsw.gov.au/consult](http://www.fire.nsw.gov.au/consult).

For each public consultation document, general feedback is sought on whether it:

- is helpful and easy to understand
- reflects contemporary understanding and practices on the given subject or issue
- has an appropriate level of information (e.g. technical content is appropriate for purpose)
- requires additional examples or case studies to provide clarification or remove ambiguity.

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**Note:** Fire & Rescue NSW may provide extracts of submissions to other stakeholders for comment during the review of public submissions.

**Please identify if this submission, or any parts of it, are being provided in confidence.**

Whole submission ☒

Contact details (i.e. anonymous) ☒

Part of submission (please specify below) ☐

If applicable specify any parts of your submission provided in confidence

<b>Name:</b>	Anonymous
<b>Organisation:</b>	
<b>Title of document:</b>	IFSR and FFSR technical information sheets

Page or section no.	Section title / subject of section	Specific comments or suggestions
IFSR document		
5.3	Applying for an IFSR	Note refers to Fire commissioner
<b>FRNSW comment:</b> This has been amended as suggested.		
5.5		Not sure what we are trying to achieve through this clause.
<b>FRNSW comment:</b> This clause iterates that FRNSW may review the IFSR application if during the FFSR process the building and the solution is not as presented at the IFSR stage. It serves to remind the certifying authority that they are making a declaration, and if they knowingly falsify the application in an effort to have FRNSW not provide the IFSR, FRNSW may act upon any such falsified application/declaration.		
6.6		Recommend 'highly technical performance-based solutions' or fire engineered solutions.
<b>FRNSW comment:</b> This has been amended to 'as suggested.		
7.2		Change wording to "and not limited to the Category 2 fire safety provisions that triggered the clause 144 referral."
<b>FRNSW comment:</b> This has been amended to 'as suggested.		
7.6 and 7.7		Remove the word 'adopted' as conditions being incorporated into plans and specs are considered to be adopted.
<b>FRNSW comment:</b> This has been amended as suggested.		

**Note:** If you need more rows, please insert your cursor in the last cell and hit tab on your keyboard.

Page or section no.	Section title / subject of section	Specific comments or suggestions
7.8	Note	Reword "Details of conditions not adopted and the reasons why..."
<b>FRNSW comment:</b> This has been amended to 'as suggested.'		
9.2.5	Note:	There is a reference to PCA however PCA has not been defined or used within the document.
<b>FRNSW comment:</b> The term 'principal certifying authority' has been inserted and replaces the term 'PCA'.		
7.7, 7.8, 9.2.6		The links to the 'Declaration of fire engineering report' form do not work. Currently refers to a pdf document whereas the form is in a word doc format.
<b>FRNSW comment:</b> This has been amended to 'as suggested.'		
12.2	Modifying the development	Dotted line for the grey area.
<b>FRNSW comment:</b> This has been amended to 'as suggested.'		
<b>FFSR document</b>		
	Throughout document	PCA throughout however certifying authority is probably more applicable to the legislation.
<b>FRNSW comment:</b> The certifying authority for the FFSR process must be the appointed PCA as required by the EP&A Act, hence why PCA is used throughout..		
	Throughout document	Refers to BCA as opposed to NCC.
<b>FRNSW comment:</b> The legislation references the BCA hence why BCA is used throughout instead of NCC..		
7.1.5		Correction to fire safety engineer
<b>FRNSW comment:</b> This has been amended as suggested.		

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Page or section no.	Section title / subject of section	Specific comments or suggestions
7.1.5		What is 'first certificate or report' within the context of EP&A Regs – it is italicised but not defined.
<b>FRNSW comment:</b> Although 'first certificate or report' is not defined in the definitions as is otherwise suggested by being italicised, the references immediately prior to these bracketed terms, i.e. 'clause 130 (2A) or 144A (1)', do clarify what is meant by first certificate or first report. The 'first report' is the FER that was submitted when the application for CC was made.		
8	Pre-booking inspections	The external link refers to a BFS number for the IFSR. Can we please modify the reference number to be an FRN.
<b>FRNSW comment:</b> This has been amended as suggested.		
8.4.3		Add the word, 'and' before therefore.
<b>FRNSW comment:</b> This has been amended as suggested.		
8.5.2, 8.5.3 and 8.5.4	Leading sentences	Change 'show' to 'demonstrate'.
<b>FRNSW comment:</b> These have been amended as suggested.		
8.5.2	Dot point 3	Change 'building warning system' to 'building occupant warning system'.
<b>FRNSW comment:</b> This has been amended as suggested.		

General comments or suggestions
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Whole submission ☐

Contact details (i.e. anonymous) ☐

Part of submission (please specify below) ☐

Nil

<b>Name:</b>	Peter Gardner
<b>Organisation:</b>	Exova Warringtonfire Aus Pty Ltd
<b>Title of document:</b>	Response to FRNSW draft fire safety guidelines D15/79844 and D15/80994

Page or section no.	Section title / subject of section	Specific comments or suggestions
D15/79844 Section 6.4	FRNSW Assessment	Section 6.4 is not consistent with Clause 144(6) of the EPAREg which includes 'in accordance with this clause'.
<b>FRNSW comment:</b> This was generally interpreted as being 'in accordance with' particularly in respect of the related sections, however for the purpose of clarity the words 'issued in accordance with Clause 144' has been added to section 6.4 as suggested.		
D15/79844 Section 6.7	FRNSW Assessment	Section 6.7 is not consistent with the EPAREg as there is no requirement within Clause 139A of the EPAREg for the CA to withdraw the application.
<b>FRNSW comment:</b> Clause 139A is where the person who is eligible to appoint a principal certifying authority, being the person having the benefit of a development consent or complying development certificate (e.g. the owner) withdraws their application for CC from the certifying authority. In such circumstances the certifying authority should withdraw the IFSR application to avoid being charged twice (once for the withdrawn and defunct application for CC and again for the revised and resubmitted application for CC). The wording of the note for Section 6.7 has been revised to clarify the 'applicant' withdrawing the application for CC as being the 'owner', not the IFSR applicant.		
D15/80994 Section 7.1.5	Before applying for the FFSR	Section 7.1.5 is not consistent with the EPAREg as there is no requirement in the EPAREg for the inspection report from a fire engineer to be provided with the application for OC.
<b>FRNSW comment:</b> The intent of clause 149(2)(d) is that a relevant 'compliance certificate' must be accompanied with the application for OC as evidence the building is complete and suitable for occupation. The title of clause 153A is 'Compliance certificate required for certain fire safety aspects of building work' and the 153A written report from the fire engineer falls under this title. FRNSW is of the opinion that the written report intends to provide evidence the building is suitable for occupation thus should be provided with the application for OC as per the compliance certificate title. However, it must be noted that this report does not need to be provided to FRNSW when the final fire safety report is being applied for by the PCA. Section 7.1.5 only serves to assist the PCA verify that building works have been completed to the satisfaction of the fire engineer at the time when the owner applies for the OC.		

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Page or section no.	Section title / subject of section	Specific comments or suggestions
D15/80994 Section 9.2	After the OC has been issued	Section 9.2 is not consistent with the EPAREg as the defects need to be 'taken into consideration' by the PCA, not 'rectified' as detailed in Clause 152(5) of the EPAREg.
<b>FRNSW comment:</b> FRNSW expects the PCA to exercise due diligence as a public official when determining any application for OC, and any critical defects having potential for adverse impact on occupant safety, especially during an emergency, are expected to be rectified prior to any OC being issued. FRNSW intends to clearly identify within the final fire safety report any defective fire safety system that in its opinion renders the building unsuitable for occupation. The word 'critical' has been inserted into this section to clarify this point.		

General comments or suggestions
Nil

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