



## Initial fire safety report (IFSR) process

### 1 Purpose

This technical information sheet outlines the Fire and Rescue NSW (FRNSW) procedures for the initial fire safety report (IFSR) as required under [clause 144](#) of the *Environmental Planning and Assessment Regulation 2000 (EP&A Reg.)*.

### 2 Scope

This technical information sheet details:

- (a) FRNSW procedures for the IFSR process
- (b) legislated responsibilities of the certifying authority regarding the IFSR and the construction certificate (CC) to which it relates
- (c) FRNSW obligations under the *EP&A Reg.*
- (d) charges applicable under the *Fire and Rescue NSW Act 1989*.

### 3 Application

This document applies to the following buildings, or parts of buildings, that are the subject of an application for erection, rebuilding, alteration, enlargement or extension:

- (a) a class 9a building that is proposed to have a total floor area of 2,000 m<sup>2</sup> or more, where the plans and specifications for the work provide for an alternative solution to meet the performance requirements contained in any one or more of the Category 2 fire safety provisions,
- (b) a building (other than a class 9a building) that is proposed to have a fire compartment with a total floor area of more than 2,000 m<sup>2</sup>, where the plans and specifications for the work provide for an alternative solution to meet the performance requirements contained in any one or more of the Category 2 fire safety provisions,
- (c) a building (other than a class 9a building) that is proposed to have a total floor area of more than 6,000 m<sup>2</sup>, where the plans and specifications for the work provide for an alternative solution to meet the performance requirements contained in any one or more of the Category 2 fire safety provisions,
- (d) a class 2, class 3 or class 9 building of 2 or more storeys, or the class 4 part of any class 9 building of 2 or more storeys, where:
  - (i) the plans and specifications for the work provide for an alternative solution to meet performance requirement CP2 in Volume 1 of the *Building Code of Australia (BCA)*, to the extent that it relates to external combustible cladding, and
  - (ii) the alternative solution does not apply the verification method CV3 in Volume 1 of the BCA in its entirety,
- (e) a class 5, class 6, class 7 or class 8 building of 3 or more storeys, or the class 4 part of any class 5, class 6, class 7 or class 8 building of 3 or more storeys, where:
  - (i) the plans and specifications for the work provide for an alternative solution to meet performance requirement CP2 in Volume 1 of the BCA, to the extent that it relates to external combustible cladding, and

- (ii) the alternative solution does not apply the verification method CV3 in Volume 1 of the BCA in its entirety.

**Note:** Category 2 fire safety provisions include performance requirements CP9, EP1.3, EP1.4, EP1.6, EP2.2 and EP3.2 of the BCA.

This document is intended to be used by the certifying authority who must refer certain plans and specifications to FRNSW for the purpose of an IFSR and take into consideration any IFSR prior to determining the application for CC for the proposed building works.

The certifying authority is to check the *EP&A Reg.* savings and transitional provisions to determine the applicability of any new provisions on existing consent.

Within this document, any reference to FRNSW is a reference to the Fire Commissioner. All short form references such as [cl144] relate to the *EP&A Reg.* unless identified otherwise.

## 4 Background

Since 2001, the *EP&A Reg.* has included provisions for FRNSW to assess and provide a report on an alternative solution and the performance requirements it is intended to meet.

This regulation imposed a mandatory requirement on FRNSW to provide an IFSR for all requests. With the building industry moving towards performance-based design including more complex fire engineered solutions, the demands on FRNSW resources increased significantly.

In 2015 the *EP&A Reg.* was amended to give the Fire Commissioner discretion as to whether an IFSR will be provided [cl144(4)].

On 1 October 2017, the *EP&A Reg.* was amended to include new fire safety and building certification provisions.

On 22 October 2018, the *EP&A Reg.* was amended to include new fire safety provisions in regard to external combustible cladding.

## 5 Applying for an IFSR from FRNSW

- 5.1 When the certifying authority receives an application for a CC for an applicable building (refer to section 3), the certifying authority must refer certain plans and specifications to FRNSW within seven (7) days of receiving that application [cl144(2)].
- 5.2 FRNSW requires the certifying authority to complete and submit the *IFSR application form* when referring the documentation to FRNSW. The form is available online at [firesafety.fire.nsw.gov.au](http://firesafety.fire.nsw.gov.au).
- Note:** The form may be delivered by hand, by post or transmitted electronically.
- 5.3 The following documentation must be provided to FRNSW [cl144(2)].
- a copy of the application for CC (e.g. certifying authority's date endorsed form)
  - a copy of the plans and specifications for the building
  - details of the performance requirements that the alternative solution is intended to meet
  - details of the assessment methods to be used to establish compliance with those performance requirements.

**Note:** An alternative solution report must be provided (refer to section 6).

- 5.4 FRNSW will notify the certifying authority of the document receipt date within two (2) days of receiving all mandatory documentation [cl144(3)]. If all documentation is not provided, FRNSW will advise that the application is incomplete and is waiting on documentation.

**Note:** The document receipt date will only be acknowledged when all required documentation has been received.

- 5.5 FRNSW expects the information provided by the certifying authority on the IFSR application is true and correct. If during any future inspection the information is found to be incorrect, FRNSW may review the IFSR application to determine if the information was provided in good faith.

## 6 Alternative solution report (ASR)

- 6.1 The certifying authority must obtain or be provided with an ASR prior to issuing a CC for building work that involves an alternative solution in respect to fire safety requirements.
- Note:** The ASR fulfils the requirement for alternative solution documentation [[cl144 \(2\)\(c\) and \(d\)](#)] therefore should be submitted to the certifying authority with the application for CC, which must be forwarded to the Fire Commissioner within seven (7) days.
- 6.2 The ASR, which may also be known as the fire engineering report, must [[cl144A\(1\)\(a\)](#)]:
- be prepared by, or on behalf of, an appropriately qualified person
  - include a statement that the alternative solution complies with the relevant performance requirements of the BCA
  - where relevant, identify the relevant deemed-to-satisfy provisions of the BCA being varied
  - describe and justify the alternative solution, including the acceptance criteria and parameters on which justification is based, and restrictions or conditions on the alternative solution
  - a copy of the brief on which the justification of the alternative solution is based.
- 6.3 The certifying authority must be satisfied that [[cl144A\(1\)\(b\)](#)]:
- the ASR correctly identifies both the performance requirements and the deemed-to-satisfy provisions of the BCA
  - the plans show, and the specifications describe, the physical elements of the alternative solution (where capable of being shown and described).
- 6.4 The ASR must be authorised by a qualified 'competent fire safety practitioner' [[cl144A\(3\)](#)].
- 6.5 If the ASR relates to an alternative solution in respect to any requirement set out in EP1.4, EP2.1, EP2.2, DP4 and DP5 of the BCA, and the building is:
- a class 9a building proposed to have a total floor area of 2,000 m<sup>2</sup> or more, or
  - a building (other than class 9a) proposed to have a fire compartment with a total floor area of more than 2,000 m<sup>2</sup>, or
  - a building (other than class 9a) proposed to have a total floor area of more than 6,000 m<sup>2</sup>
- then the competent fire safety practitioner must be a fire safety engineer [[cl144A\(3\)\(a\)](#)].
- 6.6 Until an order is published, a person is deemed a competent fire safety practitioner by the written opinion of a certifying authority [[cl167A\(1\)\(4\)](#)].
- Note:** For further information certifying authorities should refer to the NSW Planning and Environment website to identify who is a competent fire safety practitioner.

## 7 FRNSW assessment

- 7.1 FRNSW will consider each application by merit and allocate resources to prioritise alternative solutions with greater risk and occupancy impact. FRNSW will notify the certifying authority within 10 days of the document receipt date if an IFSR will be provided [[cl144\(3\)](#)].

- 7.2 If FRNSW advises that it will not be providing an IFSR, the certifying authority can determine the application for CC and issue the CC as appropriate [cl144(6A)(a)].
- 7.3 If FRNSW does not notify the certifying authority within 10 days of the document receipt date that an IFSR will be provided, the certifying authority can determine the application for CC and issue the CC as appropriate [cl144(6A)(b)].
- 7.4 If FRNSW advises that an IFSR will be provided, the certifying authority cannot determine the application for CC and issue the CC until the IFSR issued in accordance with clause 144 has been received and considered [cl144(6)].
- 7.5 If FRNSW does not provide the IFSR within 28 days of the document receipt date, the certifying authority may determine the application for CC and issue the CC as appropriate [cl144(6A)(c)].
- Note:** For large complex developments with highly technical performance-based solutions, the certifying authority has discretion to delay determining the CC until the IFSR has been received and considered.
- 7.6 If any change is being made to building works proposed by the application for CC, and FRNSW has not yet furnished the IFSR, the certifying authority should withdraw the IFSR application.
- Note:** If any part of the application for CC is being amended prior to being determined (e.g. plans, specifications or ASR), the owner is expected to withdraw that application for CC [cl139A]. A new IFSR application should be made within seven (7) days of receiving the new application for CC from the owner with amended documentation included.

## 8 Function of the IFSR

- 8.1 The IFSR is a written report specifying whether FRNSW is satisfied that:
- the alternative solution will satisfy the performance requirements it intends to meet
  - fire hydrants will be accessible for use by FRNSW
  - couplings in the system will be compatible with FRNSW equipment [cl144(9)].
- 8.2 In determining whether FRNSW is satisfied that the alternative solution will meet the performance requirements, a holistic assessment of the alternative solution and performance requirements will be made, not limited to the Category 2 fire safety provisions that triggered the clause 144 referral.
- 8.3 The IFSR may also recommend conditions be imposed on the erection, rebuilding, alteration, enlargement or extension of the building [cl144(5)].
- 8.4 The certifying authority must take the IFSR into consideration when determining the application for CC [cl144(6)]. If any conditions recommended within the IFSR are to be adopted these must be incorporated into the plans and specifications where possible [cl144(7)(a)], or attached to the issued CC as a condition [cl144(7)(b)].
- 8.5 FRNSW is not obliged to offer consultation on the IFSR. The certifying authority is expected to resolve matters directly with the client before determining the application for CC [cl142(1)]. If a significant redesign or new solution is needed to incorporate conditions, the certifying authority should refuse the application for CC and request a new application be made following redesign.
- Note:** Any stakeholder may request FRNSW consultation where additional fees may apply. The certifying authority may request a meeting to clarify FRNSW conditions within the IFSR.

- 8.6 When incorporating FRNSW conditions into the plans and specifications, the certifying authority must request the plans and specifications be redrawn or annotated (whether by insertion, deletion or alteration) as appropriate [cl144(8)].
- Note:** The redrawn/annotated plans and specifications must be given to the consent authority and council when the application for CC is determined [cl142(2)(c)].
- 8.7 If any given recommended condition within the IFSR has not been adopted, the certifying authority must notify FRNSW in writing including reasons why it wasn't adopted [cl144(6B)].

## 9 Issuing of CC by certifying authority

- 9.1 The certifying authority may only determine the application for CC and issue the CC when:
- FRNSW has provided notification that an IFSR will not be provided [cl144(6A)(a)]
  - FRNSW failed to provide notification within 10 days of the document receipt date that an IFSR will be provided [cl144(6A)(b)]
  - FRNSW did not provide the IFSR within 28 days of the document receipt date [cl144(6A)(c)]
  - FRNSW has furnished the IFSR and it has been taken into consideration [cl144(6)].
- 9.2 If FRNSW did not provide the IFSR within 28 days, and the CC is subsequently issued, the certifying authority must notify FRNSW in writing that the CC has been issued [cl144(6C)].

## 10 After the CC has been issued

### 10.1 Plans and specifications attached to the issued CC

- 10.1.1 Building works are expected to be completed as per the plans and specifications given to the consent authority and council for the issued CC.
- 10.1.2 Under section 109E(3)(e) of EP&A Act 1979, the principal certifying authority is required to be satisfied that any preconditions of the development consent or complying development certificate are met before the occupation certificate is issued. One such condition is that work has been carried out in accordance with the requirements of the BCA [cl98(1)(a)]. To be satisfied, the principal certifying authority relies on certificates and reports, including:
- any compliance certificate specifying that building works have been completed and complies with the specified plans and specifications [section 109C(1)(a)(i) of EP&A Act 1979]
  - the relevant fire safety certificate [cl153]
  - any compliance certificate or written report issued by the fire safety engineer [cl152B].
- 10.1.3 FRNSW expects relevant building works to be completed and certified prior to any request for a FFSR being made [cl152].
- Note:** The request for a FFSR can only be made **after** the application for an occupation certificate has been received, including all documentation the application requires.
- 10.1.4 If during any inspection undertaken for the FFSR any adopted condition has not been complied with, or any certified fire safety system is not functioning correctly, FRNSW will likely furnish an FFSR to the principal certifying authority stating that the works are unsatisfactory, and the building may not be suitable for occupation.

### 10.2 Modifying the development

- 10.2.1 If the builder/developer seeks to modify the development applicable to the CC that has been issued, the application to modify the CC must be made in the same way as it applies to the original application made to the certifying authority [cl148(2)].

- 10.2.2 If the modification of CC includes an existing or new alternative solution, the certifying authority must re-apply clause 144 and apply for a new IFSR from FRNSW [[cl148\(2\)](#)].
- Note:** The new IFSR application must indicate that the proposed works are a modification of an existing CC. Any new or revised plans, specifications and ASR should be provided with the application. The ASR should clearly identify any new or modified alternative solution issues from the previously assessed ASR version.
- 10.2.3 Any modification of CC may affect the previous assessment and decision by FRNSW. FRNSW may provide an IFSR for the application to modify CC irrespective of whether an IFSR was previously issued or not [[cl148\(2\)](#)].
- 10.2.4 The certifying authority should determine if the proposed changes incorporate a design change that warrants a modification of CC. If any plans or specifications (including ASR version) given to the consent authority/council for the issued CC are to be amended, then the existing CC should be modified or a new application for CC made.
- Note:** Once the application for CC has been determined the relevant amended plans and specifications must be given to the consent authority and council [[cl142\(2\)\(c\)](#)].
- 10.2.5 If the modified development no longer includes an alternative solution to which [clause 144](#) applies, the certifying authority must notify FRNSW that [clause 144](#) no longer applies to the building [[cl148\(3\)](#)].

### 10.3 Staged development

- 10.3.1 To assist the certifying authority and FRNSW with staged development, the [Alternative solution summary table](#) should be completed by the competent fire safety practitioner when submitting any updated ASR version for each application for CC.
- Note:** The table summarises the FRNSW consultation undertaken, identifies any new or revised alternative solution issue, and the certified design locked by CCs already issued. A similar table can be presented at the beginning of the ASR.
- 10.3.2 If any ASR which applies to existing building is to be updated as part of staged development, the competent fire safety practitioner should consult with FRNSW on any new alternative solution issue being proposed by the updated ASR (e.g. fire engineering brief consultation).

### 10.4 Receiving an updated ASR

- 10.4.1 While the ASR is a living document that may undergo revision by the competent fire safety practitioner, successive ASR versions are only applicable when determined and attached to the fire safety schedule for the respective CC.
- Note:** The certifying authority should not be receiving any updated ASR unless it relates to a corresponding CC application to be determined.
- 10.4.2 If the ASR is updated to incorporate conditions from the IFSR, a copy of the updated ASR should be attached to the fire safety schedule as the standard of performance, and given to the consent authority and council when the CC is issued [[cl142\(2\)](#)].
- 10.4.3 If any updated ASR is received, the certifying authority should determine whether to attach it to the fire safety schedule by way of new or modified CC.
- Note:** During any FFSR inspection, FRNSW will assess the building works to the ASR version attached to the current fire safety schedule and its corresponding fire safety certificate.

## 10.5 Building variations and defects

10.5.1 Certifying authorities are reminded that under [section 109F\(1A\)](#) of the *EP&A Act 1979* a valid CC cannot be issued for building work to which it relates, if the works have physically commenced (i.e. a CC cannot be issued retrospectively to cover 'as-built' variations or defects).

**Note:** It is important that the builder and/or principal certifying authority identify potential issues during construction at the earliest moment and determine an appropriate course of action. If a design change is required, the existing CC should be modified or a new application for CC made as needed.

10.5.2 When 'as-built' building work variations or defects are identified following construction (e.g. during final critical stage inspection), the principal certifying authority is to determine the appropriate course of action to address the issue/s identified.

## 11 Charges for providing an IFSR

11.1 [Section 42](#) of the *Fire and Rescue NSW Act 1989* allows FRNSW to charge for services. [Clause 46\(1\) & \(3\)](#) and [Schedule 2](#) of the *Fire Brigades Regulation 2014* prescribe the charges for the provision of an IFSR. This fee comprises a charge based on the estimated cost of development and for the assessment of each applicable Category 2 fire safety provision.

**Note:** Each Category 2 fire safety provision impacted by an alternative solution will only be charged once per assessment, irrespective of how many alternative solution issues apply to that provision (e.g. if three alternative solution issues impact on the hydrant system, FRNSW will only charge for one assessment of performance requirement EP1.3).

11.2 No charge will apply when an IFSR is not provided.

11.3 When an IFSR is provided, FRNSW will issue an invoice with applicable charges to the remitter as noted on the IFSR application form.

11.4 The applicant is solely responsible for the agreement to pay the charges incurred, irrespective of whether acting on behalf of another person. If the applicant is not the remitter as noted on the application form, FRNSW will verify in writing the agreement to pay from the remitter.

**Note:** If the remitter does not agree to pay the invoice within the agreed terms then the application may be refused, and the applicant asked to re-submit providing their details. Under [clause 144](#) it is the certifying authority who must apply for the IFSR.

## 12 Contact us

For further information contact the Fire Safety Branch on (02) 9742 7434 or email [firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au).

Appendix A: Process flow charts

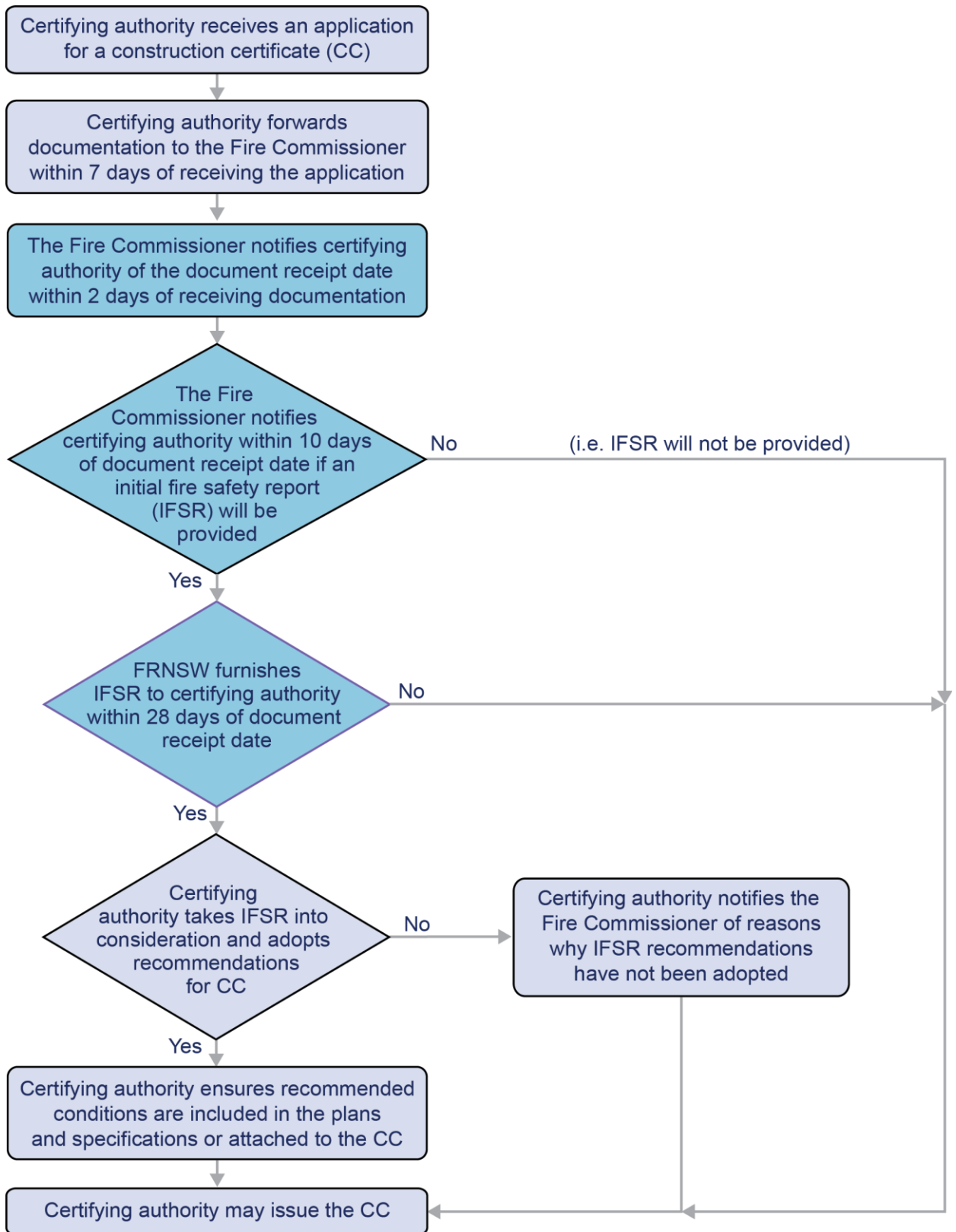
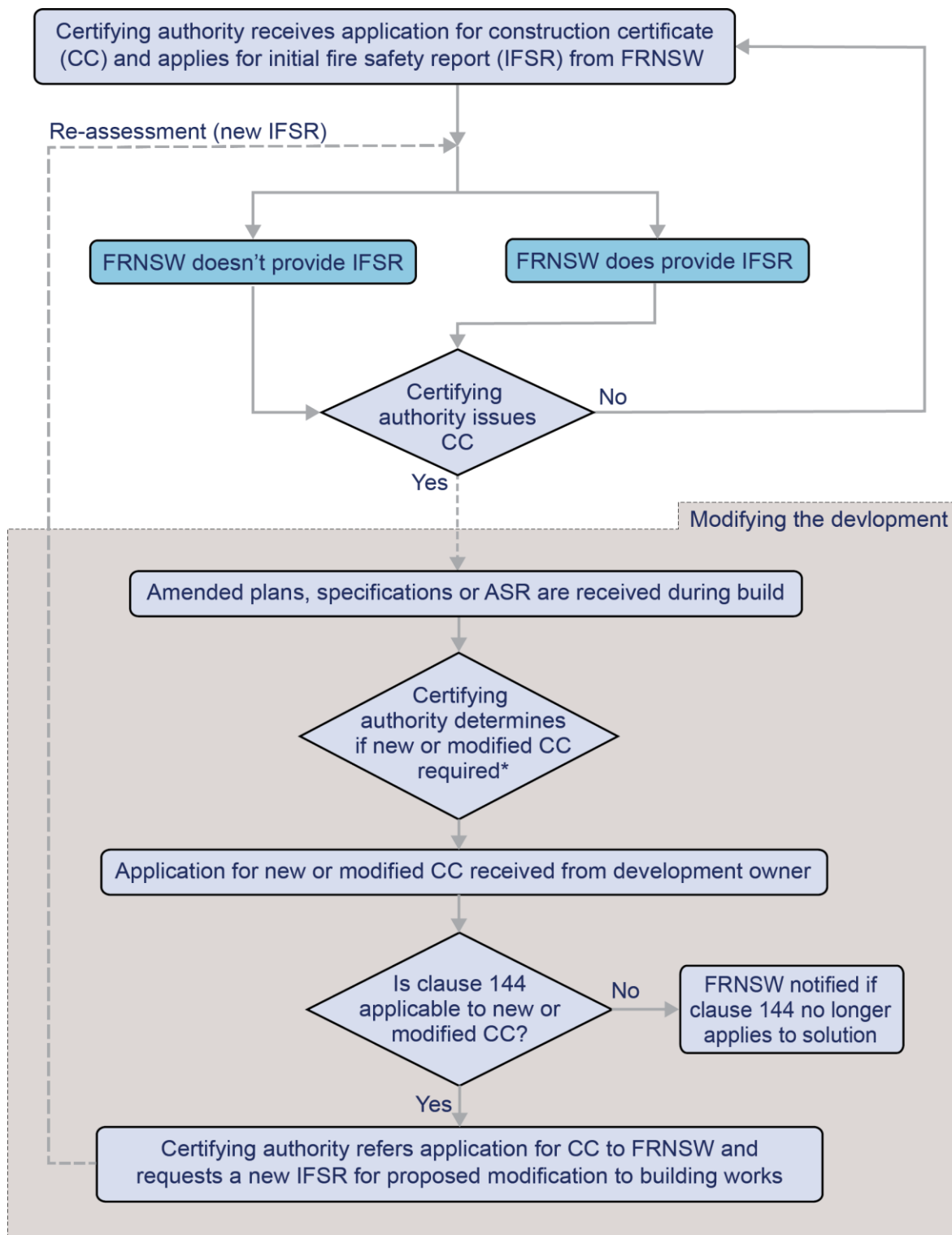


Figure 1 Summary of legislated process

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**\*Note:** A new or modified CC cannot be issued for works which have physically commenced

Figure 2 Summary of modifying development process

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