

To: Department of Planning & Environment
Date: 24 January 2017
Subject: **Holmes Fire commentary on proposed fire safety changes to the environmental planning and assessment regulation 2000**

To whom it may concern,

Holmes Fire has reviewed the proposed amendments of the fire safety clauses of the environmental planning and assessment regulation 2000 and provide the following commentary.

1 ABOUT HOLMES FIRE

Holmes Fire is a professional engineering consultancy specialising in the field of fire and safety engineering, including performance based fire engineering, Building Code of Australia assessments, and human behaviour analysis. These services are provided for all building classifications, both new and existing, and infrastructure projects.

As the largest specialist fire engineering firm in Australasia, with offices in Sydney, Christchurch, Wellington, Hawke's Bay, Auckland, Los Angeles, and San Francisco, Holmes Fire has extensive experience in delivering performance based fire engineering designs; having completed projects throughout Australia, New Zealand, the United States of America, and the Middle East.

Holmes Fire is committed to providing superior service and value to our clients. This is done by finding innovative safety solutions that complement the architectural designs of buildings and meet the needs of Clients, Emergency Services, Approval Authorities, and the building users. Holmes Fire believes in communicating effectively with all stakeholders and establishing ongoing relationships.

2 GENERAL COMMENTS

Holmes Fire is in strong support of the proposed amendments and believe that they will assist in improving the robustness of the construction industry in NSW. The proposed changes will, in our opinion, raise the bar in terms of fire safety design, installation, and maintenance in buildings within NSW. The most critical amendments that we provide the strongest support for is the clarification of what constitutes a competent fire safety practitioner.

3 SPECIFIC COMMENTS

3.1 Alternative Solution

The proposed Regulation uses the term 'Alternative Solution' throughout, however this terminology has been updated in the 2016 version of the National Construction Code to 'Performance Solution'. To avoid confusion, and for consistency, it is suggested that the term 'Performance Solution' be used throughout the legislation.

3.2 Competent Fire Safety Practitioners

Whilst the specification of a competent fire safety practitioner is strongly supported by Holmes Fire, further clarification is required as to the different types of practitioners. Guidance or specification should be provided regarding the difference between a fire engineer and a fire services designer for example and the types of reports and certificates that each type of practitioner is qualified to provide. Without this, Holmes Fire is of the opinion that Certifiers may be confused about the competency of some practitioners and may inadvertently accept documentation from a practitioner operating outside of their area of competency.

Furthermore, the legislation should include provisions that require Fire & Rescue NSW staff who are responsible for reviewing Fire Engineering Reports, fire system designs, and fire system specifications to be equally as competent as the practitioners who prepare such documentation. Without this provision, the review by Fire & Rescue NSW achieves little benefit as it could result in incompetent Fire & Rescue NSW staff providing commentary in opposition to the design or advice of a competent practitioner. This scenario is considered a poor outcome for the industry and will not raise the bar of fire safety in NSW.

3.3 Relevant Fire Safety Systems

A number of clauses in the proposed Regulation state the following in relation to relevant fire safety systems:

In this clause:

relevant fire safety system means any of the following:

- (a) a hydraulic fire safety system within the meaning of clause 165,*
- (b) a fire detection and alarm system,*
- (c) a mechanical ducted smoke control system.*

The use of the term 'ducted' in relation to smoke control systems is limiting and may result in some non-ducted systems (such as in a warehouse) being excluded and fire safety oversights occurring.

3.4 Clause 146B

Part (2) of this clause states:

specifications that describe the basis for design, installation and construction of the relevant fire safety system, including any alternative solutions proposed for the system.

It is considered that the words 'proposed for the system' should be replaced with 'that apply to the system'. This is considered to be better terminology to capture the relevant requirements of Performance Solutions.

For example, a Performance Solution may require that a sprinkler system be provided with fast response heads. Such a provision is not a Performance Solution proposed for the sprinkler system (and therefore would be missed by the legislation under the currently proposed wording) but this is an important requirement that applies to the system.

3.5 Clause 152B

The requirements of Clause 152B(a)(iii) are inconsistent with the equivalent requirements in Clause 130(2A)(c) and Clause 144A(1)(c).

152B(a)(iii) requires that the Fire Engineering Report *depicts the physical elements of the alternative solution on the plans for the building (where they are capable of being shown)*, whereas Clause 130(2A)(c) and Clause 144A(1)(c) required that this detail is included on the plans and specifications for the building.

It is expected that the issuing of an occupation certificate will be accompanied with an up to date set of as built plans and specifications and as such, 'depicting the physical element of the Performance Solution' in the FER is considered redundant. Furthermore, such an inclusion in the Fire Engineering Report is not considered practical for the fire engineer to achieve.

It is recommended that Clause 152B be modified to be consistent with Clause 130(2A)(c) and Clause 144A(1)(c).

3.6 Clause 164B

Whilst Holmes Fire does not have any specific objections to the proposed wording of Clause 164B, in our opinion there should be some control for the application of this Clause in buildings to which a Performance Solution applies to any fire safety measure. Whilst the certifying authority and the peer reviewing fire services engineer may be qualified to assess the operational performance of a fire safety system in isolation and any potential impact to that system, they may not be able to suitably assess the impact that the altered operational performance of one system may have on other fire safety systems in the building or Performance Solution that are existing / proposed for the building.

As such it is recommended that the application of Clause 164B be limited such that it shall not be applied where the application for a CDC or CC involves an existing or proposed Performance Solutions.

It is also queried how this proposed Clause 1645B works with the existing Clause 188 of the Regulation.

4 CONCLUSION

Thanks you for taking the time to review our comments and if you would like to discuss further please feel free to contact the undersigned.

Holmes Fire look forward to the implementation of the proposed changes to the Regulation and the improvement of the fire safety industry in NSW.

Yours sincerely,

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