



31 January 2017

**Society of Fire Safety (NSW) – Submission regarding public consultation draft to the Environmental Planning and Assessment Regulation 2017**

Item	Clause	Comment
1.	General comment	References to alternative solution or alternative solution reports in the EP&A Reg should be changed to performance solution or performance solution reports as per the current BCA. The term alternative solution is a superseded term. <i>Recommend wording be rephrased from alternative solution to performance solution throughout the Regulation.</i>
2.	130(2A)(a)(ii)	Requires a report prepared by a competent fire safety practitioner. Is the intent to include reports 'reviewed by' or 'issued by'? This can have ramifications as it can preclude the preparation of a report by staff under the supervision of a competent fire safety practitioner. <i>Recommend 'prepared by' be rephrased to 'issued by'. This is consistent with the other wording under the Regulation.</i>
3.	130(2A)(a)(ii)	Reference to performance requirement should be plural - ie performance requirements. <i>Recommend 'performance requirement' be rephrased to 'performance requirements.'</i>
4.	136AA(2)(b)	Competent fire safety practitioner in this instance seems to relate to fire services engineers or mechanical engineers, not fire safety engineers. This could be confusing as they are different professions. <i>Further clarification is required. Refer also to item 9 in relation to clause 167A.</i>
5.	136AA(3), 146B(3), 152A(7), 164B(6) and 190B(2)	The definition of relevant fire safety systems includes 'a mechanical ducted smoke control system.' This definition is considered too limiting and may result in other non-ducted systems being excluded which are relevant to fire safety. The term 'mechanical ducted smoke control system' is not defined and could include stair pressurisation systems and zone smoke control systems. However, it may exclude smoke control systems utilising ceiling plenums or natural ventilation systems utilising active measures such as louvers. <i>Recommend the term 'mechanical ducted smoke control system' be rephrased to 'active smoke control system'</i>
6.	144A(1)(a)(i)	Requires a report prepared by a competent fire safety practitioner. Is the intent to include reports 'reviewed by' or 'issued by'? This can have ramifications as it can preclude the preparation of a report by staff under the supervision of a competent fire safety practitioner. <i>Recommend 'prepared by' be rephrased to 'issued by'. This is consistent with the other wording under the Regulation.</i>

Item	Clause	Comment
7.	146(B)(2)(a)(ii)	<p>Requires 'specifications that describe the basis for design, installation and construction of the relevant fire safety system, including any alternative solutions <u>proposed</u> for the system.'</p> <p><i>Recommend 'proposed for the system' be rephrased to 'that apply to the system'.</i></p> <p>This is intended to capture all the relevant requirements of Performance Solutions. For example, a Performance Solution may require a sprinkler system be provided with fast response heads. Such a requirement is not a Performance Solution proposed for the system (as per draft wording proposed). However, this is an important requirement that applies to the system and should be captured by the specifications.</p>
8.	152A(1)	<p>Requires Fire and Rescue NSW to furnish a fire safety system report. Detailed compliance of fire safety systems with the relevant standards may not lie within the area of expertise of Fire and Rescue personnel.</p> <p><i>Recommend that the report by Fire and Rescue NSW be issued by a competent fire safety practitioner.</i></p>
9.	152A(6)	<p>Requires Fire and Rescue NSW to provide a fire safety system report that specifies whether they are satisfied 'that the relevant fire safety system is capable of performing to at least the standard in the current fire safety schedule for the building'. This appears to transfer compliance/certification risk to Fire and Rescue NSW. Is this the intention of the clause?</p>
10.	152B(a)(iii)	<p>Requires the alternative solution report to 'depict the physical elements of the alternative solution on the plans for the building". This implies the report needs to include the plans.</p> <p><i>Recommend that this becomes a separate subclause (c) under clause 152B instead of under clause 152B(a).</i></p> <p>This would be consistent with the proposed changes for clause 130 and 144A.</p>
11.	164B(5)	<p>The application of this clause should be more limiting.</p> <p>Whilst the certifying authority and competent fire safety practitioner undertaking the peer review (under subclause (5)(c)) 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.</p> <p>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 complying development certificate or construction certificate involves an existing or proposed Performance Solutions for the building.</p>

Item	Clause	Comment
12.	167A	<p>This clause appears to include several professions under the class of 'competent fire safety practitioners' which could include fire safety engineers, fire services engineers and installation trades. This has the potential to allow practitioners to undertake work for which they will not be qualified to undertake - eg fire safety engineers do not undertake detailed design of hydraulic fire safety systems, fire detection and alarm systems or mechanical ducted smoke control systems (as per proposed clause 136AA(3)) .</p> <p><i>Recommend competent fire safety practitioners be further subdivided into appropriate categories.</i></p>
13.	167A(4)	<p>In the interim period until an order is published under subclause (1), the proposed amendment gives the certifying authority the discretion to determine the competency of fire safety practitioner. This is less onerous than the current requirement for a 'fire safety engineer' which is defined under the EP&amp;A Regulation as a person holding C10 accreditation under the Building Professionals Act.</p> <p><i>Recommend that the requirement for a C10 fire safety engineer to undertake the works under the relevant clauses (130, 144A, 164B) be maintained until a 'competent fire safety practitioner' is properly defined.</i></p>
14.	General comment	<p>Whilst not under the proposed draft changes, recommend that clause 144 and 152 also be amended to require the 'initial fire safety report' and 'final fire safety report ' required to be furnished by the Fire Commissioner to be issued by a competent fire safety practitioner.</p> <p>This is to ensure reviews undertaken by Fire &amp; Rescue NSW are undertaken by appropriately qualified personnel.</p>

Yours faithfully,

Jack Tam

Vice-chair Society of Fire Safety NSW  
For and on behalf of the Society of Fire Safety NSW Chapter