

Home > Fire safety > Building fire safety > Engineers and consultants >

Performance-based design brief consultation

An applicant should consult with Fire and Rescue NSW (FRNSW) as a stakeholder in the performance-based design brief (PBDB) process.

When a development proposes to incorporate a fire engineered solution or performance solution related to fire safety, whether a building design having a performance solution in accordance with the *National Construction Code (NCC) Volume 1* (Class 2 to 9 buildings) or other infrastructure where building codes are not applicable, FRNSW should be engaged in the PBDB process as a stakeholder.

Guidance on the development of a PBDB is presented in the *Australian Fire Engineering Guidelines (AFEG)* (2021).

Note 1: Clause A2.2(4) of the *National Construction Code* applies from 1 July 2021. With regards to A2.2(4)(a) in *NCC Volume One*, which requires consultation with relevant stakeholders during the PBDB, FRNSW consider that for Class 2 to 9 developments within NSW the relevant fire service / brigade is a relevant stakeholder in all Performance Solutions relating to fire safety.

Note 2: As per Section 26 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EP&A Reg.)*, the owner of a building must ensure that the person who develops a performance-based design brief for a performance solution for a fire safety requirement in the building requests the Fire Commissioner's comments on the brief if—

- (a) the building is a class 2, 3, 4, 5, 6, 7, 8 or 9 building, and
- (b) a construction certificate is required for the building work comprising the performance solution.

As per Section 26 (2), a request must be made—

- (a) during the development of the performance-based design brief, and
- (b) in the way required by the Fire Commissioner.

Both the performance-based design brief / fire engineering brief questionnaire (FEBQ) and Performance solution summary table should be submitted when consulting with FRNSW.

FRNSW will notify the applicant within 10 working days if comments will be provided or not. If being provided, FRNSW will endeavour to provide a response to the FEBQ to the applicant within 20 working days after the document receipt date.

If the PBDB/FEB relates to infrastructure or building works not intended to meet the *NCC* then the FRNSW written report application should be used for the consultation process. Examples include State significant infrastructure as per section 5.12 of the *Environmental Planning and Assessment Act 1979* or Crown building work as per section 6.28 of the *Environmental Planning and Assessment Act 1979*.

Note: If the State significant infrastructure or Crown building work does involve a building intended to meet the *NCC*, the FEBQ should be used for consultation.

If the development is likely to be subject to *State Environmental Planning Policy No.33 Hazardous and Offensive Development* or a condition of consent requiring a fire safety study be done, then these should be finalised in conjunction with the performance solution.

The application is to include all relevant information necessary for the consultation to occur. The CFD/zone modelling inputs form should be provided when modelling is proposed in the assessment method.

Forms

Fire engineering brief questionnaire (MS Word)

Performance solution summary table (MS Word)

CFD/zone modelling inputs form (MS Word)

What do I get?

The applicant will receive a written report, such as formal comments in the FEBQ response, and the option of having a telephone meeting, face-to-face meeting or no meeting to discuss aspects of advice given by FRNSW.

Note: The meeting will be at the discretion of FRNSW, and the time allocated to any meeting will be based on the advice given.

Costs

The charge applicable is \$2,600 for each day (or part of a day) spent by the Commissioner or a fire brigade member providing advisory, assessment or consultancy services.

For a full description of the charges applicable including terms, payment options, applying for a waiver or reduction of the charges, please refer to the fees and charges for services page.

Further information

About FRNSW forms

Submitting plans and specifications to FRNSW