



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 certifier 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 m² or more, where the plans and specifications for the work provide for a performance 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 m², where the plans and specifications for the work provide for a performance 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 m², where the plans and specifications for the work provide for a performance 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 a performance 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 performance 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 a performance 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 performance 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 certifier 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 certifier 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 a performance solution and the performance requirements it is intended to meet.

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 regarding external combustible cladding.

On 1 December 2019, Part 6 of the *EP&A Act* and corresponding sections of the regulation that related to building and subdivision certification were amended.

5 Applying for an IFSR from FRNSW

5.1 When the certifier receives an application for a CC for an applicable building (refer to section 3), the certifier must refer certain plans and specifications to FRNSW within seven (7) days of receiving that application [cl144(2)].

5.2 FRNSW requires the certifier to complete and submit the *IFSR application form* which is available online at firesafety.fire.nsw.gov.au.

5.3 The following documentation must be provided to FRNSW [cl144(2)].

- (a) a copy of the application for CC (e.g. certifier's date endorsed application form)
- (b) a copy of the plans and specifications for the building
- (c) details of the performance requirements that the performance solution intends to meet
- (d) details of the assessment methods used to establish compliance with the performance requirements.

Note: A performance solution report must be provided (refer to section 6).

5.4 FRNSW will notify the certifier 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 certifier 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 Performance solution report (PSR)

- 6.1 The certifier must obtain or be provided with a PSR prior to issuing a CC for building work that involves a performance solution in respect to fire safety provisions.
- Note:** The PSR documents the performance solution [*cl144 (2)(c) and (d)*] therefore should be submitted to the certifier with the application for CC, which is then forwarded to the Fire Commissioner within seven (7) days.
- 6.2 The PSR, 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 performance 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 performance solution, including the acceptance criteria and parameters on which justification is based, and restrictions or conditions on the performance solution
 - a copy of the brief on which the justification of the performance solution is based.
- 6.3 The certifier must be satisfied that [*cl144A(1)(b)*]:
- the PSR 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 performance solution (where capable of being shown and described).
- 6.4 The PSR must be authorised by a qualified ‘competent fire safety practitioner’ [*cl144A(3)*].
- 6.5 If the PSR relates to a performance 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 m² 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 m², or
 - a building (other than class 9a) proposed to have a total floor area of more than 6,000 m²
- 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 certifier [*cl167A(1)(4)*].
- Note:** For further information, refer to *Selecting a competent fire safety practitioner – Guide for building certifiers* by NSW Planning, Infrastructure and Environment.

7 FRNSW assessment

- 7.1 FRNSW will consider each application by merit and allocate resources to prioritise performance solutions with greater risk and occupancy impact. FRNSW will notify the certifier 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 certifier can determine the application for CC and issue the CC as appropriate [*cl144(6A)(a)*].
- 7.3 If FRNSW does not notify the certifier within 10 days of the document receipt date that an IFSR will be provided, the certifier 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 certifier 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 certifier may determine the application for CC and issue the CC as appropriate [cl144(6A)(c)].
- Note:** For complex development with technical performance solutions, the certifier has discretion to delay determining the CC until the IFSR has been 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 certifier 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 PSR), 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:
- (a) the performance solution will satisfy the performance requirements it intends to meet
 - (b) fire hydrants will be accessible for use by FRNSW
 - (c) couplings in the system will be compatible with FRNSW equipment [cl144(9)].
- 8.2 In determining whether FRNSW is satisfied that the performance solution will meet the performance requirements, a holistic assessment of the solution and performance requirements will be made, not limited to just 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 certifier 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 certifier is expected to resolve matters directly with their client before determining the application for CC [cl142(1)]. If a significant redesign or new solution is needed to incorporate conditions, the certifier 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 apply. The certifier may request a meeting to clarify FRNSW conditions within the IFSR.
- 8.6 When incorporating FRNSW conditions into the plans and specifications, the certifier 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 certifier must notify FRNSW in writing including reasons why it wasn't adopted [cl144(6B)].

9 Issuing of CC by the certifier

- 9.1 The certifier may only determine the application for CC and issue the CC when:
- (a) FRNSW has provided notification that an IFSR will not be provided [*cl144(6A)(a)*]
 - (b) FRNSW failed to provide notification within 10 days of the document receipt date that an IFSR will be provided [*cl144(6A)(b)*]
 - (c) FRNSW did not provide the IFSR within 28 days of the document receipt date [*cl144(6A)(c)*]
 - (d) 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 certifier 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 6.10\(1\)](#) of *EP&A Act 1979*, the principal certifier is required to be satisfied that preconditions of the development consent are met before issuing the occupation certificate, including work has been carried out in accordance with the BCA [*cl98(1)(a)*]. To be satisfied, the principal certifier relies on certificates and reports such as:
- (a) any compliance certificate specifying that building works have been completed and complies with the specified plans and specifications [*s6.4(e)* of *EP&A Act 1979*],
 - (b) the relevant fire safety certificate [*cl153*]
 - (c) 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(1)*].
- Note:** The FFSR can only be requested **after** receiving the application for an occupation certificate, including receiving all documentation required by that application.
- 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 certifier 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 certifier [*cl148(2)*].
- 10.2.2 If the modification of CC includes an existing or new performance solution, the certifier 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 PSR should be provided with the application. The PSR should clearly identify any new or modified performance solution issues from the previously assessed PSR 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 certifier should determine if the proposed changes incorporate a design change that warrants a modification of CC. If any plans or specifications (including PSR 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 a performance solution to which [clause 144](#) applies, the certifier must notify FRNSW that [clause 144](#) no longer applies to the building [cl148(3)].

10.3 Concept development

10.3.1 To assist the certifier and FRNSW with concept development, the [Performance solution summary table](#) should be completed by the competent fire safety practitioner when submitting any updated PSR version for each application for CC.

Note: The table summarises the FRNSW consultation undertaken, identifies any new or revised performance solution issue, and the certified design locked by CCs already issued. A similar table can be presented at the beginning of the PSR.

10.3.2 If any PSR applies to an existing building to be updated as part of complex development, the competent fire safety practitioner should consult with FRNSW on any new performance solution issue being proposed by the updated PSR (e.g. fire engineering brief consultation).

10.4 Receiving an updated PSR

10.4.1 While the PSR is a living document that may undergo revision by the competent fire safety practitioner, successive PSR versions are only applicable when determined and attached to the fire safety schedule for the respective CC.

Note: The certifier should not be receiving any updated PSR unless it relates to a corresponding CC application to be determined.

10.4.2 If the PSR is updated to incorporate conditions from the IFSR, a copy of the updated PSR 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 PSR is received, the certifier 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 PSR version attached to the current fire safety schedule and its corresponding fire safety certificate.

10.5 Building variations and defects

10.5.1 Certifiers are reminded that under [section 6.8\(2\)](#) of *EP&A Act 1979*, a valid CC cannot be issued for building works that physically exist (i.e. a CC cannot be issued to retrospectively cover 'as-built' variations or defects).

Note: The builder and principal certifier should identify potential issues during construction 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 certifier 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 a performance solution will only be charged once per assessment, irrespective of how many performance solution issues apply to that provision (e.g. if three performance 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.

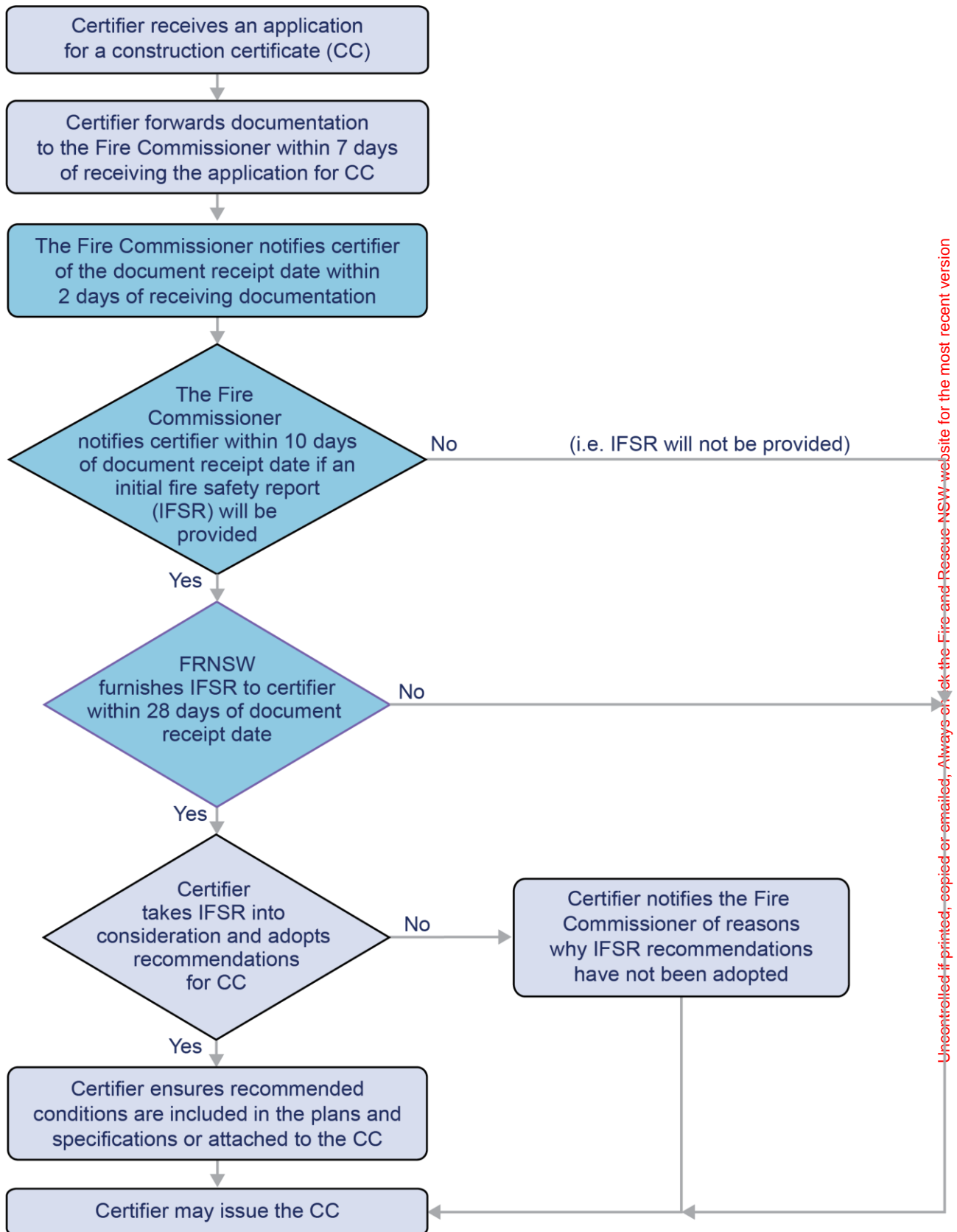
11.4 The applicant is solely responsible for the agreement to pay the charges incurred, irrespective of whether acting on behalf of another person. If the applicant is not the remitter as noted on the application form, FRNSW will verify in writing the agreement to pay from the remitter.

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 certifier who must apply for the IFSR.

12 Contact us

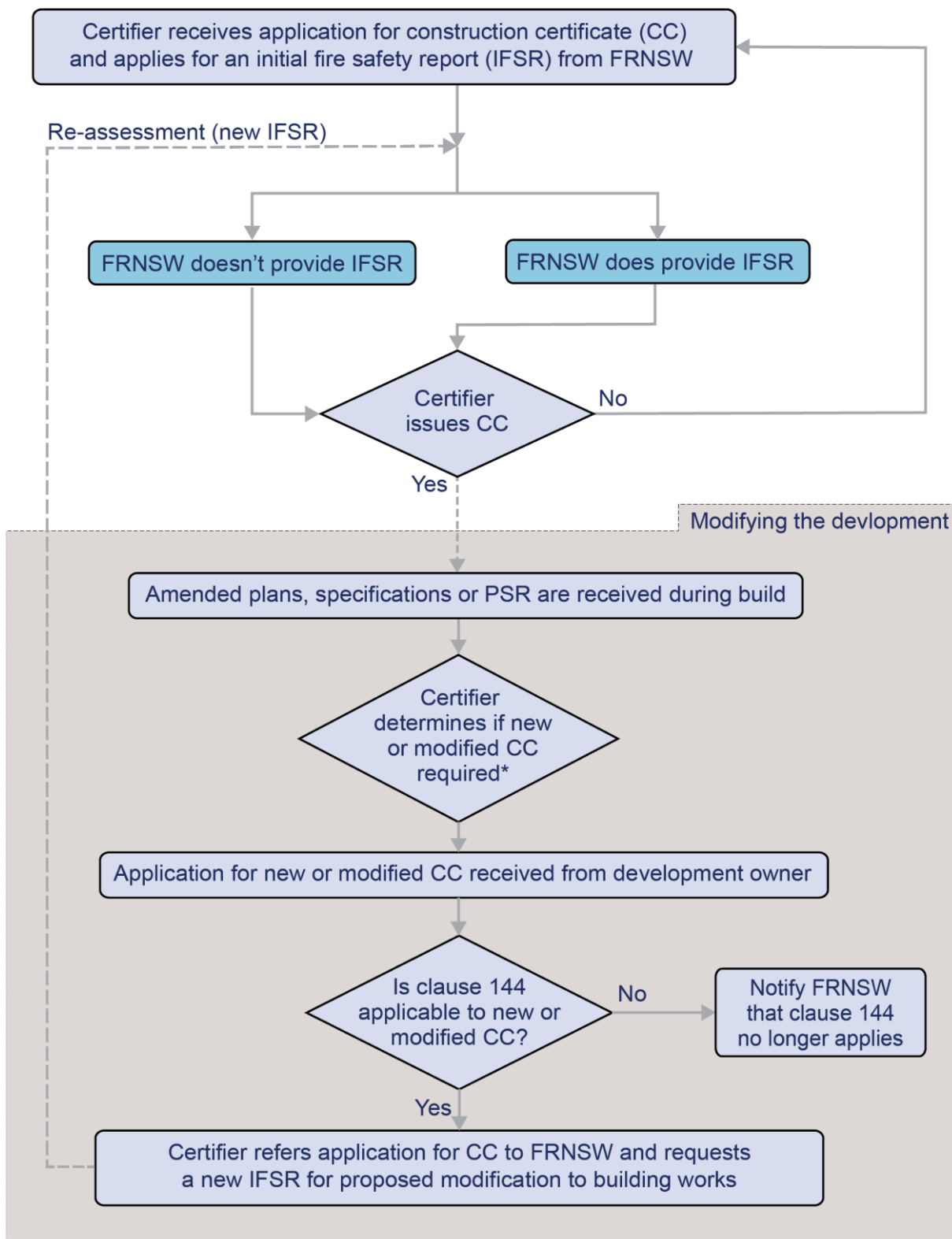
For further information contact the Fire Safety Branch on (02) 9742 7434 or email firesafety@fire.nsw.gov.au.

Appendix A: Process flow charts



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Figure 1 Summary of legislated process



***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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