

Fire Performance Requirements of Volumes One and Two of the National Construction Code Series

This updates the previous Practice Note 2013-37 issued January 2013.

Reference to the Building Code of Australia (BCA) in this Practice Note means Volumes One and Two of the National Construction Code Series.

GENERAL REGULATORY REQUIREMENTS

1. SUMMARY

This Practice Note provides advice about procedures that enable a relevant building surveyor (RBS) to determine that an Alternative Solution complies with a fire Performance Requirement of the BCA.

2. BACKGROUND

The term 'fire Performance Requirement' is defined in regulation 105 of the Building Regulations 2006 (the Regulations). Alternative Solutions proposed for a fire Performance Requirement can only be determined as complying with the fire Performance Requirement by a relevant building surveyor (RBS) in certain limited circumstances set out in regulation 113 of the Regulations.

3. PROCESS

Regulation 113 requires that the RBS must comply with one of the options (a) to (g) set out in the regulation. An important point to note is that this regulation does not override other

provisions of the Building Act 1993 (the Act) or the Regulations. Where an Alternative Solution is proposed relating to a fire Performance Requirement, the RBS must not determine that an Alternative Solution complies with a fire Performance Requirement of the BCA unless—

- a. he or she has completed the Graduate Certificate in Performance Based Building and Fire Codes from Victoria University of Technology or holds a qualification that the Victorian Building Authority considers is equivalent to that Certificate and is competent and experienced to determine the matter, and the certificate states that the Alternative Solution meets the Performance Requirement.
- b. he or she has received and can rely on a certificate under section 238 of the Act from a registered fire safety engineer who did not design the building work and who is competent and experienced to determine the matter, and the certificate states that the Alternative Solution meets the Performance Requirement.
- c. he or she has received and can rely on a certificate under section 238 of the Act from a registered building surveyor who did not design the building work and who is competent and experienced to determine the matter (this will normally be, as a minimum, someone who has completed the VUT qualification or equivalent course).

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the matter has been determined by the Building Appeals Board.

- d. a copy of a current certificate of accreditation issued by the Building Regulations Advisory Committee relevant to the matter has been provided.
- e. a copy of a current certificate of conformity issued by the Australian Building Codes Board relevant to the matter has been provided.
- f. a report from the Chief Officer of the relevant fire authority consenting to the Alternative Solution has been provided under regulation 309.

If the RBS uses option (a), (b), (c), or (d), this does not eliminate the requirement to seek reporting authority consent under regulation 309. Where the Alternative Solution relates to a matter set out in regulation 309 and is therefore relevant to the Chief Officer, then the most efficient option will be to obtain the report and consent of the Chief Officer under regulation 309. This will also comply with regulation 113.

If you have a technical enquiry please email: technicalenquiry@vba.vic.gov.au or phone 1300 815 127

Victorian Building Authority 733 Bourke Street
Docklands VIC 3008