



GUIDE TO LODGING PERFORMANCE BASED APPLICATIONS FOR CONSTRUCTION & COMPLYING DEVELOPMENT CERTIFICATES

The applicant must, where it requires Council to assess an application for a CC or a CDC for NCC compliance, advise Council at the time of lodgement of the application whether the application is submitted as:

- i) a 'deemed to satisfy', or
- ii) an alternative solution (Performance Based), or
- iii) a combination of items i) and ii) above.

To allow Council to adequately assess the proposal, certain information is essential. The assessment methods Council can use include:

- a) The use of *Clause A2.2* of the NCC. Clause 2.2 allows evidence to be submitted in support of a proposition that a material, form of construction or design meets a performance requirement. This evidence can take the form of:
 - i) a report from a Registered Testing Authority
 - ii) a current Certificate of Accreditation
 - iii) a certificate from a professional engineer
 - iv) a Standards Mark Certificate issued by Standards Australia
 - v) a current Scientific Services Laboratory (SSL) Product Listing Data Sheet.
- b) *Verification Method*: Verification methods will include:
 - i) *Calculations* - using analytical methods or mathematical models; and/or
 - ii) *Tests* - using a technical operation either on site or in a laboratory to directly measure one or more performance criteria of a given solution.
- c) *Technical expert*: Where physical criteria are unable to be tested or modelled by calculation, the opinion of a technical expert may be accepted. This is referred to as allowing the use of Expert Judgement.
- d) *Comparison with "deemed to satisfy" provisions*: The final assessment method is a direct comparison with the deemed-to-satisfy provision.

Information of importance in the establishment of compliance for designs utilising an alternative solution include:

- a) Designer's validation of the concept, methodology tools and outcomes used to determine and achieve compliance with the Performance Requirements.
- b) A Fire Engineering Design Brief (FEDB) is a fundamental part of any fire engineering design process. The FEDB is a team approach process consisting of those involved in the building design and approval process. In this regard, the following factors are essential:

- Role of the Approving Authority

It is important for the Council, who will approve the design, to be a member of the FEDB team. In this way scenarios and acceptance criteria can be agreed by the approver in advance which will simplify the approvals procedure at a later stage.

ALTERNATIVE SOLUTIONS FOR COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA MUST DEMONSTRATE TO COUNCIL THAT THE APPLICATION MEETS PERFORMANCE REQUIREMENTS AND IS NO LESS EFFECTIVE THAN THE “DEEMED TO SATISFY” PROVISIONS.

Alternative solutions should be structured in the following format:

1. List the Performance Clause/s which is/are to be satisfied; and
2. List the “Deemed to Satisfy” Clause/s which is/are not being complied with; and
3. Include all reports referred to in the submission which form the basis for justification of the alternative methods being proposed; and
4. Any copy of documentary evidence submitted, must be a complete copy of the original report or document. This is a requirement of the Building Code of Australia for ‘Evidence of Suitability’.

FIRE SAFETY MEASURES for Classes 2 to 9.

The information accompanying the application must include:

A fire safety schedule which:

1. must deal with the whole of the building, not merely the part of the building to which the construction certificate, complying development certificate or fire safety order relates, and
2. must include:
 - (a) such of the fire safety measures currently implemented in the building premises, and
 - (b) such of the fire safety measures proposed or required to be implemented in the building premises, as are statutory fire safety measures, and
 - (c) must specify the minimum standard of performance for each fire safety measure included in the schedule.

The Environmental Planning and Assessment Regulation 2000 requires that any application for a CONSTRUCTION or COMPLYING DEVELOPMENT CERTIFICATE must include the information required in the items listed above.

Once your proposed alternative solution has met the criteria listed above, it will be considered by a panel consisting of three Accredited Certifiers. This panel will consider the proposal in terms of the assessment methods available and make recommendation on the proposal.

TO ENABLE COUNCIL TO EFFECTIVELY CONSIDER YOUR PROPOSAL, IT IS ESSENTIAL THAT ALL THE REQUIRED INFORMATION BE SUBMITTED AS PART OF THE APPLICATION.

FAILURE TO DO SO WILL RENDER YOUR APPLICATION INCOMPLETE AND DELAY ASSESSMENT.

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000 FIRE SAFETY MEASURES

Access panels, doors and hoppers to fire resisting shafts
Automatic fail safe devices
Automatic smoke detection and alarm systems
Automatic fire suppression systems
Break glass panels
Carbon Monoxide gas detection systems
Electric door strikes
Electromagnetic devices
Emergency lifts
Emergency lighting
Emergency warning and intercommunication systems
Exit Signs
External wall wetting sprinklers
Fire blankets
Fire control centres and rooms
Fire dampers
Fire doors
Fire hydrant systems
Fire seals protecting openings in fire resisting components of the building
Fire shutters
Fire windows
Gas-type or foam-type fire extinguisher systems
Hose reel systems Lightweight
construction Mechanical air
handling systems
Perimeter vehicle access for emergency vehicles
Portable fire extinguishers Air
pressurisation systems
Required exit doors (automatic)
Safety curtains in proscenium openings
Self closing fire hoppers
Smoke detectors and heat detectors
Smoke and heat vents
Smoke exhaust systems
Smoke dampers
Smoke doors
Solid core doors
Stand-by power systems
Wall wetting sprinkler and drencher systems
Warning and operational signs
Other: (Requirements of any DLG Section 82 concurrence or performance based assessments eg Evacuation
Plan, Plan of Management etc).

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