

# Structural Fire Safety/Dangerous Goods Incidents

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**Sponsor:** Dangerous Goods

**Authorised by:** Director, Fire Safety

## 1. PURPOSE

The purpose of this guideline is to provide applicants, seeking a report and consent from the Fire Rescue Commissioner, pursuant to *the Building Act 1993 (Act)* and the Building Regulations 2018 (Regulations), with an understanding of the Fire Rescue Victoria (FRV) process where dangerous goods will also be accommodated in the building.

**Note:** the following recommendations have been made in compliance with a legal opinion obtained by FRV.

## 2. SCOPE

Where an application is received by FRV for a report and consent under Building Regulations 2018 that impacts on or has dangerous goods considerations, the following process will be followed:

- The report and consent shall be processes as per the Building Act and Regulations and shall contain a comment that expressly states that the report shall be subject to further conditions. This may read as follows:

*This application shall require detailed consideration by the Dangerous Goods Department pursuant to the Dangerous Goods Act and Regulations*

**Note:** this action will avoid purported reliance on the Fire Rescue Commissioner's report and consent under the Building Act and Regulations, therefore avoiding the perception that no additional requirements need to be addressed under different legislation i.e. Dangerous Goods legislation.

- The report and consent shall also state that the dangerous goods issues under the Dangerous Goods Act and Regulations will be dealt with separately and that the consent is subject to compliance with any additional requirements of the Dangerous Goods Act and Regulations as identified by the Dangerous Goods Department. This may read as follows:
  - *all dangerous goods shall be addressed separately pursuant to the Dangerous Goods Act and Regulations*
  - *consent from the Fire Rescue Commissioner is subject to compliance with any additional requirements of the Dangerous Goods Act and Regulations as identified by the Dangerous Goods department of Structural Fire Safety.*

**Note:** in following this process, a report and consent with conditions concerning dangerous goods, neither the applicant/owner nor the building surveyor will be able to argue that they had relied on FRV's unqualified consent in addressing the application.

### **3. REFERENCES**

*Building Regulations 2018*

*Dangerous Goods (Storages and Handling) Regulations 2012*

Review legal opinion (Maddocks Lawyers) Ref. JDS:ESC:947601

**Note:** *this is a controlled document and may only be modified by authorised personnel after review by FRV Fire Safety Advisory Group.*