

# Application for Formal Report and Consent Pursuant to the Building Act 1993 and Regulation 129 (1) of the Building Regulations 2018

## Important items to note;

Lodging this application form will result in the Fire Rescue Commissioner issuing a formal report pursuant to the Building Act 1993 and Regulation 129 (2) of the Building Regulations 2018.

The Victorian Government Fire Services Reform package saw the formation of Fire Rescue Victoria (FRV) on the 1st of July 2020. Pursuant to Section 100 of the Fire Rescue Victoria Act 1958, the Fire Rescue Commissioner is the successor at law to the Chief Officer of the former Metropolitan Fire and Emergency Services Board (MFB).

FRV and CFA have signed a Service Level Deed Agreement which sees FRV provide services on behalf of the CFAs Chief Officer in relation to the built environment for the state of Victoria. These services include statutory service delivery under the National Construction Code and Victoria's building legislative framework, that includes: R129(1) Applications, R187(1) Applications, NCC Part A2.2(4)(a) / A2G2(4)(a) Applications, Pre-129 advice incorporating the review of Fire Safety PBDBs.

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**Note: Failure to complete this form in full or failure to provide the requested documentation may result in your application being refused.**

## Regulation 129 Limitations

- FRV recommends that applicants are familiar with the following documents;
  - Victorian Building Authority, Building Practice Note BP-11: Report and Consent; available via the VBA's website.
  - FRV's policy pertaining to alterations and updates to designs and Fire Engineering Reports (FERs) / Fire Safety Performance Based Design Reports (Fire Safety PBDRs); is [available here](#) (under the 'FRV bulletins' tab) or via FRV's website.

Do you understand this recommendation?                      Yes                       No

## Applicant Details

- Applicant Full Name: \_\_\_\_\_
- Company Name: \_\_\_\_\_
- Company ABN: \_\_\_\_\_
- Company Postal Address: \_\_\_\_\_  
Suburb: \_\_\_\_\_ State: \_\_\_\_\_ Postcode: \_\_\_\_\_
- Applicant Mobile Number: \_\_\_\_\_
- Applicant Email: \_\_\_\_\_

**Relevant Building Surveyors Details**

8. Relevant Building Surveyor Full Name: \_\_\_\_\_
9. Relevant Building Surveyor Registered Building Practitioner's Number: \_\_\_\_\_
10. Company Name: \_\_\_\_\_
11. Company Postal Address: \_\_\_\_\_  
Suburb: \_\_\_\_\_ State: \_\_\_\_\_ Postcode: \_\_\_\_\_
12. Relevant Building Surveyor Mobile Number: \_\_\_\_\_
13. Relevant Building Surveyor Email: \_\_\_\_\_

**Address of Premises / Site**

14. Building Name / Stage Number (if applicable): \_\_\_\_\_
15. Street Address: \_\_\_\_\_  
Suburb: \_\_\_\_\_ State: \_\_\_\_\_ Postcode: \_\_\_\_\_  
Municipality: \_\_\_\_\_  
Lot Number (if applicable): \_\_\_\_\_  
Planning Scheme Number (if applicable): \_\_\_\_\_

**Cover Letter**

Numerous questions in this application form, detail that additional written information is to be provided for review. This additional information is to be compiled in the form of a cover letter.

Your cover letter should be easy to read, and the presented information should be separated and referenced clearly with the requested titles.

**Previous History**

16. Has Fire Rescue Victoria, the Metropolitan Fire Brigade or the Country Fire Authority had any previous involvement with this Building / site in the past? This includes pre application meetings, FEB / Fire Safety PBDB reviews, pre-129 written advice, NCC Part A2.2(4)(a) / A2G2(4)(a) Consultation, proposal reviews, previous report and consents, Building Appeals Board MODs, etc.?

Yes  No

If **yes**, then provide additional details in your cover letter, include a brief description of the previous involvement; including reporting fire service, type of previous involvement, report numbers, etc. Clearly reference these additional details as 'Question 16' in your cover letter.

17. <Question 17 has been intentionally skipped>.

### **Change in Design Declaration**

18. Has there been any alterations to the proposed design that may impact FRV's / MFB's / CFA's previous advice?

Yes  No  Not Applicable

If **yes**, then provide additional details in your cover letter, include a brief description of the alterations and how these may impact our previous advice. Clearly reference these additional details as 'Question 18' in your cover letter.

### **Application for a Building Permit (Form 1)**

19. The applicant is to provide a copy of the Form 1 'Application for a Building Permit' that is applicable to this Regulation 129(1) application.

Note 1: Regulation 129(1) of the Building Regulations 2018, detail specific parameters around applications for building permits and when the Fire Rescue Commissioner (Chief Officer) can provide report and consent. It is important to discuss these parameters with your Relevant Building Surveyor to ensure that your Regulation 129 report and subsequent Building Permit are valid.

Further information can be found here;

- Victorian Building Authority, Building Practice Note BP-11: Report and Consent; available via the VBA's website.
- FRV's policy pertaining to alterations and updates to designs and Fire Engineering Reports (FERs) / Fire Safety Performance Based Design Reports (Fire Safety PBDRs); is [available here](#) (under the 'FRV bulletins' tab) or via FRV's website.

Note 2: If the application for a Regulation 129 report and consent relates to a specific stage of building work, then that stage must be explicitly defined within the submitted Form 1 document.

### **Department of Health (DH) and Department of Families, Fairness and Housing (DFFH)**

20. Is the proposed building owned, operated or funded by the Department of Health (DH), the Department of Families, Fairness and Housing (DFFH) or the Director of Housing?

Yes  No

If **yes**, then provide the following 'Capital Development Guidelines Series 7' documents;

- a) Copy of Guideline 7.2 – Form A1.1 - Building Surveyor statement of compliance – Alternative Solutions (required.)
- b) Copy of Guideline 7.2 – Form A1.2 - Fire Safety Engineer - statement of compliance – Design (required).
- c) Copy of Guideline 7.2 – Form A1.1 - Building Surveyor statement of compliance – Design (if available).

**Building Particulars - as per the NCC / BCA**

21. Provide a brief written description of the proposed building works in your cover letter. Clearly reference this description as 'Question 21' in your cover letter.
22. NCC/BCA Building Assessment Year \_\_\_\_\_
23. Nature of Building Works (tick appropriate boxes)
- Construction of a new building       Alterations to an existing building
- Extension to an existing building       Change of use of an existing building
- Other: \_\_\_\_\_
24. Building Class/s: \_\_\_\_\_
25. Building Use: \_\_\_\_\_
26. Rise in Storeys: \_\_\_\_\_
27. Storeys Contained \_\_\_\_\_
28. Effective Height: \_\_\_\_\_
29. Floor Area (m<sup>2</sup>) Existing: \_\_\_\_\_
30. Floor Area (m<sup>2</sup>) Proposed: \_\_\_\_\_
31. Floor Area (m<sup>2</sup>) Total: \_\_\_\_\_
32. Size of Largest Fire Compartment - Floor Area (m<sup>2</sup>): \_\_\_\_\_
33. Size of Largest Fire Compartment - Volume (m<sup>3</sup>): \_\_\_\_\_
34. Type of Construction
- A       B       C       Multiple Construction Types
- If you select 'Multiple Construction Types' then provide additional details in your cover letter. Clearly reference these additional details as 'Question 34' in your cover letter.
35. Details of Typical Construction – Floors: \_\_\_\_\_
36. Details of Typical Construction – Walls: \_\_\_\_\_
37. Details of Typical Construction – Roof: \_\_\_\_\_

**Further Information**

38. Is the design of the building, either wholly or partly, the subject of a Performance Solution within the meaning of the NCC / BCA?
- Yes       No
- If **yes**, then provide a copy of the Fire Engineering Report (FER) or Fire Safety Performance Based Design Report (Fire Safety PBDR).

39. Is the design of the building, either wholly or partly, the subject of a Section 160 Compliance Assessment from the Building Appeals Board?

Yes  No

If **yes**, then provide a copy of the Section 160 Compliance Assessment from the Building Appeals Board.

40. Is the design of the building, either wholly or partly, the subject of a Regulation 233 or 234 statement of partial compliance by the RBS?

Yes  No

If the Relevant Building Surveyor has already issued a Regulation 233 partial compliance (Form 18), then provide a copy of this document. FRV acknowledge that in some instances the Relevant Building Surveyor may not have issued the Form 18 at this point in time and that the Form 18 may be issued in conjunction with a subsequent building permit. The Fire Rescue Commissioner may contact the Relevant Building Surveyor to discuss any queries that they may have relating to the extent that Regulation 233/234 partial compliance determination applies to this project.

41. As per the definition and limitations provided in the BCA Volume 1, is the building in question considered a large isolated building?

Yes  No

42. As per the definition / requirements of the BCA Volume 1, is the building required to have a Fire Control Centre?

Yes  No

43. As per the definition / requirements of the BCA Volume 1, is the building required to have a Fire Control Room?

Yes  No

44. Does the proposed building include the provision of a Car Stacker/s, Automated Vehicle Parking System (AVPS) or a similar mechanical car storage system?

Yes  No

If **Yes**, then provide additional details in your cover letter; provide details of the proposed design, including vehicle capacity, system type/s, system location, etc. Clearly reference these additional details as 'Question 44' in your cover letter.

45. If you answered yes to Question 45, then confirm the following; is the Car Stacker/s, Automated Vehicle Parking System (AVPS) or similar mechanical car storage system, proposed to be sprinkler protected in accordance with AS2118.1-2017 (or a subsequent version of AS2118.1)?

Yes  No  Not Applicable

If **No**, then provide additional details in your cover letter. Clearly reference these additional details as 'Question 46' in your cover letter.

46. If you answered yes to Question 45, then confirm the following; Is the Car Stacker/s, Automated Vehicle Parking System (AVPS) or similar mechanical car storage system, proposed to be designed and installed in accordance with FRV Guideline 32?

Yes       No       Not Applicable

If **No**, then provide additional details in your cover letter. Clearly reference these additional details as 'Question 47' in your cover letter.

47. Is it proposed that Dangerous Goods are to be manufactured, stored, handled, or packaged in the building or at the site where the building is proposed?

Yes       No

If **Yes**, then provide additional details in the form of a Manifest or Dangerous Goods Report. The document is to provide details of the proposed dangerous goods; including classes, products, quantities, storage locations, etc.

48. Is it proposed that Industrial Waste or Bulk Waste is to be processed, stored, or handled in the building or at the site where the building is proposed?

Yes       No

If **Yes**, then provide additional details in your cover letter, provide details of the proposed Industrial Waste or Bulk Waste use; including quantities, type/s, storage locations, etc. Clearly reference these additional details as 'Question 49' in your cover letter.

49. Does the proposed building incorporate an Impulse (Jet) Fan Ventilation system or similar in the Car Park areas?

Yes       No

If **Yes**, then provide additional details in your cover letter, provide details of the proposed design, including system type, system location, etc. Clearly reference these additional details as 'Question 50' in your cover letter.

50. Does the proposed building include the provision of Electric Vehicle Charging?

Yes       No

If **Yes**, then provide additional details in your cover letter, include the total number of charging stations, type, and their locations. Clearly reference these additional details as 'Question 51' in your cover letter.

51. Does the proposed building include the provision of an onsite Battery Energy Storage System or similar?

Yes       No

If **Yes**, then provide additional details in your cover letter, include the total number of battery banks, type of system, system capacity and the battery locations. Clearly reference these additional details as 'Question 52' in your cover letter.

52. Is the proposed building provided with fire hydrant coverage?

Yes  No

If **Yes**, then provide additional details in your cover letter. Clearly reference these additional details in your cover letter as 'Question 53'. Include a brief overview of the proposed fire hydrant system that is providing coverage to the building, this overview shall include (but not be restricted to);

- applicable Australian Standard,
- number of hydrants required to discharge,
- required flow rates and pressures,
- type of hydrants,
- water supply,
- provision of pumps/tanks,
- provision of ring mains, etc.

53. If you answered 'Yes' to Question 52, and the building is provided with fire hydrant coverage in accordance with the 2021 version of AS2419.1, then does the building exceed the allowable building parameters detailed in the scope of this standard?

Yes  No  Not Applicable

Note; the Scope of AS2419.1-2021 is limited to buildings;

- having an effective height not more than 135m,
- to Class 7b or 8 buildings having a total volume of not more than 108,000m<sup>3</sup>,
- to buildings that do not include automatic racked storage systems,
- to buildings and associated areas that do not include special hazards.

If **Yes**, then provide additional details in your cover letter. Clearly reference these additional details as 'Question 54' in your cover letter.

In the case of AS2419.1-2021, FRV is of the opinion that all fire hydrant systems that are proposed to be installed in a building that is outside the limitations of the scope will require the Report and Consent of the Fire Rescue Commissioner pursuant to Regulation 129 of the Building Regulations, as the design in its entirety will not meet the deemed-to-satisfy provisions of the BCA.

54. Is the proposed building provided with a fire detection and alarm system?

Yes  No

If **Yes**, then provide additional details in your cover letter. Clearly reference these additional details as 'Question 55' in your cover letter. Include a brief overview of the proposed detection and alarm system, this overview shall include (but not be restricted to);

- type of system/s,
- areas of coverage,
- system monitoring provisions,

- detailing if the system is proposed to be provided with an alarm signal transmission delay.
- detailing if the system is a 'required' system as per the requirements of the BCA.

55. Is the proposed building provided with fire sprinkler protection?

Yes  No

If **Yes**, then provide additional details in your cover letter. Clearly reference these additional details as 'Question 56' in your cover letter. Include a brief overview of the fire sprinkler protection system, this overview shall include (but not be restricted to);

- type of system/s,
- system demand,
- combined demand (in relation to simultaneous flow requirements),
- system monitoring provisions,
- water supply arrangement,
- provision of tanks and pumps,
- areas of sprinkler coverage,
- detailing if the system is a 'required' system as per the requirements of the BCA.

56. If you answered 'Yes' to Question 55, and the building is provided with fire sprinkler protection, then does the proposed fire sprinkler protection system/s meet the deem-to-satisfy provisions of the BCA?

Yes  No  Not Applicable

If **No**, then provide details of where the fire sprinkler protection system does not meet the deemed-to-satisfy (DtS) provisions of the NCC / BCA.

It is a requirement of Regulation 129(3) of the Building Regulations 2018, that the Chief Officer (Fire Rescue Commissioner) is notified of these variations.

It is an FRV requirement to use FRV's Microsoft Word 'Proposed Variations Template' to present your proposed variations. The template is [available here](#) (under the 'Building Regulation 129' tab) or via FRV's website.

Note 1: It is the expectation of the Fire Rescue Commissioner that these variations will also be formally addressed in detail in the relevant performance solution documentation (Fire Safety PBDB / FEB and the Fire Safety PBDR / FER).

Note 2: The applicant should check with the Relevant Building Surveyor to ensure that responding to the above steps correctly, satisfies the notification requirements of Regulation 129(3) of the Building Regulations 2018.



57. Is the proposed building provided with any other additional fire safety systems / measures that are not detailed in the previous questions?

Yes  No

If **Yes**, then provide additional details in your cover letter, include a brief overview of the proposed system/s and their areas of coverage, etc. Clearly reference these additional details as 'Question 57' in your cover letter.

### **Regulation 129(1) Proposed Variations**

58. Provide details of all proposed fire safety matters that do not meet the deemed-to-satisfy (DtS) provisions of the NCC / BCA and require the report and consent of the Chief Officer (Fire Rescue Commissioner) under Building Regulation 129(1) of the Building Regulations 2018.

It is an FRV requirement to use FRV's Microsoft Word 'Proposed Variations Template' to present your proposed variations. The template is [available here](#) (under the 'Building Regulation 129' tab) or via FRV's website.

When filling out the 'Proposed Variations Template', ensure you detail the National Construction Code (NCC) Section, Part, Type and Clause; Australian Standard (AS) reference number and Clause; and supporting arguments.

Supporting arguments must detail why a DtS design is not proposed and what additional measures are proposed to offset any reduction in fire safety. Failure to provide sufficient information may result in the Fire Rescue Commissioner refusing consent.

### **Required Documentation Checklist**

**The following documentation must be submitted for FRV to process your application.**

**Failure to provide the requested documentation may result in your application being refused.**

**The file names of all attachments / documents should be named appropriately, to avoid confusion and delays.**

59.  An application form that is completed in full.

60.  A cover letter. Numerous questions in this application form, detail that additional written information is to be provided for review. This additional information is to be compiled in the form of a cover letter.

Your cover letter should be easy to read, and the presented information should be separated and referenced clearly with the requested titles.

61.  A site plan that includes the following information:

- Site boundaries and building outlines.
- Pedestrian and vehicle entrances and access paths.

- Adjacent buildings and structures, including their class/s / use (this includes on site and off site).
- Adjacent roadways (this includes on site and off site).

62.  A set of architectural floor plans and/or fire service drawings.

The following features must be clearly highlighted on the plans (where applicable):

- Fire Detection Control and Indicating Equipment (FDCIE) / Fire Brigade Panel (FBP).
- Fire Control Centre / Fire Control Room.
- Sprinkler Control Valves.
- Fire Hydrant / Sprinkler Booster Assemblies.
- Fire Hydrant / Sprinkler Pumps / Tanks.
- Fire Hydrants.
- Other key fire service infrastructure.
- Areas where fire sprinkler coverage is provided (if partial coverage is proposed).
- Delineation between existing areas and new areas.

63.  A set of external elevation plans.

64.  A set of fire hydrant coverage plans. The following must be clearly detailed on the submitted plans;

- Hose lay paths.
- Indicate the location where the compliant hose lay ends; also detail final measurement.
- Extent of compliant water spray (10m, if designing to AS2419.1-2005).
- Coverage shortfalls must be highlighted with hatched shading.
- Rooms where a hose does not enter at least 1m into the room must be highlighted with hatched shading in their entirety.

65.  A schematic of the fire hydrant system (if an onsite fire hydrant system is being proposed).

66.  A schematic of the fire sprinkler system/s (if a fire sprinkler system/s is being proposed).

67.  Pressure and flow information (PFI) statements from the relevant Water Authority and where appropriate practical flow test reports from field testers. Variations relating to water supplies or fire service performance should be supported by these types of documents.

68.  Copies of any Building Appeals Board modifications / referrals sought or obtained.

69.  A copy of the Form 1 'Application for a Building Permit' that is applicable to this Regulation 129(1) application – refer to Question 19 for further information.
- Documentation pertaining to Capital Development Guidelines - Series 7' **if applicable** – refer to Question 20 for further information.
- A copy of the Fire Engineering Report (FER) or Fire Safety Performance Based Design Report (Fire Safety PBDR) **if applicable** – refer to Question 38 for further information.
- A copy of the Section 160 Compliance Assessment from the Building Appeals Board **if applicable** – refer to Question 39 for further information.
- A copy of the Form 18 pertaining to Regulation 233 partial compliance **if applicable** – refer to Question 40 for further information.
- A copy of the Dangerous Goods Manifest or Dangerous Goods Report **if applicable** – refer to Question 47 for further information.
- A copy of the Regulation 129(3) Proposed Fire Sprinkler Protection System Variations list **if applicable** – (provide a word version and PDF version of this document) – refer to Question 56 for further information.
- A copy of the Regulation 129(1) Proposed Variations list (provide a word version and PDF version of this document) – refer to Question 58 for further information.
70.  Any other relevant supportive documentation. Note, do not provide additional documentation unless it is relevant to your application.

### **Fees and Charges**

71. Provide the email address of your company's accounts department: \_\_\_\_\_

Note: the preparation of a Regulation 129 report will incur a fee, upon completion of the report an invoice will be forwarded to the applicant and their company's accounts department.

FRV will not invoice third parties for any Fire Safety related applications; all invoices will be addressed to the applicant.

Further billing information, including the gazetted rates and how fees are calculated is available at <https://www.frv.vic.gov.au/fire-safety-reports-and-audits>

### **Applicant's Declarations**

72. This form must be signed by the applicant.

I declare that I am the applicant; and:

- I have read and understood the information provided in the Fees and Charges section of this application form.
- Pursuant to Regulation 21(2) of the Fire Rescue Victoria (General) Regulations 2020, which states that the person requesting a service provided by FRV must pay the fee or charge fixed by FRV for that service; I understand that I will be liable to pay the fees incurred in respect of this application.

- I understand that it is an offence under section 246 of the Building Act 1993 for a person to produce a document, to a person or body carrying out any function under this Act or the Regulations, which the person knows to be false or misleading in a material particular without indicating the respect in which it is false or misleading and, if practicable, providing correct information.
- I understand that it is an offence under section 246 of the Building Act 1993 for a person to knowingly make any false or misleading statement or provide any false or misleading information to a person or body carrying out any function under this Act or the Regulations.
- I warrant that as far as I am aware, having made reasonable enquiries and relying on information from third parties, the information in this application is true and correct.
- The owner of the property which is the subject of this application (if not myself) has been notified of this application.

Applicant's Signature: \_\_\_\_\_

Applicant's Name (Printed): \_\_\_\_\_

Date: \_\_\_\_\_

### **Do you need help with your application?**

73. Do you need help with your application? Help is available via phone or email;

[bsr.admin@frv.vic.gov.au](mailto:bsr.admin@frv.vic.gov.au)

or

(03) 9665 4478

### **Application Lodgement**

Lodge your completed and signed application form and all required documentation to:

[bsr.admin@frv.vic.gov.au](mailto:bsr.admin@frv.vic.gov.au)

If you do not receive an email receipt in relation to your application within 24 business hours of lodging, then please contact BSR-Admin on 9665 4478.