

Fire Safety Standard Guidelines

Development Application Process



Queensland Government

Department of Local Government and Planning
Department of Emergency Services

Purpose

This guideline provides information on the development application process applicable under the new fire safety legislation for budget accommodation buildings. It is intended to assist owners of budget accommodation buildings, local government officers, fire officers, consultants and designers ensure these buildings comply with the Fire Safety Standard.

Introduction

On 1 July 2002, new laws (legislation) introduced by the Queensland Government took effect to ensure the safe evacuation of occupants should a fire occur in a budget accommodation building. The new legislation requires all budget accommodation buildings built, approved, or for which an application was made prior to 1 January 1992 to comply with the prescribed Fire Safety Standard. The legislation requires the installation of early warning systems and emergency lighting by 30 June 2003 and compliance with the other provisions of the Standard within a further 2 year period. Owners and occupiers of all existing budget accommodation buildings are also required to prepare and implement a Fire Safety Management Plan by 30 June 2003. For further information on what constitutes a budget accommodation building refer to the guideline on "Budget Accommodation Buildings".

This guideline assists building owners in determining whether they need to make a development application and outlines the processes to follow to ensure compliance with the new legislation. This guideline only deals with the requirement to obtain a development approval for building work (refer to definition of building work). There may also be a requirement to obtain a development approval for other reasons such as plumbing or compliance with a planning scheme. Buildings may also be subject to separate requirements of the *Queensland Heritage Act*

1992 and the *Cultural Record (Landscapes Queensland and Queensland Estates) Act 1987*. It is strongly suggested that the building owner seek professional advice in relation to these other matters.

What is a Development Application?

A development application for building work is an application made and lodged with a local council in order to gain a building permit for the proposed building work.

When is a Development Application required?

A development application is required when building work is carried out on a building. Because it is assessable work, a permit is required. Building work is defined in the *Integrated Planning Act 1997* as: "Building, repairing, altering, underpinning (whether by vertical or lateral support), moving or demolishing a building or other structure; or work regulated under the *Standard Building Regulation 1993*".

How does this affect a budget accommodation building?

The Fire Safety Standard is a code under the *Standard Building Regulation 1993*. The Standard identifies performance criteria for each provision, which the building must comply with. The Standard also includes a list of corresponding acceptable solutions. If a building owner is satisfied that the building meets the acceptable solutions, then compliance with the Standard is deemed to have been achieved and no development approval is required (refer to the guideline on "Application of the Fire Safety Standard"). If the building does not satisfy the acceptable solutions, then a development approval for building works may be required.



A development application is required in the following circumstances:

- a) If building work has to be carried out to achieve compliance with the acceptable solutions, other than for smoke alarms or emergency lighting. For example, the installation of a new exit or stairway; or
- b) Compliance with the performance criteria of the Fire Safety Standard is sought through an alternative solution (refer to the guideline on “Application of the Fire Safety Standard”). Compliance with the performance criteria may be achieved by a fire-engineered solution involving building work or by the development of a management procedure to be included in the Fire Safety Management Plan, or a combination of building work and management procedures. In either event, a development application is required and the application must contain documentation to justify the solution. For all development applications submitted after 1 July 2002, a Fire Safety Management Plan must also be submitted as part of the application.

Building owners should be aware that it is an offence to start building work without a building permit and that all building work carried out must comply with the development approval. A maximum penalty of 165 penalty units at \$75 per unit applies.

What work may be carried out without a Development Application?

The *Standard Building Regulation 1993* now excludes some work from requiring a development application for budget accommodation building. The installation of smoke alarms, emergency lighting and minor work (e.g. reversing door swings and fitting door handles) in budget accommodation buildings, built, approved, or for which application was made before 1 January 1992, is defined as self assessable work.

The *Standard Building Regulation 1993* also allows certain maintenance and repairs to be carried out to an existing building or structure without a building permit if:

- a) the structural adequacy of the building or structure is not reduced; and
- b) fire safety of the building or structure is not reduced.

Examples of this work include replacing smoke alarms or replacing bulbs in an emergency light.

Owners of budget accommodation buildings may carry out the above-mentioned work without a building permit, however, where the repair or maintenance work involves electrical work, a licensed electrician must carry that out.

Preparing a Development Application for Building Works

A properly made development application for building work for a budget accommodation building consists of:

- Completed Form 1 Part A signed by the land owner;

- Completed Form 1 Part B;

- Scaled drawings of the building including floor plans and elevations, showing the details of any proposed changes to the buildings structure or elements (e.g. changes to walls, passageways, stairs). In addition, the location of all fire safety installations (e.g. the location of a fire detection and alarm system showing the location of detector heads and fire indicator panel, location of fire hose reels);
- A Fire Safety Management Plan, which must include as a minimum:
 - (a) the allowable number of occupants for the building; and
 - (b) the proposed maintenance schedule for the building’s prescribed fire safety installations; and
 - (c) the evacuation plan for the evacuation of the occupants; including occupants with an intellectual or physical disability, in the event of fire in the building; and
 - (d) proposed training program for occupants and persons employed in the building about-
 - (i) fire management and prevention; and
 - (ii) emergency evacuation; and
 - (e) a list of the building’s prescribed fire safety installations, including brand name and model number for each installation where applicable; and
 (For additional information on how to prepare the plan, see the “Fire Safety Management Plan Guideline”).
- Payment of the relevant fees.



A council may choose not to accept an application if it does not contain the above information and documents.

When a development application for building work involves “special fire services”¹ as defined in the *Standard Building Regulations 1993*, then the application will be referred to the Queensland Fire and Rescue Service for their advice. Examples of special fire services include fire hydrants, sprinklers, interconnected fire detection and alarm system, smoke control system, and special management procedures (see *Integrated Planning Act Regulation 1997 schedule 2A*)

¹ this does not include interconnected alarms in budget accommodation buildings built, approved, or for which application was made before 1 January 1992

Where can I lodge a Development Application?

- For budget accommodation buildings built, approved or for which an application was made before 1 January 1992 which require building work to comply with the Fire Safety Standard, then the application may only be made to the relevant local government. The legislation allows only local governments (i.e. local councils) to assess applications for compliance with the Fire Safety Standard.
- For buildings approved under the Building Code of Australia since 1 January 1992 applications may be made to either the relevant local council or a private certifier.

What happens after I lodge a development application for building work?

When a ‘properly made’ development application for building work is lodged, the assessment of the application follows a two-step process.

1. The Information Request Period.

The applicant may receive a written request from the council for further information within 10 business days of lodgement. This is called an “information request.” If the applicant receives such a request, they must respond within 12 months. The response may provide either:

- a) all of the information requested; or
- b) partial information and a notice asking the assessment to continue; or
- c) a notice stating that information has been supplied and a request for the assessment to continue.

The development application process does not continue until the applicant responds. If the application requires referral to the QFRS, the applicant must also send a copy of the application to the Regional Community Fire Safety section of the QFRS within three months. QFRS will then respond within 30 business days with advice in writing to the council and the applicant. The applicant must advise the council of the date the QFRS provided its advice and the date it lodged the

application with the QFRS.

The local government may extend the information request period for a further 10 business days by providing written notice to the applicant. It can only be extended beyond this time with the agreement of the applicant. If an information request is not made, the decision period commences from the date of lodgement.

2. The Decision Period.

A decision must be made within 20 business days of lodging the development application unless:

- a) an information request has been made or a written notice extending the period has been given; or
- b) the decision period has been extended by written notice for a maximum of 20 business days, or longer by mutual agreement; or
- c) the applicant stops the process.

The applicant will then receive a Decision Notice which either:

- approves the application; or
- approves the application with reasonable and relevant conditions; or
- refuses the application.

If the application is approved, the development permit authorises work to occur, subject to the conditions and extent of the development approval. If the application is refused, then works must not be undertaken. If the applicant is dissatisfied with the decision or the attached conditions, then an appeal may be made to a Building Tribunal or the Planning and Environment Court. This appeal must be made within 20 business days of receipt of the decision. The applicant may also appeal if a decision is not made (within these times) or the applicant is dissatisfied with the extent of the approval (refer to the guideline on “Enforcement, Appeals and Extension of Time”).

Where can I seek advice about compliance with the Fire Safety Standard?

For all budget accommodation buildings built, approved or for which an application was made, before 1 January 1992, the legislation allows owners to seek written advice from the local council relating to compliance with the Fire Safety Standard. The local council may charge a fee for this service. Where an owner seeks such advice, they should provide details about the building’s compliance with the Fire Safety Standard, including scaled drawings showing floor plans and elevations outlining any changes to the building’s structure or elements, the location of all fire safety installations, and a completed compliance checklist (see the guideline on “How to comply with the Fire Safety Standard”). Once the council receives a request for advice, they must provide written notice within 20 business days. This notice will identify whether the building does or does not comply with the Fire Safety Standard.



If the building does not comply, the notice must state the reasons for the decision, what must be done to make the building comply, and the rights of appeal against the decision (refer to the guideline “Enforcement, Appeals and Extension of Time”). The local government may commence proceedings against building owners to comply with the Standard if the building is not upgraded within the timeframes set out in the legislation. If the applicant is dissatisfied with the decision notice, an appeal must be lodged with the Registrar of Building and Development Tribunals within 20 business days of receipt of the notice.

Alternatively, building owners may seek advice from professionals such as fire engineers, private building certifiers or other fire safety consultants as to whether the building complies with the Fire Safety Standard. If a development application is required, these people may also assist with the preparation of an application and a Fire Safety Management Plan.

Use of guidelines

These guidelines are intended for use by:

- Building owners;
- Local governments;
- Building certifiers for acceptable solutions;
- Building certifiers with competence in fire safety for performance decisions; and
- Fire engineers, architects and building designers.

Associated guidelines

Other guidelines relating to fire safety in budget accommodation buildings provide specific guidance on various parts of the legislation, as well as illustrative examples using actual buildings as case studies.

The list of guidelines includes:

- How to Comply with the Fire Safety Standard
- Application of the Fire Safety Standard
- Budget Accommodation Buildings
- Smoke Alarms & Emergency Lighting

- Enforcement, appeals, extensions of time
- Inspection and Maintenance Options
- Fire Safety Audits
- Fire Safety Management Plans

Case studies on actual buildings include:

- Fully compliant building
- Large single storey building
- Small supported accommodation building
- Two storey timber hotel
- Three storey boarding house
- Two storey backpacker hostel

Guidelines and case studies are available on the Department’s website:

www.dlgp.qld.gov.au

For further information

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