



## DEVELOPMENT ASSESSMENT SERVICE

E: [CFSDASCommericalTeam@sa.gov.au](mailto:CFSDASCommericalTeam@sa.gov.au)

### Policy on application for assessment of a Performance Solution

The South Australia Planning, Development and Infrastructure (General) Regulations 2017, Regulation 45, under the *Planning, Development and Infrastructure Act 2016* mandates that the relevant Fire Authority consider any proposed Performance Solutions to achieve Performance Requirements or at variance with the “Deemed to Satisfy” provisions of the Building Code of Australia (BCA) in relation to Fire Safety Systems where it affects Fire Intervention.

The Regulation 45 Referral Application form contains the information required for the relevant Fire Authority to undertake the statutory assessment. Please complete the application and forward to the relevant Fire Authority via the PlanSA Portal, or contact the SACFS on the above contact details for guidance.

**Note:** As the referral agency the SACFS cannot assist in the design or completion of the application. If you need assistance the SACFS recommends that a suitable qualified person is engaged.

#### *“45—Building matters*

- (1) If a relevant authority, in assessing an application for building consent, considers that:
  - (a) a proposed performance solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for the intervention of a fire authority; or*
  - (b) the proposed development is at variance with a performance requirement of the Building Code which provides for the intervention of a fire authority; or*
  - (c) special problems for firefighting could arise due to hazardous conditions of a kind described in Section E of the Building Code, then the relevant authority must refer the application to the relevant fire authority for comment and report unless the fire authority indicates to the relevant authority that a referral is not required.**
- (2) If a report is not received from the fire authority on a referral under subregulation. (1) within 20 business days, the relevant authority may presume that the fire authority does not desire to make a report.*
- (3) The relevant authority must have regard to any report received from a fire authority under this regulation.*
- (4) If, in respect of an application referred to a fire authority under this regulation, the fire authority—
  - (a) recommends against the granting of building consent; or*
  - (b) concurs in the granting of consent on conditions specified in its report, but the relevant authority*
  - (c) proposes to grant building consent despite a recommendation referred to in paragraph (a); or*
  - (d) does not propose to impose the conditions referred to in paragraph (b), or proposes to impose the conditions in varied form, on the grant of consent, the relevant authority*
  - (e) must refer the application to the Commission; and*
  - (f) must not grant consent unless the Commission concurs in the granting of the consent.**
- (5) A relevant authority must provide to the Commission a copy of any report received from a fire authority under subregulation (1) that relates to an application that is referred to the Commission under the Act.*



*(6) For the purposes of section 118(5) of the Act, building work comprising or including the construction or installation of a private bushfire shelter must not be granted a building consent unless the Commission concurs in the granting of the consent."*

Please contact the SACFS on the above email address or your Building Officer at your local Council for more details or to answer any questions in relation to this process.

### **CFS Policy:**

The CFS will continue to work with our clients through project meetings, development of Fire Engineering Briefs, Draft Fire Engineering Reports and the negotiation phases outside the PlanSA Portal. However, the CFS will now only accept the final version of the Fire Engineering Report (FER) and the Final Fire Service Reg 45 application forms that have been uploaded into the PlanSA Portal. The final version of the Fire Service Reg 45 referral comment report will only be published on the PlanSA Portal – i.e. uploaded and available to the client via the PlanSA Portal only.

This will ensure that our referral comment reports used in the Building Rules approval process have been uploaded, the version of the FER has not changed and that the Council has access to the full decision process.

### **South Australian Country Fire Service**

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