

Application for an Internal Review of FRV's Decision in Relation to a Submitted Fire Engineering Brief

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1. PURPOSE

This document outlines the internal review process that is available to fire engineering brief stakeholders in the event that they are not satisfied with the Fire Rescue Victoria (FRV) technical officer's decision in relation to a submitted fire engineering brief.

2. CIRCUMSTANCES THAT FRV WILL CONSIDER

Where any one of the following circumstances arises, an internal review of the FRV technical officer's decision in relation to a submitted fire engineering brief may be considered.

- a. The FRV technical officer did not reasonably consider an aspect of the submitted fire engineering brief and the schematic design for the proposed building relating to it.
- b. Where a dispute arises between the FRV technical officer and the author of the fire engineering brief in relation to the interpretation of:
 - a relevant Australian Standard
 - the International Fire Engineering Guidelines (IFEG) 2005
 - the Fire Brigade Intervention Model (as published by The Australasian Fire and Emergency Service Authorities Council (AFAC))
 - a provision of the National Construction Code (NCC).
- c. Contrary written advice from:
 - the Victorian Building Authority, the Building Regulations Advisory Committee (BRAC) and the Building Appeals Board (BAB) exists in relation to the application of *the Building Act 1993 (the Act)* and/or the Building Regulations 2018
 - the Australian Building Codes Board exists in relation to the application of a provision of the NCC or the IFEG 2005.

3. CIRCUMSTANCES THAT FRV WILL NOT CONSIDER

Where any of the following circumstances arise, an internal review of FRV's decision in relation to a submitted fire engineering brief will not be initiated.

- a. The schematic design of the proposed building has changed
- b. The fire engineering brief and the schematic design of the proposed building is in direct conflict with a published FRV fire safety guideline, policy or position
- c. The fire engineering brief and the schematic design has not been supported by an independent peer reviewer
- d. The use of the proposed building has changed.

4. WHO IS ELIGIBLE TO MAKE A REQUEST FOR AN INTERNAL REVIEW?

4.1 EXTERNAL APPLICATIONS

A property owner is eligible to make an application for an internal review of FRV's decision in relation to a submitted fire engineering brief.

A property owner may also authorise, in writing, the author of the fire engineering brief and any person expressly listed as a project stakeholder within the brief to make an application for internal review of FRV's decision in relation to a submitted fire engineering brief.

4.2 INTERNAL DIRECTION

Upon direction from either the Fire Rescue Commissioner, the Deputy Commissioner of Fire Safety, the Director of Fire Safety or the Director of Built Environment, the Community Safety Technical Department Manager may be requested to conduct an internal review of an existing decision in relation to a submitted fire engineering brief.

5. INFORMATION YOU NEED TO PROVIDE

An application for an internal review must be comprised with the following documents and authorisations:

- a written submission from the owner or an eligible person that outlines the circumstances for the internal review
- where the written submission is made by an eligible person other than the property owner, a letter from the property owner is to be furnished that authorises the eligible person to make an application for an internal review
- the internal review fee of \$363.00* (including GST).

* Fees currently the subject of a Department of Treasury and Finance review and may be subject to change.

An application for an internal review that does not comprise these documents and authorisation(s) will not be considered.

No fee is payable where a request for an internal review is received from one or more of the persons referred to in Section 4.2 of this guideline.

6. TIMELINES

An application for internal review must be made within 15 business days of the technical officer's decision. Applications that are made outside of the 15 business day period may only be considered where it is clearly demonstrated by the applicant that exceptional circumstances exist.

7. HOW WILL THE INTERNAL REVIEW BE CONDUCTED

The internal review will be undertaken by the Community Safety Technical Department Manager or jointly made by the Community Safety Technical Department Manager and the BCA and Audits Manager, taking into account all of the available information and processes, including:

- the original fire engineering brief and schematic design documentation
- the technical officer's original decision
- the circumstances outlined by the applicant's request for internal review
- the expectations and processes outlined within the FRV Fire Safety Guideline *GL-33 – Performance based design within the built environment* and the IFEG 2005.

If the technical officer who conducted the review of the fire engineering brief was the Community Safety Technical Department Manager, another technical officer will be nominated to participate in the internal review process.

8. WHAT HAPPENS NEXT?

Upon consideration of the available information and process, the outcome of the internal review will be communicated within 15 business days of the receipt of the application for internal review.

The decision that is made by the Community Safety Technical Department Manager (or jointly made by the Community Safety Technical Department Manager and the BCA and Audits Manager) will, by reason:

- uphold the technical officer's original decision
- amend the technical officer's original decision
- overturn the technical officer's original decision.

9. LODGING AN INTERNAL REVIEW APPLICATION

An application for internal review must be made in writing, and can be sent to the following FRV email address:

bcaadmin@frv.vic.gov.au

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