

**BUILDING AND DEVELOPMENT TRIBUNAL - DECISION**

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**Assessment Manager:** Brisbane Certification Group

**Site Address:** 448 Ann Street, Brisbane

**Applicant :** Queensland Fire and Rescue Authority

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**Nature of Appeal:** Appeal under Section 4.2.10. of the Integrated Planning Act 1997 against the decision of the Brisbane Certification Group to issue a preliminary approval for construction of apartments, disregarding the Queensland Fire and Rescue Authority' advice in relation to access and egress. The building is to be erected on land described as Lots 61 and 62 on RP No. 10122 and situated at 448 Ann Street, Brisbane.

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**Date and Place of Hearing:** 8.00 am on Thursday 21 September 2000 at 111 George Street Brisbane

**Tribunal:**

G Leis	-	Tribunal Chairperson
M Holland	-	Tribunal Member
R Blake	-	Tribunal Member

**Present:**

John Kerr	Brisbane Certification Group
Steve Burton	B.C.A. Consultants
Aaron Muller	Ferro Muller Partnership
Darin Millar	Holmes Fire & Safety
Prabha Ponniah	Certis (formerly of Brisbane Certification Group)
Chris Odgers	Fire Check Consultants Pty Ltd
Lindsay Hackett	Queensland Fire and Rescue Authority
Graham Thom	Queensland Fire and Rescue Authority

**Decision:** The Tribunal :-

- 1) Finds the Queensland Fire and Rescue Authority has the right to lodge this appeal and the Tribunal has the jurisdiction to hear it; and
- 2) Sets aside the decision of the certifier to grant preliminary approval relying upon the Alternative Solution as described in the Fire Engineering Report – Review B – 3/7/2000; and
- 3) Directs the certifier to take into account all ramifications of occupant safety during Fire Brigade Intervention.

## Reasons:

In support of these findings the Tribunal offers the following reasons:-

In respect of finding 1) :-

- a) Fire Hydrants are a Special Fire Service, the location and suitability of which require assessment by the Queensland Fire and Rescue Authority under Schedule 2 and 3 of the Standard Building Regulation.
- b) The Building Code of Australia Deemed-to-Satisfy provision would require this building be provided with 2 hydrants per floor<sup>1</sup>, one in each of two fire-isolated stairs.
- c) In accordance with the provisions of Integrated Planning Act<sup>2</sup>, the Tribunal has given weight to the proposed Building and Other Legislation Amendment Regulations<sup>3</sup>, as a policy.

In respect of findings 2) and 3) :-

- d) The Fire Engineering Report does not evaluate Fire Brigade use of internal hydrants in other than deemed-to-satisfy locations.
- e) The Fire Engineering Report considers the safety of occupants only as far as their entry into the stairwell and does not consider all aspects of their progression through the exit to open space.
- f) The Fire Engineering Report does not currently prove the features of the Alternative Building Solution compensate for the redundancy of a second stair offered under a Deemed-to-Satisfy solution.

In considering this Appeal, the Tribunal considers there are a number of issues posed by the effective height of this building that warrant further review by the building certifier. These include:

- i) Lighting system within the egress stair;
- ii) Alarm sequencing;
- iii) Spread of fire from adjacent allotments via radiant heat;
- iv) Calculations derived via the Fire Brigade Intervention Model<sup>4</sup>;
- v) Evacuation of occupants from non fire floors due to identification of physical cues;
- vi) Sensitivity analysis of the failure of key systems, including the fire – isolated stair, pressurisation system;
- vii) Deletion of Hose Reels; and
- viii) Nomination of key elements of the design concept of the Alternative Solution within the fire engineering report – for example: intelligent smoke detectors.

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<sup>1</sup> See BCA96 clause D1.2(b) and AS 2419-1994, clause 4.3.1.3

<sup>2</sup> Integrated Planning Act, S 4.2.33

<sup>3</sup> see BOLAR, Part 2, section 7, amendment to Integrated Planning Act Regulations, Schedule 2, column 1, item 1

<sup>4</sup> Fire Brigade Intervention Model V2.1, November 1997, Australasian Fire Authorities Council

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Garry Leis  
**Building and Development  
Tribunal Referee  
Date: 26 September 2000**

## **Appeal Rights**

Section 4.1.37. of the Integrated Planning Act 1997 provides that a party to a proceeding decided by a Tribunal may appeal to the Planning and Environment Court against the Tribunal's decision, but only on the ground -

- (a) of error or mistake in law on the part of the Tribunal; or
- (b) that the Tribunal had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.

The appeal must be started within 20 business days after the day notice of the Tribunal's decision is given to the party.

## **Enquiries**

All correspondence should be addressed to:-

The Registrar of Building and Development Tribunals  
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Department of Communication and Information, Local Government, Planning and Sport  
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