



1.1 Development Assessment & Planning

'Working towards a Safer Community'

BCA 2010 Transition

Fast Fact 02/10

The aim of this Fast Fact is to provide clarification for certification in circumstances where a Construction Certificate is applied for after 1 May 2010 and DA consent has been issued prior to 1 May 2010. In these situations there could be a conflict between the levels of construction stated in the Development Consent and those required by the Building Code of Australia (BCA). This is intended to clarify those discrepancies.

Background

In NSW, the bush fire protection provisions of BCA 2010 are applied to Class 1, 2, 3 buildings, Class 4 parts of buildings, some Class 10 structures and Class 9 buildings that are Special Fire Protection Purposes (SFPPs).

BCA 2010 references AS3959-2009 as the deemed-to-satisfy (DTS) solution for construction requirements in bush fire prone areas, with a NSW variation excluding DTS requirements for construction in the Flame Zone.

In order to clarify the NSW development approval process, the RFS has prepared an addendum to *Planning for Bush Fire Protection 2006 (PBP)* which replaces the existing Appendix 3. The addendum aligns PBP Appendix 3 with the BCA DTS separation distance requirements for the Bushfire Attack Levels (BAL) of AS3959-2009.

Implementation & Transition

The following table is provided to clarify the association between AS3959-1999 and AS3959-2009 for the purposes of conditions of consent issued prior to 1 May 2010.

The table below should be used as a guide for certification when a Construction Certificate is applied for after 1 May 2010 and DA consent was issued prior to 1 May 2010. In these circumstances, the table below identifies the Bushfire Attack Level (BAL) under AS3959-2009 which is considered to protect against similar bushfire attack parameters and provides an equivalent construction outcome to that intended by AS3959-1999. ***However, it is important to note that the additional construction requirements in section A3.7 of Addendum Appendix 3 also need to be applied for this to be the case.***

AS3959-1999	AS3959-2009
Level 1 Construction	BAL-12.5 + section A3.7 of Addendum Appendix 3
Level 2 Construction	BAL-19 + section A3.7 of Addendum Appendix 3
Level 3 Construction	BAL-29 + section A3.7 of Addendum Appendix 3

It should be noted that AS3959-2009 has introduced additional bushfire attack levels beyond those equivalent to Level 3 Construction under AS3959-1999.

It should be further noted that compliance with BCA 2010 may result in higher construction requirements than those deemed equivalent under the Development Consent. In these circumstances, compliance with the

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higher BAL along with the additional construction requirements in section A3.7 of Addendum Appendix 3 would be considered to satisfy the intent of the lower level of construction identified in the Development Consent.

All development on bush fire prone land in NSW should comply with the requirements of the Addendum Appendix 3 and other bush fire protection measures identified within PBP.

The Addendum Appendix 3 and associated supporting information is available online at http://www.rfs.nsw.gov.au/dsp_content.cfm?CAT_ID=518.

If you have any questions regarding this or any other matter regarding developing on Bush Fire Prone Land, please email development.assessment@rfs.nsw.gov.au or contact 8741-5175.

A handwritten signature in black ink, appearing to read 'David Boverman'.

David Boverman

Manager Development Assessment and Planning

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NSW RURAL FIRE SERVICE