



NSW RURAL FIRE SERVICE



PLANNING FOR BUSH FIRE PROTECTION

A guide for councils, planners,
fire authorities and developers

ADDENDUM NOVEMBER 2022



PREPARE. ACT. SURVIVE.

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Commissioner
NSW RURAL FIRE SERVICE
Locked Mail Bag 17
Granville NSW 2142

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1 Introduction

The 2022 edition of the National Construction Code (NCC 2022) contains amendments to its bush fire protection provisions. This includes a suite of new provisions for Class 9 Buildings in bush fire prone areas that accommodate certain types of vulnerable occupants. This Addendum aligns *Planning for Bush Fire Protection 2019* (PBP 2019) with NCC 2022.

Since the publication of PBP 2019, there have also been amendments to referenced legislation, standards, guidelines and policies. The purpose of this Addendum is to amend PBP 2019 and to update outdated references.

2 Application

The effective date of this Addendum is 1 May 2023 to coincide with adoption of the National Construction Code 2022.

3 National Construction Code 2022

NCC 2022 provides a uniform set of technical provisions for the design, construction and performance of buildings. The Building Code of Australia component of NCC 2022 is given legal effect through the *Environmental Planning and Assessment Act 1979* whilst the Plumbing Code of Australia component is given effect through the *Plumbing and Drainage Act 2011*.

NCC 2022 is comprised of:

- National Construction Code Volume One – Building Code of Australia (2022)
- National Construction Code Volume Two – Building Code of Australia (2022)
- National Construction Code Volume Three – Plumbing Code of Australia (2022)

In NSW, all new buildings and new building work must comply with the NCC. NCC 2022 contains bush fire protection requirements that operate in conjunction with the bush fire protection measures (BPMs) in PBP 2019. Accordingly, developments in bush fire prone areas must comply with both the requirements of PBP and the NCC.

All references to the NCC in PBP 2019 are superseded by NCC 2022. For the purposes of comparison, refer to Appendix A of this Addendum for a schedule of changes and the replacement provisions.

Key Changes

NCC 2022 identifies additional bush fire provisions for the construction, separation and access requirements for certain Class 9 buildings accommodating vulnerable occupants on bush fire prone land.

Class 9 buildings include some Special Fire Protection Purpose (SFPP) developments under section 100B of the *Rural Fires Act 1997*, such as Class 9a hospitals, Class 9b schools and child care centres and Class 9c residential care buildings.

Additional Performance Criteria and Acceptable Solutions relevant to BPMs within PBP for SFPP Class 9 buildings are identified in Appendix B of this Addendum. These Acceptable Solutions are consistent with the relevant provisions of NCC 2022.

Consistent with section 100B of the *Rural Fires Act 1997*, proposed SFPP's that are Class 9 Buildings in bush fire prone areas may be required to have bush fire protection measures additional to those specified in NCC 2022.

4 Asset Protection Zones

The minimum distances for Asset Protection Zones (APZs) for SFPP developments remain as prescribed in Table A1.12.1 of PBP 2019. Please note clause S43C2 of *Specification 43 of Volume One of NCC 2022* does not apply in relation to SFPP developments.



5 Consolidation of State Environmental Planning Policies

As of 1 March 2022, the NSW Government consolidated numerous State Environmental Planning Policies (SEPP) into twelve SEPPs.

For the purposes of PBP 2019:

- The *Coastal Management SEPP* has been repealed and consolidated into the *State Environmental Planning Policy (Resilience and Hazards) 2021*;
- *SEPP 36 – Manufactured Home Estates* has been repealed and consolidated into the *State Environmental Planning Policy (Housing) 2021*; and
- Clause 30 of the *SEPP (Educational Establishments and Child Care Facilities) 2017* has been consolidated into Chapter 3 Educational establishments and child care facilities of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

6 Remade Regulations

1. Environmental Planning and Assessment Regulation

The *Environmental Planning and Assessment Regulation 2021* commenced on 17 December 2021 and remade various provisions of the *Environmental Planning and Assessment Regulation 2000*.

The NSW Government pathway for streamlined assessment is covered by Part 14 of the *Environmental Planning and Assessment Regulation 2021* for new lots in Urban Release Areas (URAs) that are located on Bush Fire Prone Land (BFPL).

For the purposes of comparison, clauses 272, 273 and 273A of the *Environmental Planning and Assessment Regulation 2000* correspond to Part 14 of the *Environmental Planning and Assessment Regulation 2021*.

2. Rural Fires Regulation

The *Rural Fires Regulation 2022* commenced on 15 May 2022 and remade various provisions of the *Rural Fires Regulation 2013*.

The remade regulation provides greater clarity around the types of developments that will not require a bush fire safety authority such as driveways, pathways and carrying out earthworks or drainage works.

For the purposes of comparison, clauses 43, 44, 45 and 46 of the *Rural Fires Regulation 2013* correspond to sections 44, 45, 46 and 47 of the *Rural Fires Regulation 2022*.

7 Primitive Camping

The *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* commenced on 1 September 2021 and remade various provisions of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

Primitive camping is covered by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

8 Holiday Lets

The NSW Government definition for ‘Holiday Lets’ changed after the publication of PBP 2019.

As of 1 November 2021, Holiday Lets were renamed Short Term Rental Accommodation (STRA). STRA are now deemed as a “use” of a residential dwelling under the *State Environmental Planning Policy (Housing), 2021* rather than new development that was previously considered under section 100B of the *Rural Fires Act 1997*.

The approval process for a residential dwelling remains unchanged for developments referred to the NSW Rural Fire Service under section 4.14 and 4.15 of the *Environmental Planning and Assessment Act, 1979*.

9 Fire Hydrant Installation

All references to *AS2419.1: 2005 Fire hydrant installations – System design, installation and commissioning*, except for those provisions relating to residential infill development, are superseded by the relevant provisions in *AS 2419.1: 2021 Fire hydrant installations – System design, installation and commissioning*.

10 Updated References

All references to Standards, SEPPs and Regulations which have been repealed as outlined in Parts 5-9 of this Addendum are taken to refer to the replacement documents as named in those Parts. References to the following standards, guidelines and government agencies are updated to reflect the following:

- All references to the *NSW Department of Planning, Industry and Environment (DPIE)* are replaced by *NSW Department of Planning and Environment (DPE)*.
- All references to the *National Association of Steel Framed Housing (2014) Steel Framed Construction in Bush Fire Areas* are superseded by the provisions in the *National Association of Steel Framed Housing (2021) Steel Framed Construction in Bush Fire Areas*.
- All references to the *International Fire Engineering Guidelines (2005)* are superseded by the provisions in the *Australian Fire Engineering Guidelines (2021)* edition.

APPENDIX A

NCC 2022 schedule of changes

For the purposes of comparison, Table 1 shows certain provisions of NCC 2019, as in force immediately before the commencement of this Addendum, and the corresponding new provisions of NCC 2022.

Table 1: NCC 2022 schedule of changes

PBP 2019		NCC 2019 Am 1	NCC 2022	
Section	Page number	Location	Old Provisions	New provisions
Section 7.5.2 NSW State Variations under G5.2(a)(i) and 3.10.5.0(c)(i) of the NCC	70	In the heading and second paragraph	NSW G5.2(a)(i)	NSW G5D3(a)(i)
			NSW 3.10.5.0(c)(i)	NSW H7D4(3)(a)
Section 7.9 Grassland Deeming Provisions	71	In the fifth paragraph	NSW G5.2(a)(i)	NSW G5D3(a)(i)
			NSW 3.10.5.0(c)(i)	NSWH7D4(3)(a)
Section 8.3.3 Private Bush Fire Shelters	77	In the third paragraph	P2.7.6	H7P6
Appendix 1 A1.1 Application	80	In the third paragraph	NSW G5.2(a)(i)	NSW G5D3(a)(i)
			NSW 3.10.5.0(c)(i)	NSW H7D4(3)(a)
			NSW 3.10.5.0(d)(i)	NSW H7D4(4)(a)
Appendix 2 A2.4 Submission Requirements and Assessment Methods for Performance Based Solutions - Assessment Method	97	In the fourth paragraph	GV5	G5V1
			V2.7.2	H7V2
			NSW GP5.1	NSW G5P1
			NSW P2.7.5	H7P5

APPENDIX B

Performance Criteria and Acceptable Solutions for hospitals, schools, child care centres and residential care buildings

PBP 2019 identifies a suite of BPMs for SFPP's within tables 6.8a, 6.8b and 6.8c. Hospitals, schools, child care centres and residential care buildings have modified requirements in NCC 2022. These specific Performance Criteria and Acceptable Solutions are identified in Table 2, Table 3 and Table 4 below.

These requirements are to be used in conjunction with the existing BPMs in PBP 2019.

Table 2: SFPP Development Construction Standards - Specific requirements for hospitals, schools, child care centres and residential care buildings

	PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
CONSTRUCTION STANDARDS	<ul style="list-style-type: none"> The proposed building can withstand bush fire attack in the form of wind, embers, radiant heat and flame contact. 	<ul style="list-style-type: none"> A construction level of BAL-19 or greater under AS 3959 and section 7.5 of PBP is applied.

Table 3: SFPP Development Access - Specific requirements for hospitals, schools, child care centres and residential care buildings

	PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
ACCESS	<ul style="list-style-type: none"> Firefighting vehicles are provided with safe, all-weather access to structures and hazardous vegetation. 	<ul style="list-style-type: none"> Vehicular access must be capable of providing continuous access for emergency vehicles to enable travel in a forward direction from a public road around the entire building; and Must have a minimum unobstructed width of 6m with no part of its furthest boundary more than 18m from the building and in no part of the 6m width be built upon or used for any purpose other than vehicular or pedestrian movement; and Must provide reasonable pedestrian access from the vehicular access to the building; and Must have a load bearing capacity and unobstructed height to permit the operation and passage of fire fighting vehicles; and Must be wholly within the allotment except that a public road complying with above may serve as the vehicular access or part thereof.



Table 4: SFPP Development Water Supply – Specific requirements for hospitals, schools, child care centres and residential care buildings

	PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
WATER SUPPLY	<ul style="list-style-type: none"> ➤ An adequate water supply for firefighting purposes is installed and maintained. 	<ul style="list-style-type: none"> ➤ Reticulated water is to be provided to the development, where available; and ➤ Water for firefighting purposes must be made available and consist of – <ul style="list-style-type: none"> ➤ A fire hydrant system installed in accordance with AS2419.1; or ➤ Where no reticulated water is available, a static water supply consisting of tanks, swimming pools, dams or the like, or a combination of these, together with suitable pumps, hoses and fittings, determined in consultation with NSW RFS that – <ul style="list-style-type: none"> ➤ is capable of providing the required flow rate for a period of not less than 4 hours or ➤ has a volume of 10,000 litres for each occupied building.

Related documents

- NSW Rural Fire Service (2019). Planning for Bush Fire Protection 2019
- Australian Building Codes Board (2019). National Construction Code Volume One – Building Code of Australia. ABCB
- Australian Building Codes Board (2019). National Construction Code Volume Two – Building Code of Australia. ABCB
- Australian Building Codes Board (2022). National Construction Code Volume One – Building Code of Australia. ABCB
- Australian Building Codes Board (2022). National Construction Code Volume Two – Building Code of Australia. ABCB
- National Association of Steel Framed Housing (2014). Steel Framed Construction in Bush Fire Areas. NASH
- National Association of Steel Framed Housing (2021). Steel Framed Construction in Bush Fire Areas. NASH
- Standards Australia (2005). AS 2419.1 – 2005 Fire hydrant installations – System design, installation and commissioning
- Standards Australia (2021). AS 2419.1 – 2021 Fire hydrant installations – System design, installation and commissioning
- Australian Building Codes Board (2005). International Fire Engineering Guidelines. ABCB
- Australian Building Codes Board (2021). Australian Fire Engineering Guidelines. ABCB

NSW RURAL FIRE SERVICE

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Avenue
Sydney Olympic Park NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

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