Planning for Bushfire Protection 2019 and AS 3959: 2018 (NSW)

On 1 March 2020 Planning for Bushfire Protection 2019 was implemented and is now in effect and replaces the Planning for Bushfire Protection 2006.

It is referenced by the Environmental Planning and Assessment Act 1979 and therefore must be considered when planning or building on bushfire prone land in NSW.

PBP (Planning for bush fire protection) contains provisions for planning and building on bushfire prone land in NSW. With the implementation of PBP 2019, AS 3959 2018 is now in force in NSW also.

Planning for Bushfire Protection 2019 can be downloaded for free at www.rfs.nsw.gov.au

This information sheet is designed to give an overview of the updated version of PBP, which version will be applicable to your build and major changes to the 2018 version of AS 3959.

Which version of PBP applies to my project?

As of 1 March 2020, any application made for a Development Approval (DA) or Complying Development Certificate (CDC) must comply with Planning for Bushfire Protection 2019 (PBP) and AS 3959:2018 Construction of Buildings in Bushfire-prone areas.

This means that any project documentation for development on bushfire prone land which is ready to be submitted to the relevant consent authority will need to be amended to confirm that it complies with PBP ’19 and the latest version of AS 3959 before being submitted.

If you have an existing Bushfire Attack Level (BAL) Certificate that was assessed using the assessment methodology outlined in PBP’06 you will likely need to have the site reassessed according to PBP ’19. If you are unsure if your BAL Certificate complies with PBP ’06 or ’19, it is recommended that you speak with your building certifier or local council for further information.

If you had made application for a CDC prior to 1 March 2020, this change will not affect you and the project will still need to comply with PBP ’06 and AS 3959:2009.

This information sheet is designed to give an overview of the updated version of PBP and major changes to the 2018 version of AS 3959.

AS 3959: 2018 – Major Changes

The main changes between the 2009 and 2018 version of AS 3959 are:

- The site assessment in Section 2 has been simplified to address interpretational issues related to slope, grasslands and low threat vegetation.
- Changes have been made to Section 3 to clarify that the shielding concessions relate only to the elements of the wall and do not apply to the subfloor or roofs.
- The protection of gaps and openings requirements have been altered by requiring suitable measures for doors and windows and providing for other gaps to be suitably sealed. This will likely mean greater attention will need to be paid to gaps around hung doors.
- The requirements for floors for buildings located in BAL-12.5 and BAL-19 relating to bearers, joists and flooring within 400 mm above finished ground level have increased in stringency and now align with those for buildings in BAL-29. This includes either shielding the subfloor or using bushfire resistant timber or steel.

DISCLAIMER - The above is intended to provide general information in summary form. The contents do not constitute specific advice and should not be relied upon as such. Formal specific advice should be sought by members with respect to particular matters before taking action.

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Introducing new requirements for weather strips/seals to be provided for garage doors for buildings located in BAL 19 and above and that the seals need to meet a flammability index of no greater than five.

Roofs can now include certain translucent or transparent roof coverings at BAL-12.5 and BAL-19 for verandas, carports or awnings where the roof is separated from the main building.

A greater suite of window configurations now permissible.

Veranda Posts in BAL 12.5 and BAL 19 must be either timber fixed on a galvanised shoe or stirrup 75mm above the adjacent finished surface or where less than 400mm from the surface of the deck be non-combustible or bushfire resistant timber or a timber splices specified in Appendix E.

Water and gas pipes have been required to be metal above ground and now the metal pipe must also extend 400mm into the wall and 100mm underground. This applies in all BAL levels.

Editorial changes have been made for consistency with Section 2 and relocating tables with the relevant sections of the site assessment methodology. Appendices F and H have been combined.

Planning for Bushfire Protection 2019 - Major Changes

Planning for Bushfire Protection is a planning document which contains development standards for planning and building on bushfire prone land in NSW.

PBP 19 is divided into 8 chapters. A description of each chapter and the key points for HIA members to take note of are provided below.

1. Introduction

This chapter sets out the main objectives of the document the first being to; ‘afford buildings and their occupant’s protection from exposure to a bush fire’. The chapter also contains a flow chart outlining how to use the document throughout the planning process.

2. Framework

This chapter provides an outline of the legal framework governing the use of the document and details that PBP 19 should be considered at both the strategic planning phase and development assessment phase.

Key points:

- Under s.10.3 of the Environmental Planning & Assessment Act (EP&A Act), bush fire prone land (BFPL) must be mapped. Local Councils will provide the maps to the Commissioner of the NSW RFS who may certify the land is BFPL. The Commissioner may make changes to BFPL maps at any time.
- Under s.4.14 of the EP&A Act all development on land identified as bushfire prone must comply with PBP.
- Complying Development may be undertaken on land rated up to Bushfire Attack Level BAL- 29
- All development must also comply with the National Construction Code (NCC). PBP 19 varies the construction requirements found in the AS 3959, which is called up in the NCC.


This chapter does not contain requirements, it simply provides descriptions of the main bushfire protection measures (BPM) contained in PBP 19. They are; Asset Protection Zones (APZ), building and construction design, access arrangements, water supply and utilities, emergency management arrangements and landscaping.

4. Strategic Planning

This chapter outlines the principles that should be applied when developing regional strategies and plans, Local Environment Plans and Development Control Plans.
5. Residential and Rural Subdivisions

This chapter provides the requirements, or BPMs that must be implemented for land subdivisions on BFPL.

Key points:

- APZ’s must be provided so that all building footprints in a subdivision will not be rated higher than BAL-29 (29KW/m²).
- Landscaping must be managed to reduce flame contact and embers.
- Roads and access must be designed to allow adequate access for emergency vehicles.
- Services including water, electricity and gas must be in accordance with the tables in chapter 5.

6. Special Fire Protection Purpose Developments

A Special Fire Protection Purpose (SFPP) development is one that is occupied by people who are identified as at-risk members of the community. Examples of SFPP developments include schools, hospitals, nursing homes and tourist accommodation.

Key points:

- APZ’s are larger for these developments with a max 10KW/m² permitted for areas around the building that emergency services will need to utilise during firefighting and emergency management.
- There are some exceptions such as bed and breakfasts and manufactured home estates which are permitted max 29KW/m².

7. Residential Infill Development

This chapter contains the BPM’s which apply to the construction, alteration or addition of a dwelling on BFPL.

Key Points:

- Contains requirement for APZ’s, access, water supply, construction standards, landscaping and emergency management.
- Emergency management plans are required for short term rental accommodation and home based child care.
- This chapter also contains the construction requirements which differ from AS 3959. Effectively construction requirements for floors, walls, decks, steps, ramps, landings, timber supports, beams and posts for BAL-12.5 and BAL-19 are lifted to BAL-29 requirements.
- Another variation to AS 3959 is that materials tested to AS 1530.8 parts 1 and 2 must not "Flame". This is not a change from PBP 06.
- Better Bush Fire Outcome – this clause outlines that where development involves alterations and additions, strict compliance with AS 3959 may not be the best outcome for the development.

For example rather than constructing the addition to BAL-40 it may be a better outcome to construct the addition to BAL-29 and provide additional ember protection to the existing part of the dwelling. Evidence must be provided that the proposed outcome is better.

A bushfire design brief (BFDB) can be completed with all stakeholders including the RFS to approve the development under an alternate solution.

Further guidance on this can be found in Appendix 2 of PBP 19.

- When determining the bush fire attack level for a site the tables in Appendix 1 replace those in AS 3959.

8. Other Development

This chapter outlines considerations and requirements for construction not covered by chapter 7.

Key points:
• Dual occupancy, multi-dwelling hosing, secondary dwellings, rural workers dwellings and boarding houses must not exceed BAL-29 on the building envelope, if they do then the provisions of chapter 5 must be considered even if the land is not to be subdivided. This reflects that Complying Development can only be carried out on land rated BAL-29 or lower.

• Contains ‘technical considerations’ which need to be addressed as part of a development application for multi-storey residential buildings over 3 stories.

• Additional considerations for non-residential construction.

For further clarification and information on bushfire requirements, HIA members can contact HIA Planning Services team on 1300 650 620 or email nsw_planning@hia.com.au

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