

BUILDING SYSTEM

Building regulation advisory note

Circular	BS 10 008
Issued	14 July 2010
Related	

Performance standard for private bushfire shelters

This circular is to advise councils, certifiers, industry practitioners and other stakeholders of the release of a performance standard by the Australian Building Codes Board for use in the design and construction of private bushfire shelters, and its application in NSW.

Performance Standard for Private Bushfire Shelters

In September 2009, following a recommendation of the Victorian Bushfire Royal Commission, the Australian Building Codes Board (ABCB) agreed to develop a technical standard for the design of private bushfire shelters.

The Performance Standard for *Private Bushfire Shelters 2010* is performance-based. It will enable informed decisions to be made regarding the design and construction of private bushfire shelters and is an important step towards providing a compliance pathway for building practitioners and manufacturers.

Appendix E of the Standard outlines the advice specific to each state and territory regarding requirements for the design and construction of private bushfire shelters.

It is important to remind the community that a private bushfire shelter is not a stand-alone measure against the hazards of bushfire and does not guarantee occupant safety.

Application in NSW

The development of a private bushfire shelter must follow the requirements for all developments on bushfire prone land in NSW.

Section 79BA of the *Environmental Planning and Assessment (EP&A) Act 1979* requires that before granting consent for development on bushfire prone land (other than certain subdivisions), a consent authority must –

- be satisfied that the development conforms with the requirements of Planning for Bushfire Protection, produced by the NSW Rural Fire Service (RFS); or

- consult with the Commissioner of the RFS concerning measures to be taken to afford protection from the dangers that may arise from a bushfire.

As Planning for Bushfire Protection does not specifically address private bushfire shelters, the assessment of such developments requires consultation with the RFS Commissioner. Advice from the RFS indicates that all such developments will be required to comply with the ABCB's Performance Standard for *Private Bushfire Shelters*.

Note: Approval for a bushfire shelter requires a development application and construction certificate.

Performance Standard for *Private Bushfire Shelters* was released for publication in May 2010 and is now available on the ABCB website at <http://www.abcb.gov.au> under 'What's New'.

Further information

If you have further enquiries, please contact:
NSW Department of Planning
23–33 Bridge Street, Sydney NSW 200
GPO Box 39, Sydney NSW 2001
Tel: 02 9228 6111 Fax: 02 9228 6455
Email: information@planning.nsw.gov.au

Note: Department of Planning Building Circulars are published on the web at www.planning.nsw.gov.au/circulars/building

Authorised by:

Donna Rygate
Executive Director
Corporate Governance and Policy

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

© State of New South Wales through the Department of Planning
www.planning.nsw.gov.au

Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.