




Member of the Fire Protection Association of Australia

Lot 1002, DP 872048, 1 Minna Close, Belrose.

Tuesday, 4 March 2025

Prepared and certified by:	Matthew Willis BPAD – level 3 Certified Practitioner Certification No: BPD-PA 09337		Wednesday, May 28, 2025
Can this proposal comply with AS3959-2009 or NASH?	Bushfire construction requirements do not apply.		
What is the recommended AS 3959-2009 or NASH level of compliance?	N/A		
Is referral to the RFS required?	No.		

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1 GENERAL

Bushfire Planning Services has been requested to supply a bushfire compliance report on lot 1002, DP 872048, 1 Minna Close, Belrose.

This proposal is for the mainly internal re-development of a multipurpose building; I have been informed the building is a NCC;

- *Class 7, warehouse, see attached plans for details.*

The National Construction Code (NCC) class for the proposed buildings does not include any class 1, 2, 3 or 4 structures, the building does not contain any form of residential accommodation or Special Fire Protection Development buildings.

The NCC 2022 calls up AS 3959 2018 as the deemed to satisfy construction requirements for some classes of buildings in bushfire prone areas.

- *Volume 1 of the NCC refers to a Class 2 or Class 3 buildings, or a class 10a building or deck associated¹ with a class 2 or 3 building in a designated bushfire prone area.*
- *Volume 2 refers to class 1 and 10a (class 10 building or deck associated with a class 1 building).*

As the proposal does not include any Class 1, 2, 3 or a class 10 that is associated with a class 1 building, AS 3959 2018 does not apply to this development.

The Rural Fire Service document Planning for Bushfire Protection 2019 states:

8.3.1 Buildings of Class 5 to 8 under the National Construction Code (NCC)

Under the building classification system within the NCC, Class 5 to 8 buildings include offices, shops, factories, warehouses, public car parks and other commercial and industrial facilities. Class 10 includes non-habitable buildings and structures such as garages, carports, swimming pools and fences.

The NCC does not provide for any bush fire specific performance requirements for these particular classes of building. As such AS 3959 and the NASH Standard are not considered as a set of 'deemed to satisfy' provisions, however compliance with AS 3959 and NASH should be considered when meeting the aims and objectives of PBP.

Whilst bush fire is not captured in the NCC for Class 5-8 buildings, the following objectives will be applied in relation to access, water and services, and emergency and evacuation planning:

- *to provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupant egress for evacuation;*
- *to provide adequate services of water for the protection of buildings during and after the passage of bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building;*
- *to provide suitable emergency and evacuation (and relocation) arrangements for occupants of the development; and*

¹ "associated" in this instance means within 6m.

- *consideration of storage of hazardous materials away from the hazard wherever possible.*

The general fire safety construction provisions (of the NCC) are taken as acceptable solutions however construction requirements for bush fire protection will need to be considered on a case-by-case basis.

Where a mixed-use development is proposed to have a SFPP component, an appropriate mix of BPMs should be applied consistent with the SFPP provisions in Chapter 6.

The following table outlines the previous objectives and the level of compliance of this proposal with those objectives:

Objective	Opinion	Compliant?
<i>To provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupant egress for evacuation.</i>	<i>Access is appropriate.</i>	<i>Yes.</i>
<i>To provide adequate services of water for the protection of buildings during and after the passage of bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.</i>	<i>It is assumed that all these facilities are in accordance with the NCC requirements.</i>	<i>Reasonably assumed.</i>
<i>To provide suitable emergency and evacuation (and relocation) arrangements for occupants of the development; and</i>	<i>A Bushfire Survival Plan forms part of the recommendations of this assessment.</i>	<i>Achievable.</i>
<i>Consideration of storage of hazardous materials away from the hazard wherever possible.</i>	<i>It is unknown what if any hazardous materials will be stored in the new building.</i>	<i>Unknown.</i>

Although AS 3959 2018 is not considered applicable for this type of building and Planning for Bushfire Protection 2018 also states that there are no specific construction requirements, Planning for Bushfire Protection 2018 goes on to state “all development on bushfire prone land must satisfy the aim and objectives of Planning for Bushfire Protection”.

The aim of PBP is stated as follows;

The aim of Planning for Bushfire Protection is to provide for the protection of human life and minimise impacts on property from the threat of Bushfire, while having due regard to development potential, site characteristics and protecting the environment.”

The objectives of Planning for Bushfire Protection are as follows;

- *Afford occupants of any building adequate protection from exposure to a bushfire;*
- *Provide for a defensible space to be located around buildings;*
- *Provide appropriate separation between a hazard and buildings which, in combination with other measures, minimises material ignition;*
- *Ensure that appropriate operational access and egress for emergency service personnel and residents is available;*
- *provide for ongoing management and maintenance of bushfire protection measures;*
- *ensure that utility services are adequate to meet the needs of fire fighters.*

The following table outlines the relevant objectives, the method of compliance/non-compliance and opinion of compliance or non-compliance with those objectives;

<u>PBP specific objectives</u>	<u>Opinion</u>	<u>Compliant?</u>
<i>Afford occupants of any building adequate protection from exposure to a bush fire;</i>	<i>The creation of a Bushfire Survival Plan forms part of the recommendations of this assessment.</i>	Yes.
<i>Provide for a defensible space to be located around buildings;</i>	<i>The creation of Defensible Space is a recommendation of this assessment.</i>	Yes.
<i>Provide appropriate separation between a hazard and buildings which, in combination with other measures, minimises material ignition</i>	<i>It is assumed that when the building was constructed that it was constructed in accordance with the acceptable solution of the BCA which are also considered an acceptable solution under Planning for Bushfire Protection.</i>	Reasonably assumed.
<i>Ensure that appropriate operational access and egress for emergency service personnel and residents is available.</i>	<i>Access is considered appropriate.</i>	Yes.
<i>Provide for ongoing management and maintenance of bushfire protection measures.</i>	<i>Normal property maintenance can provide this.</i>	Yes.
<i>Ensure that utility services are adequate to meet the needs of fire fighters.</i>	<i>It is assumed that all these facilities are in accordance with the NCC requirements.</i>	Reasonably assumed.

2 SPECIFIC OBJECTIVES FOR INFILL.

In addition to the Aims and Objectives of PBP the Specific Objectives for Infill developments need to be considered.

Infill developments are defined as “..... to the development of land by the direction of, alteration or addition to, a dwelling which does not require the spatial extension of services including public roads, electricity, water or sewerage and is within an existing lot”.

The objectives are;

- *provide a defensible space to enable unimpeded access for firefighting around all elevations of the building;*
- *provide better bushfire outcomes on a redevelopment site than currently exists, commensurate with the scale of works proposed;*
- *design and construct buildings commensurate with the bushfire risk;*
- *provide access, services and landscaping to aid firefighting operations;*
- *provide access, services and landscaping to aid firefighting operations; and*
- *increase the level of bushfire protection to existing dwellings based on the scale of the*

The following table outlines the objectives and the proposals level of compliance with those objectives.

<u><i>Specific Objectives for Infill</i></u>	<u><i>Opinion</i></u>	<u><i>Compliant</i></u>
<i>Provide a defensible space to enable unimpeded access for firefighting around all elevations of the building.</i>	<i>The creation of Defendable Space is a recommendation of this assessment.</i>	<i>Yes.</i>
<i>Provide better bushfire outcomes on a redevelopment site than currently exists, commensurate with the scale of works proposed.</i>	<i>A bushfire survival plan and the creation of defensible space forms part of the recommendations for this proposal.</i>	<i>Yes</i>
<i>Design and construct buildings commensurate with the bushfire risk</i>	<i>No significant external works are proposed for this development, the small external works will incorporate the general fire safety construction provisions of the NCC which are taken as acceptable solutions under Planning for Bushfire Protection 2018.</i>	<i>Yes.</i>
<i>Provide access, services, and landscaping to aid firefighting operations.</i>	<i>Access is adequate. If installed, any new services will be in accordance with the NCC requirements</i>	<i>Yes.</i>

<i>Not impose an increased bushfire management and maintenance responsibility on adjoining landowners.</i>	<i>This proposal does not increase any neighbors' responsibilities.</i>	<i>Yes.</i>
<i>Increase the level of bushfire protection to existing dwellings based on the scale of the proposed work and level of potential risk.</i>	<i>There are no dwellings associated with this proposal</i>	<i>N/A.</i>

3 RECOMMENDATIONS

1. *A Bushfire Survival Plan is to be formulated for the site.
<https://www.rfs.nsw.gov.au/resources/bush-fire-survival-plan>*
2. *At the commencement of building works and in perpetuity the area surrounding the new works is to be managed as defendable space for a distance of at least 2m or, if 2m is not achievable due to the proximity of a property boundary, to the property boundary. Note. This area of defendable space has been reduced to the minimum distance due to the ecological sensitivity of the area. If greater than 2m can be achieved without causing environmental issues this should be considered.*

4 CONCLUSION.

The subject lot is covered by the local councils Bushfire Prone Land Map and is therefore considered to be bushfire prone. (Appendix 1)

This proposal falls outside the requirements for specific bushfire safety construction standards as outlined in the NCC, AS-3959 and Planning for Bushfire Protection and requires only the general fire safety provisions of the NCC that are associated with that class of structure.

Planning for Bushfire Protection requires that this proposal complies with the aims and objectives of that document and the specific objectives for infill development.

It is considered that this proposal does comply with the intent of the relevant aims and objectives of Planning for Bushfire Protection and the relevant specific objectives for infill.

Bushfires are affected by many external influences such as climactic conditions, vegetation type, moisture content of the fuel, slope of the land and human intervention to name a few and are difficult to predict.

This report does not intend to provide a guarantee that the subject property will survive if a bushfire should impact the surrounding area. The purpose of this report is to show the developments level of compliance or in some cases non-compliance with the New South Wales legislation regarding building in bushfire prone areas.

Where non-compliance is found measures will be suggested that should make the building less susceptible to the various attack mechanisms of a bushfire and comply with the performance requirements of the Building Code of Australia.

The opinions expressed in this report are based on the writers' experience and interpretation of the relevant guidelines and standards. Notwithstanding the above, these guidelines and standards are open to interpretation. All care has been taken to ensure that the opinions expressed in this report are consistent with past successful outcomes.

Some of the information used in the compilation of this assessment has been provided by the proponent or the proponent's representatives. While we believe this information to be true and have accepted the information in good faith this company or its representatives will not accept any responsibility if the provided information is determined to be incorrect.

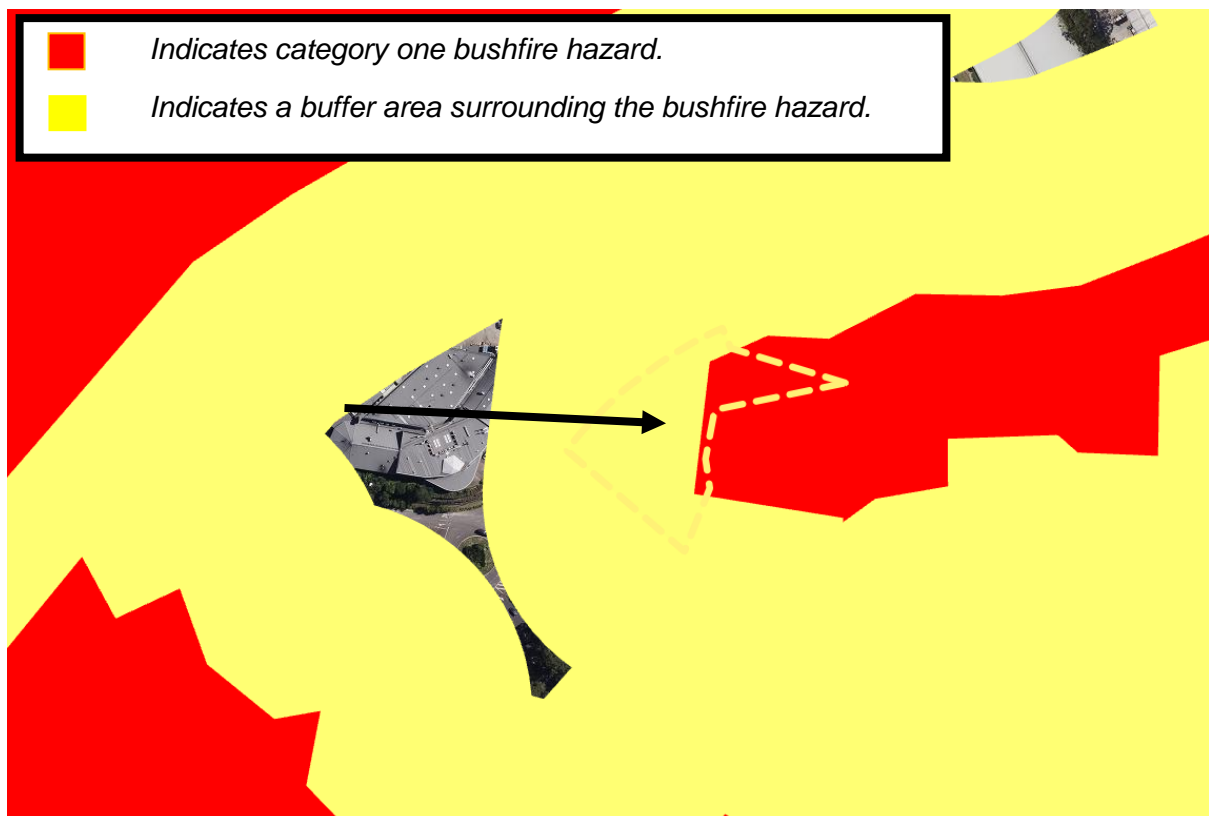
If any further clarification is required for this report, please do not hesitate to contact me using the details above.

Yours Sincerely



Matthew Willis
Grad Dip Planning for Bushfire Prone Areas
Bushfire Planning Services Pty Limited.

5 APPENDIX 1, BUSHFIRE PRONE LAND MAP, AERIAL PHOTO AND PLANS.



Map 1 the black arrow on the councils Bushfire Prone Land map indicates the location of the subject lot.

ARTISAN FOOD & BEVERAGE

1/1 MINNA CLOSE, BELROSE NSW 2085

DEVELOPMENT APPLICATION SET

JANUARY 2025

Sheet Number	Sheet Name
001	SITE PLAN
002	DEMOLITION PLANS
100	GROUND FLOOR PLAN
101	UPPER GROUND FLOOR + FIRST FLOOR PLAN
102	ROOF PLAN
300	SECTIONS

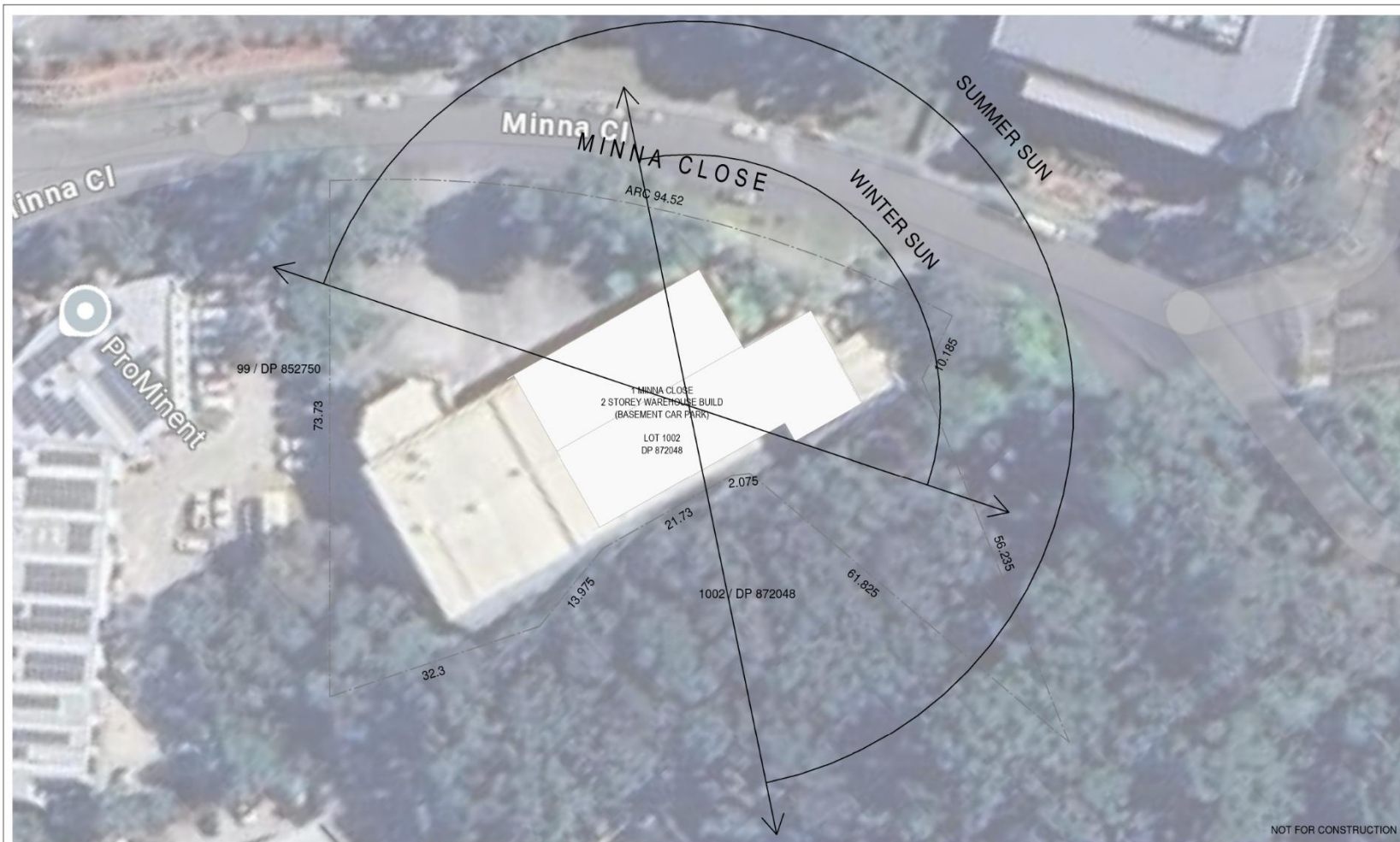


ALEX BRYDEN
ARCHITECTURE

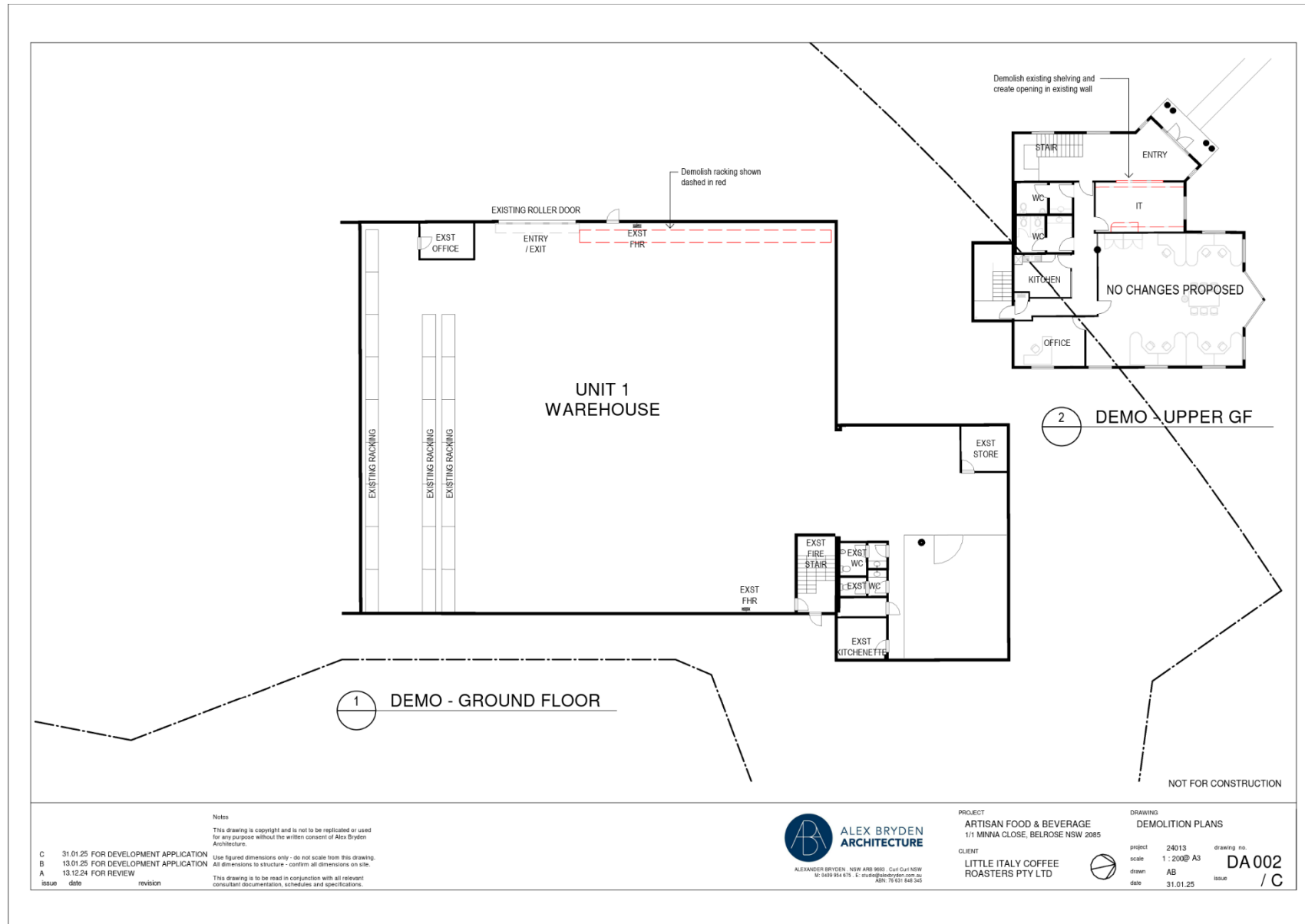
ALEXANDER BRYDEN
NSW ARCHITECT no. 9693
ABN: 76 021 948 345

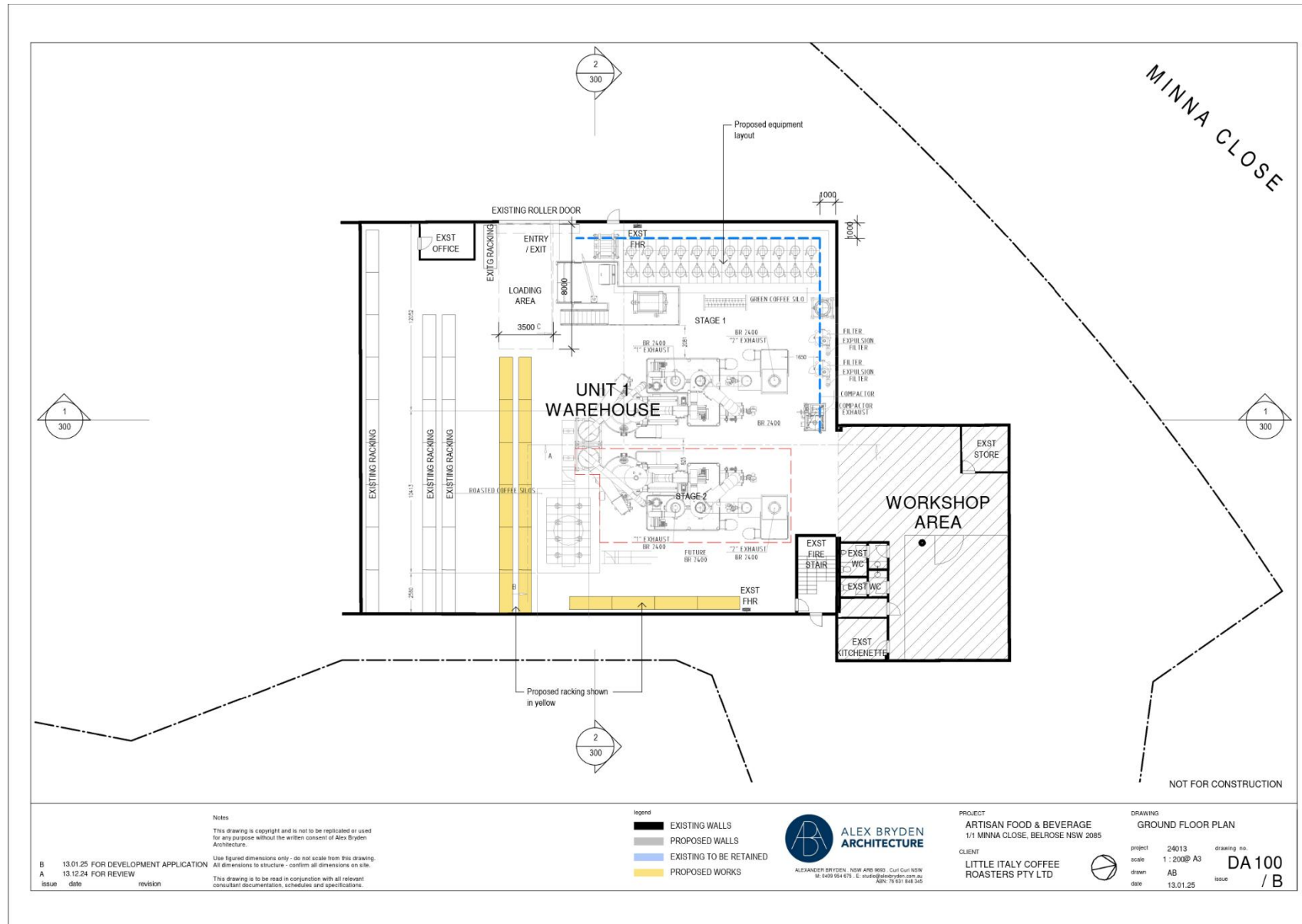
54 GARDERE AVENUE
CURL CURL NSW 2096

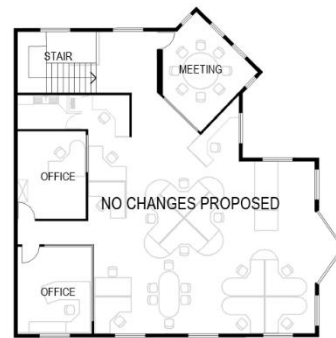
M: 0409 954 675
E: ab@alexbryden.com.au



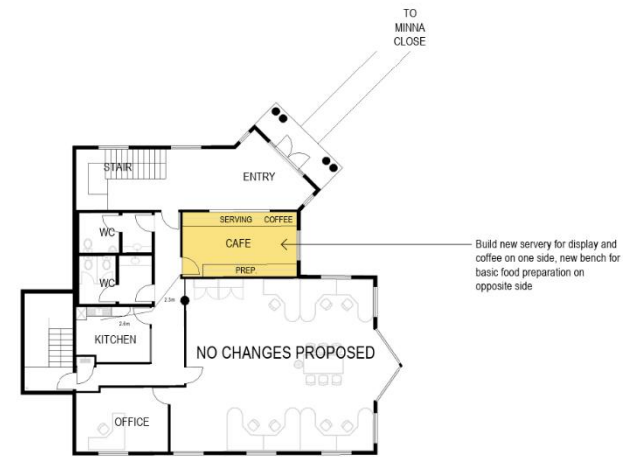
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B	13.01.25	FOR DEVELOPMENT APPLICATION	 ALEX BRYDEN ARCHITECTURE <small>ALEXANDER BRYDEN, NSW ARCH 9602, Civil Civil NSW M: 0499 924 679, E: aub@alexanderbryden.com.au ABN: 76 621 648 345</small>			 CLIENT LITTLE ITALY COFFEE ROASTERS PTY LTD		
A	13.12.24	FOR REVIEW						
issue	date	revision						
			project 24013 drawing no. DA 001			scale 1:5000 A3		
			drawn AB			date 13.01.25		
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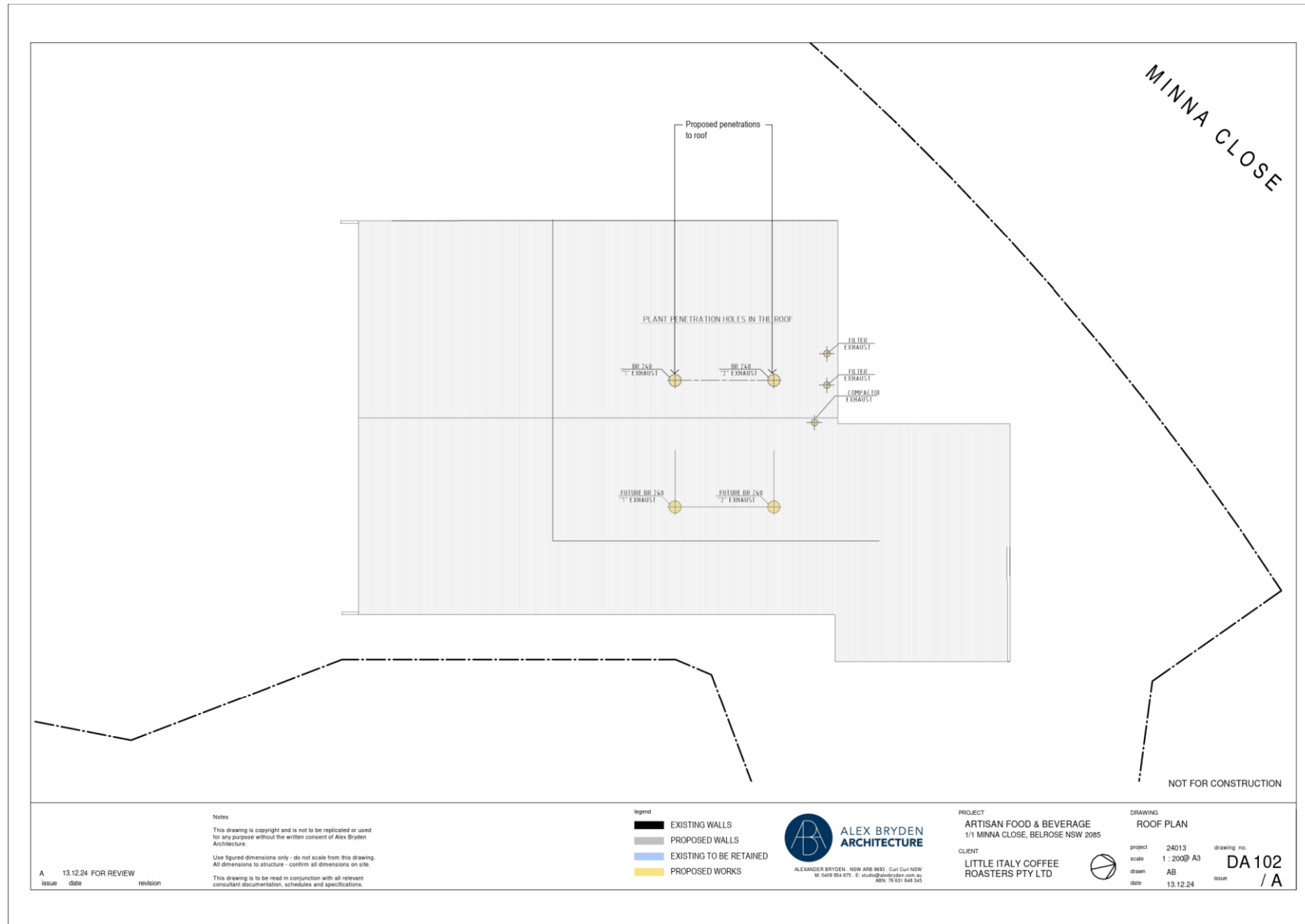
FIRST FLOOR

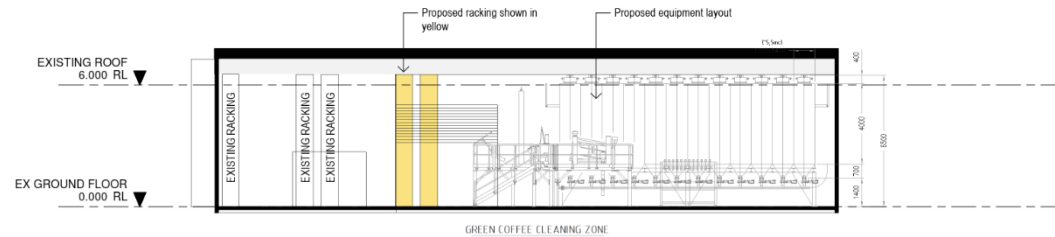


UPPER GROUND FLOOR

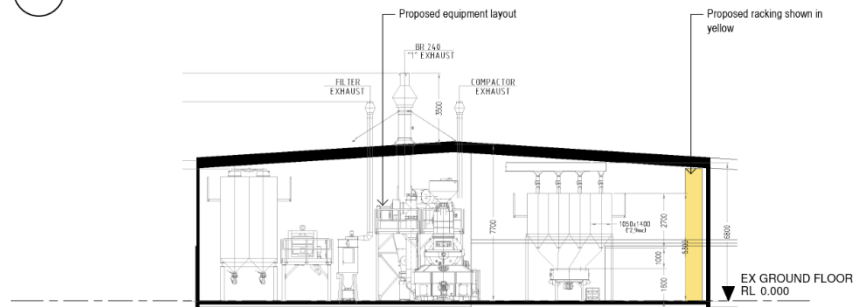
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			<p>Notes</p> <p>This drawing is copyright and is not to be replicated or used for any purpose without the written consent of Alex Bryden Architecture.</p> <p>Use figured dimensions only - do not scale from this drawing. All dimensions to structure - confirm all dimensions on site.</p> <p>This drawing is to be read in conjunction with all relevant consultant documentation, schedules and specifications.</p>		<p>Legend</p> <div><div>EXISTING WALLS</div><div>PROPOSED WALLS</div><div>EXISTING TO BE RETAINED</div><div>PROPOSED WORKS</div></div>		<div><div></div><div><p>ALEX BRYDEN ARCHITECTURE</p><p>ALEXANDER BRYDEN, NSW ARCH 9602, Civil Civil NSW M: 0439 924 673, E: aub@alexanderbryden.com.au ABN: 76 621 646 245</p></div></div>		<p>PROJECT</p> <p>ARTISAN FOOD & BEVERAGE 1/1 MINNA CLOSE, BELROSE NSW 2085</p> <p>CLIENT</p> <p>LITTLE ITALY COFFEE ROASTERS PTY LTD</p>		<p>DRAWING</p> <p>UPPER GROUND FLOOR + FIRST FLOOR PLAN</p> <div><div></div><div><p>project: 24013 drawing no: DA101 scale: 1:200@ A3 drawn: AB date: 31.01.25 issue: /B</p></div></div>	
B	31.01.25	FOR DEVELOPMENT APPLICATION										
A	13.01.25	FOR DEVELOPMENT APPLICATION										
issue	date	revision										





1 LONGITUDINAL SECTION



2 CROSS SECTION

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