# **Planning for Bushfire Protection**



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# Bushfire Risk Assessment Report

In relation to proposed development at:

# No 6 Palermo Place, Allambie Heights

In accordance with the requirements of 4.14 of the E Assessment has been prepared and <u>Certified by</u> : Ron BPAD – A Certified Practitioner FPAA Cert. No: BPD-PA 09328	
Can this proposal comply with AS3959, 2018 + the additional construction requirements detailed in section 7.5 of PBP?	<u>YES</u>
What is the recommended level of compliance AS3959, 2018?	<u>BAL 19</u>
Does this development comply with the requirements of PBP?	<u>YES</u>
Does this development comply with the Aims and objectives of PBP?	<u>YES</u>
Is referral to the NSW RFS required?	<u>NO</u>

This assessment confirms that the proposal conforms to the specifications and requirements, that are relevant to the development, of the version (as prescribed by the regulations) of the document entitled Planning for Bushfire Protection prepared by the NSW Fire Service in co-operation with the NSW Department of Planning.

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## Introduction

The purpose of this report is to determine the category of bushfire attack and subsequent construction standard for the proposed development of alterations and additions at No 6 Palermo Place, Allambie Heights.

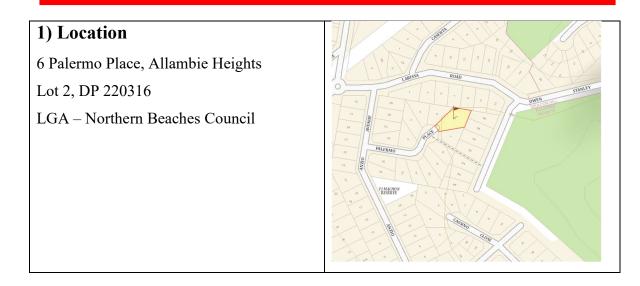
The site is identified as 'bush fire prone land' for the purposes of Section 146 of the *Environmental Planning and Assessment Act 1979* and the legislative requirements for building on bushfire prone lands are applicable.

The proposed development is an infill development as defined within Chapter 7.1 of Planning for Bushfire Protection 2019 and this report has been prepared in accordance with the requirements of Section 4.14 of the Environment Planning and Assessment Act. This assessment includes an analysis of the hazard, threat and subsequent risk to the development proposal and provides recommendations that satisfy the Objectives and Performance requirements of the Building Code of Australia, Planning for Bushfire Protection 2019 [PBP] and Australian Standard AS3959, 2018. The site was inspected: 26/03/2021.

## Summary of Assessment

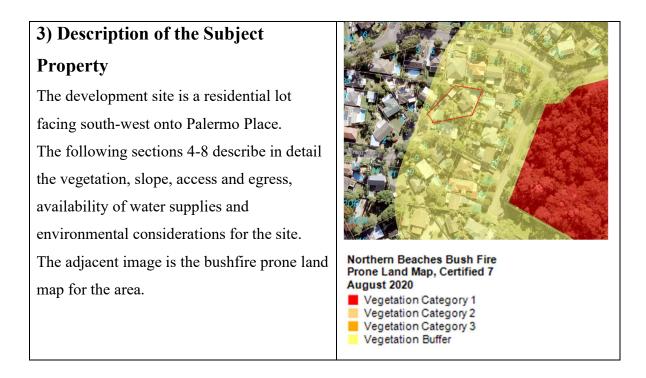
- Building construction and design AS3959, 2018 BAL 19
- Asset Protection zones Conforms to the requirements of PBP
- Landscaping Conforms to the requirements of PBP
- Access and egress arrangements Conforms to the requirements of PBP
- Water supply and utilities Conforms to the requirements of PBP
- Defendable space Conforms to the requirements of PBP
- Emergency Risk Management Emergency Evacuation Planning has been discussed

This Report has been prepared and submitted by R Coffey, FPA Australia, Certified Practitioner Practitioner Certification No-PBD-PA-09328



# 2) Development Proposal and Building Classifications

The proposal is for alterations and additions to an existing class 1A dwelling.



# 4) Classification of the Vegetation on and surrounding the Site

The site is developed and maintained and there is no threat from bushfire attack on the site.



Properties *north, south, and west* of the subject site are developed and maintained and there is no threat of bushfire attack from these directions for more than 100m.

<u>58m east</u> of the subject proposed development is an area of bushland that is considered a threat from bushfire attack to the site. With reference to PBP and the bushfire prone land map for the area the classification of vegetation for this hazard is forest.

## 5) Assessment of Effective Slope

Effective slope away from the development<br/>site:North: No hazard for >100mSouth: No hazard for >100mEast: 5.7 degrees downslopeWest: No Hazard for >100m

# 6) Access and Egress

The site has direct access to Palermo Place, which is a public road, and access and egress for emergency vehicles and evacuation appears adequate.

# 7) Adequacy of water supply

The area has reticulated water supply and hydrants are spaced at regular distances along Palermo Place.

# 8) Environmental Considerations

The scope of this assessment has not been to provide an environmental assessment; however, the subject site is a small residential lot that has been developed for many years and it appears that the proposed development will have no adverse environmental effect.

## 9) Bushfire Risk Assessment

 Table 1: Reference PBP Table A1.12.5

Determination of category of bushfire attack for the site and subsequent required building standards

Direction	Distance of APZ	Vegetation Classification	Assessment of Effective Slope	Anticipated Radiant heat	Bushfire Attack Level (BAL)
North	>140m	Developed sites	n/a	-	-
South	>140m	Developed sites	n/a	-	-
East	58m	Forest	5-10 degrees	<19kw/m2	BAL 19
			downslope		
West	>140m	Developed sites	n/a	-	-

Summary: Based upon the relevant provisions of PBP the anticipated radiant heat attack for the site is <19 kw/m2 and the subsequent minimum construction standard is BAL 19 AS3959, 2018.

# 10) Assessment of the extent to which the construction conforms or deviates

# from Chapter 7 of 'Planning for Bushfire Protection 2019'

Performance Criteria	Acceptable Solutions	Meets Performance Criteria
The intent may be achieved where:		
<u>In relation to APZ's</u> : - Defendable space is provided - An APZ is provided and maintained for the life of the building.	Defendable space is provided on all sides of the development. Asset protection zones are provided partially on site and by adjoining development and public roads.	Yes
In relation to siting and design: Buildings are sited and designed to minimise the risk of bushfire attack.	The siting of the building has been previously determined in accordance with local council requirements and the proposed additions and alterations will not involve a re-siting of the building [no advantage could be gained by recommending a re-siting of the building].	Yes
In relation to construction standards: It is demonstrated that the proposed building can withstand bushfire attack in the form of wind, smoke, embers, radiant heat and flame contact.	Construction standards have been recommended in accordance with the requirements of PBP.	Yes
In relation to access requirements: Safe operational access is provided [and maintained] for emergency services personnel in suppressing a bushfire while residents are seeking to relocate, in advance of a bushfire.	The access and egress requirements have been designed to provide safe and effective evacuation from the subject site and appear to be adequate for fire brigade personnel and fire-fighting equipment.	Yes
In relation to water and utility services: - Adequate water and electricity services are provided for fire-fighting operations - gas and electricity services are located so as to not contribute to the risk to a building.	The area has reticulated water supply and the nearest street hydrant is within the minimum required distance from the most distant point of the subject site in accordance with the requirements of PBP and AS2419.1 2005. This report shall recommend compliance with PBP 7.4a for services including electricity and gas.	Yes
In relation to landscaping: It is designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind driven embers to cause ignitions.	The site is landscaped and managed, and no part of the site is shown on the bushfire prone land map as a hazard. The landscaping on the site complies with the principles of Appendix 5 of PBP.	Yes
In relation to Emergency and Evacuation Planning:	The need to formulate an emergency evacuation plan has been discussed and it is advised that the residents should complete a <i>Bush Fire Survival Plan</i> as formulated by the NSW Rural Fire Service. An emergency evacuation plan is not recommended as a condition of consent.	Yes

# 11) Assessment of the extent to which the construction conforms or deviates

## from the Aims and Objectives of 'Planning for Bushfire Protection 2019'

Aim	Meets Criteria	Comment
All development on BFPL must satisfy the aim and objectives of PBP. The aim of PBP 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 protection of the environment.	Yes	The threat assessment has determined that the category of bushfire attack for the site is not within the flame zone. Landscaping, defendable space, access and egress, emergency risk management and construction standards are in accordance with the requirements of PBP and the aims of PBP have been achieved
Objectives	Meets Criteria	Comment
Afford buildings and their occupants protection from exposure to a bushfire	Yes	The maximum exposure to a bushfire for the area where the development is proposed is $<19$ kw/m2.
Provide a defendable space to be located around buildings	Yes	Defendable space is provided on all sides of the proposed development.
Provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely fire spread to buildings.	Yes	The entire site is managed as an asset protection zone and appropriate separation has been provided by a combination of the onsite APZ and adjoining developed sites.
Ensure that appropriate operational access and egress for emergency service personnel and occupants is available	Yes	The site has direct access to public roads, and access and egress for emergency vehicles and evacuation appears adequate.
Provide for ongoing management and maintenance of bushfire protection measures	Yes	The entire site where not built on is an APZ and there are no fuel loads to consider.
Ensure that utility services are adequate to meet the needs of firefighters	Yes	The area has reticulated water supply and the needs of firefighters, in terms of water supplies for firefighting, appears adequate.

# 12) Recommendations

The following recommendations are made for the bushfire protection measures for the

proposed residential development of alterations and additions at No 6 Palermo Place,

Allambie Heights and are based upon the relevant provisions of the NSW Rural Fire Service guideline entitled *Planning for Bushfire Protection 2019*.

 <u>Construction Standard</u>: The proposed development shall be constructed to a minimum standard of Section 3 [construction general] and Section 6 [BAL 19] of AS3959, 2018 *Construction of Buildings in Bushfire Prone Areas* and the additional construction requirements contained within section 7.5, 7.51, 7.52, 7.53 and 7.54 [where applicable] of Planning for Bushfire Protection 2019.

- <u>Electricity and Gas Supplies</u>: As far as practical, new electricity and gas supplies shall be installed in accordance with the requirements of 7.4a of PBP. Note: 7.4a of PBP requires that '*where practical, electrical transmission lines should be underground.*'
- 3) <u>Asset Protection Zones</u>: At the commencement of building works and in perpetuity, the entire property shall be managed as an inner protection area as outlined within PBP and the NSW RFS document 'Standards for asset protection zones.' *Note: Although the Asset Protection Zone requirements are listed as a recommendation, the site has been landscaped and is maintained to a standard that complies with the requirements of 'Planning for Bushfire Protection 2019' for Inner Protection Area Requirements.*
- 4) <u>Emergency and Evacuation Planning</u>: The need to formulate an emergency evacuation plan has been discussed and it is advised that the residents should complete a *Bush Fire Survival Plan* as formulated by the NSW Rural Fire Service.
   An emergency evacuation plan is not recommended as a condition of consent.
- 5) <u>Water Supplies</u>: Reticulated water supply is located on the adjoining road at regular intervals and is easily accessible. No additional water supplies have been recommended.

# 13) Summary

This report consists of a bushfire risk assessment for the proposed residential development of alterations and additions at No 6 Palermo Place, Allambie Heights.

The report concludes that the proposed development is on designated bushfire prone land and the legislative requirements for development in bushfire prone areas are applicable.

The proposed development will be constructed to the minimum standards required in accordance with the guidelines of *Planning for Bushfire Protection 2019*.

This report has considered all the elements of bushfire attack and provided the proposed development is constructed in accordance with the recommendations included in section 12 of this report, it is my considered opinion that the development satisfies the Objectives and Performance requirements of the *Building Code of Australia, Planning for Bushfire Protection 2006 and Australian Standard AS3959, 2018.* 

Notwithstanding the precautions adopted, it should always be remembered that bushfires burn under a wide range of conditions and an element of risk, no matter how small always remains, and although the standard is designed to improve the performance of such buildings, there can be no guarantee, because of the variable nature of bushfires, that any one building will withstand bushfire attack on every occasion.

This Report is a Bush Fire Hazard Assessment that provides the required information to assist Local Council and the Rural Fire Service in determining compliance in accordance with Planning for Bushfire Protection and AS 3959, 2019. The Local Council is the Final Consenting Authority and the construction of the building must comply with the recommendations included in the Council's conditions of consent.

REOFF

Ron Coffey – Bushfire Safety Engineer Grad I Fire E [Institute of Fire Engineers - 1973] Grad Cert Fire Safety Eng. [UWS - 2003] Grad Dip Building in Bushfire Prone Areas [UWS – 2005] Ass Prof Cert in Expert Evidence in the Land & Environment Court [UTS – 2005] Member - Institute of Fire Engineers Corporate Member - Fire Protection Association Australia



Planning for Bushfire Protection Fire Protection Association of Australia BPAD-A Certified Practitioner/Corporate Bronze Certified Business Certification No BPD-PA09328 0408 220 443

## 14) References

## **Australian Building Codes Board**

Building Code of Australia Volumes 1&2 Canprint

#### Australian Building Codes Board [2001]

Fire Safety Engineering Guidelines Edition 2001 ABCB Canberra

## D. Drysdale D. [1998]

Introduction to Fire Dynamics 2<sup>nd</sup> Edition John Wiley & Sons Ltd

## NSW Government Environmental Planning and Assessment Act [1979]

Part 79BA – Consultation and development Consent – Certain Bushfire Prone Land NSW Government Printer

## **Planning NSW**

Planning for Bushfire Protection 2019

A Guide for Councils, Planners, Fire Authorities, Developers and Home Owners This document provides the necessary planning considerations when developing areas for residential use in residential, rural residential, rural and urban areas when development sites are in close proximity to areas likely to be affected by bushfire events and replaces Planning for Bushfire Protection 2001.

*This document is essential reading: Download a copy from the RFS website or purchase a copy through the NSW Government Online Shop or phone 9228 6333* 

## Ramsay C & Rudolph L [2003]

Landscape and Building Design for Bushfire Prone Areas CSIRO Publishing

## Standards Australia [2018]

Australian Standards 3959 Australian Building Code Board

# Appendix 1: Performance criteria and acceptable solutions PBP Part 7.4a

Tł	PERFORMANCE CRITERIA he intent may be achieved where:	ACCEPTABLE SOLUTIONS	Th	PERFORMANCE CRITERIA e intent may be achieved where:	ACCEPTABLE SOLUTIONS
	<ul> <li>firefighting vehicles are provided with safe, all-weather access to structures and hazard vegetation.</li> </ul>	property access roads are two-wheel drive, all- weather roads.		an adequate water supply is provided for firefighting purposes.	<ul> <li>reticulated water is to be provided to the development, where available; and</li> <li>a static water supply is provided where no</li> </ul>
adequate for firefi there is appropriat supply. firefighting vehicle	<ul> <li>the capacity of access roads is adequate for firefighting vehicles.</li> </ul>	the capacity of road surfaces and any bridges/ causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes), bridges and causeways are to clearly indicate load rating.		<ul> <li>water supplies are located at regular intervals; and</li> <li>the water supply is accessible and</li> </ul>	<ul> <li>reticulated water is available.</li> <li>fire hydrant spacing, design and sizing comply with the relevant clauses of AS 2419.1:2005;</li> <li>hydrants are not located within any road</li> </ul>
	<ul> <li>there is appropriate access to water supply.</li> </ul>	<ul> <li>hydrants are provided in accordance with the relevant clauses of AS 2410.12005;</li> <li>There is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.</li> </ul>		reliable for firefighting operations.	<ul> <li>carriageway; and</li> <li>reticulated water supply to urban subdivisions use a ring main system for areas with perimeter roads.</li> </ul>
	<ul> <li>firefighting vehicles can access the dwelling and exit the property safely.</li> </ul>	<ul> <li>at least one alternative property access road is provided for individual dwellings or groups of</li> </ul>		<ul> <li>flows and pressure are appropriate.</li> </ul>	) fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005.
		dwellings that are located more than 200 metres from a public through road; There are no specific access requirements in an urban area where an unobstructed path (no		<ul> <li>the integrity of the water supply is maintained.</li> <li>a static water supply is provided for</li> </ul>	<ul> <li>all above-ground water service pipes external to the building are metal, including and up to any tap</li> <li>where no reticulated water supply is available,</li> </ul>
	prosense than 70m) is provided between the most distant external part of the proposed dwelling and the nearest part of the public access road (where the road speed limit is not greater than 70kph) that supports the operational use of emergency firefighting whicles. In circumstances where this cannot occur, the following requirements apply: in forest, woodland and heeth situations, rural property roads have passing bays every 2 minimum 4m carriageway width: in forest, woodland and heeth situations, rural property roads have passing bays every 2 minimum vertical clearance of 4m to any overhanging obstructions, including tree branches; property access must provide a suitable turning area in accordance with Appendix 3; curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egres; the minimum distance between inner and outer curves is 6m; the costal is not more than 10 degrees; maximum grades for saleid roads do not exceeds for unselled roads; and a degrees for unselled roads; and a development comprising more than 10 degrees for unselled roads; and a development comprising more than 10 degrees for unselled roads; and a development comprising more than 10 degrees for unselled roads; and a development comprising more than 10 degrees for unselled roads; and a development comprising more than three dwellings has formalised access by declication of a road and not by right of way.	WATER SUPPLIES	firefighting purpose in areas where retroulated water is not available.	water for firefighting purpose is provided in accordance with Table 5.d; a connection for firefighting purposes is located within the IPA or non-hazerd ide and away from the tructure; 65mm Storz outlet with a ball valve is fitted to the outlet; ball valve and pipes are adequate for water flow and are metal; supply pipes from tank to ball valve have the san bore size to ensure flow volume; underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank; above-ground tanks have an access hole of 200mm to allow tankers to refill direct from the tank; above-ground tanks are manufactured from concrete or metal; above-ground tanks are manufactured from concrete or metal; above-ground tanks are clearly marked; ball table dates are clearly marked; underground tanks are clearly marked; underground tanks are clearly marked; tanks on the bazard died or building are provided with adequate shielding for the protection of firefighting; are metal, including any fitting; where purps are provided; they are a minimum Sho cr3KW petrol or dises-provered pump, and are shielded against built fire attack; any hose and rele for firefighting; bring being are provided to a provided with adequate shielded against built fire attack; any hose and rele for firefighting; bring being the laws of allow table firefighting; bring being the laws of allow table are concreted to the pump, shall be 19mm internal diameter, and fire hose rele are constructed in accordance with the relevent clauses of AS 24412005.	
	PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS		PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
>	<ul> <li>he intent may be achieved where:</li> <li>APZs are provided commensurate with the construction of the building; and</li> <li>A defendable space is provided.</li> </ul>	an APZ is provided in accordance with Table A1.12.2 or A1.12.3 in Appendix 1.	MCES		<ul> <li>where practicable, electrical transmission lines are underground; and</li> <li>where overhead, electrical transmission lines are proposed as follows:</li> </ul>
	<ul> <li>APZs are managed and maintained to prevent the spread of a fire to the building.</li> </ul>	<ul> <li>APZs are managed in accordance with the requirements of Appendix 4 of PBP.</li> </ul>	TRICTY SE		lines are installed with short pole spacing ( unless crossing gullies, gorges or riparian a and
	<ul> <li>the APZ is provided in perpetuity.</li> <li>APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is minimized.</li> </ul>	<ul> <li>APZs are wholly within the boundaries of the development site.</li> <li>APZ are located on lands with a slope less than 18 degrees.</li> </ul>		location and design of gas services	> no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
	Home-based child care: the building must not be exposed to radiant heat levels exceeding 29kW/m <sup>2</sup> (1090K).	an APZ is provided in accordance with Table A1.12.2 or A1.12.3 in Appendix 1.	100	will not lead to ignition of surrounding bushland or the fabric of buildings.	<ul> <li>reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;</li> </ul>
PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS		GAS SERVICES	<ul> <li>all fixed gas cylinders are kept clear of all flamma materials to a distance of 10m and shielded on the hazard side;</li> </ul>
	<ul> <li>The intent may be achieved where:</li> <li>Iandscaping is designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind-driven embers to cause ignitions.</li> </ul>	<ul> <li>compliance with the NSW RES 'Asset protection zone standards' (see Appendix 4);</li> <li>a clear area of low-cut lawn or pavement is maintained adjacent to the house;</li> </ul>	GAS		<ul> <li>connections to and from gas cylinders are metal;</li> <li>polymer-sheathed flexible gas supply lines are no used; and</li> <li>above-ground gas service pipes are metal, includ and up to any outlets.</li> </ul>
Home-based cl		<ul> <li>fencing is constructed in accordance with section 7.6; and</li> <li>trees and shrubs are located so that:</li> <li>the branches will not overhang the roof;</li> </ul>		<ul> <li>the proposed building can withstand bush fire attack in the form of embers, radiant heat and flame contact.</li> </ul>	<ul> <li>BAL is determined in accordance with Tables A1.12.5 to A1.2.7; and</li> <li>construction provided in accordance with the NCC and as modified by section 7.5 (please see advice on construction in the flame zone).</li> </ul>
		<ul> <li>the tree canopy is not continuous; and</li> <li>any proposed windbreak is located on the elevation from which fires are likely to</li> </ul>	SDS	proposed fences and gates are designed to minimise the spread of bush fire.	fencing and gates are constructed in accordance with section 7.6.
	Home-based child care: a bush fire emergency and evacuation management	approach.	TANDA	<ul> <li>proposed Class 10a buildings are designed to minimise the spread of bush fire.</li> </ul>	Class 10a buildings are constructed in accordance with section 8.3.2.
	eine gereg and erocodoor mandgemenk	concistent with the NSW RFS publication: A Guide to Daveloping a Bush Fire Emergency Management and Evacuation Plen, and the AS 3745:2010.	0110	ionm-based child care: the proposed outling can withten duals threa ttack in the form of wind, localised smoke, embers and expected levels of radiant heat.	an APZ is provided in accordance with Table A1122 or Al123 in Appendix1 of this document around the entire building or structure, and the existing dwelling is required to be upgraded to improve ember protection. This is to be achieved by enclosing or covering openings with a corrosion-resistant steel, bronze or aluminium mesh with a maximum appruture of 2mm. Where of the windows, vents, weepholes and eaves, but does not include root lie spaces. Weather

## Appendix 2: 7.5.2 NSW State Variations under G5.2(a)(i) and 3.10.5.0(c)(i) of the NCC

Certain provisions of AS 3959 are varied in NSW based on the findings of the Victorian Bush Fires Royal Commission and bush fire industry research.

The following variations to AS 3959 apply in NSW for the purposes of NSW G5.2(a)(i) of Volume One and NSW 3.10.5.0(c)(i) of Volume Two of the NCC; clause 3.10 of AS 3959 is deleted and any sarking used for BAL-12.5, BAL-19, BAL-29 or BAL-40 shall:

- be non-combustible; or
- comply with AS/NZS 4200.1, be installed on the outside of the frame and have a flammability index of not more than 5 as determined by AS 1530.2; and
- clause 5.2 and 6.2 of AS 3959 is replaced by clause 7.2 of AS 3959, except that any wall enclosing the subfloor space need only comply with the wall requirements for the respective BAL; and
- clause 5.7 and 6.7 of AS 3959 is replaced by clause 7.7 of AS 3959, except that any wall enclosing the subfloor space need only comply with the wall requirements for the respective BAL; and
- fascias and bargeboards, in BAL-40, shall comply with:
- clause 8.4.1(b) of AS 3959; or
- clause 8.6.6 of AS 3959.

The interpretation of this variation is:

<u>Enclosed subfloors</u>: For subfloor supports there are no requirements for supporting posts, columns, stumps, stringers piers and poles for subfloor supports for BAL 12.5 and BAL 19 when the subfloor space is enclosed with a wall that complies with the determined BAL level for the site.

<u>Unenclosed subfloors</u>: For unenclosed subfloor supporting posts, columns, stumps, stringers piers and poles the requirements are upgraded from BAL 12.5 and BAL 19 to BAL 29 level.

<u>Enclosed verandas</u>: There are no requirements for supporting posts, columns, stumps, stringers piers and poles for verandas, decks, steps and landings when the subfloor space is enclosed with a wall that complies with the determined BAL level for the site.

<u>Unenclosed verandas</u>: The requirements for supporting posts, columns, stumps, stringers piers and poles for verandas, decks, steps, and landings are upgraded from BAL 19 and BAL 12.5 to BAL 29 level.

For unenclosed subfloors of the main building or verandas, decks, steps and landings for BAL 12.5, 19 and BAL29 supporting posts, columns, stumps, stringers piers and poles shall be:

- 1. A non-combustible material; or
- 2. A Bushfire resistant timber; or
- 3. A combination of 1 and 2

Acceptable timber species:

Black-butt, Turpentine, Silver Top Ash, Spotted Gum, Red Iron Bark, Kwila, Red River Gum

Sarking: To comply with the NSW State variation any sarking used for BAL 12.5 shall:

- Be Non-combustible; or
- Comply with AS/NZ 4200.1 be installed on the outside of the frame and have a flammability index of not more than 5 as determined by AS1530.2