



## WINDOW PROTECTION IN THE FLAME ZONE

### COMMUNITY RESILIENCE

**When constructing a new building in the “Flame Zone” (BAL-FZ) the NSW Rural Fire Service (NSW RFS) will require all new window assemblies to comply with the requirements of Australian Standard: Construction of buildings in bush fire-prone areas (AS3959-2009).**

In New South Wales there is no ‘Deemed-to-Satisfy’ (DtS) approach to building within the Flame Zone due to the risks involved.

Notwithstanding this, the DtS requirements in Section 9 of AS3959-2009 has generally been used as a guide to determining what is acceptable. This is with the exception that the use of any combustible materials is generally prohibited.

Following the release of AS3959-2009, compliance with the window assembly requirements in Section 9 of AS3959-2009 was considered problematic due to a lack of products on the market. Therefore the NSW RFS had permitted the temporary usage of BAL-40 window assemblies with the addition of non-combustible bushfire shutters in the Flame Zone.

Recently product manufacturers and the peak industry body, the Fire Protection Association of

Australia, provided information that there are now several manufacturers providing AS3959-2009 compliant window assemblies. Based on this advice, the NSW RFS is now ceasing to allow the use of BAL-40 windows with non-combustible bush fire shutters in the Flame Zone.

Based on the significance of this change homebuilders will be provided with a grace period to allow appropriate time so that projects that are currently underway can proceed where commitments have been made in good faith based on previous window protection requirements. This includes projects that have recently undergone development approval. For these situations a section 96 in accordance with the Environmental Planning and Assessment Act may be considered to amend development applications already approved. However it should be noted that this grace period will cease on 1 January 2018.

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