



New South Wales

Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Amendment (Building Code of Australia) Regulation 2019

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

ROBERT STOKES, MP
Minister for Planning and Public Spaces

Explanatory note

The *Environmental Planning and Assessment Act 1979* (the *EP&A Act*) makes reference to the Building Code of Australia (the *BCA*) as in force from time to time. This means amendments to the BCA automatically flow through to various provisions of the EP&A Act and instruments made under that Act. Recent amendments to the BCA were made assuming that another document Planning for Bush Fire Protection would be updated before those amendments came into effect. That update has not been completed. The object of this Regulation is to ensure that until that update occurs certain references in the BCA continue to work by construing those references as being to existing documents.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including section 10.13 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Amendment (Building Code of Australia) Regulation 2019*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Amendment of Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017

Insert after Part 4:

Part 5 Provisions consequent on amendments to BCA

25 References to AS 3959 in Building Code of Australia

- (1) A reference in the Building Code of Australia to “AS 3959 as amended by Planning for Bush Fire Protection” (however worded) is for the purposes of the *Environmental Planning and Assessment Regulation 2000* taken to be a reference to Australian Standard AS 3959—2009, *Construction of buildings in bushfire-prone areas* as amended by *Planning for Bush Fire Protection 2006—Addendum: Appendix 3* dated 2010.
- (2) This clause ceases to have effect when clause 272 of the *Environmental Planning and Assessment Regulation 2000* is amended or substituted to update the reference to the version of *Planning for Bush Fire Protection* dated December 2006 to a later version of that document.