



New South Wales

Rural Fires Amendment (Bush Fire Safety Authorities) Regulation 2007

under the

Rural Fires Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Rural Fires Act 1997*.

ANTHONY KELLY, M.L.C.,
Minister for Emergency Services

Explanatory note

Under the *Rural Fires Act 1997*, the Commissioner of the NSW Rural Fire Service may issue a bush fire safety authority which authorises development of bush fire prone land in certain circumstances. The object of this Regulation is to amend the *Rural Fires Regulation 2002*:

- (a) to prescribe certain kinds of development that are excluded from bush fire safety authority requirements, and
- (b) to prescribe certain special fire protection purposes for which the Commissioner may issue a bush fire safety authority, and
- (c) to make other miscellaneous amendments in relation to a new set of bush fire protection guidelines (known as *Planning for Bush Fire Protection*).

This Regulation is made under the *Rural Fires Act 1997*, including sections 100B and 135 (the general regulation-making power).

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Clause 1 Rural Fires Amendment (Bush Fire Safety Authorities) Regulation 2007

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1 Name of Regulation

This Regulation is the *Rural Fires Amendment (Bush Fire Safety Authorities) Regulation 2007*.

2 Commencement

This Regulation commences on 1 March 2007.

3 Amendment of Rural Fires Regulation 2002

The *Rural Fires Regulation 2002* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert at the end of the clause:

- (2) In this Regulation, a reference to *Planning for Bush Fire Protection* is a reference to the document so entitled, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.

[2] Clause 46 Application for bush fire safety authorityOmit “*Planning for Bushfire Protection*” from clause 46 (1) (b).Insert instead “*Planning for Bush Fire Protection*”.**[3] Clause 46 (1) (h)**

Omit the paragraph. Insert instead:

- (h) an assessment of the extent to which the proposed development conforms with or deviates from the standards, specific objectives and performance criteria set out in Chapter 4 (Performance Based Controls) of *Planning for Bush Fire Protection*.

[4] Clause 46 (2)

Omit the subclause.

[5] Clauses 46A and 46B

Insert after clause 46:

46A Development excluded from requirements for bush fire safety authority

- (1) For the purposes of section 100B (5) (a1) of the Act, the following development is excluded from the operation of that section:
 - (a) development for the purposes of licensed premises that do not provide overnight accommodation (other than for the owner or manager of the premises),
 - (b) strata subdivision of a building, but only if development consent for the erection of the building was granted in accordance with section 79BA of the *Environmental Planning and Assessment Act 1979*,

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Schedule 1 Amendments

- (c) strata subdivision of a class 2 building erected before 1 August 2002, but only if the building complies with the requirements of Level 1 construction under AS 3959—1999, *Construction of buildings in bushfire-prone areas*,
 - (d) subdivision of land for the purposes of converting an existing dwelling to a dual occupancy, but only if development consent for the dwelling was granted in accordance with section 79BA of the *Environmental Planning and Assessment Act 1979*,
 - (e) subdivision of land (including any boundary adjustments) that is leased under the *Western Lands Act 1901*,
 - (f) subdivision for the purposes of consolidations of lots or boundary adjustments on land where the number of lots is reduced, but only if any existing dwelling on the land complies with the requirements of Appendix 3 (Site Bush Fire Attack Assessment) of *Planning for Bush Fire Protection*,
 - (g) development for the purposes of bed and breakfast accommodation using an existing building, but only if the building is more than 30 metres from native vegetation,
 - (h) subdivision of land used or proposed to be used for industrial purposes on which the erection of a dwelling related to the industrial use of the land (such as a manager's residence) is permitted,
 - (i) subdivision of land for a rural residential purpose in a Western New South Wales district, but only if:
 - (i) no lot created by the subdivision is greater than 10 hectares, and
 - (ii) the bush fire prone land in any lot is less than 10 per cent of the lot, and
 - (iii) each lot has direct access to an existing public road.
- (2) In this clause:

Building Code of Australia has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*.

class, in relation to a building, means a building of the specified class under the *Building Code of Australia*.

Western New South Wales district means any of the following weather forecast districts referred to in Schedule 1:

- (a) Upper Western Weather Forecast District,
- (b) Lower Western Weather Forecast District,

- (c) Riverina Weather Forecast District,
- (d) South West Slopes Weather Forecast District,
- (e) Central West Plains Weather Forecast District,
- (f) Central West Slopes Weather Forecast District,
- (g) Central Tablelands Weather Forecast District,
- (h) North West Plains Weather Forecast District,
- (i) North West Slopes Weather Forecast District.

46B Additional special fire protection purposes for which bush fire safety authority required

For the purposes of paragraph (i) of the definition of *special fire protection purpose* in section 100B (6) of the Act, the following purposes are prescribed:

- (a) manufactured home estates (within the meaning of *State Environmental Planning Policy No 36—Manufactured Home Estates*), comprising two or more caravans or manufactured homes, used for the purpose of casual or permanent accommodation (but not tourist accommodation),
- (b) sheltered workshops, or other workplaces, established solely for the purpose of employing persons with disabilities,
- (c) respite care centres, or similar centres, that accommodate persons with a physical or mental disability or provide respite for carers of such persons,
- (d) student or staff accommodation associated with a school, university or other educational establishment.