



New South Wales

Rural Fires Amendment (Bush Fire Safety Authorities) Regulation 2014

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*.

MICHAEL GALLACHER, MLC
Minister for Police and Emergency Services

Explanatory note

The object of this Regulation is to specify information that must accompany an application for a bush fire safety authority relating to subdivision for the purposes of certain types of dwellings in urban release areas if the applicant wishes the Commissioner of the NSW Rural Fire Service, when determining the application, to consider whether it would be appropriate for the erection of those dwellings to be excluded from the operation of section 79BA of the *Environmental Planning and Assessment Act 1979*. That section generally prevents a consent authority from granting development consent for development on bush fire prone land unless the consent authority is satisfied (or has been provided with a qualified consultant's certificate stating) that the development conforms to *Planning for Bush Fire Protection*.

Related amendments are contained in the *Environmental Planning and Assessment Amendment (Bush Fire Prone Land) Regulation 2013*.

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

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1 Name of Regulation

This Regulation is the *Rural Fires Amendment (Bush Fire Safety Authorities) Regulation 2014*.

2 Commencement

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

Schedule 1 Amendment of Rural Fires Regulation 2013

Clause 44 Application for bush fire safety authority

Insert at the end of clause 44:

- (2) An application for a bush fire safety authority must also be accompanied by the prescribed information if:
 - (a) the proposed development is subdivision for the purposes of dwelling houses, dual occupancies or secondary dwellings on property that is in an urban release area, and
 - (b) the application specifies that the applicant wishes the Commissioner, when determining the application, to consider whether it would be appropriate for the future erection of the dwelling houses, dual occupancies or secondary dwellings concerned to be excluded from the application of section 79BA of the *Environmental Planning and Assessment Act 1979*.
- (3) The *prescribed information* is:
 - (a) a plan of subdivision that shows:
 - (i) the bush fire attack levels that will apply to the property on completion of any clearing of vegetation proposed to be carried out as part of any subdivision work (within the meaning of the *Environmental Planning and Assessment Act 1979*), and
 - (ii) proposed setbacks of any buildings that are, or may in future, be erected on the property, including asset protection zones, and
 - (b) any further information concerning the proposed development that the Commissioner may require.

Note. More information about bush fire attack levels, including the flame zone, can be found in Table A3.4.2 of *Addendum: Appendix 3* (published by the NSW Rural Fire Service in 2010) to the publication titled *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in 2006.
- (4) Terms and expressions used in this clause have the same meanings as they have in clause 273 of the *Environmental Planning and Assessment Regulation 2000*.