



New South Wales

Environmental Planning and Assessment Amendment (Planning for Bush Fire Protection) Regulation 2020

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 object of this Regulation is to prescribe new versions of the following documents in relation to development on bush fire prone land—

- (a) *Planning for Bush Fire Protection* published by the NSW Rural Fire Service in November 2019, which contains specifications and requirements for development on bush fire prone land,
- (b) the Australian Standard AS 3959:2018 *Construction of buildings in bushfire-prone areas* that applies for the purposes of determining the bush fire attack level for certain land in urban release areas.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 4.14(1)(a) and 10.13 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Planning for Bush Fire Protection) Regulation 2020*.

2 Commencement

This Regulation commences on 1 March 2020 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000

[1] Clause 272 Planning for Bush Fire Protection

Omit “ISBN 0 9751033 2 6 and dated December 2006”.

Insert instead “ISBN 978 0 646 99126 9 and dated November 2019”.

[2] Clause 273 Development excluded from application of requirements relating to bush fire prone land

Omit “approved by the Commissioner of the NSW Rural Fire Service by notice published in the Gazette” from clause 273(7).

Insert instead “specified in *Planning for Bush Fire Protection* ISBN 978 0 646 99126 9 dated November 2019”.

[3] Clause 273(8), definition of “AS 3959—2009”

Omit the definition. Insert instead—

AS 3959:2018 means the Australian Standard AS 3959:2018, *Construction of buildings in bushfire-prone areas*.

[4] Clause 273(8) (except the definition of “AS 3959—2009”)

Omit “AS 3959—2009” wherever occurring. Insert instead “AS 3959:2018”.

[5] Clause 273(8), definitions of “bush fire attack level—40 (BAL—40)” and “flame zone (BAL—FZ)”

Omit “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” from the note.

Insert instead “Table A1.7 of *Planning for Bush Fire Protection* ISBN 978 0 646 99126 9 dated November 2019”.

[6] Clause 273B

Insert after clause 273A—

273B Transitional provision—Planning for Bush Fire Protection

An amendment made to clause 272 or 273 by the *Environmental Planning and Assessment Amendment (Planning for Bush Fire Protection) Regulation 2020* does not apply to a development application made (but not determined) before 1 March 2020.