



New South Wales

Rural Fires Amendment (Bush Fire Prevention) Bill 2015

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to provide that persons are not guilty of offences under environmental legislation merely for carrying out bush fire hazard reduction work or vegetation clearing work if the work is carried out under, and in accordance with, the *Rural Fires Act 1997*,
- (b) to permit vegetation clearing work to be carried out in certain areas near farm sheds in order to reduce bush fire risk,
- (c) to clarify how provisions authorising vegetation clearing work apply to the removal of trees,
- (d) to ensure that the written consent of adjoining neighbours is obtained before certain vegetation clearing work is carried out.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Rural Fires Act 1997 No 65

Schedule 1 [1] makes it clear that bush fire hazard reduction work can only be carried out under section 100C (4) of the *Rural Fires Act 1997* (the *principal Act*) if the work is carried out in

accordance with a bush fire risk management plan that applies to the land, any conditions specified in the bush fire hazard reduction certificate (that is required for the work) and the provisions of any bush fire code applying to the land.

Schedule 1 [2] provides that a person is not guilty of an offence under a number of Acts merely because of the carrying out of bush fire hazard reduction work. However, the defence applies only where the work is carried out in accordance with the requirements set out above.

Schedule 1 [3] inserts a definition of *farm shed* and replaces a definition of *tree* for the purposes of Division 9 (Vegetation clearing work) of Part 4 of the principal Act.

Schedule 1 [4] substitutes section 100R of the principal Act, which provides for vegetation clearing work by owners of land around certain residential and other buildings with habitable rooms. The section as substituted extends the provision to provide for similar clearing around farm sheds. An owner of land in a 10/50 vegetation clearing entitlement area is authorised to carry out vegetation clearing work involving the clearing of any vegetation within 10 metres of the external wall of a building to which the section applies or vegetation (other than trees) within 50 metres of any such wall. Work is permitted to be carried out only if it is carried out in accordance with the proposed section. The proposed section also provides that a tree must not be removed or destroyed unless its trunk is within 10 metres of the external wall of a building to which the proposed section applies. A person may only clear or authorise the clearing of vegetation on land that the person owns. If there is no external wall of a building on land owned by the person that authorises particular vegetation clearing work, the person may rely on an external wall of a building on adjoining land to authorise the clearing. However, in such a case, the person must not carry out the work unless he or she has obtained the written consent of each owner of adjoining land on which there is an external wall that could be used to authorise the clearing (being an external wall that is within 10 metres or 50 metres of the particular vegetation as the case may be). Any vegetation clearing work must be carried out in accordance with the 10/50 Vegetation Clearing Code of Practice prepared by the Commissioner of the NSW Rural Fire Service under section 100Q of the principal Act. The proposed section also provides that a person is not guilty of an offence under a number of Acts merely because of the carrying out of vegetation clearing work in accordance with the proposed section.