

New South Wales

Environmental Planning and Assessment Amendment (Bushfire Protection) Bill 2025

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Environmental Planning and Assessment Act 1979* to require the Commissioner of the NSW Rural Fire Service to designate certain land as bush fire prone land in certain circumstances and to require a council to consult with the Commissioner before preparing a planning proposal that will affect bush fire prone land.

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 Environmental Planning and Assessment Act 1979 No 203

Schedule 1[1] inserts proposed section 3.25A that requires a council to consult with the Commissioner of the NSW Rural Fire Service before forwarding a planning proposal to the Minister of Planning under section 3.34(1) if the planning proposal includes a proposal to do certain things on bush fire prone land.

Schedule 1[2] amends section 4.14 to insert a definition for *qualified person*.

Schedule 1[3] amends section 10.3 to require the Commissioner of the NSW Rural Fire Service to designate land, in consultation with the local council, as bush fire prone land in certain circumstances, to record the land on a map and give the map to the local council.

Schedule 1[4] amends section 10.3(4) to require a council to give a bush fire prone land map to a person at no cost.



New South Wales

Environmental Planning and Assessment Amendment (Bushfire Protection) Bill 2025

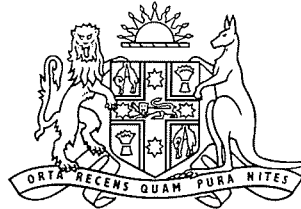
Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Environmental Planning and Assessment Act 1979 No 203	3

This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Environmental Planning and Assessment Amendment (Bushfire Protection) Bill 2025

No , 2025

A Bill for

An Act to amend the *Environmental Planning and Assessment Act 1979* to make further provision about development on bush fire prone land; consideration of the effect on development of other natural hazards; and for related purposes.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Environmental Planning and Assessment Amendment (Bushfire Protection) Act 2025</i> .	3
	4
2 Commencement	5
This Act commences on the date of assent to this Act.	6

Schedule 1 **Amendment of Environmental Planning and Assessment Act 1979 No 203**

[1] **Section 3.25A**

Insert after section 3.25—

3.25A Special consultation procedures concerning bush fire prone land

- (1) Before forwarding a planning proposal to the Minister under section 3.34(1), the planning proposal authority must consult with the Commissioner of the NSW Rural Fire Service if, in the planning proposal authority's opinion, the planning proposal includes a proposal to do one or more of the following on bush fire prone land or on land that adjoins bush fire prone land—
 - (a) permit residential accommodation,
 - (b) reduce the minimum lot size for subdivision,
 - (c) permit development for a special fire protection purpose.
- (2) For the consultation, the planning proposal authority must give information about the planning proposal that would assist in understanding its effect, including information required by a direction under section 9.1(2) that relates to bush fire prone land.
- (3) The Commissioner of the NSW Rural Fire Service may comment to the planning proposal authority on the planning proposal within the following period after the consultation commences—
 - (a) the period agreed between the Commissioner and the relevant authority,
 - (b) if there is no agreed period—a period of 28 days.
- (4) The consultation required by this section is completed when the planning proposal authority has considered all comments made by the Commissioner of the NSW Rural Fire Service.
- (5) A planning proposal to which this section applies must not be forwarded to the Minister under section 3.34(1) unless the planning proposal authority is satisfied that the Commissioner of the NSW Rural Fire Service does not object to the changes proposed in the planning proposal.
- (6) If the Commissioner of the NSW Rural Fire Service has given comments to a planning proposal authority in relation to a planning proposal under this section—
 - (a) the comments must be included in the version of the planning proposal placed on public exhibition, and
 - (b) the comments must be identified as comments made by the Commissioner.
- (7) In this section—
planning proposal authority has the same meaning as in section 3.32.
special fire protection purpose has the same meaning as in the *Rural Fires Act 1997*, section 100B.

[2] **Section 4.14(2)**

Insert in alphabetical order—

qualified person means a person who holds formal qualifications from a university accredited post-graduate course on bush fire protection or bush fire planning and design.

[3] Section 10.3 Bush fire prone land

Omit section 10.3(1)–(2A). Insert instead—

- (1) If a bush fire risk management plan applies to land within the area of a council, the Commissioner of the NSW Rural Fire Service must, within 12 months after the commencement of this section—
 - (a) designate land within the area that the Commissioner considers, having regard to the bush fire risk management plan, to be bush fire prone land, and
 - (b) record the designated land on a map, and
 - (c) certify the map as a bush fire prone land map for the area of the council, and
 - (d) give the certified map to the council.
- (2) The Commissioner of the NSW Rural Fire Service—
 - (a) must review the designation of land on a bush fire prone land map before the end of the period of 5 years after the map was last certified and revise the map if required, and
 - (b) may review the designation of land on a bush fire prone land map for an area at any time after the map is certified and revise the map if required.
- (2A) If the Commissioner of the NSW Rural Fire Service revises a certified map under subsection (2), the revised map—
 - (a) becomes the bush fire prone land map for the area on being certified by the Commissioner, and
 - (b) must be given to the council by the Commissioner.
- (2B) The Commissioner of the NSW Rural Fire Service must consult with the council regarding land the Commissioner considers to be bush fire prone land before designating the land as bush fire prone land under subsection (1) or (2).

[4] Section 10.3(4)

Insert “and must be given to a person, if requested, at no cost” after “council”.