



Australian Capital Territory

Land (Planning and Environment) (Bushfire Emergency) Regulations 2003

Subordinate Law SL2003-4

The Australian Capital Territory Executive makes the following regulations under the *Land (Planning and Environment) Act 1991*.

Dated 6 February 2003.

SIMON CORBELL
Minister

BILL WOOD
Minister



Australian Capital Territory

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1 Name of regulations

These regulations are the *Land (Planning and Environment) (Bushfire Emergency) Regulations 2003*.

2 Commencement

These regulations commence on the day after their notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Dictionary

The dictionary at the end of these regulations is part of these regulations.

Note 1 The dictionary at the end of these regulations defines certain words and expressions used in these regulations, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in these regulations or in other legislation.

For example, the signpost definition '*building code*—see the *Building Act 1972*, section 24 (Building code).' means that the expression 'building code' is defined in that section of that Act and the definition applies to these regulations.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulations unless the definition, or another provision of the regulations, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in these regulations is explanatory and is not part of these regulations.

Note See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 Main object of regulations

The main object of these regulations is to assist people who suffered property damage because of fires that happened during the bushfire emergency to clear their land.

6 The bushfire emergency

For these regulations, the *bushfire emergency* is the period that began on 18 January 2003 and ended on 28 January 2003.

7 Certain developments exempted from Act, div 6.2

(1) The Minister may, in writing, declare that these regulations apply to land mentioned in the declaration.

(2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

(3) The Act, division 6.2 (Approvals) does not apply to a fire-caused development on land mentioned in a declaration under subregulation (1) if—

- (a) a registered construction practitioner endorses a plan of works in relation to the work included in the development; and
- (b) the development is carried out in accordance with the plan of works; and
- (c) the development is carried out by a person in accordance with—
 - (i) an agreement between the person and the owner of the land that is approved by the building controller ; and
 - (ii) any conditions approved by the building controller; and
- (d) the development is carried out in accordance with Australian Standard 2601.

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- (4) For subsection (3), a development is a *fire-caused development* if the development is—
- (a) the demolition of a building or structure damaged during the bushfire emergency by fire or in the course of fighting fire; or
 - (b) work mentioned in paragraph (a) and other work reasonably necessary to reduce possible damage by future fires that consists of—
 - (i) earthworks or other construction work on or under the land; or
 - (ii) if the land is specified land—other work that would affect the landscape of the land.
- (5) In this regulation:
- specified land* means land that is—
- (a) not leased for residential purposes; or
 - (b) leased for residential purposes and not specified in the heritage places register, or an interim heritage places register, as a heritage place.

8 Plans of works

- (1) A *plan of works* is a plan for carrying out work relating to the demolition of a building or structure (a *building*).
- (2) A plan of works complies with this section if it—
- (a) identifies the site where the work is to be carried out; and
 - (b) sets out, to the nearest 0.5m, the overall height of the building above ground level and its distance from the closest boundary; and
 - (c) describes the building type by its class under the building code, its structural support system and the main materials of its construction; and

- (d) states the number of dwellings to be demolished; and
- (e) describes the methods of demolition and the number and types of the major items of equipment proposed to be used; and
- (f) if the proposed work involves the removal of stable asbestos cement sheeting from a residential building—complies with the *Building Regulations 1972*, regulation 11 (Applications—asbestos removal requirements) as if the plan were an application under the *Building Act 1972*; and
- (g) describes the methods proposed to be used for handling and disposing of any other demolished material, mentioning specifically any hazardous substance; and
- (h) describes the sequence of major activities involved in carrying out the work and the estimated number of days likely to be needed for each major activity and for completing the works; and
- (i) sets out details of how Australian Standard 2601 will be complied with in relation to the following:
 - (i) hoardings and fencing around the proposed work;
 - (ii) any overhead protection;
 - (iii) any scaffolding necessary to carry out the proposed work; and
- (j) contains, or has attached to it, any illustration, other plan or other document that may be necessary for the better understanding of anything set out in the plan.

9 Endorsement of plans

- (1) A registered construction practitioner may endorse a plan of works if satisfied that—
 - (a) the plan complies with regulation 8; and
 - (b) the plan relates to land that is mentioned in a declaration under regulation 7 (Certain developments exempted from Act, div 6.2).
- (2) In this regulation:
registered construction practitioner—see the *Construction Practitioners Registration Act 1998*, section 3 (Definitions for Act).

Dictionary

(see reg 3)

building code—see the *Building Act 1972*, section 24 (Building code).

building controller—see the *Building Act 1972*, section 5 (1) (Interpretation for Act).

bushfire emergency—see regulation 6 (The bushfire emergency).

plan of works—see regulation 8 (1) (Plans of works).

Endnotes

Republications of amended laws

- 1 For the latest republication of amended laws, see www.legislation.act.gov.au.

Notification

- 2 Notified under the Legislation Act on 7 February 2003.
(see www.legislation.act.gov.au)

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