



Australian Capital Territory

Land (Planning and Environment) (Bushfire Emergency) Regulations 2003 No 4

made under the

Land (Planning and Environment) Act 1991

Republication No 1

Effective: 8 February 2003

Republication date: 10 February 2003

Regulations not amended up to this date

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Land (Planning and Environment) (Bushfire Emergency) Regulations 2003*, made under the *Land (Planning and Environment) Act 1991* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 10 February 2003. It also includes any commencement, repeal or expiry affecting the republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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

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Australian Capital Territory

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

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1 Name of regulations

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

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.
- (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

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

Land (Planning and Environment) (Bushfire Emergency) Regulations 2003 SL2003-4

notified LR 7 February 2003

reg 1, reg 2 commenced 7 February 2003 (LA s 75 (1))

remainder commenced 8 February 2003 (reg 2)

4 Amendment history

Commencement

reg 2 om LA s 89 (4)

Authorised by the ACT Parliamentary Counsel—also accessible at
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