



# *Government Gazette*

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# GOVERNMENT NOTICES

## Rural Fire Service Notices

### SCHEDULE OF STANDARD EXEMPTIONS TO TOTAL FIRE BANS

**Note 1.** The NSW Rural fire service can be contacted on 1800 679 737 and Fire and Rescue NSW can be contacted on 1800 422 281.

**Note 2.** This schedule sets out standard exemptions to total fire bans orders made by the Minister or the Commissioner of the NSW Rural Fire Service (by delegation). A total fire ban order may specify that some or all of the following standard exemptions will apply during the total fire ban. A standard exemption will not apply unless specifically referred to in the total fire ban order.

#### 1 Definitions

In this Schedule:

*fire* includes a flame, spark or incandescent or burning material.

*landholder*, in respect of land, means:

- (a) if the land is controlled or managed by a local authority—the local authority, or
- (b) in the case of a State forest, flora reserve or timber reserve within the meaning of the *Forestry Act 2012*, or land acquired for the purpose of dedication or reservation under that Act, or in respect of which the Forestry Corporation has obtained the benefit of a forestry right within the meaning of Division 4 of Part 6 of the *Conveyancing Act 1919*—the Forestry Corporation, or
- (c) in the case of land dedicated or reserved, or acquired for the purpose of dedication or reservation, under the *National Parks and Wildlife Act 1974*—the National Parks and Wildlife Service, or
- (d) in the case of land vested in, or under the control of, Rail Corporation New South Wales, Transport for NSW, Residual Transport Corporation of New South Wales, Transport Infrastructure Development Corporation or Rail Infrastructure Corporation—that authority, or
- (e) in the case of land within the catchment area of a water authority—that water authority, or
- (f) in any other case—the owner or occupier of the land.

#### Standard Exemptions

##### 2 Fire fighting activities

Fire lit, maintained or used for the purpose of suppressing or controlling any existing bush fire, for urgent repairs or maintenance of any fire fighting or associated plant or equipment or to provide food or refreshments for fire fighting personnel where the fire is lit, maintained or used under the direction of any of the following:

- (a) any officer of the NSW Rural Fire Service,
- (b) any officer of the Fire and Rescue NSW,
- (c) any officer authorised by the Forestry Corporation of NSW,
- (d) any officer authorised by the Chief Executive of the NSW National Parks and Wildlife Service.

##### 3 Emergency operations

Fire lit, maintained or used in association with any cutting, welding or grinding work by an emergency services organisation within the meaning of the *State Emergency and Rescue Management Act 1989* for the purpose of any emergency operations provided that, as far as is practicable:

- (a) the fire is lit, maintained or used in a manner which will prevent the escape of the fire, and
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire.

##### 4 Fireworks

- (1) Fireworks lit, maintained or used as part of an organised public display, provided that:
  - (a) the person supervising the event (the *responsible person*) holds a current pyrotechnician's licence issued by SafeWork NSW and has notified SafeWork NSW of the display in such manner specified, and approved by SafeWork NSW, and
  - (b) the responsible person complies with any requirements specified by SafeWork NSW, and
  - (c) the landholder has given written approval for the display to be held on the land, and

- (d) all fire is extinguished at the conclusion of the display and prior to the responsible person leaving the site, and
  - (e) the display is conducted in a manner, which minimises the likelihood that fire will impact on the land surrounding the display causing a fire, and
  - (f) precautions are taken to prevent the escape of fire from the surrounding area, and
  - (g) the responsible person:
    - (i) if the land where the display is to be held is within a rural fire district—has notified the NSW Rural Fire Service Fire Control Centre for that district of the proposed display, or
    - (ii) if the land where the display is to be held is within a fire district—has notified the officer in charge of the nearest Fire and Rescue NSW fire station of the proposed display, and
  - (h) the responsible person complies with any direction or additional condition which may be imposed by the NSW Rural Fire Service or Fire and Rescue NSW, which may include a direction that fireworks not be lit.
- (2) Notification under subclause (1) (g) must be given during business hours and not less than 48 hours prior to the commencement of the display.

## 5 Religious or sacred ceremonies

- (1) Fire lit, maintained or used as part of a religious or sacred ceremony (including a carols by candlelight event) provided that:
- (a) the landholder has given written approval for the ceremony to be held on the land, and
  - (b) the ceremony is held on an open area of land so that any fire is surrounded, for a distance of at least 20 metres by ground that is predominantly clear of any vegetation in height no greater than 100 millimetres, and
  - (c) each fire is constantly under the direct control or supervision of a responsible adult person, and
  - (d) each fire is extinguished at the conclusion of the ceremony and prior to the person having control or supervision of the fire leaving the site, and
  - (e) the person who obtained the consent of the landholder to conduct the ceremony (the *organiser*) must ensure that all necessary steps are taken to prevent the escape of fire from the land, and
  - (f) the organiser:
    - (i) if the land where the ceremony is to be held is within a rural fire district—has notified the NSW Rural Fire Service Fire Control Centre for that district of the proposed ceremony, or
    - (ii) if the land where the ceremony is to be held is within a fire district—has notified the officer in charge of the nearest Fire and Rescue NSW fire station of the proposed ceremony, and
  - (g) the organiser complies with any direction or additional condition which may be imposed by the NSW Rural Fire Service or Fire and Rescue NSW, which may include a direction that fires not be lit.
- (2) Notification under subclause (1) (f) must be given during business hours and not less than 6 hours prior to the commencement of the ceremony.

## 6 Services and utilities—construction, essential repairs or maintenance

- (1) Fire lit, maintained or used by, or on behalf of, a provider of a utility or transport service, in connection with the construction or the essential repair or maintenance of facilities or equipment required for the provision or continuation of the utility or transport service provided that:
- (a) the fire is lit, maintained or used in a manner which will prevent the escape of the fire, and
  - (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire, and
  - (c) In the case of construction, the provider of the utility or transport service has:
    - (i) if the land where the construction works is to be undertaken within a rural fire district— notified the NSW Rural Fire Service Fire Control Centre for that district, or
    - (ii) if the land where the construction works is to be undertaken is within a fire district— notified the officer in charge of the nearest Fire and Rescue NSW fire station.
- (2) The provider of the utility or transport service must comply with any direction or additional condition which may be imposed by the NSW Rural Fire Service or Fire and Rescue NSW, which may include a direction that a fire not be lit.

(3) In this clause:

**utility or transport service** means a sewerage, drainage, water, gas, electricity, telephone service or the operation of a road or railway.

#### **7 Disposal of waste or putrescent material**

Fire lit, maintained or used by a public authority within the meaning of the *Rural Fires Act 1997*, for the disposal of waste or putrescent material likely to cause a health hazard provided that:

- (a) the fire is lit in a properly constructed incinerator designed to prevent the escape of the fire, and
- (b) the public authority has:
  - (i) if the land where the disposal is to be held is within a rural fire district—has notified the NSW Rural Fire Service Fire Control Centre for that district of the proposed disposal, or
  - (ii) if the land where the display is to be held is within a fire district—has notified the officer in charge of the nearest Fire and Rescue NSW fire station of the proposed disposal, and
- (c) the public authority complies with any direction or additional condition which may be imposed by the NSW Rural Fire Service or Fire and Rescue NSW, which may include a direction that fires not be lit.

#### **8 Sugar cane harvesting**

Fire lit, maintained or used between the hours of 5 pm and 7 am Australian Eastern Standard Summer Time for a purpose associated with the harvesting of sugar cane provided that:

- (a) the fire is lit, maintained or used in a manner that will prevent the escape of the fire, and
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire, and
- (c) the fire is under the direct control of a responsible adult person who is present at all times until it is fully extinguished, and
- (d) the person who lights the fire has complied with the requirements of section 87 of the *Rural Fires Act 1997*, and the conditions set out in any permit issued there under.

#### **9 Bitumen roadworks**

Fire lit, maintained or used for the purpose of heating bitumen in tankers, sprayers, storage units, mobile asphalt plants, mobile asphalt pavers and pavement recycling machines for road repair and construction works provided that:

- (a) the fire is lit, maintained or used in a manner which will prevent the escape of the fire, and
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire.

#### **10 Disposal of diseased animal carcasses**

Fire lit or maintained or used for the purposes of the disposal of diseased sheep, cattle, chicken or other deceased stock carcasses provided that:

- (a) the fire is lit, maintained or used in a manner which will prevent the escape of the fire, and
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire, and
- (c) the site of the fire is surrounded by ground that is clear of all combustible material for a distance of at least 30 metres, and
- (d) a responsible adult person is present at the site of the fire at all times while it is burning, and
- (e) the person in charge of the disposal of the carcasses:
  - (i) if the land where the fire is to be lit is within a rural fire district—has notified the NSW Rural Fire Service Fire Control Centre for that district of the proposed fire, or
  - (ii) if the land where the display is to be held is within a fire district—has notified the officer in charge of the nearest Fire and Rescue NSW fire station of the proposed fire, and
- (f) the person in charge of the disposal of the carcasses complies with any direction or additional condition which may be imposed by the NSW Rural Fire Service or Fire and Rescue NSW, which may include a direction that the proposed fire not be lit.

**11 Bee hive smokers**

Fire lit, maintained or used in connection with the management of bees and bee hives, provided that:

- (a) the fire is lit, maintained and used in a bee hive smoker that is commercially available, made of metal and designed to prevent the escape of fire, and
- (b) the fuel for the bee hive smoker is lit inside a building or vehicle by a responsible adult person and the smoker is sealed prior to leaving the building or vehicle and being taken to the hives, and
- (c) fire is not permitted to escape from the bee hive smoker, and
- (d) the bee hive smoker is under the supervision of a responsible adult person at all times while it is alight, and
- (e) the fuel for the bee hive smoker is totally extinguished inside a building or vehicle by the responsible adult person at the completion of use of the smoker.

**12 Electric or gas barbecues**

- (1) An electric appliance (barbeque) maintained or used for the purpose of food preparation provided that:
  - (a) the appliance is under the direct control of a responsible adult person who is present at all times while it is operating, and
  - (b) no combustible material of any kind is allowed within 2 metres of the appliance while it is operating.
- (2) Fire lit, maintained or used for the purpose of food preparation on a gas appliance provided that:
  - (a) the appliance is under the direct control of a responsible adult person who is present at all times while it is operating, and
  - (b) no combustible material of any kind is allowed within 2 metres of the appliance while it is operating, and
  - (c) a system of applying an adequate stream of water to the appliance and its surrounds is available for immediate and continuous use, and
  - (d) if the appliance is on land on which a permanent private dwelling is located—the gas appliance is within 20 metres of that dwelling, and
  - (e) if the appliance is not on land on which a permanent private dwelling is located, both the appliance and the site of the appliance have been approved by:
    - (i) the National Parks and Wildlife Service in the case of land acquired or reserved under the *National Parks and Wildlife Act 1974*, or
    - (ii) the Forestry Corporation of NSW in the case of land in a state forest, or
    - (iii) the council for the area in which the land is located in any other case.

**13 Charcoal production**

Fire lit, maintained or used for the production of charcoal (but not for the destruction of waste arising from charcoal production) provided that:

- (a) the fire is lit maintained and used in accordance with clause 27 (1) (a) of the *Rural Fires Regulation 2013*, and
- (b) the fire is lit, maintained or used in a manner which will prevent the escape of the fire, and
- (c) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire.

**14 Mining operations**

Fire lit, maintained or used in association with any cutting, welding or grinding work for the purpose of the essential maintenance or repair of mining equipment provided that:

- (a) the fire is lit, maintained or used in a manner which will prevent the escape of the fire, and
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire.

**15 Building construction or demolition**

Fire lit, maintained or used by an authorised person in association with any cutting, welding or grinding work for the purpose of the urgent and essential construction or demolition of a building provided that:

- (a) the authority to undertake the fire is lit, maintained or used in a manner which will prevent the escape of the fire, and

- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire, and
- (c) if the work is to be carried out above the normal ground or floor level—the area below the work free of all combustible material and the fire is prevented from falling to that area, and
- (d) the person in charge of the building or demolition work:
  - (i) if the land where the fire is to be lit is within a rural fire district—has notified the NSW Rural Fire Service Fire Control Centre for that district of the proposed fire, or
  - (ii) if the land where the display is to be held is within a fire district—has notified the officer in charge of the nearest Fire and Rescue NSW fire station of the proposed fire, and
- (e) the person in charge of the building or demolition work complies with any direction or additional condition which may be imposed by the NSW Rural Fire Service or Fire and Rescue NSW, which may include a direction that the proposed fire not be lit.

#### **16 Exhaust stacks**

Fire lit, maintained or used to dispose of gaseous exhaust emissions through a chimney in connection with the exploration, collection, drainage, refining, manufacture or purification of gas, oil or metal provided that the fire is lit, maintained or used in a manner which will prevent the escape of the fire.

#### **17 Hot air balloons**

- (1) Fire lit, maintained or used in order to conduct hot air balloon flying operations provided that:
  - (a) the pilot of the balloon has notified the following persons of the proposed flight and has complied with any direction or additional condition which may be imposed by any of those persons, which may include a direction that the proposed fire not be lit:
    - (i) if the launch site of the balloon is within a rural fire district—the NSW Rural Fire Service Fire Control Centre for the district which the balloon will commence the flight, or
    - (ii) if the launch site of the balloon is within a fire district—the officer in charge of the nearest Fire and Rescue NSW fire station, and
  - (b) the balloon is not launched if:
    - (i) the ambient air temperature is 30° Celsius or greater, or
    - (ii) the average wind speed at ground level is 20 kilometres per hour or greater, and
  - (c) the take off site is clear of all combustible material within 3 metres of the fire, and
  - (d) the balloon lands and all fires are extinguished by no later than 2 hours after sunrise, and
  - (e) the fire is lit, maintained or used in a manner which will prevent the escape of the fire, and
  - (f) adequate fire fighting equipment is provided on the balloon and to any ground retrieval party to prevent the escape or spread of the fire.
- (2) Notification under subclause (1) (a) or (b) must be given no more than 12 hours prior to the lighting of any fire for the purposes of the balloon flying operations.

#### **18 Fire approved by Commissioner of the Rural Fire Service**

Fire lit, maintained or used in accordance with a written approval (including any conditions to which the approval may be subject) of the Commissioner of the NSW Rural Fire Service.

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