



New South Wales

State Environmental Planning Policy (Koala Habitat Protection) Amendment (Planning for Bush Fire Protection) 2020

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ROBERT STOKES, MP
Minister for Planning and Public Spaces

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1 Name of Policy

This Policy is *State Environmental Planning Policy (Koala Habitat Protection) Amendment (Planning for Bush Fire Protection) 2020*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5(6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

Schedule 1 Amendment of State Environmental Planning Policy (Koala Habitat Protection) 2019

[1] Clause 4 Definitions

Insert in alphabetical order in clause 4(1)—

Planning for Bush Fire Protection means the document referred to in clause 272 of the *Environmental Planning and Assessment Regulation 2000*.

[2] Clause 6A

Insert after clause 6—

6A Exempt land

- (1) The objective of this clause is to enable the clearing of feed tree species to create an asset protection zone as part of the replacement of a lawfully erected dwelling house that has been damaged or destroyed by a bush fire.
- (2) This Policy does not apply to land forming part of an asset protection zone cleared for a dwelling house if—
 - (a) the dwelling house is replacing a lawfully erected dwelling house damaged or destroyed by a bush fire, and
 - (b) the replacement dwelling house is within the existing building footprint, and
 - (c) the development application for the replacement dwelling house is made to the consent authority no later than 5 years after the day the bush fire caused the damage or destruction, and
 - (d) the asset protection zone is cleared in accordance with Planning for Bush Fire Protection.