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RURAL FIRES ACT 1997

NOTIFICATION UNDER SECTION 99

IN pursuance of the powers conferred upon me by Section 99 of the Rural Fires Act 1997, I, SHANE ALAN FITZSIMMONS, Commissioner of NSW Rural Fire Service, under delegation dated 1 October 2007 from the Hon. Anthony Kelly, M.L.C., Minister for Emergency Services, do, by this notification direct that the lighting, maintenance or use of all fires in the open air, with the exception of the classes of fire as specified in Schedules 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 hereto, is prohibited in the parts of the State set out in Schedule A hereto, from 00.01 hours to 23.59 hours on Tuesday, 22 September 2009.

Dated: 22 September 2009.

SHANE FITZSIMMONS, A.F.S.M.,
Commissioner

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SCHEDULE 1

Fire Fighting Activities

Fire lit, maintained or used for the purpose of suppressing or controlling any existing bush fire; or for urgent repairs and/or maintenance of any firefighting or associated plant or equipment; or to provide food and refreshments for fire fighting personnel where such fire is lit, maintained or used under the direction of the Commissioner of the NSW Rural Fire Service, any officer of the NSW Fire Brigades, any officer authorised by the State Forests of New South Wales, any officer authorised by the Director General of the NSW National Parks and Wildlife Service, or any NSW Rural Fire Service Deputy Captain, Captain, Deputy Group Captain, Group Captain or Officer of the rank of Inspector or above, appointed pursuant to the provisions of the Rural Fires Act 1997 (NSW).

SCHEDULE 2

Emergency Operations

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

- the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the emergency; and
- adequate fire fighting equipment is provided at the site of the emergency to prevent the escape or spread of the fire.

SCHEDULE 3

Fireworks

Fireworks lit and maintained as part of an organised public display, provided that:

- the person in charge of the display (“the responsible person”) holds a current “Display Fireworks Permit – General Permit” or a “Pyrotechnicians Licence” issued by WorkCover NSW;
- the responsible person complies with the requirements of the WorkCover NSW publication “Fireworks Displays (DG 108)”;

- (c) approval to use of the land on which the fireworks display is to be held has been obtained in writing:
- (i) from the local authority for the area in which the land is located, if the land is controlled or managed by a local authority; or
 - (ii) in any other case, from the owner or occupier of the land on which site the display will be held;
- (d) all fire, sparks or incandescent or burning material is extinguished at the conclusion of the display and prior to the responsible person leaving the site;
- (e) the display is conducted in a manner, which minimises the likelihood that fire, sparks or burning or incandescent material will impact on the land surrounding the display causing a fire;
- (f) precautions are taken to prevent the escape of fire, sparks or incandescent or burning material from the surrounding area;
- (g) the responsible person must notify, during business hours, not less than forty eight hours prior to the commencement of the fireworks display:
- (i) the NSW Rural Fire Service Zone or District Manager for that District if the place where the display is to be held is within a rural fire district; or
 - (ii) the Officer In Charge of the nearest NSW Fire Brigades fire station if the place where the display is to be held is within a fire district

and comply with any direction or additional condition which may be imposed by that Officer, which may include a direction that the fireworks not be lit.

SCHEDULE 4

Religious/Sacred Ceremonies

Fire lit, maintained or used as part of a religious or sacred ceremony, including candles lit or maintained as part of a "Carols by Candlelight" celebration, provided that:

- (a) approval to use of the land on which the ceremony or celebration is to be held has been obtained in writing from:
 - (i) the local authority for the area in which the land is located, if the land is controlled or managed by a local authority; or
 - (ii) in any other case, the owner or occupier of the land on which site the ceremony or celebration will be held;
- (b) the ceremony or celebration is held on an open area of land so that any naked flame is surrounded by ground that is clear of all combustible material for a distance of at least 20 metres;
- (c) each fire or flame is constantly under the direct control or supervision of a responsible adult person;
- (d) each fire or flame is extinguished at the conclusion of the ceremony or celebration and prior to the person having control or supervision of the fire or flame leaving the site;
- (e) the person who obtained the consent of the local authority or the owner or occupier of the land to conduct the ceremony or celebration must ensure that all necessary steps are taken to prevent the escape of fire, sparks or incandescent or burning material from the site; and

- (f) the person who obtained the consent of the local authority or the owner or occupier of the land to conduct the ceremony or celebration must, not less than six hours prior to the commencement of the ceremony or celebration, notify:
 - (i) the NSW Rural Fire Service Zone or District Manager for that district, If the place where the ceremony or celebration is to be held is within a rural fire district; or
 - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the place where the ceremony or celebration is to be held is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire or candles not to be lit.

SCHEDULE 5

Services & Utilities – Essential Repairs/Maintenance

Fire lit, maintained or used by, or under the authority of, a provider of energy, telecommunications, water, transport or waste removal/disposal services, in connection with the urgent and essential:

- (a) repairs; or
- (b) maintenance

of facilities or equipment required for the continuation of the supply or provision of power, light, heat, cooling, refrigeration, communication, water, transport or sewerage provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works;
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

SCHEDULE 6

Disposal of Waste/Putrescent Material

Fire lit, maintained or used by a public authority as defined in the dictionary of the Rural Fires Act 1997 (NSW), for the disposal of waste or putrescent material likely to cause a health hazard provided that the fire is lit in a properly constructed incinerator designed to prevent the escape of fire, sparks or incandescent or burning material therefrom.

SCHEDULE 7

Sugar Cane Harvesting

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

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the area of cane which is to be harvested; and,
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire,
- (c) the fire is under the direct control of a responsible adult person, present at all times until it is fully extinguished.
- (d) the person who lights the fire has complied with the requirements of section 87 of the Rural Fires Act, 1997.

SCHEDULE 8

Bitumen Roadworks

Fire lit or 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 and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the equipment; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

SCHEDULE 9

Disposal of Diseased Animal Carcasses

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

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the fire;
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire;
- (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;
- (d) a responsible adult person is present at the site of the fire at all times while it is burning; and
- (e) prior to lighting such a fire, the person in charge of the operation must notify:
 - (i) the NSW Rural Fire Service Zone or District Manager for that district if the place where the fire is to be lit is within a rural fire district; or
 - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the place where the fire is to be lit is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire not be lit.

SCHEDULE 10

Bee Hive "Smokers"

Fire lit and maintained in a metal canister, known as a "bee hive smoker" used by apiarists to produce smoke for use in connection with the management of bees and bee hives, provided that:

- (a) the canister is a commercially available "bee hive smoker" designed to prevent the escape of sparks or incandescent or burning material;
- (b) the fuel for the canister is lit inside a building or vehicle by a responsible adult person and the canister is sealed prior to leaving the building or vehicle and being taken to the hives;
- (c) fire, sparks or incandescent or burning material is not permitted to escape from the canister in the open air;
- (d) the canister is not to be left unattended while it is alight;
- (e) the fuel is totally extinguished inside a building or vehicle by the responsible adult person at the completion of use.

SCHEDULE 11

Electric or Gas Barbeques

1. Fire lit, maintained or used for the purpose of food preparation on an electric appliance provided that:
 - (a) the appliance is under the direct control of a responsible adult person, present at all times while it is operating;
 - (b) no combustible material of any kind is allowed within two metres of the appliance while it is operating;
2. Fire lit, maintained or used for the purpose of food preparation on a gas fired appliance provided that:
 - (a) the appliance is under the direct control of a responsible adult person, present at all times while it is operating;
 - (b) no combustible material of any kind is allowed within two metres of the appliance while it is operating;
 - (c) a system of applying an adequate stream of water to the appliance and its surrounds is available for immediate and continuous use; and
 - (i) the appliance is located on land on which is erected a permanent private dwelling and is not more than twenty metres from that dwelling; or
 - (ii) where the appliance is not on land on which is erected a permanent private dwelling, both the appliance and the land on which it is located have been approved for the purpose by:
 - the council of the area or;
 - if the land is acquired or reserved under the National Parks and Wildlife Act 1974, the National Parks and Wildlife Service; or
 - if the land is within a state forest, State Forests of NSW.

SCHEDULE 12

Charcoal Production

Fire lit, maintained or used in accordance with Regulation 28 (1) (a) of the Rural Fires Regulation 2002 (NSW), for the production of charcoal (but not for the destruction of waste arising therefrom) provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

SCHEDULE 13

Mining Operations

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

- (a) the cutting, welding and/or grinding apparatus is used in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

SCHEDULE 14

Building Construction/Demolition – Urgent and Essential

Fire lit, maintained or used in association with welding, cutting and grinding work undertaken in the course of urgent and essential construction or demolition of buildings provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works;
- (b) adequate fire fighting equipment is provided at the site of the works 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 works must be totally free of combustible material and any fire, spark or incandescent material must be prevented from falling to that area.
- (d) prior to lighting the fire, the person in charge of the work must notify:
 - (i) the NSW Rural Fire Service Zone or District Manager for that district, If the site of the work is within a rural fire district; or
 - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the site of the work is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire not to be lit.

SCHEDULE 15

Exhaust Stacks for Gas Exploration, Collection, Drainage, Refining Facilities, Oil Refineries and Steel Works

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 and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning materials from the site of the exploration, collection, drainage, refining or manufacturing facility.

SCHEDULE 16

Hot Air Balloons

Fire lit, maintained or used in order to conduct commercial hot air balloon flying operations provided that:

- (a) not more than twelve hours prior to lighting such a fire the pilot must notify:
 - (i) the NSW Rural Fire Service State Operations Centre on 1800 679 737 of the proposed flight; and
 - (ii) the NSW Rural Fire Service Zone or District Manager for the launch site if within the rural fire district and for each rural fire district on the proposed flight path; and
 - (iii) the NSWFB Officer in Charge of the nearest NSW Fire Brigades fire station if the launch site is within the NSWFB fire district,

and comply with any direction or additional condition, which may be, imposed by the RFS or

NSWFB, which may include a direction that the fire is not to be lit. The contact details for the RFS Zone or District Manager/s may be obtained from the RFS State Operations Centre on 1800 679 737 and the contact details for NSWFB may be obtained from the NSWFB Communications Centre on 1800 422 281;

- (b) at the time the balloon is launched:
 - (i) the ambient air temperature is less than 30 degrees Celsius; and
 - (ii) the average wind speed measured at ground level is less than 20 kilometres per hour;
- (c) the take off site is clear of all combustible material within a 3 metre radius of the balloon burner;
- (d) the balloon has landed and all burners and pilot lights are extinguished by no later than 2 hours after sunrise;
- (e) any sighting of smoke or fire observed from the air is immediately reported to the NSW Fire Brigades via the Telstra “000” emergency system;
- (f) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the balloon; and
- (g) adequate fire fighting equipment is carried in the balloon and by the ground/retrieval party to prevent the escape or spread of the fire.

SCHEDULE 17

Olympic Cauldron

Fire lit and maintained by the Sydney Olympic Park Authority in the “Olympic Cauldron” erected at Sydney Olympic Park.

SCHEDULE 18

Any Other Fire Approved by NSW RFS Commissioner

Any fire, the lighting or maintenance of which is approved in writing by the Commissioner of the NSW Rural Fire Service, provided that the person who lights or maintains the fire complies with any conditions imposed by the Commissioner in relation to that fire.

SCHEDULE A

Far Western