



### EFFECT OF THE 10/50 CODE OF PRACTICE TO DATE

The NSW Rural Fire Service (RFS) has brought forward a review of the 10/50 Vegetation Clearing scheme allowing vegetation on private and public land to be cleared without approval. The new laws have resulted in the senseless loss of hundreds of landmark trees in Sydney suburbs and regional towns without any meaningful improvement in bush fire risk.

In fact in areas where councils have been recording vegetation removal under the 10/50 rule, less than five per cent of trees removed were for legitimate fire risk purposes. Most trees removed have been to improve views or facilitate development, not reduce bush fire risk. **Please make a submission today and request an immediate moratorium on tree-clearing whilst the review is being conducted.**

### REVIEW OF THE CODE OF PRACTICE

The RFS announced a review of the [10/50 Vegetation Clearing Code of Practice](#), commencing on **1<sup>st</sup> October** with receipt of submissions closing on **14<sup>th</sup> November 2014**. The RFS invites comment and feedback from the NSW community. To increase the effectiveness of your submission also send it to your local MP and the Minister for Emergency Services, Stuart Ayres at [office@ayres.minister.nsw.gov.au](mailto:office@ayres.minister.nsw.gov.au)

The Code of Practice still allows landowners in designated 10/50 Vegetation Clearing Entitlement Areas to:

- Clear trees on their property within 10 metres of a home, without seeking approval; and
- Clear underlying vegetation such as shrubs (but not trees) within 50 metres of a home, without seeking approval.

### AMENDMENTS TO THE 10/50 RULE

In response to community concerns the government has recently announced modest changes to the 10/50 rule. These changes relate only to the extent of the Vegetation Clearing Entitlement Areas.

In its original form the 10/50 rule allowed clearing to be conducted in a blanket 350m buffer zone from bushfire prone vegetation. The changes reduce that buffer to 150m in **limited circumstances**. These are

- 1) Near vegetation that poses a reduced bush fire risk, such as grasslands and rainforest;
- 2) Small isolated areas of vegetation that may be reclassified by Councils and the entitlement area reduced to 150 metres.

The RFS has proposed no changes in the vegetation clearing entitlement for any other areas near bushland. The vegetation clearing entitlement for areas adjacent to areas of forest, woodland, heaths, forested wetlands and timber plantations will remain at 350 metres from the vegetation. For most areas affected by the 10/50 rule, vegetation clearance will still be allowed to the same extent it was prior to the amendments.

### MAKE A SUBMISSION

Are you concerned with the 10/50 rule? Do you know of instances where the rule has been misused? This is your opportunity to tell the government that the urban land-clearing of trees under the 10/50 rule is unacceptable. The 10/50 rule does not reduce bush fire risk, and its use has been widely abused to open up views, facilitate development and enable subdivisions to go ahead. Its continuation will see many neighbourhoods lose their cherished green character as well as wildlife habitat.

### To help you make a submission:

- You may use the dot points included below to help you write your own submission.
- It is generally better to personalise your submission. Use your own words as much as possible and include your own local experiences and concerns.
- Short submissions are acceptable – an outline of key points is enough to get your message across.

### SUGGESTED COMMENTS

- A moratorium is needed immediately to end the urban tree clearing by unscrupulous individuals taking advantage of the 10/50 rule that is changing the character of streets and suburbs throughout Sydney and other urban parts of the State.
- The recent amendments to the vegetation clearing entitlement areas will not stop the unnecessary destruction of trees caused by the introduction of the 10/50 Vegetation Clearing Code of Practice. The Code is fundamentally flawed and not designed to significantly reduce bush fire risk.
- Since its introduction records suggest the 10/50 rule has been used almost exclusively to remove trees to improve views, facilitate development and other non-bushfire related purposes. Protection of threatened species, heritage listed trees, low risk vegetation such as rainforest and other protected vegetation should not be overridden, and protective measures must be put in place to stop the uninformed clearing of trees.
- The 10/50 rule is a one-size-fits-all approach that fails to consider the bush fire risk associated with individual locations and is clearly inappropriate for many Council areas, particularly in the Sydney region. Vegetation assessment should be returned to experts from the RFS to determine the bush fire risk, and provide an assessment that includes evaluation of other bush fire protection measures.
- Without a notification and reporting mechanism included in the 10/50 Code of Practice, it is not possible for local fire managers and Councils to fully understand the extent of its uptake and impacts. Homeowners should be encouraged to notify the RFS and councils of an intention to clear vegetation to provide an up-to-date understanding of clearance for bush fire purposes.
- The Code effectively undermines existing legislation and Council planning instruments, causing confusion in regard to development and planning controls. Consultation with Councils is needed to ensure the Code is amended so it does not override existing legislative requirements.
- No analysis has been undertaken of the effectiveness of similar rules in Victoria. Any continuation of the rules in NSW must incorporate a commitment by the RFS to undertake a detailed assessment of its effectiveness following any bush fires, and a commitment to rescind the 10/50 rule if bush fire protection benefits cannot be clearly demonstrated.
- Scientific surveys highlight that ember attack is responsible for the majority of house losses during bush fires. The removal of trees and shrubs will not remove the threat of ember attack and greater RFS engagement with homeowners on ember-proofing of houses and property maintenance would be much more beneficial.

**Public Submissions close on **Friday 14 November 2014.****

To make a submission **Email to:** [10.50@rfs.nsw.gov.au](mailto:10.50@rfs.nsw.gov.au)

**Ensure your concerns are heard by also sending a copy of the submission to your local NSW Member of Parliament!**

**For further information:** Email the Nature Conservation Council of NSW at [bushfire@nccnsw.org.au](mailto:bushfire@nccnsw.org.au) or phone (02) 9516 1488