

Conference Proceedings – Speaker Transcript

Review of the Bush Fire Environmental Assessment Code

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I would like to start off by giving some context to what the Bush Fire Environmental Assessment Code is and, thereby, to clarify what it isn't.

We have a fire management framework in New South Wales (Slide 2) with bush fire operations supported by a range of firefighting authorities - the NSW Rural Fire Service, National Parks and Wildlife, NSW Forestry Corporation and NSW Fire & Rescue. Collectively the aim is to protect assets (including environmental and cultural assets) from the impact of a bush fire. Bush Fire Risk Management Plans operate to identify the assets at risks in the landscape and the actions that will minimise the impacts on those assets. In essence, we are looking to define and derive treatments that can address the risk to those assets.

Moving onto bush fire hazard reduction assessment; which operates to consider and address the environmental impacts of carrying out the actual hazard reduction. This process ensures that when you're carrying out hazard reduction works that you are not having a significant impact on the environment.

It is important to remember that there's a whole range of other burning that occurs in the landscape that is not hazard reduction. There is no all-encompassing fire plan for the management of all types of burning across all parts of the landscape. Bush fire risk management plans focus on hazard reduction and mitigating the risks to the community and assets. There's a whole range of other burns ranging from Aboriginal cultural burning, to ecological burning (including burns for regeneration where fire has been long absent). We've got industry management burning ranging from agricultural, plantations and a whole range of other reasons that landowners and managers might carry out burning. The Bush Fire Environmental Assessment Code (Code) sits within the legislative framework and supports environmental impact assessment when undertaking hazard reduction activities.

Essentially, the role of the Code is to look at how we mitigate environmental impact. The Code was introduced in 2003, with a review in 2006, which is the version currently in use. We are now at the next review (Slide 3).

In essence, the Code provides a one stop shop for a streamlined environmental assessment process for hazard reduction works. This process covers a whole range of legislation that a person or organisation might otherwise need to work through to get approval. Activities that you need to get approval for on any particular site and circumstance will vary. It can be complex for individuals to try and determine their particular approval requirements.

The purpose of the Code is, 'if you're doing hazard reduction, then we can package all that as a community benefit and identify the types of activities and circumstances which may be of significant impact and mitigate against those impacts'. The Code does not purport to manage every little impact in the landscape. That would be impractical to do. The Code considers the impacts of hazard reduction work and provides conditions for approval that minimise the impact. Hazard reduction undertaken in accordance with a Bush Fire Hazard Reduction Certificate provide users with certainty that they are operating lawfully.

The current review of the Code has addressed impediments to hazard reduction raised by the NSW Rural Fire Service stakeholder groups and agencies (Slide 4). The Independent Hazard Reduction Audit Panel 2013 also delivered a range of recommendations. There have been amendments to the *Rural Fires Act*, which have included (for example) provisions for Neighbourhood Safer Places and Fire Trails. The review is also looking at updating the science and knowledge base to give better effect to the Code, along with alleviating some of the problems people have had in trying to implement the Code on the ground.

I'm going to highlight some of the changes that have occurred (Slide 5). Of significant importance is the document Bush Fire Protection for Existing Development (BPED) to better define appropriate distances for Asset Protection Zones (APZs). Previously, the Code set APZ distances for clearing around an asset that were based on the knowledge of the time. Now we are able to establish a radiant heat target coupled with the Fire Danger Index (FDI). This provides a range of different distances based on the vegetation type and the slope and the underlying FDI. The benefit is that as our information improves, we can modify this formula (in consultation with stakeholders). As such, the Code provides for the establishment of appropriate APZ distances without the potential for a disconnect between what can be approved under the Code and that which is required to be undertaken. I think that's a significant improvement. It correlates reasonably well with the arrangements we had before in terms of APZ distances, but provides for shorter and wider APZs based on a performance outcome. This information on BPED is available on the NSW RFS website.

Strategic Fire Advantage Zones (SFAZs): now provides for minimum fire intervals for SFAZs, irrespective of whether they're in a Bush Fire Risk Management Plan. A Bush Fire Risk Management Plan doesn't capture all the works which might constitute an SFAZ and, therefore, we do need to be able to provide for that. This also ties back to Ross Bradstock's talk this morning where we need to manage some of these areas closer to the interface more frequently. It is impractical to map all the SFAZs within the Bush Fire Risk Management Plan, particularly for isolated rural dwellings.

Neighbourhood Safer Places (NSPs): wherever possible NSPs are designated at sites where there's already cleared vegetation. However, there are certain parts of the landscape, particularly in the Blue Mountains, where there may not be an available suitable refuge place. There's a high risk in those communities. The Code will facilitate the maintenance and establishment of NSPs in accordance with the NSP Guidelines. This process takes place in consultation with relevant parties and the community.

The Code has provision for transport corridor fire breaks (specifically public roads and railways) (Slide 6), and also for linear fire breaks that are in a Bush Fire Risk Management Plan.

Provisions for fire trails will be provided through the *Rural Fires Amendment (Fire Trails) Act 2016*. They will be linked to Fire Trails Standards which are being developed in consultation with key stakeholders. The Fire Trails Standards will define the dimensions of a fire trail. The Fire Trails Standards also include a soil erosion control manual under development by the NSW Soil Conservation Service.

The duration of a Bush Fire Hazard Reduction Certificate (issued under the Code) will now be up to five years for ongoing mechanical maintenance, and for a single burning event within that five years (Slide 7). This addresses 'windows of opportunity' issues that might delay implementation such as weather and Brigade availability resourcing, without the requirement to issue a new Certificate.

Control lines, which now includes protection of fences within the burn perimeter: it's very important that those assets are able to be protected whilst carrying out a burn, to the minimum extent necessary. The Code now also provides for control lines for vehicular use. The previous lack of provision has been a major issue because, depending on the landscape and particularly out west, there are long perimeters to manage, which require vehicular use. A control line for vehicular use needs to be fit for purpose. Therefore, these provisions are tied to the Fire Trail Standards with some potential for variation within that document recognising the difference of its usage in the landscape. Certainly the soil erosion issues are somewhat similar.

The Code will provide greater clarity about the types of activities to which the Code does not apply. The *Rural Fires Act 1997*, provides for a Code to be prepared for bush fire hazard reduction works. If a burn has another purpose such as cultural burning or ecological, that's neither here nor there if there is also a bush fire hazard reduction outcome. So it's important that the Code does not prevent an activity simply because it has an additional purpose. However, when we start moving away from hazard reduction outcomes, it is no longer within the auspices of the Code.

There's also the Fire Interval Table (Slide 8). The Table used to be an appendix to the Code and could only be amended when the Code is reviewed. The Table is now a supporting document that can be managed and updated separately to the Code review. The benefit with this approach is that the Table can be more readily updated when new scientific information becomes available. The NSW Office of Environment & Heritage (OEH) will inform changes to the Table (as the regulator), with RFS and other relevant parties' input.

There's revised approach to soil erosion risk that provides for OEH to amend soil erosion categories based on up to date soil loss models. The threatened species hazard reduction list now includes fisheries matters. There are other new things in the Code, but this has given you a brief summary.

How did we do we go about the review (Slide 9)? The RFS worked with a wide range of parties, in accordance with the *Rural Fires Act 1997*. Key stakeholders have had significant inputs, particularly in relation to their regulatory, land management, and firefighting roles. The RFS have worked on the review process for a long time including improving how the Code will work 'on the ground'.

The Code itself looks very similar (Slide 10). It has the preliminary section, the determination of a HRC, defining what types of hazard reduction the Code will provide for, mechanical hazard reduction works and hazard reduction using prescribed burning.

There are supporting documents and standards. As mentioned earlier, one of the new supporting documents is an addition to the Threatened Species Hazard Reduction Lists - Aquatic Biodiversity (Slide 11). The other threatened species hazard reduction lists remain the same and are amended outside the Code by OEH in consultation with the RFS and other stakeholders. There's a supporting document to provide guidance around the application of soil erosion risk so that the most up to date knowledge can be used. Fire intervals for SFAZs and LMZs, are referenced by the Code with OEH now able to readily amend based on new evidence.

There is now provision for fire and weed management guidelines that will enable appropriate management of weeds that pose a bush fire risk. This document will be informed by the Department of Primary Industries as information is developed. There is also provision for prescribed burn guidelines for powerlines, that can be modified if information changes. The table of certifying authorities that was previously embedded in the Code may now be amended as agency names change. Fisheries have been added to the 'rules and notes for threatened species habitat' (Slide 12). The 'conditions for hazard reduction and Aboriginal heritage' has remained the same other than minor changes to make it more readable and workable and to include Aboriginal Places.

In addition, there's a whole range of standards which exist irrespective of whether the Code is there or not, but which are drawn upon (Slide 13): pile burning, windrow burning, low intensity burning etc.

What supporting documents are new? Bush Fire Protection for Existing Development, (the APZ document mentioned earlier). The Fire Trail Standards are under development in consultation with the key stakeholders and include a soil erosion manual developed in conjunction with the NSW Soil Conservation Service.

How can you have your say (Slide 14 & 15)? The Code is currently on public exhibition. Visit the RFS website, click the button that says 'have your say' and it will take you to the Code and the supporting documents. There is an online submission template which allows you to direct your response against the relevant clause or part of the Code. There's also a series of FAQs and contact emails there as well.

After public exhibition, the RFS will review all submissions in consultation with the external working group made up of agencies and stakeholders (Slide 16). In summary, the Commissioner of the RFS will make a recommendation to the Minister for Emergency Services. The Minister for Emergency Services will consult with the Minister for Planning and the Minister for the Environment prior to approving the final revised Code. Having your input is going to be extremely valuable. Then there's the online management systems that will support the issuing of Certificates in accordance with the Code, along with training for RFS staff and other agencies who utilise the Code.

It is also important to note, and the RFS is working closely with the other agencies on this, that this is just part of what's going on in the current legislative landscape (Slide 17). There's the introduction of the *Biodiversity Conservation Act*, the *Local Land Services Act*, the *Coastal Management Act* and associated SEPPs, the *Biosecurity Act* which replaces the *Noxious Weeds Act*. There's a whole range of changes going on at this juncture. So it is important to ensure the Code uses the right terminology and that the right amendments are in place.

Please feel free to respond to the public exhibition online and/or email the RFS if you have any issues or are seeking further information. Thank you.

Questions from audience

Question: Can you expand on the idea of a single hazard reduction certificate where it's cross tenure? Thank you.

Lloyd: Basically, the Rural Fire Service issues certificates across private land. There are also certifying authorities which issue certificates for their own tenure. There are lots of circumstances where a burn might be planned for a National Park, for example, which includes a sliver of Crown Land. Historically, that would have required National Parks to issue a certificate on their land and a separate certificate issued by the Department of Primary Industries for the Crown Land component.

What the cross tenure rule provides for is that the main stakeholder, National Parks in this case, may contact the Department of Primary Industries to ascertain whether they are happy for National Parks to issue the certificate across the Crown Land component. National Parks would provide all the details of the burn and a copy of their conditions for consideration, including potential for additional or changed conditions. Once agreed, a single consistent certificate could then be issued that would cover all tenure. This approach makes it easier to develop and implement the prescribed burn plan. This allows the land managers to work together.

Links

More information available from: <http://www.rfs.nsw.gov.au>