

Keeping communities safe in bushfire season



Planning &
Environment

Frequently Asked Questions

July 2014

WHAT CHANGES ARE BEING MADE TO THE RULES AROUND CLEARING TREES AND VEGETATION IN BUSHFIRE PRONE AREAS?

- The NSW Parliament passed legislation on 18 June 2014 allowing for trees and vegetation that act as fuel for bushfires to be cleared around homes, tourist accommodation, schools, hospitals and child care centres located in bushfire-prone areas.
- When the legislation commences, trees and vegetation within 10 metres and vegetation within 50 metres of these buildings will be able to be cleared without first needing to gain approval, so long as the clearing is undertaken in accordance with a Code of Practice published by the NSW Rural Fire Service.
- Areas able to be cleared will be known as '10/50' vegetation clearing entitlement areas.

WHY ARE THESE CHANGES BEING INTRODUCED?

- In October 2013, bushfires broke out across NSW, causing significant loss of property.
- In response, former Premier O'Farrell announced in November 2013 that more would be done to assist homeowners to prepare for bushfire season.
- The NSW Rural Fire Service and the Department of Planning & Environment worked together to introduce these changes so that people can more easily take common sense measures to protect their lives, their homes and hospitals, schools and childcare centres where occupants may be more vulnerable to the devastating effects of bushfires.
- These changes are also an important part of making our planning system simpler – no forms, no cost and no time delays mean that people will be able to clear what's necessary to keep their homes and communities safe.

WHO DO THESE CHANGES APPLY TO?

- When it commences, the Rural Fires Amendment (Vegetation Clearing) Bill will permit clearing around:
 - Private homes
 - Seniors housing
 - Boarding homes, group homes and hostels
 - Tourist and visitor accommodation
 - Caravans in caravan parks
 - Schools
 - Hospitals
 - Childcare centres

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WHEN WILL THE CHANGES TAKE EFFECT?

- The legislation passed the NSW Parliament on 18 June 2014 but has not yet commenced.
- It is expected that the legislation will commence in time for the next bushfire season following the finalisation of the Code of Practice.

WHICH LAND IS COVERED?

- The NSW Rural Fire Service will determine which land is covered by the new laws – the '10/50' vegetation clearing entitlement areas.
- A portal will exist on the NSW Rural Fire Service website. It will display maps and enable land owners to input their address or lot number to determine whether their land is covered by this rule.

WILL THE CHANGES ONLY ALLOW YOU TO CLEAR YOUR OWN PROPERTY?

- The legislation allows residents who own the land where they are residing to clear it in accordance with the '10/50' vegetation clearing entitlement areas.
- Residents who do not own the land where they are residing will need to obtain the landowner's consent.
- Residents wishing to clear a neighbour's property will need to obtain the landowner's consent to do so.

HOW WILL THE ENVIRONMENT BE PROTECTED?

- Environmental protection is an important part of these changes.
- The NSW Rural Fire Service will publish a Code of Practice to guide homeowners and others looking after hospitals, schools and childcare centres on what clearing activity will be permitted under the laws.
- The Code of Practice is intended to strike the right balance between ensuring that homeowners and people with responsibility for hospitals, schools and child care centres can clear land safely and prepare for bushfire season whilst looking after the environment.

HOW WILL PEOPLES' SAFETY BE PROTECTED WHILST THEY ARE CLEARING?

- Maintaining personal safety is an important part of these changes. The Code of Practice will include information to guide people on how they can maintain their own safety whilst clearing.
- The changes do **not** allow fire (e.g. burning off) to be used as a method to clear trees and vegetation within the specified areas.

WHEN WILL THE CODE BE READY?

- The NSW Rural Fire Service intends that the Code of Practice will be finalised over the coming months in time for the next bushfire season.
- Before being finalised, stakeholders and the public are able to have their say via the public exhibition of the Code. This feedback will be considered and may be used to improve the final version of the Code.

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WHERE WILL THE CODE BE ACCESSED?

- The Code of Practice will be easily accessible on the NSW Rural Fire Service website and will be publicised in bushfire-prone communities.
- Copies of the Code of Practice will be made available upon request, and free of charge, to any land owner situated within a designated bushfire prone area.
- A 'plain English' version of the Code of Practice will also be available to allow land owners to easily understand what clearing activity is permissible in designated areas.

WILL PENALTIES APPLY TO THOSE IN BREACH OF THE CODE?

- People conducting clearing outside of what is permissible under the new laws and the Code of Practice will still need to obtain relevant approvals.
- Where clearing is conducted in breach of the laws and the Code of Practice, the people involved may be subject to enforcement action by local councils or other government agencies.

WHAT CONSULTATION HAS OCCURRED?

- In producing the Code of Practice, the Rural Fire Service is consulting with relevant NSW Government agencies and has placed the Code on public exhibition, allowing stakeholders and the public to have their say.
- Ongoing public consultation will occur on substantial amendments made to the Code of Practice over time.
- The final Code of Practice will be approved by the Commissioner of the NSW Rural Fire Service.

WHAT ELSE HAS THE GOVERNMENT DONE TO IMPROVE FIRE SAFETY?

- These changes add to a number of measures already put in place by the NSW Government in its immediate response to last year's disaster. These include:
 - \$1.4 million to fund urgent works to make fire-damaged homes safe immediately following last year's fires
 - Waiving fees and charges for people affected by the fires, including water charges and waste levies and fees to reissue licenses and birth certificates
 - Disaster relief grants allowing low income earners affected by the fires to purchase essential household items or to have structural repairs done
 - A range of advice and respite support services.