

10 November 2014

10/50 Review
NSW Rural Fire Service
Locked Mail Bag 17
GRANVILLE NSW 2142

Mr Shane Fitzsimmons
Commissioner,

Dear Mr Fitzsimmons,

10/50 Vegetation Clearing Entitlement Review

The National Trust of Australia (NSW) makes the following submission to the Rural Fire Services 10/50 Vegetation Clearing Entitlement Review.

On 29 October, 2014 the Board of the National Trust endorsed a Trust Position Paper ***Fire Hazard Reduction of Native Vegetation in the Urban Environment*** which documented National Trust involvement in this area, the threat posed to urban trees and urban bushland, the National Trust's position and the action which the Trust will take to promote its position.

Since 1976 the National Trust has been undertaking bushland restoration at its own properties and on a contract basis for State and local government authorities, corporations and private landowners. Fire hazard reduction has been an integral element of the process and the National Trust has often worked with the Rural Fire Service and local fire brigades on prescribed burns and fuel reduction measures. The Trust has always maintained that effective hazard reduction to protect life and property and sound bushland management are consistent objectives.

In 1994 the Trust made a submission to the NSW State Cabinet Inquiry into Bushfire Management and Control. It was noted that in the aftermath of recent fires there had been considerable opportunism, with people removing trees for views in the guise of fire hazard reduction. It was also stated that there needed to be proper assessment of the fire hazard posed by trees and vegetation that adjoin property, as opposed to the benefits of trees shielding houses and fire fighters from embers and tree species which may act as fire retardants.

The National Trust has also undertaken urban tree studies in suburban Sydney and regional NSW and has lobbied strongly for the recognition and conservation of urban bushland and particularly rare and endangered ecological communities in urban areas, including privately owned lands. The Trust also lists bushland, landscapes, trees and gardens of heritage significance on the National Trust Register.

The National Trust Position

- The Trust believes that the full impacts of the 10/50 Vegetation Clearing Rule have not been properly assessed by the Rural Fire Service
- The Trust understands that the 10/50 Vegetation Clearing Rule is facilitating clearing for views and to improve property redevelopment potential at the expense of urban landscape values.



- The Trust has been advised that the 10/50 Vegetation Clearing Rule is having a major adverse impact on the conservation of significant remnant trees, urban bushland, endangered ecological communities, native fauna habitat and remnant rainforest communities.
- The Trust seeks a full inquiry into the impacts of the 10/50 Vegetation Clearing Rule, above and beyond the current review by the NSW Rural Fire Service. This inquiry should be undertaken by appropriately qualified individuals with expertise in vegetation management, threatened species conservation, risk management as well as fire protection and have regard to a broad range of values not simply fire protection.

The National Trust is also deeply concerned that the 10/50 Vegetation Clearing Rule overrides local Council Tree Preservation Orders, development consent conditions and does not require consideration of threatened species or ecological communities supposedly protected under NSW law.

There appears to be no way of determining the extent of the clearing entitlement areas with no maps available for general public scrutiny. There is only a property by property “look-up” on-line tool.

Consequently it is impossible to judge the effect of the recent reduction in entitlement areas near areas of bushland “which generally pose less of a risk of a bush fire”. However, it is encouraging that the NSW Rural Fire Service does recognise that some areas of bushland do “generally pose less of a risk of bush fire”.

Within urban bushland there may be rare remnants of rainforest vegetation within 10 to 50 metres of buildings. Clearance of such vegetation will encourage a transition to drier vegetation types and the germination and invasion of weed species.

The likely impacts of serious weed establishment on areas cleared and weed invasion of adjoining council managed bushland are matters of serious concern which will be costly and difficult to rectify.

The dumping of private landowners’ tree loppings and cleared vegetation in adjoining council bushland reserves is occurring on an increasing scale and will be difficult to deal with by local councils with limited budgets. Such actions will actually increase the fire hazard to life and property.

The Rural Fires Amendment (Vegetation Clearing) Bill 2014 with its 10/50 vegetation clearing provisions was introduced into the Legislative Assembly on 29 May, 2014 and passed just 26 days later on 18 June, 2014.

Parliament decided on this legislation before seeing the Code of Practice, without knowing what controls and protections would be put in place and without seeing any indicative maps of where the legislation would apply.

The National Trust agrees with the viewpoint put by the Rural Fire Service – “Reduction of fuel does not have to be as drastic as removing all vegetation. Environmentally this would be disastrous and often trees and plants can provide you with some bushfire protection from strong winds, intense heat and flying embers.”



As stated above in its Position Statement the National Trust seeks a full inquiry into the impacts of the 10/50 Vegetation Clearing Rule, above and beyond the current review by the NSW Rural Fire Service. This inquiry should be undertaken by appropriately qualified individuals with expertise in vegetation management, threatened species conservation, risk management as well as fire protection and have regard to a broad range of values not simply fire protection.

Yours sincerely,

Graham Quint
Director - Advocacy