



Fire Trails on Private Land

FACT SHEET

18 JUNE 2025



The information provided in this fact sheet is current as at the time of publication and is intended as general guidance only. It has been prepared in accordance with the *Rural Fires Act 1997* (the Act) and the NSW Fire Trail Standards (November 2023). Please note that requirements, standards, or guidance may change over time. For the latest updates, visit www.rfs.nsw.gov.au or contact your local NSW RFS District Office.

What is a fire trail?

A fire trail is a trail identified as part of an area's fire trail network and recorded in the area's Fire Access and Fire Trail (FAFT) Plan and is used for accessing land for the purposes of preventing, fighting, managing and containing fires. They are critical to the work of the NSW RFS and related emergency services.

Fire trails provide NSW RFS (and other emergency services) with essential access to land to protect against and defend properties during bush fires.

A fire trail is an unsealed trail approximately four (4) meters wide. Fire trails are designed to be traversed by firefighting vehicles. Occasionally, the fire trail will include a clearing on each side to allow for the passing of vehicles.

Where are fire trails located?

The fire trail network will span the whole of NSW. The location of a fire trail is identified in a FAFT Plan, which is developed by the local Bush Fire Management Committee (BFMC). Fire trails are strategically located to provide critical access pathways for the NSW

RFS and emergency services in the prevention and suppression of fires.

A fire trail can run through multiple parcels of land, including both public and private land.

Why would I want a fire trail on my property?

NSW RFS is looking to partner with the community on this important project. A fire trail is an essential tool in the mitigation, prevention and suppression of fires. Your property has been identified as part of a fire trail that contributes to achieving these goals.

Establishing fire trails in key locations will strengthen the RFS's ability to keep you, your property, and your community safe.

RFS has asked to put a fire trail on my land, what does this mean?

If a fire trail has been identified on your property by a local Bush Fire Management Committee, it means that your property is in a location which is considered to be a critical access point for fire fighting and suppression efforts.



As a private landowner, your property has been identified in a location where it is strategically necessary for the NSW RFS (and other emergency services) to have access in order to protect your land and property, as well as that of your community.

The NSW RFS will ask you to enter into a Private Land Agreement (PLA) which grants permission to construct a portion of the fire trail on your property. Once implemented, the fire trail on your property will be accessible for use by the RFS and other emergency services.

This means that, under the conditions outlined in the PLA, the NSW RFS and other firefighting agencies may access the fire trail on your property. This access may be required in various circumstances, including responding to a fire, investigating a fire (e.g. sighting of smoke) or undertaking fire prevention and management activities like hazard reduction works. Emergency services may also use the trail to drive vehicles down for inspection purposes.

Will I be asked to sign an agreement in relation to the proposed fire trail on my property?

Yes.

The way in which fire trails are implemented on private property is governed by legislation, specifically Part 3B of the *Rural Fires Act 1997* (the Act). As required under this Act, the RFS will ask you to enter into a Private Land Agreement (PLA).

The PLA is a standard document which has been approved by the NSW Rural Fire Service Commissioner. The NSW RFS will be asking all landowners across NSW whose land has been identified as requiring a fire trail to enter into this standard agreement. You are, of course, welcome to consult with your solicitor and ask them to review the Private Land Agreement prior to signing.

Will I have to pay for the cost of constructing, upgrading or maintaining a fire trail on my property under the Private Land Agreement?

Generally, no.

Under the PLA, the RFS will pay all costs associated with constructing, upgrading or maintaining the fire trail on your property.

There are some exceptions for example, if you operate a business from your property, and you regularly use the fire trail in a way that may damage or degrade the fire trail. This could include activities such as moving heavy machinery and cattle, or for the purpose of pine logging. If this is the case, the RFS will discuss specific cost sharing arrangements with you.

Am I required to do anything to look after a fire trail on my property once a PLA is signed?

Generally, no.

While the NSW RFS encourages you to keep the fire trail clear and in good working order, the NSW RFS will be responsible for maintaining and repairing any damage to the fire trail and will also inspect the fire trail on an ongoing basis to determine if any maintenance is required.

The NSW RFS asks for your cooperation in reporting any damage to the fire trail so it can be inspected as needed.

However, if you are intending to use the fire trail for business purposes, the RFS may ask that you assist in the maintenance of the fire trail.

What type of damage to the fire trail should be notified to the NSW RFS?

Examples of damage include the formation of deep gullies or large pot holes that impede progress along the fire trail, excessive vegetation encroaching onto the trail, or fallen trees that block the passage.

Will notice be provided before NSW RFS members enter my property and use the fire trail?

Where possible, the NSW RFS will provide a minimum of three days' notice before entering your property for the purpose of performing any maintenance works to the fire trail, and at least 24 hours' notice in relation to the performance of its duties (except, for example, when responding to an emergency or inspecting the fire trail).

Will the general public be able to access the fire trail on my property?

No.

A fire trail on private property is not for public use, and the public is not permitted to access or make use of it.

Access to the fire trail on your property (aside from you, your guests, or where a Right of Carriageway exists), will be limited to the NSW RFS and personnel permitted by the NSW RFS (such as contractors engaged to construct or maintain the fire trail), and other emergency services.

Where necessary, signs and gates may be installed to prevent unauthorised access, in consultation with the NSW RFS and at their expense.

Will signs be installed on my property to identify the fire trail?

The purpose of signs on fire trails is to provide firefighters with clear information to identify the location of fire trails and other features. These signs help firefighters locate fire trails and access fires in a timely manner. For this reason, The NSW RFS prefer that all fire trails are signposted. The NSW RFS will consult with you to determine the most suitable signage for your property, including signs which are intended to discourage public access to the fire trail.



Can I put a gate on the fire trail on my property and lock it?

Gates can be installed across the fire trail if you wish to do so. However, these gates must be fitted with an approved NSW RFS fire trail lock to ensure the NSW RFS and other NSW emergency services have unimpeded access to the fire trail at all times. A private lock can also be added using a multi lock system, that allows both the landowner and the RFS to access the gate. If you would like a gate installed, please contact the RFS to discuss suitable options.

Whose duty is it to shut and lock the gates when the NSW RFS accesses a Fire Trail?

If the NSW RFS accesses a fire trail, it is the duty of the NSW RFS to shut and lock the gates.

Can I use the fire trail on my property?

Yes.

You will be able to use the fire trail on your property for your own purposes, provided that your use does not cause damage or interfere with the rights of the NSW RFS, such as blocking access to the trail.

We will work with you to ensure that your use of the fire trail does not compromise its condition, or interfere with the NSW RFS' operational requirements.

My property already has a fire trail – why is the NSW RFS contacting me?

If you have previously allowed the NSW RFS access to a fire trail on your property without a formal agreement, the NSW RFS will now request that you enter into a written agreement to have your existing fire trail registered in the Fire Trail Register.

To ensure the fire trail meets current operational requirements, the NSW RFS may be required to carry out upgrade works to it.

Why can't I just have an informal agreement with the NSW RFS?

Informal agreements can lead to confusion about what each party understands as the terms of the agreement. Additionally, the NSW RFS is legally required to enter into a formal agreement for fire trails on private land.

There are also distinct benefits to formalising an agreement in writing, including providing certainty for both you and the RFS regarding each party's rights and obligations. This includes the NSW RFS's responsibility for the construction and maintenance of the fire trail as well as bearing the costs of doing so.

Furthermore, a written agreement ensures transparency, which is important when public funds are used for fire trails on private land.

Why does my Private Land Agreement require consent from other people?

Under the *Rural Fires Act 1997* (the Act) (NSW), any "occupier" of land over which a fire trail traverses is required to provide written consent to a Private Land Agreement, in addition to the owner of the relevant land.

Under the legislation, an "occupier" of land may include a person who holds an easement or right of carriageway over the land where the fire trail traverses.

The NSW RFS will assist you by obtaining all necessary consents to finalise the Private Land Agreement.

Will NSW RFS consult me in relation to where the fire trail will be located on my property?

Yes.

The NSW RFS will be in contact with you and show you an indicative location for the fire trail on your property. We will work with you to ensure that the fire trail is positioned to minimise disruption to your property, while still meeting the operational needs of the RFS.

What if I don't want to enter into a Private Land Agreement with the NSW RFS?

The NSW RFS cannot force private landowners to enter into a Private Land Agreement.

If I enter into a Private Land Agreement, will anything be registered on my certificate of title?

No.



Entering into a Private Land Agreement will not result in any notation or registration on your property's certificate of title.

Do I need to provide the Private Land Agreement to an incoming purchaser if I sell my property?

No.

While not legally required, we do encourage you to discuss the fire trail with incoming landowners, as fire trails (particularly once established) play an important role in protecting your property and the wider community from bush fires and related risks. For this reason, the Private Land Agreement asks that you notify both the new landowner of the fire trail's existence and the NSW RFS of any change in ownership.

A fire trail registered on the NSW RFS Fire Trail Register is not affected by a change of ownership and "runs with the land". This means that, even in the absence of a Private Land Agreement, the NSW RFS retains the right to access it during emergency situations.

What if I am considering buying a property that has a registered fire trail on it?

Due to a fire trail on the NSW RFS Fire Trail Register not being affected by a change in ownership or occupation, the RFS will retain the right to continue to access the fire trail on the property that you purchase.

Before you purchase land with a registered fire trail, the NSW RFS may seek to enter into a Private Land Agreement with you to clearly outline the rights and obligations of both parties. However, entering into this agreement does not limit the NSW RFS' existing rights under the *Rural Fires Act 1997*.

Will having the fire trail block me from developing my land in future?

No.

Once the fire trail is implemented on your land, you cannot develop or build a structure over it without contacting the RFS to discuss a suitable solution.

The NSW RFS will work with you to find an approach that ensures the fire trail does not unreasonably interfere with the use and enjoyment of your land. We will also consult with you regarding the location of the fire trail prior to any construction or upgrade works.

Does having a fire trail on my property mean I will have a fire truck there to protect my property in the event of a fire?

No, but by having a fire trail, firefighters will be able to access your land and surrounding properties more quickly and efficiently.

Typically, if a fire trail has been identified on your property, it means that your property is located in an area that needs bush fire protection or is critical for accessing such areas. The fire trail plays an important role in helping the RFS protect you, your property, and the wider community.

If I have a tenant, do they need to agree to the Private Land Agreement?

If your property has a long term tenant (for example, you have a residential tenancy agreement or a registered lease with a tenant), the NSW RFS will be required to obtain their written consent to the agreement.

If this applies to your property, please provide the tenant's contact details so the RFS can liaise with them directly.

What are the Fire Trail Standards and where can I access them?

The Fire Trail Standards are issued by the NSW RFS Commissioner pursuant to section 62K of the *Rural Fires Act 1997*.

The Fire Trail Standards outline the design and construction specifications for fire trails in NSW.

The current Fire Trail Standards are available on the NSW RFS website (www.rfs.nsw.gov.au). The Standards may be updated periodically by the Commissioner.

Why is it important to have a register of certified fire trails?

Having a state-wide register of fire trails will support the NSW RFS in its planning for, and response to bush fire incidents. The register will also ensure the ongoing maintenance of an accessible and reliable network of operational fire trails which is critical for protecting both public land and private property.



Is the Fire Trail Register publicly available?

Yes, the Fire Trail Register is publicly available on the NSW RFS website at the following link: <https://www.rfs.nsw.gov.au/plan-and-prepare/fire-trails/fire-trail-register>.

The name of the fire trail (once registered) and the local government area(s) of the fire trail is included on the register. There are no landowner details in the public register.



Can I be penalised for blocking a fire trail or preventing access?

Yes.

There can be repercussions for blocking or restricting access to a fire trail – these apply to all fire trails, not just those located on private land.

Under the *Rural Fires Act 1997*, any person can be penalised for the closure of a fire trail. Some examples of when a fire trail will be considered closed are outlined below:

- If the fire trail is wholly, partly removed or destroyed;
- If the fire trail is obstructed such that it cannot be used as a fire trail;
- If a sign is placed indicating the fire trail is not available for use as a fire trail.

The penalty for an individual who unlawfully closes a fire trail can be up to \$2,200 and/or a two-year prison term.

A fire trail is an important asset for protecting your property and the community. If you have any concerns about the location of the fire trail, please contact and discuss them with the RFS.

These provisions do not apply to trail blockages from natural causes, such as tree fall or significant erosion.

What if I no longer want to have the fire trail on my property listed on the Fire Trail Register?

The NSW RFS understands that there may be times where you would prefer they do not access a fire trail on your property. There may be periods where you need to use the fire trail for other purposes, which may lead you to consider withdrawing the fire trail from the Fire Trail Register.

If this is the case, please contact the RFS to discuss your concerns, and we will work with you to explore alternative solutions.

Can I terminate a Private Land Agreement?

Yes.

If you no longer wish to be a party to the Private Land Agreement, you may terminate the agreement with the consent of the RFS.

If you wish to proceed, please contact us.

For further information regarding this Fact Sheet, please email the RFS Fire Trails Team at fire.trails@rfs.nsw.gov.au or any RFS Area Command Office.

Where can I go for further information?

The NSW Rural Fire Service is here to support you. If you have any questions or would like more information about fire trails or planning processes, there are several ways to get in touch:

Speak with your local RFS District Office

- For local support and guidance specific to your area.

Visit our website

- Submit an enquiry or explore more information at: www.rfs.nsw.gov.au/plan-and-prepare/fire-trails

Email the Fire Trails Team

- Reach out directly at: fire.trails@rfs.nsw.gov.au

Your engagement helps us plan, manage, and maintain a safer and more effective fire trail network across NSW.



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