



NSW RURAL FIRE SERVICE

BUSH FIRE ENVIRONMENTAL ASSESSMENT CODE - SUPPORTING DOCUMENT



BUSH FIRE HAZARD REDUCTION CERTIFICATE

Application instructions

July 2021



Contents

1.	INTRODUCTION	3
2.	HOW TO FILL IN YOUR APPLICATION FOR A BUSH FIRE HAZARD REDUCTION CERTIFICATE	4
	Section 1. Personal details	4
	Section 2. Location of bush fire hazard reduction works	4
	Section 3. Assets being protected	5
	Section 4. Method of reducing fuel	6
	Section 5. Proposed date	8
	Section 6. Time since last treatment	8
	Section 7. Last treatment	8
	Section 8. Has a consent or approval for removal of vegetation on this land been refused within the last three years?	8
	Section 9. Provide details of any known threatened species, population or ecological community	8
	Section 10. Provide details of any known Aboriginal or cultural heritage site or relic	8
	Section 11. Is the property subject to a land management agreement, order or direction?	8
	Section 12. Has the property been subject to a development consent or approval under the Environmental Planning and Assessment Act 1979 (EP&A Act) since 1 August 2002, requiring the establishment of an Asset protection Zone (APZ)?	9
	Section 13. Have you confirmed the consent of all owners/occupiers of the land to which this application applies?	9
	Section 14. Authorisation and time for determination	10
	HOW WILL AN ASSESSMENT BE MADE ?	10
	ONCE THE CERTIFICATE IS ISSUED	11
	STANDARDS FOR LOW INTENSITY HAZARD REDUCTION BURNING	11
	STANDARDS FOR ASSET PROTECTION ZONES	11
	WHAT TO DO IF A CERTIFICATE IS NOT ISSUED	11
	HOW CAN I FIND OUT MORE?	11

1. INTRODUCTION

This document is designed to help you, step by step, to fill out an application for a Bush Fire Hazard Reduction Certificate.

The NSW Rural Fire Service (NSW RFS) is committed to reducing the impact of bush fires on the community and the environment, and a key way to do this is by responsibly and effectively reducing fuel levels through bush fire hazard reduction work.

In the past, for private landowners, this has meant seeking a number of approvals from a range of government departments.

Under this simplified system a Bush Fire Hazard Reduction Certificate provides a single approval process for planned hazard reduction works.

Hazard reduction work can be successfully carried out in a number of ways, as described in Section Four. For more information please see the NSW RFS document *Standards for Asset Protection Zones*.

For most private landholders, a NSW RFS officer will carry out an assessment on your planned hazard reduction using the *Bush Fire Environmental Assessment Code* and Bush Fire Risk Management Plan.

To apply for a Bush Fire Hazard Reduction Certificate you will need to complete an application form which is available at your local NSW RFS Fire Control Centre or from the NSW RFS website, www.rfs.nsw.gov.au.

There is no cost to either apply for, or to receive, a Bush Fire Hazard Reduction Certificate.

We will let you know if your work is authorised within a timeframe agreed with you when you submit the application. This can be as short as seven days.

NOTE: If your original Development Application provided for an Asset Protection Zone or other hazard reduction work you do not need to apply for a Certificate.

A Hazard Reduction Certificate is also not needed for agricultural activities that do not require environmental approvals, such as ploughing or crop or stubble burning.

2. HOW TO FILL IN YOUR APPLICATION FOR A BUSH FIRE HAZARD REDUCTION CERTIFICATE

When filling out your application please print neatly in BLOCK LETTERS with a black or blue pen only.

IMPORTANT: Complete your details carefully to avoid delays in processing your application.

Section 1. Personal details

Fill in your name, postal address, contact numbers, and email address (if you have one).

These details are required so we can contact you for any additional information needed for the assessment.

Section 2. Location of bush fire hazard reduction works

You need to supply an accurate description of the location of the land where the work is planned, even if it is at the same location as in your personal details section.

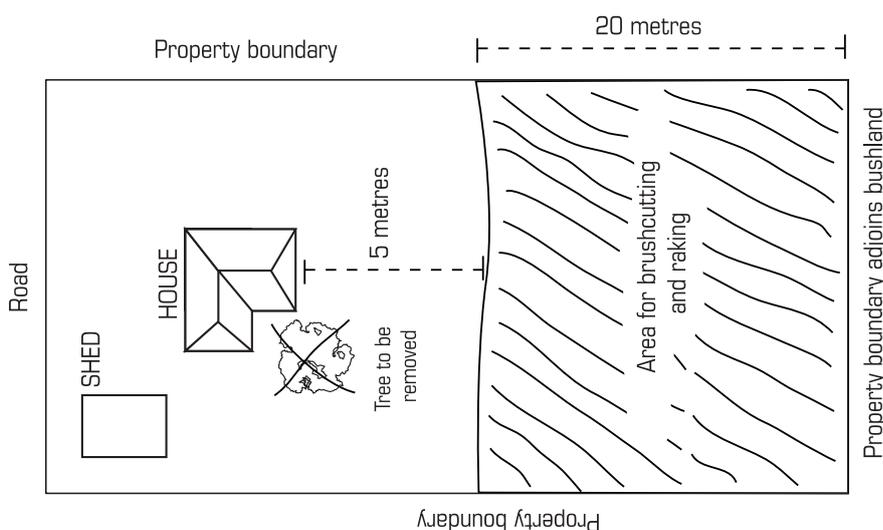
Please provide the street address, Lot and DP number (these can be found on your rates notice) and any additional information needed to accurately identify the property. The more information that you can supply the faster the approval process will be.

You must attach a map to the application. You can either provide a topographic map, a street directory map or a sketch on an A4 sheet of paper.

The map should show the area where the work will be done and the assets being protected. If you are using more than one type of hazard reduction method you need to show the location of each type on the map.

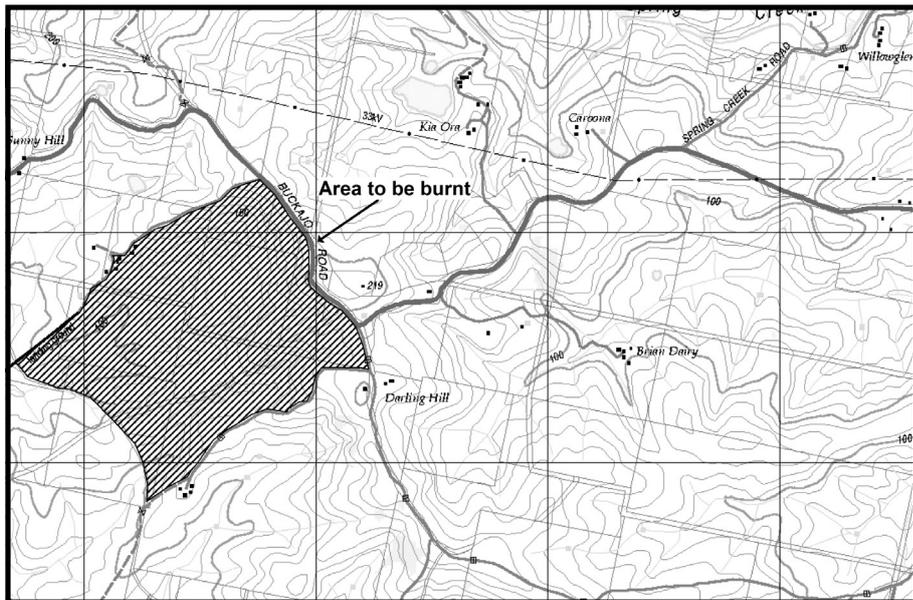
Example A: Neat sketch on A4 paper

If the area to be treated is only small then attach an A4 sheet of paper with a sketch of a map. The map should be as detailed as possible showing the area to be hazard reduced and the assets to be protected.



Example B: On Topographic Map

If the area to be treated is large, you will need to provide a photocopy of a topographic map and indicate the area of the work. Please give the name of the map used (for example, Mill MT. 9030-IV-S)



Section 3. Assets being protected

In this section you need to indicate the key purpose of the proposed activity to be undertaken.

This can include any of the following:

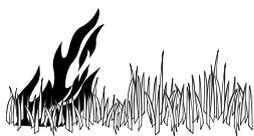
- > protect residential buildings
- > protect boundary fences
- > protect special fire protection buildings e.g. schools, hospitals, child care centres, retirement villages, hotels, motels etc.
- > protect plantation
- > protect major buildings
- > protect telecommunication towers
- > other, such as heritage listings

Section 4. Method of reducing fuel

There are a number of methods that you can use to reduce the level of fuel in an area. Some methods are even more effective when combined with others.

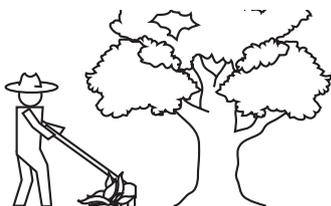
In this section you will need to indicate the method you plan to use to reduce the fuel level. Tick one or more boxes and indicate the size of the proposed activity.

Various methods can be used to create and maintain effective fuel breaks on your property. These include the following methods:



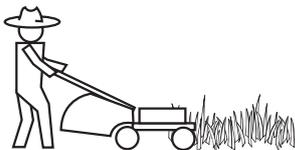
A. Burning

Hazard reduction burning is an economical and simple method of removing unwanted litter and fire hazards from larger areas. However, it must be planned carefully and carried out with extreme caution. Burning should only ever be conducted under the appropriate weather conditions, otherwise there is a real danger that the fire will get out of control. More bush fires result from fires escaping when burning off than from any other single cause. For more information on the safest way to conduct burning see the NSW RFS documents *Before You Light That Fire* and *Standards for Low Intensity Hazard Reduction Burning*.



B. Hand clearing

Hand clearing is often used to remove or reduce fine fuels and leaf litter close to a dwelling. These hazards can be removed by hand tools such as rakes, hoes and leaf blowers and then disposed of (e.g. composting, mulching, green waste collection or pile burning).



C. Brushcutting/mowing

Hand held machinery (such as mowers and brush cutters) is very effective and often used to keep grass and other vegetation low.



D. Slashing/trittering/flail or side arm machinery

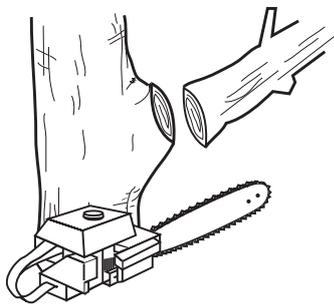
Large mechanical slashers including ride-on-mowers and tractor towed implements are another economical way to reduce fuel levels. To be most effective, the cut material should be removed or allowed to decompose well before summer. Slashing can leave grass in rows, increasing fuel in some places.

Trittering or turbo mowing also mulches leaving the fuel where it is cut.



E. Earth moving machinery

Ploughing and grading can produce very effective breaks. Care should be taken as the loose soil may erode in steep areas, particularly where there is high rainfall and strong winds.



F. Tree pruning/removal

Pruning by thinning the tree canopy and removing branches that are over-hanging or are very close to a building can help to reduce the fire risk.

In most instances pruning will be sufficient to reduce the fire risk, but in some circumstances the complete removal of a tree may be necessary. However, Hazard Reduction Certificates cannot be used to gain approval for operations such as land clearance or circumventing other regulations such as Tree Preservation Orders for work that is not essential hazard reduction. For more information on what may be required see the NSW RFS document *Standards for Asset Protection Zones*.

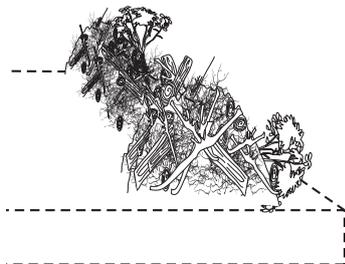


G. Pile burning

Approval for pile burning can only be given by the NSW RFS for disposal of material that was removed during hazard reduction works.

To use this method you may need to justify that you cannot dispose of the material by the normal garbage collection or re-use it on site (composting). For example, if the pile is too large; or access is too difficult to reasonably allow for removal.

To minimise smoke, the pile should be dry before burning. For more information, see the NSW RFS document *Standards for Pile Burning*.



H. Windrow burning

The NSW RFS can only approve the burning of windrows created from authorised plantation operations. The NSW RFS cannot issue a Certificate for burning windrows created by clearing land (for example for development or agriculture). For more information see the NSW RFS document *Standards for Windrow Burning*.

Section 5. Proposed date

In this section you will need to give the date when you plan to do the work. If the application is approved, the Certificate becomes effective for a period up to five years from the date of issue.

If you intend to burn during the Bush Fire Danger Period, or light a fire which is likely to be dangerous to any building, you will also need to apply for a Fire Permit. The Bush Fire Danger Period is generally from the 1st October to 31st March and may be varied by the Commissioner of the NSW RFS. For more information see the NSW RFS document *Before You Light that Fire*.

Section 6. Time since last treatment

This section should only be filled in if you know when the last hazard reduction work was done in the area. This will help show the need to carry out the work. Indicate how many years since the area was last treated and circle the nearest year.

Section 7. Last treatment

If you know, please indicate what kind of hazard reduction work was done in the area. Tick the appropriate boxes.

Section 8. Has a consent or approval for removal of vegetation on this land been refused within the last three years?

Tick the appropriate box. If YES, please supply details. For example, has an approval for a tree to be removed been refused within the last three years and if so, please state when you sought the approval and why it was refused.

Section 9. Provide details of any known threatened species, population or ecological community

Because some methods of hazard reduction can have a significant impact on biodiversity, including threatened species, it is important that you consider this as part of the application. If you know of any threatened species in the area where you are planning your hazard reduction work you must provide the information so that measures can be taken to reduce the impacts of hazard reduction.

When we assess the application the NSW RFS will undertake a search of appropriate databases to check for threatened species in the areas, so providing this information will assist us in processing your application.

Section 10. Provide details of any known Aboriginal or cultural heritage site or relic

To assist with the assessment process, if you know of any Aboriginal or cultural heritage sites you should complete this section.

Section 11. Is the property subject to a land management agreement, order or direction?

Some landowners may have entered into agreements with government agencies to ensure protection of environmental values on their land. In this section you must specify whether the property is subject to any land management agreements such as those listed below.

- any Biodiversity Stewardship Agreement established under Division 2 of Part 5 of the *Biodiversity Conservation Act 2016*,
- Conservation Agreement established under Division 3 of Part 5 of the *Biodiversity Conservation Act 2016*, or
- Wildlife Refuge Agreement established under Division 4 of Part 5 of the *Biodiversity Conservation Act 2016*, or
- any Conservation Agreement established under a section 88b *Conveyancing Act 1919* instrument that requires the retention and management of vegetation for conservation purposes or protection of environmental values on private lands prepared,
- any agreement established under a section 88E(3) *Conveyancing Act 1919* instrument by a prescribed authority that identifies and requires the retention and management of vegetation, or
- land subject to a Voluntary Planning Agreement between a planning authority and a developer.

Note the following land management agreements remain applicable, but in some cases are now incorporated into the *Biodiversity Conservation Act 2016* provisions via the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*:

- a. any Conservation Agreement entered into under Division 12 of Part 4 of the *National Parks and Wildlife Act 1974*,
- b. any Registered Property Agreement entered into under Part 5 of the *Native Vegetation Conservation Act 1997*,
- c. any Trust Agreement entered into under Part 3 of the *Nature Conservation Trust Act 2001*,
- d. any property management plan approved by the Director-General of National Parks and Wildlife under section 91 of the *Threatened Species Conservation Act 1995*,
- e. any Property Vegetation Plan agreement entered into under Part 4 of the *Native Vegetation Act 2003*,
- f. any property subject to a Biobanking Agreement entered into under Part 7A of the *Threatened Species Conservation Act 1995*, or
- g. any Joint Management Agreement with another public authority under s.121 of the *Threatened Species Conservation Act 1995*,
- h. any Private Native Forestry Property Vegetation Plan entered into under *Native Vegetation Act 2003*,
- i. any Wildlife Refuge entered into under Section 68 of the *National Parks and Wildlife Act 1974*.

Landowners are not permitted to clear vegetation contrary to an Order (including any order by a court). You must specify if any orders exist which apply restrictions to the clearing of vegetation on your land. These may include:

- an Environment Protection Notice under Chapter 4 of the Protection of the Environment Operations Act 1997, or
- an Order under section 124 of the Local Government Act 1993.

Note the following orders and directions remain applicable:

- any Stop Work Order, Interim Protection Order or Remediation Direction under Part 6A of the *National Parks and Wildlife Act 1974*,
- any Stop Work Order, Interim Protection Order, Remediation Order or Biodiversity Offsets Enforcement Order under Part 11 of the *Biodiversity Conservation Act 2016*, or
- any Stop Work Order under Division 7 of Part 7A of the *Fisheries Management Act 1994* (s220AA).

Please tick YES or NO if any of the above apply. If you choose YES, you will need to provide details.

Section 12. Has the property been subject to a development consent or approval under the Environmental Planning and Assessment Act 1979 (EP&A Act) since 1 August 2002, requiring the establishment of an Asset protection Zone (APZ) or construction to BAL Flame Zone?

Since 1 August 2002 the EP&A Act requires certain development on bush fire prone land to comply with the requirements of 'Planning for Bushfire Protection'. As a result, some developments required the establishment of an APZ or construction to BAL Flame Zone as a condition of development consent or approval.

Please tick the appropriate box YES or NO if any of the above apply. If YES, you will need to provide details of the APZ requirements.

If you are unsure, contact your local council for information on any development consents or approvals granted under the EP&A Act requiring the establishment of an APZ that relates to your property.

Councils are to make available for public inspection a register of consents and certificates (in accordance with Section 100 of the EP&A Act and Clause 264 of the EP&A Act Regulations).



Section 13. Have you confirmed the consent of all owners/occupiers of the land to which this application applies?

If you are the landowner, you will need to confirm that you have the consent of any other joint owners and occupiers of the land.

If you are not the landowner (e.g. a tenant or relative), you will need to confirm that you have the consent of all the owners and occupiers of the land.

If your application includes neighbouring land as well as your own, you will need to confirm the consent of all owners and occupiers of your land as well as all owners and occupiers of that neighbouring land.

Be aware that this consent is for the application only and does not necessarily constitute consent for the carrying out of the proposed activity. If a Certificate is issued, you will need to ensure that all owners and occupiers (including tenants) agree (where appropriate) to the carrying out of the proposed activity.

Section 14. Authorisation and time for determination

Please ensure that you sign and date this section.

By signing you confirm all owners/occupiers consent and agree that the information on the form is correct to the best of your knowledge.

The assessment period may be as short as seven days. However, because of the complexity of some proposals or because of the volume of applications, a longer period may be required. Please discuss this with an NSW RFS officer when lodging your application. Circle either 28, 21, 14 or 7 days.

HOW WILL AN ASSESSMENT BE MADE ?

When making an assessment the NSW Rural Fire Service will consider a range of factors such as:

➤ Genuine Hazard Reduction

A Certificate can only be issued for hazard reduction works that are consistent with the local Bush Fire Risk Management Plan.

Certificates will not be provided for operations such as land clearance, domestic or industrial rubbish burning, or for avoiding Tree Preservation Orders or other regulations or ordinances.

➤ Areas of Statewide Significance

Certificates cannot be issued in coastal wetlands, littoral rainforest and critical habitat as defined in the *Biodiversity Conservation Act 2016*. These areas require a more thorough environmental assessment before works can proceed.

➤ Smoke Management

The NSW RFS will consider whether smoke from the hazard reduction is likely to impact on the community. If so, conditions may be added to the Certificate.

➤ Protection of Creeks, Rivers and Wetlands

The NSW RFS will consider the best practice to minimise fire and exclude mechanical hazard reduction near the banks of rivers, streams and bodies of water, in order to protect river bank vegetation, water quality and to prevent bank erosion. Conditions may be added to the Certificate.

➤ Soil Erosion

The NSW RFS will consider potential damage that may cause soil erosion and slope instability, especially from mechanical methods of hazard reduction. Conditions may be added to the Certificate.

➤ Flora, Fauna, Biodiversity

The NSW RFS will consider the potential impact on threatened species and vegetation communities sensitive to various hazard reduction methods. The fire intervals requirements for the type of vegetation to be hazard reduced will also be assessed.

➤ Aboriginal and Cultural Heritage

Applications will be assessed by the NSW RFS to ensure that any sites of cultural and historical value are identified and protected during hazard reduction works. Conditions may be added to the Certificate.

➤ Vegetation Clearing

Consideration will be given to the vegetation clearing required to provide adequate fire protection while providing for the retention of some vegetation.

ONCE THE CERTIFICATE IS ISSUED

Once the Certificate is issued you must comply with the conditions specified.

If further notifications apply you are required to comply with them.

Use the return form provided with the Certificate to advise the NSW RFS once the hazard reduction is complete.

STANDARDS FOR LOW INTENSITY HAZARD REDUCTION BURNING

The NSW RFS has a helpful document with guidelines for low Intensity hazard reduction burning. This will help you control your burn so that the fire stays confined to the area where it's permitted and the effects of smoke are limited.

Please read the document *Standards for Low Intensity Hazard Reduction Burning* before you start the hazard reduction burn.

STANDARDS FOR ASSET PROTECTION ZONES

The NSW RFS also has a document with guidelines for clearing to create and maintain asset protection zones. This will help you control fuels, prevent soil erosion, and landscape around your home.

Please see the document *Standards for Asset Protection Zones* before you start your APZ work.

WHAT TO DO IF A CERTIFICATE IS NOT ISSUED

The certificate application process is designed to provide a faster and more streamlined environmental assessment for most hazard reduction activities.

However, some environmentally sensitive areas may need more detailed assessments under the *Environmental Planning and Assessment Act 1979* or other legislation. For more details on what approvals are required contact your local RFS Fire Control Centre.

HOW CAN I FIND OUT MORE?

The following documents are available from your local Fire Control Centre and from the NSW RFS website at www.rfs.nsw.gov.au.

- Before You Light That Fire
- Standards for Asset Protection Zones
- Standards for Low Intensity Bush Fire Hazard Reduction Burning
- Standards for Pile Burning
- Standards for Windrow Burning

If you require any further information please contact your local **NSW Rural Fire Service Fire Control Centre**.

Location details are available on the RFS website, or call the **NSW RFS Enquiry Line** on **1800 679 737** (Monday to Friday, 9am to 5pm), or the **NSW RFS website** at www.rfs.nsw.gov.au.

NSW RURAL FIRE SERVICE

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Avenue
Sydney Olympic Park NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

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 @NSWRFS