

BUSH FIRE ENVIRONMENTAL ASSESSMENT CODE - SUPPORTING DOCUMENT



CONDITIONS FOR HAZARD REDUCTION AND ABORIGINAL HERITAGE

July 2021

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1. Introduction

This document is a component of the Bush Fire Environmental Assessment Code (Code). As such, a level of understanding of the Code will assist in comprehending this document, particularly in regard to matters such as terminology. The Code and related documents can be located at www.rfs.nsw.gov.au. The Code provides for a streamlined environmental assessment process for bush fire hazard reduction works under certain circumstances. A Bush Fire Hazard Reduction Certificate (Certificate) is a form of environmental approval that may be issued in accordance with the Code.

This document provides the conditions that are to be included in a Certificate when Aboriginal Heritage is identified as occurring at the location of a proposed hazard reduction. The Aboriginal Heritage Information System (AHIMS) is to be used to determine whether Aboriginal Heritage occurs at a particular location, and if so, the type of Aboriginal Heritage.

The Code and this document articulate the process for assessing and determining conditions to minimise the impact of bush fire hazard reduction on Aboriginal Heritage when issuing a Certificate.

This document is prepared jointly by the NSW Rural Fire Service and the Department of Planning, Industry and Environment (Environment, Energy and Science Group (EES).

2. Aboriginal Heritage Information Management Systems (AHIMS) Reports

AHIMS is a web based on-line database administered by the Heritage NSW. Further information on AHIMS can be found at www.heritage.nsw.gov.au/protecting-our-heritage/record-aboriginal-sites. AHIMS contains information and records about Aboriginal heritage sites, objects and Places of significance. These are collectively referred to as 'Aboriginal sites'. AHIMS is used to determine whether an Aboriginal site occurs in the area of the proposed hazard reduction work. Where it does occur, the subsequent report from Heritage NSW details the type of Aboriginal site and its location.

There is no fee for undertaking an AHIMS basic or extensive search by issuing/certifying authorities (as identified in the Code) that are assessing bush fire hazard reduction proposals.

For further information regarding AHIMS please note the following contact details:

Heritage NSW Information Management Team

Phone: (02) 9585 6345

Email: ahims@environment.nsw.gov.au

3. Determining Site Specific Conditions

There are three tables which must be referred to when determining the appropriate conditions to apply to a bush fire hazard reduction certificate when an Aboriginal site occurs at the location.

- **Step 1:** Use AHIMS to determine if an Aboriginal site occurs at the location of the proposed hazard reduction.
- **Step 2:** If there is an Aboriginal site, the AHIMS report will identify the Site Feature Code.
- **Step 3:** Use the Site Features Table (Table 1) to determine the type of heritage associated with the Site Feature.
- **Step 4:** Use the Site Features Grouping and Site Protection Conditions Table (Table 2) to determine which of the 5 Site Groups the Site Feature belongs, and the corresponding Site Protection Conditions.
- **Step 5:** Use the Hazard Reduction Risk Matrix Table (Table 3) to determine the preferred hazard reduction method for the relevant Site Group, and other possible methods if the preferred method is not suitable.

3.1 Site Features Table

There are 20 different types of site features recognised by Heritage NSW. This table provides a complete list of the site features, their 3 letter code and a description. Note: Aboriginal Places are not listed or described as a site feature in this table.

Table 1. Site Features

	#	SITE FEATURE	CODE	SITE FEATURE DE
	1	Aboriginal Ceremony and Dreaming	ACD	Previously referred story places where place may occur, e ceremonial or spir (creation) tracks, r
-	2	Aboriginal resource and gathering	ARG	Related to everyda or collection and r or trade.
_	3	Art	ART	Art is found in she
				Techniques include engraving, pitting, of binding agents from clays, charco
	4	Artefacts	AFT	Objects such as st spears, manuports modified glass or s area by Aboriginal
-	5	Burials	BUR	A traditional or co Aboriginal person cemeteries and ma stone cairns, in sar
	6	Ceremonial ring	CMR	Raised earth ring(
	7	Conflict	CFT	Previously referred occurred between (2) between differ
-	8	Earth mound	ETM	A mounded deposi- clay lumps, ash, ch sediment. The dep Mounds may conta shell and bone as contain burials.
	9	Fish trap	FSH	A modified area of short-term storage
	10	Grinding grooves*	GDG	A groove in a rock tools such as grou include rounded d and grains.

SCRIPTION

d to as mythological sites these are spiritual/ e no physical evidence of previous use of the e.g. natural unmodified landscape features, ritual areas, men's/women's sites, dreaming marriage places etc

ay activities such as food gathering, hunting, manufacture of materials and goods for use

elters, overhangs and across rock formations.

le painting, drawing, scratching, carving , conjoining, abrading and the use of a range and the use of natural pigments obtained bal and plants.

tone tools, and associated flaked material, s, grindstones, discarded stone flakes, shell demonstrating evidence of use of the I people.

ontemporary (post-contact) burial of an a, which may occur outside designated ay not be marked, e.g. in caves, marked by nd areas, along creek banks etc

s) associated with ceremony

d to as massacre sites where confrontations n (1) Aboriginal and non-Aboriginal people, or rent Aboriginal groups

sit of round to oval shape containing baked harcoal and, usually, black or dark grey posit may be compacted or loose and ashy. ain various economic remains such as mussel well as stone artefacts. Occasionally they

n watercourses where fish were trapped for e and gathering.

c surface resulting from manufacture of stone and edge hatchets and spears, may also depressions resulting from grinding of seeds

#	SITE FEATURE	CODE	SITE FEATURE DESCRIPTION
11	Habitation structure	НАВ	Structures constructed by Aboriginal people for short or long term shelter. More temporary structures are commonly preserved away from the NSW coastline, may include historic camps of contemporary significance. Smaller structures may make use of natural materials such as branches, logs and bark sheets or manufactured materials such as corrugated iron to form shelters. Archaeological remains of a former structure such as chimney/fireplace, raised earth building platform, excavated pits, rubble mounds etc.
12	Hearth	HTH	Cultural deposit sometimes marked by hearth stones, usually also contains charcoal and may also contain heat treated stone fragments.
13	Modified tree	TRE	Trees which show the marks of modification as a result of cutting of bark from the trunk for use in the production of shields, canoes, boomerangs, burials shrouds, for medicinal purposes, foot holds etc, or alternately intentional carving of the heartwood of the tree to form a permanent marker to indicate ceremonial use/significance of a nearby area, again these carvings may also act as territorial or burial markers.
14	Non human bone and organic material	вом	Objects which can be found within cultural deposits as components of an Aboriginal site such as fish or mammal bones, ochres, cached objects which may otherwise have broken down such as resin, twine, dilly bags, nets etc
15	Ochre quarry	OCQ	A source of ochre used for ceremonial occasions, burials, trade and artwork
16	Potential archaeological deposit	PAD	An area where Aboriginal objects may occur below the ground surface.
17	Shell	SHL	An accumulation or deposit of shellfish from beach, estuarine, lacustrine or riverine species resulting from Aboriginal gathering and consumption. Usually found in deposits previously referred to as shell middens. Must be found in association with other objects like stone tools, fish bones, charcoal, fireplaces/hearths, and burials. Will vary greatly in size and components.
18	Stone arrangement	STA	Human produced arrangements of stone usually associated with ceremonial activities, or used as markers for territorial limits or to mark/protect burials.
19	Stone quarry	STQ	Usually a source of good quality stone which is quarried and used for the production of stone tools.
20	Waterhole	WTR	A source of fresh water for Aboriginal groups which may have traditional ceremonial or dreaming significance and/or may also be used to the present day as a rich resource gathering area (e.g. waterbirds, eels, clays, reeds etc)

3.2 Site Features Grouping and Site Protection Conditions Table Site features are grouped into five categories on the basis that they respond to the various methods of hazard reduction similarly.

The site protection conditions are linked to the five different site feature groups. The relevant conditions from this table must be described in the Bush Fire Hazard Reduction Certificate.

IMPORTANT NOTE REGARDING APPLICATION OF SITE PROTECTION CONDITIONS

Site protection conditions are to be addressed for at least 100 metres in all directions from the site feature location provided from AHIMS, unless the exact location of the site feature can be confirmed. If additional site features are discovered that are not recorded in AHIMS, then those sites must be treated with the appropriate relevant conditions.

All relevant conditions must be addressed in cases where there are multiple (and different) site features within the area to be hazard reduced. In circumstances where there is conflict between conditions that prevent the hazard reduction from proceeding, then EES must be contacted.

The following general conditions must be applied to the Bush Fire Hazard Reduction Certificate for all site feature groups and hazard reduction methods.

- > Vehicles or heavy equipment must not be used on or adjacent to these sites unless a path exists that will not damage the site
- > Vegetation which is screening the site must not be damaged.
- Existing fire trails may be maintained where the works do not disturb the site.
- > A fire trail or control line may only be constructed at least 20 metres from a site feature (requires the site to have been identified and that no other unregistered sites occur adjacent to the proposed works).
- > A fire trail or control line may only be constructed less than 20 metres from a site feature (requires the site to have been identified and that no other unregistered sites occur adjacent to the proposed works), if every effort has been made to determine mutually agreeable conditions in discussion with an Heritage NSW Aboriginal Heritage Operations Officers and the local Aboriginal community.
- > Slashing/trittering machinery may be used if it is at least 20 metres from a site feature (requires the site to have been identified and that no other unregistered sites occur adjacent to the proposed works),
- Removal of trees (other than trees that constitute or protect a site feature) may be undertaken.
- > No one must drive off established roads in the vicinity of the site;
- > Unnecessary walking within the site area must be avoided;
- > Hoses and other equipment must not be dragged across Aboriginal sites, and rubbish must not be left in the area;
- > All known sites are to be re-inspected after hazard reduction works are completed, and if any site disturbance has occurred then details must be provided to Heritage NSW; and
- > If an unregistered site is discovered during works then the site feature must be treated with appropriate relevant conditions, and details of the discovery provided to Heritage NSW.

Table 2. Site Features Grouping and Site Protection Conditions

SITE GROUP	FEATURES IN GROUP	SITE PROTECTION CONDITIONS FOR HAZARD REDUCTION
1	 4. Artefact (AFT) 8. Earth Mound (ETM) 12. Hearth (HTH) 14. Non Human Bone (BOM) 15. Ochre Quarry (OCQ) 16. Potential Arch deposit (PAD) 17. Shell (SHL) 	 Do not break earth on or around sites, search for surface evidence of artefacts, shell, charcoal or ochre. Any surface impact adjacent to a site must be immediately returned to previous state if it is possible without further disturbing the site, a note made of site location, and details of site disturbance provided to Heritage NSW.
2	3. Art (ART) 10. Grinding Groove (GRG)	 If burning, loose leaf litter must be carefully removed from rock platforms, from under overhangs and within the vicinity of the site, as heat or smoke may damage the site. Leaf litter is to be returned to the site after the fire as site may have been covered for protection from vandalism. No use of chemicals or other retardants within 20 metres of art sites. If windy the distance is to be extended to 50 metres. Vehicles or heavy equipment must not be used on rock platforms or adjacent to these sites unless a path exists that will not damage the site.
3	 Abl Resource & Gathering (ARG) Habitation Structure (HAB) Modified Tree (TRE) Water Hole (WTR) 	 Loose leaf litter and low ground cover is to be manually cleared by raking for at least 10 metres around carved or scarred trees and wooden structures. Wooden structures and trees of concern are to be protected at time of burn. For example, dampen earth around structure and trees to be protected, and minimise risk of ember attack. Trees and structures of concern must be examined as soon as possible after the passage of the fire and embers that might cause the tree to burn must be extinguished. Chemicals or other retardants that can impact upon plants and animals used by Aboriginal people or cause damage to water holes must not be used. If site is used by Aboriginal people for resource and gathering then liaise with the Aboriginal community to ensure that hazard reduction is timed to cause minimal damage to the resource, and is not disruptive to gathering practices. Do not proceed if damage cannot be avoided.
4	 9. Fish Trap (FSH) 18. Stone Arrangement (STA) 19. Stone Quarry (STQ) 	 Do not move loose stones especially where they have been already grouped or arranged. Vehicles or heavy equipment must not be used on or adjacent to these sites unless a path exists that will not damage the site Note: there is a high likelihood that other site features from Site Group 1 will be in the general vicinity.

SITE GROUP	FEATURES IN GROUP	SITE PROTECTI
5	 Abl Ceremony & Dreaming (ACD) Burial (BUR) Ceremonial Ring (CMR) Conflict (CFT) Aboriginal Place 	 Site features must be held Operations C to undertakin resolution ca If human ske confirmed th must be calle scene". In the case o discuss the p Operations C to undertakin Where a mar consistent w Note: there is a will be in the gen

3.3 Hazard Reduction Risk Matrix Table

A risk rating is attributed to the type of hazard reduction method to be used for each Site Group. The risks are identified as either LOW, MEDIUM or HIGH. In addition, there is a preferred method indicated for each Site Group and this method should be used unless there is valid reason (e.g. safety) to use another appropriate method.

Notwithstanding the preference for the preferred method, a Bush Fire Hazard Reduction Certificate may be issued if the method to be used is rated as LOW or MEDIUM.

Methods rated as HIGH may only be used for the purpose of issuing a Bush Fire Hazard Reduction Certificate if:

- > the method involves the use of mechanical machinery to construct a fire trail or control line that is at least 20 metres from a site feature (requires the site to have been identified and that no other unregistered sites occur adjacent to the proposed works),
- > the method involves the use of mechanical machinery to construct a fire trail or control line that is at less than 20 metres from a site feature (requires the site to have been identified and that no other unregistered sites occur adjacent to the proposed works), and only if every effort has been made to determine mutually agreeable conditions in discussion with Heritage NSW Aboriginal Heritage Operations Officers and the local Aboriginal community,
- > the method involves the use of slashing/trittering machinery that is at least 20 metres from a site feature (requires the site to have been identified and that no other unregistered sites occur adjacent to the proposed works), or
- > the method involves the removal of trees (other than trees that constitute or protect a site feature).

ON CONDITIONS FOR HAZARD REDUCTION

1, 5, 6 and 7 are highly sensitive. Discussions with the Heritage NSW Aboriginal Heritage Officers and the local Aboriginal community prior ing any hazard reduction works. Do not proceed if a annot be reached.

eletal remains are located (and it cannot be hey are a known Aboriginal burial) then the Police ed and the immediate location treated as a "crime

of an Aboriginal Place, every effort must be made to proposal with an Heritage NSW Aboriginal Heritage Officers and the local Aboriginal community prior ing any hazard reduction works.

nagement plan is in place, work should be vith that plan.

high likelihood that sites from the other groupings eneral vicinity.

> the method involves the use of mechanical machinery to maintain existing fire trails,

Table 3. Hazard Reduction Risk Matrix

METHOD	SITE GROUP				
	SITE GROUP 1	SITE GROUP 2	SITE GROUP 3	SITE GROUP 4	SITE GROUP 5
Manual clearing- hand tools	MEDIUM	LOW	LOW	MEDIUM	MEDIUM
and hand held machinery		preferred	preferred		
(MANCLR)		method	method		
Prescribed Burn	LOW	LOW	HIGH	LOW	LOW
(PRESBU)	preferred method (low intensity)			preferred method (low intensity)	preferred method (low intensity)
Herbicides and other chemicals	LOW	MEDIUM	HIGH	LOW	LOW
(HERBIC)					
Slashing, trittering and reach, flail-arm or side arm mowers	HIGH	HIGH	HIGH	HIGH	HIGH
(SLASHT)					
Chainsaw/tree removal	HIGH	HIGH	HIGH	HIGH	HIGH
(CHAINS)					
Earthmoving machinery- bulldozer	HIGH	HIGH	HIGH	HIGH	HIGH
(BULDOZ)					

General Site Protection Considerations 4.

When hazard reduction proposals are assessed under the Code, officers must ensure they act in accordance with the following:

- > Ensure that the person/s undertaking the works recognises that all aspects of all Aboriginal sites must be treated with respect, keeping in mind that things of significance are not always apparent when one is not familiar with different belief systems;
- > Partake in discussions with personnel undertaking the hazard reduction activities to ensure that they understand and respect cultural values, including respect for confidentiality of sites, and their role in being stewards for Aboriginal people and Australian history;
- > Recognise that the local Aboriginal community will have important ties to these features and that relationships with the Aboriginal community should be fostered (for example, the Local Aboriginal Land Council).

BUSH FIRE ENVIRONMENTAL ASSESSMENT CODE CONDITIONS FOR HAZARD REDUCTION AND ABORIGINAL HERITAGE

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