

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

Introduction

This paper is a component of the Bush Fire Environmental Assessment Code. As such, a level of understanding of the Code will assist in comprehending this paper, particularly in regard to matters such as terminology.

The Code and related documents can be located at www.rfs.nsw.gov.au, (*then policies and business, and then hazard reduction*).

Nevertheless, it is important to note that the Code provides for a streamlined environmental assessment process for hazard reduction works under certain circumstances. The Code identifies issues of environmental concern. Works which are likely to impact on these environmental concerns are required to be carried out in accordance with described conditions.

This paper provides the conditions that are to be adhered to when Department of Environment and Heritage advises that Aboriginal heritage may occur at a site. The process of consultation that must be followed with DEC is described within the Code.

Aboriginal Heritage Information Management System (AHIMS) Reports

The AHIMS is used by DEC to determine whether Aboriginal heritage occurs in the area that is proposed to be hazard reduced. The subsequent report from DEC details the type/s of Aboriginal site and its/their location.

Determining Appropriate Conditions

There are three tables (attached) which must be referred to when determining the appropriate conditions to apply to a hazard reduction when Aboriginal heritage occurs at the site.

Site Features Table

There are currently twenty different types of site features recognised by DEC. These site features have an associated three lettered code which appears on the reports from DEC. For example, grinding grooves are a recognised type of feature which are coded as GDG. The complete list of different site features, their code and a description of the site feature is contained in this paper.

Site Features Grouping and Site Protection Conditions Table

Site Feature Groupings

Site features are grouped into five categories on the basis that they respond to the various forms of hazard reduction similarly.

Site Protection Conditions

The site protection conditions are linked to the five different site feature groups. Conditions selected will depend upon which hazard reduction method/s is/are to be implemented.

Hazard Reduction Risk Rating Matrix Table

The report from DEC also attributes a risk rating to any identified site features. This matrix relates to the site feature groupings. There may be different risk ratings depending on the type of hazard reduction to be used. Only methods rated as low or medium may be used for the purpose of issuing a Bush Fire Hazard Reduction Certificate.

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General Site Protection Considerations

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

- Ensure that hazard reduction activities are only approved if the method is rated as LOW or MEDIUM and use the preferred method unless there is valid reason (e.g. safety) to use another appropriate method;
- 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);
- Address all relevant conditions 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 then RFS Head Office must be contacted;
- Ensure conditions are addressed for at least 100 metres in all directions from the identified site location. In addition, it is to be made clear to the person/s carrying out the works that any other areas that contain features similar to the identified site features must also be hazard reduced in accordance with the relevant conditions;

General Conditions

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

- 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 DEC; and
- If an unregistered site is discovered during works then site must be treated with appropriate conditions as described in the table, and details of discovery provided to DEC.

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TABLE 1: SITE FEATURES

Site Features	Site Feature Code	Site Feature Description
1. Aboriginal Ceremory and Dreaming	ACD	previously referred to as mythological sites these are spritual/story places where no physical evidence of previous use of the place may occur, eg natural unmodified landscape features, ceremonial or spiritual areas, men's/women's sites, dreaming (creation) tracks, marriage places etc
2. Aboriginal Resource and Gathering	ARG	related to everyday activities such as food gathering, hunting, or collection and manufacture of materials and goods for use or trade. Contact should be made with the local Aboriginal community before undertaking hazard reduction activities to identify the specific plant resources used for resource and gathering around site to ensure their protection.
3. Art	ART	art surfaces which may be painted, abraded, pitted or engraved for the purpose of ceremony and/or self expression on the part of the artist
4. Artefacts	AFT	objects such as stone tools, spears, manuports, grindstones, discarded stone flakes, modified glass or shell demonstrating evidence of use of the area by Aboriginal people
5. Burials	BUR	a traditional or contemporary burial of an Aboriginal person which may occur outside designated cemeteries and may not be marked, eg in caves, marked by stone cairns, in sand areas, along creek banks etc
6. Ceremonial Ring	CMR	bora grounds where initiations occurred
7. Conflict	CFT	previously referred to as massacre sites where confrontations occurred between (1) Aboriginal and non-Aboriginal people, or (2) between different Aboriginal groups
8. Earth mound	ETM	a mound of earth which may be associated with ceremonial activities, eg bora grounds, or may be a bi-product of continued traditional and contemporary use of an area, eg shell midden
9. Fish Trap	FSH	can be a modified or unmodified area on watercourses where fish were trapped for short term storage and gathering
10. Grinding Grooves	GDG	a groove in a rock surface resulting from manufacture of stone tools such as ground edge axes and spears, may also include rounded depressions resulting from grinding of seeds and grains.
11. Habitation Structure	HAB	structures produced by, or for, Aboriginal people for short or long-term shelter. More ephemeral structures are commonly preserved away from the NSW coastline, may include historic camps of contemporary significance such as Aboriginal mission and reserves. 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.
12. Hearth	HTH	the remains of a campsite or tool manufacture/reworking location which is marked by hearth stones, usually also contains charcoal and may also contain heat treated stone fragments
13. Modified Tree	TRE	mature tree species 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	BOM	objects which can be found within archaeological 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 surface artefacts may or may not have been identified and where further subsurface artefacts and/or other cultural materials are thought likely to occur
17. Shell	SHL	an accumulation of shell from beach or estuarine crustacean species resulting from Aboriginal gathering and consumption, usually found in deposits previously referred to as shell middens in association with other objects like stone tools, fish bones, 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 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 (eg waterbirds, eels, clays, reeds etc)

NOTE:

Multiple site features within the one Aboriginal site: For any Aboriginal site listed in an AHIMS Aboriginal site report there may be more than one site features within the "List of Features" column of the report. For example [ART, BUR, CMR & TRE] would indicate Art, Burial, Ceremonial Ring and Tree features for the site. While these features might have different Preferred Hazard Reduction methods (and may fall into different Site Groups for the purpose of determining the Preferred Hazard Reduction method) a single HR method will still be recommended.

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TABLE 2: SITE GROUPING & SITE PROTECTION CONDITIONS

	Site Group 1	Site Group 2	Site Group 3	Site Group 4	Site Group 5
Site Features in each Site Group	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)	3. Art (ART) 10. Grinding Groove (GRG)	2. Abl Resource & Gathering (ARG) 11. Habitation Structure (HAB) 13. Modified Tree (TRE) 20. Water Hole (WTR)	9. Fish Trap (FSH) 18. Stone Arrangement (STA) 19. Stone Quarry (STQ)	1. Abl Ceremony & Dreaming (ACD) 5. Burial (BUR) 6. Ceremonial Ring (CMR) 7. Conflict (CFT)
<u>Site Protection Conditions for Hazard Reduction</u>	<p>Do not break earth around known sites, especially where there is surface evidence of artefacts, shell, charcoal or ochre.</p> <p>Any surface impact adjacent to site must be immediately returned to previous state, a note made of site location, and details of site disturbance provided to DEC.</p> <p>Vehicles or heavy equipment must not be used on or within these sites unless a path exists that will not damage the site</p> <p>Vegetation which is screening the site must not be damaged.</p> <p>There must be no slashing/trittering of vegetation, no tree removal, and no use of earthmoving equipment such as bulldozers.</p> <p>If using fire place the control lines well away from the site.</p>	<p>If burning, loose leaf litter must be carefully removed from rock platforms and from under overhangs. Leaf litter is to be returned to the site after the fire as site may be covered for protection from vandalism.</p> <p>If using fire place the control lines well away from the site.</p> <p>Heavy equipment (including vehicles) must not be used on rock platforms, or within 10 metres of sites unless there is an existing road available for use.</p> <p>If burning, rake loose leaf litter away from vegetation in the vicinity of the site if smoke is likely to impact upon rock paintings.</p> <p>No use of chemicals or other retardants within 20 metres of art sites. If windy the distance is to be extended to 50 metres.</p> <p>Vegetation which is screening the site must not be damaged.</p> <p>There must be no slashing/trittering of vegetation, no tree removal, and no use of earthmoving equipment such as bulldozers.</p>	<p>Loose leaf litter and low ground cover is to be manually cleared by raking for 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.</p> <p>If using fire place the control lines well away from the site.</p> <p>Trees 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.</p> <p>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.</p> <p>There must be no slashing/trittering of vegetation, no tree removal, and no use of earthmoving equipment such as bulldozers.</p> <p><i>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.</i></p>	<p>Do not move loose stones (i.e. to create a “natural fire break”), especially where they have been already grouped or arranged.</p> <p>Heavy machinery is not to be used in these areas or adjacent to these types of sites.</p> <p>Do not drive vehicles or use heavy equipment within these sites unless a path exists that will not damage the site.</p> <p>Vegetation which is screening the site must not be damaged.</p> <p>There must be no slashing/trittering of vegetation, no tree removal, and no use of earthmoving equipment such as bulldozers.</p> <p>If using fire place the control lines well away from the site.</p> <p><i>Note: there is a high likelihood that other sites from Grouping 1 will be in the general vicinity.</i></p>	<p>There must be no slashing/trittering of vegetation, no tree removal, and no use of earthmoving equipment such as bulldozers.</p> <p>There must be no breaking of earth near known sites of this group, especially near burials and ceremonial rings.</p> <p>If human skeletal remains are located (and it cannot be confirmed they are a known Aboriginal burial) then the Police must be called and the immediate location treated as a “crime scene”.</p> <p>Vehicles or heavy equipment must not be used on or within these sites unless on established vehicular access.</p> <p>Vegetation which is screening the site must not be damaged.</p> <p>If using fire place the control lines well away from the site.</p> <p><i>These types of sites are highly sensitive. Discussions must be held between the RFS and DEC Aboriginal Heritage Conservation Officer and the local Aboriginal people prior to undertaking any hazard reduction works. Do not proceed if a resolution cannot be reached.</i></p> <p><i>Note: there is a high likelihood that sites from the other groupings will be in the general vicinity.</i></p>

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TABLE 3: HAZARD REDUCTION RISK MATRIX

Preferred HR method	Prescribed Burn (Low Intensity)	Manual Clearing	Manual Clearing	Prescribed Burn (Low Intensity)	Prescribed Burn (Low Intensity)
HR impact risk rating matrix	Site Group 1	Site Group 2	Site Group 3	Site Group 4	Site Group 5
Manual clearing and raking (MANCLR)	MEDIUM	LOW	LOW	MEDIUM	MEDIUM
Prescribed Burn (PRESBU)	LOW	LOW	HIGH	LOW	LOW
Herbicides and other chemicals (HERBIC)	LOW	MEDIUM	HIGH	LOW	LOW
Slashing and Trittling (SLASHT)	HIGH	HIGH	HIGH	HIGH	HIGH
Chainsaw/ Heavy Clearing (CHAINS)	HIGH	HIGH	HIGH	HIGH	HIGH
Bulldozer/ Mechanical clearing (BULDOZ)	HIGH	HIGH	HIGH	HIGH	HIGH

Definitions used in Aboriginal sites and Hazard Reduction Matrix:

- **Site Group:** Used in matrix to group sites by like environmental variables, ie relative to likely fire & hazard reduction impacts. Doesn't indicate any grouping of sites features on ground.
- **Preferred HR method:** The most suitable HR method for each site feature (as grouped). HR method must be used in line with Site Protection Conditions.
- **HR impact risk rating (LOW):** Where HR method is carried out (in recommended manner) adjacent to a known site there will be a low likelihood that the site would be impacted upon.
- **HR impact risk rating (MEDIUM):** Where HR method is carried out adjacent to a site there will be a medium likelihood that the site would be impacted upon.
- **HR impact risk rating (HIGH):** Where HR method is carried out adjacent to a site there is a high likelihood that the site would be damaged. Method not to be used near known sites.



THE ABORIGINAL HERITAGE INFORMATION MANAGEMENT SYSTEM (AHIMS)
HAZARD REDUCTION CERTIFICATES

What is AHIMS?

The Department of Environment and Conservation (DEC) maintains the Aboriginal Heritage Information Management System (AHIMS). AHIMS has replaced the previous NSW Aboriginal Site Register and includes a computer database and recording cards for all recorded Aboriginal objects, Aboriginal places and other Aboriginal heritage values¹ in NSW that have been reported to DEC. In addition AHIMS contains a database index of archaeological reports and a library of these reports.

What information is available?

Information relating to recorded Aboriginal objects, Aboriginal places and other Aboriginal heritage values in a particular area may be made available upon request. A preferred method of hazard reduction is provided to the issuing authority/certifying authority requesting the information.

DEC only holds information about known Aboriginal Objects or Places. It is therefore important that care is taken when conducting any activity that might damage or destroy Aboriginal objects or places. Whenever new Aboriginal objects or places are identified they should be protected from impact and DEC must be advised immediately. Of particular importance are Aboriginal Burials. Where skeletal material is discovered during hazard reduction activity, the police should be contacted immediately and the area treated as a potential crime scene. The police will determine if the area is a crime scene and contact DEC if the remains appear to be of Aboriginal origin.

The information is available in the form of a specialised report from AHIMS. This report lists all recorded objects, places and values within and/or surrounding the area of interest, with each record including the identifying number, name, feature types, Australian Map Grid (AMG) co-ordinates identifying the location of the object, place or value, hazard reduction methods and impact ratings.

If the area of interest is particularly large or contains data of a sensitive nature, an Aboriginal Heritage Information Licence Agreement (AHILA) may be required. This is an agreement between Department of Environment and Conservation and the issuing authority/certifying authority, and is designed to ensure that any data supplied under the agreement is used appropriately.

When must an application for a hazard reduction certificate be referred to AHIMS?

The *Bushfire Environmental Assessment Code for Asset Protection Zones and Strategic Fire Advantage Zones 2003* (Bushfire Environmental Assessment Code) indicates that the issuing authority/certifying authority must refer the application to AHIMS in the following circumstances:

- *slashing* areas not previously subject to slashing, trittering, removal of many trees, or earthworks;
- *trittering* areas previously subject to slashing, or areas not previously subject to trittering, significant tree removal, or earthworks;
- *removal of trees* (greater than 100cm diameter at breast height).

¹ Aboriginal objects, Aboriginal places and Aboriginal heritage values may be referred to as Aboriginal sites



What needs to be provided to AHIMS when referring a hazard reduction certificate?

The Bushfire Environmental Assessment Code indicates that the issuing/certifying authority must provide AHIMS with a full copy of the applicant's application for a certificate, and any other relevant information held by the issuing/certifying authority necessary to ascertain the location of the proposed hazard reduction works.

Issuing/certifying authorities that have an AHILA in place with Department of Environment and Conservation (DEC) are not required to refer to AHIMS (for the areas subject to the AHILA) unless records indicate that Aboriginal sites are in the area subjected to the hazard reduction works. In these circumstances, the issuing/certifying authority is required to submit details of the proposed activity to AHIMS to determine the matter.

The minimum information required by AHIMS to process a hazard reduction certificate follows:

- The issuing/certifying authority name
- Contact details of the person requesting information (this includes contact name, phone number and address details)
- The purpose for which the information is required (including any departmental identifier used to identify the particular hazard reduction certificate job being processed)
- A copy of the topographic map with the area of interest clearly marked, full grid coordinates, a street directory diagram, or a Lot/DP diagram.

How long does an application referred to AHIMS take?

The Bushfire Environmental Assessment Code indicates that a response will be provided to the issuing/certifying authority within 3 working days. The response will detail any Aboriginal sites of concern and the management actions that are to be undertaken and incorporated as a condition of a certificate being issued. The 3 working day turnaround commences upon receipt of all documents required by AHIMS for a hazard reduction certificate.

If AHIMS does not meet the 3 working day turnaround then the issuing/certifying authority may proceed to process the application

Is there charge for the service?

There is no charge for the service provided to issuing/certifying authorities. A charge may be incurred for an AHILA.

For further information regarding AHIMS please find contact details following:

Aboriginal Information Officers
(02) 9585 6345
(02) 9585 6471

AHIMS Administrator
(02) 9585 6513

AHIMS Registrar
(02) 9585 6470

Email: ahims@environment.nsw.gov.au
Fax: (02) 9585 6094

For further information regarding