

**RURAL FIRE SERVICE AMENDMENT (BUSH FIRE PREVENTION) BILL 2015****Bill introduced on motion by Mr David Elliott, read a first time and printed.****Second Reading****Mr DAVID ELLIOTT** (Baulkham Hills—Minister for Corrections, Minister for Emergency Services, and Minister for Veterans Affairs) [4.00 p.m.]: I move:

That this bill be now read a second time.

The 10/50 Vegetation Clearing Scheme was introduced in New South Wales following the destruction of the October 2013 bushfires. Those fires left a devastating toll on people living in the Blue Mountains and across other parts of the State, including the Hunter and Port Stephens. Many properties were extensively damaged and homes lost. The Government's response was swift. We provided more than \$13.6 million in funding in a range of packages for affected communities, including clean-up, disposal and much-needed support for their ongoing recovery. On 1 August 2014 this Government introduced the 10/50 Vegetation Clearing Scheme. The philosophy behind the scheme was simple: to protect lives and livelihood. We wanted to make sure that people living in bushfire-prone areas had a greater ability to protect their homes by removing obstacles such as the requirement to obtain approvals before trees or vegetation could be cleared. Giving home owners in high-risk areas the opportunity to minimise fuel loads and fire risk around their homes is a key bushfire preparation activity.

On 1 October 2014 the NSW Rural Fire Service announced its review of the 10/50 Vegetation Clearing Scheme. This was in response to community concerns that in certain areas the scheme was being used for purposes other than bushfire protection. The spirit of 10/50 is to enable people to guard their homes against bushfire with a minimum amount of red tape. It is not to improve your views or increase the value of your home. The proposal to bring forward the review was strongly supported. This is reflected in the more than 3,500 submissions received. To assist with the review, a working group was established comprising representatives from the NSW Rural Fire Service, Department of Planning and Environment, Department of Justice (Police and Emergency Services) and the Office of Environment and Heritage. I thank Minister Speakman and Minister Stokes for the invaluable contribution of their agencies.

Together, the working group has made 30 recommendations that will significantly improve the 10/50 Vegetation Clearing Scheme in New South Wales. The findings of the review are resoundingly positive for the community. The result is a stronger, more integrated framework for bushfire prevention in New South Wales. We will protect environmentally sensitive areas—world heritage areas, Ramsar wetlands, certain koala habitats, mangroves and saltmarshes, littoral rainforest, coastal wetlands, certain critically endangered ecological communities, plants and critical habitats and other areas of high environmental significance—by excluding them from the operation of 10/50. They are all to be safeguarded.

We will see a greater relationship between 10/50 and planning arrangements through controls to prevent clearing of vegetation required to be retained as a condition of development consent or any Land and Environment Court orders; clarity that exempt and complying development structures such as decks cannot be used to extend the development footprint to enable trees or vegetation to be removed under the 10/50 scheme; and restrictions to prevent owners of buildings under construction from accessing 10/50 until an occupation certificate is issued. We are focusing the scheme on the types of vegetation that are particularly likely to lead to dangerous fires.

The management of bushfire risk has been strengthened through the retention of category 1 vegetation, which includes forests, woodland and heath greater than one hectare in size and carries a higher bushfire risk. A new category 3, which will include grasslands and arid shrublands, is being established. This category will be included in the 10/50 scheme, ensuring that people who live in rural and regional areas can continue to access vegetation clearing arrangements. Lower risk vegetation such as rainforest and small isolated pockets of vegetation, are being removed from the 10/50 scheme. The vast majority of changes to the way the 10/50 Vegetation Clearing Scheme works will occur through an update to the 10/50 Vegetation Clearing Code of Practice.

Copies of the 10/50 Vegetation Clearing Code of Practice will be able available from the NSW Rural Fire Service website—[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)—when the new arrangements come into force. However, some machinery amendments to improve its legislative framework are being made through this bill. The term "tree" under section 100P of the Rural Fires Act 1997 will be amended to include trees with multiple stems within the definition. Section 100R will also be amended to clarify that a landowner can remove the whole tree if part of the trunk of the tree falls within 10 metres of the external wall of a building. This rectifies the confusion that landowners had on their ability to remove trees that fell partly within the 10-metre rule.

The bill also amends section 100R to require a landowner to obtain written consent from their neighbour if they want to remove a tree or vegetation on their property that falls within 10 metres or 50 metres of their neighbour's home. This responds to concerns raised during the review that trees or vegetation that were being relied upon by a person's neighbour for shade or privacy were being removed. The amendment also addresses complaints regarding the clearing of land for development purposes. If no consent is given, the landowner will be required to adopt other processes available to remove the tree or vegetation, such as applying for approval through council.

An important amendment being made through this bill is the extension of the 10/50 scheme for farm sheds. For those members who live in rural and regional areas, we know that a person's farm shed is their livelihood. It is the place where tractors and assets that are critical to primary production are housed. The ability for primary producers to clear under the 10/50 scheme is consistent with other arrangements, such as provisions that exist for routine agricultural management activities under the Native Vegetation Act 2003. To be able to access the vegetation clearing provisions, certain criteria must be met. For example, the farm shed must be situated on land that is in one of three land use zones—primary production, rural landscape or primary production small lots.

The farm shed must have a floor area of more than 50 square metres and used for the purpose of carrying on a primary production business such as dairy farming, poultry farming or aquaculture. The shed must not be moveable. This is to prevent any unnecessary vegetation clearing from being undertaken. Plant nurseries not included in the definition. If a farm shed is being used for processing products, the majority of those products must be produced on the property in which the farm shed is situated. Amendments are also being made to the Rural Fires Act 1997 to permit authorised bush fire hazard reduction and vegetation clearing works under a number of Acts. These include the Native Vegetation Act 2003, the Fisheries Management Act 1994 and the Soil Conservation Act 1938.

The amendments will improve the way in which bush fire hazard reduction work under the 10/50 scheme or through a bush fire hazard reduction certificate is undertaken. The bill also clarifies that people who do not comply with the conditions set out in the 10/50 Vegetation Clearing Code of Practice or a bush fire hazard reduction certificate may be liable to offences under those Acts. Section 100R (7) states that vegetation clearing must not be carried out unless it is in accordance with the 10/50 code of practice. Similarly, section 100C (4) will be amended to state that a person may undertake bushfire hazard reduction work without any requirements for assessment or approval only if:

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- (a) work is carried out in accordance with a bush fire risk management plan that applies to the land, and
- (b) there is a bush fire hazard reduction certificate in force in respect of the work being done and the work is carried out in accordance with any conditions specified in the certificate, and
- (c) the work is carried out in accordance with the provisions of any bush fire code applying to the land specified in the certificate.

Failure to comply with those requirements when the works are carried out may expose a person to offences under the identified Acts in section 100C (5). That message will be clearly conveyed when a bushfire hazard reduction certificate is issued. The amendments before us today, together with the

amendments that will be made to the 10/50 Vegetation Clearing Code of Practice, strike a better balance between the rights of people to protect their homes and the responsibilities that we have to our environment.

The NSW Rural Fire Service report entitled "Review of the 10/50 vegetation clearing entitlement scheme" will be made available on the Rural Fire Service website. Landowners will be able to find out how the new arrangements will apply to them through the NSW Rural Fire Service online tool. That means that property owners will not have to check with their councils or agencies to find out if the exclusion applies—once again, reducing green tape. The NSW Rural Fire Service frequently asked questions information and its website will also provide advice on the new arrangements. I commend the bill to the House.

**Debate adjourned on motion by Mr Guy Zangari and set down as an order of a day for a future day.**