



Your details

Submission details

I am making this submission as

A member of the general public

Submission type

I am making a personal submission

Consent to make submission public

I would like this submission to remain anonymous

Share your experience or tell your story

Terms of Reference (optional)

The Inquiry welcomes submissions that address the particular matters identified in its [Terms of Reference](#).

1.2 Preparation and planning

see comments uploaded

Supporting documents or images

Attach files

- Bush Fire Inquiry 10-50 Clearance code.docx
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The 2019/20 bushfires resulted from unprecedented, catastrophic fire conditions and I support the Bush Fire Inquiry.

However, I am concerned that the Inquiry may seek to increase tree removal and vegetation cleared under the existing 10/50 rule. This rule should be subject to a separate independent Inquiry and not altered as a knee-jerk reaction to the recent bushfires.

The 10/50 rule was introduced to allow landowners to protect their property from bushfires, but has been abused by many to clear trees simply to improve views and allow further development on their land. There has been a significant reduction in our tree canopy since this rule was introduced.

Allowing landowners to clear land on all sides of a property is unnecessary; the same protection from bushfires can be achieved by clearing on the 'hazard' side only.

The mapping tool should be used as a guide only, and all properties should be assessed by an expert authorised by RFS before any tree clearing is allowed.

Note that the 10/50 rule as set out in the Rural Fires Act 1997 has been widely misused and resulted in clearing of trees and native vegetation for non-fire related purposes, including to allow development, reduce leaf-fall and

NSW Bushfire Inquiry - Terms of Reference Point 2 (current laws) and Point 5 (Preparation and planning for future bushfire threats and risks). The following concerns are raised with regard to the RFS 10/50 Clearing Code:

- The ongoing loss of trees in RFS 10/50 Clearing Code entitlement areas in many instances appears to have little to do with bushfire risk or hazard reduction.
- The Code has caused significant unintended consequences including impacts from reduced tree canopy cover.
- Vegetation should be assessed by experts from or accredited by the RFS to determine the bush fire risk, rather than having the responsibility assigned to landowners. Self assessment is still too complex for landowners to determine whether clearance is legal and whether valuable environmental assets are being unknowingly removed.
- Allowing clearing without approval is likely to result in environmental considerations being either disregarded or inadequately assessed.
- The practice of removing all trees within 10 metres and all vegetation within 50 metres of a habitable dwelling (10/50) is inconsistent with many recommendations of the recently gazetted Planning for Bushfire Protection 2018. PBP recommends clearing on the hazard side of a dwelling, 10/50 permits it on all four sides of a dwelling.
- Most property losses during the 2020 bushfire season were due to severe to catastrophic intensity of the fires which no amount of tree or vegetation clearing could ameliorate. Even already burnt grasslands were re-igniting. Spot fires occurred kilometres from the fire front regardless of any APZ, resulting in the failure of most APZs.
- Clearing into National Parks and council land for asset protection to bordering properties must not be allowed. The area of public land that would be cleared would not be acceptable. Habitat connectivity would be impacted.
- Native vegetation should not be cleared without a well-informed assessment, particularly if it is only a low bush fire risk. The environment should be a key consideration in managing bush fires. Many homeowners are unlikely to know what threatened species, habitat values and other environmental matters should be considered.
- The RFS must regain its role in providing onsite advice and approval for hazard reduction activities. Property owners have confidence in RFS advice. People should be encouraged to ask for assistance from qualified officers to help assess environmental and bush fire management matters, not rely on poorly informed self assessment.
- NSW RFS had a streamlined environmental approval process in place that enabled assessment of bush fire hazard reduction activities. The Bush Fire Environmental Assessment Code provided for hazard management appropriate to individual sites and identified vegetation management that does not need to involve removal of all vegetation.
- Vegetation management should be promoted as just one of a suite of bush fire prevention measures, and not as the only solution. Lessening engagement by the Rural Fire Service with at-risk communities has reduced the important role it plays in advising homeowners in other key bush fire management and maintenance measures.
- Homeowners need to notify the RFS and relevant councils of vegetation clearance proposed so local fire managers have an up-to-date understanding of the clearance being undertaken. Monitoring vegetation clearance carried out under the Code is not possible without having a reporting process in place.
- The mapping tool is inaccurate with buffer zones not aligning with borders of vegetation hazards. Numerous properties are caught in the entitlement areas that should not be included. The entitlement areas apply even if only one or two square metres of a property are within a buffer zone. This allows unnecessary tree removal as well as significantly increasing building costs. There should be a mechanism whereby individuals can get incorrectly assessed properties removed from the entitlement areas, making alterations or new homes less costly.
- A 5-year Statutory Review has not yet taken place. A formal review was commenced following only two months of the scheme's operation, rather than two years operation as was the original intent of the legislation. It is therefore questionable whether any review has been done that assesses the full impact of the Code over time.
- The policy objectives of the Code no longer remain valid, the scheme's terms are no longer appropriate for securing those objectives and there have been significant unintended outcomes.
- Opportunities to reduce bushfire hazards that are legal and lawful are welcome. However, at a time when there is still ongoing removal of healthy trees under the 10/50 scheme that appear to have little to do with bushfire hazard protection, and where reversing the decline in tree canopy is a key objective of the Greater Sydney Commission, a formal review of the RFS 10/50 Clearing Code should be undertaken, separate to this Bushfire Inquiry.

improve access to views