

BUSH FIRE ENVIRONMENTAL ASSESSMENT CODE - SUPPORTING DOCUMENT

APPLICABLE LAND MANAGEMENT AGREEMENTS, ORDERS AND DIRECTIONS

July 2021

1. Preamble

The Bush Fire Environmental Assessment Code (Code) provides for a 'one-stop shop' streamlined environmental assessment and approval process for mechanical and burning methods for undertaking bush fire hazard reduction work. Issuing authorities and certifying authorities can use this Code to determine Bush Fire Hazard Reduction Certificates (Certificates) that authorise the carrying out of the identified bush fire hazard reduction works in accordance with section 100C of the *Rural Fires Act 1997*.

The Code identifies potential issues of environmental concern. Works which may impact on these environmental concerns are required to be carried out in accordance with the provided conditions. The Code also identifies those circumstances for which a Certificate may not be issued based on the potential environmental impact. In these cases, a more comprehensive assessment of the potential impact is required under the relevant environmental legislation.

The Code and related documents can be located at www.rfs.nsw.gov.au

This document has been prepared by the NSW Rural Fire Service in consultation with the Department of Planning, Industry and Environment.

2. Introduction

This document is for the use of issuing and certifying authorities (those public authorities specified in the Code and the *Rural Fires Act 1997*) when identifying land management agreements, orders and directions that apply for the purpose of Clause 2.6 and 2.7 of the Code.

This document has been developed to support the Code. As such, a level of understanding of the Code will assist in comprehending this document.

3. Land management agreements

The following constitute land management agreements for the purpose of Clause 2.6 of the Code:

- 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*.

4. Orders and Directions

The following constitute orders and directions for the purpose of Clause 2.7 of the Code under the following legislation:

- *Criminal Appeal Act 1912*,
- *District Court Act 1973*,
- *Land and Environment Court Act 1979*,
- *Local Court Act 2007*,
- *Supreme Court Act 1970*,
- *National Parks and Wildlife Act 1974*,
- *Fisheries Management Act 1994*
- *Protection of the Environment Operations Act 1997*,
- *Local Government Act 1993*,
- *Local Land Services Act 2013*,
- *Biodiversity Conservation Act 2016*, or
- *Coastal Management Act 2016*.

This includes but is not limited to the following orders and directions:

- 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).