

Submission To The Native Vegetation Inquiry Productivity Commission

**Country Fire Authority
July 2003**

Introduction

The management of the vegetative fuel in bushland areas is a key bushfire prevention and suppression activity. This can have profound impacts on biodiversity. However, some techniques for managing fuel can also have positive benefits for the natural environment. The purpose of this submission is to raise issues relevant to native vegetation management requirements and the need to modify vegetation to reduce fuel levels for fire management purposes.

Relevant Terms of Reference

The following terms of reference of the Productivity Commission inquiry are relevant:

- (a) the impacts on sustainability, property and flow on effects to regional communities, arising from the regulation of native vegetation clearance and/or biodiversity conservation, including:
- (i) both positive and negative impacts;
 - (ii) the level of understanding of the relevant legislative and regulatory regimes among stakeholders; ...
 - (iv) the extent to which existing government measures are mitigating any negative impacts;

CFA Role and Interest

The Country Fire Authority (CFA) is responsible for fire prevention and suppression within rural Victoria for land outside the Metropolitan Fire District and the Fire Protected Area, which includes forests, parks and reserves managed by the Department of Sustainability and Environment. The CFA is a community-based emergency service organisation that operates in the rural, provincial, and urban communities of Victoria.

In fulfilling its statutory responsibilities, CFA provides a range of services to assist the community in the management of risks arising from fire and other emergency incidents. These include:

- policy for the prevention and suppression of fires in rural Victoria;
- education of the community about fires and emergencies;
- community development programs to enhance the capacity of the community for self-protection;

- prevention and preparedness activities; and
- incident suppression to deal with fire and emergencies when they occur.

In addressing its charter CFA has adopted a risk management approach. It identifies risks of uncontrolled fire by assessing their likelihood and consequence and develops treatments to manage, avoid, minimise or share the risks with other stakeholders.

The CFA has responsibilities under other Acts and subordinate regulatory mechanisms such as planning schemes. As a statutory body it aligns its activities with the policies promulgated by the state government such as the policy of environmental sustainability.

CFA has developed an Environment Policy and aims to deliver its services in a safe, efficient and effective manner while protecting the environment wherever possible for current and future generations. This Policy recognises the importance of protecting biodiversity as a key step towards achieving sustainable and productive landscapes.

The Key Issue

The values of biodiversity and community safety are often held in conflict. Specifically, disagreements arise when dealing with clearing for fire protection and suppression, and the maintenance of biodiversity. A positive solution would acknowledge different values and to provide mechanisms that are sufficiently flexible to accommodate them.

While the CFA charter deals with safety, it recognises that it is simplistic to assert that safety is paramount and should take precedence over all other values.

Much is known about the behaviour of people and wildfires. The urban myth that wildfires are issues for rural people was destroyed last summer when wildfires entered the urban areas of Canberra. The dramatic nature of the occurrence placed the importance of wildfire into the urban consciousness as never before.

The CFA encourages property owners to prepare for wildfire events. People can achieve major reductions to the risk through:

- appropriate behaviour before and during an emergency;
- the management of the vegetation within the vicinity of their dwellings; and,
- the design and location of new houses, and provision of access and water supplies.

Thus fuel reduction is a key risk reduction treatment, others include ignition prevention, land use planning and building controls, and asset and personal protection facilitated through community development programs.

One of the barriers to balancing biodiversity and community safety objectives is the lack of understanding of the role of fire in biodiversity management. Fire is an integral part of the Australian environment and has operated over geological time to influence the composition, structure, function and sustainability of ecosystems. Australian vegetation and the wildlife it supports have evolved in response to fire and are largely dependent upon fire. Whilst many people regard fire as a significant threat to biodiversity in Victoria, CFA supports the view that burning under appropriate regimes (frequency, intensity, season and extent of fire) can assist biodiversity.

Fire (both planned and wildfire) contributes to a patchwork of vegetation ages (since last burnt) and resulting composition. Ideally each vegetation type should have a diversity of ages since last fire. This makes the vegetation and the habitat it provides more resilient to major disturbances such as large fires or pest outbreaks.

While fuel reduction using fire as a tool can have beneficial effects on biodiversity values, other ways of managing fuels can be damaging. The use of non-selective herbicides and the creation of bare earth firebreaks are both techniques used in the management of bushland.

The challenge for land managers is to balance both protection and ecological objectives wherever possible

Impact of the Environment Protection and Biodiversity Conservation Act 1999 on Fire Management

CFA understands that the EPBC Act, unlike other environmental legislation, such as Victoria's Environment Protection Act, does not provide any exemptions for unavoidable consequences of emergency management.

The EPBC Act requires prior Commonwealth approval of actions which may harm matters of environmental significance, including world heritage areas, Ramsar wetlands, and areas of threatened or migratory species. The Victorian Flora and Fauna Guarantee Act 1988 requires public authorities such as CFA to have regard to flora and fauna conservation and management principles.

Fire Suppression

Protection of the environment during wildfire suppression requires an appropriately trained workforce with timely access to information on the location and management requirements of matters likely to be affected by control strategies.

In an emergency situation, where timely action is critical, it may not always be possible to protect both environmental assets and life or property. Provision of environmental expertise is also expected to be difficult at smaller incidents

CFA believes that consideration should be given to including clear exemptions in the EPBC Act for reasonable actions needed to carry out emergency response to wildfire. .

Fire Prevention Works by CFA

Fire prevention works may be carried out by CFA at the request of or with the permission of the owner occupier or responsible authority of the land in question under section 42, CFA Act 1958.

CFA has committed substantial resources to increasing awareness and management of environmental issues. We also support further resourcing of environmental agencies to assist land owners and managers (such as municipal councils) in identifying ways of protecting matters of environmental significance. The specialist resources required can be beyond the reach of many individuals and organisations.

CFA considers that the owner or manager of the land in question should be required to take responsibility for ensuring that environmental issues are addressed. CFA considers that it is inappropriate to pass on land and resource management responsibilities to service providers such as fire services carrying out fire prevention works for the land owner or manager.

There may be conflicts between fire prevention and biodiversity management. However, the risk of damage to native vegetation or other protected matters from fire prevention is considered to be relatively low where good practices are employed.

CFA considers that exemptions to the EPBC Act requirements or permits be considered in cases where conflicts between environmental care and fire prevention cannot be resolved.

Integration of Planning for Biodiversity and Community Safety

CFA is involved with local government in a range of planning and regulatory activities, which can affect native vegetation. These activities should be recognised in the strategic exercises of bodies that deal with biodiversity matters, so that where possible, conflicts can be avoided and objectives can be integrated. The following are examples:

Municipal Fire Prevention Plans

Local government in rural Victoria is responsible, under the CFA Act (section 55A), to prepare Municipal Fire Prevention Plans (MFPP). The plans are required to identify measures to address risk from fire, and they provide the framework for implementing works including slashing and prescribed burning throughout each municipality. Each MFPP must consider environmental issues in formulating risk treatments.

MFPPs play a critical strategic role in the management of vegetation on rural land and provide an opportunity for achieving multiple objectives.

MFPPs should be referred to in the Framework and Native Vegetation Plans, Regional Catchment Strategies, and Roadside Management Plans, prepared pursuant to State requirements. MFPPs should be involved early in the planning phases of larger revegetation projects.

MFPPs are reference documents in planning schemes in Victoria

Victorian Planning Provisions and Municipal Planning Schemes

There are two key statutory instruments through which fire safety matters are applied through the Victorian Planning Provisions (VPPs): the referral requirements in Wildfire Management Overlay areas and for Subdivisions that create a road. However at a more strategic level, CFA recognises that there are some situations where safety and/or biodiversity issues are so critical that particular uses or developments or activities could be better located elsewhere.

- Wildfire Management Overlay

Wildfire Management Overlays are being included in municipal planning schemes throughout Victoria. Planning permit conditions requested by CFA may include vegetation management.

CFA considers that where vegetation management is for the purpose of protecting a dwelling and its occupants from wildfire, it should be exempt from the requirements of the EPBC Act.

- Subdivisions

These referrals can provide the potential for fuel modification and conflict with other vegetation management objectives.

CFA believes that both safety and vegetation management objectives must be given equal priority at the sub-division planning stage.

Building Codes

Fundamental to fire safety within buildings is the design, construction methods and materials used in construction and the fire protection systems that are required to provide a basic level of safety commensurate with the risk. These are covered in building codes and in the associated Australian Standards. AS 3959 deals with Construction of Buildings in Bushfire-prone Areas.

CFA contends that a rational linkage between planning provisions and building codes will provide a regulatory system that offers flexibility. For example, the standard of construction required to withstand a wildfire may be lowered if the fuel is modified to specified levels around a building. Conversely, if vegetation modification is not preferred, a higher level of construction may compensate. Thus, there is a balance that can be struck between the need to remove natural features and the level of construction required for safety. The CFA is active in the current review of AS3959.

Conclusion

While these approaches demonstrate the commitment of the CFA to biodiversity conservation in the ways that it provides for public safety, they also indicate that partnerships need to be formed between various bodies to achieve an effective integrated service to the community. This includes relevant Commonwealth bodies. The CFA will need assistance in the achievement of integration of its objectives with those of the EPBC Act

The application of various environmental requirements to CFA and other agencies or persons carrying out risk management work requires further clarification. This includes the implications on the implementation of the EPBC Act.

The CFA in providing for a safer community has the potential to impact adversely on environmental protection issues and on biodiversity values. It is also well placed to communicate many natural resource issues in rural areas. It provides the bulk of its services through volunteers who are well integrated into the communities they serve.

Some CFA activities including fire suppression can make a positive contribution to environmental quality and community well-being as well as fire safety. In particular, if

managed appropriately, burning and some other fire prevention treatments can assist biodiversity.

In recognition that biodiversity issues are important and are subject to legal requirements the CFA attempts to carry out its tasks in a way to reinforce safety as well as biodiversity values. Nevertheless, the federal government and its agencies need to recognise that the emergency response requirements and the volunteer nature of the services CFA provides make it difficult to achieve biodiversity outcomes. This is not an excuse for not achieving the objectives of the EPBC Act. It is an expression of the need for assistance by way of exemptions, bilateral and administrative agreements or interventions that may be required for the CFA to properly perform its role.

In particular there is a need to:

- Reach agreement in the fundamental issue of the usefulness of fire as a management tool within natural systems and in the requirement for fire in the maintenance of biodiversity
- Develop and better integrate planning tools
- Develop and communicate to bodies such as CFA the appropriate ways to manage natural systems. In this respect, the appropriate management systems to control fuel levels in specific biological communities are of particular interest.
- Provide support mechanisms and resources that bodies such as CFA can use, particularly in emergency situations
- Remove the statutory requirement on the CFA to provide protection for identified sites and replace this with an agreement to provide best practice in accordance with the results of the matters mentioned above.

The CFA charter is to create a safer community. It seeks to do this in ways that are sustainable and provide protection for biodiversity values wherever possible. However, those responsible for ensuring that biodiversity values are maintained need to recognise the difficulties that are faced by the CFA in carrying out our duties. Environmental protection and biodiversity conservation will be achieved by cooperative approaches. Regulatory techniques alone will not achieve the desired results.