



NORTHERN RIVERS FIRE AND
BIODIVERSITY CONSORTIUM



4th September 2014

Biodiversity Legislation Review
PO Box A290
Sydney South NSW 1232

By email: biodiversity.legislationreview@environment.nsw.gov.au

Submission to the Biodiversity Legislation Review

The Northern Rivers Fire and Biodiversity Consortium Inc. welcome the opportunity to provide input into this legislative review. We specifically wish to raise awareness to the review panel about the need to address the uncertainty and complexity of legislation associated with the implementation of appropriate fire management for genuine ecological as well as indigenous cultural purposes.

Background

The Northern Rivers Fire and Biodiversity Consortium (NRFABCON) provides a network for public and private land managers and other community, indigenous and industry stakeholders seeking a coordinated and landscape level approach to fire management for the maintenance and improvement of biodiversity outcomes across the region.

Initially convened in March 2010 the Consortium was formally established in August 2011 as a key action of the *Northern Rivers Regional Biodiversity Management Plan* in regard to addressing the landscape scale threat of inappropriate fire regimes on the regions biodiversity (DECCW NSW 2010).

In 2013 the Consortium became an Incorporated Association.

The Northern Rivers Fire and Biodiversity Consortium Inc. aims to provide a forum to:

- exchange information between stakeholders and with other NRM and community networks regarding managing fire to optimise biodiversity outcomes;
- encourage a consistent landscape approach to managing fire for biodiversity;
- support a collaborative approach to the identification and implementation of fire-related projects and on-ground actions to improve or maintain biodiversity outcomes.



The NRFABCON covers six local government areas in northern NSW. This includes an area approximately 10,290km², south from the Queensland Border to just south of Evans Head in NSW and inland to the Tablelands.

This region is culturally diverse and rich in biodiversity and includes both temperate and tropical species, making it a “biodiversity hotspot”. The area includes numerous federal and state listed threatened species and Endangered Ecological Communities (DECCW 2010).

Fire and Biodiversity

While many of the regions species and vegetation communities have developed ways of coping, adapting and thriving with fire, the inappropriate use or occurrence of fire has been identified as a major threat to the biodiversity of the region (DECCW 2010).

Inappropriate fire can be either too frequent or not frequent enough depending on the ecosystem characteristics or individual species requirements.

‘High frequency fire resulting in the disruption of life cycle processes in plants and animals and loss of vegetation structure and composition’ has been declared a ‘Key Threatening Process’ by the NSW Scientific Committee. In the Northern Rivers inappropriate fire has been identified in contributing to the loss of some habitats and their associated species. Highlighting the increased recognition of the importance of fire as a driver for biodiversity, a nomination for the key threatening process ‘Fire regimes that cause biodiversity decline’, is currently being assessed under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999

Ecological/cultural burning

Well planned and managed Ecological burns may be useful to address weed infestation and promote the regeneration of native vegetation. Trials including the use of fire as part of an integrated management approach to reduce lantana dominance and address the spread of Bell Miner Associated Dieback have shown promise in the restoration of native forest health. A current project to maintain the grassy, critical habitat of the Eastern Bristle Bird is utilising fire as a primary management tool. Additionally the NRFABCON is working with indigenous partners on scoping a project to investigate the identification and management of ‘traditional grassy pathways’ across the Border Ranges. This project would likely involve the use of fire and would have significant cultural as well as positive biodiversity outcomes for endangered species such as Eastern Bristlebird and Hastings River Mouse.



Approvals for Ecological or cultural burning.

One of the key management challenges for the success of NRFABCON in meeting its objectives has been the difficulty to work within the current, complex legislative framework regarding the implementation of appropriate fire for genuine, ecological and or cultural purposes.

The Rural Fires Act provides a relatively easy pathway to obtain environmental approvals to undertake Hazard Reduction work, including burning, by obtaining a Hazard Reduction Certificate from the Rural Fire Service. However it is apparent that the RFS can only issue a HR Certificate for genuine hazard reduction work associated with asset protection.

Recent correspondence from the RFS to FABCON has indicated that the RFS has no legislative authority / power in respect to ecological burning. The Bush Fire Environmental Assessment Code is specifically limited to Hazard Reduction activities under Section 100 of the RF Act. The use of the RF Act and the issue of HRC's to "get around" other legislation is not supported by the RFS.

The current pathways for gaining approvals to undertake ecological or cultural burning under the NPWS Act, Threatened Species Conservation Act and Native Vegetation Act are particularly onerous. These may include Reviews of Environmental Factors, the obtaining of Section 91 Licences as well as understanding and compliance with a raft of other related legislation.

The need to streamline approvals for genuine ecological and cultural burning.

NRFABCON believes that the need for a streamlined approval process which facilitates the implementation of genuine ecological or cultural burning is long overdue. We have specifically identified the complexity and uncertainty of legislative requirements for undertaking ecological or cultural burning as a major impediment to landholders undertaking activities which could have significant, positive biodiversity as well as fuel hazard reduction outcomes.

The NRFABCON has considerable experience and expertise in sustainable Natural Resource Management among its members and partners. We have a project group who are specifically looking at impediments to ecological burning. Given the increasing recognition of the role of fire as an important driver for biodiversity conservation, this working group is exploring ways to overcome the current limitations within policy and planning to undertake ecologically driven burning management practices. Based on the best available scientific and operational knowledge, fire can be used as an effective tool for managing vegetation communities, specific plant species or native animal habitats, key threatening processes and invasive species.



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The NRFABCON would welcome the opportunity to consult in more detail with the review panel in regard to streamlining the approval process for genuine ecological and cultural burning activities.

Thank you for taking the time to consider our submission. If you require any further information, please contact me on [REDACTED] tara@nrss.com.au

Yours Sincerely

Tara Patel.

Tara Patel



Northern Rivers Fire and Biodiversity Consortium Inc.