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| <b>Circular Details</b>     | Circular No 20-02 / 16 January 2019 / A687470   |
| <b>Previous Circular</b>    | N/A   |
| <b>Who should read this</b> | Councillors / General Managers / All council staff  |
| <b>Contact</b>              | Council Engagement Team / 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a> |
| <b>Action required</b>      | Information   |

## Exemption for activities under Part 3 of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)

### What's new or changing

- On 10 January 2020, the Commonwealth Minister for the Environment, the Hon Sussan Ley MP, granted an exemption for NSW State agencies and local councils from the application of all of the provisions of Part 3 of the EPBC Act (other than sections 21, 22A, 24D, 24E, 27B and 27C), in relation to the following actions:
  - “the taking of firefighting activities, fire prevention activities and fire recovery activities in New South Wales in response to any bushfires that occur or have occurred during the 2019/2020 bushfire season”.
- These activities are defined in the decision as follows:
  - **firefighting activities** means emergency actions taken to prevent bushfires damaging life, property or matters of national environmental significance.
  - **fire prevention activities** means urgent preventative actions taken to prevent the spread or reduce the severity of fires. This includes back burning, clearance of vegetation and building of fire breaks.
  - **fire recovery activities** means urgent actions taken in the recovery from damage from bushfires. This includes clearance of vegetation that has been damaged as a result of bushfires, and urgent repair or replacement of essential infrastructure damaged by bushfire.

### What this will mean for your council

- This exemption means that councils can continue to undertake these necessary firefighting, prevention and recovery activities which would usually require approval from the Commonwealth without seeking and obtaining that approval.
- Councils are reminded that, in undertaking these activities they must continue to comply with all applicable State legislation and requirements of relevant NSW agencies (eg: obtaining a *Bush Fire Hazard Reduction certificate* from the NSW Rural Fire Service).

## Key points

- The NSW Government recognises the critical role that local councils play in ensuring local communities are protected from the threat of bushfires and in recovering from bushfire.
- On 9 January 2020, the NSW Government made an application to Minister Ley seeking an exemption for local councils and State agencies under section 158 of the Commonwealth EPBC Act to undertake emergency works and recovery actions associated with the bushfires.
- In granting the exemption, Minister Ley determined that it was in the national interest and that the exemption will enable bushfire preparation, response and recovery activities to be undertaken by State agencies and local councils in a timely manner without needing approvals under the Commonwealth EPBC Act.

## Where to go for further information

- Minister Ley's exemption decision and a statement of reasons can be accessed here:  
<http://epbcnotices.environment.gov.au/exemptionnotices/exemptionnotice/?id=336751c4-4533-ea11-a115-005056842ad1>



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