

*City of Busselton.*

## **BUSHFIRE RISK REDUCTION NOTICE 2024-2025**

*BUSH FIRES ACT 1954*

**The following Notice is hereby given to all owners and/or occupiers of land within the District of the City of Busselton.**

The majority of land with the District of the City of Busselton has been designated by the State as Bushfire Prone and has the potential to be subject, or likely to be subject to be impacted by bushfires.

Pursuant to the powers contained in Section 33 of the *Bush Fires Act 1954* notice is hereby given to all owners and occupiers of land within the District of City of Busselton, you are required and therefore ordered by the local government to carry out fire prevention work in accordance with the requirements of this Notice, on or before 15 November 2024, and maintain the requirements up to and including 30 April 2025 or within 14 days of becoming an owner or occupier of land if after that date, to comply with the requirements set out in this notice.

### **Definitions of terms referred to this Notice:**

**Authorised officer** means a person appointed by the City as a Bush Fire Control Officer pursuant to the powers conferred in s38 of the *Bush fires Act 1954*

**Bushfire Prone Area (BPA)** means all land designated within the Map of Bushfire Prone areas as identified by the Fire and Emergency Services Commissioner under s18P of the *Fire and Emergency Services Act 1998*.

**Current Bushfire Management Plan** a plan prepared specifically for a property or subdivision as a condition of subdivision or development approval and endorsed by the Western Australian Planning Commission or the City after 7 December 2015.

**Driveway/access way** means the access route from a public or private road to a habitable building. With:

- a 3-metre-wide trafficable surface.
- vegetation maintained to provide a 0.5m clearance each side of the trafficable surface; however isolated trees and significant plants need not be removed.
- a 4-metre vertical clearance is to be installed and maintained.

**Firebreak** means a 3m wide area of land cleared and maintained totally clear of all vegetation material (living or dead), with a trafficable surface over which any overhanging vegetation is no less than 4m above ground level, for the primary purpose of access for firefighting appliances.

**Flammable material** means accumulated fuel such as dry grass, leaf litter, twigs, branches, trash, bush, dead trees, firewood, stored fuels and scrub that can be easily ignited or is likely to catch fire and burn. It includes any other thing deemed by an Authorised Officer to be likely to catch fire but excludes living standing trees, growing bushes and plants in gardens and/or lawn areas under cultivation.

**Habitable building** means any single or two-family residence, garage, building, structure, trailer, vehicle or portion thereof where persons dwell, reside, are employed, or congregate and which is occupied in part or whole on a permanent or temporary basis.

**Land** means freehold land or leasehold Crown land.

**Lot** means an allotment of freehold land or leasehold Crown land and includes contiguous land parcels in common ownership.

**Managed Fuel Area** means an area of land within 20 metres of a habitable dwelling from the outermost point of the building wall or to the lot boundary (whichever is smaller). Within the Managed Fuel area:

- Trees must be pruned 2m away from buildings with vertical clearance of 5 metres above the top of the external roof.
- Gutters to be kept free of dead suspended matters such as twigs, leaves, and bark.
- Vegetation must be reticulated and/or maintained or there must be a low fuel understory with no Flammable Material present.
- Flammable material to be managed or moved 5 metres away from buildings.
- Unless Managed Vegetation, available Surface Fine Fuel loads must be reduced and maintained at an average depth of 1cm, by Passive Fuel Reduction methods that do not permanently remove or reduce the quantity or occurrence of the native plants, shrubs, and trees within the subject area.

**Managed Vegetation** includes actively managed and maintained and/or reticulated low-threat vegetation gardens, orchards, vegetable gardens, living standing trees, growing bushes and plants in gardens and/or lawn areas under cultivation.

**Passive Fuel Reduction** means lowering the amount of available fuel that will burn under prevailing conditions by means that will not permanently reduce or modify the structure or life cycle of plant, shrub, scrub, or tree communities within a treated area. This may be achieved by undertaking a cool, controlled burn of an area during cooler, damper months, or by physical removal through raking, pruning, weed management, or by any other method, of built-up leaf litter, dead materials, weeds and slashing long dry grasses without damaging live native plants within the area.

**Special Work Order** means a property specific notice served by the City on an owner pursuant to Section 33 of the *Bush Fires Act 1954*, to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire.

**Surface Fine Fuel** means the leaf litter on the ground, including leaves, twigs (up to 6mm in diameter) and bark which is easily scratched away and not starting to decompose.

**Trafficable surface** a firm and stable surface, unhindered and without any obstruction suitable to support a 4x4 fire appliance.

**Turnaround area** means an area of trafficable surface that allows a large fire appliance vehicle to turn around. The turnaround area must:

- be kept clear of encroaching vegetation and overhanging branches to a height of 4 metres.
- Be within 30 metre proximity to the habitable building.
- Turn around can be a loop with a minimum 10 metre radius or a trafficable bay sufficient to support a three-point turn by an 8.3m fire appliance.

**Variation** means an individual specific Firebreak Notice served by the City on an owner under s33(2) of the *Bush Fires Act 1954*

#### **Category 1 – All Lots 1,100m<sup>2</sup> or less:**

- a) **Grasses to be maintained** – slashed/mowed to less than 10cm in height and removed from the land and disposed of in an appropriate manner;
- b) **Flammable material** to be managed or moved 5 metres away from buildings;
- c) **Gutters** to be kept free of dead suspended matters such as twigs, leaves and bark.

#### **Category 2 –All lots greater than 1,100m<sup>2</sup> but less than 5ha:**

- a) **Grasses to be maintained** – slashed/mowed/grazed to less than 10cm in height unless actively grazed. If land is actively grazed, grasses shall be maintained to less than 20cm in height.
- b) **Category 2 properties with a habitable building:**
  - i. **Establish and maintain a Managed Fuel Area;**
  - ii. **Driveway/access way** – If the habitable building is, at its closest point, more than 20 metres from the carriageway of a public or private road, the driveway/accessway must be installed and maintained as defined in this Notice;
  - iii. **Turnaround area** - If the habitable building is, at its closest point, more than 50 metres from the point of access from the carriageway of a public or private road, a turnaround area is to be installed and maintained.

#### **Category 3 – All lots 5ha or greater:**

- a) **Grasses to be maintained** – slashed/mowed to less than 10cm in height unless actively grazed or farmed;
- b) **Firebreak** – A 3-metre-wide firebreak shall be maintained as close as practicable within 100m of all property boundaries. Where land is actively grazed, or maintained to less than 10cm in height the firebreak may be reduced to 2 metres width. Where the land area exceeds 120 hectares, an additional firebreak must divide land into areas of not more than 120 hectares with each part completely surrounded by a firebreak within 100m of the boundary of that part;
- c) **Category 3 properties with a habitable building:**
  - i. **Establish and maintain a Managed Fuel Area;**

- ii. **Driveway/access way** – If the habitable building is, at its closest point, more than 20 metres from the carriageway of a public or private road, the driveway/accessway must be installed and maintained as defined in this Notice;
- iii. **Turnaround area** - If the habitable building is, at its closest point, more than 50 metres from the point of access from the carriageway of a public or private road, a turnaround area is to be installed and maintained.

**Current Bushfire Management Plan** – Properties subject to a Current Bushfire Management Plan must comply with the requirements of their Current Bushfire Management Plan in addition to the requirements of this Notice.

**Variations to the requirements of this Notice:** To request a Variation to the requirements of this Notice, you may apply in writing to the City of Busselton for a Variation to the Notice. Variations will be considered where compliance is not practicable due to site-specific constraints such as topography, gradients, or waterways or due to environmental constraints. A submission for a variation is required annually.

Applications for Variations must be completed on the approved form, available from the City’s website and must provide alternative means of meeting the objectives of the notice.

Take notice if permission is not granted in writing you must comply with the requirements of this notice.

**Additional works:** The City retains the ability to issue Special Work Orders pursuant to Section 33 of the Bush Fires Act 1954, to individual landowners should additional works be necessary for a potential fire hazard that may exist on a property. These can be issued at any time during the year.

**Inspections, appointments, education and compliance:** Landowners/occupiers who would like an early inspection by appointment, for reasons, including dangerous animals, biosecurity, locked gates, or for an explanation on the requirements of this Notice, should contact Rangers by **1 October 2024**. Where inspections by appointment are not requested, **Authorised officers** will be inspecting properties for compliance, without further notice from **15 November 2024**.

**Clearing permits and exemptions:** Owners/Occupiers must attempt to minimise environmental impacts as much as possible and should contact the City prior to undertaking works if clearing is likely to impact any protected flora, fauna or fauna habitat, or their property is within an Environmentally Sensitive Area. In most circumstances, Owners/Occupiers that clear vegetation in compliance with this Notice will be exempt from the requirement to seek approvals or permits under State law.

Federal environmental approval may be required, if the requirements of this Notice are likely to have a significant impact on a nationally protected matter. Western Ringtail Possums or black cockatoos may be disturbed through the clearing of vegetation need, licenced wildlife handlers must be present when the clearing takes place.

**Owners/Occupiers who clear beyond the requirements of this Notice without approvals may be subject to prosecution.**

Landowners/occupiers who do not comply with this Notice or a Variation to this Notice may be issued with an infringement notice (\$250) or prosecuted with a penalty up to \$5,000. A person in default is also liable, whether prosecuted or not, to pay the costs of performing the work directed by this Notice if it is not carried out by the owner and/or occupier by the date required by this Notice.

**Right of appeal:** Where the City has issued a person with an Infringement Notice, there is a right of appeal. If a person genuinely believes that there are grounds as to why the Infringement should be withdrawn, then they are encouraged to detail those reasons in writing to the CEO of the City of Busselton seeking a review of the matter within 14 days of the date of issue.