



City of Busselton
Geographie Bay

**Bush Fire Advisory Committee
Agenda**

10 March 2020

City of Busselton, Kaloorup Room, 2 Southern Drive, Busselton on Tuesday 10th March 2020
commencing at 7.30pm

CITY OF BUSSELTON

**AGENDA FOR THE BUSH FIRE ADVISORY COMMITTEE MEETING TO BE HELD ON
10 March 2020**

TABLE OF CONTENTS

ITEM NO.	SUBJECT	PAGE NO.
1.	Declaration of Opening	2
2.	Attendance and Apologies	2
3.	Disclosure of Interests	2
4.	Confirmation of Minutes	2
4.1	Confirmation of minutes from meeting held 10 March 2020	2
5.	Business Arising	2
6.	Presentations	2
7.	Business Before the Committee	3
8.	Officer/Delegate Reports	3
8.1	Department of Fire and Emergency Services – Andy Thompson	4-6
8.2	Draft revised bushfire notice for consultation with BFAC- Ian McDowell	7-17
9.	Matters of Urgency	3
10.	Occupational Health & Safety (OH&S)	3
11.	Next Meeting	3
12.	Closure	3

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 10 MARCH 2020

NOTICE is given that a meeting of the Bush Fire Advisory Committee will be held at the City of Busselton, Koorup Meeting Room, 2 Southern Drive, Busselton on 10th March 2020 commencing at 7:30pm.

Your attendance is respectfully requested.

MIKE ARCHER
Chief Executive Officer, City of Busselton

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

2. ATTENDANCE AND APOLOGIES

Attendance:

Refer to attached list.

Apologies:

Peter Thomas

DFES, District Officer Capes

3. DISCLOSURE OF INTERESTS

4. CONFIRMATION OF MINUTES

4.1 Confirmation of minutes from meeting held 10 December 2019

Moved:

Seconded:

5. BUSINESS ARISING

6. PRESENTATIONS

7. BUSINESS BEFORE THE COMMITTEE

8. OFFICER/DELEGATE REPORTS

Attachment 8.1 - Department of Fire and Emergency Services - Andy Thompson

Attachment 8.2 - City of Busselton - Ian McDowell

Officer Recommendation

The committee receives the following reports and notes the comments therein:

- 1) Department of Fire and Emergency Services
- 2) City of Busselton

9. MATTERS OF URGENCY

10. OCCUPATIONAL HEALTH & SAFETY (OH&S)

11. NEXT MEETING

The next meeting will be held on 9 June 2020 7:30pm at the City of Busselton (Kaloorup Meeting Room, 2 Southern Drive, Busselton).

12. CLOSURE

Attachment 8.1 Report to the City of Busselton Bush Fire Advisory Committee (BFAC) meeting to be held on 10 March 2020

Agency: Department of Fire and Emergency Services

Officer Representing: Andy Thompson

Matters to be discussed:



Government of Western Australia
Department of Fire & Emergency Services



City of Busselton Bush Fire Advisory Committee

DFES LSW Region Report – 10th March 2020

- **DFES LSW Incidents & Arrangements**

Several large state-wide fire incidents in Norseman, Esperance, Yanchep, Collie and Albany have kept DFES, DBCA and local governments very busy since November. Regional staff and volunteers have given an enormous effort to assist at these incidents as well as manage bushfires in Nannup and Donnybrook in the last month.

- **Task Force Deployments**

There have been several deployments this fire season both within the state and to the east coast. City of Busselton has provided great support to these deployments as per usual. Reports back from staff including myself has been very positive with crews from the area conducting themselves professionally. I would also like to thank Allan Guthrie and Blake Moore in their efforts behind the scenes organising the crews.

- **Fixed Wing Bomber Extensions**

Albany through to the 31st March 2020 (was due to cease 6th March)

Manjimup through to the 31st March 2020 (was due to cease 27th February)

Busselton Helitacs through to 31st March

Casual 2 x Bombers through to the 13th March 2020 (was due to cease on the 28th February)

- **Large Air Tanker (Lat) Operations**

WA's fire response capabilities would be bolstered by the addition of the new MD87 large air tanker (LAT) which arrived in Perth on Monday 20 January 2020. The addition of the LAT will provide a vital capability and an enhanced defence against bushfires in support of ground crews and in the protection of the community and assets for the 2019/20 southern bushfire season.

- Standard retardant capacity of 11,350 litres
- Typical footprint on coverage level 4 is 336m long and 20m wide;
- Ability to take off and land fully loaded

- **High Season Fleet**

Wilyabrup and Success have both received their vehicles.



Government of Western Australia
Department of Fire & Emergency Services



- **Combined Pre-Season Forum**
DFES, DBCA and WAPOL held a combined bushfire Pre-Season Forum in late November that involved members from both the SW and LSW region participating in a two-day event to build capacity and networks in the lead up to the fire season. This was the first of its kind to involve all three agencies at a regional level and will be considered for further use across the state.

- **Bushfire Centre of Excellence Update**
Construction of the Bushfire Centre of Excellence (BCoE) is scheduled to start this month. The building will consist of an administration wing and a training wing linking off opposite sides of a central foyer to form a boomerang shape. Designed as a public entrance and education space, the foyer will feature an interpretive learning centre, library, shared meeting spaces and reception area. The training wing will include a central breakout and meeting space, three large training rooms and a series of smaller training rooms with capacity to support training in virtual reality and bushfire management systems and software.

- **Collie Facility Project**
DFES and the State Government are working collaboratively to create long term and sustainable employment and economic development through the establishment of the facility which will accommodate Emergency Driving Training, Fleet Management Services and an Incident Control Centre, as well as ICT and Radio Communications regional support.
The Project will be delivered under 6 main work streams:

 - Facilities (land and buildings) - The deliverable under this Work Stream is the land (and access to the land) and associated buildings together with facility services for the following:
 - Emergency driving training
 - Fleet management
 - Incident Control Centre
 - Radio Communications and ICT support services.

 - Emergency Driving Training – will establish the capability and facilities to provide emergency driving training for volunteers.
 - Fleet Management Services – will establish the capability to store, maintain and manage the high season fleet (which now forms part of the State Operational Support fleet) and provide other fleet services from the Facility.
 - Level 3 Incident Control Centre (ICC) – will establish the capability to accommodate ICC.
 - Radio Communications - will deliver the required resources to provide radio communications, regional support, for and from the Facility.
 - Information and Communications Technology – will deliver the required ICT services (communications and systems) to support the operational requirements of the Facility.



Government of Western Australia
Department of Fire & Emergency Services



- **LSW Structure –**

- Community Preparedness Advisor (CPA) Steph DeBruin is on a 15-month parental leave and will be covered by Charlotte Powis who has been working in the CPA role in the Great Southern Region over the last 3 years. Charlotte will be starting in March.
- The District Officer Manjimup position has currently been filled by the successful applicant Steven Ward. Following this announcement, the Advertising of the AO South position will commence, with Craig Beswick continuing in the role during this time.
- Mark Norris is currently continuing to cover the AO Leeuwin position.

- **International Fire Fighters Memorial Service.**

The service will be held at the Busselton VFRS Station on Sunday morning 3rd May. All welcome with brigade members and families, a notice and flyer will be sent to all brigades.

- **WAFES Conference - September 4th - 5th Perth Convention and Exhibition Centre**

- **VFRS Training**

DO/AO visits for the VFRS are ongoing with the emphasis on WAERN radio training. This has proved beneficial with all Brigades either brushing up on old skills or learning new.

BA refreshers are set to start next month with plans around May to upskill volunteers and staff in Stage 2 BA which is for complex/Multi storey buildings. This training has not been delivered to the volunteer in the LSW before and is being introduced do to the increase in multi storey or large complex buildings within the region

Andy Thompson

A/District Officer Capes

Attachment 8.2 Draft Revised Bushfire Notice for Consultation with BFAC

REPORTING AGENCY: City of Busselton
REPORTING OFFICERS: Director, Planning and Development – Paul Needham
Coordinator, Ranger and Emergency Services – Ian McDowell
ATTACHMENTS: Attachment A Existing Notice
Attachment B Draft Proposed Bushfire Notice
Attachment C Bushfire Notice (Map)
Attachment D Analysis of Provisions of Existing Notice

Background

The City has undertaken work to review and draft a revised ‘Bushfire Notice’ (sometimes referred to as the ‘firebreak notice’). A copy of the existing notice is provided as Attachment A, and the draft Proposed Notice is provided as Attachment B (and the associated map as Attachment C).

The key aims of the review have been to rationalise and clarify the requirements of the notice, as well as seeking to better align the notice with town planning and building control regulation.

The draft Proposed Notice is being presented to the BFAC for comment before being presented to Council for formal adoption. Consultation will also be undertaken with DFES, bushfire consultants working in the District, and some targeted consultation with landowners where there may be more substantiative change impacting them as a result of the proposed notice.

Whereas the Existing Notice is drafted to serve both formal/legal and community/landowner education purposes, the Proposed Notice has been drafted for formal/legal purposes only. The intention is that the Proposed Notice, once finalised, will be supplemented by more user-friendly guidance for the community (which it is envisaged will be developed only once the formal notice has been finalised).

In preparing the Proposed Notice, officers have reviewed the bushfire notices of a range of other local governments, but have not found any examples which could readily be adapted to properly meet the City’s purposes. The City has also sought advice from DFES who we believe have been doing some work on a template or similar for a notice, but had not received any substantive advice at the time of writing this report.

Officer Comment

There is seen to be a need to align the bushfire notice with the town planning and building control decisions that the City makes – and that has been a major focus in developing the Proposed Notice. As already noted the intention is that the Proposed Notice, once finalised, will be supplemented by more user-friendly guidance for the community (which it is envisaged will be developed only once the formal notice has been finalised) – and that the Notice itself in a formal sense is limited in its scope to what actually has to be included in a Notice adopted under the Bushfire Act – whereas a substantial portion of the Existing Notice simply reiterates requirements that are set out in other controls/legislation.

As a result, the Proposed Notice is considerably shorter, in terms of the total amount of text. An analysis of the provisions in the Existing Notice (other than those relating to Asset Protection Zones (APZs) and firebreaks or similar) is provided as Attachment D, and clearly illustrates that much of the content of the Existing Notice is redundant, as it is merely reiterating controls that already apply through other means (but is content that would be included in the more user-friendly guidance for the community it is envisaged will be developed to sit alongside the formal notice).

The aim is for the new notice to be finalised and in place leading into the 2020/21 fire season. With this in mind, and taking into account the quarterly meeting schedule for BFAC, the draft Proposed Notice is presented to BFAC for noting at this meeting with individual members invited to provide written feedback, via email, to the City’s Coordinator Ranger and Emergency Services Coordinator

within two weeks of the date of this meeting (by 25 March 2020). Please note that, if it is considered necessary, a further BFAC 'out of session' meeting may be convened to discuss the Proposed Notice.

Key Changes

The following is a summary of the key changes:

- Existing Notice drafted to serve both formal/legal and community/landowner education purposes. Proposes Notice drafted for formal/legal purposes only (to be supplemented with user-friendly guidelines)
- Proposed Notice sets out that it prevails over a Bushfire Management Plan (BMP), unless the BMP was endorsed after contemporary planning controls came into place in December 2015, or compliance with the Notice would leave the landowner in breach of environmental laws
- Reduction of the number of land categories from eight to four (urban, urban bush fire prone, rural-residential, and rural)
- The use of a map, formally adopted by the Council and Gazetted on an annual basis, to delineate land categories. Except:
 - If the subject Lot is greater than 10 hectares in area, and zoned rural-residential, it shall be considered to be in the rural category
 - If the subject lot is identified on the map as being in the Urban category is designated bush fire prone (subject to an order made under section 18P of the *Fire and Emergency Services Act 1998*), it shall be considered to be in the urban - bush fire prone category
- All vegetation on the land within 25 metres of the wall of any 'habitable' buildings (rather than all buildings) or any other building, where the wall of that building is within 6 metres of any habitable building, meets the APZ standard
- APZs to be accommodated within the 'lot' rather than on/across the 'land' (to avoid landowners having to maintain an APZ to protect a habitable building on a neighbouring site)
- Strategic firebreak networks established in a way that are not considered to be sufficiently effective. As a result under the Proposed Notice, boundary firebreaks are required on rural-residential category, even where there are strategic firebreak networks, unless there is a more recent BMP (i.e. on or after 7 December 2015)

Statutory Framework

The statutory framework for the bushfire notice is set out in the *Bush Fires Act 1954* (Bushfire Act), specifically Section 33(1), which states that, *inter alia* -

(1) Subject to subsection (2) a local government...may,...as a measure for preventing the outbreak of a bush fire, or for preventing the spread...of a bush fire...give notice in writing...to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring...them...to do...all or any of the following things —

- (a) *to...clear upon the land fire-breaks in such manner... as are specified in the notice, and thereafter to maintain the fire-breaks...;*
- (b) *to act as...specified...with respect to anything which is upon the land, and which...is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire,*
and the notice may require the owner or occupier to do so —
- (c) *as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land;...*

Sections 24G(2) and 25(1a) are also of particular relevance to the Proposed Notice, as they establish powers for local governments to make notices relating to burning of garden refuse and camp/cooking fires.

There is no further statutory environment directly relevant to bushfire notices, other than that set out in the Bushfire Act itself.

Recommendation

That the BFAC:

1. Receives for Noting the draft Proposed Bushfire Notice (Attachment B) and associated Map (Attachment C); and
2. Notes written feedback on the draft Proposed Notice should be provided to the City's Coordinator Ranger and Emergency Services by 25 March 2020.

BUSH FIRES ACT 1954

PROPERTY COMPLIANCE REQUIREMENTS

Compliance inspections of land will be carried out from 16 November 2019, to assess landowner(s) or occupier(s) of land compliance with the City of Busselton Firebreak and Fuel Hazard Reduction Notice.

- 📌 Rural Residential, Urban and Industrial Land requirements must be compliant by 16 November 2019
- 📌 Rural Land requirements must be compliant by 15 December 2019

Local Government may serve a notice pursuant to Section 33 of the *Bush Fires Act 1954*, requiring the property owner to undertake any extra work to reduce the impact of a fire

- 📌 Rural Residential, Urban and Rural Land requirements must be maintained in accordance with the table overleaf until 12 May 2020 or a later date if the compliance period is extended, in which case a notice will be placed in the local newspaper

FIRE PERMITS

- 📌 Permits to burn are required for the whole of the restricted periods and can only be obtained from the Fire Control Officer for your area
- 📌 Permits are to be obtained before burning commences (the permit holder must be in possession of the permit during the burn)

FIRE PERMIT APPLICATION

Before you call a Fire Control Officer ensure you have the following information

- 📌 Who will be the three able bodied persons in attendance at all times whilst the fire is alight including contact phone number?
- 📌 What is the address of the property for which the permit applies?
- 📌 What fire fighting equipment and resources will you have at the fire front and is it in good working order?
- 📌 What is the size of burn to take place?
- 📌 Are there firebreaks installed and can a fire unit get access to the area?
- 📌 What material are you burning? Is it dry? Are there any plastics, tyres, treated posts or woods in the piles or area to be burnt? If so, remove them to a safe place.
- 📌 Ensure you give 72 hours notice to the Fire Control Officer first; and
- 📌 Ensure you notify neighbours 72 hours prior to commencing your burn

For further advice, contact your local Fire Control Officer, as advertised in the City of Busselton's Community Directory or on the City of Busselton website www.busselton.wa.gov.au

GENERAL REQUIREMENTS

- 📌 Garden Refuse Urban Areas (Town sites): No garden refuse is permitted to be burnt on the ground, in the open air or in an outdoor incinerator within the urban areas of Busselton and Dunsborough town sites at any time of the year
- 📌 Garden Refuse Rural Residential Areas (non-Town sites): The burning of garden refuse is prohibited from 14 December to 28 February; During the restricted burning period, 2 November to 14 December and 1 March to 12 May each year, permits are required to be obtained from the Fire Control Officer in your area for the burning of any garden refuse
- 📌 Burning of toxic materials and rubbish is prohibited at all times
- 📌 Camp fires are prohibited within the City during the restricted and prohibited burning period
- 📌 Wood and coal fuelled barbecues, including wood fired pizza ovens and chimineas are banned during a total fire ban or in any period when the fire danger forecast is 'Very High' or above
- 📌 Wood fired pizza ovens must have a spark arrestor fitted
- 📌 Warning: The use of electric fences during periods of 'Very High' or above may cause fire
- 📌 Owners of tractors with down swept exhaust systems are encouraged to have an approved spark arrestor fitted as provided in the *Bush Fires Act 1954*
- 📌 Welding, Cutting and Grinding Equipment: A person shall not operate this equipment during the restricted/prohibited burning times on land which is under crop, pasture, stubble and bush unless one working fire extinguisher is provided, work area is clear of flammable materials and there is compliance with any other controls required by a Fire Control Officer.
- 📌 Welding, cutting and grinding equipment is not permitted to be used anywhere within the City of Busselton when the fire index is 'extreme' or above

FIRE DANGER RATING

For the current fire danger rating visit Department of Fire & Emergency Services (DFES) website www.dfes.wa.gov.au or Bureau of Meteorology (BOM) website www.bom.gov.au

CONTRACTORS

Please be advised, if you engage a contractor to gain compliance with this notice it is the property owner, not the contractor, who is responsible for the standard and quality of the fire prevention work undertaken and required to be compliant by 16 November (or 15 December if Rural Land) each year and maintained as per this notice throughout whole the fire season.

CONTACT US

For further fire safety information visit the City of Busselton website www.busselton.wa.gov.au or Department of Fire & Emergency Services (DFES) website www.dfes.wa.gov.au

IMPORTANT DATES

The below dates may change due to seasonal fire conditions in which case details will be published in the local newspaper.

RESTRICTED

BURNING PERMITS ARE REQUIRED FROM 2 November 2019 to 14 December 2019 inclusive and 1 March 2020 to 12 May 2020 inclusive

BURNING PROHIBITED
ALL FIRES PROHIBITED

15 December 2019 to 28 February 2020 inclusive

COMPLIANCE DATE

- 📌 Completion of firebreaks/fuel hazard reduction on all rural residential, urban and industrial land is required to be completed by 16 November 2019 and must be maintained until 12 May 2020
- 📌 Completion of firebreaks/fuel hazard reduction on all rural land is required to be completed by 15 December 2019 and must be maintained until 12 May 2020
- 📌 Burning on public holidays during the restricted fire season is prohibited

Applications for a variation of this the Firebreak and Fuel Hazard Reduction Notice, where ground considerations or environmental concerns prevent compliance with the requirements of this Notice, must be lodged in writing together with a Firebreak and Fuel Hazard Reduction Notice Variation form, prior to 31 October 2019

The hardest aspect of fire prevention is explaining to your family why you didn't undertake any!



Actions speak louder than words and actions save lives

Should you require further clarification of the information contained in this notice please do not hesitate to contact the City's Ranger and Emergency Services Department on (08) 9781 0444.



FIREBREAK AND FUEL HAZARD REDUCTION NOTICE

ARE YOU BUSHFIRE READY?

2019/2020 BUSH FIRE SEASON FIRST AND FINAL NOTICE

Bush Fires Act 1954

Take notice that pursuant to Part 3 Division 6 Section 33 of the *Bush Fires Act 1954*, landowner(s) or occupier(s) of land shall construct firebreaks and carry out fire prevention work in accordance with the City of Busselton Firebreak and Fuel Hazard Reduction Notice.

Failure to comply with this notice may result in a **\$5,000 FINE**

Fire Prevention Starts with You!



RING 000 FOR ALL FIRES

CATEGORY <i>It is the land owner's responsibility to identify the category that relates to their property and to ensure the necessary fire prevention works are completed on time. Please contact the City if you are unsure of your category.</i>	A	B	C	D	FIREBREAK CATEGORY CODE AND SUMMARY OF REQUIREMENTS 
	ALL REQUIREMENTS IN THIS NOTICE ARE TO BE MAINTAINED THROUGHOUT THE ENTIRE DURATION OF THE FIRE SEASON (1 DECEMBER TO 12 MAY EACH YEAR). FAILURE TO COMPLY MAY RESULT IN A \$5,000 FINE. PLEASE BE ADVISED THAT YOUR PROPERTY MUST COMPLY WITH CATEGORY REQUIREMENTS AS NOTED BY A TICK IN COLUMN A, B, C OR D				
CATEGORY 1 RURAL Except plantations and vineyards (For tourist chalets, refer to Estate Fire Management Plan or Individual Fire Management Plan) Sections A, C and D apply to this category.	✓	✓	✓	✓	A - Firebreak - The term firebreak includes a mineral earth firebreak. A mineral earth firebreak means a 3 metre wide area of the owner(s)/occupier(s) land, cleared and maintained totally clear of all vegetation material (living or dead) so there is only mineral earth left. Any overhanging trees and other vegetation must be pruned to a height of 5 metres above the ground level of a mineral earth firebreak. Category 1 - Rural: A mineral earth FIREBREAK shall be constructed 3 metres wide, except in pasture or crop areas where a FIREBREAK shall be 2 metres wide. FIREBREAKS shall be located adjacent to all external boundaries of the land. Where the land area exceeds 120 hectares, an additional FIREBREAK must divide the land into areas of not more than 120 hectares with each part completely surrounded by a FIREBREAK. Category 2 - Urban Residential and Industrial-Commercial: Where the area of land exceeds 2024m ² (½ acre) a mineral earth FIREBREAK shall be constructed and maintained at least 3 metres wide and within 6 metres of the inside of all external boundaries of the land. Where the area of land is 2024m ² (½ acre) or less, hazardous material must be removed in accordance with section B - Fuel Reduction (refer to B1). Category 5 - Protea Plantations/Vineyards: A mineral earth FIREBREAK shall be 3 metres wide. A low fuel area is to be maintained in accordance with section B - Fuel Reduction (refer to B2). Category 6 and 7 - Rural Residential: A mineral earth FIREBREAK shall be constructed 3 metres wide. On Category 6 Rural Residential land with pasture or crop, a FIREBREAK shall be 2 metres wide and located within 6 metres of all external boundaries of the land. For Category 7 Rural Residential land, free access along a Strategic FIREBREAK is to be maintained at all times and including across the boundary of a lot, by means of a 3.5 metres wide field gate in the adjoining lot boundary fence.
CATEGORY 2 URBAN RESIDENTIAL & INDUSTRIAL - COMMERCIAL Sections A, B, D and E1 Trees, apply to this category. Refer to section E - Interpretation and Additional Requirements (E1 Trees).	✓	✓	✓	✓	B - Fuel Reduction Category 2 - Urban Residential and Industrial-Commercial: Where the area of land is 2024m ² (½ acre) or less, ALL HAZARDOUS MATERIAL must be removed from the whole of the land except living trees. In the area remaining, vegetation is to be maintained to a height of no greater than 10 centimetres; this includes piles of timber, branches and other vegetation. Trees shall be pruned in accordance with section E - Interpretation and Additional Requirements (refer to E1). Category 5 - Protea Plantations/Vineyards: A 5 metre low fuel area is to be maintained between the 3 metre FIREBREAK and the plantation/vineyard area. In this area, vegetation is to be maintained to a height of no greater than 10 centimetres; this includes piles of timber, branches and other vegetation. Category 6, 7 and 8 - Rural Residential: Parkland clearing must be carried out in all open paddocks and along the boundary of the property. Clearing means that all dead vegetation and dry grasses (excluding approved crops, pasture areas and living trees/shrubs) including piles of timber and disused materials must be maintained to a height of no greater than 10 centimetres.
CATEGORY 3 & 4 PLANTATIONS Fire Management Plan applies	N/A	N/A	N/A	N/A	C - Building Protection Zones (BPZ) - This is a modified area of reduced fuel immediately surrounding a building BPZ's starve the fire by reducing the fuel levels around your house. These requirements are designed to reduce the fire's intensity and minimise the likelihood of flame contact with buildings. The BPZ gives more protection to families should a fire threaten suddenly and they cannot leave. It also provides extra protection for fire fighters and property owners who may decide to stay with their property. A BPZ shall be provided for buildings in bush fire prone areas. The surroundings of buildings must comply with the following requirements: 1) The BPZ for existing buildings must be at least 20 metres from any external wall of the building unless varied under an approved Fire Management Plan (FMP) in accordance with section E - Interpretation and Additional Requirements (refer to E4). 2) The minimum BPZ for buildings constructed after 1 November 2011, in all cases shall be 25 metres. 3) The BPZ must be located within the boundary of the lot that the building is situated on. 4) Hazardous/flammable materials must not exceed the maximum fuel load specified in Point 5 below with grass areas not exceeding a height greater than 10 cm. 5) Fuel loads must be reduced and maintained at 2 tonne per hectare. 6) Isolated trees and shrubs may be retained, however, the first 5 metres around all buildings is to be clear of all hazardous/flammable materials. 7) Reticulated gardens in the BPZ shall be maintained to a height of no greater than 500 millimetres. 8) Wood piles must be at least 10 metres away from habitable dwellings. 9) Trees in the BPZ must comply with section E - Interpretation and Additional Requirements (refer to E1). 10) Where the land has an approved FMP, compliance must be achieved in accordance with the FMP. The FMP may vary the above BPZ requirements. 11) A Hazard Separation Zone (HSZ) is also recommended in the absence of a Fire Management Plan. Section E - Interpretation and Additional Requirements (refer to E3).
CATEGORY 5 PROTEA PLANTATIONS / VINEYARDS (For tourist chalets, refer to Estate Fire Management Plan or Individual Fire Management Plan) Sections A, B, C and D apply to this category.	✓	✓	✓	✓	D - Fuel Storage & Haystack Protection Zones A 3 metre mineral earth FIREBREAK shall be located within 6 metres of fuel storage tanks, sheds, gas cylinders and haystacks. The mineral earth firebreak shall be maintained so that it is totally clear of all material (living or dead).
CATEGORY 6 RURAL RESIDENTIAL - LOTS WITH INDIVIDUAL (MINERAL EARTH) BOUNDARY BREAKS Sections A, B, C and D apply to this category unless the property is subject to Estate Fire Management Plan or Individual Fire Management Plan	✓	✓	✓	✓	E - Interpretation and Additional Requirements 1) Trees On Urban, Industrial, Rural, and Rural Residential land, all tree branches must be removed or pruned to ensure a clear separation of at least 3 metres back from the eaves of all buildings and 5 metres above the top of the roof. Branches that may fall on the house must also be removed. In the BPZ the following is 'recommended'; the spacing of individual or groups of trees should be 15 metres apart to provide for a 5 metres separation between tree crowns. There is also a requirement of 2.5 metres between trees and power lines so they do not come into contact and start a fire or bring down a power line. 2) Hazardous and Flammable Materials means the accumulation of fuel including burn piles (living or dead) such as leaf litter, twigs, trash, bush, dead trees and scrub capable of carrying a running fire, but excludes standing living trees and isolated shrubs. NOTE: All remaining vegetation, piles of timber, branches and other living vegetation must be maintained to a height of no greater than 10 centimetres. To measure and determine fuel loads use DFES's Visual Fuel Load Guide at http://www.dfes.wa.gov.au/safety/information/fire/bushfire/pages/publications.aspx and select Visual Fuel Load Guide Swan Coastal (Part 1 & 2). Surface bush fire fuels should be kept low to the ground. 3) Hazard Separation Zones (HSZ) A HSZ is a modified area of reduced fuel load outside of the BPZ and is recommended to assist in reducing the fires intensity when flames are approaching buildings. Both the BPZ and the HSZ are essential strategies for the protection of buildings. A HSZ covers the area 75 metres outside the BPZ. This can be implemented by fuel reduction methods such as burning, mowing and slashing to remove the hazard. This should not require the removal of living trees or shrubs. REMEMBER: reduce the fuel level of the fire to lower the intensity of the blaze. Further information on fuel loading can be found in the Visual Fuel Load Guide available by calling DFES or via their website at www.dfes.wa.gov.au 4) Fire Management Plan (FMP) A FMP is a comprehensive plan for the prevention and control of bushfires which may apply to individual land holdings. A notification, pursuant to the Transfer of Land Act 1893 (as amended) may be placed on the Certificate(s) of Title of the land for medium to long term fire management to reduce the occurrence and minimise the impact of uncontrolled bush fires, thereby reducing the threat to life, property and the environment. The land owner must comply with the FMP. Building bush fire prone areas, new dwellings and other forms of accommodation, as well as additions to existing buildings are to be constructed in accordance with in Australia Standard 3959-2009. In designated bush fire prone areas, the minimum BPZ in all cases shall be 25 metres. Further information on this and other information relating to fire safety issues can be found on the City's website www.busselton.wa.gov.au
CATEGORY 7 RURAL RESIDENTIAL - LOTS WITH A STRATEGIC FIREBREAK ON ONE OR MORE BOUNDARIES Sections A, B, C and D apply to this category unless the property is subject to Estate Fire Management Plan or Individual Fire Management Plan	✓	✓	✓	✓	
CATEGORY 8 RURAL RESIDENTIAL - LOTS WITH A STRATEGIC FIREBREAK AREA WITH NO STRATEGIC FIREBREAKS ON THE LOT BOUNDARIES Sections B, C and D apply to this category unless the property is subject to Estate Fire Management Plan or Individual Fire Management Plan	✓	✓	✓	✓	

Attachment B – Draft Proposed Notice**NOTICE UNDER THE *BUSH FIRES ACT 1954***

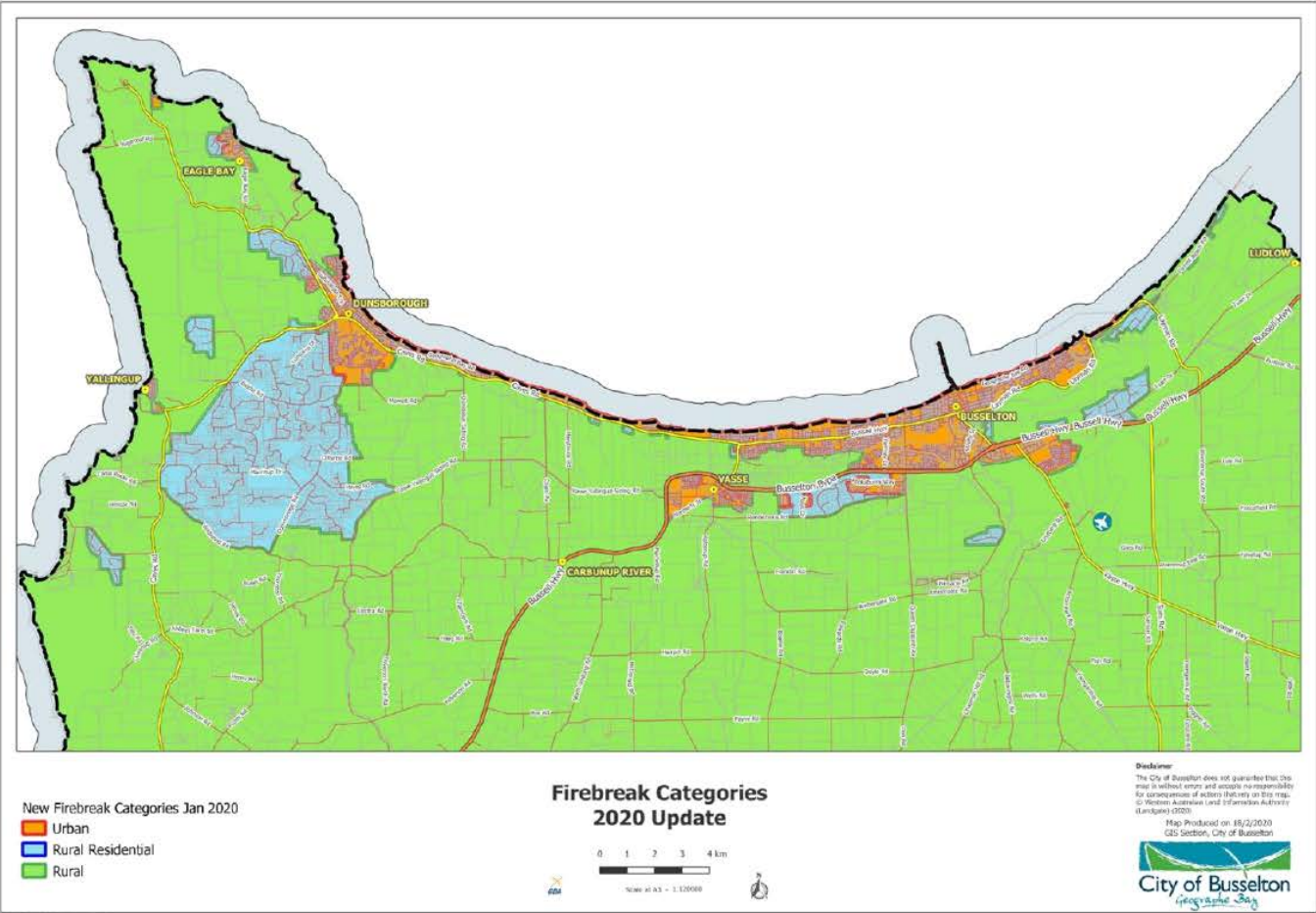
The City of Busselton –

- A.** Pursuant to Section 24G(2) of the *Bush Fires Act 1954*, gives notice that the burning of garden refuse is –
1. Prohibited throughout the District during prohibited burning times;
 2. Prohibited in any area in the Urban category or Urban – Bush Fire Prone category during restricted and prohibited burning times;
 3. Prohibited without a permit to burn in any area in the Rural-Residential category or Rural category during restricted burning times; and
 4. Prohibited throughout the District on public holidays during restricted and prohibited burning times.
- B.** Pursuant to Section 25(1a) of the *Bush Fires Act 1954*, gives notice that the lighting of fires in the open air for the purpose of camping or cooking is prohibited throughout the District during prohibited burning times.
- C.** Pursuant to Section 33(1) of the *Bush Fires Act 1954*, gives notice to owners and occupiers of Land that they -
1. On Land in the Urban category, must ensure that actions are undertaken to ensure, for the whole of the period 15 November to 31 May inclusive in any calendar year –
 - (a) Any grass or ground cover on the Land, or dead vegetation (excluding vegetation where individual stems or similar are greater than 6mm in diameter), other than Low-Threat Vegetation, is kept to a height of no more than 10cm above ground level.
 2. Subject to the requirements of clause C5, on Land in the Urban – Bush Fire Prone category, must ensure that actions are undertaken to ensure, for the whole of the period 15 November to 31 May inclusive in any calendar year –
 - (a) Any grass or ground cover on the Land, or dead vegetation (excluding vegetation where individual stems or similar are greater than 6mm in diameter), other than Low-Threat Vegetation, is kept to a height of no more than 10cm above ground level; and
 - (b) All vegetation on the Lot within 25m of the wall of any Habitable Building or any other building, where the wall of that building is within 6m of the wall of any habitable building, meets the APZ Standard.
 3. Subject to the requirements of clause C5, on Land in the Rural-Residential category, must ensure that actions are undertaken to ensure, for –
 - (a) The whole of the period 1 December to 31 May inclusive in any calendar year –
 - (i) Any grass or ground cover on the Land, or dead vegetation (excluding vegetation where individual stems or similar are greater than 6mm in diameter), other than Low-Threat Vegetation, is kept to a height of no more than 10cm above ground level;
 - (b) The whole of the period 15 November to 31 May inclusive in any calendar year –
 - (i) All vegetation on the Land within 25m of the wall of any Habitable Building or any other building, where the wall of that building is within 6m of the wall of any habitable building, meets the APZ Standard; and

- (ii) A Firebreak around the perimeter of the Lot, or within 10m of the Lot boundary.
- 4. Subject to the requirements of clause C5, on Land in the Rural category, must ensure that actions are undertaken to ensure, for the whole of the period 1 December to 31 May inclusive in any calendar year –
 - a) All vegetation on the Land within 25m of the wall of any Habitable Building or any other building, where the wall of that building is within 6m of the wall of any habitable building, meets the APZ Standard; and
 - b) A Firebreak around the perimeter of the Lot, or within 10 metres of the Lot boundary.
- 5. The requirements of clauses C1-4 are modified by a BMP, in the following circumstances –
 - a) Where the BMP was endorsed by the City of Busselton on or after 7 December 2015; or
 - b) Where the BMP relates to Land in the Rural-Residential or Rural Category, and the BMP provides for a network of access ways that is in addition to those required by clauses C3 or C4; or
 - c) Where the BMP relates to Land with an approved Tree Farm; or
 - d) Where compliance with the requirements of C1-4 would be in conflict with –
 - (i) A nature conservation covenant to the benefit of the Conservation and Land Management Executive Body or the National Trust of Australia (WA), or made under the (WA) *Conservation and Land Management Act 1984* or *Soil and Land Conservation Act 1945*; or
 - (ii) The (Commonwealth) *Environmental Protection Biodiversity and Conservation Act 1999*; or
 - (iii) The (WA) *Environmental Protection Act 1986*; or
 - (iv) The (WA) *Aboriginal Heritage Act 1972*; or
 - (v) The (WA) *Biodiversity Conservation Act 2016*; and
 - (vi) The BMP sets out alternative approaches to achieving an adequate fire safety outcome, as set out in the BMP.
- D.** Categories, for the purpose of this notice, are set out on a map endorsed by the Council on XXXXX, other than –
 - 1. If the subject Lot is greater than 10 hectares in area, and is Zoned ‘Rural-Residential’ in the *City of Busselton Local Planning Scheme No. 21*, it shall be considered to be in the Rural category; and
 - 2. If the subject Lot is identified on the map as being in the Urban category and is subject of an order made under Section 18P of the *Fire and Emergency Services Act 1998*, it shall be considered to be in the Urban – Bush Fire Prone category.
- E.** Terms, for the purpose of this notice, shall have their meaning as if they were in the *Bush Fires Act 1954*, except the following (none of which are terms defined in the *Bush Fires Act 1954*) –
 - 1. ‘APZ Standard’ means the ‘Standards for Asset Protection Zones’ as per Schedule 1 of the *Guidelines to WAPC State Planning Policy 3.7: Planning in Bushfire Prone Areas*;

2. 'BMP' means a Bushfire Management Plan, Bush Fire Management Plan or Fire Management Plan prepared to meet the requirements of Part 10A of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, *State Planning Policy 3.7: Planning in Bushfire Prone Areas* and/or *Australian Standard AS3959 – 2009: Construction of Buildings in Bushfire-Prone Areas*, or preceding or succeeding equivalents, and which has been endorsed by the City of Busselton;
3. 'Firebreak' means a trafficable (by an all-wheel-drive fire appliance) mineral earth or constructed surface, a minimum of 3m wide and completely clear of all vegetation, living or dead, and over which any overhanging vegetation is no less than 5m above ground level (the primary purpose of which is to provide access for fire-fighting, not to prevent the transmission of fire);
4. 'Habitable Building' means a permanent or temporary structure on Land that —
 - (a) is fully or partially enclosed; and
 - (b) has at least one wall of solid material and a roof of solid material; and
 - (c) is used for a purpose that involves the use of the interior of the structure by people for living, working, studying or being entertained;
5. 'Land' means freehold land or leasehold Crown Land;
6. 'Lot' means an allotment of freehold land or leasehold Crown Land;
7. 'Low-Threat Vegetation' means vegetation consistent with the description in 2.2.3.2 of *Australian Standard AS 3959 -2018: Construction of buildings in bushfire-prone areas*.
8. 'Tree Farm' means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5.

Attachment C – Bushfire Categories Map



New Firebreak Categories - 16/18/19.gxd

Attachment D – Analysis of the Provisions of the Existing Notice

Current Notice	Comments
<p>Clear Firebreak</p> <ul style="list-style-type: none"> Construct firebreak Carry out fire prevention works 	<p>s.33 of the <i>Bush Fires Act 1954</i> (the Act)</p> <ul style="list-style-type: none"> LG to give written Notice (Annual Firebreak and Fuel Hazard Reduction Notice) <ul style="list-style-type: none"> Plough, cultivate, scarify or otherwise clear on the land firebreaks To act as and when specified anything on the land which is or likely to be conducive to the outbreak or spread of a fire Compliance dates
<p>Prohibited Burning Times</p> <ul style="list-style-type: none"> 15 December to 28 February 	<p>s.17 of the Act</p> <p>Declared by the Minister , no need to include in annual notice</p>
<p>Restricted Burning Times</p> <ul style="list-style-type: none"> 2 November to 14 December 1 March to 12 May 	<p>s.18 of the Act</p> <p>Declared by the FES Commissioner, no need to include in annual notice</p>
<p>Camp and Cooking Fires</p> <ul style="list-style-type: none"> Camp fires are prohibited during restricted and prohibited burning periods 	<ul style="list-style-type: none"> s.25(1a) a local government may, by Notice published in the Gazette and in a newspaper circulating in its district, prohibit the lighting of fires in the open air in its district for the purpose of camping or cooking for such period during the prohibited burning times as specified in the notice (this needs to be included in the annual notice) S.25(1)(a) a fire for the purpose of camping or cooking shall not be lit on a day where the FDR is very high or above without the written approval of the local government What about low/moderate and high FDR? Lighting of fires on local government property prohibited under the provisions of the local law S.25(1c) during any period where the lighting of fires for the purpose of camping or cooking is prohibited a person shall not light a fire without the approval in writing of the local government (special circumstances e.g. Undalup)
<p>Garden Refuse</p> <ul style="list-style-type: none"> No garden refuse is permitted to be burnt on the ground, in the open air or in an outdoor incinerator within the urban areas of Busselton and Dunsborough town sites at any time of the year Rural-residential areas: prohibited during the prohibited burning period, permit required during restricted burning period 	<ul style="list-style-type: none"> S.24G(2) a local government may, by notice published in the Gazette and a local paper circulating in its district, prohibit or impose restrictions on the burning of garden refuse within its district that is otherwise permitted under s.24F We need to include the following in the notice: <ul style="list-style-type: none"> The burning of garden refuse if prohibited throughout the district during prohibited burning times The burning of garden refuse is prohibited throughout the district during restricted burning times when the FDR is very high or above unless a fire permit has been obtained from an FCO Prohibited under s.24D – permit to burn during periods of low/moderate or high FDR

	<ul style="list-style-type: none"> ○ The burning of garden refuse is prohibited in the urban areas of Busselton and Dunsborough town sites (can this be better described) during restricted burning periods ○ No burning on public holidays
<p>Burning of toxic materials and rubbish</p> <ul style="list-style-type: none"> ● Prohibited at all times 	<ul style="list-style-type: none"> ● Burning toxic materials covered by the Environmental Protection Act – no need to include this in the notice ● Rubbish?
<p>Wood and coal fuelled BBQs</p> <ul style="list-style-type: none"> ● Including wood fired pizza ovens and Chimineas ● Banned during total fire bans or when FDR is very high or above ● Wood fired pizza ovens must have a spark arrestor fitted 	<ul style="list-style-type: none"> ● r.24ZP any chimney on an appliance involved in a catering activity must be fitted with a suitable spark arrestor – this only applies during a TFB
<p>Electric fences</p> <ul style="list-style-type: none"> ● Warning – use of electric fences during FDR of very high or above may cause fire 	<ul style="list-style-type: none"> ● Not required, may include in information sheet
<p>Tractors</p> <ul style="list-style-type: none"> ● Tractors with a down swept exhaust system are encouraged to have a spark arrestor fitted as per the Act 	<ul style="list-style-type: none"> ● S.27 of the Act and s.37 of the BF Regulations requires a tractor’s exhaust to be fitted with an arrestor – no need to include in the notice
<p>Welding, cutting and grinding equipment</p> <ul style="list-style-type: none"> ● A person shall not operate this equipment during restricted/prohibited burning times on land which is under crop, pasture, stubble and bush unless one working fire extinguisher is provided, where the work area is clear of flammable materials and there is compliance with any other controls required by an FCO ● Not permitted to be used when the FDR is extreme or above 	<ul style="list-style-type: none"> ● S.24E of the BF regulations covers Hot Works (welding and grinding equipment) – no need to include in the notice ● Is permitted when the FDR is extreme however, there are conditions contained in the Regs
<p>Chimineas, braziers and firepits</p> <p>These are not defined in the Act, however, from a risk management perspective the City will treat these as fires in the open and will cover their use in the “user friendly” guidelines that accompany the Annual Notice</p>	<ul style="list-style-type: none"> ● S.25(1) of the Act subject to subsection (1aa) and section 25A, during the restricted burning times or during the prohibited burning times a person shall not light or use a fire in the open <i>for a purpose not specifically mentioned in this Act</i>, save and except in accordance with and subject to the following conditions: <ul style="list-style-type: none"> ○ Camping or cooking ○ Conversion of bush into charcoal ○ Disposing of an animal carcass ○ Sawmill ○ Brick kiln