

BUSHFIRE RISK COMPLIANCE NOTICE

Section 33 *Bush Fires Act 1954*

To prevent bush fires and to minimise the spread of a bush fire, all owners and occupiers of land within the Shire of Nannup are required to comply with the requirements of this Bushfire Risk Compliance Notice (Notice).

All land to meet the requirements from 1 December each year until 30 April the following year as specified in the Notice.

Variations

If, due to constraints on your land, you are unable to comply with the requirements set out in this Notice, you may apply for a variation by no later than 1 November each year for permission to provide firebreaks in alternative locations or take alternative measures.

A Bushfire Risk Compliance Notice Variation Application form is available online at www.nannup.wa.gov.au (Fire and Emergencies) or from the Shire of Nannup office. Application fees applies (per lot applied): 1 year \$60, 5 years \$200.

Unless and until permission in writing is granted by the Shire of Nannup, you shall comply with the requirements of this Notice.

Penalty for non-compliance

Failing to comply with the requirements of this Notice is an offence under the Bush Fires Act 1954, which carries a penalty of up to \$5,000. In addition, where the owner or occupier of the land fails to comply with a Notice given pursuant to Section 33(1), the Shire of Nannup may enter the land to carry out the work required to comply with the Notice and also recover any costs and expenses incurred in carrying out that work from the owner or occupier of the land.

This Notice will apply until revoked by the publication of another Notice or by order of the Shire of Nannup Chief Executive Officer.

Definitions

For the purpose of this Notice, the following definitions apply:

Flammable Material means accumulated fuel (living or dead) capable of carrying a running fire such as bark, leaf litter, twigs, dead trees and grass over seventy five (75) millimetres in height, depending on the type of property.

Low Fuel Zone means an area from which the majority of flammable material such as dry grass, leaf litter, dead bracken, dead trees and dead limbs/ branches on live trees (to a height of two (2) metres) has been removed.

Bushfire Attack Level (BAL) is a bushfire risk rating determined for sites in a bushfire prone area by, at a minimum, an accredited Level 1 BAL Assessor or Bushfire Planning Practitioner.

Bushfire Management Plan (BMP) means a plan developed in accordance with State Planning Policy 3.7, and approved by the Shire of Nannup to reduce and mitigate fire hazards within a particular subdivision, lot or other area of land anywhere in the Shire. Properties subject to an approved BMP must comply with the requirements of their BMP in addition to

the requirements of the Notice. Note – where the requirements of a BMP are inconsistent with the requirements of this Notice, owners should apply for a Variation.

Trafficable means to be able to travel from one point to another in a four-wheel fire vehicle on a firm, stable surface, unhindered without any obstruction that may endanger such fire vehicles.

Firebreaks and Driveways means a trafficable area or strip of land where flammable material has been removed or modified to reduce the risk of fires starting, and to reduce the intensity and rate of spread of fires that may occur. It allows unrestricted access to your property for all maintenance and fire fighting vehicles.

The firebreak should be constructed within six (6) metres of the boundary of the property, must be four (4) metres wide with three (3) metres being mineral earth, and have all trees/vegetation on both sides of the firebreak laterally pruned to a height of four (4) metres.

No through firebreaks should be avoided if possible, but if they do exist, they should be signposted and include distance to end. You must have a turnaround large enough to accommodate a fire truck with a radius of twelve (12) metres. Firebreaks should have areas to allow vehicles to pass.

Driveways should be maintained; if a fire truck cannot get into your property safely and turn around, it will not be able to defend your home from a bushfire.

Bushfire Risk Compliance Requirements

1. For All Land

Asset Protection Zone (APZ) means a low fuel load area immediately surrounding a building and related structure to minimise the likelihood of flame contact with the building. APZs predominantly consist of managed vegetation, reticulated lawns and gardens and other non-flammable features.

NOTE – For buildings built to Australian Standards 3959 Construction of Buildings in Bushfire-Prone Areas, the APZ is to be maintained as per the Bushfire Attack Level (BAL) assessment for that specific property.

The following APZ requirements apply to all properties regardless of size, and must be maintained all year round:

- The area of land within twenty (20) metres from the external walls of any habitable building. Attached structures such as sheds, pergolas, carports and other buildings, or adjacent structures within six (6) metres of the habitable building.
- The area of land on sloping ground shall increase one (1) metre for every degree in slope on the sides of any habitable building that are exposed to down slope natural vegetation.
- Flammable material must be kept at a minimal and not exceed seventy five (75) millimetres in height.
- Trees must be low pruned (or under pruned) to a height of two (2) metres from the ground.
- Trees and branches must not be closer than three (3) metres to a building, and tress must not overhang a building within five (5) metres of the external roof.
- Wood piles and flammable materials must be stored a safe distance from habitable buildings.
- Remove dead leaves and twigs (flammable material) from the gutters, downpipes, rooftops, under eaves and under building.

2. Urban Land

Urban Land includes “Land within the Shire of Nannup which is within the Nannup townsite or zoned as Residential, Special Residential or Special Use Zone Numbers 6 & 7 in the Shire of Nannup Local Planning Scheme No.3”.

2.1. Land less than or equal to 2024m² (approx. 0.5 acre)

All flammable material removed to a height of seventy five (75) millimetres, with the exception of live standing trees and live garden plants.

2.2. Land exceeding 2024m² (approx. 0.5 acre)

Maintained as per 2.1 requirements, or firebreaks must be constructed within six (6) metres of the boundary of the property, must be four (4) metres wide with a minimum three (3) metres mineral being earth, and have all trees/vegetation on both sides of the firebreak laterally pruned to a height of four (4) metres.

2.3. Parkland clearing

Maintain paddocks by removing flammable material (excluding crops, pasture areas and living trees/ shrubs).

3. Rural Land

Rural Land includes “Land within the Shire of Nannup which is zoned Agricultural, Agricultural Priority 1 – Scott Coastal Plain, Agricultural Priority 2 – Coastal Landscape, Special Use (outside the Nannup townsite) or Future Development, and any freehold land outside the Nannup townsite that is a Local Scheme Reserve in the Shire of Nannup Local Planning Scheme No.3”.

3.1. Asset Protection Zone (APZ)

Maintain as per 1. requirements in addition, all buildings must have an **access** (cleared of all flammable material) not less than four (4) metres wide, with a three (3) metre trafficable width and a vertical clearance of four (4) metres to allow access by fire appliances.

3.2. Rural Managed Land

Land actively used for agriculture, viticulture, horticulture etc (excluding plantations).

Active fuel reduction by means such as grazing by an appropriate number of livestock, slashing and baling etc., or a fuel reduction plan that shows the means of fuel reduction on the land. Grass not to exceed one hundred twenty five (125) millimetres in height.

Managed land is not required to have perimeter firebreaks, although all owners and occupiers of land are encouraged to install them in strategic places to protect the property in the event of a fire.

3.3. Rural Unmanaged Land

Land not used primarily for agriculture, viticulture, horticulture etc (excluding plantations).

Unmanaged land shall be accessible by firebreaks and broken into areas with firebreaks so that unmanaged land areas do not exceed forty (40) hectares. The

firebreak must be a minimum of four (4) metres wide with a minimum of three (3) metres being mineral earth, and have all trees/vegetation on both sides of the firebreak laterally pruned to a minimum height of four (4) metres.

4. Special Rural Land

Special Rural includes “Land within the Shire of Nannup which is zoned Special Rural in the Shire of Nannup Local Planning Scheme No.3”.

4.1. Firebreaks

The firebreak must be a minimum of four (4) metres wide with a minimum of three (3) metres being mineral earth, and have all trees/vegetation on both sides of the firebreak laterally pruned to a height of four (4) metres. Firebreaks constructed within six (6) metres of the boundary of the property.

There is no requirement for firebreaks where the whole area is covered by buildings and/or is kept mown or slashed or clear of Flammable Material, or is maintained and kept green by efficient reticulation systems installed by landowner.

In addition, Cockatoo Valley has a Bushfire Management Plan that includes a Strategic Firebreak. Properties bounded by the strategic firebreak are required to maintain unrestricted access across the strategic firebreak.

4.2. Parkland Clearing

Maintain paddocks by removing flammable material (excluding crops, pasture areas and living trees/ shrubs).

5. Special Requirements

Special requirements apply in addition to the requirements set out in 1, 2, 3 and 4 Bushfire Risk Compliance requirements.

The requirements of this Notice are the minimum standard of fire protection required to protect individual property and the community.

5.1. Hazards

A Fire Control Officer can impose additional requirements to remove or abate hazards if he/she considers it necessary.

5.2. Bushfire Management Plan & Bushfire Attack Level Assessment

Under the Shire’s planning requirements, most land uses other than single houses and outbuildings require planning approval. If a land use is to occur in a declared bushfire prone area, a Bushfire Management Plan (BMP) may be required. Properties subject to an approved BMP, a Bushfire Attack Level (BAL) assessment, or with other imposed development approval conditions, must comply with the approved conditions in addition to the requirements of this Notice.

Note – where the requirements are inconsistent with the requirements of this Notice, owners should apply for a Variation.

5.3. Short-Stay Accommodation Venues

Short-stay accommodation includes bed & breakfasts, guesthouses, holiday homes, chalets, serviced apartments, hotels, motels, campgrounds, caravan parks and resorts.

Short-stay accommodation involves people visiting and inhabiting a premises where they may be less likely to be able to respond in the event of an emergency. These uses are classified as 'vulnerable' under State Planning Policy 3.7 Planning in Bushfire Prone Areas and may be subject to a Bushfire Management Plan. Applications for vulnerable land uses are to be lodged with the Shire.

5.4. Plantations

A plantation means any area of trees, other than a windbreak, exceeding 3 hectares, established in pine, eucalypt or other trees that have been planted or grown for commercial gain, excluding vineyards and fruit producing trees within orchards.

Most plantations require Development Approval from the Shire prior to commencement of planting. The Shire will require plantation fire protection measures, including the development of a Fire Management Plan (FMP), to be fulfilled as a condition of Development Approval. These measures shall apply to all new plantations and additional rotations of existing plantations.

Owners should apply for a Variation where the requirements of a FMP are inconsistent with the following requirements.

All land excluding Scott River are to meet the requirements from 3 November each year until 30 April the following year as specified in the Notice. Scott River are to meet the requirements from 15 December each year until 30 April:

- (i) The firebreak requirements for harvested plantations are the same as those for unharvested plantations, unless it has been clear felled and all prunings, branches and/or other accumulated tree litter and logging residue have been removed.
- (ii) Established residue heaps into manageable piles no greater than ten (10) metres wide and four (4) metres high and burnt. The ignition of heaps to occur as soon as weather and fuel conditions permit after the previous fire season ends. If unable to achieve the requirements install a fifteen (15) metre wide firebreak around the heaps, it must be trafficable and cleared of all Flammable Material. The appropriate agencies are to be notified in advance of the burn off. Contact the Shire of Nannup for further information.
- (iii) Bushfire Management Plan maps are to be stored in red fire cylinders at the main entrances to the plantation. The maps to include property boundaries, firebreaks, water point, buildings and owners or managers contact details.
- (iv) Firebreaks to be constructed on the boundaries of plantations or in such alternative locations as may be agreed with the Shire and the plantation owner.

- (v) Fifteen (15) meter wide boundary firebreaks are to be cleared of all flammable material and have no overhanging tree branches for a vertical clearance of five (5) metres.
- (vi) Six (6) metre wide internal firebreaks are to be clear of all flammable material, progressively pruned on both sides to a minimum height of four (4) metres, and shall be constructed surrounding compartments of approximately thirty (30) hectares. Internal firebreaks maintained to a trafficable condition.
- (vii) Where power lines pass through or near plantation areas, additional obligations are imposed by the State power authority. Plantation owners and/ or managers should consult Western Power for advice.