

## **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.