

## Clearing for fire protection (Building Protection Zones)

*Environmental Protection Act 1986*

The Premier of Western Australia, Hon Colin Barnett MLA, issued Circular 2012/02 entitled Building Protection Zones (BPZs) on 3 September 2012. This document encouraged a shared responsibility of reducing bushfire risk in Western Australia by implementing or improving BPZs.

The Department of Fire and Emergency Services (DFES) describes a Building Protection Zone (BPZ) as an area for "managing and reducing fuel loads for a minimum of 20 metres around a building [to] increase its likely survival from a bushfire". Further information is available in an information note available at <http://www.dfes.wa.gov.au/safetyinformation/fire/bushfire/Pages/BushfireProtectionZones.aspx>

Bush fire prevention on private property is primarily the responsibility of local governments under the *Bush Fires Act 1954*. The Office of Bushfire Risk Management and local governments participate in and contribute to the implementation and approval of Bushfire Risk Management Plans that incorporate bushfire prevention and mitigation strategies.

It is common for local governments to issue a written notice under this legislation requiring an owner or occupier of land to clear firebreaks and the area within 20 metres of a building. This notice is sometimes known as a Firebreak Order. This legal requirement provides an exemption from the requirement for a permit for clearing native vegetation.

While the law in relation to BPZs is administered by DFES and local governments, the *Environmental Protection Act 1986* (EP Act) also recognises the need to clear vegetation for fire protection purposes. There is currently an exemption under Regulation 5, Item 15 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 from the requirement to obtain a permit to clear previously cleared native vegetation within 20 metres of a building, which applies except in environmentally sensitive areas. The Government recognises the need to remove any unnecessary restrictions to protect buildings and other assets, and it intends to amend the legislation to provide for this.

Until these legislative amendments are in place, DEC will exercise its discretion in the public interest in relation to enforcement action for clearing:

- for bush fire protection within 20 metres of a building to create or maintain a BPZ; and

- to implement the requirements of approved Bushfire Risk Management Plans.

Please be aware that this does not absolve landowners from all other statutory responsibilities under local, state and federal law.

### More information

DEC provides a range of information at [www.dec.wa.gov/nvp](http://www.dec.wa.gov/nvp)

**Fact sheets** provide basic information to cover the most common questions DEC receives about the EP Act clearing provisions

**Application forms** include guidance on what information is required to submit a valid application

**Guides** provide additional detail to what is covered in the facts sheets or forms

**Environmentally sensitive areas** can be viewed from the Native Vegetation Map Viewer at [www.dec.wa.gov.au/nvp](http://www.dec.wa.gov.au/nvp) in the 'Data' section

**Be clear before you clear** – if you require assistance please contact DEC's **Native Vegetation Conservation Branch** on 6467 5020 or email [nvp@dec.wa.gov.au](mailto:nvp@dec.wa.gov.au)

If your clearing relates to **mining or petroleum** please contact the **Department of Mines and Petroleum (DMP)** Native Vegetation Assessment Branch for assistance on 9222 3333 or visit: [www.dmp.wa.gov.au/nvabinfo](http://www.dmp.wa.gov.au/nvabinfo)

See information sheets from Department of Fire and Emergency Services [www.dfes.wa.gov.au/safetyinformation/fire/bushfire/BushfireInfoNotesPublications/infonote-\\_What\\_is\\_a\\_building\\_protection\\_zone.pdf](http://www.dfes.wa.gov.au/safetyinformation/fire/bushfire/BushfireInfoNotesPublications/infonote-_What_is_a_building_protection_zone.pdf)

### Please note.....

The above information provides a general guide to the clearing provisions of the *Environmental Protection Act 1986* (available at [www.slp.wa.gov.au](http://www.slp.wa.gov.au)). DEC has endeavored to ensure the accuracy of the contents of this document, it accepts no responsibility for any inaccuracies and persons relying on this document do so at their own risk.



