



# Clearing for fire protection (building protection zones)

*Environmental Protection Act 1986*

## Purpose

This fact sheet outlines the shared responsibility of reducing bushfire risk in Western Australia by implementing or improving building protection zones (BPZ).

## Reducing bushfire risk

The Department of Fire and Emergency Services (DFES) describes a 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 on the [DFES website](#).

Bushfire 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, the Department of Environment Regulation (DER) 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

For advice on native vegetation clearing, or related matters, please contact DER on +61 8 6467 5000.

For applications related to mines and petroleum activities, under delegation, contact the Department of Mines and Petroleum on +61 8 9222 3333.

This document is available in alternative formats and other languages on request.

## Related documents

More guidelines and fact sheets on native vegetation clearing processes are available from [DER's website](#).

## Legislation

This document is provided for guidance only. It should not be relied upon to address every aspect of the relevant legislation. Please refer to the State Law Publisher (SLP) for copies of the relevant legislation, available electronically from the [SLP website](#).

## Disclaimer

The information contained in this document is provided by DER in good faith as a public service. However, DER does not guarantee the accuracy of the information contained in this document and it is the responsibility of recipients to make their own enquiries as to its accuracy, currency and relevance. The State of Western Australia, DER and their servants and agents expressly disclaim liability, in negligence or otherwise, for any act or omission occurring in reliance on the information contained in this document or for any consequence of such act or omission.

## Limitation

The Western Australian Government is committed to providing quality information to the community and makes every attempt to ensure accuracy, currency and reliability of the data contained in this document. However, changes in circumstances after the time of publication may impact on the quality of information. Confirmation of the information may be sought from the relevant originating bodies or the department providing the information. DER and the State of Western Australia reserve the right to amend the content of this document at any time without notice.

## Legal advice

The information provided to you by DER in relation to this matter does not constitute legal advice. Due to the range of legal issues potentially involved in this matter, DER recommends that you obtain independent legal advice.