City of Busselton Proposed Bushfire Notice
Record of Public Meeting at Eagle Bay Community Hall
25 April 2021 3:00-4:30 PM

There were 30-40 permanent residents at the meeting. Many other property owners who had travelled from Perth over recent days were requested not to attend due to COVID restrictions. Attendees were asked to check in using the hall's QR Code.

Tony Blackwell, a landscape architect, long-term Eagle Bay property owner and former President of the Residents of Eagle Bay Association, lead the discussion.

Tony provided an overview of the situation and outlined a number of key issues - copy attached. The presentation covered many other issues of finer detail, in relation to groundcovers, shrubs and fencing, all as implied or required in the proposed new Notice.

The first point to be noted was that, whilst the City has communicated the proposed changes to the Bushfire Notice by way of a personalized email inviting comment by 10 May to some property owners, many have not received any email. There was a general consensus that this is unacceptable given the magnitude of the potential impacts. The question was also raised: "why haven't all property owners been properly informed".

Attendees sought clarification of a range of matters and expressed concern about various aspects of the proposed Notice, as referred to below, including some of the implications as understood from reading the draft Notice.

There was universal agreement that the timeframe for comment and thorough consideration of the implications and feedback is unrealistic given the City's stated intent to introduce the new requirements for the 2021/2022 fire season, which is only six months away.

It was noted that the proposed Notice would be issued by the City to landowners under provisions of the State Bush Fires Act. Under the powers of that legislation, owners would be required to carry out fire prevention work in accordance with the proposed Notice. City rangers would carry out compliance inspections, much as they do under the current system. Owners who did not comply would be issued with an infringement notice, or prosecuted. The City has the power to carry out the required work at cost to the landowner.

If adopted, the Proposal would significantly change the bushfire requirements for Eagle Bay and most of the City. To comply, a very large amount of vegetation would have to be cleared from many properties, but it seems that the City has made no estimate of the extent, environmental impact or cost of this.

This clearing would occur primarily through imposition of Asset Protection Zone (APZ) requirements on most non-suburban properties. Of greatest concern is the fact that these requirements would be imposed retrospectively, even though they have been taken verbatim from WA State Planning Policy 3.7, which was introduced in 2015 and specifically states that they are NOT to be applied retrospectively.

One of the requirements of the proposed APZ is that tree canopy cover should not exceed 15%, whereas many properties currently have at least 70% cover. On

smaller blocks, virtually all trees and shrubs would have to be removed. In addition, on many Rural Residential blocks, extensive new firebreaks would have to be cleared. It was observed that neither the APZ nor the new firebreak requirements, would contribute much to reducing the impact of a severe bushfire.

Such clearing of vegetation runs counter to the Eagle Bay Special Character Area Policy (SCAP), which aims to protect the quality of the local environment, of which extensive remnant vegetation is a feature. The SCAP is an important element of the City's planning framework but appears to have been ignored.

Implications such as contributing to global warming and the urban heat island effect, as well as possibly contravening the aboriginal heritage act were also discussed.

It was noted that the proposal also runs counter to a number of recent State Planning Policies, which promote preservation of vegetation and re-establishment of canopy coverage.

Ironically it was also pointed out that the City is currently advertising a tree planting program that runs absolutely at odds with the intent, or outcomes, of this proposal.

We live in a global diversity hotspot. Vegetation clearing on this scale would have major adverse impacts on the environment, flora and fauna, property aesthetics and owners' quality of life. It would affect threatened and endangered species and may be in contravention of State and Commonwealth environment laws.

Implementation would have a high cost of compliance, will almost certainly impact property values and may prejudice the ability of owners to insure their properties, or may result in much higher premiums if an owner cannot comply or has a compromised APZ.

There was concern that the proposal also raises many practical issues such as the ability of owners to foresee how large trees will ultimately grow and how to measure canopy cover, fuel loads etc.

Where much of their APZ falls outside their property boundary it seems that the City proposes that this would either be ignored and therefore presumably compromised, or the owner would be required to put in place a "Perpetual Agreement" with their neighbor. The former makes a nonsense of the APZ concept and the latter is not enforceable.

It appears that the City has not considered or estimated these many impacts of its proposal. Rather, it seems that the primary objective is to reduce the cost to the City of administering the current requirements. However, it is hard to see how this will be achieved given that inspections will still be required at the same level as previously and the ability to interpret the new requirements is likely to be equally, if not even more, difficult than the current existing Bushfire Notice.

The greater concern however was the retrospectivity of this proposal which goes against the common norms of planning law, not to mention the specifics of SPP3.7 from which these conditions have been directly taken.

The current Bushfire Notice is very complex and difficult to interpret for both landowners and for rangers undertaking compliance checks. It also appears to contain internal inconsistencies and anomalies. An alternative to proceeding

with the proposed Notice would be to translate the current Notice into a readily understandable form and to also rectify any anomalies.

A resident from Injidup noted that communities including Yallingup and Eagle Bay, as well as other properties in the Cape region, were within, adjacent to, or near the Naturaliste–Leeuwin National Park, where the Department of Biodiversity, Conservation and Attractions (DBCA) is reluctant to manage fuel loads due to environmental concerns. A similar concern was raised with regard to the fire management control applied to some of the strategic fire escape roads that fall under the City's realm of responsibility. Viewed in this context, what is proposed on private properties by the City would make little difference to risk reduction in the event of a severe bushfire.

Injidup has a 100m wide strategic firebreak around its perimeter, which was cleared as a condition of subdivision. Despite this, the proposed Notice would now require owners to clear boundary firebreaks around individual properties. This would have a major impact on remnant vegetation and would be costly but have minimal fire protection benefits.

A resident from Yallingup, with many years of firefighting experience, said that the town had a 50m wide firebreak around its perimeter. However, it is recognized that the firebreak would be ineffective against ember attack from a severe fire. To overcome this, property owners are investigating the feasibility of establishing a 1.5 million litre tank and perimeter sprinkler system around the town. He himself has installed a fire protection system on his house, which he is confident will protect it. Others in the district are doing the same and he believes these will become more common.

Meelup Regional Park has a comprehensive Ecological Bushfire Management Plan, which provides for ongoing reduction burns to be undertaken by local bush fire brigades. Yet this same resident from Yallingup was convinced that the application of the APZ requirements in the proposed new Notice would not have any effect whatsoever should a severe fire break out within the park. Experience from the recent Wooroloo fires would appear to provide direct evidence in support of that statement.

City of Busselton Councilor Paul Carter attended the meeting and responded to a number of questions from attendees.

Property owners were encouraged to make individual submissions setting out the impacts they would suffer if the proposed Notice were implemented and to address their submissions personally to the Mayor and each Councilor, and also local Lower and Upper House MPs – list attached. They should also complete the City's on-line feedback questionnaire. This will help to bring the current rushed and flawed process to a halt so there is sufficient time for it to be given due consideration in the interests of finding an administratively workable, environmentally acceptable, financially viable, safe way forward.

It was suggested that the Residents of Eagle Bay Association should develop and implement a strategy to achieve a balanced and sensible outcome in cooperation with similar residents' associations in Yallingup and Injidup. This may involve legal and other expert advice, a media campaign, presentations at Council Community Access sessions held on the first and third Wednesdays of each month and lobbying of relevant individuals and organisations.