

### 1. Legislative requirements

Firebreaks must be viewed as an integral part of the fire management strategy and not as a separate protection measure.

Every owner on whose land a veldfire may start or burn or from whose land it may spread must prepare and maintain a firebreak on his or her side of the boundary between his or her land and any adjoining land except where exempted.

Owners of adjoining land may agree to position a common firebreak away from the boundary.

An owner who is obliged to prepare and maintain a firebreak must ensure that, with due regard to weather, climate, terrain and vegetation of the area-

- ? It is wide and long enough to have a reasonable chance of preventing a veldfire from spreading to or from neighbouring land;
- ? It does not cause soil erosion; and
- ? It is reasonable free of flammable material capable of carrying a veldfire across it.

### 2. Purpose of Firebreaks

The purpose of a firebreak will determine what type of construction the firebreak should conform to. The purpose of firebreaks could be to:

- ? Prevent fire spread of controlled or uncontrolled fires
- ? Point where fire may be extinguished
- ? Point where back burns may be started
- ? Point of attack of fire
- ? Access point to a fire

It is difficult to document prescriptions for firebreaks. Each firebreak with its individual circumstances will determine what type and width will be applicable.

### 3. Factors influencing Fire break construction

The following factors must be taken into account with the construction of firebreaks.

Topography

- ? Slope of the ground
- ? Landscaping
- ? Elevation

Vegetation type

- o Moisture content
- o Size and shape of material
- o Volume and area covered
- o Fuel content.

Weather patterns

- o Wind direction
- o Temperature
- o Rainfall

Conservancy aspects

- o Erosions possibilities
- o Scarce/endangered species

Spotting distance

Method of clearing

Cost of maintenance

Purpose of firebreak

Alternate position of firebreak

Width of firebreak

## **4. Firebreak requirements**

Members are to maintain firebreaks on all property boundaries except where exempted.

### **4.1 Initial preparation and clearing of firebreaks**

No permanent internal breaks

Only brush cut and raked breaks, no burnt breaks

All the material may be burnt, chipped or removed

It is preferred where possible not to redistribute material adjacent to cleared breaks

Use natural boundaries and roads and cultivated lands

Avoid wetlands and rare/endangered plant communities.

By agreement of adjoining landowners breaks may be moved from the common boundary to a more practical and effective position.

### **4.2 Position**

The position of the firebreaks will be determined by the factors as mentioned in this document.

### **4.3 Width**

The minimum width will depend on the fuel load, slope and urban hazard but should not be less than 10m.

### **4.4 Annual maintenance**

Belts to be brush cut or raked annually. This can be reviewed according to the re-growth. Cut or raked material can be chipped, removed or burnt on site. It should preferably not be spread above the belt.

### **4.5 Temporary breaks**

Temporary firebreaks may be prepared to isolate a fire hazard or for the purpose of prescribed burning.

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Guidelinesdraft20050905.doc*

**EXEMPTION FOR FIREBREAKS IN TERMS OF SECTION 12 OF THE NATIONAL VELD AND FOREST FIRE ACT 101 OF 1998**

**1. Legal requirements**

- 1.1 In terms of section 12(1) of the National Veld and Forest Fire Act. No 101 of 1998 landowners are obliged to establish firebreaks on the boundaries of their properties.
- 1.2 In terms of Section 15(1) of the National Veld and Forest Fire Act the Minister may allow certain exemptions for a landowner or group of landowners from the creation of boundary firebreaks where there is *good reason* to do so.
- 1.3 According to Section 15(2) this exemption may also be conditional.
- 1.4 Furthermore, in certain instances and pursuant to the provision of Section 12(7) of the National Veld and Forest Act owners may agree to the relocation of the firebreak.
- 1.5 The executive members of the FPA, Fire Protection Officer, Chief Fire Officer and Forest Officer within the FPA jurisdiction recommend that in terms of section 15(1) of the National Veld and Forest fire Act, landowners receive an exemption for the preparation of boundary firebreaks that are required in terms of section 12(1) on condition that:
  - 1.5.1 firebreaks are established in terms of the CSIR firebreak plan, as revised from time to time.
  - 1.5.2 the CSIR firebreaks are properly maintained.
  - 1.5.3 the members agree to waive liability should a fire arise and boundary firebreaks are not in place due to the presence of CSIR firebreaks

**2. ALTERNATIVE MEASURE FOR MITIGATION AGAINST SPREAD OF WILD FIRE**

- 2.1 The FPA and its partner organizations have commissioned the CSIR to prepare a plan for the optimum location of firebreaks within the area of the FPA. A copy of the CSIR report, which contains a plan for firebreaks, is attached hereto as Annexure 1.
- 2.2 The system of the firebreaks provided for in the CSIR firebreak plan is preferable to a system of boundary firebreaks as provided for in the National Veld and Fire Act as it seeks to mitigate the spread of wild fire by the following:
  - 2.3 the firebreaks proposed by the CSIR follow natural boundaries;
  - 2.4 the firebreak proposed forms a continuous break system.
  - 2.5 the firebreaks proposed by the CSIR take the landscape, national heritage and the management of the open areas into account;
  - 2.6 the firebreaks proposed by the CSIR seek to isolate the urban edge and protect those living in the urban areas from the fire prone open land.

### **3. IMPLEMENTATION OF THE CSIR FIREBREAK PLAN**

- 3.1 The firebreaks that are contained in the CSIR firebreak plan do not always accord with the boundary firebreaks required in terms of the Veld and Forest Fire Act with the following results:
- 3.2 a firebreak prepared in terms of the CSIR plan could duplicate a boundary firebreak prepared.
- 3.3 the existence of both boundary and CSIR firebreaks will be aesthetically unappealing, costly to prepare and maintain and, in the light of the CSIR study, unnecessary.

### **4. GROUP APPLICATION**

- 4.1 Rather than having a number of landowners making application individually for exemption from section 12(1), the FPA seeks that the exemption should be granted to the landowners as a group.
- 4.1 Attached hereto as Annexure 2 a list of the various cadastral entities that the FPA believes should be covered by such an exemption.
- 4.2 Attached hereto as Annexure 3 is a list of the landowners supporting this application for an exemption. The list indicates further the extent of land owned by each of these landowners as well as the percentage of the total fire prone area under that landowner's control.

### **5. ACCEPTANCE OF RISK OF NEIGHBOURING LANDOWNERS**

- 5.1 Landowners supporting this application accept that the proposed firebreak system to be sufficient in terms of the Act and will not hold any other landowner supporting this application liable for the failure to install adequate firebreaks should a fire occur whilst the proposed CSIR firebreak system is in place and properly maintained.
- 5.1 This exemption will not be extended to landowners who have not received written consent from their neighbours to allow for the shifting of the boundary firebreak and or exclusion of the boundary firebreak and to put in its place for the CSIR firebreak.

### **6. PROPOSED EXEMPTION**

- 6.1 The Minister is accordingly requested to grant the following exemption:

The owners of the properties listed in Annexure 2 are exempted from the provisions of section 12(1) of the National Veld and Forest Fire Act. No 101 of 1998 on condition that firebreaks are established in terms of the CSIR firebreak plan attached as Annexure 1, as amended from time to time by the Fire Protection Officer for the area or, in the absence of such Fire Protection Officer, by the Chief Fire Officer, and that these firebreaks are properly

maintained. In addition the exemption will only be extended to those landowners who have received written consent from their neighbours to put in place the CSIR firebreak instead of the boundary firebreaks.

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