

APPLICATION BY A GROUP OF LANDOWNER/USERS FOR EXEMPTION FROM THE DUTY TO PREPARE AND MAINTAIN FIREBREAKS IN TERMS OF SECTION 15 OF THE NATIONAL VELD AND FOREST FIRE ACT (ACT 101 OF 1998).

Section A: Signing of document

The following group of members of the _____ FPA as set out in Section C (Member details) have signed this Section A and understand what Section B states and the document as a whole.

The signing date of the official at National office of the Department of Agriculture, Forestry and Fisheries will be the implementation date.

No.	Farm name	Member name	Signed
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
Add more pages if group is bigger than what this page provides for.			

SECTION B: Understanding the purpose of the exemption application

B1: As a signing member of this document I understand that under the National Veld and Forest Fire Act (No 101 of 1998):

- a) Section 12(1) obliges landowners to establish firebreaks on the boundaries of their properties.
- b) Section 12(7) states that owners of adjoining land may agree to position a common firebreak away from the common boundary.
- c) In terms of Section 15(1) 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.
- d) Section 15(2) states that this exemption may also be conditional.
- e) In terms of Section 15(3) the Minister will consult the FPA before granting any exemption

B2: As a signing member of this document I also understand:

- a) When receiving exemption from the Minister it does not exempt me from the responsibility as landowner/user to prevent a fire from starting or spreading from or over my farm/property.
- b) The exemption does not transfer my responsibility on to any neighbour, the Fire Protection Association, local or national authority to prevent a fire from starting or spreading from or over my farm/property.
- c) This group application to - ***not to make; or move the firebreak to an alternative position*** - is for practical, economical and environmental reasons and not to avoid the responsibility to prevent or combat fires on my farm/property.
- d) That I will undertake to maintain the condition of the action plan which include the reasons for exemption/positioning of firebreak.

B3: As a signing member of this document I also agree to the following clauses:

- a) The Parties indemnify each other and keep each other indemnified against all losses and claims for injuries or damage to any person or property whatsoever (including surface or other damage to land or crops not being on the site, suffered by tenants or occupiers) which may arise out of or in consequence of this Agreement and against all claims, demands, proceedings, damages, costs, charges and expenses whatsoever in respect thereof or in relation thereto, unless a loss or claim arises as a result of a wilful act by the other Party and/or its employees, contractors or agents.

- b) The Parties agree to assist each other and to make available to each other all documents and information necessary to defend any claim against any one or both of the parties due to the non-preparation and maintenance of a firebreak or firebreaks, unless a loss or claim arise as a result of a wilful or negligent act by the other Party and/or its employees, contractors or agents.
- c) The Parties shall respectively effect, in their respective names, policies of insurance to the satisfaction of each other to cover any damages caused by fire to any property of any third party (including the other Party) whether caused due to a negligent act, whether directly or indirectly, by any one of the Parties and/or their employees, contractors or agents with a registered insurer and shall continue such insurance for the duration of this Agreement and shall, when required, produce to the other Party such policy of insurance and the receipt for payment of the current premium.
- d) That it is my duty to inform any Third party that may be affected by this application and the outcome thereof.
- e) That the Department of Agriculture, Forestry and Fisheries shall not be held liable for any damages/losses that may arise as a result of fire after the exemption was granted.

B4 As Chairman of the _____ FPA with the Executive Committee of the said FPA, I hereby approve this application for exemption for the said members listed in Section C and signed under Section A

Signed _____ by _____

as Chairman of the _____ FPA

at _____ on this day the _____

OR (*delete which is not applicable*)

As the appointed official of the Department of Agriculture, Forestry and Fisheries, I agree with this application for exemption to make Firebreak as set out in this document by the group landowners/users listed in Section C and signed under Section A.

Signed _____ by _____

The appointed official of the department of Agriculture Forestry, and Fisheries

at _____ on this day of the _____

Section C: Details of group members.

<i>a) All fields must be complete if applicable b) To indicate the properties of neighbours on map 1</i>				
	NEIGHBOUR 1	NEIGHBOUR 2	NEIGHBOUR 3	NEIGHBOUR 4
1. Surname				
2. Initials				
3. Title				
4. Postal address				
5. Physical address (if different to postal)				
6. Farm name & number(s)				
Farm Size (ha)				
7. Ward name				
8. Telephone				
9. Fax no.				
10. Cell phone				
11. E-mail address				
Add more pages if there are more neighbours bordering onto the applicant's property than this page provided for.				

Section C: Details of group members.

<i>a) All fields must be complete if applicable b) To indicate the properties of neighbours on map 1</i>				
	NEIGHBOUR 5	NEIGHBOUR 6	NEIGHBOUR 7	NEIGHBOUR 8
1. Surname				
2. Initials				
3. Title				
4. Postal address				
5. Physical address (if different to postal)				
6. Farm name & number(s)				
Farm Size (ha)				
7. Ward name				
8. Telephone				
9. Fax no.				
10. Cell phone				
11. E-mail address				
Add more pages if there are more neighbours bordering onto the applicant's property than this page provided for.				

Section C: Details of group members.

<i>a) All fields must be complete if applicable b) To indicate the properties of neighbours on map 1</i>				
	NEIGHBOUR 9	NEIGHBOUR 10	NEIGHBOUR 11	NEIGHBOUR 12
1. Surname				
2. Initials				
3. Title				
4. Postal address				
5. Physical address (if different to postal)				
6. Farm name & number(s)				
Farm Size (ha)				
7. Ward name				
8. Telephone				
9. Fax no.				
10. Cell phone				
11. E-mail address				
Add more pages if there are more neighbours bordering onto the applicant's property than this page provided for.				

SECTION D: THE FIRE HISTORY OF THE FARM / PROPERTY

D1.1 How many fires has there been in the last 5 year in group area.		D1.2 How many had crossed from one farm to other	
D1.3 Name some of the possible cause /origin of these fires			Value lost because of fires
D1.5 The date of a last fire that crossed a border		D1.6 Was there a firebreak on the boundary	
D1.7 If no, would a firebreak have been of any help			
D1.8 If there was a firebreak, why did it possibly help / not help			
D1.9 If this firebreak was placed in a different position than the farm boundary, would it have been more effective. (Give a reason.)			

D2.1 How many major fires that caused damage/loss to 5 or more farms during the same fire in your ward in the last 30 year.		D2.2 On average how many in your ward would be affected by these major fires that move through the area	
D2.3 When was the last major fire.		D2.4 How big was this fire.	
D2.5 Any loss of life at this fire.		D2.6 Did landowner/users work together in an organised way to fight this fire	
D2.7 Over how many days did it burn			
D2.8 In a few words give the main reasons why this fire caused so much damage.			

Please attach an Annexure with these reference points if the space is inadequate to make your point clear.

SECTION E: BACKGROUND INFORMATION ABOUT THE AREA APPLYING FOR EXEMPTION

E1 Give % of total area of farms under the following headings to form a picture of your ward and activities					
E1.1 Topography of farm		E1.2 Natural vegetation types		E1.3 Type of farming	
Mountains with steep slopes		Grasslands		Game farming	
On side of mountain slope		Savannah bushveld		Harvesting of natural vegetation	
In valley bottom		Kalahari bushveld		Grassing on natural vegetation	
Hilly country side		Valley bushveld & thicket		Grassing on planted vegetation	
Hilly country with deep ravines		Forests		Dry land crops	
Flat country side		Karoo		Land crops under irrigation	
		Succulent Karoo		Orchards and vineyards	
		Fynbos		Orchards/vineyards with mulching	
E2 Weather patterns		Renosterveld		Sugarcane plantations	
Average rainfall	mm	Transformed land		Timber plantations	
Average humidity in fire season	%			Crops under cover (tunnel & nets)	
Average temperature in fire season			°C	Feed lots / poultry	
When is the normal dry season				Infrastructure (housing, stores etc)	
Prevailing wind direction					
Prevailing wind in fire season				Tourism (just B & B)	
Average wind speed in fire season			km/h	Tourism (e.g. hiking trail, horse-trails, picnic spots, view points, etc.)	

SECTION F: REASONS FOR APPLYING FOR EXEMPTION

<p>F1: Due to practical, economical and/or environmental reasons this group of landowners/users hereby submits this application for exemption to make firebreaks. Give a short summary of why it's not possible to have firebreaks on farm/property boundaries.</p>		
<p>F2 Attach an Action Plan to this application which covers the following aspects</p>		<p>F3 Provide at least the following 2 maps</p>
Detail of member taking part	Which fire hazards threatening this group	F3.1 Map showing neighbours (sec C)
Description of topographic, vegetation	Reason for position of firebreaks	Show non-members on map
Weather patterns	Position of firebreak (show on map), width	Area of major last fire; wind direction (sec D2)
Assets that need to be protected	Method of preparing firebreak	The firebreak with last fire (sec D2)
The FPA rules on firebreaks	Protection of infrastructure from veldfires	
The FPA rules on minimum equipment requirements	How other burning operations will be handle like block burns, high fuel loads of slash etc	F3.2 Firebreak as set out in action plan (sec F2)
Fire fighting capacity (including personnel)		Prevailing wind (Sec E2)
Outside resource available to this group		Assets of high value (Sec F2)
Water points		Water points (sec F2)