

PUBLIC NOTICE

City of Kwinana

Bush Fires Act 1954

Fire Notice – As of 1 September 2019

Pursuant to the powers contained in section 33 of the *Bush Fires Act 1954*, all property owners and/or occupiers of land within the City of Kwinana are hereby served with a first and final Fire Notice and are required to comply with the requirements set out in this Fire Notice in its entirety.

All land and buildings shall be maintained for such duration and in such positions, dimensions and specifications as required by this Fire Notice or as approved in writing by the City of Kwinana or its Bush Fire Control Officers. The works outlined in this Fire Notice must be completed before the dates listed in this Fire Notice and must be maintained throughout as required by this Fire Notice.

Definitions

“ASSET PROTECTION ZONE” means an area with a radius of 20 metres measured from the external perimeter of the building/s or as stated in your approved Bushfire Attack Level (BAL) assessment, within the boundaries of the lot on which the building/s is situated. Fuel loads in this zone shall be reduced and maintained to 2 tonnes per hectare or less.

“BUSH FIRE CONTROL OFFICER” means an Officer appointed by the City of Kwinana to exercise the powers and duties of a Bush Fire Control Officer appointed under s38(1) of the *Bush Fires Act 1954*.

“BUSH FIRE” means a fire or potential fire, however caused, and includes a fire in a building.

“DEAD END” means a track, firebreak, road or access way that terminates without any means of escape or ability to turn around safely.

“EMERGENCY ACCESS WAYS” are for emergency services vehicles only and are not to be considered as an escape route unless declared as such by the incident controller during an emergency.

“FIREBREAK” means a strip of land 3 metres wide of mineral earth with an additional 0.5 metre strip either side of low fuel area (meaning no grasses or shrubs higher than 50mm) effectively creating a 4 metre wide by 4 metre vertical axis high area that has been cleared of all trees, bushes, grasses, vegetation and all other objects. This includes the trimming

back of all overhanging trees, bushes, shrubs and any other objects on or over the firebreak area.

Living Green Lawn may be accepted (without a Firebreak Variation) instead of mineral earth.

“FLAMMABLE” means any bush, plant, tree, grass, vegetation, object, thing or material that may or is likely to catch fire and burn.

“LIVING GREEN LAWN” means soil covered land, planted with grasses or other durable plants, maintained green and less than 50mm in height.

“MINERAL EARTH” means land clear of flammable material, consisting of ploughed or cleared soil, stone, hardstand or any mixture of these.

“TRAFFICABLE” means to be able to travel from one point to another in a fire vehicle on a firm and stable surface, unhindered without any obstruction that may endanger resources. The firebreak must not terminate without provision for egress to a safe place or a cleared turn around area of not less than a 21 metre radius (prior written approval may be required from the City of Kwinana if trees are to be removed). All corners around the firebreak must be radiused.

“VERTICAL AXIS” means a continuous vertical uninterrupted line at a right angle to the horizontal line of the firebreak.

Land area – 3,501m² or greater

The works outlined in this section must be completed before 1 December of each year and maintained throughout until 30 April the following year. Owners and/or occupiers of land that is 3,501m² or greater are required to construct a *firebreak*:

- Inside and along all boundaries of land in a continuous form, or within 10 metres of boundaries adjacent to roads, rail and drain reserves and all public open space reserves;
- Around all sides of any building on the land;
- On all driveways and access ways to houses, sheds and buildings on the land;
- On any land surrounding any place where, wood or timber piles, hay stacks, tyres, flammable liquids, chemicals and gas products are kept on the land, construct a *firebreak*;
- Construct these *firebreaks* in a manner so that they are *trafficable*, contain no *dead ends* and are wide enough for a heavy-duty fire vehicle or a emergency services vehicle to be able to turn
- the corner without the vehicle being obstructed in anyway; and

- Maintain an asset protection zone around all buildings, infrastructure and fixed assets on the property.

Land area – 1,500m² to 3,500m²

The works outlined in this section must be maintained all year round and owners and/or occupiers are required to maintain an *asset protect zone* around all buildings, infrastructure and fixed assets on the property by:

- Having all long grass, weeds, etc. slashed, mowed or trimmed down by other means to a height no greater than 50mm across the entire property; and
- All trees, branches, limbs, etc. which are overhanging any buildings must be trimmed back to a vertical axis height of 4 metres.

Land area up to 1499m²

The works outlined in this section must be maintained all year round and owners and/ or occupiers are required to:

- Have all long grass, weeds, etc. slashed, mowed or trimmed down by other means to a height no greater than 50mm across the entire property; and
- All trees, branches, limbs, etc. which are overhanging any buildings must be trimmed back to a vertical axis height of 4 metres.

Firebreak Variations

If the owner or occupier considers it impractical to install a firebreak or comply with this Fire Notice for any reason, you are required to apply to the **City of Kwinana in writing by 30 October that year** to obtain approval to install a firebreak in an alternative position.

The City of Kwinana will confirm acceptance or non-acceptance of a firebreak variation in writing to the owner or occupier. If the variation is not approved, the owner or occupier must comply with this Fire Notice in its entirety. Living Green Lawn may be accepted without a firebreak variation.

Previously approved firebreak variations do not need to be reapplied for unless circumstances have changed, or you have been advised in writing by the City of Kwinana of any changes.

Additional Works

Regardless of land size and location, the City of Kwinana or its Bush Fire Control Officers may require owners and/or occupiers to undertake additional work on your property to improve access, and/or undertake further works to reduce a hazard that may be conducive to preventing the outbreak and/or the spread or extension of a fire.

Burning of Garden Refuse

PROHIBITED BURNING PERIODS ONLY

During the declared Prohibited Burning Period, owners and/or occupiers must not undertake any bush or garden refuse burning activities.

RESTRICTED BURNING PERIODS ONLY

During the declared Restricted Burning Period only, owners and/or occupiers may:

- Apply for a permit to burn the bush for bush fire risk mitigation purposes, by following the conditions imposed on a permit to burn as issued by a Bush Fire Control Officer;
- In areas zoned rural by the Metropolitan Region Scheme you may undertake burning of leaves, tree branches, and other dry vegetation in piles no larger than 1.0m³ in size, without a permit to burn, subject to the following conditions:
- No Flammable Matter (other than that being burned) is to be within five(5) metres of the fire at any time while the fire is burning;
- The fire is lit between 6pm and 11pm and is completely extinguished before midnight on the same day;
- At least one person is present at the site of the fire at all times until it is completely extinguished; and
- When the fire is no longer required, the person ensures that the fire is completely extinguished by the application of water or earth.

Cooking fire

An open fire for the purpose of cooking can be lit during this time providing:

- There is a 3 metre clearing of all flammable material and the fire is in the centre of the clearing;
- The Fire Danger Rating for that day is not Very High or above; and
- The fire is extinguished when you have finished cooking.

UNRESTRICTED BURN PERIODS ONLY

During the Unrestricted Burning Time, owners and/or occupiers in areas zoned rural under the Metropolitan Region Scheme may burn garden refuse and set fire to bush on their land without a permit. Burning of the bush must be undertaken in accordance with all relevant State legislation and Local Government Local Laws.

NO BURNING IN AREA DEFINED AS URBAN AREAS

Pursuant to section 24G (2) of the *Bush Fires Act 1954*, no garden refuse burning is to be undertaken in areas defined as "Urban" under the Metropolitan Region Scheme without **written approval** of the City of Kwinana.

For information regarding dates for the Unrestricted, Restricted and Prohibited periods please contact the City of Kwinana City Assist office on 9439 0400 or view the City of Kwinana's website, www.kwinana.wa.gov.au.

PENALTIES

Failing to comply with this Fire Notice may result in a penalty of up to \$5,000.

A person in default of the requirements of this Notice is also liable, whether prosecuted or not, to pay the costs of performing the work directed by the City of Kwinana or its Bush Fire Control Officer.

Any owner and/or occupier who engages a contractor to undertake works on their behalf, is responsible for ensuring that the works completed meet the requirements of this Fire Notice.

**J Abbiss
Chief Executive Officer**