

# **PUBLIC NOTICE**

**City of Kwinana**

*Bush Fires Act 1954*

*Fire Notice*

*September 2020*

As a measure to assist in the control of bush fires and pursuant to Section 33 of the Bush Fires Act 1954 (WA), all property owners and/or occupiers of land within the City of Kwinana are hereby served with a first and final Fire Notice (the Notice) and are required to comply with the requirements set out in this Notice in its entirety.

## **Failure to comply 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 Notice.

## **Fire Hazard Reduction**

As a measure to assist in the control of bushfires, you have a legal requirement to carry out fire prevention works on your property.

The works outlined must be completed before the dates listed and must be maintained throughout as required by this Notice.

All land and buildings must be maintained for such duration and in such positions, dimensions and specifications as required by this Notice or as approved in writing by the City of Kwinana or its Bush Fire Control Officers.

Industrial Zoned Areas, as defined in this document, may require additional works as identified by Fire Control Officers during Fire Hazard Inspections.

### **Land with a total area of 3,501m<sup>2</sup> or greater**

*Note: Your property must comply from 1 December on one year and maintained throughout until 31 May the following year.*

Owners and/or occupiers of land that is 3,501m<sup>2</sup> or greater are required to construct a firebreak:

- Inside and along all land boundaries in a continuous form or within 10 metres of property boundaries;
- Around all sides of all buildings 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 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;
- Maintain an asset protection zone around all buildings, infrastructure and fixed assets on the property; and
- Remove all flammable materials from all rooftops and gutters of buildings.

### **Land with a total area of 1,500m<sup>2</sup> to 3,500m<sup>2</sup>**

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
- Remove all flammable materials from all rooftops and gutters of buildings.

### **Land with a total area of up to 1499m<sup>2</sup>**

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

- 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
- Remove all flammable materials from all rooftops and gutters of buildings.

### **Variations to Fire Notice**

To request authorisation to use other methods of fire prevention on your land outside of this notice, please apply in writing together with an 'Application to Vary Location and Type of Firebreaks' form available on the City's website [kwinana.wa.gov.au/fires](http://kwinana.wa.gov.au/fires).

Submit completed forms to the City of Kwinana no later than 31 October.

### **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.

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

**“Industrial Zoned Areas”** means land on which manufacturing, processing, warehousing and related activities are undertaken, as defined in Metropolitan Region Schemes.

**“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.

## **Burning of Garden Refuse**

### **Prohibited burning periods only**

During the declared Prohibited Burning Period, owners and/or occupiers must not undertake the burning of garden refuse, rubbish or for any other like purpose as defined within the Bush Fires Act 1954 section 24C.

### **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 you may undertake burning of leaves, tree branches, and other dry vegetation in piles no larger than 1.0m<sup>3</sup> in size, without a permit to burn, subject to the following conditions:
  - No flammable material (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.

### **Unrestricted burn periods only**

During the Unrestricted burning period, owners and/or occupiers in areas zoned Rural 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 areas defined as Urban**

Pursuant to section, 24G (2) of the Bush Fires Act 1954, no burning of garden refuse is to be undertaken in areas defined as “Urban” without written approval by the City of Kwinana.

**Wayne Jack**  
**Chief Executive Officer**

