

# Bush Fire Prevention and Control Policy

(Bush Fires Act 1954)

**POL-EMS 01**



## Objective

To provide advice on all aspects of preparedness, prevention and the management of bush fires on properties within the City of Mandurah.

## Statement

The City of Mandurah (the 'City') is committed to formulating and imposing appropriate fire prevention measures necessary to provide a safe environment for the community on properties including rural, urban, occupied and unoccupied land. In achieving this, the City has implemented the following measures:

### 1. FIRE HAZARD REDUCTION AND FIRE BREAK INSTALLATION

- 1.1 Council may, in accordance with section 33 of the *Bush Fires Act 1954* (the Act) issue and publicise annually to all landowners requisitions necessary for the reduction of fire hazards within the City.
- 1.2 Delegated Authority has been granted to the Chief Executive Officer by Council to approve the first and final Fire Break and Fuel Hazard Reduction Notice (The Notice) annually, unless substantial changes are recommended by Council's Bush Fire Advisory Committee. Recommendations for substantial alterations to The Notice shall be submitted to Council for consideration of adoption.
- 1.3 The following requisitions have been adopted by Council as a minimum requirement for landowners for the reduction of fire hazards on their property. The below mentioned fire hazard reduction must be complied with by or on the 17 November annually and maintained until 31 May inclusive:

#### **Occupied or Unoccupied Land Less than 4000m<sup>2</sup>**

Where the area of land is less than **4000m<sup>2</sup>** remove all flammable material on the land except living standing trees, from the whole of the land to a height of no longer than 4 centimetres by either mowing, slashing, ploughing, cultivating, scarifying, chemical spraying (followed by slashing down to 4 centimetres) or other approved method by an officer of Council authorised for this purpose. **A four (4) metre fire break is not acceptable.** (Note: Properties with dense vegetation will also need to be thinned out to reduce any significant fire risk to the satisfaction of the City's authorised bush fire control officer).

#### **Occupied or Unoccupied Land 4000m<sup>2</sup> and Over**

When the area of land is **4000m<sup>2</sup>** and over, provide a trafficable mineral earth firebreak at least four (4) metres wide, with a vertical height clearance of 4.2 metres;

- Immediately inside all external boundaries on the land;
- Immediately surrounding all outbuildings erected on land;
- Immediately surrounding haystacks, fuel storage or other flammable substances or material.

A vertical height clearance of 4.2m must be maintained on driveway access.

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## 1.4 FIRE MANAGEMENT PLANS

Where land is subject to an approved Fire Management Plan the management plan must be fully complied with for the site.

## 1.5 ASSET PROTECTION ZONES

In all areas noted as being within 100m of Bush Fire Prone Vegetation as designated by the Fire and Emergency Services Commissioner, the installation and maintenance of Asset Protection Zones (APZ) are recommended.

Asset Protections Zones in these areas are recommended to include:

- A 20 metre asset protection zone (reduced fuel load) from the walls of any building or infrastructure unless otherwise approved in a Fire Management Plan.
- Reticulated gardens shall be maintained to a height no greater than .5 metre (50 cm).
- Loose flammable material within the APZ should be removed to reduce the fuel load to less than 2 tonnes per hectare and this is to be maintained to this level.
- Wood piles to be stored at least 10 metres from the building.
- Maintenance of a minimum 2 metre gap between trees and shrubs any building or infrastructure.
- Ensuring that no trees overhang any building or infrastructure.
- Prune lower branches of trees within the APZ (up to 2 metres off the ground) to stop a surface fire spreading to the canopy of the trees.
- Trees or shrubs in the APZ are to be cleared of any dead material.

On all land 4000m<sup>2</sup> and greater Asset Protection Zones in these areas are required to:

- Maintain a minimum 2 metre gap between trees and shrubs and dwelling; and
- Ensure that no trees overhang any dwelling.

The City's Authorised Bush Fire Control Officers may issue a request for works to be completed for the failure to undertake required Asset Protection Zone works and where works are not completed an infringement notice may be issued.

Contractors will not be requested to undertake works on the owner's behalf in relation to Asset Protection Zone non-compliance. Any change in enforcement approach in this regard is to be endorsed by Council.

An authorised Bush Fire Control Officer may issue a variation from Asset Protection Zone requirements where it is considered that adequate risk mitigation measures have been implemented, such as the reduction of fuel loads and appropriate management of understorey vegetation.

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Applications can be made to the City to remove trees or vegetation in order to create an Asset Protection Zone within a tree preservation area as designated in the City's Town Planning Scheme No 3.

These requirements are the minimum standard. Additional requests may be made in accordance with the relevant section of the Bush Fires Act 1954 by the City's authorised Bush Fire Control Officer.

- 1.6 Annual property fire break and fuel hazard reduction inspections of all urban, rural occupied and unoccupied land by authorised Bush Fire Control Officers will officially commence on the 18th November each year.
- 1.7 Variation to the City's requirements: If a landowner considers for any legitimate reason it impractical to clear firebreaks as required by The Notice, or if natural features are considered to render firebreaks unnecessary, application may be made in writing to the City or its authorised Bush Fire Control Officers, not later than 1 November of each year for alternative locations, or other method of fire prevention on the land.

The City's authorised Bush Fire Control Officers may apply an approval to the variation for a period of up to 3 years where appropriate. Properties must be maintained each year in accordance with the approved variation.

If permission is not granted, the requirements of The Notice must be complied with. Any major fire hazard reduction request which cannot be resolved between the applicant and an authorised Bush Fire Control Officer may be referred to the Chief Bush Fire Control Officer for determination.

- 1.8 The City or its authorised Bush Fire Control Officers may, in accordance with section 33 of the Act, arrange for a contractor, workers, machinery or other equipment or workforce necessary to clear land found in contravention of subsection 1.3. The City's contractors may be requested to undertake remedial compliance works to properties found to be in contravention of subsection 1.3.
- 1.9 Landowners may be served with notice of the contravention and an infringement notice may be issued in accordance with the Act.
- 1.10 Landowners shall be liable for the costs associated with the hazard reduction clearing on their land as stipulated in subsection 1.7 of this policy and those costs shall remain as a debt against the property until paid in full.

## **2 BURNING PERIODS**

- 2.1 **Restricted Burning Period:**  
The restricted burning period, pursuant to section 18 of the Act shall be between 1 April and 30 November inclusive each year.
- 2.2 **Prohibited Burning Period:**  
The prohibited burning period, pursuant to section 18 of the Act shall be between 1 December and 31 March inclusive each year.
- 2.3 **Limited Burning Times:**  
Has the same meaning as 'Restricted Burning Period' where a Permit to Burn is required.

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## 3 OPEN AIR FIRES

Council has resolved to prohibit open air fires lit for the purpose of camping or cooking within the district unless specifically approved by the Chief Bush Fire Control Officer in writing.

## 4 BURNING OF GARDEN REFUSE

Section 24G of the Act also provides that a local government may, by notice published in the Gazette and a newspaper circulating in its district, prohibit or impose restrictions on the burning of garden refuse within its district that is otherwise permitted under Section 24F. Council has resolved to prohibit the burning of garden refuse or rubbish within the district of Mandurah.

This prohibition applies to all land zoned urban residential under the City of Mandurah Town Planning Scheme No 3, between 1 May and 31 October inclusive. The effect is that the burning of garden refuse either in an incinerator or on the ground in urban zoned areas is prohibited at all times of the year.

The following exemptions apply:

Land zoned rural residential under the City of Mandurah Town Planning Scheme No. 3, and on all land 4000m<sup>2</sup> and greater. Any other exemption is based on an assessment of the hazard by a City authorised Bush Fire Control Officer.

These exemptions are restricted to 1 May and 31 October and a "Permit to Burn" will be required during these dates. No burning is permitted during the 'Prohibited Burning period' as mentioned above.

These conditions include the following:

- Properties of area less than 2 hectares to burn 2m<sup>3</sup> of refuse at one time.
- Properties of area 2 hectares or greater are permitted to burn no more than 3m<sup>3</sup> of refuse at one time.

## Legislative Context

*Bush Fires Act 1954*

## Related Documents

These documents are mandatory and required to give effect to this policy:

DA-EMS 01 Prohibited Burning Times

DA-EMS 02 Bush Fires Act 1954

DA-FCM 06 Defer, Grant Discounts, Waive or Write off Debts

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**Responsible Directorate:**

Business Services

**Responsible Department:**

Development and Compliance

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**Reviewer:** Executive Manager Development and Compliance

**Creation date and reference:** 18 June 2002, Minute G.28/06/02

**Last Review:** 23 June 2020, Minute G.28/6/20

Amendments			
Version #	Council Approval Date, Reference	Date Document In force	Date Document Ceased
2	Minute G.43/12/09	15/12/2009	26/06/2012
3	Minute G.31/6/12	26/06/2012	25/02/2014
4	Minute G.25/2/14	25/02/2015	24/03/2015
5	Minute G.25/3/15	24/06/2015	13/06/2017
6	Minute G.22/6/17	13/06/2017	30/04/2019
7	Minute G.19/4/19	30/04/2019	23/07/2019
8	Minute G.12/7/19	23/07/2019	23/06/2020
9	Minute G.28/6/20	23/06/2020	-