

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.

Definitions

Where words are defined in the *Bush Fires Act 1954*, those words have the same meaning. Where words are not defined in the *Bush Fires Act 1954* and used their meanings are:

Asset Protection Zone

Means a low fuel area immediately surrounding a building.

Authorised Officer

Means an employee of the City of Mandurah appointed as a Bush Fire Control Officer.

Driveway

Means a point of access to a Habitable Building accessible for both conventional two-wheel drive vehicles and firefighting appliances that is totally clear of obstructions.

Bushfire Management Plan

Means a plan that has been developed in accordance with State Planning Policy 3.7 and approved by the City of Mandurah to reduce and mitigate fire hazards within a particular subdivision, lot or other area of land anywhere in the district.

Flammable Material

Means accumulated fuel such as dry grass, leaf litter, twigs, branches, trash, bush, dead trees, firewood, stored fuels and scrub that can be easily ignited or is likely to catch fire and burn. It includes any other thing deemed by an Authorised Officer to be likely to catch fire but excludes living standing trees, growing bushes and plants in gardens and/or lawn areas under cultivation.

Habitable Building

Means a permanent or temporary structure on land that –

- a. is fully or partially enclosed; and
- b. has at least one wall of solid material and a roof of solid material; and
- c. is used for a purpose that involves the use of the interior of the structure by people for living, working, studying, or being entertained.

Haystack

Means any collection of hay including fodder rolls placed or stacked that exceeds 100m³ in size (e.g. five (5) metres x five (5) metres x four (4) metres), whether in a shed, other structure or in the open air.

Trafficable Mineral Earth Firebreak

Means a 4 metre wide area of the owner(s)/occupier(s) land, cleared and maintained totally clear of all vegetation material (living or dead) providing an unimpeded route – (can be ploughed, cultivated, sprayed or otherwise cleared) accessible and traversable by 4WD fire vehicles.

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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 4000m²

Where the area of the land is less than 4000m² remove all flammable material on the land except living standing trees, growing bushes and plants in gardens and lawns under cultivation from the whole of the land by either mowing or slashing down to 40mm or other method approved in writing by an Authorised Officer for this purpose. (Note: Properties with dense vegetation will also need fuel reduction to reduce any significant fire risk to the satisfaction of the City's authorised Bush Fire Control Officer).

If mowing or slashing is carried out, then the height of the vegetation must not exceed, as far as is reasonably practicable, 40mm over the entire area of land.

A four (4) metre firebreak alone is not adequate on land less than 4000m².

Occupied or Unoccupied Land 4000m² and Over

Where the area of land is 4000m² and over, provide a trafficable mineral earth firebreak at least 4 metres wide, with a vertical height clearance of 4.2 metres:

- Immediately inside all external boundaries of the land;
- Immediately surrounding all outbuildings erected on the land;
- Immediately surrounding haystacks or fuel storage; and
- On the land's driveway access.

Maintain a minimum 2m separation between trees, shrubs and any habitable building.

Ensure no part of any tree overhangs any habitable building.

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1.4 BUSHFIRE MANAGEMENT PLANS

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

1.5 ASSET PROTECTION ZONES

Asset Protection Zones (APZ's) should be considered noting the gazetted provisions of the Fire and Emergency Services Commissioners *Bushfire Risk Treatment Standards 2020*.

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 APZ's are recommended.

Properties zoned rural residential, or rural small holding under the City of Mandurah Local Planning Scheme 12, or on all land 4000m² and greater 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 APZ works and where works are not completed an infringement notice may be issued or prosecution initiated.

Where land owners do not complete required APZ works, contractors will not be engaged by the City to undertake works on the owner's behalf. 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 APZ 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.

Unless exempt from the requirement for Development Approval applications must be made to the City to remove trees or vegetation in order to create an APZ as required by Local Planning Scheme 12.

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.

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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.
- 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 1.3 of this policy and those costs shall remain as a debt against the property until paid in full.

2 BURNING DURING THE PROHIBITED AND RESTRICTED BURNING TIMES

- 2.1 The Prohibited and Restricted Burning periods are determined by the Minister for Emergency Services and the Fire and Emergency Services Commissioner in accordance with the *Bush Fires Act 1954*.
- 2.2 Fuel hazard reduction burns or running burns must only be undertaken based on a full assessment of the hazard by an Authorised Officer in consultation with the City's Chief Bush Fire Control Officer and internal Bushfire Mitigation Working Group. The delivery of the burn must be undertaken with the support of local Bushfire Brigades.

Full demonstration of appropriate risk mitigation planning is required and a Permit to Set Fire to Bush must be issued by an Authorised Officer prior to commencement of any fuel hazard reduction or running burn.

- 2.3 Restricted Burning Period:
The restricted burning period, pursuant to section 18 of the Act is between 1 April and 30 November inclusive each year.
- 2.4 Prohibited Burning Period:
The prohibited burning period, pursuant to section 18 of the Act is between 1 December and 31 March inclusive each year.

3 CAMPING OR COOKING

The City of Mandurah prohibits the lighting of a fire in the open air for the purpose of camping or cooking at all times within the City's district unless it is done in compliance with the requirements published by the City on its website from time to time and as specifically approved in writing by the Chief Bush Fire Control Officer.

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.

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Council has resolved to prohibit the burning of garden refuse or rubbish within the district of Mandurah.

The burning of garden refuse within the City's district is prohibited otherwise than in accordance with a Permit to Burn Garden Refuse issued by the City and compliance with the restrictions therein. Any other exemption is based on an assessment of the hazard by an Authorised Officer and must be in writing.

A Permit to Burn Garden Refuse may only be issued between 1 May and 31 October and only for the following properties:

- properties zoned rural residential, or rural small holding under the City of Mandurah Local Planning Scheme 12; or
- on all land 4000m² and greater.

Permits to Burning Garden Refuse are subject to conditions including the following:

- Properties of area less than 2 hectares are permitted to burn no more than 2m³ of refuse at one time.
- Properties of area 2 hectares or greater are permitted to burn no more than 3m³ of refuse at one time.

Legislative Context

Bush Fires Act 1954

Bushfire Regulations 1954

Bush Fire Risk Treatment Standard 2020

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: Strategy and Economic Development

Responsible Department: Development and Compliance

Reviewer: Executive Manager Development and Compliance

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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	27/05/2026
10	Minute OCM26/45	27/05/2026	-