

Bush Fires Act 1954

City of Swan

Fire Hazard Reduction Notice (Firebreak Notice)

Notice to Owners and/or Occupiers of land situated within the City of Swan.

To assist in the control of bush fires, and pursuant to Section 33 of the *Bush Fires Act 1954*, all owners and occupiers of land within the City of Swan are required on or before the 1st day of November, 2023, or within 14 days of becoming an owner or occupier of land after that date, meet the fire hazard reduction conditions described in this notice and maintain these conditions up to and including the 30th day of April, 2024.

1. All land less than 5,000m² (0.5 Hectares or 1.2 Acres)

- 1) Install and maintain an asset protection zone in accordance with the requirements specified in clause 13 of this notice.
- 2) Maintain all grass to a height of no greater than 10cm.
- 3) Areas of natural vegetation to be maintained at or below 8 tonnes per hectare.
- 4) Where a property is affected by an approved bushfire management plan, property owners must still comply with all requirements in this notice and with any additional requirements outlined within that plan.

2. All land between 5,000m² and 25,000m² (0.5 - 2.5 Hectares) or (1.2 - 6.2 Acres)

- 1) Install and maintain an asset protection zone in accordance with the requirements specified in clause 13 of this notice.
- 2) Install firebreaks as close as practicable inside of, but no more than 5m from, the property's external boundaries. Firebreaks need to be 3 metres wide with a 4 metre vertical height clearance free from flammable materials and overhanging branches (see section 10 in this notice for further details).
- 3) Maintain all grass to a height of no greater than 10cm.
 - a) If the land is stocked, the grass must be reduced and maintained to a height of no greater than 10cm by the 1st day of December.
- 4) Natural vegetation within 100 metres of buildings including attached and adjacent structures and essential infrastructure shall be maintained at or below 8 tonnes per hectare, by passive methods of fuel reduction that does not permanently remove or reduce the quantity or occurrence of the native plants, shrubs and trees within the subject area.
- 5) Where a property is affected by an approved bushfire management plan, property owners must still comply with all requirements in this notice and with any additional requirements outlined within that plan.

3. All land with an area greater than 25,000m² (2.5 Hectares or 6.2 Acres)

- 1) Install and maintain an asset protection zone in accordance with the requirements specified in clause 13 of this notice.
- 2) Install firebreaks as close as practicable inside of, but no more than 5m from, the property's external boundaries. Firebreaks need to be 3 metres wide with a 4 metre vertical height clearance free from flammable materials and overhanging branches (see section 10 in this notice for further details).
 - a) Properties over 100 hectares require additional firebreaks to divide the land into areas not exceeding 100 hectares.
- 3) Maintain all grass immediately adjacent to one side of any firebreak to a height of no greater than 10cm and a minimum width of 3 metres.
 - a) If the land is stocked, this grass must be reduced and maintained to a height of no greater than 10cm by the 1st day of December.
- 4) Natural vegetation within 100 metres of buildings including attached and adjacent structures and essential infrastructure shall be maintained at or below 8 tonnes per hectare, by passive methods of fuel reduction that does not permanently remove or reduce the quantity or occurrence of the native plants, shrubs and trees within the subject area.
- 5) Where a property is affected by an approved bushfire management plan, property owners must still comply with all requirements in this notice and with any additional requirements outlined within that plan.

4. Plantations

- 1) Install and maintain external and internal firebreaks, firebreaks that form compartments (cells), firebreaks and hazard reduction measures that protect neighbouring communities and essential infrastructure in accordance with the requirements of a fire management plan approved in writing by the City of Swan; or
- 2) Where no such approved fire management plan exists,
 - a) Install and maintain external and internal firebreaks and firebreaks that form compartments (cells) and carry out all other firebreaks and hazard reduction measures which are required in accordance with the requirements and specifications within the Department of Fire & Emergency Services 'Guidelines for Plantation Fire Protection' 2011 or later publication.

5. Application to Vary Firebreak and Hazard Reduction Requirements

- 1) If it is considered impractical for any reason to clear firebreaks in a manner or location required by this notice, or to carry out any fire hazard reduction work or measures required by this notice, you may apply in writing on or before the 1st day of October, for approval to provide firebreaks in alternative positions or to take alternative measures to abate fire hazards on the land. Alternative firebreak application forms can be downloaded from the City of Swan website.
- 2) If permission is not granted in writing by the City of Swan prior to the 1st day of November, you shall comply with the requirements of this notice.
- 3) When permission for alternative firebreaks or fire hazard reduction measures has been granted, you shall comply with all conditions on the endorsed permit and maintain the land to the required standard throughout the period specified by this notice.
 - a) Where a property is affected by an approved bushfire management plan, property owners must comply with any additional requirements and responsibilities outlined within that plan.

6. Fuel Dumps and Depots

Remove all flammable material within 10 metres of fuel dumps, fuel ramps or where fuel drums, whether containing fuel or not, are stored.

7. Hay Stacks

Clear and maintain a firebreak completely surrounding any haystack on the land, within 60 metres of the haystack.

8. Fire Service Access (Strategic Firebreaks)

- 1) Where under a written agreement with the City of Swan, or where depicted on an approved bushfire management plan Fire Service Access are required on the land, you are required to clear and maintain the Fire Service Access a minimum of 6 metres wide along the agreed alignment to provide restricted vehicular access to emergency services and authorised vehicles.
- 2) Fire Service Access must be free from flammable material and unimpeded by obstructions including boundary fences and gates unless approved in writing by the City of Swan.
- 3) Gates may only be secured with City of Swan Fire Service padlock.
- 4) Fire Service Access shall be graded to provide a continuous 4 wheel drive trafficable surface a minimum of 4 metres wide with a 1 metre shoulder on either side.
- 5) All branches must be pruned and obstacles removed to maintain a 4 metre vertical height clearance above the full 6 metre width of the trafficable surface.

9. Emergency Access Ways

- 1) Where under a written agreement with the City of Swan, or where depicted on an approved bushfire management plan, Emergency Access Ways are required on private land, you are required to clear and maintain a vehicular access way to a minimum of 6 metres wide along the agreed alignment.
- 2) Emergency access ways must be free from flammable material and unimpeded by obstructions including boundary fences and gates unless approved in writing by the City of Swan.
- 3) Gates on Emergency Access Ways must remain unlocked at all times.
- 4) Emergency Access Ways shall be graded and have suitable drainage to provide a minimum 6 metre wide continuous trafficable surface suitable for all types of 2 wheel drive vehicles.
- 5) All branches must be pruned and obstacles removed to maintain a 4 metre vertical height clearance above the full 6 metre width of the trafficable surface.

10. Firebreak Construction

- 1) Firebreaks are to be developed and maintained clear of all obstacles and flammable materials to create a minimum of 3 metres wide trafficable surface suitable for 4 wheel drive vehicles.
- 2) Overhanging branches must be pruned to provide a 4 metre vertical clearance above the full width of the firebreak surface.
- 3) Boundary firebreaks must be installed as close as practicable inside of, but no more than 5m from, the property's external boundaries.
- 4) Alternative Firebreaks that are approved in writing by the City of Swan, or as depicted within a bushfire management plan approved in writing by the City of Swan, are to be constructed to the same standard as general firebreaks and must be constructed along the specified alignment.
- 5) Firebreaks must not terminate in a dead end.
- 6) Firebreaks may be constructed by ploughing, grading, raking, burning, chemical spraying or any other method that achieves the required standard.

11. Driveways

Where a dwelling is situated more than 70 metres from a public road,

- 1) Driveways must be maintained clear of all permanent obstacles and flammable materials to create a minimum 3 metre wide trafficable surface suitable for all types of 2 wheel drive vehicles.
- 2) Overhanging branches must be pruned to provide a 4 metre vertical clearance above the driveway.

12. Fuel Reduction – Natural Vegetation

- 1) Available bushfire fuels must be maintained at or below:
 - a) Asset Protection Zones - 2 tonnes per hectare
 - b) Natural Vegetation - 8 tonnes per hectare for areas of natural vegetation within 100 metres of buildings, attached and adjacent structures and essential infrastructure
- 2) Passive Fuel Reduction within natural vegetation may be achieved by burning, raking, pruning, weed management, removal of dead materials and any other approved method.
- 3) Permanent removal or partial clearing of natural vegetation including native grasses, shrubs or trees may only be carried out to meet the minimum requirements of this notice.

Note: Advice and resources on how to measure and manage native vegetation fuel loads are available from the Department of Fire and Emergency Services or the City of Swan.

13. Asset Protection Zones Specification

Asset protection zones must be installed around relevant buildings (see section 17) and must meet the following requirements:

- 1) Extends 20 metres out from any external walls of the building, attached structures, or adjacent structures within 6 metres of the habitable building, unless varied under an approved bushfire management plan.
- 2) On sloping ground, the asset protection zone distance shall increase with 1 metre for every degree in slope on the sides of the building/ structure that are exposed to down slope natural vegetation.
- 3) Asset protection zone requirements only apply within the boundaries of the lot on which the asset is located and cannot be enforced across boundaries.
- 4) The average fuel loads must be reduced and maintained at two tonnes per hectare or lower.
- 5) It is recommended asset protection zones predominantly contain vegetation of low-flammability, reticulated lawns and gardens and other non-flammable features.
- 6) All grass is maintained to or under 10cm.
- 7) The crowns of trees are to be separated where possible to create a clear separation distance between adjoining or nearby tree crowns. Clearing or thinning trees to create distances greater than 10 metres separation between tree crowns is not required or supported by this.
- 8) A small group of trees within close proximity to one another may be treated as one crown provided the combined crowns do not exceed the area of a large or mature crown size for that species.
- 9) Trees are to be low pruned (or under pruned) to at least a height of 2 metres from ground.
- 10) No tree, or shrub over 2 metres high is planted within 3 metres of a building, especially adjacent to windows.
- 11) There are no tree crowns or branches hanging over buildings.
- 12) Clear and prune scrub to reduce to a sparse density (able to walk through vegetation with relative ease with minimal deviation around trees and shrubs).
- 13) Install paths or clear flammable or dry vegetation, debris and materials immediately adjacent to the building.

- 14) Wood piles and flammable materials stored a safe distance from buildings.

Environmental Considerations

Clearing or modifying native vegetation beyond what is required under this notice will require approval from the appropriate Government body and the City of Swan. Please refer to the Department of Water and Environmental Regulation (DWER) and the Department of Fire and Emergency Services (DFES) websites for further information and contact details.

14. Burning

All burning must be carried out in accordance with the relevant provisions of this notice and the *Bush Fires Act 1954*, *Health (Miscellaneous Provisions) Act 1911* and the City of Swan Consolidated Local Laws 2005.

Prohibited Period: All burning, including garden refuse and camping fires are prohibited.

Restricted Period: All burning requires a permit except for the burning of garden refuse and camping fires which are subject to the following conditions:

- 1) The fire must not be lit if the Fire Danger Rating is High or above, or if a Total Fire Ban is declared.
- 2) Only one fire is allowed at any time and it does not exceed 1 cubic metre in size.
- 3) No flammable material within 5 metres of the fire.
- 4) The fire is only lit between 6 pm and 11 pm and completely extinguished by midnight.
- 5) At least one person capable of controlling the fire is in attendance at all times with adequate means of extinguishing the fire.

15. Cooking Fires

Fires for the purpose of cooking are exempt from burning period restrictions subject to the following conditions:

- 1) The fire must not be lit if the Fire Danger Rating is High or above, or if a Total Fire Ban is declared.
- 2) The fire is contained in a purpose built appliance and
 - a) at a person's home; or
 - b) an area is set aside for that purpose by the State Authority or City of Swan
- 3) No flammable material within 5 metres of the fire.
- 4) At least one person capable of controlling the fire is in attendance at all times with adequate means of extinguishing the fire.

16. Compliance

- 1) In addition to the requirements of this notice, further works which are considered necessary by an Authorised Officer of the City of Swan may be required as specified in writing in a subsequent notice addressed to the landowner.
- 2) Where the owner or occupier of the land fails or neglects to comply with the requirements of this notice or a subsequent notice addressed to the landowner, the City of Swan may enter onto the land with workmen, contractors, vehicles and machinery to carry out the requisitions of the notice at the expense of the landowner.
- 3) Failure to comply with this notice and subsequent written notices may result in a penalty not exceeding \$5,000, or the issue of a \$250 infringement notice and liability for any costs incurred by the City of Swan in relation to works undertaken on behalf of the landowner.
- 4) Where a property is affected by an approved bushfire management plan, property owners must still comply with all requirements in this notice and with any additional requirements outlined within that plan.

17. Definitions

'Alternative Firebreak' is a firebreak that is in an alternative position or alignment to the requirement specified in paragraph 2 and 3 of this notice.

'Alternative Firebreak Application' is an application that may be made by a landowner to install firebreaks in an alternative position, or to carry out alternative measures in lieu of general firebreaks.

'Available Fuel' is the bush fuel consisting of live and dead vegetation such as stubble, mulch, leaf litter, twigs, trash, scrub and other vegetation less than 6mm in diameter capable of carrying a running fire and will actually burn under prevailing conditions.

'Asset Protection Zone (APZ)' is a low fuel area that is reduced of flammable vegetation and materials surrounding buildings and essential infrastructure to minimise the likelihood and impact that direct flame contact, radiant heat or ember attack may have on buildings and assets in the event of a bushfire. This area must extend out from the external walls of a building or asset a minimum of 20 metres.

'Bushfire Management Plan' or 'Fire Management Plan' is a comprehensive plan that may be placed on the certificate of title(s) of land that has been developed as a condition of development or subdivision. Bushfire Management Plans may become outdated and it's the responsibility of the property owner to review and keep them current. Where a property is affected by an approved bushfire management plan, property owners must still comply with all requirements in the Annual Fire Hazard Reduction Notice and with any additional requirements outlined within that plan.

'Emergency Access Way' is a two wheel drive trafficable, 6 metre wide access route to provide local residents, general public and emergency services alternative links to road networks at the end of cul-de-sacs or areas where access is limited during an emergency incident.

'Essential Infrastructure' or **'Critical Infrastructure'** means assets, infrastructure, systems and networks that provide essential services necessary for social and economic wellbeing and is typically public infrastructure. Assets and infrastructure, usually of a public nature, that generate or distribute electricity, water supply, telecommunications, gas and dams are typical assets that are essential to society and are often located in, or traverse areas that are prone to bushfires.

'Firebreak' is an area of land cleared of flammable material (see available fuel above) to minimise the spread of a bushfire and to provide access for firefighting services. For the purpose of this notice the term firebreak is a strip of land at minimum 3 metres with a 4 metres vertical clearance, constructed to provide a 4 wheel drive trafficable surface for access by emergency and authorised vehicles. Boundary firebreaks must be installed as close as practicable inside of, but no more than 5m from, the property's external boundaries.

'Fire Hazard' means accumulated fuel (living or dead) such as leaf litter, twigs, trash, bush, dead trees and scrub capable of carrying a running fire but excludes standing living trees and isolated shrubs.

'Fire Service Access (Strategic Firebreaks)' is a firebreak that is 6 metres wide established to provide strategic access and links to road networks whilst providing a wider control/containment line to protect town sites, estates and similar exposures during bushfire operations.

'Natural Vegetation' means natural areas of forest, woodland, shrubland, scrub, mallee or mulga.

'Passive Fuel Reduction' means lowering the amount of available fuel that will burn under prevailing conditions by means that will not permanently reduce or modify the structure or life cycle of plant, shrub, scrub or tree communities within an treated area. This is typically achieved by undertaking a cool, controlled burn of an area during cooler, damper months, or by physical removal of built up leaf litter, dead materials, weeds and slashing long dry grasses without damaging live native plants within the area.

'Plantation' is any area of native or exotic planted trees that exceeds three hectares in a gazetted town site, or elsewhere a stand of trees of 10 hectares or larger that has been planted and managed intensively for their commercial and environmental value. A plantation includes roads, firebreaks and small areas of native vegetation.

'Relevant building' is classified under the Building Code as one of the following:

- single dwelling such as a detached house, duplex, villa or townhouse (Class 1a);
- small boarding house, guest house or hostel (Class 1b);
- dwellings such as apartments and flats in a building containing two or more units (Class 2);
- accommodation for unrelated people such as hotel, motel, residential part of a school, accommodation for the aged, children or people with disabilities (Class 3);
- building of a public nature such as a health care building (9a), an assembly building such as a school (9b) or an aged care building (9c);
- private bushfire shelters associated with a single dwelling (Class 10c); or
- non-habitable building including sheds, carports and private garages (Class 10a) when within six metres of a class 1a, 1b, 2, 3 or 9 building.

By order of the Council,



Chief Executive Officer

City of Swan