

## Bush Fires Act 1954

### 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 bushfires, 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 November 1, 2026, or within 14 days of becoming an owner or occupier of land after that date, to meet the fire hazard reduction conditions described in this notice and maintain these conditions up to and including April 30, 2027.

#### 1. All land equal to or less than 5,000 sqm (0.5 ha or 1.2 acres)

- a. Install and maintain an asset protection zone in accordance with the requirements specified in clause 8
- b. Maintain all grass to a height of no greater than 10cm
- c. Maintain areas of natural vegetation to at or below eight tonnes per hectare.

#### 2. All land greater than 5,000 sqm (0.5 ha or 1.2 acres)

- a. Install and maintain an asset protection zone in accordance with the requirements specified in clause 8
- b. Install firebreaks as close as practicable inside of, but no more than 10m from, the property's external boundaries. Firebreaks need to be 3m wide with 4m vertical height clearance free from flammable materials and overhanging branches (see clause 7 for further details):
  - i. A boundary firebreak is not required where the land is 90 per cent or more covered by buildings, other non-vegetated areas, and/or irrigated orchards/vineyards. All grass must be maintained to 10cm or less
  - ii. Properties over 100 ha require additional firebreaks to divide the land into areas not exceeding 100 ha.
- c. Maintain all grass:
  - i. On land between 5,000 sqm and 25,000 sqm (0.5-2.5 ha) or (1.2-6.2 acres) all grass must be reduced to a height no greater than 10cm
  - ii. On land greater than 25,000 sqm (2.5 ha or 6.2 acres) all grass immediately adjacent to one side of any firebreak must be reduced to a height of no greater than 10cm for a minimum width of 3m
  - iii. If the land is stocked, compliance with conditions 2.c(i) and 2.c(ii) may be postponed until December 1.
- d. Maintain areas of natural vegetation within 100m of relevant buildings at or below eight tonnes per hectare fuel load, by passive methods of fuel reduction.

#### 3. Bushfire management plans

- a. 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. Fuel storage areas/haystacks/stockpiled flammable material

- a. Remove all flammable material within 10m of the storage area
- b. Install a firebreak (to the specifications outlined in clause 7) immediately adjacent to any haystacks or stockpiled flammable material.

## 5. Fire service access routes (strategic firebreaks) and emergency access ways

Where under a written agreement with the City, or were depicted on an approved bushfire management plan, fire service access routes (FSARs) or emergency access ways (EAWs) are required on the land, you are required to:

- a. Clear and maintain the FSAR/EAW to 6m wide free from flammable material with a 4m vertical height clearance above the full 6m width
- b. The FSAR/EAW must remain unimpeded by obstructions at all times, including boundary fences and gates unless approved in writing by the City
  - i. Approved gates on FSARs may be secured with a City of Swan fire service padlock. Private padlocks may be added if approved in writing by the City
  - ii. Approved gates on EAWs must always remain unlocked
- c. FSARs must provide a continuous 4-wheel drive trafficable surface for the full 6m width
- d. EAWs must provide a continuous 2-wheel drive trafficable surface for the full 6m width.

## 6. Driveways

Where a dwelling is situated more than 70m from a public road

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

## 7. Firebreak specification

- a. Firebreaks are to be installed and maintained clear of all obstacles and flammable materials (e.g. maintained to mineral earth, gravel, limestone, bitumen, or green lawn to a height no greater than 25mm) to create a minimum 3m wide trafficable surface suitable for 4-wheel drive vehicles
- b. Overhanging branches must be pruned to provide 4m vertical clearance above the full width of the firebreak
- c. Install firebreaks as close as practicable inside of, but no more than 10m from, the property's external boundaries
- d. Firebreaks must not terminate in a dead-end
- e. Firebreaks may be constructed by ploughing, grading, raking, burning, chemical spraying or any other method that achieves the required standard.

## 8. Asset protection zone specification

Asset protection zones must be installed around relevant buildings (see section 12) and must meet the following requirements:

- a. Extend 20m out from the external walls of the relevant building. Note: Asset protection zone requirements only apply within the boundaries of the lot on which the relevant building is located
- b. The average fuel loads must be reduced and maintained at two tonnes per hectare or lower
- c. All grass is maintained to under 10cm
- d. Tree canopy coverage is no greater than 15 per cent. The crowns of trees must have clear separation distance between one another

- e. A small group of trees within 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
- f. Trees must be low-pruned (or under-pruned) to at least a height of 2m from the ground
- g. No tree or shrub over 2m high is planted within 3m of a building
- h. There are no tree crowns or branches hanging over buildings
- i. Scrub is reduced to a sparse density (able to walk through vegetation with relative ease and minimal deviation)
- j. Install paths or clear flammable or dry vegetation, debris, and materials immediately adjacent to the building
- k. Wood piles and flammable materials are stored a safe distance from buildings.

## 9. Application to vary firebreak and hazard reduction requirements

- a. 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 November 1 for approval to provide firebreaks in alternative positions or to take alternative measures to abate fire hazards on the land
- b. If permission is not granted in writing by the City prior to December 1, you shall comply with the requirements of this notice
- c. When permission for alternative firebreaks or fire hazard reduction measures has been granted, you shall comply with all conditions on the approved plan and maintain the land to the required standard throughout the period specified by this notice.

## 10. Environmental and heritage considerations

It is the responsibility of the landowner to ensure appropriate environmental and heritage due diligence relating to any works required by this notice is undertaken. Please refer to the Department of Water and Environmental Regulation (DWER), the Department of Planning, Lands and Heritage, and/or the Department of Fire and Emergency Services (DFES) websites for further information.

## 11. Compliance

- a. In addition to the requirements of this notice, further works which are considered necessary by an authorised officer of the City may be required as specified in writing in a subsequent notice addressed to the landowner
- b. 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 workers, contractors, vehicles, and machinery to carry out the requisitions of the notice at the expense of the landowner
- c. 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 in relation to works undertaken on behalf of the landowner.

## 12. Definitions

**‘Alternative firebreak’** is a firebreak that is in an alternative position or alignment to the requirement specified in paragraphs 2 and 3 of this notice.

**‘Asset protection zone (APZ)’** is a low fuel area that is reduced of flammable vegetation and materials surrounding relevant buildings 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.

**'Bushfire management plan'** or **'fire management plan'** is a plan that may be placed on the certificate of title(s) of land that has been developed as a condition of development or subdivision.

**'Emergency access way'** is a two-wheel drive trafficable, 6m 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.

**'Firebreak'** is an area of land cleared of flammable material to minimise the spread of a bushfire and to provide access for firefighting vehicles.

**'Fire service access route (strategic firebreaks)'** is a firebreak that is 6m wide established to provide strategic access and links to road networks whilst providing a wider control/ containment line for emergency services use only.

**'Flammable material'** is anything that is easily able to catch on fire including, but not limited to, grasses, leaves, branches, scrub and trees.

**'Irrigated'** means an area that is watered and maintained, with all vegetation in an alive, green, and non-flammable state.

**'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 a treated area.

**'Relevant building'** is classified under the building code as one of the following:

- i. Single dwelling such as a detached house, duplex, villa or townhouse (class 1a)
- ii. Small boarding house, guest house or hostel (class 1b)
- iii. Dwellings such as apartments and flats in a building containing two or more units (class 2)
- iv. Accommodation for unrelated people such as a hotel, motel, residential part of a school, accommodation for the aged, children or people with disabilities (class 3)
- v. 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)
- vi. Private bushfire shelters associated with a single dwelling (class 10c) or
- vii. Non-habitable buildings including sheds, carports, and private garages (class 10a) when within 6m of a class 1a, 1b, 2, 3 or 9 building.

**By order of the Council,**

**Chief Executive Officer**

**City of Swan**