

Fire-break and Hazard Reduction Notice 2023/2024



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Call 13 3337 (13 DFES)

Notice to all owners and occupiers of land situated within the City Of Armadale

BUSH FIRES ACT 1954

Notice is hereby given that pursuant to Section 33(1) of the *Bush Fires Act 1954*, all owners and/or occupiers of land within the City of Armadale are required to carry out fire prevention works in accordance with the requisitions of this Notice, to prevent the outbreak, spread or extension of a bush fire, on or before the 30th day of November 2023, or within fourteen days of becoming the owner or occupier of land should this be after the 30th day of November 2023, and maintain the required fire prevention works up to and including the 31st day of March 2024.

1. Definitions

Authorised Officer means an employee of the City of Armadale appointed as a Bush Fire Control Officer.

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

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 Inflammable Matter and other objects or things.

Fire-break means an area of land constructed to a Trafficable surface and maintained totally clear of all Inflammable Matter leaving bare mineral earth, and includes the pruning and removal of any living or dead trees, scrub or any other material encroaching into the Vertical Axis of the fire-break area. Such fire-breaks may be constructed by one or more of the following methods: ploughing, cultivating, scarifying, raking, burning, chemical spraying or other method as approved by an Authorised Officer.

Fire Management Plan has the same meaning as Bushfire Management Plan.

Fuel Depot / Fuel Storage Area means an area of land, building or structure where fuel (i.e. petrol, diesel, kerosene, or any other hydrocarbon liquid) is kept, excepting where the quantities of fuel being stored are considered "minor storage quantities" under Table 2.1 of *Australian Standard AS1940* The storage and handling of flammable and combustible liquids.

Habitable Building means a dwelling, workplace, place of gathering or assembly and includes a building used for storage or display of goods or produce for sale by wholesale in accordance with classes 1 — 9 of the *Building Code of Australia*.

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.

Inflammable Matter means any tree, bush, plant, grass, mineral, vegetable, substance, object, thing or material (except for living trees, shrubs, plants and lawns under cultivation) or any other thing deemed by an Authorised Officer to be capable of combustion that may, or is likely to, catch fire and burn.

Trafficable means to be able to travel from one point to another in a four-wheel drive fire appliance on a clear surface, unhindered without any obstruction that may endanger such fire appliances. A Fire-break is not to terminate, or lead to a dead end without provision for egress to a safe place or a cleared turn around area of 17.5 metre radius.

Vertical Axis means a continuous vertical uninterrupted line at a right angle to the horizontal line of the Fire-break.

2. All Land greater than 5,000m²

- a. A three (3) metre wide Fire-break with a four (4) metre high Vertical Axis shall be constructed and maintained as close as practicable inside the property boundary but no more than ten (10) metres from the boundary around the entire perimeter of the property. Reticulated and maintained green lawn may be accepted in lieu of a Fire-break; and
- b. A three (3) metre wide Fire-break with a four (4) metre high Vertical Axis shall be constructed and maintained immediately surrounding all outbuildings, sheds, haystacks and groups of buildings situated on the land; and
- c. A three (3) metre wide driveway with a four (4) metre high Vertical Axis shall be installed and maintained.

3. All Land 5,000m² or less

- a. All Inflammable Matter on the entire property (noting that this does not include living trees, shrubs, plants and lawns under cultivation) shall be reduced and maintained to a height of less than five (5) centimetres; and,
- b. A three (3) metre wide driveway with a four (4) metre Vertical Axis shall be installed and maintained.

4. Fuel Depot / Fuel Storage Areas

- a. All Inflammable Matter within the Fuel Depot / Fuel Storage Area shall be cleared leaving bare mineral earth; and

- b. A three (3) metre wide Fire-break with a four (4) metre Vertical Axis shall be installed and maintained immediately surrounding the Fuel Depot / Fuel Storage Area.

5. Hazard Reduction

The requirements of this Notice are considered to be the minimum requirement for fire prevention work, not only to protect individual properties but the district in general.

A separate Special Works Notice may be issued to individual landowners pursuant to Section 33 of the *Bush Fires Act 1954* to carry out further hazard reduction works with respect to anything upon the land, where in the opinion of an Authorised Officer, it is likely to be conducive to the outbreak and/or the extension of a bushfire.

6. Application to Vary Fire-break and Hazard Reduction Notice Requirements

If you consider, for any reason, that it is impractical to meet the requirements of this Notice, you may apply in writing to the City of Armadale, or its duly Authorised Officers, **no later than the 1st day of October 2023**, requesting authorisation to employ other methods of fire prevention. If permission is not granted by the City you must comply with the requirements of this Notice.

In some instances naturally occurring features such as rocky outcrops, natural watercourses or landscaping such as reticulated gardens, lawns or driveways may be an acceptable substitute for a Fire-break.

If approved the requirements of all approved variations to the Fire-break and Hazard Reduction Notice shall be established on or before the 30th day of November 2023 (or within 14 days of you becoming the owner or occupier should this occur after that date) and be maintained up to and including the 31st day of March 2024.

Note: No Fire-break exemptions will be given. Please apply for a Variation if an alternative location for Fire-break installation is required.

7. Bushfire Management Plans

Where an approved Bushfire Management Plan (BMP), exists for an individual or group of properties as part of a development or subdivision approval, the owners and/or occupiers of those properties shall comply with the requirements and responsibilities of that BMP in its entirety. Some BMPs may also require compliance with this Notice.

BMPs can be viewed on the City's website via <https://www.armadale.wa.gov.au/bushfire-management-plans>. If you have trouble accessing your BMP please contact the City's Customer Service Team on 9394 5000.

8. Bushfire Attack Level (BAL) Assessments

Where an approved Bushfire Attack Level assessment (BAL) has been developed in accordance with *Australian Standard 3959* as part of a development application, compliance with the requisitions of the BAL assessment is required in addition to the requirements contained within this Notice.

9. Penalties

Failure or neglect to comply with the requisitions of this Notice is an offence and can result in a penalty of up to \$5000.

Furthermore, Authorised Officers, servants, workmen, contractors, vehicles, machinery and appliances (as the officers deem fit) may enter upon the land and carry out the requisitions of this Notice that are not complied with by the time specified in the Notice, and the amount of any costs and expenses incurred may be recovered from you as the owner and/or occupier of the land.

By order of the City of Armadale

**Chief Executive Officer
Joanne Abbiss**

Additional Important Information

Camping or Cooking Fires (Section 25(1a) *Bush Fires Act 1954*)

In accordance with the provisions of Section 25(1a) of the *Bush Fires Act 1954* the lighting of camping or cooking fires is prohibited on all land within the City of Armadale during the Prohibited Burning Time. This prohibition does not apply to a gas appliance that does not consume solid fuel comprising of a fire, the flame of which is encapsulated by the appliance.

Burning of Garden Refuse (Section 24G(2) *Bush Fires Act 1954*)

For the purposes of this Notice, "Restricted Burning Time" means the 1st day of October 2023 through until the 31st day of May 2024 (inclusive and as varied pursuant to Section 18 of the *Bush Fires Act 1954*) and the "Prohibited Burning Time" means the 1st day of December 2023 through until the 31st day of March 2024 (inclusive and as varied pursuant to Section 17 of the *Bush Fires Act 1954*).

- a. In accordance with the provisions of Section 24G of the *Bush Fires Act 1954* the burning of garden refuse in an incinerator or on the ground that would otherwise be permitted under Section 24F is absolutely prohibited –
 - i. on land 1,200m² in size or less, during the Restricted Burning Time; and
 - ii. on land larger than 1,200m² in size, during the Prohibited Burning Time.

The effect of this Notice is that the burning of garden refuse in an incinerator or on the ground on land that is 1,200m² or less in size is prohibited during the Restricted Burning Time and the burning of garden refuse in an incinerator or on the ground is prohibited on all land within the district during the Prohibited Burning Time.

- b. In addition to the restrictions under Clause (a), garden refuse in an incinerator or on the ground must be burnt in accordance with the following conditions –
- i. There is no inflammable matter (other than that being burnt) within five (5) metres of the fire at any time while the fire is burning; and
 - ii. The fire is lit between 6.00pm and 11.00pm and is completely extinguished before midnight on the same day; and
 - iii. At least one person is present at the site of the fire at all times until it is completely extinguished; and
 - iv. When the fire is no longer required, the person who lit the fire must ensure that the fire is completely extinguished by the application of water or earth; and
 - v. Only one pile (up to one (1) cubic metre in size) of garden refuse may be burnt at any one time; and
 - vi. No burning on a Sunday or a day that is a Public Holiday; and
 - vii. The person intending to light the fire must telephone the Department of Fire and Emergency Services' Communications Centre (COMCEN) on 08 9395 9209 and register the burn immediately prior to lighting the fire.
- c. Any time when there is in force a fire danger forecast issued for the district by the Bureau of Meteorology in Perth of Catastrophic, Extreme or High, a Total Fire Ban (TFB) or any other prohibition is in effect under the *Bush Fires Act 1954*, burning of garden refuse in an incinerator or on the ground is prohibited on all land within the district.

The *City Of Armadale Environment, Animals and Nuisance Local Laws 2002* further restricts and/or prohibits burning of rubbish or refuse on land in the district.

No Burning on Sundays or Public Holidays

In accordance with Clause 49(2)(a) of the *City Of Armadale Environment, Animals and Nuisance Local Laws 2002* an owner and/or occupier of land shall not set fire to, or cause or allow to be set on fire, any bush, rubbish or refuse whatsoever on a Sunday or a day that is a Public Holiday, except when specifically authorised to do so for the purpose of fuel reduction by a Bush Fire Control Officer (BFCO) duly appointed under Section 38 of the *Bush Fires Act 1954*.

Clearing of Remnant Native Vegetation – Rural Living & Special Rural Zone

In accordance with the *City of Armadale Town Planning Scheme No.4*, a separate Development Approval to clear native vegetation on properties zoned Rural Living or Special Rural may need to be obtained. Generally, clearing to satisfy necessary bush fire protection measures as determined by the local government or other relevant authority is exempt from planning approval. Please refer to the following sections of *Town Planning Scheme No.4* for further information:

- Clause 4.7.5 deals with clearing where a property contains a development envelope;
- Clause 4B.7 deals with clearing in the Rural Living and General Rural zones; and,
- Clause 4C.9 deals with clearing in the Strategic Regional Centre, District Centre, Local Centre and Mixed Business/Residential zones.

See link - https://www.armadale.wa.gov.au/sites/default/files/assets/documents/docs/Planning_and_Land_Use/Town_Planning_Scheme_No4.pdf

Specific situations where development approval is required for the clearing of remnant native vegetation is outlined within the following info sheet:

https://www.armadale.wa.gov.au/sites/default/files/assets/documents/docs/Planning_and_Land_Use/Info_Clearing_Vegetation_Fire_Hazard_Reduction.pdf

Important Numbers

IN ALL EMERGENCIES CALL 000 | FIRE AMBULANCE POLICE

Western Australian Bureau of Meteorology 1300 183 341

City of Armadale Rangers 9394 5000 | After Hours 1300 886 885

To obtain a fire permit 9394 5000