

# FIRE-BREAK/HAZARD COMPLIANCE NOTICE

## FREQUENTLY ASKED QUESTIONS

CITY OF KWINANA **SEPTEMBER 2021**

### I have not received my Fire-Break/Hazard Compliance Notice.

The City of Kwinana's Fire-Break/Hazard Compliance Notice (the Notice) is sent by post late in August separately to the rates notice. If you did not receive your Notice or have lost your copy, the Notice and all related information is available on the City's website [www.kwinana.wa.gov.au/fires](http://www.kwinana.wa.gov.au/fires).

Copies of the Notice are also available to be collected from the City's Administration Building.

### Do I have to comply with the Notice?

Yes. All property owners and/or occupiers must comply with the Notice. It is a legal requirement under the Bush Fires Act 1954 and is no different to other laws that we all have to comply with every day. By complying with this Notice, you are doing your part to reduce the overall risk of fire in the whole community as well as keeping your family and neighbours safe.

If you fail or neglect to comply with this Notice you may be guilty of an offence and could incur a maximum penalty of \$5,000 via the courts.

### Where can I find out more information about the Notice?

Information about the Notice can be found at [www.kwinana.wa.gov.au/fires](http://www.kwinana.wa.gov.au/fires) or by contacting the Chief Bush Fire Control Officer on 9439 0200 or go to: [emergencyservices@kwinana.wa.gov.au](mailto:emergencyservices@kwinana.wa.gov.au).

### I recently purchased a property and the real estate agent or previous property owner did not tell me about these requirements.

It is the current property owner's responsibility to comply with the conditions in the Notice. It's advisable to know the land conditions and restrictions prior to entering into a contract to purchase a property within the City or elsewhere.

### What if I need to vary where I put my fire-breaks?

If it is impractical for you to install a fire-break as specified in this Notice, you may apply to vary the location of your firebreak within your property by completing and submitting an 'Application to Vary Location and Type of Fire-breaks' form available on the City's website [kwinana.wa.gov.au/fires](http://kwinana.wa.gov.au/fires)

Submit completed forms to the City - marked for the attention of the Chief Bush Fire Control Officer - no later than 31 October.

### I am having difficulty getting the work done by the deadline. Can I have an extension?

No, you are required to comply by the date(s) specified in the Notice.

### What happens if I don't comply with the Notice in time?

The City may issue an infringement and may undertake works on your property to ensure it complies with the Notice.

If the City has to carry out works on your property, you will be liable for any costs and expenses incurred by the City.

**I have a property that is located within a residential, high-density urban block in town, or at an industrial or commercial site. Does this Notice apply to me?**

Yes, the Notice applies to all owners and/or occupiers of land located within the City of Kwinana.

**I am not sure if I live in an urban or rural area of the City. How do I find out?**

Follow the below link to find out whether your land is located within an urban or rural area of the City.

[www.kwinana.wa.gov.au/our-services/emergency-services/bushfires-fire-control/Documents/Zoning.pdf](http://www.kwinana.wa.gov.au/our-services/emergency-services/bushfires-fire-control/Documents/Zoning.pdf)

**I live in an urban (residential) area. Do I have to comply with the Notice at certain times of the year or all year round?**

The Notice applies all year around to areas zoned as urban (residential).

**I live in a rural area. Do I have to comply with the Notice at certain times of the year or all year round?**

Please refer to the Notice for specific requirements for your property. If further clarification is required, please contact the City of Kwinana Emergency Services.

[emergencyservices@kwinana.wa.gov.au](mailto:emergencyservices@kwinana.wa.gov.au)

**I own a vacant block of land. Do I have to comply with the Notice?**

Yes. Refer to the requirements of the Notice.

**Does the Notice apply to my verge?**

The Notice applies to the land owned and/or occupied by you and this does not include verges which are part of the road reserve. However, there is an expectation that verges will be maintained by the land owner and/or occupier.

**I have concerns that my neighbour's property is not compliant. What should I do?**

If you think that your neighbour's property does not comply with the requirements set out in the Notice you received, and if your neighbour resides in a similar property to yours, please contact Customer Services on 9439 0200 during normal office hours for advice.

**How do I find out what the fire danger rating (FDR) is?**

The FDR can be found by visiting one of four signs located throughout the City:

- Thomas Road, Casuarina (near Marri Park Drive)
- Rowley Road, Wandi (between Lyon Road and Britton Place)
- Mortimer Road, Casuarina (near Nicolas Drive)
- Wellard Road, Wellard (near Telephone Lane)

Please note these signs are only updated from October to March each year.

FDR can also be found on:

[www.bom.gov.au/wa/forecasts/fire-danger.shtml](http://www.bom.gov.au/wa/forecasts/fire-danger.shtml)

[www.emergency.wa.gov.au](http://www.emergency.wa.gov.au)





### Can I burn on a Sunday or a public holiday?

You can burn on a Sunday or public holiday providing the Bureau of Meteorology in Perth has not issued a fire danger forecast for the local government areas overseen by the City declaring that the fire danger rating is likely to be very high, severe, extreme or catastrophic. If such a forecast has been issued, all burning is absolutely prohibited.

- the fire is lit between 6pm and 11pm and is completely extinguished before midnight on the same day;
- at least one person is present at the site of the fire at all times until it is completely extinguished; and
- when the fire is no longer required, the person ensures that the fire is completely extinguished by the application of water or earth.

### Can I burn garden refuse?

#### Prohibited burning periods only

During the declared Prohibited Burning Period, owners and/or occupiers must not undertake the burning of garden refuse, rubbish or for any other like purpose as defined within the Bush Fires Act 1954 section 24C.

Check the City's website to determine when a Prohibited Burning Period has been declared.

#### Restricted burning periods only

During the declared Restricted Burning Period only, owners and/or occupiers may:

- apply for a permit to burn the bush for bush fire risk mitigation purposes only, by following the conditions imposed on a permit to burn as issued by a Bush Fire Control Officer;
- in areas zoned Rural, you may undertake burning of leaves, tree branches, and other dry vegetation in piles no larger than 1.0m<sup>3</sup> in size, without a permit to burn, subject to the following conditions:
- no flammable material (other than that being burned) is to be within five (5) metres of the fire at any time while the fire is burning;

#### Unrestricted Burning Periods only

During the Unrestricted Burning Periods, owners and/or occupiers in areas zoned Rural only may burn garden refuse and set fire to bush on their land without a permit. Burning of the bush must be undertaken in accordance with all relevant State legislation and Local Government Local Laws.

#### No burning in areas defined as Urban

Pursuant to section, 24G (2) of the Bush Fires Act 1954, no burning of garden refuse is to be undertaken in areas defined as "Urban" without written approval of the City of Kwinana.

### Can I have a fire pit or open fire?

Yes, you can have a fire pit providing you comply with the following conditions:

- you do not burn green waste in area's zoned as urban;
- you only burn dry cured firewood;
- you have a three metre clearing of all flammable material around the fire pit or open fire;
- the fire danger rating is not very high or above; and
- there is an adult in attendance at all times.

## What is the difference between a Chimineas and a fire pit?

The main difference is the size and shape. Chimineas (which hail from Mexico) are traditionally smaller in diameter but often taller and with sides that go all the way up to the chimney, which helps contain the fire. Whereas a fire pit allows you to burn larger fires because it is open and has no chimney.

## Are religious or cultural ceremonies that produce smoke permitted?

Religious and cultural ceremonies, such as smoking ceremonies, are not permitted unless prior written permission has been obtained from the City. If you wish to make an application to the City, please contact the City's Emergency Services Team at [emergencyservices@kwinana.wa.gov.au](mailto:emergencyservices@kwinana.wa.gov.au).

## Who can I report a fire hazard to?

Report potential fire hazards to City Assist on **9439 0200** or [customer@kwinana.wa.gov.au](mailto:customer@kwinana.wa.gov.au).

## Common terms used:

### Garden refuse

means green/garden waste.

### Open fire

means any outdoor fire that occurs in such a manner that combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.

### Cooking fire

means a fire in open air for cooking that consumes solid fuel.

## Disclaimer

While care has been taken to ensure that material contained in this document is true and correct at the time of publication, the material is provided for general information purposes only, and on the understanding that the City of Kwinana is not providing professional advice on any matter, or indicate a commitment to a particular course of action. Before relying on the material in any important matter, users should carefully evaluate its accuracy, currency, completeness and relevance for their purposes and should obtain any appropriate professional advice relevant to their particular circumstances. Subject to any terms implied by law which cannot be excluded, in no event shall the City of Kwinana be liable for any losses or damages, including incidental or consequential damages, resulting from use of or reliance on the material.



For further information, please contact the City of Kwinana on **9439 0200** or view the City of Kwinana website, [www.kwinana.wa.gov.au/fires](http://www.kwinana.wa.gov.au/fires).