

# City of Cockburn Fire Control Order

## Effective from 10 May 2018

### First and Final Notice

Pursuant to *Section 33* of the *Bush Fires Act 1954* owners or occupiers of land situated within the City of Cockburn are required by law to comply with the prescribed Fire Control Order here within.

#### Definitions:

Authorised Officer	A person appointed by the City of Cockburn Chief Executive Officer as an authorised person/officer to exercise the powers and duties set out in the Local Government Act 1995, Bush Fires Act 1954 and Local Law(s).
Flammable Material	Any dead or dry grass, vegetation, substance, object, thing or material (except living flora including live and/ or habitat standing trees) that may or is likely to catch fire and burn or any other thing deemed by an Authorised Officer to be capable of combustion.
Maintained Grass	Soil covered land, planted with grasses or other durable plants, maintained green and less than 50mm in height.
Prohibited Burning Time	The time of each year where it is unlawful to set fire to the bush at any time. This time is normally from 1 December of each year until and including 31 March of the following year. This time may be amended, subject to prevailing seasonal conditions.
Restricted Burning Time	The time of each year where it is unlawful to set fire to the bush without a valid Permit to Set Fire To The Bush issued by an Authorised Officer. This period normally is from 1 April until and including 31 May and from 1 October until and including 30 November of any year. This time may be amended, subject to the prevailing seasonal conditions.
Unrestricted Burning Time	The time of each year where it is lawful to set fire to the bush at any time, in areas zoned rural under the Metropolitan Region Scheme. This time normally is from 1 June until and including 30 September. This time may be amended, subject to the prevailing seasonal conditions.
Firebreak Time	The time of each year where fire hazard reduction works must be maintained as specified in this Fire Control Order. This time is 1 November of each year until and including 15 April of the following year.
Structure	A building, as defined in the Building Codes of Australia (BCA) may be made up of a number of classes if it has a mixed use.

## **1. All property (vacant or developed) –less than 4047m2**

To reduce the fire hazard on your land and to comply with the requirements of this Fire Control Order you are required to;

- 1.1 Have all flammable materials such as dry grass and weeds slashed, mown or trimmed down by other means to a maximum height of 50mm across the entire property for the duration of this Firebreak Time; and
- 1.2 Remove all dead vegetation.

## **2. All property (vacant or developed) – 4047m2 or greater**

To reduce the fire hazard on your land and to comply with the requirements of this Fire Control Order you are required to;

- 2.1 Construct a Firebreak (as defined within section 3 of this order) immediately inside all external property boundaries, this includes those adjacent to roads, drains, rail reserves and any public open space reserves; and
- 2.2 Remove all dead vegetation surrounding and over all habitable structures to a radius of 3 metres except living trees, shrubs, maintained grass and gardens under cultivation.

## **3. Firebreak Specifications**

A Firebreak is an area of land cleared of flammable material, installed to minimise the spread or extension of a fire and to provide suitable access for fire fighting vehicles. The standards of a compliant Firebreak are as follows;

- 3.1 A Firebreak must be constructed of bare earth, stone, or sealed surfaces and be clear of all flammable materials to create a 3 metre wide trafficable surface;
- 3.2 Maintained grass may occupy a Firebreak;
- 3.3 Overhanging branches must be pruned to provide a 4 metre vertical clearance above the full width of the 3 metre Firebreak surface; and
- 3.4 A Firebreak must be a continuous trafficable surface for a fire fighting vehicle, clear of any obstructions and must not terminate in a cul-de-sac (dead end).

## **4. Additional Works**

Regardless of land size and location, the City of Cockburn or its Authorised Officer(s) may require you to undertake additional work(s) on your property to improve access and/or undertake further works where in the opinion of that Authorised Officer(s), these works would be conducive to preventing the outbreak and/or the spread or extension of a fire.

## **5. Fire Control Order Variations**

A variation will be considered where the owner and/or occupiers believe it is impractical to meet the compliance requirements of this Fire Control Order.

Approved structure's occupying a firebreak will not require a variation approval. However, a firebreak will be required to be installed as close as practical around the approved structure.

If approved, variations will be valid in perpetuity, unless a new variation has been approved or the property changes ownership.

The City of Cockburn reserves the right to review, amend or revoke an existing variation in writing at any time. Should a request to vary the Fire Control Order requirements on your property not be approved in writing, this Fire Control Order must be complied with as applicable in its entirety.

## **6. Burning**

During the declared Prohibited Burning Time owners and/or occupiers must not undertake any bush or garden refuse burning activities.

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

- 6.1 Apply for a permit to burn the bush for bush fire risk mitigation purposes, by following the conditions imposed on a permit to burn as issued by an Authorised Officer.
- 6.2 In areas zoned rural by the Metropolitan Region Scheme 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:
  - 6.2.1 No Flammable Material (other than that being burned) is to be within 5 m of the fire at any time while the fire is burning;
  - 6.2.2 the fire is lit between 6 p.m. and 11pm and is completely extinguished before midnight on the same day;
  - 6.2.3 at least one person is present at the site of the fire at all times until it is completely extinguished; and
  - 6.2.4 When the fire is no longer required, the person ensures that the fire is completely extinguished by the application of water or earth.

During the Unrestricted Burning Time, owners and/or occupiers in areas zoned rural under the Metropolitan Region Scheme may burn garden refuse and set fire to bush on their land without a permit 'To Set Fire To The Bush'. Burning of the bush must be in accordance with all relevant State legislative requirements.

Burning of garden refuse in areas not zoned rural shall not be undertaken within the City of Cockburn, unless approved by an Authorised Officer.

Burning of household waste is prohibited in all areas of the City of Cockburn.

## **7. Penalties**

Failing to comply with this Fire Control Order will result in a penalty of up to \$5,000. A person in default is also liable whether prosecuted or not to pay the costs of performing the work directed by a City's Authorised Officer.

Any owner and/or occupier who engages a contractor to undertake works on their behalf is responsible to ensure that the works completed meet the requirements of this Fire Control Order.

Any Fire Control Order previously published by the City of Cockburn in the Government Gazette or in any Western Australian newsprint is hereby revoked.

By Order of Council