



# Bush Fires Act 1954 Firebreak Notice

Notice is hereby given to all owners and/or occupiers of land within the Shire of Murray that pursuant to the powers conferred in Section 33 of the Bush Fires Act 1954, Council resolved on 5 July 2012 to adopt the following requirements to prevent the outbreak or spread or extension of a bush fire within the

district. Pursuant to the powers contained in Section 33 of the Bush Fires Act 1954, you are hereby required to carry out fire prevention work in accordance with the requisitions of this notice on or before the 30 November 2012 or within fourteen days of the date of you becoming the owner or

occupier of the land, should this be after the 30 November. All work required by this Notice is to be maintained up to and including the 30 April the following calendar year. The work required by this Notice is based on the land size and zoning.

## Definitions

For the purpose of this Notice the following definitions apply:

**"Authorised Officer"** means an employee of the Shire of Murray appointed as a Bush Fire Control Officer

**"Building Protection Zone"** means the area within a distance of 20 metres from a dwelling (As defined in the Residential Design Codes of WA) measured from the external walls within the boundaries of the lot on which the dwelling is situated. The following work is required to be completed and maintained within a building protection zone. The fuel loading (flammable material) is to be reduced and maintained to a height of less than 5 centimetres. Tree crowns are to be maintained at a minimum of 10 metres apart. Tree crowns shall not overhang a dwelling and shrubs and trees within the zone are not to have dead material within the plant.

**"Firebreak"** means a strip of ground, of a prescribed width, constructed to a trafficable surface that is kept and maintained totally clear of all flammable material by scarifying, cultivating, ploughing, chemical spraying or other means, and includes the pruning and removal of any living or dead trees, scrub or other material encroaching into the vertical axis of the firebreak area.

**"Fire Management Plan"** means a plan that has been developed and approved by the Shire to reduce and mitigate fire hazards within a particular subdivision, lot or other area of land anywhere in the district.

**"Fuel Depot"** means an area of land, a building or structure where fuel, i.e. (petrol, diesel, kerosene, liquid gas or any other fossil fuel) is kept in any container or manner.

**"Flammable Material"** means any plant, tree, grass, vegetable, substance, object, thing or material (except living flora including live 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.

**"Hills Landscape Protection Land"** means land zoned or defined as in the Town Planning Scheme as Hills Landscape Protection Land. "Plantations" means any area of planted pines, eucalypt, hardwood or softwood trees exceeding 3 hectares in area.

**"Trafficable"** means to be able to travel from one point to another in a 4x4 fire appliance on a clear surface, unhindered without any obstruction that may endanger resources. A Firebreak is not to terminate without provision for egress to a safe place or a cleared turn around area of not less than a 19 metre radius.

**"Vertical Axis"** means a continuous vertical uninterrupted line at a right angle to the horizontal line of the firebreak to a minimum height of 4.5 metres from the ground.

**"Zoning"** means the land zoning description as recorded in the Shire of Murray property Rates Register.

*The zoning of each property in the district is detailed on the annual Rates Notice issued.*

## Fire Prevention Requirements

### 1. Rural Zoned Land

- A firebreak of at least 3 metres wide is to be constructed as close as practicable, but within 50 metres of the boundaries of the land, where the land abuts all made roads or railway reserves, Department of Environment and Conservation (DEC) land or a Plantation.
- If the Rural land abuts or adjoins "any other type of zoned land" a firebreak of at least 3 metres wide shall be constructed along that portion of the rural land that abuts the other zoned land and the firebreak/s are to be located immediately, where practical inside the boundary of the rural land where it abuts the above-mentioned land.
- Firebreaks of at least 3 metres wide shall be constructed to surround all buildings, sheds, haystacks and fuel depots/storage areas on the land. The inner perimeter of the Firebreak is to be within twenty (20) metres of all buildings, sheds, haystacks and fuel depots/storage areas

### 2. Special Rural, Special Residential, All Special Use, Farmlet, Hills Landscape Protection Land and Rural Town site Zoned Land

- Where the area of land is 20500m<sup>2</sup> (square metres) or less in size, all flammable material on the entire property shall be reduced and maintained to a height of less than 5 centimetres. Alternatively a firebreak can be installed in accordance with clause 2(b). (A mixture of bush fire fuel reduction work (mowing or slashing) and the installation of firebreaks are not acceptable on this sized lot, unless a variation is approved pursuant to Clause 6).
- Where the area of the land is more than 20501m<sup>2</sup> (square metres) in size, a 3 metre wide firebreak shall be installed immediately inside all external boundaries of the land and immediately around any sheds and outbuildings on the land. (c) All land within this category definition, irrespective of size requires a Building Protection Zone to be installed and maintained.

### 3. Residential, Residential Development, Special Development, Industrial and all Other Zoned Land Not Specified

- Where the area of land is 4000m<sup>2</sup> (square metres) or less, all flammable material on the entire property shall be reduced and maintained to a height of less than 5 centimetres.
- Where the area of land is more than 4001m<sup>2</sup> (square metres) in size, a 3 metre wide firebreak shall be installed or constructed immediately inside all external boundaries of the land and also immediately surrounding all buildings situated on the land.

### 4. Plantations

Plantations established after the 30 November 1984 that exceeds 3 hectares in total area shall have a 10 metre wide firebreak completely surrounding the perimeter of planted trees. Each compartment of a plantation is limited to area of less than 30 hectares in size. Each 30 hectare compartment shall have a 10 metre wide firebreak surrounding the planted trees. Furthermore all plantations shall comply with requirements contained in the Fire and Emergency Services Authorities guidelines or standards for Plantation Fire Protection.

### 5. Storage of Cut or Stockpiled Timber Products

On all land in the district except, land specified as Industrial, Non Rateable or Reserve Land the owner or occupier of the land shall not keep or permit to be kept any cut, stockpiled or windrowed timber products (manufactured or natural) unless the material is in piles of less than 15 metres long, 5 metres wide and 3 metres high. Every pile of cut, stockpiled or windrowed timber product larger than 12 cubic metres is to be completely surrounded by a 10 metre wide firebreak.

### 6. Variations

If it is considered to be impractical for any reason to clear firebreaks or establish other arrangements as required by this Notice, the owner or occupier of land in the district may apply for a variation by contacting the appropriate area Fire Control Officer prior to the 14 November each calendar year to arrange for an onsite inspection to discuss the alternate methods of fire prevention. Variations may be approved by the Shire for a 1, 3 or 5 year period, subject to the owner and/or occupier of the land remaining the same. If a request to vary this Notice is not approved, the requirements of this Notice apply.

### 7. Fire Management Plans

Where a Fire Management Plan (FMP) exists for a specified area or property as required by the Town Planning Scheme or subdivision approval or for an individual or group of properties, compliance with all requirements of the FMP are required in addition to any further requirements within this Notice.

### 8. Special Works Order

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 generally. A Separate Special Works Order may be issued to individual landowners pursuant to Section 33 of the Bush Fires Act 1954 to carry out further hazard removal and/or reduction work 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 bush fire.

### 9. Dates to Remember

*Restricted Burning Time:* 1 November to 14 December each year (inclusive) and 15 March to 30 April each year (inclusive, and as varied pursuant to Section 18 of the Bush Fires Act 1954)

*Prohibited Burning Time:* 15 December 2012 to 14 March 2013 (inclusive, and as varied pursuant to Section 17 of the Bush Fires Act 1954).

The above dates are subject to variation and any alterations will be published in a local newspaper circulating within the district.

### 10. Camp or Cooking Fires (25 (1a) Bush Fires Act 1954)

The lighting of camp or cooking fires is prohibited on all land within the Shire of Murray during the Prohibited Burning Time. This prohibition does not apply to a gas appliance which does not consume solid fuel comprising of a fire, the flame of which is encapsulated by the appliance.

### 11. Burning of Garden Refuse and Rubbish (24G Bush Fires Act 1954)

The burning of garden refuse or rubbish is prohibited on all land under 4000m<sup>2</sup> (square metres) in size during the Limited Burning Time that would otherwise be permitted under Section 24F. For the purposes of this Clause "Limited Burning Time" means the 1 November each calendar year through until 30 April the following calendar year (inclusive, and as varied pursuant to Sections 17 and 18 of the Bush Fires Act 1954). On land larger than 4001 m<sup>2</sup> (square metres) the burning garden waste and rubbish that would otherwise be permitted under Section 24F is prohibited absolutely during the Prohibited Burning Time. The effect of this clause is that the burning of garden refuse or rubbish in an incinerator or on the ground on land that is 4000m<sup>2</sup> (square metres) or less in size is prohibited during the Limited Burning Time and the burning of garden refuse or rubbish in an incinerator or on the ground is prohibited on all land within the district during the Prohibited Burning Time.

### 12. Penalties

The penalty for failing to comply with this Notice is a fine not exceeding \$5,000. A person in default is also liable whether prosecuted or not to pay the costs of performing the work directed by this Notice if it is not carried out by the owner and/or occupier by the date required by this Notice. The Notice previously published in the Government Gazette on 19 August 2011 (No.157) and in the Murray Mail newspaper on 27 September 2011 is revoked.

**Dean Unsworth**  
Chief Executive Officer