



Appendices

Bush Fire Advisory Committee Meeting

2 November 2024

5.1	Review of Bushfire Compliance Notice 2024/25	
Appendix 1	Appendix 1 - WALGA / DFES - Section 33 Guidance Note.....	4
Appendix 2	Appendix 2 - Shire of Murray Bushfire Compliance Notice 2023 - 2024....	17
Appendix 3	Appendix 3 - Shire of Murray Bushfire Compliance Notice 2024/25.....	26
Appendix 4	Appendix 4 - Firebreak Notice and Bushfire Information Booklet 2022 / 2023	35

GUIDANCE NOTE – SECTION 33 FIRE-BREAK NOTICES

The Western Australian Local Government Association (WALGA) and the Department of Fire and Emergency Services (DFES) have collaborated on this Guidance Note for Local Governments to support development of an effective and enforceable fire-break notice.

Under section 33 of the *Bush Fires Act 1954* (BF Act) Local Governments can require a land owner or occupier to maintain a fire-break to reduce fuel loads and provide access for firefighting appliances in the event of a bushfire. Fire-break notices can be served either:

- to individuals directly, or
- on all owners and occupiers of land by publishing the notice in the Government Gazette and a local newspaper.

The content and format of fire-break notices varies between Local Governments. Some are limited to section 33 requirements only; however, many contain additional information related to other provisions of the BF Act and the *Bush Fires Regulations 1954*, and general bushfire hazard and preparedness information. This Guidance Note aims to support Local Governments to ensure that the regulatory requirements within the fire-break notice are clear and thereby improve compliance by land owners and occupiers. It is the intent of the document to provide Local Governments with guidance on drafting of their fire-break notices and does not constitute specific legal advice.

Summary

It is recommended that a fire-break notice:

- Addresses enforceable activities under section 33 only. All other information beyond the scope of section 33 should be clearly separate from the fire-break notice, either in a separate section or separate page of the same document or in a separate document.
- Uses the language and terms as defined in the BF Act. Terms that are not defined in the BF Act may be defined in the notice to assist owners and occupiers in understanding and complying with the requirements of the notice.
- Clearly defines what is considered inflammable material on a property.
- Clearly states the dimensions of fire-breaks.
- Includes specific requirements or actions to prevent the potential outbreak, spread or extension of a bushfire.
- States that where a bushfire management plan is in place, owners and occupiers still need to comply with the requirements of the fire-break notice.
- Does not include blanket statements such as “permits to burn will not be issued”.
- References any variations (if relevant) to previously issued fire-break notices.



Guidance for Local Governments

The following guidance aims to support Local Governments to produce clear, consistent and enforceable fire-break notices.

1. INCLUDE ENFORCEABLE ACTIVITIES UNDER SECTION 33

Information outside of section 33 of the BF Act should be separated from enforceable fire-break requirements.

A fire-break notice should specify the criteria from section 33(1)(a) or (b) that are required to be completed by the owner or occupier. For example: 'plough cultivate, scarify, burn or otherwise clear' fire-breaks. Requirements should be set out in a clear manner that allows the land owners or occupiers to understand their obligations.

Information dealing with requirements in other sections of the BF Act, and other information or guidance that is not enforceable through section 33 should be clearly separated from the fire-break notice. If included in the same document it should be under a separate heading or on a separate page. This information should also be clearly labelled 'For information and advice only, does not form part of the fire-break notice'.

Other relevant sections of the BF Act with notification requirements are outlined in Appendix 2. Examples of information that should not be included in the fire-break notice are:

- × Section 24G(2) Local Government restrict burning of garden refuse.
- × Restricted or prohibited burning times.
- × Specifications for dress requirements when firefighting.
- × Water tank provisions.

These are not enforceable under section 33 of the BF Act and therefore it should be clear that these are advisory and should be presented separately from the enforceable fire-break requirements.

Where requirements outside of section 33 are included in supplementary material, the relevant legislative obligations should be referenced. Other relevant legislation may include *Aboriginal Cultural Heritage Act 2021*, *Planning and Development Act 2005*, *Environment Protection and Biodiversity Conservation Act 1999*, *Environmental Protection Act 1986*, *Country Areas Water Supply Act 1947* and *Biodiversity Conservation Act 2016*.



2. INCLUDE ACCURATE DEFINITIONS AND TERMINOLOGY

Where a term used in a fire-break notice is defined in the BF Act, the definition in the BF Act should be used.

A fire-break notice should use terms consistent with how they are defined in the BF Act. Definitions from other Acts cannot be used in place of the definition provided in the BF Act.

Terms that are not defined in the BF Act should be given their ordinary and natural meaning. In Australia, the Macquarie Dictionary is generally the first reference point to define words not defined in legislation.

3. USE UNAMBIGUOUS LANGUAGE

Fire-break notices should use unambiguous language so the requirements and obligations for land owners and occupiers are clear.

The use of the word 'should' is not synonymous with the word 'must' and may be seen as being advisory. The preferred terminology is 'shall' or 'must'. Section 56 of the *Interpretation Act 1984* states that in a written law the word 'shall' should be interpreted to mean that a function conferred on a person must be performed.

4. CLEARLY DEFINE WHAT IS CONSIDERED INFLAMMABLE MATERIAL ON A PROPERTY

When used in a fire-break notice the term inflammable should be defined by referring to the types of materials the Local Government requires to be managed to reduce the bushfire risk.

The term 'inflammable' is used in the BF Act, however it is not defined in the legislation and thereby open to interpretation. In practice inflammable is used in fire-break notices to refer to materials that must be removed from a property to reduce the risk of bushfire e.g. grass, dead vegetation, firewood, stored fuel or other specified materials that can easily be set on fire.

It is recommended that the term inflammable is defined in the fire-break notice with reference to specific inflammable materials. When the term inflammable is not defined with reference to the types of matter, its meaning could be taken to refer to everything upon the land which is easily set on fire. This could result in the situation where a land owner declares they could not comply with a notice, as it required the removal all things upon the land.

When defining the term inflammable, it is recommended that Local Governments avoid ambiguous statements such as "inflammable or flammable material does not include plants native to the region that are fire resistant". This introduces ambiguity and uncertainty as the land owner or occupier must determine if a plant is native to the region, and if it is fire resistant.



5. CLEARLY STATE THE DIMENSIONS OF FIRE-BREAKS

The dimensions for fire-breaks should be specified clearly in a way that is easy for owners and occupiers to understand and comply with the requirements.

Section 33(1)(a) of the BF Act allows a Local Government to require a fire-break to be cleared ‘...in such manner, at such places, of such dimensions, and to such number... as the Local Government may ... determine and as are specified in the notice...’. Local Governments should determine what is appropriate for their local area in setting out the dimensions of a fire-break. Fire-breaks can be required to be made traversable for access in the event of a bushfire.

The terms and conditions of the fire-break may exempt an owner or occupier from needing a permit to clear native vegetation under the *Environmental Protection Act 1986*. Local governments should be mindful of this and ensure that fire-break requirements do not enable inappropriate and excessive clearing to the detriment of the environment. Open ended or ambiguous conditions that could be interpreted to allow excessive clearing should be avoided.

6. INCLUDE SPECIFIC REQUIREMENTS OR ACTIONS TO PREVENT THE POTENTIAL OUTBREAK, SPREAD OR EXTENSION OF A BUSHFIRE

Fire-break notices can require a land owner or occupier to undertake additional actions to address anything identified as being conducive to the outbreak, spread or extension of a bushfire.

Section 33(1)(b) of the BF Act allows a Local Government or its authorised officer to require owners and occupiers to undertake an action or remove anything deemed to be conducive to the outbreak, spread or extension of a bushfire. While the BF Act is not prescriptive on these actions it could include keeping roofs, gutters and walls of buildings free of inflammable materials, separating large piles of firewood, and removing other bushfire risks identified by the Local Government.

7. BUSHFIRE MANAGEMENT PLANS

The fire-break notice should clearly state that where a property is subject to an approved Bushfire Management Plan (BMP), property owners must still comply with all the requirements of the fire-break notice issued under section 33 of the BF Act.

It is possible for Local Governments to impose a condition on a development approval to require ongoing compliance with a BMP which is enforceable under the *Planning and Development Act 2005*.

Whilst a BMP may contain requirements that are of a similar nature as those in a fire-break notice, any commentary should clearly state that the BMP requirements are separate to the section 33 requirements. Fire-break notices and BMPs are separate documents supported by different Acts. Consideration to existing BMPs should be given when issuing a fire-break notice. Complex interactions between BMPs and Fire-break notices can be resolved through variations to fire-break notices issued by the Local Government.

8. DO NOT INCLUDE BLANKET STATEMENTS THAT PERMITS TO BURN WILL NOT BE ISSUED

Information about issuing permits to burn during a Restricted Burning Time (RBT) should be clearly separate from the fire-break notice.

Information about 'permits to burn' not being issued during a RBT should not be included within the fire-break notice. Under the BF Act, there are provisions that enable a Local Government to consider a permit to burn, even during a RBT, and therefore this statement is not correct. If Local Governments want to discourage 'permits to burn' applications during RBTs then include this in supplementary bushfire information.

9. VARIATIONS TO A FIRE BREAK NOTICE SHOULD REFERENCE THE NOTICE THAT IS BEING VARIED, AS WELL AS THE VARIATION

Any variations to a fire-break notice should involve issuing a new notice to land owners or occupiers that references the previous notice.

Most Local Governments currently allow for the variation of notices by providing a letter stating that an application for variation has been accepted. Section 33(1) provides that a Local Government may 'at any time, and from time to time' give a notice to a land owner or occupier.

Whilst section 33 does not address how a notice may be varied, it is recommended that fire-break notice variations note the date of variation and reference the superseded notice. The newly varied notice should also clearly outline all parts of the previous notice and the variations that now apply. This will support Local Governments in the event of non-compliance by a land owner or occupier.

Compliance

Under section 33(4)(a) Local Governments may direct Bush Fire Control Officers or other Local Government officers to enter land of the owner or occupier to carry out the requirements of a fire-break notice that has not been met by the land owner or occupier. This includes any works people, contractors or vehicles and machinery required to undertake the works. The cost incurred for these activities to bring the land into compliance with the fire-break notice are recoverable and if the debt due to the Local Government remains unpaid, it may be pursued via court action under s.33(5).

A tax invoice received by a Local Government from a contractor engaged to perform the work is sufficient evidence of costs raised under section 33(8) and, if needed, the basis for the amount stated in the certificate prepared under section 33(5). A Local Government may commence debt recovery action in accordance with section 33(8) through the normal accounts receivable process and this may be a debt due against the land, a charge against the land, or recoverable in the same manner as rates.



Suggested Wording for Fire-break Notices

General service of notice

Pursuant to section 33(1) of the *Bush Fires Act 1954*, the [Shire/Town/City] of [NAME] gives notice that the owners and/or occupiers of land [or specify areas of land within the Local Government area] within the district are required to undertake the following works on land owned or occupied by them –

Specific service or variation content

Pursuant to section 33(1) of the *Bush Fires Act 1954*, the [Shire/Town/City] of [NAME] gives notice that the land owner (or occupier) of [ADDRESS] must undertake the following works on this property. The requirements of this notice supersede any requirements issued previous under a previous section 33 fire-break notice.

Notice requirements

The requirements of this notice are to be in place for the period between [Day Month to Day Month], inclusive.

The land owner (or occupier) is required to do the following:

(a) Fire-breaks are to be installed so they are [Xm] wide, with a vertical clearance of [Xm]. They may be constructed by either ploughing/scarifying or other method) and are to be maintained and clear of inflammable matter.

(b) In the opinion of the Local Government (or a duly authorised officer) the following things upon the land are considered to be conducive to the outbreak, spread or extension of a bushfire and the actions listed against them are to be carried out:

a. *Example* Wood piles – all wood piles are to be at least [Xm] away from any external part of any dwelling or building. They are to be no bigger than [Xm] x [Xm] in size and must be at least [Xm] from each other;

b. *Example* Leaves in gutters – all gutters of any dwelling or building are to be cleared of any leaves or other inflammable material;

c. *Example* Grass – all grass must be maintained to a height of less than [Xcm];

d. *Example* Trees – all trees shall be pruned so there are no branches within [Xm] of the ground;

e. *Example* Driveways – all driveways shall be maintained clear of inflammable matter (however defined) to a vertical height of [Xm] for the purpose of allowing access for firefighting vehicles.



Appendix 1 – Legislative Framework for Section 33

Bush Fires Act 1954

7. Terms Used

...

- (2) Subject to section 33(9), a reference in this Act to an owner or occupier of land does not include a reference to a department of the Public Service that occupies land or a State agency or instrumentality that owns or occupies land.

...

33. Local government may require occupier of land to plough or clear fire-break

- (1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —

- (a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;
- (b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire,

and the notice may require the owner or occupier to do so —


- (c) as a separate operation, or in coordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and
 - (d) in any event, to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.
- (2) A notice in writing under subsection (1) may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government and may be



given to an owner of land by posting it to him at the address shown in the rate record kept by the local government pursuant to the Local Government Act 1995, as his address for the service of rate notices.

- (2a) The provisions of subsection (2) are in addition to and not in derogation of those of sections 75 and 76 of the Interpretation Act 1984.*
- (3) The owner or occupier of land to whom a notice has been given under subsection (1) and who fails or neglects in any respect duly to comply with the requisitions of the notice is guilty of an offence.*

Penalty: \$5 000.
- (4) Where an owner or occupier of land who has received notice under subsection (1) fails or neglects to comply with the requisitions of the notice within the time specified in the notice —*
 - (a) the local government may direct its bush fire control officer, or any other officer of the local government, to enter upon the land of the owner or occupier and to carry out the requisitions of the notice which have not been complied with; and*
 - (b) the bush fire control officer or other officer may, in pursuance of the direction, enter upon the land of the owner or occupier with such servants, workmen, or contractors, and with such vehicles, machinery, and appliances as he deems fit, and may do such acts, matters and things as may be necessary to carry out the requisitions of the notice.*
- (5) The amount of any costs and expenses incurred by the bush fire control officer or other officer in doing the acts, matters, or things provided for in subsection (4) —*
 - (a) shall be ascertained and fixed by the local government and a certificate signed by the mayor or president of the local government shall be prima facie evidence of the amount; and*
 - (b) may be recovered by the local government in any court of competent jurisdiction as a debt due from the owner or occupier of land to the local government.*
- (5a) A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 —*
 - (a) requiring owners and occupiers of land in its district to clear fire-breaks in such manner, at such places, at such times, of such dimensions and to such number, and whether in parallel or otherwise, as are specified in the local laws and to maintain the fire-breaks clear of inflammable matter;*
 - (b) providing that things required by the local laws to be done shall be done to the satisfaction of the local government or its duly authorised officer.*

- (5b) *Where an owner or occupier of land fails or neglects in any respect to comply with the requirements of local laws made under subsection (5a) the provisions of subsections (3), (4) and (5) apply mutatis mutandis as if those requirements were the requisitions of a notice given under subsection (1).*
- (5c) *Nothing in subsection (5a) affects the power of a local government to give notice under subsection (1) nor its duty to do so if so required by the Minister.*
- (5d) *Where the provisions of local laws made under subsection (5a) are inconsistent with those of a notice given under subsection (1) or under section 34 or 35, the provisions of that notice shall, to the extent of the inconsistency, prevail.*
- (6) *A local government may, at the request of the owner or occupier of land within its district, carry out on the land, at the expense of the owner or occupier, any works for the removal or abatement of a fire danger, and the amount of the expense, if not paid on demand, may be recovered from the owner or occupier by the local government in a court of competent jurisdiction as a debt due from the owner or occupier to the local government.*
- (7) *Nothing in this section authorises a local government —*
- (a) *to set fire to the bush, or to require an owner or occupier of land to set fire to the bush, contrary to the provisions of section 17; or*
 - (b) *to make local laws authorising or requiring bush to be set on fire contrary to the provisions of section 17.*
- (8) *Any amount recoverable by a local government under this section as a debt due from the owner or occupier of land is, until paid in full —*
- (a) *a debt due from each subsequent owner in succession; and*
 - (b) *a charge against the land with the same consequences as if it were a charge under the Local Government Act 1995 for unpaid rates; and*
 - (c) *recoverable by the local government in the same manner as rates imposed in respect of the land are recoverable under that Act.*
- (9) *In this section —*
- owner or occupier of land** *includes a prescribed department of the Public Service that occupies land or a prescribed State agency or instrumentality that owns or occupies land.*
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Appendix 2 – Other relevant sections of the *Bush Fires Act 1954* with notification requirements

Provision	Title	How notification is made to public	Relevant Information
s.17	Prohibited Burning Time	<i>Gazette</i> published (Minister/FES Commissioner) Local newspaper, wireless broadcast and notice boards in prominent location in district (LG)	Burning the Bush is prohibited from X/XX to X/XX annually within identified zones of the State.
s.18	Restricted Burning Time	<i>Gazette</i> published (Minister/FES Commissioner) Local newspaper, wireless broadcast and notice boards in prominent location in district (LG)	Burning the Bush is only permitted from X/XX to X/XX annually, within identified zones of the State, if a person has obtained a permit to burn from the local government (LG).
s.24G	Local Government Restrict Burning of Garden refuse	<i>Gazette</i> published (Minister/FES Commissioner) <i>Gazette</i> published and local newspaper (LG)	LG has prohibited or imposed restrictions on the burning of garden refuse within its district. Must specify the person or class of persons to whom; the area in which; and the period during which the notice applies.

s.25(1a)	Prohibit camping and cooking fires in the open air during the prohibited burning times	<i>Gazette</i> published and local newspaper	LG has prohibited camping and cooking fires in the open air during the prohibited burning times for the period of XX/X/XX to XX/X/XX.
s. 27(3)	Prohibit operation of a tractor or harvester that is not equipped with a fire extinguisher	Local newspaper, wireless broadcast and notice boards in prominent location in district	Shall have effect for such period during the prohibited burning times or the restricted burning times, or both, as is specified in the notice.
s.38	Appointment of Bush Fire Control Officers	Local newspaper	The LG has appointed the following persons as bush fire control officers.
s.38(8) & (10)	Appointment of Fire Weather Officers	Local newspaper and the FES Commissioner in the <i>Gazette</i>	The LG has appointed the following persons as fire weather officers (or deputies) to specified LGs.
r.15C	Prohibit burning during the Restricted Burning Times	Local newspaper	The LG has prohibited burning of the bush on Sundays or specified public holidays during the RBT.
r.38B	Operation of equipment powered by internal combustion engine on land in the district may constitute a fire hazard	Wireless broadcast, local newspaper or written notice or oral direction	Bush fire control officer can prohibit use of engine, or provide direction on firefighting equipment required at site, or fitment of spark arrester.



r.38C	Use of Harvesting machinery on a Sunday or public holiday	Local newspaper	LG may declare that use of harvesting machinery during PBT/RBT is prohibited on Sundays or public holidays.
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Appendix 3 – Other Useful Information

The below documents are available on the DFES website and may provide a useful starting point for developing the requirements to be included in a notice that is suitable for your area.

Bush Fire Risk Treatment Standards 2020:

<https://publications.dfes.wa.gov.au/publications/bush-fire-risk-treatment-standards-2020>

Guide for applying the Bush Fire Risk Treatment Standards:

<https://publications.dfes.wa.gov.au/publications/guide-for-applying-the-bush-fire-risk-treatment-standards>

A Guide to Constructing and Maintaining Fire-breaks:

<https://publications.dfes.wa.gov.au/publications/a-guide-to-constructing-and-maintaining-fire-breaks>

A Guide to Mechanical Bushfire Mitigation:

<https://publications.dfes.wa.gov.au/publications/guide-to-mechanical-bushfire-mitigation>



Bushfire Compliance Notice 2023/24



First and final notice

To all owners/occupiers of land within the Shire of Murray

Your property must comply with the requirements of this Bushfire Compliance Notice by 1 December 2023 and be maintained through to 15 May 2024

A maximum penalty of \$5,000 applies for non-compliance of this Bushfire Compliance Notice

Pursuant to the powers contained in **Section 33 of the Bush Fires Act 1954 (the Act)**, owners and/or occupiers of land within the Shire of Murray (Shire) are required to carry out fire preparedness work on their land that must comply with the requirements as stated in this Bushfire Compliance Notice (Notice). Fire preparedness work must be completed by **1 December 2023** and must be maintained through to **15 May 2024**.

Pursuant to **Section 33 (4) of the Bush Fires Act 1954**, where the owner and/or occupier of the land fails or neglects to comply with the requirements of this Notice within the times as specified in this Notice, the Shire may enter upon the land and carry out the requirements of this Notice that have not been completed by the owner and/or occupier of the land.

Pursuant to **Section 33 (5) of the Bush Fires Act 1954**, the Shire may recover from the owner and/or occupier of land the amount of any costs and expenses incurred by the Shire to complete the requirements of this Notice that have not been completed by the owner and/or occupier of the land.

Important dates to remember

Restricted burning time one

Permit to burn required

1 October 2023 — 30 November 2023 (inclusive)

Fire preparedness works deadline

Completed by 30 November 2023

Maintained up to and including 15 May 2024

Prohibited burning time

Burning prohibited

1 December 2023 — 31 March 2024 (inclusive)

Restricted burning time two

Permit to burn required

1 April 2024 — 15 May 2024 (inclusive)

Note

- Unseasonal weather conditions may necessitate a variation to the above dates.
- Burning is prohibited on days where the Fire Danger Rating is High or above and if either a Total Fire Ban/ Harvest and Vehicle Movement Ban is declared.
- Prior to any burning, please contact and advise the DFES Communication Centre on (08) 9395 9209 as well as the Shire Ranger Services on (08) 9531 7709.

Permit to burn

Please contact Shire of Murray Ranger Services on (08) 9531 7709 during normal business hours to arrange a Permit to Burn.

Zones for permit to burn



Australian Fire Danger Rating System (AFDRS)



Catastrophic

Fire Behaviour Index Range **100+**

Leave bushfire risk area

Unsafe for firefighters and community. Without initial attack success, likelihood of very large fire development is very high. High probability of loss of life and property.

Extreme

Fire Behaviour Index Range **50-99**

Take action now

Defensive suppression strategies. High levels of threat to life/property. Safety of firefighters and community paramount.

High

Fire Behaviour Index Range **24-49**

Be ready to act

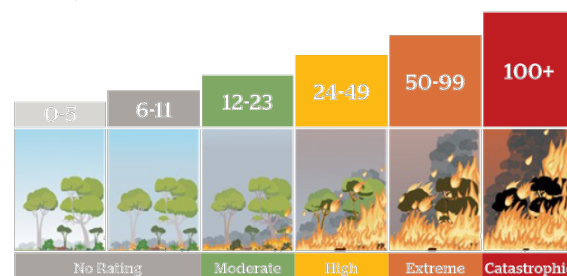
Initial attack success critical to prevent large fire development. Defensive suppression strategies.

Moderate

Fire Behaviour Index Range **12-23**

Plan and prepare

Most bushfires in this category. Fires typically suppressed with direct, parallel or indirect attack.



Stay informed

Total Fire Ban



Total Fire Bans (TFB) are declared by the Department of Fire and Emergency Services (DFES) because of extreme weather conditions or when widespread fires are seriously stretching firefighting resources.




During a TFB the lighting of any fires in the open air and any other activities that may start a fire, are prohibited, unless a written exemption or a notification requirement to a prescribed activity applies. This includes, but is not limited to:

- All open air fires for the purpose of cooking or camping (i.e. wood fuel barbecues, candles and pizza ovens).
- Incinerators, welding, grinding, soldering or gas cutting, angle grinders and lawnmowers.

Penalty: Up to \$25,000 fine and/or a 12-month jail term.

Exemptions may be granted by DFES and must be requested in writing. Visit www.dfes.wa.gov.au.

Total Fire Ban information

-  1800 709 355
-  dfes.wa.gov.au | emergency.wa.gov.au
-  ABC720AM Local Radio

Harvest and Vehicle Movement Ban






Harvest and Vehicle Movement Bans (HVMB) in the district must be imposed by local government under the Bush Fires Regulations 1954 (Regs) when the local Fire Behaviour Index reaches 40 or as otherwise permitted under the Regs.

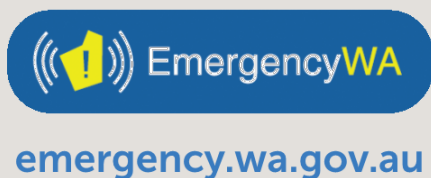
A HVMB may be imposed for any length of time but is generally imposed for 'heat of the day' periods and may be extended or revoked as weather conditions change.

During a HVMB the use of the following items is prohibited, in order to mitigate the associated risk of causing or contributing to the spread of a bushfire:

- Engines, vehicles, plant and machinery.

Harvest and Vehicle Movement Ban information

-  Shire of Murray 08 9531 7777
-  ABC720AM Local Radio
-  Local Fire Control Officer



SMS alerts

Broadcast of local Harvest and Vehicle Movement Bans, Total Fire Bans and other information. Subscribe via murray.wa.gov.au.

Please note: SMS alerts do not include alerts about fires or other emergencies.



Page 7

Fire preparedness work requirements

Area of land - 4,000m² or less

Where the area of land is 4,000m² or less, all flammable material on the entire land must be reduced and must be maintained to a height of 50 millimetres or less.

Area of land - greater than 4,000m² and less than 45,000m²

Where the area of land is greater than 4,000m² and less than 45,000m² in size, construct and maintain a firebreak:

- i. Inside all external boundaries of the land.
- ii. Around all outbuildings, sheds, haystacks, groups of buildings and fuel depots/storage areas situated on the land.

Asset protection zone

- i. Reduce and maintain to a height of 50 millimetres or less all flammable material within 20 metres of a habitable building.
- ii. Maintain an access and/or driveway to the land free of flammable material not less than 3 metres in width and a minimum 4.5 metre vertical clearance to any overhanging vegetation.

Area of land - greater than 45,000m²

Where the area of land is greater than 45,000m² the land is not required to have firebreaks constructed except where the land is required to comply with clause (a) . Land owners and/or occupiers are encouraged to install firebreaks in strategic locations to protect their property from a bushfire or to prevent the spread of a bushfire.

- a. Where land abuts other land that is in the ownership, leasehold, care, control or management of the Shire, State Government, State Government entity or State Government department (said land) the owner or occupier of the land that abuts said land is to construct and maintain a firebreak inside the external boundary of the land that abuts the said land.
- b. Active bushfire preparedness work must be completed on the land throughout the period of this Notice, by means such as mowing, slashing, baling, and/or grazing by an appropriate number of livestock.

Asset protection zones

- i. Reduce and maintain to a height of 50 millimeters or less all flammable material within 20 metres of a habitable building.
- ii. Access ways and driveways to habitable buildings must be free of flammable material, must not be less than 3 metres in width and must have a minimum of 4.5 metre vertical clearance to any overhanging vegetation.
- iii. Additionally, slash and maintain to a height of 100 millimeters or less all flammable material within 20 metres around any other buildings, haystacks and fuel storage areas on the land. OR
- iv. Install a firebreak around all outbuildings, sheds, haystacks, groups of buildings and fuel depots/ storage areas situated on the land



Bushfire Management Plan

All properties that are subject to a Bushfire Management Plan, or a Fire Management Plan, as a result of a subdivision or development application or a Shire approved treatment plan, must comply with the requirements of such plans in their entirety.

Plantations

Boundary firebreaks

All property boundaries must have a 15 metre firebreak installed. The outer 10 metres will be cleared of all flammable material while the inner five (5) metres (i.e. that portion closest to the trees) may be kept in a reduced fuel state by slashing or grazing grass to a height of less than 50 millimetres. This includes the trimming back of all overhanging limbs, bushes, shrubs and any other object encroaching into the vertical axis above the outer 10 metres of the firebreak area.

Internal firebreaks

Plantation area must be subdivided into areas not greater than 30 hectares, separated by six (6) metre wide firebreaks. This includes the trimming back of all overhanging limbs, bushes, shrubs and any other object encroaching into the vertical axis of the firebreak area.

Special risks

Public road and railway reserve firebreaks 15 metres wide shall be maintained where the planted area adjoins public roads and railway reserves. The specification will be as for boundary firebreaks on planted areas.

Firebreaks

Firebreaks shall be provided along power lines where they pass through or lie adjacent to planted areas. The specification of the width and height of clearing shall be in accordance with Western Power specifications.

Furthermore, all plantations shall comply with requirements contained in the Department of Fire and Emergency Services (DFES) guidelines or standards for Plantation Fire Protection.

Standards for firebreaks

All firebreaks as required by this Notice shall be constructed and maintained, where applicable, in accordance with the DFES Guide to Constructing and Maintaining Firebreaks.

A copy of this Guide is available on the Shire's website at www.murray.wa.gov.au or can be obtained by contacting Ranger Services on 08 9531 7709.



Additional fire preparedness work

In addition to the requirements of this Notice, regardless of land size and location, the owner and/or occupier of land may be required to carry out additional fire preparedness work to reduce bushfire risk considered necessary by an Authorised Officer of the Shire. Any additional fire preparedness work would be specified by way of a Work Order forwarded to the address of the owner and/or occupier of the land.

The following are examples of additional fire preparedness work that may be requested by the issuing of a Work Order:

- Ensure roofs, gutters and walls of all buildings on the land are free of flammable material.
- Remove accumulated fuel such as leaf litter, twigs, dead bush and dead trees capable of carrying fire.
- Reduce unmanaged grasses/weeds by slashing, mowing or other means.
- Reduce long grasses in areas that have not been grazed by livestock or cultivated by mowing, slashing, baling or by other means.
- Reduce vegetation on the land to a low fire risk state from the outer edge of the firebreak through to the property boundary (e.g. no long grass or overhanging branches).
- Reduce to a low fire risk any adjacent verge, road reserve, drain that is adjacent to the land.
- Assets identified in the Shire's **Bushfire Risk Management Plan 2021 - 2026** or any land identified with a Bush Fire Management Plan or a treatment plan to reduce bushfire risk to assets.

Engaging contractors for fire preparedness work

Any owner and/or occupier of land who engages a contractor to carry out fire preparedness work on behalf of the owner and/or occupier of the land will be held responsible for ensuring that any completed fire preparedness work complies with the requirements of this Notice.

Page 12

Previous notices

Any Notice previously published by the Shire in the Government Gazette or in any locally circulated newsprint is hereby revoked.

Variation to the bushfire compliance notice

If an owner and/or occupier of land considers that it may be impractical to clear firebreaks or undertake other fire preparedness work on their land as required by this Notice they may apply to the Shire for a variation to the requirements contained in this Notice.

A Bushfire Compliance Notice Variation Application Form (Form) is available on the Shire website at www.murray.wa.gov.au or can be obtained by phoning Ranger Services on 08 9531 7709.

A completed Form can be submitted to the Shire from 1 April 2023 until 1 October 2023. Any Form received after 1 October 2023 may not be accepted.

Note: *A variation is not an exemption to the requirements of this Notice, but an application to establish other methods of fire preparedness work to land that you own and / or occupy.*

If the Shire does not grant an approval for a variation to this Notice a land owner/occupier must comply with all requirements contained in this Notice.



Page 13

Lighting of camp fires or cooking fires

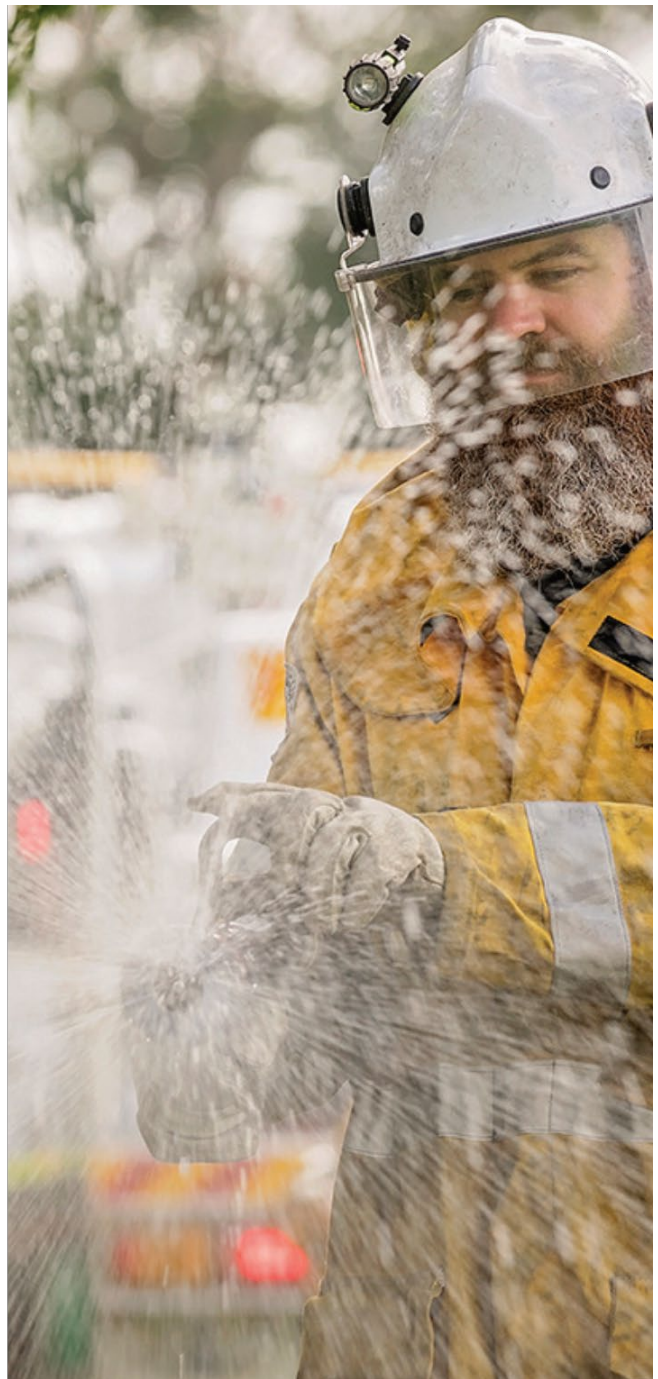
Pursuant to **Section 25 (1a) of the Bush Fires Act 1954**, Notice is hereby given that the lighting of camp fires or cooking fires is prohibited on all land within the Shire district during the Prohibited Burning Times.

This prohibition on the lighting of camp fires or cooking fires does not apply to a gas appliance that does not consume solid fuel and comprises of a fire, that the flame of which is fully encapsulated by the gas appliance.

Burning of garden refuse and rubbish

A permit to burn must be obtained prior to any burning on any land that is over 4,000m².

The burning of any material including garden refuse or garden rubbish on any land that is 4,000m² or less is strictly prohibited.



Important contacts

Report All Fires: Call 000



Department of Fire and Emergency Services

General enquiries
08 9395 9300

Emergency information
133 337 (13DFES)

Register your controlled burn
08 9395 9209

Department of Biodiversity, Conservation and Attractions

General enquiries
08 9290 6100

**Shire of Murray Rangers and
Community Safety**
08 9531 7709



   @ShireofMurray

Contact us

1915 Pinjarra Road,
Pinjarra WA 6208
PO Box 21 Pinjarra WA 6208

T: 08 9531 7777

F: 08 9531 1981

mailbag@murray.wa.gov.au
murray.wa.gov.au

Bushfire Compliance Notice 2024/25





First and final notice

To all owners/occupiers of land within the Shire of Murray

Your property must comply with the requirements of this Bushfire Compliance Notice by 1 December 2024 and be maintained through to 15 May 2025.

A maximum penalty of \$5,000 applies for non-compliance of this Bushfire Compliance Notice

Pursuant to the powers contained in **Section 33 of the Bush Fires Act 1954 (the Act)**, owners and/or occupiers of land within the Shire of Murray (Shire) are required to carry out fire prevention work on their land that must comply with the requirements as stated in this Bushfire Compliance Notice (Notice). Fire prevention work must be completed by **1 December 2024** and must be maintained through to **15 May 2025**.

Pursuant to **Section 33 (4) of the Bush Fires Act 1954**, where the owner and/or occupier of the land fails or neglects to comply with the requirements of this Notice within the times as specified in this Notice, the Shire may enter upon the land and carry out the requirements of this Notice that have not been completed by the owner and/or occupier of the land.

Pursuant to **Section 33 (5) of the Bush Fires Act 1954**, the Shire may recover from the owner and/or occupier of land the amount of any costs and expenses incurred by the Shire to complete the requirements of this Notice that have not been completed by the owner and/or occupier of the land.

Page 2

Fire prevention requirements

1. Area of land - 4,000m² or less

Where the area of any land in the Shire is 4,000m² or less, the owner/occupier of the land must reduce and maintain all flammable material on the entire land to a height of 50 millimetres or less.

2. Area of land - greater than 4,000m² and less than 45,000m²

Where the area of any land in the Shire is greater than 4,000m² and less than 45,000m² in size, the owner/occupier of the land must construct and maintain a firebreak:

- i. Inside all external boundaries of the land as close as practicable, but within 50 metres of the boundaries so as to form a continuous firebreak around the land.
- ii. Around all outbuildings, sheds, haystacks, groups of buildings and fuel depots/storage areas situated on the land.

3. Area of land - greater than 45,000m²

1. Where the area of any land in the Shire is greater than 45,000m² in size, the owner/occupier of the land must:
 - a. Reduce and maintain to a height of 50 millimetres or less all flammable material on the land by mowing, slashing, baling or grazing;
 - b. Additionally, the owner/occupier of the land must comply with the work requirements as applicable in clause 4.2.
2. Where the area of land is greater than 45,000m² and there is on the land any of the assets as described in clause 4.1, and the owner/occupier of the land cannot comply with clause 3.1(a) by the 30 November 2024, the owner/occupier of the land is to instead comply with clause 4.2 or otherwise apply to the Shire for a variation to this Notice.

4.1 Asset Protection Zones

Where any of the following assets are located on any land in the Shire the owner/occupier of the land shall comply with the requirements of clause 4.2:

- i. Habitable buildings;
- ii. Other buildings or groups of buildings;
- iii. Sheds;
- iv. Haystacks;
- v. Fuel depots/storage areas.

4.2 Compliance with Asset Protection Zones

Where any of the assets as described in clause 4.1 are located on any land in the Shire the owner/occupier of the land shall comply with the following requirements:

- i. Slash and maintain to a height of 50 millimetres or less all flammable material within 20 metres around any habitable building;

Page 3

- ii. Install a firebreak around buildings, sheds, haystacks, and fuel depots/ storage areas situated on the land;
- iii. Remove any flammable material on or around any building or roof of a building including from any gutters, abutments and valleys.
- iv. Install and maintain a 3-metre wide driveway.

5. Storage of Cut, Stockpiled Timber Products

On all land in the Shire except, land specified as Industrial, Non-Rateable or Reserve Land the owner and/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 owner and/or occupier of the land as obtained the approval of the Shire. 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. Plantations

i. Boundary firebreaks

All property boundaries must have a 15-metre firebreak installed. The outer 10 metres will be cleared of all flammable material while the inner five (5) metres i.e. that portion closest to the trees, may be kept in a reduced fuel state by slashing or grazing grass to a height of less than 50 millimetres. This includes the trimming back of all overhanging limbs, bushes, shrubs and any other object encroaching into the vertical axis above the outer 10 metres of the firebreak area.

ii. Internal firebreaks

Plantation area must be subdivided into areas not greater than 30 hectares, separated by six (6) metre wide firebreaks. This includes the trimming back of all overhanging limbs, bushes, shrubs and any other object encroaching into the vertical axis of the firebreak area.

iii. Public Roads and Railway Reserves

Firebreaks shall be constructed and maintained immediately inside any boundary that adjoins a public road and/or railway reserve. The specifications will be the same as for "Boundary Firebreaks" on Plantations.

iv. Powerlines

Firebreaks shall be provided along power lines where they pass through or lie adjacent to Plantations. The specifications of the width and the height of clearing shall be in accordance with Western Power specifications and requirements.

v. Compliance with DFES Guidelines and Standards

All plantations shall comply with the requirements contained in the DFES guidelines or standards for Plantation Fire Protection.

Page 4

Definitions

For the purpose of this Notice the following definitions apply:

"Authorised Officer" means a person authorised by the Shire and appointed as a Bush Fire Control Officer in accordance with **S.38 of the Bush Fires Act 1954**.

"Bushfire 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 Shire.

"Driveway" means the point of access (driveway) to a habitable building that is accessible for both conventional two-wheel drive vehicles and firefighting appliances that is totally clear of all vegetation, trees, bushes, shrubs and other objects or things encroaching into the vertical clearance of the driveway. If a driveway to a habitable building is longer than 50 metres in length from a public road, a clear turn-around area with a 10-metre radius must also be provided.

"Firebreak" means a strip of land that has been cleared of all trees, bushes, grasses and any other object or thing or flammable material to a trafficable surface leaving clear bare mineral earth. This includes the trimming back and removal of all overhanging trees, bushes, shrubs and any other object or thing over the vertical clearance of the fire break area. Firebreaks constructed on road verges do not constitute a legal firebreak.

"Fire Management Plan" has the same meaning as "bushfire management plan".

"Fuel Depot/Storage Area" 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 other manner in commercial quantities.

"Flammable Material" means any plant, tree, grass, vegetable, substance, object, thing or material (except living flora including live standing trees, shrubs and bushes) that may or is likely to catch fire and burn or any other item deemed by an authorised officer to be capable of combustion.

"Habitable Building" means a dwelling, work place, 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. The term habitable building includes attached and adjacent structures like garages, carports, verandahs or similar roofed structure(s) that are attached to, or within 6 metres of the dwelling or primary building.

"Haystack" means any collection of hay including fodder rolls placed or stacked together that exceeds 100 cubic metres in size (e.g. 5m x 5m x 4m), whether in a shed, other structure or in the open air.

"Outbuilding" means any structure, shed, building, storage facility or structure or alike built for any purpose outside of the definition of the "habitable building" definition.

Page 5

"Plantations" means any area of planted pines, eucalypt, hardwood or softwood trees exceeding 3 hectares in area.

"Shed" has the same meaning as outbuilding.

"Size" means a size of an individual parcel or lot of land as recorded in the Shire of Murray property Rates Register or land database.

1 hectare = 10,000m² = 2.47 acres

1 acre = 4,046.86m² = 0.4046 hectare

"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 in a dead end without provision for egress to a safe place or a cleared turn around area of 17.5 metre radius.

"Vertical Clearance" means the height of the space above the full width of the firebreak or driveway that must be kept clear of all obstructions and vegetation to a minimum height of 4.5 metres from the ground.

Standards for firebreaks

All firebreaks as required by this Notice shall be constructed and maintained, where applicable, in accordance with the DFES Guide to Constructing and Maintaining Firebreaks.

A copy of this Guide is available on the Shire's website at www.murray.wa.gov.au or can be obtained by contacting Ranger Services on 08 9531 7709.



Page 6

Page 7

Additional fire prevention work

In addition to the requirements of this Notice, regardless of land size and location, the owner and/or occupier of land within the Shire may be required to carry out additional fire prevention work to reduce bushfire risk considered necessary by an Authorised Officer of the Shire. Any additional fire prevention work would be specified by way of a Special Fire Prevention Work Order forwarded to the address of the owner and/or occupier of the land.

The following are examples of additional fire prevention work that may be requested by the issuing of a Special Fire Prevention Work Order:

- Ensure roofs, gutters and walls of all buildings on the land are free of flammable material.
- Remove accumulated fuel such as leaf litter, twigs, dead bush and dead trees capable of carrying fire.
- Reduce unmanaged grasses/weeds by slashing, mowing or other means.
- Reduce long grass in areas that have not been grazed by livestock or cultivated by mowing, slashing, baling or by other means.
- Reduce vegetation on the land to a low fire risk state from the outer edge of the firebreak through to the property boundary (e.g. no long grass or overhanging branches).
- Reduce to a low fire risk state any adjacent verge, road reserve, drain that is adjacent to the land.
- Assets identified in the **Shire's Bushfire Risk Management Plan 2021 - 2026** or any land identified with a Bush Fire Management Plan or a treatment plan to reduce bushfire risk to assets.

Engaging contractors for fire prevention work

Any owner and/or occupier of land within the Shire who engages a contractor to carry out fire prevention work on behalf of the owner and/or occupier of the land will be held responsible for ensuring that any completed fire prevention work complies with the requirements of this Notice.

Previous notices

Any Notice previously published by the Shire in the Government Gazette or in any locally circulated newsprint is hereby revoked.

Permit to burn

During Restricted Burning Times, a Permit to Burn is required and is obtainable free of charge from:

- Local Bush Fire Brigade Fire Control Officers
- Local Permit Issuing Officer.

Note

- A Permit to Burn will not be issued during the Prohibited Burning Time.
- A Permit to Burn **will not be issued for land that is less than 4,000m².**
- The holder of a Permit to Burn will be required to adhere to all conditions on the permit.

Even when a Permit to Burn has been issued, no fire is to be lit when the fire danger rating is High or above or when a Total Fire Ban or a Harvest and Vehicle Movement Ban has been declared.

Burning of Shire land

Owners and/or occupiers of land can apply to the Shire to burn the road reserve (verge) directly adjacent to their property. An application form can be obtained from the shire's website or by phoning Shire Ranger Services (08) 9531 7709.

Burning of garden refuse and rubbish

The burning of any material including garden refuse or garden rubbish on land greater than 4,000m² is permitted during the Restricted Burning Times. A Permit to Burn must be obtained prior to any burning.

The burning of any material including garden refuse or garden rubbish on any land that is 4,000m² or less is strictly prohibited at any time.



Page 9

Zones for permit to burn



Zone	Fire Control Officer	Permit Issuing Officers
01 South Yunderup/ Ravenswood	Jim Camplin 0409 909 063	Graeme Baldwin 0488 783 592
02 West Murray	Justin Crotty 0413 763 511	Andrew Taylor 0438 219 794
03 Nth Dandalup	Brendan Webster 0418 930 986	Lorraine Webster 0448 135 671
04 Pinjarra VFRS	Kevin Jones 0417 996 806	
05 Dwellingup	Anthony Cocivera 0408 070 386	Dave Turner 0427 775 914
06 Coolup		Stuart Kirkham 0427 868 306
07 Coolup	Douglas McLarty 0407 728 446	Douglas McLarty 0407 728 446
08 Coolup		Chris Sattler 0428 625 066

Page 9

Bushfire Management Plan



All properties that are subject to a Bushfire Management Plan, or a Fire Management Plan, as a result of a subdivision or development application or a Shire approved treatment plan, must comply with the requirements of such plans in their entirety.



Page 10

Variation to the bushfire compliance notice

If an owner and/or occupier of land considers that it may be impractical to clear firebreaks or undertake other fire prevention work on their land as required by this Notice they may apply to the Shire for a variation to the requirements contained in this Notice.

A Bushfire Compliance Notice Variation Application Form (Form) is available on the Shire website or can be obtained by phoning Ranger Services on 08 9531 7709.

A completed Form can be submitted to the Shire up to the 1st October 2024. Depending on the circumstances, any Form received after the 1st October 2024 may not be accepted.

Note: A variation is not an exemption to the requirements of this Notice, but an application by the owner/occupier of land to establish other methods of fire prevention work to the land.

If the Shire does not grant an approval for a variation to this Notice a land owner/occupier must comply with all requirements contained in this Notice.

Lighting of camp fires or cooking fires

Pursuant to **Section 25 (1a) of the Bush Fires Act 1954**, Notice is hereby given that the lighting of camp fires or cooking fires is prohibited on all land within the Shire during the Prohibited Burning Times.

This prohibition on the lighting of camp fires or cooking fires does not apply to a gas appliance that does not consume solid fuel and comprises of a fire, that the flame of which is fully encapsulated by the gas appliance.



Page 11

Important dates to remember

Restricted burning time one

Permit to burn required

1 October 2024 — 30 November 2024 (inclusive)

Fire prevention works deadline

Completed by 30 November 2024

Maintained up to and including 15 May 2025

Prohibited burning time

Burning prohibited

1 December 2024 — 31 March 2025 (inclusive)

Restricted burning time two

Permit to burn required

1 April 2025 — 15 May 2025 (inclusive)

Note

- Unseasonal weather conditions may necessitate a variation to the above dates.
- Burning is prohibited on days where the Fire Danger Rating is High or above and if either a Total Fire Ban/ Harvest and Vehicle Movement Ban is declared.
- Prior to any burning, please contact and advise the DFES Communication Centre on (08) 9395 9209 as well as the Shire Ranger Services on (08) 9531 7709.

Stay informed

Total Fire Ban



What is a Total Fire Ban?

A Total Fire Ban (TFB) is a ban on activities that could result in a fire starting. A TFB is declared on days when fires are most likely to threaten lives and property. This is because of predicted extreme fire weather or when there are already widespread fires and firefighting resources are stretched.

Total Fire Bans are declared using local government boundaries in both rural and urban areas. You can see whether your local government area is affected by a Total Fire Ban at emergency.wa.gov.au.

Some activities can continue during a Total Fire Ban if the activity is being carried out in relation to work for a business, a public authority, or as part of an agricultural activity.

If you ignore a Total Fire Ban, you could be fined up to \$25,000 and/or be jailed for up to 12 months.

What does a TFB affect?

A TFB affects any activity that may cause a fire including:

- Lighting a campfire or using a fire pit
- Burning leaves, garden waste or grass cuttings
- Using an incinerator
- Using a grinder, welder or any other 'hot work' that creates a spark
- Operating a hot-air balloon
- Using an outdoor wood-fired pizza oven or stove, or a BBQ that uses solid fuel

Any equipment powered by an internal combustion engine including:

- Vehicles such as car, tractor, motorbike, quad bike or dune buggy
- A chainsaw or lawn mower
- A plant trimmer or grass trimmer
- Bobcats, excavators, bulldozers (or any other similar machines)
- A generator

Total Fire Ban information



1800 709 355



dfes.wa.gov.au | emergency.wa.gov.au



ABC720AM Local Radio

Page 12

Page 12

Harvest and Vehicle Movement Ban






Harvest and Vehicle Movement Bans (HVMB) in the district can be imposed by local government under the Bush Fires Regulations 1954 (Regs) when the local Fire Behaviour Index reaches 40 or as otherwise permitted under the Regs.

A HVMB may be imposed for any length of time but is generally imposed for 'heat of the day' periods and may be extended or revoked as weather conditions change.

During a HVMB any machinery or equipment that is powered by an internal combustion engine can not be used including any engine, vehicle, harvester, tractor, motorbike, quad bike, dune buggy etc.

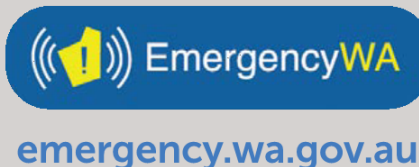
Harvest and Vehicle Movement Ban information

-  Shire of Murray 08 9531 7777
-  ABC720AM Local Radio
-  Local Fire Control Officer

SMS alerts

Shire of Murray residents can subscribe to SMS alerts of local Harvest and Vehicle Movement Bans, Total Fire Bans and other information via murray.wa.gov.au.

Please note: SMS alerts do not include alerts about fires or other emergencies.



Page 14

Australian Fire Danger Rating System (AFDRS)

Catastrophic

Fire Behaviour Index Range **100+**

Leave bushfire risk area

Unsafe for firefighters and community. Without initial attack success, likelihood of very large fire development is very high. High probability of loss of life and property.

Extreme

Fire Behaviour Index Range **50–99**

Take action now

Defensive suppression strategies. High levels of threat to life/property. Safety of firefighters and community paramount.

High

Fire Behaviour Index Range **24–49**

Be ready to act

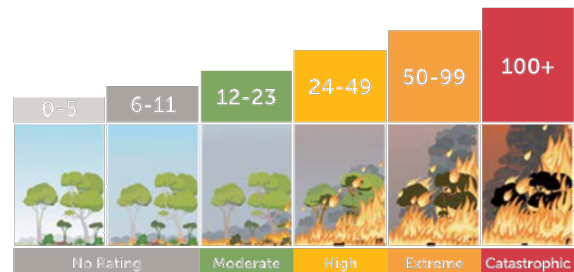
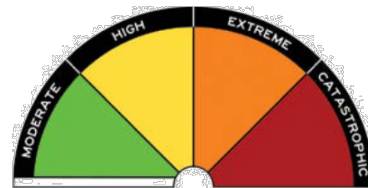
Initial attack success critical to prevent large fire development. Defensive suppression strategies.

Moderate

Fire Behaviour Index Range **12–23**

Plan and prepare

Most bushfires in this category. Fires typically suppressed with direct, parallel or indirect attack.



Page 15



Important contacts

Department of Fire and Emergency Services

General enquiries

08 9395 9300

Emergency information

133 337 (13DFES)

Register your controlled burn

08 9395 9209

Department of Biodiversity, Conservation and Attractions

General enquiries

08 9290 6100

Shire of Murray Rangers and Community Safety

08 9531 7709

**Shire of
Murray**

   @ShireofMurray

Contact us

1915 Pinjarra Road, Pinjarra
WA 6208

PO Box 21, Pinjarra WA 6208

T: (08) 9531 7777

E: mailbag@murray.wa.gov.au
murray.wa.gov.au



Firebreak Notice and Bushfire Information

2022 - 2023

Report All Fires: Phone 000

Important Dates

Restricted Burning Time One

Permits Required

1 October – 30 November (inclusive)

Permits: Permit Issuing Officer – details page five

Fire Prevention Work Due

Installed on or before 30 November

Maintained up to and including 30 April

Prohibited Burning Time

Burning Prohibited

1 December – 31 March (inclusive)

Restricted Burning Time Two

Permits Required

1 April – 15 May (inclusive)

Permits: Permit Issuing Officer – details page five

Note

- Unseasonal weather conditions may necessitate a variation to the dates above.
- Burning is prohibited on days where the Fire Danger Rating is High or above and if either a Total Fire Ban/ Harvest and Vehicle Movement Ban is declared.
- Prior to any burning, please advise the Department of Fire and Emergency Services' Communication Centre on 08 9395 9209 as well as a Permit Issuing Officer (page five).
- Please monitor the Shire's website murray.wa.gov.au or contact the Shire's Ranger and Emergency Services on 08 9531 7777.

Camping/Cooking/ Garden Refuse

Outdoor Cooking

Gas and Electric Barbeques

- ✓ Permitted at any time.

Solid Fuel Barbecues, Spit Roasts, Webers, Pizza Ovens and Other Cooking Fires.

Prohibited Burning Time:

- ✗ Prohibited at all times.

Restricted Burning Times:

- ✗ Prohibited when the Fire Danger Rating is High or above, or when a Total Fire Ban has been declared.
- ✓ Permitted at all other times, if constructed in a way which prevents the escape of sparks or burning material and is within a three (3) metre fuel free zone.
- ✓ Somebody must be in attendance at all times and a means of extinguishing the fire must be on hand.

Burning of Garden Refuse or Rubbish

Includes incinerators and on the ground.

Prohibited Burning Time:

- ✗ Prohibited at all times.

Restricted Burning Times:

- ✗ Prohibited on land < 4,000m².
- ✗ Prohibited when the Fire Danger Rating is High or above or if a Total Fire Ban has been declared.
- ✓ Permitted at all other times on land ≥ 4,000m² - One small heap (up to one (1) cubic metre) may be burnt on the ground, without a 'Permit to Set Fire to the Bush', between 6:00pm and 11:00pm but only if it is completely extinguished before midnight on the same day, a five (5) metre firebreak has been cleared and at least one able-bodied person remains in attendance.

The Shire of Murray Health Local Law prohibits the burning of the following materials which cause the generation of smoke or odour:

- ✗ Plastic
- ✗ Rubber
- ✗ Food scraps
- ✗ Green garden materials



Smoke Management

Considerations prior to burning:

- Weather conditions – always check with the Bureau of Meteorology for haze alerts and weather conditions in your area.
- Tell your neighbours – give sufficient notice of your intention to burn to ensure adequate preparation time especially for relocating any persons with respiratory issues.
- Condition of refuse – only burn dry dead material to minimise the amount of smoke produced.
- Control the load – do not burn more than you can manage, commence with a smaller fire and gradually add more material.

Residents are encouraged to remove and dispose of potential flammable material – bush, garden rubbish or refuse, from their properties before the onset of summer.



Example of Dry Burn

Permit to Burn

During Restricted Burning Times, a Permit to Burn is required and is obtainable free of charge from:

- Local Bush Fire Brigade Fire Control Officers.
- Locality Permit Issuing Officer.

Note:

- No permits are issued during the Prohibited Burning Time.
- Permits to Burn **will not** be issued in relation to properties < 4,000m².
- Permit holders are required to adhere to all conditions on the permit.
- Special conditions may apply.

Even when a Permit to Burn has been issued, **no fire is to be lit when the fire danger rating is High or above.**

Permit Issuing Officer Contact Details



- Zone 1** Jim Camplin – 0409 909 063
Reece Kramer – 0427 499 680
- Zone 2** Christine Thompson – 0429 447 341
Andrew Taylor – 0438 219 794
Mick Gavranich – 0409 378 781
- Zone 3** Peter Thurkle – 0427 882 201
Lorraine Webster – 0448 135 671
- Zone 4** Kevin Jones – 0417 996 806
- Zone 5** David Turner – 0427 775 914
Anthony Cocivera – 0408 070 386
- Zone 6** Stuart Kirkham – 0427 868 306
- Zone 7** Douglas McLarty – 0407 728 446
- Zone 8** Chris Sattler – 0428 625 066

Stay Informed



emergency.wa.gov.au

Total Fire Bans

- Total Fire Ban Information Line 1800 709 355
- dfes.wa.gov.au
- emergency.wa.gov.au
- ABC720AM Local Radio



Harvest and Vehicle Movement Bans

- Shire of Murray
08 9531 7777
- ABC720AM Local Radio
- Local Fire Control Officer

SMS Alerts

Broadcast of local Harvest and Vehicle Movement Bans, Total Fire Bans and other information.

Subscribe via murray.wa.gov.au.

Please note:

SMS alerts do not include alerts about fires or other emergencies.



Fire Danger Ratings

The new Australian Fire Danger Rating System (AFDRS) will be implemented on 1 September 2022. It aims to improve public safety, reduce the impacts of bushfires and better support the community with nationally consistent ratings and messaging.

Fire Danger Ratings describe the potential level of danger should a bushfire start. They provide people with information so that they can take action to protect themselves and others from the potentially dangerous impacts of bushfires.

Ratings are calculated using a combination of weather forecasting and vegetation information. They do not indicate the chance of a fire occurring.

Shire of Murray Fire Weather District

- Swan Coastal South
- Swan Inland South



Daily Fire Danger Rating (FDR)

- dfes.wa.gov.au
- bom.gov.au/wa
- emergency.wa.gov.au

Understanding Fire Danger Ratings



New Australian Fire Danger Rating System (AFDRS) Effective 1 September 2022

CATASTROPHIC Fire Behaviour Index Range **100+**

Unsafe for firefighters and community. Without initial attack success, likelihood of very large fire development is very high. High probability of loss of life and property.

EXTREME Fire Behaviour Index Range **50-99**

Defensive suppression strategies. High levels of threat to life/property. Safety of firefighters and community paramount.

HIGH Fire Behaviour Index Range **24-49**

Initial attack success critical to prevent large fire development. Defensive suppression strategies.

MODERATE Fire Behaviour Index Range **12-23**

Most bushfires in this category. Fires typically suppressed with direct, parallel or indirect attack.

Bans



Total Fire Ban

Total Fire Bans (TFB) are declared by the Department of Fire and Emergency Services (DFES) because of extreme weather conditions or when widespread fires are seriously stretching firefighting resources.

During a TFB the lighting of any fires in the open air and any other activities that may start a fire, are prohibited, unless a written exemption or a notification requirement to a prescribed activity applies. This includes, but is not limited to:

- ✗ All open air fires for the purpose of cooking or camping (i.e. wood fuel barbeques, candles and pizza ovens).
- ✗ Incinerators, welding, grinding, soldering or gas cutting, angle grinders and lawnmowers.

Penalty: Up to \$25,000 fine and/or a 12 month jail term.

Exemptions may be granted by DFES and must be requested in writing. Visit www.dfes.wa.gov.au.



Harvest and Vehicle Movement Ban

Harvest and Vehicle Movement Bans (HVMB) in the district must be imposed by local government under the Bush Fires Regulations 1954 (Regs) when the local Fire Behaviour Index reaches 40 or as otherwise permitted under the Regs.

A HVMB may be imposed for any length of time but is generally imposed for 'heat of the day' periods and may be extended or revoked as weather conditions change.

During a HVMB the use of the following items is prohibited, in order to mitigate the associated risk of causing or contributing to the spread of a bushfire:

- ✗ Engines, vehicles, plant and machinery.

Preparing Your Property

Preparing for fires is essential to living in our fire-prone landscape. Having a **plan** is the primary step to ensuring the survivability of your property and the welfare of you and your family, including pets and livestock.

How fireproof is your plan? Visit mybushfireplan.wa.gov.au to create one in under 15 minutes.

It will be too late to prepare your property when a serious fire is threatening. **Fuel loads** influence bushfire intensity.

If you are planning to build or to undertake any building work, you are advised to comply with Australian Standard AS 3959 Building in Bush Fire Prone Areas.

Public utilities such as telephone, power and water supplies are often damaged during major bushfires and may not be available to you when you need them.

If you are well prepared, your property has a greater chance of surviving a bushfire. Having an Asset Protection Zone is one way to ensure this.



Asset Protection Zone

Asset Protection Zone (APZ) is the area within 20 metres, measured from any external wall, of any habitable building. The zone is within the boundaries of the lot on which the habitable building is situated.

Where an APZ is required as part of an approved Bushfire Attack Level (BAL) assessment, it must be maintained in accordance with the BAL report. A BAL report is required as part of all new planning and/or building license approvals for habitable buildings constructed in bushfire prone areas.

Shire of Murray planning approval is not required for the purpose of implementing an APZ.

Note: Building Protection Zone and Asset Protection Zone are synonymous.

Within the APZ, ensure:

- Tree crowns are a minimum of 10 metres apart.
- Low trees are pruned to a height of two (2) metres.
- The fuel load (flammable material) is reduced and maintained to a height of less than five (5) centimetres or less than two (2) tonnes per hectare.
- No tall shrubs or trees are located within two (2) metres of a building (including windows).
- Fences and sheds are constructed using non-combustible materials (e.g. colorbond iron, brick, limestone).
- Sheds or other outbuildings do not contain flammable materials.
- Tall shrubs are not planted in clumps within three (3) metres of a habitable building.
- Tree crowns do not overhang a dwelling and shrubs and trees do not have dead material within the plant.
- Lawns are kept short and green where possible.

Alternatives to Burning

There are a range of alternatives to burning waste which will not harm the environment or cause health problems for you or your neighbours.

- Grass can be slashed, grazed or reduced with herbicide to decrease fuel loads – this may be a practical alternative particularly if erosion is a concern or in difficult-to-access areas.
- Ratepayers and residents are encouraged to dispose of green waste and garden refuse via the two annual Green Waste Verge Collections.
- Shire of Murray ratepayers and residents are also able to dispose of their green waste and garden refuse at the Corio Road and Dwellingup Waste Transfer Stations.
- Garden refuse (particularly grass clippings, leaves and twigs) can also be used as mulch or compost in the garden to improve soils and the growth of plants.
- If you have large quantities of green waste (branches, tree trunks) you can arrange for mobile mulching services for the material on-site.

Mulching and composting at home avoids the need to burn off and is an environmentally friendly way to deal with green waste. For information regarding composting, please contact the Shire of Murray Environmental Services on 08 9531 7777.

Mulch piles should be no larger than five (5) cubic metres to reduce the risk of spontaneous combustion and have a three (3) metre firebreak surrounding them.

Advice is Available

Further advice on when and how to burn off is available from your local Fire Control Officer, the Shire of Murray Community Emergency Services Coordinator or Ranger Services on 08 9531 7777.

Can We Access Your Property?

Did You Know?

In order for fire appliances to access your property safely, firebreaks are required to be no less than three (3) metres wide and have no less than four and a half (4.5) metres vertical clearance. Fire appliances must be able to fit through gates on your property.

The average fire appliance is nine (9) metres long.



Firebreak Notice

Bush Fires Act 1954

Notice is hereby given to all owners and/or occupiers of land within the Shire of Murray that Council pursuant to the powers conferred in Section 33(1) of the *Bush Fires Act 1954* (the Act), approved the following requirements at its Ordinary Council Meeting on 23 June 2022 to prevent the outbreak, spread or extension of a bush fire within the district and deal with other direct bush fire related preparedness and prevention matters.

Pursuant to Section 33 of the *Bush Fires Act 1954*, all owners and/or occupiers of land are required to carry out fire prevention work in accordance with the requisitions of this notice on or before 30 November each calendar year or within 14 days of the date of becoming the owner or occupier of the land, should this be after 30 November. All work specified in this notice is to be maintained up to and including 30 April the following calendar year.

Definitions

For the purpose of this notice the following definitions apply:

Authorised Officer — an employee of the Shire of Murray appointed as a Bush Fire Control Officer.

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

Driveway — the point of access (driveway) to a habitable building that is accessible for both conventional two wheel drive vehicles and firefighting appliances that is totally clear of all vegetation, trees, bushes, shrubs and other objects or things encroaching into the vertical axis of the driveway. If a driveway to a habitable building is longer than 50 metres in length from a public road, a clear turn around area with a 10 metre radius is to be provided.

Firebreak — an area of ground, of a prescribed width, constructed to a trafficable surface that is kept and maintained totally clear of all flammable material and includes the pruning and removal of trees, scrub or any other material encroaching into the vertical axis of the firebreak area.

Page 14

Fire Management Plan — the same as Bushfire Management Plan.

Fuel Depot/Storage Area — 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 other manner.

Flammable Material — 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.

Habitable Building — a dwelling, work place, 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.

The term habitable building includes attached and adjacent structures like garages, carports, verandahs or similar roofed structure(s) that are attached to, or within six (6) metres of the dwelling or primary building.

Haystack — 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.

Hills Landscape Protection Land — land zoned or defined in the Local Planning Scheme or Shire of Murray property rate database as Hills Landscape Protection Land.

Plantations — any area of planted pines, eucalypt, hardwood or softwood trees exceeding three (3) hectares in area.

Size — the size of an individual parcel or lot of land as recorded in the Shire of Murray property rate database.

- 1 hectare = 10,000m² = 2.47 acres
- 1 acre = 4,046.86m² = 0.4046 hectare

Trafficable — 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 resources. A firebreak is not to terminate in a dead end without provision for egress to a safe place or a cleared turn around area of 17.5 metre radius.

Vertical Axis — a continuous vertical uninterrupted line at a right angle to the horizontal line of the firebreak to a minimum height of four and a half (4.5) metres from the ground.

Zoning — the land zoning description as recorded in the Shire of Murray property rate database.

Fire Prevention Requirements

1. Rural Zoned Land — 10 Hectares or Greater

- a. A three (3) metre wide firebreak is to be constructed and maintained as close as practicable, but within 50 metres of the boundaries of the land, where the land abuts all made roads or railway reserves, Crown land which is the responsibility of a state agency, held in leasehold by a third party or otherwise unmanaged or a plantation.
- b. If the rural zoned land abuts or adjoins any other type of zoned land a three (3) metre wide firebreak is to be constructed and maintained along that portion of the rural land that abuts the other zoned land and the firebreak(s) is to be located immediately, where practical inside the boundary of the rural land where it abuts the above mentioned land.
- c. A three (3) metre wide firebreak is to be constructed and maintained immediately surrounding all outbuildings, sheds, haystacks, groups of buildings and fuel depots/storage areas situated on the land.
- d. All flammable material within 20 metres of a habitable building is to be reduced and maintained to a height of less than five (5) centimetres.
- e. A three (3) metre wide driveway to be installed and maintained.

2. Special Rural, Special Residential, All Special Use, Farmlet, Hills Landscape Protection Land, Rural Townsite and Rural Zoned Land Less than 10 Hectares

- a. Where the area of land in this zoning category is 10,000m² or less in size, all flammable material on

Page 16

the entire property is to be reduced and maintained to a height of less than five (5) centimetres.

- b. Where the area of land in this zoning category is between 10,001m² and 25,000m² in size all flammable material on the entire property is to be reduced and maintained to a height of less than five (5) centimetres. Alternatively, a firebreak is to be installed and maintained in accordance with clause 2(c).
- c. Where the area of land in this zoning category is 25,001m² or more in size, a three (3) metre wide firebreak is to be installed and maintained immediately:
 - i. Inside all external boundaries of the land.
 - ii. Around all outbuildings, sheds, haystacks, groups of buildings and fuel depots/storage areas situated on the land.
 - iii. All flammable material within 20 metres of a habitable building is to be reduced and maintained to a height of less than five (5) centimetres.
- d. If land within this zoning category adjoins any of the land described in Clause 3, all flammable material shall be reduced and maintained to a height of less than five (5) centimetres, for a distance of 20 metres, immediately inside the installed and maintained firebreak.
- e. All land within this zoning category, irrespective of size, requires a three (3) metre wide driveway to be installed and maintained.

Exception: Where there is green maintained and reticulated lawn, inclusive of any living trees, shrubs or plants immediately adjacent to an external boundary of any land within this zoning category, a firebreak is not required to be installed or maintained, immediately inside that particular land boundary.

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

- a. Where the area of land in this zoning category is 4,000m² or less, all flammable material on the entire property shall be reduced and maintained to a height of less than five (5) centimetres.
- b. Where the area of land in this zoning category is more than 4,001m² in size, a three (3) metre wide firebreak shall be installed and maintained immediately inside all external boundaries of the land and also immediately surrounding all buildings situated on the land.
- c. A three (3) metre wide driveway to be installed and maintained.

4. Plantations

- a. **Boundary Firebreaks** – all property boundaries must have a 15 metre firebreak installed. The outer 10 metres will be cleared of all flammable material while the inner five (5) metres (i.e. that portion closest to the trees) may be kept in a reduced fuel state by slashing or grazing grass to a height of less than five (5) centimetres. This includes the trimming back of all overhanging limbs, bushes, shrubs and any other object encroaching into the vertical axis above the outer 10 metres of the firebreak area.
- b. **Internal Firebreaks** – plantation area must be subdivided into areas not greater than 30 hectares, separated by six (6) metre wide firebreaks. This includes the trimming back of all overhanging limbs, bushes, shrubs and any other object encroaching into the vertical axis of the firebreak area.
- c. **Special Risks** –
 - i. Public road and railway reserve firebreaks 15 metres wide shall be maintained where the planted area adjoins public roads and railway reserves. The specification will be as for boundary firebreaks on planted areas.
 - ii. Firebreaks shall be provided along power lines where they pass through or lie adjacent to planted areas. The specification of the width and

height of clearing shall be in accordance with Western Power specifications.

- d. Furthermore, all plantations shall comply with requirements contained in the Department of Fire and Emergency Services (DFES) 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, five (5) metres wide and three (3) metres high. Every pile of cut, stockpiled or windrowed timber product larger than 12m³ 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 and/or occupier of land in the district may apply for a variation by contacting the appropriate area Fire Control Officer prior to 14 November each calendar year to arrange an onsite inspection to discuss alternate methods of fire prevention. Variations may be approved by the Shire of Murray for a one, three or five 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. Bushfire Management Plans

Where a Bushfire Management Plan (BMP) exists for a specified area or property as required by the Local Planning Scheme or subdivision approval or for an individual or group of properties, compliance with all requirements of the BMP 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 bushfire.

9. Dates to Remember

Restricted Burning Time:

1 October to 30 November each year (inclusive) and
1 April to 15 May each year (inclusive and as varied pursuant to Section 18 of the *Bush Fires Act 1954*).

Prohibited Burning Time:

1 December to 31 March each year (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. 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.

Camp or Cooking Fires Notice

(s.25(1a) Bush Fires Act 1954)

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

Burning of Garden Refuse and Rubbish

(s.24G Bush Fires Act 1954 (the Act))

The burning of garden refuse or rubbish is prohibited on all land in the district under 4.000m² in size during the Limited Burning Time that would otherwise be permitted under section 24F of the Act.

The Limited Burning Time means 1 October each calendar year through until 15 May in the following calendar year (inclusive and as varied pursuant to Sections 17 and 18 of the Bush Fires Act (1954)).

On land larger than 4.001m² the burning of garden waste and rubbish that would otherwise be permitted under section 24F of the Act 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 4.000m² 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.

Any time when there is in force a fire danger forecast issues for the district by the Bureau of Meteorology in Perth of High, Extreme or Catastrophic a Total Fire Ban (TFB) or any other prohibition is in effect under the *Bush Fires Act 1954*, burning of garden refuse or rubbish in an incinerator or on the ground is prohibited on all land within the district.

In addition to the above restrictions, garden refuse burnt on the ground is burnt in accordance with this clause if:

(a) There is no flammable material, other than that being burnt, within five (5) metres of the fire at any time while the fire is burning.

(b) The fire is lit between 6:00pm and 11:00pm and is completely extinguished before midnight on the same day.

(c) At least one person is present at the site of the fire at all times until it is completely extinguished.

(d) One pile (up to one (1) cubic metre in size) can only be burnt at a time.

(e) When the fire is no longer required, the person ensures that the fire is completely extinguished by the application of water or earth.

(f) The person intending to light the fire must telephone the Department of Fire and Emergency Services' Communications Centre (COMCEN) immediately prior to igniting on 08 9395 9209 or 1800 198 140.

The *Shire of Murray Health Local Law 2018* further restricts and or prohibits burning of rubbish or refuse on land in the district.



In loving memory
of Patricia Briggs.

1938-2022





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Report All Fires: Call 000

Department of Fire and Emergency Services

General enquiries 08 9395 9300

Emergency information 133 337 (13DFES)

Register your controlled burn 08 9395 9209

Department of Biodiversity, Conservation and Attractions

General enquiries 08 9290 6100

Shire of Murray Ranger and Emergency Services

08 9531 7709

Chief Bush Fire Control Officer

Robert Wilson 0417 916 468

Deputy Chief Bush Fire Control Officer

Peter Thurkle 0427 882 201

Pinjarra Volunteer Fire and Rescue

Ken Jones—Brigade Captain 0409 205 071

emergency.wa.gov.au