

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), 25(1a) and 24G(2) of the *Bush Fires Act 1954*, approved the following requirements at its Ordinary Council Meeting on 25 June, 2020 to prevent the outbreak, spread or extension of a bush fire within the district and deal with other fire related preparedness and prevention matters. Council further reaffirmed support for the same preventative requirements at its Ordinary Council Meeting on 22 July, 2021.

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 any trees, scrub or any other material encroaching into the vertical axis of the firebreak area.

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 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. Camp or Cooking Fires (s.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 that 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 (s.24G Bush Fires Act 1954)

The burning of garden refuse or rubbish is prohibited on all land under 4,000m² 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 1 October each calendar year through until 15 May 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 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 issued for the district by the Bureau of Meteorology in Perth of Catastrophic, Extreme, Severe or Very High, 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.

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.