

# Bush Fires Act 1954

## Shire of Waroona – Firebreak Notice

### Burning of Garden Refuse – Camp and Cooking Fires

Notice is hereby given to all owners and/or occupiers of land within the Shire of Waroona that the 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 23 June 2020 to prevent the outbreak or spread or extension of a bush fire within the district and deal with other 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 fourteen 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”** means a person authorised by the Shire of Waroona and appointed as a Bush Fire Control Officer.

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

**“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 is to 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 vegetation 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) 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.

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

**“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.

**“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 Waroona property Rates Register or land database.

1 hectare = 10,000m<sup>2</sup> = 2.47 acres

1 acre = 4,046.86m<sup>2</sup> = 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.

**“Zoning”** means the land zoning description as recorded in the Shire of Waroona property Rate database.

## Fire Prevention Requirements

### 1. All Land 4050m<sup>2</sup> or greater

- A 3 metre wide firebreak shall be constructed and maintained inside all external boundaries as close as practicable, but within 50 metres of the boundaries so as to form a continuous firebreak around the land,
- A 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,
- A 3 metre wide driveway to be installed and maintained; and,
- All flammable material within 20 metres of a habitable building is to be reduced and maintained to a height of less than 5 centimetres.

### 2. All Land 4049m<sup>2</sup> or less

- All flammable material on the entire property is to be reduced and maintained to a height of less than 5 centimetres; and,
- All land within this category definition requires a 3 metre wide private driveway to be installed and maintained.

### 3. 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 5 metres, i.e. that portion closest to the trees, may be kept in a reduced fuel state, i.e. by slashing or grazing grass to a height of less than 5 centimetres. This includes the trimming back of all overhanging limbs, bushes, shrubs and any other object encroaching into the vertical clearance above outer 10 metres of the firebreak area.
- Internal Firebreaks** – Plantation area must be subdivided into areas not greater than 30 hectares, separated by 6 metre wide firebreaks. This includes the trimming back of all overhanging limbs, bushes, shrubs and any other object encroaching into the vertical clearance of the firebreak area.
- 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.
- Power Lines** – Firebreaks shall be provided along power lines where they pass through or lie adjacent to Plantations. The specification of the width and the height of clearing shall be in accordance with Western Power specifications.
- All Plantations shall comply with requirements contained in the Department of Fire and Emergency Services (DFES) Guidelines for Plantation Fire Protection.
- Storage of Cut or Stockpiled Timber Products**  
On all land in the district except, land specified as Industrial, Non Ratable or Reserve Land the owner or occupier of the land shall not keep or permit to be kept any cut, stockpiled or windrowed timber products (manufactured or natural) unless the material is in piles of less than 15 metres long, 5 metres wide and 3 metres high. Every pile of cut, stockpiled or windrowed timber product larger than 12 cubic metres is to be completely surrounded by a 10 metre wide firebreak.

### 4. Variations

If it is considered to be impractical for any reason to clear firebreaks or establish other arrangements as required by this Notice, the owner or occupier of land in the district may apply for a variation 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 for a 1, 3 or 5 year period, subject to the owner and/or occupier of the land remaining the same. If a request to vary this Notice is not approved, the requirements of this Notice apply.

### 5. 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.

### 6. Special Works Order

The requirements of this Notice are considered to be the minimum requirement for fire prevention work not only to protect individual properties but the district generally.

A separate Special Works Order may be issued to individual landowners pursuant to Section 33 of the *Bush Fires Act 1954* to carry out further hazard removal and/or reduction work with respect to anything upon the land, where in the opinion of an authorised officer it is likely to be conducive to the outbreak and/or the extension of a bush fire.

### 7. Dates to Remember

**Restricted Burning Time:** 1 October to 30 November each year (inclusive) and 1 April to 31 May each year (inclusive, and as varied pursuant to Section 18 of the *Bush Fires Act 1954*).

Fire permits must be obtained from your relevant Fire Control Officer for burning off during the restricted burning time. Prior to commencement of a burn you are required to notify the Shire of Waroona Administration Office of time/s, date/s and location number/s.

**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.

### 8. 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 Waroona during the Prohibited Burning Time. This prohibition does not apply to a gas appliance which does not consume solid fuel comprising of a fire, the flame of which is encapsulated by the appliance.

### 9. 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 4,000m<sup>2</sup> 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 31 May the following calendar year (inclusive, and as varied pursuant to Sections 17 & 18 of the *Bush Fires Act 1954*).

On land larger than 4,001m<sup>2</sup> 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 4,000m<sup>2</sup> 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.

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

- there is no flammable material (other than that being burnt) within 5 metres of the fire at any time while the fire is burning; and,
- the fire is lit between 6pm and 11pm and is completely extinguished before midnight on the same day; and,
- at least one person is present at the site of the fire at all times until it is completely extinguished; and,
- only one pile (up to one cubic metre in size) is burnt at a time; and,
- when the fire is no longer required, the person ensures that the fire is completely extinguished by the application of water or earth; and,
- the person intending to light the fire must telephone the Department of Fire and Emergency Services Communications Centre (COMCEN) immediately prior to igniting, on 9395 9209 or 1800 198 140.

but excluding any time when there is in force a fire danger forecast issued for that place by the Bureau of Meteorology in Perth of ‘catastrophic’, ‘extreme’, ‘severe’ or ‘very high’, or a Total Fire Ban (TFB) is in effect, or any other prohibition is in effect under the *Bush Fires Act 1954*.

### 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.