

Bush Fires Act 1954

Shire of Waroona **Firebreak Notice**

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 Special Council Meeting on 8 August 2017 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 the 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 the 30 November. All work specified in this Notice is to be maintained throughout the summer months until the close of the restricted burning time 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.
“asset protection zone”	<p>means the area within a distance of 20 metres measured from any external wall of any habitable building. The location is within the boundaries of the lot on which the habitable building is situated. The following work is required to be completed and maintained within an asset protection zone. The fuel loading (flammable material) is to be reduced and maintained to a height of less than 5 centimetres or less than 2 tonnes per hectare. Tree crowns are to be a minimum of 10 metres apart. Low trees are to be pruned to a height of 2 metres. No tall shrub or trees are to be located within 2 metres of a building (including windows). Fences within the asset protection zone are constructed using non-combustible materials. (e.g. colorbond iron, brick, limestone). Sheds or other outbuildings within the asset protection zone shall not contain flammable materials unless stored in approved storage containers. Tall shrubs within the asset protection zone are not to be planted in clumps within 3 metres of a habitable building. Tree crowns shall not overhang a dwelling and shrubs and trees within the asset protection zone are not to have dead material within the plant.</p> <p>Managed and/or reticulated gardens, as defined in Australian Standard 3959-2009 as “low threat vegetation” are exempt unless otherwise advised by the authorised officer.</p> <p>Where an asset protection zone is required to be maintained as part of an approved Bushfire Attack Level (BAL) assessment it must be maintained in accordance with the BAL report. (Shire of Waroona Planning approval is exempt for the purpose of implementing an asset protection zone).</p>
“building protection zone”	has the same meaning as “ <i>asset protection zone</i> ”
“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 district.
“private driveway”	means the point of access (driveway) to a habitable building and/or outbuildings that is accessible for both conventional two wheel drive vehicles and 3.4 firefighting appliances that is totally clear of all vegetation, trees, bushes, shrubs and other objects or things

	<p>encroaching into the vertical axis of the point of access.</p> <p>If the point of access (driveway) to a habitable building and/or outbuildings is longer than 50 metres from a public road, a turn-around area of 17.5 metres is to be available. Where driveways are longer than 50 metres there shall be the ability for vehicles to pass/turn around on driveways at intervals no greater than 100 metres.</p>
“firebreak”	<p>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 axis of the fire break area. Firebreaks constructed on road verges do not constitute a legal firebreak.</p>
“fire management plan”	<p>has the same meaning as “<i>bushfire management plan</i>”</p>
“fuel depot / storage area”	<p>means an area of land, a building or structure where fuel, i.e. (petrol, diesel, kerosene, liquid gas or any other fossil fuel) is kept in any container or manner.</p>
“flammable material”	<p>means any plant, tree, grass, vegetable, substance, object, thing or material (except living flora including live standing trees) that may or is likely to catch fire and burn or any other thing deemed by an authorised officer to be capable of combustion.</p>
“habitable building”	<p>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.</p> <p>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.</p>
“outbuilding”	<p>means any structure, shed, building, storage facility or structure or alike built for any purpose outside of the definition of the “habitable structure” definition.</p>
“haystack”	<p>means any collection of hay including fodder rolls placed or stacked together that exceeds 100 cubic metres in size (eg 5m x 5m x 4m).</p>
“plantations”	<p>means any area of planted pines, eucalypt, hardwood or softwood trees exceeding 3 hectares in area.</p>
“shed”	<p>has the same meaning as outbuilding.</p>
“size”	<p>means the size of individual parcel or lot of land as recorded in the Shire of Waroona property Rates Register or land database.</p> <p>1 hectare = 10,000m² = 2.47 acres 1 acre = 4046.86m² = 0.4046 hectare</p>
“trafficable”	<p>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.</p>
“vertical axis”	<p>means a continuous vertical uninterrupted line at a right angle to the horizontal line of the firebreak to a minimum height of 4.5 metres from the ground.</p>
“zoning”	<p>means the land zoning description as recorded in the Shire of Waroona property Rates Register.</p>

FIRE PREVENTION REQUIREMENTS

1. All land 4050m² or greater

- (a) 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,
- (b) 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,
- (c) A 4 metre wide private driveway to be installed and maintained; and,
- (d) An asset protection zone to be installed and maintained immediately surrounding all habitable buildings and outbuildings.

2. All land 4049m² or less

- (a) All flammable material on the entire property is to be reduced and maintained to a height of less than 5 centimetres.
- (b) All land within this category definition requires;
 - (i) A 4 metre wide private driveway to be installed and maintained; and,
 - (ii) An asset protection zone to be installed and maintained around all habitable and outbuildings.

3. 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 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 axis above outer 10 metres of the firebreak area.
- (b) **'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 axis of the firebreak area.
- (c) **'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.
- (d) **'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.
- (e) All Plantations shall comply with requirements contained in the Department of Fire and Emergency Services (DFES) Guidelines for Plantation Fire Protection.

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

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 the 14 November each calendar year to arrange for an onsite inspection to discuss the alternate methods of fire prevention. Variations may be approved by the Shire for a 1, 3 or 5 year period, subject to the owner and/or occupier of the land remaining the same. If a request to vary this Notice is not approved, the requirements of this Notice apply.

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 November to 14 December each year (inclusive) and 1 March to 25 April 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:

15 December to 28 February 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 4000m² in size during the Limited Burning Time that would otherwise be permitted under Section 24F.

For the purposes of this Clause "Limited Burning Time" means the 1 November each calendar year through until 25 April the following calendar year (inclusive, and as varied pursuant to Sections 17 & 18 of the *Bush Fires Act 1954*).

On land larger than 4001 m² the burning garden waste and rubbish that would otherwise be permitted under Section 24F, is prohibited absolutely during the Prohibited Burning Time.

The effect of this clause is that the burning of garden refuse or rubbish in an incinerator or on the ground on land that is 4000m² 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 burned on the ground is burned in accordance with this clause if —

- (a) there is no flammable material (other than that being burned) within 5 metres of the fire at any time while the fire is burning; and,
- (b) the fire is lit between 6pm. and 11pm and is completely extinguished before midnight on the same day; and,
- (c) at least one person is present at the site of the fire at all times until it is completely extinguished; and,
- (d) only one pile (up to one cubic metre in size), is burnt at a time; and,
- (e) when the fire is no longer required, the person ensures that the fire is completely extinguished by the application of water or earth.

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".

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.

IAN CURLEY, Chief Executive Officer
