



BUSH FIRES ACT 1954
Shire of East Pilbara
Firebreak Notice (Section 33)
Notice to Owners and Occupiers of Land in the Shire of East Pilbara

In pursuance of the powers conferred in Section 33 of the *Bush Fires Act 1954*, notice is hereby given to all owners and/or occupiers of land within the Shire of East Pilbara, that land owners and/or occupiers are required to carry out fire prevention work in accordance with this notice on land owned or occupied by you. All work required by this Notice shall be maintained all year round.

RESTRICTED BURNING PERIOD applies from the 1st January to 31st December each year (Permanent Restricted Period). PERMITS TO BURN ARE REQUIRED ALL YEAR ROUND.

Burning of refuse, rubbish or garden waste is prohibited within all towns.

REPORTS OF FIRE

For all fire emergencies dial "000" and provide full details to the operator.

All fires must be reported to the Shire's Ranger and Emergency Services. It is an offence not to report a fire which has occurred on your land (Regulation 43 *Bush Fires Regulations 1954*).

DEFINITIONS:

For the purpose of this Notice the following definitions apply:

"Council" means the Council of the Shire of East Pilbara;

"district" means the district of the Shire of East Pilbara;

"Explosives" has the same meaning given to it by the *Dangerous Goods Safety Act 2004* and the regulations pursuant to it;

"Firebreak" means an area of ground, of a specified width that has all material (living or dead) removed by scarifying, cultivating, ploughing or other means removed to bare mineral earth, and includes the pruning and removal of any living or dead trees, scrub or other material that overhangs the cleared firebreak area to a vertical height of four (4) metres from the ground. A prepared fire break shall be trafficable by four wheel drive vehicle;

"Flammable Material" means material that can be easily ignited or burnt. I.e. dead or dry grass, leaves, timber, paper, plastic and other materials or things deemed by an authorised officer to be capable of combustion. *"Flammable material" does not include green growing trees or live plants growing in gardens;*

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

"Inflammable" has the same meaning as "flammable";

"Townsite Land" means land within the district that is within the boundaries of a townsite (and for the purposes of this definition "townsite" has the meaning given it in section 6 (1) of the *Local Government Act 1995*); and

"Urban Land" means Residential, Rural, Commercial or Industrial Land within a townsite or within any area subdivided for any purpose. The following areas are town sites: Newman, Marble Bar and Nullagine.

FIRE PREVENTION REQUIREMENTS:

1. Townsite Land and Urban Land:

- a) Where the area of land is 2024m² or less, all Flammable Material from the whole of the land is to be removed.
- b) Where the land is greater than 2024m², a Firebreak of not less than three (3) metres width, immediately inside and along the external boundaries of the land. Where there are buildings on the land additional Firebreaks of three (3) metres wide shall be cleared immediately surrounding each building.
- c) All gardens must be kept free of unnecessary leaves and rubbish. Trees which may be hazardous in the event of a fire should be kept lopped.

2. Land outside Town sites

- a) Two (2) Firebreaks surrounding all buildings on land that is outside town sites, not less than three (3) metres wide and cleared of all Flammable Material. The inner Firebreak is to be not more than twenty (20) metres from the perimeter of the building or group of buildings and the outer Firebreak not less than twenty (20) metres and not more than one hundred (100) metres from the inner Firebreak.
- b) The fuel load must be reduced from the whole of the land between the Firebreaks as required in paragraph 1.(a) above.

3. Fuel Dumps and Deposits

All Flammable Materials must be removed from land where fuel drum ramps or dumps are located and fuel drums, whether containing fuel or not, are stored to a distance of at least ten (10) metres outside the perimeter of any drum, ramp or stack of drums. Where bulk fuel is stored this distance is to be measured from the outside of the bunding which is in place.

4. Explosives Magazines and Storage Areas

All Explosives and Flammable Materials are to be removed to bare earth between any bunkers or storage facilities and all Flammable Materials are to be removed for a distance of at least ten (10) metres from the perimeter of any such storage area.

5. Railway Reserves

Firebreaks of at least three (3) metres wide immediately inside all boundaries contiguous with any Railway Reserve on which Railway traffic operates shall be the responsibility of the owner of the railway.

VARIATIONS:

If it is considered to be impractical to comply with the provisions of this Notice, you may apply for a variation by the following means:

- Apply in writing to the Shire of East Pilbara. Written approval from Council or it's duly Authorised Officer must be obtained for any variations or exemptions.
- Provide a detailed plan of your land detailing the alternate positions of Firebreaks and/or other fire prevention measures. This must be evaluated and authorised in writing by the Shire of East Pilbara.
- A fire management plan for the land may be lodged with the Shire of East Pilbara. The existence of a plan shall not be proof of compliance until it has the written approval of the Shire of East Pilbara. Proof of compliance with the plan must be available to an authorised person on request.

Approval for variations will only be granted up to and before 30 October. If permission is not granted by Council or it's duly Authorised Officer then the owner/or occupier shall comply with the requirements of this notice.

ADDITIONAL REQUIREMENTS

SPECIAL ORDERS: *The requirements of this Notice are considered the minimum standard* for fire prevention; not only to protect individual properties but the district generally. Bush Fire Control Officers have the power to issue Special Orders pursuant to Section 33 of the *Bush Fires Act 1954* to individual landowners if hazard removal or reduction, or any additional works are considered necessary.

Permits to burn must be obtained before lighting any fire. Permits can only be obtained from Council's Ranger and Emergency Services (08 9175 8000). There is a restricted burning period all year round throughout the Shire of East Pilbara.

If the requirements of this Notice are carried out by burning, such burning must comply with the relevant provisions of the *Bush Fires Act 1954* and associated Regulations.

The requirements of this Notice are in addition to and do not derogate or detract from any other requirement under any other written law or legislation.

Failure to comply with this Notice is an offence and shall subject the offender to penalties prescribed in the *Bush Fires Act 1954* as amended. Where a person is in default of this Notice, the Shire of East Pilbara may perform the required works and recover the cost of performing the work from the land owner or occupier.

All enquiries relating to fire should be directed to Council's Ranger and Emergency Services, please call (08) 9175 8000. This is a 24 hour service; please follow the prompts for after-hours emergency calls.

J Edwards
Chief Executive Officer