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**BUSH FIRES ACT 1954**  
**Shire of Brookton Firebreak Order 2016 / 2017**

**PLEASE READ CAREFULLY**  
**THESE ARE YOUR LEGAL REQUIREMENTS**

**Action is required by all land owners and occupiers to comply with this notice by 1 November each year and to maintain compliance until 15 April following for each and every year.**

PURSUANT to the powers contained in Section 33 of the Bush Fires Act 1954 (as amended) you are hereby required **on or before the 1<sup>st</sup> day of November** to construct firebreaks in accordance with the following, and thereafter to maintain firebreaks **up to and including the 14<sup>th</sup> day of April**, in such positions/dimensions and specifications as required by this Order or approved in writing by Council or its authorised officer.

**FAILURE TO COMPLY MAY RESULT IN A \$5,000 FINE.**

**Definitions**

“FIREBREAK” means a strip of land that has been cleared of all trees, bushes, grasses and any other object or thing or flammable material leaving clear bare mineral earth. This includes the trimming back of all overhanging trees, bushes, shrubs and any other object or thing over the firebreak area to a minimum vertical clearance of 4 metres.

“AVAILABLE FUEL” means any material such as grass, leaf litter, twigs, bark, logs and live vegetation that will burn within the first three minutes of a fire.

“PLANTATION” means any area of planted trees, other than a windbreak, within gazetted townsites exceeding 3 hectares and elsewhere exceeding 10 hectares. Windbreak means a planted area of trees not exceeding 100 metres in depth and 1 kilometre in length. Separation between windbreaks must be 50 metres on the sides and 15 metres at the ends to provide for vehicle access.

“PROPERTY” means the total of all adjoining land parcels owned by one landholder.

“TRAFFICABLE” means to enable travel from one point to another in a 4x4 fire vehicle on a firm and stable surface, unhindered and without any obstruction that may endanger resources. No firebreak is to terminate without provision for egress to a safe place or a cleared turn-around area of not less than 19 meter radius.

“VACANT LAND” means land that is not grazed and has no buildings or structures upon it.

## Schedule

### 1. TOWNSITE LAND

*Is all land within the Brookton Townsite.*

- 1.1 All townsite properties **equal to or less than 2,023 m<sup>2</sup> in size** are required to be fire hazard reduced by
- a. Reduction of the vegetation fire hazard to a maximum height of 75mm. All slashed material is to be removed.
- 1.2 All townsite properties **over 2,023 m<sup>2</sup> in size** are required to be fire hazard reduced by:
- a. Construction and maintenance of a 3 metre wide bare mineral earth unobstructed trafficable firebreak within 3 metres of the boundary; and
  - b. Reduction of the vegetation fire hazard to a maximum height of 75mm. All slashed material is to be removed.
  - c. Firebreak must be constructed on and contained within the property: footpaths and roads or road verges will not be accepted as firebreaks.

### 2. RURAL LAND

*Is all land outside the Brookton Townsite.*

- 2.1 All rural properties **equal to or less than 100 hectares in size** are required to be fire hazard reduced by:
- a. Construction and maintenance of a 3 metre wide bare mineral earth unobstructed trafficable firebreak within 30 metres of the boundary of the property; **or**
  - b. Provision on the property of an operational independent mobile water filled fire fighting unit with a water capacity of not less than 450 litres to be at the ready *throughout the restricted and prohibited burning period*; **and**
  - c. Construction of a 5 metre wide bare mineral earth unobstructed trafficable firebreak within 15 metres of and surrounding all buildings, sheds, fuel storage including drums and flammable chemicals, silos and fodder stacks as well as hay stacks within a shed or within 400 metres from any infrastructure.
- 2.2 All rural properties **over 100 hectares in size** are required to be fire hazard reduced by:
- a. Construction of a 5 metre wide bare mineral earth unobstructed trafficable firebreak within 15 metres of and surrounding all buildings, sheds, fuel storage including drums and flammable chemicals, silos and fodder stacks as well as hay stacks within a shed or within 400 metres from any infrastructure; **and**
  - b. Provision on the property of an operational independent mobile water filled fire fighting unit with a water capacity of not less than 450 litres to be at the ready *throughout the restricted and prohibited burning period*. Trailer type units must be attached to a towing vehicle and slip-on units must be attached to the tray of the vehicle in accordance with manufacturer's instructions.

Note: Hay and straw stacks in open paddock areas awaiting pickup and removal are not required to be surrounded by a firebreak.

### 3. PLANTATIONS

*Meaning any area of planted trees, other than a windbreak, within gazetted townsites exceeding 3 hectares and elsewhere exceeding 10 hectares.*

- 3.1 Boundary firebreaks: a 15 metre boundary firebreak is required on all boundaries of plantations and along public roads. This firebreak must have a minimum trafficable surface of 5 metres and a minimum vertical clearance of 4 metres. The remaining 10 metres must be maintained in a low fuel condition, i.e. closely mowed, grazed or sprayed.

- 3.2 Compartment firebreaks: internal firebreaks between compartments of up to 30 hectares must be a minimum of 6 metres wide and for compartments over 30 hectares a minimum of 10 metres wide. In all cases a 5 metre trafficable surface and a minimum 4 metre vertical clearance should be maintained to allow access by fire fighting appliances.
- 3.3 Fire fighting water supplies: must be designed and constructed to enable heavy duty fire fighting equipment to access the water supply in accordance with the *FESA Guidelines for Plantation Fire Protection 2001* or as revised. A copy of these Guidelines is available from the shire office upon request.
- 3.4 Fire fighting equipment must be provided by the plantation owner to the minimum standards recommended in the *FESA Guidelines for Plantation Fire Protection 2001* or as revised.
- 3.5 Paragraphs 3.1 to 3.4 do not apply to established plantations which have received planning approval and have an approved fire management plan as part of that planning approval. Owners and managers of such plantations must comply with the conditions of their fire management plan.

#### **4. BURNING OFF**

- 4.1 *During the restricted and prohibited burning periods* a written permit must be obtained from a Shire of Brookton fire control officer prior to any burning off activity being conducted.

#### **5. RESPONSIBILITY**

- 5.1 Section 28 of the Bush Fires Act provides that where a bushfire is burning during restricted or prohibited times, the occupier of the land shall forthwith, whether he or she has lit or caused such a fire to be lit or not, take all possible steps to extinguish the fire. Where owners or occupiers fail to extinguish the fire a Fire Control Officer may take all proper measures to extinguish such a fire and the expenses of that action are recoverable from owners and occupiers.

#### **6. INSPECTIONS AND PENALTIES**

- 6.1 Firebreaks and hazard reductions will be inspected on or after the 1<sup>st</sup> day of November each year.
- 6.2 Failure to install and maintain firebreaks in accordance with this notice may result in a fine of up to \$5,000 and a person in default is also liable, whether prosecuted or not, to pay the costs of performing the work directed in this notice if it is not carried out by the owner or occupier by the date required by this notice.

#### **7. ALTERNATIVE MEASURES**

- 7.1 If it is considered to be impractical for any reason to comply with the provisions of this notice, application may be made, no later than the 15<sup>th</sup> of October each year, in writing to Council or its authorised officer for permission to provide alternative fire protection measures. If permission is not granted the requirements of this notice must be complied with.

#### **8. NEW OWNERS AND OCCUPIERS**

- 8.1 If you become owner or occupier of land after the 1<sup>st</sup> day of November, the requirements of this notice are varied so as to require you to comply with the terms of this notice within fourteen days of you becoming owner or occupier of the land.

**BY ORDER OF THE COUNCIL  
DALE STEWART – ACTING CHIEF EXECUTIVE OFFICER**

What can I burn?	Garden refuse 6 pm to 11 pm	Wood and solid fuel barbecues	Grass, paddock, bonfire, bush
<b>RESTRICTED</b> Burning Period Permits Required 19 September to 14 November	<b>Yes</b> Permit required	<b>Yes</b>	<b>Yes</b> Permit required
<b>PROHIBITED</b> Burning Period 15 November to 28 February	<b>No Burning and No Fires</b>		
<b>RESTRICTED</b> Burning Period Permits Required 1 March to 14 April	<b>Yes</b> Permit required	<b>Yes</b>	<b>Yes</b> Permit required