

BUSH FIRES ACT 1954
Shire of Wyndham East Kimberley
Firebreak Order 2026/2027

(This is a summary of the Order adopted by the Shire of Wyndham East Kimberley under Section 33 of the Bush Fires Act 1954).

In accordance with the provisions of this Order, Owners and/or Occupiers of land are required to carry out fire prevention work on land they own or occupy on or before **1st May** every year to provide and thereafter maintain free of all flammable material until **15th January** of the following year. Firebreaks are to be maintained as stipulated in the manner described.

1. All land equal to or less than 2000sqm

- Install and maintain an asset protection zone in accordance with the requirements specified in clause 6
- Maintain all grass to a height of no greater than 30cm
- Maintain areas of natural vegetation to at or below eight tonnes per hectare.

2. All land greater than 2000sqm

- Install and maintain an asset protection zone in accordance with the requirements specified in clause 6
- Install firebreaks as close as practicable inside of, but no more than 10m from, the property's external boundaries firebreaks need to be 3m wide with 4m vertical height clearance free from flammable materials and overhanging branches (see clause 5 for further details):

3. Fuel Dumps and Depots

- Remove all flammable material from all land where fuel drum ramps or dumps are located and where fuel drums whether containing fuel or not are stored to a distance approximately fifteen (15) metres outside the perimeter of any drum, ramp or stack of drums.

4. Bushfire management plans

Where a property is affected by an approved bushfire management plan, property owners must still comply with all requirements in this notice and with any additional requirements outlined within that plan.

5. Firebreak Specifications

- Firebreaks are to be installed and maintained clear of all obstacles and flammable materials (e.g. maintained to mineral earth, gravel, limestone, bitumen, or lawn to a height no greater than 10cm) to create a minimum 3m wide trafficable surface suitable for 4-wheel drive vehicles
- Overhanging branches must be pruned to provide 4m vertical clearance above the fullwidth of the firebreak
- Firebreaks must not terminate in a dead-end
- Firebreaks may be constructed by ploughing, grading, raking, burning, chemical spraying or any other method that achieves the required standard.

6. Asset Protection Zone Specification

- Extend 20m out from the external walls of the relevant building. Note: Asset protection zone requirements only apply within the boundaries of the lot on which the relevant building is located
- The average fuel loads must be reduced and maintained at two tonnes per hectare or lower

- All grass is maintained to under 10cm
- Tree canopy coverage is no greater than 15 per cent. The crowns of trees must have clear separation distance between one another
- A small group of trees within proximity to one another may be treated as one crown provided the combined crowns do not exceed the area of a large or mature crown size for that species
- Trees must be low-pruned (or under-pruned) to at least a height of 2m from the ground
- No tree or shrub over 2m high is planted within 3m of a building
- There are no tree crowns or branches hanging over buildings
- Scrub is reduced to a sparse density (able to walk through vegetation with relative ease and minimal deviation)
- Install paths or clear flammable or dry vegetation, debris, and materials immediately adjacent to the building
- Wood piles and flammable materials are stored a safe distance from buildings.

7. **Exemptions**

If it is considered impracticable for any reason to clear firebreaks or to remove flammable material from the land as required by this notice you may apply to the Council or its duly authorised officer by not later than 15 February each year for permission to provide firebreaks in alternative positions or take alternative action to abate fire hazards on the land.

8. **Environmental and heritage considerations**

It is the responsibility of the landowner to ensure appropriate environmental and heritage due diligence relating to any works required by this notice is undertaken. Please refer to the Department of Water and Environmental Regulation (DWER), the Department of Planning, Lands and Heritage, and/or the Department of Fire and Emergency Services (DFES) websites for further information.

9. **Compliance**

- In addition to the requirements of this notice, further works which are considered necessary by an authorised officer of the Shire may be required as specified in writing in a subsequent notice addressed to the landowner
- Where the owner or occupier of the land fails or neglects to comply with the requirements of this notice or a subsequent notice addressed to the landowner, the Shire may enter onto the land with workers, contractors, vehicles, and machinery to carry out the requisitions of the notice at the expense of the landowner
- Failure to comply with this notice and subsequent written notices may result in a penalty not exceeding \$5,000, or the issue of a \$250 infringement notice and liability for any costs incurred by the City in relation to works undertaken on behalf of the landowner.
- If the requirements of this Order are fulfilled by burning off, then the burning must be carried out in accordance with the relevant provisions of the *Bush Fires Act 1954*

10. **Definitions**

- **Asset protection zone (APZ)** is a low fuel area that is reduced of flammable vegetation and materials surrounding relevant buildings to minimise the likelihood and impact that direct flame contact, radiant heat or ember attack may have on buildings and assets in the event of a bushfire.
- **Bushfire management plan** or **fire management plan** is a plan that may be placed on the certificate of title(s) of land that has been developed as a condition of development or subdivision.
- **Firebreak** is an area of land cleared of flammable material to minimise the spread of a bushfire and to provide access for firefighting vehicles.



- **Flammable material'** is anything that is easily able to catch on fire including, but not limited to, grasses, leaves, branches, scrub and trees.

By order of the Council
Vernon Lawrence
CHIEF EXECUTIVE OFFICER

