

BUSH FIRES ACT 1954

Shire of Wyndham East Kimberley

Firebreak Order and Bushfire Information effective from 2022

(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, landowners 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 inflammable material until 15th January of the following year. Firebreaks are to be maintained as stipulated in the manner described in the following schedule 1-9.

PERSONS WHO FAIL TO COMPLY WITH THE REQUIREMENTS OF THE ORDER MAY BE ISSUED WITH AN INFRINGEMENT NOTICE (PENALTY \$250) OR PROSECUTED WITH AN INCREASED PENALTY UP TO (\$1000). IN ADDITION, THE SHIRE MAY CARRY OUT THE REQUIRED WORK AT COST TO THE OWNER OR OCCUPIER OF THE LAND.

There may be instances where it is considered to be impractical to clear firebreaks or remove flammable materials as required by this Order, due to:

- The aggravation of soil erosion;
- The identification of a more effective system of fire prevention; or
- Firebreaks being rendered unnecessary by natural features existing on the land.

In this instance, application may be made to Council not later than 15 February each year for permission to provide firebreaks in alternative positions or to take alternative action to reduce fire hazards on the land.

If Council permission is not forthcoming, then you will be required to comply with the provisions of this Order.

Firebreaks are used primarily to gain access to and provide an area to work from when controlling a fire. They will not stop all fires, and removal of unnecessary flammable material prior to the fire season is your best safeguard against fire threat.

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*.

1. Ord Irrigation Project Area

Firebreaks for all land within the Ord Irrigation Area must be:

- a) Not less than three (3) metres wide inside, along and as close as possible to external boundaries; and
- b) Not less than six (6) metres wide and within three (3) metres of the perimeter of all buildings and/or haystacks and groups of buildings.

2. Pastoral Lands

Being land outside the Town Sites of Wyndham and Kununurra held under Pastoral Lease.

- a) Firebreaks are to be a distance not less than six (6) metres wide and within three (3) metres of a building/s and haystacks.

3. Town Site Land

For land inside Town Sites and not being rural land or land under a Pastoral Lease, firebreaks are required to be:

- a) Where the area is 2000sq metres or less, remove vegetation by clearing or slashing inflammable material from the whole of the land, excluding standing live trees.
- b) Where the area of the land is greater than 2000sq metres a firebreak not less than six (6) meters in width, immediately surrounding any buildings or not less than three (3) metres in width inside and along the whole of the external boundaries of the land is required.

4. Rural Lands

Being land outside the Town Sites and not being land under a Pastoral Lease, this includes rural subdivisions. Firebreaks are required to be:

- a) Not less than three (3) metres wide inside, along and within ten (10) metres of external boundaries, and
- b) Not less than six (6) metres wide and within three (3) metres of the perimeter of all buildings or haystacks or group of buildings.

5. Rural Living Areas

Where land (up to 5 ha per lot) outside of the Wyndham and Kununurra town sites is used primarily for residential purposes, firebreaks are to be provided to all boundaries in accordance with the following requirements:

- a) clear a three (3) metre wide firebreak of all flammable material, immediately inside the external boundaries of the land; and
- b) trees must be trimmed back to provide a vertical clearance of three and a half (3.5) metres to allow fire appliances along the firebreak

Where a Shire managed strategic firebreak is provided the provisions of a) do not apply to the boundaries abutting the strategic firebreak.

Where there is a risk soil erosion or the ground conditions do not permit (e.g. rocky terrain) the provisions of a) may be deemed to be satisfied where the grasses are slashed and maintained at a height of 75mm or less.

6. Rubbish Sites (Prescribed Premises)

Being all Rubbish Sites for Pastoral Stations that have been registered as a Prescribed Premises. Firebreaks are required to be not less than three (3) metres wide and within three (3) metres of the perimeter of the rubbish site.

NOTE: Pursuant Schedule 1 (5B) 63, 64, 65 of the Environmental Protection Regulations 1987 a "Rubbish Site" must be a Prescribed Premises (refer definitions).

7. 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 of at least fifteen (15) metres outside the perimeter of any drum, ramp or stack of drums.

8. Satisfactory Compliance

Section 33 Bush Fires Act 1954:

The requirements referred to in paragraphs 1 to 8 hereof, must be performed to the satisfaction of the duly authorised person appointed by the Shire of Wyndham East Kimberley.

Section 33(3) Bush Fires Act 1954:

Persons who fail to comply with these requirements may be issued with an infringement notice (Penalty \$250) or prosecuted with an increased penalty up to \$5000.00.

Section 33(4) Bush Fires Act 1954:

In addition, the Shire may carry out the required work at cost to the owner or occupier of the land.

9. Exemptions

9.1 Exemptions for individual properties

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.

9.2 Exemptions for specific areas

Properties within a specific area may be exempt from the above requirements if they are within an established firebreak area that is maintained by the affected land owner and approved by the Shire.

RESTRICTED BURNING PERIOD

15 March to 14 January Each Year

The Restricted Burning Period includes Kununurra and Wyndham Town sites, the Ord Irrigation Area and pastoral areas.

PERMITS TO BURN

1. Permits to burn are required for the whole of the Restricted Period, and must be obtained from one of the Fire Control Officers (FCO) identified for your area.
2. Any special conditions imposed by the FCO when issuing permits must be strictly adhered to.
3. The permit holder shall give notice of his intention to burn to:
 - a) The Shire's Ranger Services by no later than 24 hours prior to the day when the burning is to take place. Weekend burning must be notified by 4.00pm, Thursday. (Office Hours: 9168 4100 – After Hours: 9168 4166)
 - b) The owner or occupier of adjoining land.
 - c) The Department of Fire and Emergency Services (DFES) office on 9395 9209 or 9395 9210.
 - d) The nearest Department of Biodiversity, Conservation and Attractions (DBCA) office if the land is situated within three (3) kilometres of State Forest land, National Park, Nature Reserve or other DBCA lands.
4. The period of notice to neighbours prior to burning cannot be more than twenty eight (28) days or less than four (4) days, although lesser notice may be determined by mutual agreement of all neighbours.
5. All landowners and occupiers who suffer a bush fire have an obligation to assist each Area FCO to compile a Fire Report Form.

BUSHFIRE CONTROL OFFICERS

The Shire of Wyndham East Kimberley pursuant to *S38(2A) of the Bush Fires Act 1954* hereby notify the following appointed Bushfire Control Officers for the gazetted fire district.

- **Simon Hawes** – Deputy Chief Bushfire Control Officer – Senior Ranger (Entire Shire)
- **Scott Ramsbotham** – Bushfire Control Officer – Ranger (Entire Shire)
- **Tim M’Intyre** – Bushfire Control Officer – Ranger (Entire Shire)
- **Charlie Buckley** – Bushfire Control Officer (Crossing Falls Bush Fire Brigade)
- **Darren Tomkins** – Bushfire Control Officer (Crossing Falls Bush Fire Brigade)
- **David Hasted** – Bushfire Control Officer (Ivanhoe Bush Fire Brigade)
- **Dennis Prior** – Bushfire Control Officer (Packsaddle Bushfire Brigade)
- **John Koeyers** – Drysdale River Station