



BUSH FIRES ACT 1954

Shire of East Pilbara

Firebreak Notice (Section 33)

Notice to Owners and Occupiers of Land situated in the Shire of East Pilbara

Pursuant to the powers contained in Section 33 of the *Bush Fires Act 1954*, you are hereby required on or before the 1st day of January, (or within fourteen days of you becoming owner or occupier of land should this be after the 1st day of January), to clear and maintain mineral earth breaks and reduce the fuel load from the land owned or occupied by you as specified hereunder and to have the specified land and firebreaks clear of all flammable material 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 (UNLESS IN AN APPROVED INCINERATOR)

REPORTS OF FIRE

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

All fires must be reported to Council's Bush Fire Control Officers - (08)9175 8000. 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;

"**Fire Management Plan**" means a plan that includes maps and information showing all of the bush fire protection measures that will be implemented to reduce the risk of a bush fire escaping containment lines.

"**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;

"**Town Site**" means land within the district that is within the boundaries of a town site (and for the purposes of this definition "town site" has the meaning given it in section 6 (1) of the *Local Government Act 1995*).

The following areas within the Shire of East Pilbara are town sites:

- Marble Bar
- Nullagine
- Newman

FIRE PREVENTION REQUIREMENTS:

1. LAND IN TOWNSITES – INCLUDING MINING AND OR CONSTRUCTION ACCOMMODATION FACILITIES:

- a) Where the area of land is 2000m² or less, all Flammable Material from the whole of the land is to be removed. Grasses shall be slashed to a height no higher than 75mm.
- b) Where the area of land exceeds 2000m², mineral earth breaks of at least five (5) metres in width must be cleared of all flammable material immediately inside and along the boundaries of the land. Where there are buildings on the land, additional mineral earth breaks (5) metres in width must 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 OF TOWNSITES INCLUDING MINING AND OR CONSTRUCTION ACCOMMODATION FACILITIES

- a) For all buildings on land outside of the town site, two mineral earth breaks with a width not less than five (5) metres, and cleared of all flammable material must surround the buildings. The inner mineral earth break must be sited not less than twenty (20) metres from the perimeter of the building or group of buildings and the outer mineral earth break sited not less than one hundred (100) metres from the inner mineral earth break.
- b) The fuel load must be reduced from the whole of the land between the Firebreaks as required in paragraph 1(a) above.

3. POWER LINES AND POWER TRANSMISSION LINES

- a) Aerial hazards to power and power transmission lines must be maintained as per the guidelines issued by the *Energy Safety—Department of Mines, Industry Regulation and Safety*. For power lines conducting less than or equal to 33,000 volts; ground fuels such as grasses and ground storey species must be cleared to a minimum of five (5) metres either side of a centre line created by the poles, or towers. The total cleared area must not be less than ten (10) metres wide and the entire area must be maintained to the standard of a mineral earth break.
- b) For power transmission lines greater than 33,000 volts, a mineral earth break of not less than five (5) metres in width must be maintained either side of the widest point of any arms or cross arms on the pole or tower. A mineral earth break of no less than five (5) metres width is to be maintained directly under the power line corridor. All power and transmission lines are to be maintained as per Australian Standard AS7000, to assist in minimizing the risk from sparks or arcing and shall be the responsibility of the owner of the transmission line.

4. WATER SUPPLY PIPELINES AND ASSOCIATED INFRASTRUCTURE

All water supply pipelines and associated infrastructure must have mineral earth breaks not less than five (5) metres wide on both sides of the pipeline and all associated infrastructure and be cleared of all flammable material to prevent the spread of fire and damage to the pipelines or associated infrastructure. Access points must be installed and maintained to allow for emergency access and maintenance use.

5. 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 fifteen (15) metres from the perimeter of any such storage area.

6. FUEL DUMPS AND DEPOSITS

- a) For all fuel depots/fuel storage areas all flammable matter within 10 metres of where fuel drums, fuel ramps or fuel dumps are located, and where fuel drums, whether containing fuel or not, are stored.
- b) For all haystacks/stockpiled flammable materials a mineral earth break of not less than five (5) metres in width must be installed immediately adjacent to any haystacks or stockpiled flammable material.

7. RAILWAY RESERVES

Mineral earth breaks of at least five (5) metres in width must be installed immediately inside all boundaries continuous with any railway reserve on which railway traffic operates and are the responsibility of the owner of the railway.

8. APPLICATION TO VARY FIREBREAK REQUIREMENT

If you consider it to be impractical to clear a mineral earth break or remove flammable material as required by this Notice, you may apply to Council or its Authorised Officer no later than the 30th day of August, for permission to provide firebreaks in alternative positions or take alternative action to remove or abate fire hazards. If permission is not granted by Council or Authorised Officer, you must comply with the requirement of this Notice.

9. ADDITIONAL WORKS

- a) In addition to the requirements of this Notice, you may be required to carry out further works which are considered necessary by an Authorised Officer and specified by way of a separate written notice forwarded to the address of the owner/s as shown on the Shire rates record for the relevant land.
- b) If the requirements of this Notice are carried out by burning, such burning must be in accordance with the relevant provisions of the *Act*.
- c) Pursuant to Section 33(4) of the *Act*, where the owner and/or occupier of land fails or neglects to comply with the requisitions of this Notice within the times specified, the Shire may by its officers and with such servants, workmen and contractors, vehicles and machinery as the officers deem fit, enter upon the land and carry out the requisitions of this Notice which have not been complied with and pursuant to Section 33(5) of the *Act*, the amount of any costs and expenses incurred may be recovered from the owner and or occupier of the land.
- d) The penalty for failing to comply with this notice is a fine of \$5000. A person in default is also liable, whether prosecuted or not, to pay the cost 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.

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. 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.

PERMITS TO BURN must be obtained before lighting a fire. Permits can only be obtained from Council's Bush Fire Control Officers - (08)9175 8000. A Bush Fire Control Officer may request that a Fire Management Plan accompany a request for a permit to burn.

S Harding
Chief Executive Officer