

# BUSH FIRES ACT 1954

## Firebreak and Fuel Load Notice

### *Shire of Northam*

Pursuant to the powers contained in Section 33 of the *Bush Fires Act 1954* (as amended), notice is hereby given to all owners and occupiers of land within the Shire of Northam adopted the following requirements as a measure to assist in the control of bush fires, or preventing the spread or extension of a bush fire which may occur within the Shire.

All owners and/or occupiers of land within the Shire of Northam are required to carry out fire prevention work in accordance with this notice by 1 November each calendar year and maintained until 30 April the following calendar year, or within 14 days of becoming an owner or occupier of land if after that date, to comply with the requirements set out in this notice.

**FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY RESULT WITH THE ISSUE OF AN INFRINGEMENT NOTICE PENALTY \$250.00 OR PROSECUTION IN A COURT OF LAW WITH A MAXIMUM PENALTY OF \$5,000 AND BE LIABLE WHETHER PROSECUTED OR NOT TO PAY THE COSTS OF PERFORMING THE WORK DIRECTED BY THE NOTICE.**

#### **1. Building Protection Zone**

The Building Protection Zone is an area of very low fuel levels and managed vegetation 20 metres out from habitable buildings (As defined in the Residential Design Codes of WA and in AS 3959) and must meet the following requirements,

Habitable building means a dwelling, workplace, place of gathering or assembly, a building used for the storage or display of goods or produce for sale by wholesale in accordance with classes 1-9 of the Building Code of Australia. The term habitable building includes attached and adjacent structures like garages, carports, verandas or similar roofed structures that are attached to, or within 6 metres of, the dwelling or primary building.

- Building Protection Zones for habitable buildings must extend a minimum of 20 metres out from any external walls of the building, attached structures, or adjacent structures within 6 metres of the habitable building.
- On sloping ground the Building Protection Zone distance shall increase at least 1 metre for every degree in slope on the sides of the habitable building that are exposed to down slope natural vegetation.
- Building Protection Zones must consist of non-flammable managed vegetation, reticulated lawns and gardens and other non-flammable features.
- All grass in Building Protection Zones must be maintained to or under 5cm in height.
- Fuel loads within Building Protection Zones must be maintained at 2 tonnes per hectare or lower.
- The crowns of trees must be separated to create a clear separation distance between adjoining or nearby tree crowns. The separation distance between tree crowns is not required to exceed 10 metres.
- A small group of trees within close 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 are to be low pruned (or under pruned) to at least a height of 2 metres from ground.
- No tree, or shrub over 2 metres high are to be within 2 metres of a habitable building.
- Trees and shrubs over 2 metres high must not be planted in groups close to the habitable building and there must be a gap of at least 3 times the height (at maturity) of the shrub away from the habitable building.
- There must be no tree crowns or branches hanging over habitable buildings.
- Firewood and flammable materials must be stored 20m from habitable buildings
- Driveways and access ways are to be a minimum of (3) metres wide with a vertical clearance of (4)metres to allow for the safe passage of a fire appliance to all buildings and assets on the land
- Roof gutters should be free of leaves and other combustible material.

#### **YOUR PROPERTY**

##### **2. Land with area less than 10,000m<sup>2</sup>(1 hectare)**

- Maintain all grass on the land to a height no greater than 10cm all windrows or dead flammable material must be removed.
- Maintain fuel loadings in natural bush areas at less than 8 tonnes per hectare across the land
- Land with a habitable building on it must maintain a Building Protection Zone in line with the requirements of Section 1 of this notice.

##### **3. Land with an area g 10,000m<sup>2</sup> (1 hectare) to 100,000m<sup>2</sup> (10 hectares)**

Options (selected one out of the three options)

1. Install bare earth firebreaks three (3) metres wide immediately inside within (10) metres of all boundaries in a continuous form. All overhanging branches, trees, limbs etc. to be trimmed back from over the firebreak area to a minimum height of four (4) metres to allow for the safe passage of a fire appliance or;
2. Maintain all grass on the land to a height no greater than 10cm all windrows and or dead flammable material must be removed. An access area within (10) metres of the boundary with a minimum width of (3) metres with a vertical clearance of (4) metres where all overhanging branches are trimmed back to allow for the safe passage of a fire appliance or;

3. A combination of the above two options for properties with natural bush sections and pastured land sections

- Land with a building on it must maintain a Building Protection Zone in line with the requirements of Section 1 of this notice.
- On land for the use of tendering livestock a level of feed can be maintained to last the season. All grass a distance of 5m from any firebreak must be maintained to a height no greater than 10cm.
- Maintain fuel loadings in natural bush areas at less than 8 tonnes per hectare across the land.

#### **Firebreak**

Means a strip or area of trafficable ground, which is at least three (3) metres wide for cropped/stubble areas, or Three (3) metres wide for bushland/remnant vegetation areas with a minimum height of four (4) metres, which is kept and maintained totally clear of all inflammable matter. Such firebreaks may be constructed by one or more of the following methods: PLOUGHING, CULTIVATING, SCARIFYING, RAKING, BURNING, CHEMICAL SPRAYING OR OTHER METHOD as approved by an Authorised Officer.

In agricultural areas it is considered acceptable if a vehicle can travel through crop area within 10m of the property boundary to traverse around low branches or limbs.

#### **4. Land with an area greater than 100,000m<sup>2</sup> (10 hectares)**

Options (selected one out of the three options)

1. Install bare earth firebreaks two (2) metres wide immediately inside within (10) metres of all boundaries in a continuous form, for all cropped/stubble areas, or three (3) metres wide for all natural bush/remnant vegetation areas on the property within ten (10) metres of the property boundary. All overhanging branches, trees, limbs etc. to be trimmed back from over the firebreak area to a minimum height of four (4) metres to allow for the safe passage of a fire appliance or;
2. Maintain all grass on the land to a height no greater than 10cm all windrows and or dead flammable material must be removed. An access area within (10) metres of the boundary with a minimum width of (3) metres with a vertical clearance of (4) metres where all overhanging branches are trimmed back to allow for the safe passage of a fire appliance or;
3. A combination of the above two options for properties with natural bush sections and pastured land sections

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In agricultural areas it is considered acceptable if a vehicle can travel through crop area within 10m of the property boundary to traverse around low branches or limbs.

#### **5. Fuel Depot and Storage Areas, Haysheds, Stockpiled Flammable Materials and Stationary Machinery.**

- Remove all flammable matter within (10) metres of Fuel Depot and Storage Areas of where fuel drums whether containing fuel or not, fuel ramps or fuel dumps are located, Hay Shed, Stockpiled Flammable Materials, Stationary Machinery are stored.
- Install bare earth firebreaks three (3) metres wide immediately inside and along all boundaries of land in a continuous form with a vertical clearance of (4) metres where overhanging branches are trimmed back immediately adjacent to Stationary Motors, Haystacks, Stockpiled Flammable Materials and Stationary Machinery.

#### **6. Bushfire or Emergency Management Plans (Compliance is required throughout the year, every year)**

Means a bushfire management plan, emergency management plan or an approved Bushfire attack level (BAL) assessment that has been developed and approved to reduce and mitigate fire hazards as part of a Town Planning Scheme, subdivision approval, development approval or a building permit

- All properties with a Bush Fire, Fire or Emergency Management Plan shall comply with the plan in its entirety.
- Any requirements identified in a Bush Fire, Fire or Emergency Management Plan are in addition to the requirements of this notice.

#### **7. Application to vary the Firebreak Requirements with Alternative Arrangements**

If it is considered impracticable for any reason whatsoever to implement any of the requirements of this Notice, you may apply in writing to the Shire of Northam by no later than the 1st October each year for permission to implement alternative measures under the following options,

- a) A temporary variation for extenuating circumstances only

- b) A permanent feature of the property requires a variation to his order, if approved the variation will apply until specifically rescinded or replaced with a new individual notice by the shire.

Take notice if permission is not granted in writing you must comply with the requirements of this notice.

## 8. The Burning of Garden Refuse

Pursuant to the powers contained in section 24G (2) of the *Bush Fires Act 1954*, the Shire of Northam prohibits the burning of all garden refuse within its district during the Prohibited Burning Times. This prohibition applies to all persons within the Shire's district.

- The burning of garden refuse or rubbish on the ground or in an incinerator that would otherwise be permitted under Section 24F is prohibited absolutely on all land within the district during the Prohibited Burning Period.
- The burning of garden refuse or rubbish on the ground or in an incinerator that would otherwise be permitted under Section 24F is prohibited on all land under 2000m<sup>2</sup> (square metres) in size during the Restricted Burning Time, without a Fire Permit issued under Regulation 15 of the *Bush Fires Act 1954*.
- The burning of garden refuse or rubbish on the ground or in an incinerator that would otherwise be permitted under Section 24F is prohibited absolutely on all land within the district during the Restricted Burning period between 1st Mar – 30 Apr each year.
- During the Restricted Burning period October 1<sup>st</sup> & Nov 30<sup>th</sup> each year, residents on land that is greater than 2,000m<sup>2</sup> in area it is permissible to undertake the burning of garden refuse (dry leaves, small branches, off cuts, etc.) in a single pile on the ground no larger than 1.0 m<sup>3</sup> between the hours of 18:00 (6pm) and 23:00 (11pm) and by complying with all the conditions of section 24F (3) in the *Bush Fires Act 1954* & Regulation 15B Bush Fires Regulations 1954.
- Reticulated water supply or min 600lts of water must be available for immediate use at all times, the fire is to be completely extinguished with water prior to leaving area unattended.

## 9. Restricted and Prohibited Burning times

- The "Prohibited Burning Time" means the 1 December each calendar year through until 28th February the following calendar year (inclusive, and as varied pursuant to Sections 17 and 18 of the *Bush Fires Act 1954*).
- The "Restricted Burning Time" means the 1 October through until 30 November and the 1 March through until 30 April each calendar year (inclusive, and as varied pursuant to Sections 17 and 18 of the *Bush Fires Act 1954*).

## 10. Cooking & Camping

Pursuant to the powers contained in section 25H (1) of the *Bush Fires Act 1954*, the Shire of Northam prohibits the lighting of a fire in the open air for the purpose of camping or cooking during the prohibited period. This prohibition applies to all persons within the Shire's district.

For the purposes of this section (1aa) a gas appliance, comprising a fire the flame of which is encapsulated by the appliance and which does not consume solid fuel, shall not be taken to be a fire in the open air.

An appliance that burns a solid fuel, (BBQ, Pizza Oven, Meat Smoker etc.) cannot be operated on days of "VERY HIGH", "SEVERE", "EXTREME" or "CATASTROPHIC" fire danger rating.

- Any chimney on the appliance must be fitted with a suitable spark arrestor that is maintained in a clean, sound and efficient condition.
- If solid fuel is being consumed, then the burning fuel must be sealed from the open air by a secure, sealable door.
- Appliance must not be left unattended and a reticulated water supply must be available for immediate use.

Take notice a person/s who contravenes a of this section is guilty of an offence that carries a penalty of \$3,000.

## 11. Permits to burn

Means a "Permit to Burn the Bush" as issued by an Authorised Officer under section 18 of the *Bush Fires Act 1954*.

- Applications for Permits are available from the Shire of Northam at no cost.
- You must comply with all conditions imposed by the Shire or an Authorised Officer in respect of any Permit issued by the Shire.
- Permits will not be valid on days of "VERY HIGH", "SEVERE", "EXTREME" or "CATASTROPHIC" fire danger.
- Permits may also be revoked if in the opinion of an authorised officer the conditions are not deemed suitable for prescribed burns.  
Take notice that the Shire of Northam prohibits the burning of any road verge within the entire district.

Take Notice that pursuant to *Section 18 (11) of the Bush Fires Act 1954* - Where a person starts a fire on land, if the fire escapes from the land or if the fire is in the opinion of a Bush Fire Control Officer or an officer of a Bush Fire Brigade out of control on the land, the person shall be liable

to pay to the local government on the request of and for recoup to its bush fire brigade, any expenses up to a maximum amount of \$10 000 incurred by it in preventing the extension of or extinguishing the fire, and such expenses may be recovered in any court of competent jurisdiction.

A person who commits a breach of this section other than subsection (11) is guilty of an offence.

Penalty: For a first offence \$4 500.

For a second or subsequent offence \$10 000.

## **12. Harvest, Movement of Vehicles and Hot Works Bans**

All persons within the Shire of Northam are required to comply with a direction declared under Reg 38A, 38B, 38C & 38D, Bush Fires Regulations 1954.

- A Harvest, Vehicle Movement & Hot Works Ban (HVMB) requires the cessation of all harvesting, vehicle movements and hot work operations within the Shire of Northam.
- A Harvest, Vehicle Movement & Hot Works Ban (HVMB) prohibits the movement of vehicles on properties within the Shire of Northam except for the essential watering of stock in a diesel powered vehicle.
- A Harvest, Vehicle Movement & Hot Works Ban (HVMB) prohibits the use of all welding, grinding and abrasive tools on properties within the Shire of Northam in the open air. Exemptions in accordance with Council Policy may be available. Further information is available by contacting Shire of Northam (08) 9622 6100.

Take notice a person/s who contravenes a declaration made under regulation 38A, 38B, 38C or 38D or who fails to carry out any direction given to him is guilty of an offence that carries a penalty of \$5,000.

A Harvest Vehicle Movement and Hot works Ban will be advertised on the Shire of Northam Website or Emergency Information Line on (08) 9621 1120. Where possible on ABC Radio 531AM, MMM 864 AM and.

Notification can be obtained via a free SMS service which is available upon request from the Shire of Northam (08) 9622 6100

## **13. Additional Works**

In addition to the requirements noted above, regardless of land size and location, the Shire of Northam or its duly authorised officer may require you to undertake additional works on your property to improve access and or undertake further hazard removal and/or reduction works, where in the opinion of that authorised officer, it is to be necessary to prevent the outbreak and/or the spread of a bush fire.

Take notice that pursuant to Section 33(4) of the *Bush Fires Act 1954*, 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 of Northam 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 *Bush Fires Act 1954*, the amount of any costs and expenses incurred may be recovered from you as the owner and or occupier of the land.

If the requirements of this Notice are carried out by burning, such burning must be in accordance with the relevant provisions of the *Bush Fires Regulations 1954*.

The owner or occupier of land to whom a notice has been given under subsection (1) and who fails or neglects in any respect duly to comply with the requisitions of the notice is guilty of an offence, that offence carries a penalty of \$5,000, additionally a person in default is also liable whether prosecuted or not to pay the costs of performing the work directed by this notice if it is not carried out by the owner and/or occupier by the date required by this Notice.

## **14. Reserves vested with the Shire of Northam**

The Shire of Northam reserves the right to conduct any mitigation works deemed necessary on any reserves vested with Shire of Northam for the purpose of reducing the risk of fire to the community. Each reserve will be assessed in accordance with ISO 31000:2018 and identified in the Bushfire Risk Management Plan.

Treatments implemented may include but are not limited to prescribed burns, slashing, mulching or any other means necessary as determined by the Shire of Northam to ensure the risk is reduced to a satisfactory level.

## **GENERAL ADVICE**

This notice gives the minimum requirements for fire control within the Shire of Northam and all residents and ratepayers are encouraged to be prepared by undertaking additional fire protection measures. Creating a household "Bushfire Survival Plan" to ensure the safety of property and life. Further additional information to that contained in this notice can be obtained from the 5min Fire Chat website [www.dfes.wa.gov.au/firechat](http://www.dfes.wa.gov.au/firechat) or from the Shire of Northam website [www.northam.wa.gov.au](http://www.northam.wa.gov.au)

All previous versions of this notice are hereby cancelled.

By order of the Council,

JASON WHITEAKER, Chief Executive Officer

## DEFINITIONS

For the purpose of this Notice the following definitions apply:

**Alternative Arrangements** includes a variation as defined in Section 7 of this Notice to reduce and mitigate fire hazards within a particular subdivision, lot or other area of land anywhere in the district.

**Authorised Officer** means an employee of the Shire of Northam appointed as a Bush Fire Control Officer pursuant to the powers conferred in Section 38 of the Bush Fires Act 1954.

**Firebreak** means a strip or area of trafficable ground, which is at least two (2) metres wide for cropped/stubble areas, or Three (3) metres wide for bushland/remnant vegetation areas with a minimum height of four (4) metres, which is kept and maintained totally clear of all inflammable matter. Such firebreaks may be constructed by one or more of the following methods: PLOUGHING, CULTIVATING, SCARIFYING, RAKING, BURNING, CHEMICAL SPRAYING OR OTHER METHOD as approved by an Authorised Officer. In agricultural areas it is considered acceptable if a vehicle can travel through crop area within 10m of the property boundary to traverse around low branches or limbs.

**Flammable Material** means any plant, tree, grass, substance, object, thing or material that may or is likely to catch fire and burn or any other thing deemed by an authorised officer to be capable of combustion.

**Solid Fuel** means any fuel other than gas for cooking/camping, such as, wood, coal, BBQ briquettes

**Fuel Depot / Fuel Storage Area** means an area of land, a building or structure where fuel, ie (petrol, diesel, kerosene, liquid gas or any other fossil fuel) is kept in any container or manner.

**Fuel Load** is the leaf litter on the ground inclusive of leaves, twigs (up to 6mm in diameter) and bark. A litter depth of 5mm from the top of the layer to the mineral earth beneath is indicative of approximately 2.5 tonnes per hectare. A litter depth of 15mm from the top of the layer to the mineral earth beneath is indicative of approximately 8 tonnes per hectare.

The Shire of Northam can provide advice on determining fuel load levels further information is available [here](#)

<https://www.dfes.wa.gov.au/safetyinformation/fire/bushfire/VisualFuelLoadsPublications/Visual%20Fuel%20Load%20Guide%20Swan%20Coastal.pdf>.

**Habitable Buildings** means a dwelling, workplace, place of gathering or assembly, a building used for the storage or display of goods or produce for sale by wholesale in accordance with classes 1-9 of the Building Code of Australia. The term habitable building includes attached and adjacent structures like garages, carports verandas or similar roofed structure(s) that are attached to, or within 6 metres of the dwelling or primary building.

**Maintaining Fuel Loads** relates to the management of leaf litter as described in this Notice. Reducing fuel load levels does not necessarily require the removal of existing natural vegetation. A combination of methods can be utilised inclusive of safe burning, raking, weed removal, pruning and/or the removal of dead plant material.

**Managed Vegetation** includes vegetation that is pruned away from buildings, under pruned to minimise contact with ground fuels and that is kept free of dead suspended matter such as twigs, leaves and bark.

**Trafficable** means to be able to travel from one point to another in a four-wheel drive fire appliance on a clear surface, unhindered without any obstruction that may endanger such fire appliances. A firebreak is not to terminate, or lead to a dead end, without provision for egress to a safe place or a cleared turn around area of not less than a 20 metre diameter.

**Vertical Axis** means a continuous vertical uninterrupted line at a right angle to the horizontal line of the firebreak to a minimum height of 4 metres from the ground.