



# Shire of Derby / West Kimberley

## BUSHFIRES ACT 1954

### SHIRE OF DERBY/WEST KIMBERLEY FIRE BREAK NOTICE

### FIRST AND FINAL NOTICE

PURSUANT to the powers contained in Section 33 of the Bush Fires Act 1954, all owners or occupiers of land within the Shire of Derby/West Kimberley are hereby required, on or **before 30<sup>th</sup> June 2020** and thereafter up to and **including 31<sup>st</sup> December 2020** to have fire breaks or fire control measures installed in accordance with the following:

1. **Rural lands** being all land outside townsites and not being land held under pastoral lease, fire breaks are required to be:
    - a. A bare mineral earth fire break not less than four metres wide of a trafficable condition inside, along and within three metres of the external boundaries of the land, free of all overhanging vegetation to a height of four metres.
- OR;**
- b. A low fuel break of not less than four metres wide of a trafficable condition with vegetation not exceeding seventy five millimetres in height inside, along and within three metres of the external boundaries of the land, free of all overhanging vegetation to a height of four metres.

**AND:**

- c. A bare mineral earth fire break of not less than four metres wide of a trafficable condition and within three metres of the perimeter of all buildings and/or haystacks or groups of buildings, free of all overhanging vegetation to a height of four metres.
- OR;**
- d. A low fuel break of not less than ten metres wide with vegetation not exceeding seventy five millimetres in height completely surrounding and within three meters of the perimeter of all buildings and/or haystacks or groups of buildings.

For the purposes of this requirement live standing trees and non-flammable, maintained lawns and gardens are deemed to comply.

2. Pastoral lands being all land outside townsites held under pastoral lease, low fuel breaks are required to be not less than twenty five metres wide, totally surrounding and within three metres of the perimeter of all buildings and/or haystacks or groups of buildings.
3. **Townsite Lands:**
  - 1(a) **Where the area of the land is 2023 square metres or less**, all inflammable material from the whole of the land is required to be removed, with any stubble left not exceeding seventy five millimetres in height.
  - 2(a) **Where the area of the land is greater than 2023 square metres** a bare mineral earth fire break of not less than three metres in width of a trafficable condition, inside, along and within two metres of the external boundaries of the land, free of all overhanging vegetation to a height of four metres,

**OR:**

#### Derby

(08) 9191 0999 | 30 Loch Street  
 [sdwk@sdwk.wa.gov.au](mailto:sdwk@sdwk.wa.gov.au) | PO Box 94, Derby WA 6728

#### Fitzroy Crossing

(08) 9191 5355 | Flynn Drive  
 [sdwk@sdwk.wa.gov.au](mailto:sdwk@sdwk.wa.gov.au) | PO Box 101, Fitzroy Crossing



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- 2(b). A low fuel break of not less than three metres wide of a trafficable condition with vegetation not exceeding seventy five millimetres in height inside, along and within three metres of the external boundaries of the land, free of all overhanging vegetation to a height of four metres.

**AND:**

- 2(c). A bare mineral earth fire break of not less than three metres wide of a trafficable condition and within three metres of the perimeter of all buildings and/or haystacks or groups of buildings, free of all overhanging vegetation to a height of four metres.

**OR;**

- 2(d). A low fuel break of not less than ten metres wide with vegetation not exceeding seventy five millimetres in height completely surrounding and within three metres of the perimeter of all buildings and/or haystacks or groups of buildings.  
For the purposes of this requirement live standing trees and non-flammable, maintained lawns and gardens are deemed to comply.

**OR:**

- 2(e). All inflammable material from the whole of the land is required to be removed, with any stubble left not exceeding seventy five millimetres in height.

4. **Rubbish Sites** being all rubbish sites for pastoral stations, townsite and community use. Fire breaks are required to be of bare mineral earth in a trafficable condition not less than four metres wide and within five metres of the perimeter of the rubbish sites.
5. **Fuel dumps and depots** – remove all inflammable material 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 ten metres outside the perimeter of any drum, ramp or stack of drums.
6. The acts referred to in sections 1 to 5 hereof must be performed to the satisfaction of a duly authorised Fire Control Officer of the Shire of Derby/West Kimberley.
7. **If it is considered impracticable for any reason to clear firebreaks or to remove inflammable material from the land as required by this notice, you may apply to this Council or it's duly authorised Officer no later than 30<sup>th</sup> May 2020 for permission to provide fire breaks in alternative positions or to take alternative action to abate fire hazards on the land. If permission is not given in writing you must comply with this notice.**
8. The penalty for failing to comply with this notice is a fine of up to \$5000.00 or a prescribed modified penalty of \$250.00 on service of an infringement notice, and an owner or occupier is also liable, whether prosecuted or not, to pay the cost to Council of its employees or contractors performing the work.

Councils Authorised Officers have legal right of entry to any property with any machinery or personnel deemed necessary in order to complete the work, under section 33(4)(b) of the Bush Fires Act 1954

## **Notice to Owners - Bushfire Management Plans (State Planning Policy 3.7 Planning in Bushfire Prone Areas):**

Those property owners/occupants who reside on properties that have had a Bushfire Management Plan prepared and endorsed under State Planning Policy 3.7: *Planning in Bushfire Prone Areas* should ensure that they are implementing and complying with the conditions of the Bushfire Management Plan as it applies to their land.

### **BY ORDER OF CHIEF EXECUTIVE OFFICER**

Shire of Derby/West Kimberley

#### **Derby**

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