Shire of Derby / West Kimberley

BUSH FIRES ACT 1954

SHIRE OF DERBY / WEST KIMBERLEY

2026
FIRE BREAK and FUEL HAZARD REDUCTION NOTICE

FIRST AND FINAL NOTICE

Notice to owners and/or occupiers of land within the Shire of Derby/West Kimberley

PURSUANT to the powers contained in Section 33 of the *Bush Fires Act 1954*, all owners and occupiers of land within the Shire of Derby/West Kimberley (Shire) are hereby required, on or **before 30 June 2026** and thereafter **up to and including 31 December 2026** to have fire breaks or fire control measures installed and maintained for the period in accordance with the following:

1. Rural lands - being all land outside townsites (not including pastoral lease land).

a) Mineral earth trafficable fire breaks must be installed on the land and be kept clear of flammable material. The fire breaks must not be less than four (4) metres in width, four (4) metres in height and be located within six (6) metres of all external boundaries; and

b) A building protection zone of twenty-five (25) metres must be established around all buildings on the land and be clear of all flammable material capable of sustaining fire or enabling fire to spread. Any garden beds or vegetation situated within the building protection zone must be maintained so that fuel levels containing mulch, dried leaves or other garden refuse do not exceed fifty (50) mm in height.

2. Pastoral lease lands – being all land held under pastoral lease.

Low fuel breaks are required to be not less than twenty-five (25) metres wide, totally surrounding and within three (3) metres of the perimeter of all buildings and/or haystacks or groups of buildings.

3. Townsite Lands - being all land in the townsites of Derby, Camballin and Fitzroy Crossing.

a) Where the area of the land is 2023m^2 or less.
With the exception of living trees and bushes, all flammable material is required to be removed from the whole of the land. Any stubble left is not to exceed fifty (50) mm in height.

b) Where the area of the land is greater than 2023m^2
Mineral earth trafficable fire breaks must be installed on the land and be kept clear of flammable material. These fire breaks must not be less than three (3) metres in width, four (4) metres in height and must be located within two (2) metres of all external boundaries.

A building protection zone of twenty-five (25) metres must be established around all buildings on the land, inclusive of all dwellings, sheds etc. This area must be clear of all flammable material capable of sustaining fire or enabling fire to spread. Reticulated garden beds or vegetation situated within the building protection zone must be maintained so that fuel levels containing mulch, dried leaves or other garden refuse do not exceed fifty (50) mm in height.

4. Rubbish/landfill Sites.

Mineral earth trafficable fire breaks must be installed on the land and be kept clear of flammable material. These fire breaks must not be less than four (4) metres in width, four (4) metres in height and must be located within six (6) metres of the perimeter of the rubbish sites.

5. Fuel dumps and depots.

Remove all flammable 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. Compliance.

The actions required in Parts 1 to 5 (above) must be undertaken to the satisfaction of the Shire.

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

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

ABN: 99 934 203 062 www.sdwk.wa.gov.au

7. Alternative Arrangements.

If for any reason it is considered to be impracticable to clear fire breaks or to remove flammable material from the land as required by this Notice, you may apply to the Shire **before 30 May 2026** for permission to provide Alternative Arrangements for fire breaks or to take alternative action to abate fire hazards on the land. Until and unless the Shire gives permission in writing to the contrary, you must comply with this Notice.

8. Penalties.

The penalties for failing to comply with this Notice is a fine of up to $5000 or infringement penalty of $250. An owner or occupier is also liable, whether or not a prosecution is commenced or an infringement notice is issued, to pay the cost to the Shire of carrying out work in default of this Notice. The Shire's Authorised Officer has 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*

9. Bushfire Management Plans.

Those property owners/occupiers who reside on properties that have a Bushfire Management Plan (BMP) endorsed by the Shire and Western Australian Planning Commission must ensure that they are implementing and complying with the conditions of the BMP as it applies to their land.

Where an approved BMP exists, land owners and occupiers must still comply with all requirements in this Notice and any additional requirements outlined within the BMP.

10. Definitions.

Alternative Arrangements includes a written variation as defined in Part 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 appointed as a Bush Fire Control Officer pursuant to the powers conferred in Section 38 of the *Bush Fires Act 1954*.

Building Protection Zone means a fuel- reduced area that surrounds buildings and other built assets.

'Bushfire Management Plan' means a comprehensive plan that may be placed on the certificate of title(s) of land that has been developed as a condition of development or subdivision. Bushfire Management Plans may become out dated and it is the responsibility of the land owner to review and keep them current.

Fire breaks are defined for the purposes of this Notice as 'a strip of land that has been cleared of all trees, bushes, grasses and any other object or thing or flammable vegetation leaving clear, bare mineral earth.'

Flammable material is defined for the purposes of this Notice to include long dry grass, leaves, bark, timber, boxes, cartons, paper, rubbish and any other form of combustible matter, but does not include living trees, shrubs, growing bushes and plants under cultivation.

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

Trafficable means capable of being driven on from one point to another by any Emergency Services Vehicle on a clear surface, without any obstruction that may endanger that vehicle or its occupants. A fire break is not to terminate or lead to a dead end.

BY ORDER OF CHIEF EXECUTIVE OFFICER

Tamara Clarkson
Chief Executive Officer
Shire of Derby/West Kimberley