



## **2020/2021 FIREBREAK AND FUEL MANAGEMENT NOTICE Section 33 BUSH FIRES ACT 1954**

### ***FIRST and FINAL Notice to all owners and/or occupiers of land situated within Shire of Denmark.***

As a measure to assist in the control of fires, or preventing the spread or extension of a bush fire, Notice is hereby given to all owners and/or occupiers of land within the Shire of Denmark that pursuant to the powers conferred in Section 33 of the *Bush Fires Act 1954*. Works in accordance with this notice must be carried out before the **1st day of December each year**, or within 14 days of becoming the owner or occupier of land if after this date. All work specified in this Notice is to be maintained up to, and including, the **30th day of April** in the following calendar year.

**FIRE PREPAREDNESS AND MITIGATION IS A SHARED RESPONSIBILITY  
YOU OWN THE PROPERTY – YOU OWN THE RISK**

### **DEFINITIONS**

For the purpose of this Notice the following definitions apply:

**Alternative Fire Management Arrangement** includes a Variation as defined in Requirement 9 of this Notice, a Bushfire Management Plan, Bushfire Management Statement or Fuel Load Management Plan approved by the Shire of Denmark to reduce and mitigate fire hazards within a particular subdivision, lot or other area of land anywhere in the Shire of Denmark.

**Asset Protection Zone (APZ)** is a fuel reduced area surrounding a building, or an asset of value, whether residential, commercial, industrial or environmental as outlined in Requirement 8 of this document.

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

**Bush Fire Control Officer** means an appointed and authorised person under the Bush Fires Act 1954.

**Low Fuel Boundary Access (LFBA)** means a strip or area of ground, not less than 6 metres wide with 4 metres trafficable and 4.5 metres vertically, as close as practical to inside all external boundaries of any lot sized 5000m<sup>2</sup> or greater situated within Shire of Denmark. It should be constructed to a trafficable surface that is maintained including the pruning and removal of any living or dead trees, scrub or any other material encroaching into the LFBA area. Such LFBA may be constructed by one or more of the following methods: ploughing, cultivating, mulching, raking, burning, chemical spraying or any other method to achieve the required standard as required by an Authorised Officer. LFBA should include passing bays every 100 metres (20 metres long and 6 metres wide) and not terminate or lead to a dead end without provision for egress to a safe place or a cleared turn around of a 10 metre radius.

**Fire and Burning Information Booklet** is the information booklet included with this Notice that forms part of this Notice.

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

**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 any combustible material on the property inclusive of, but not limited to, litter, leaves, twigs, trees and bark whether dead or alive, in isolation or clusters that, in the opinion of an Authorised Officer, is likely to fuel a fire. 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. It does not include 'managed

vegetation' such as lawns, mulch and gardens that in the opinion of an Authorised Officer does not constitute a fire risk. The Shire of Denmark can provide a booklet on determining fuel load levels which includes a fuel load measurement guide, for your use on request.

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

**Maintaining Fuel Loads** relates to the management of leaf litter and vegetation 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 including parkland clearing, safe burning, raking, weed removal, pruning, mulching and/or the removal of 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.

**Parkland Cleared** means removal of all vegetation understory & grasses, other than 'substantial vegetation' to create a low fuel area.

**Standing Bush** means all types of forest, bushland, woodland and scrub areas. It is defined to include trees, bushes, plants, stubble, rushes and undergrowth of any kind whatsoever whether dead or alive. Any area of standing bush to be burnt requires a permit from 1<sup>st</sup> of October to 15<sup>th</sup> December and 1<sup>st</sup> March to 30<sup>th</sup> April.

**Substantial Vegetation** refers to all types of vegetation, where the diameter of the trunk measured 1 metre above the ground level exceeds 50mm.

**Trafficable** means to be able to travel from one point to another in a four-wheel drive fire appliance unimpeded on a ploughed, cultivated, mulched or sprayed surface as approved by an Authorised Officer without any obstruction that may hinder such fire appliances. Low Fuel Boundary Access is not to terminate, or lead to a dead end, have tight bends or be without provision for egress to a safe place or a cleared turn around area of not less than a radius of 10 metres.

**Vertical Axis** means a continuous vertical uninterrupted line at a right angle to the horizontal line of the firebreak to a minimum height of 4.5 metres from the ground.

## **REQUIREMENTS FOR SPECIFIC LAND CATEGORIES**

The specific requirements below relating to land categories within the Shire are to be implemented and maintained to the satisfaction of an Authorised Officer.

### **1. Lots zoned Residential, Industrial, Commercial & Professional Office size 2500m<sup>2</sup> or less.**

- Reduce fuel load from the whole of the land such that the fire fuel is maintained to a maximum of 2 tonnes per hectare or;
- 5 tonnes per hectare for predominately Karri bush areas
- Isolated trees and managed vegetation may generally be maintained
- Vacant land must be maintained with grass and groundcovers maintained to 100mm or less

### **2. (A) Lots zoned Residential, Industrial & Commercial size greater than 2500m<sup>2</sup>.**

Establish and maintain an Asset Protection Zone in line with the requirements of Section 8 of this Notice.

Vehicular access such as driveways within this zone is required to allow for the safe travel of emergency and other vehicles at all times. Minimum standard for this access is a 6 metre horizontal clearance with a 4 metre trafficable surface and 4.5 metre vertical axis, including a suitable turnaround for a large fire appliance a radius of 10 metres.

For the remainder of the land on the lot outside of the Asset Protection Zone:

- Maintain all grass on the land to a height no greater than 10cm
- Maintain a maximum fuel load in natural bush areas of 8 t/ha or 15 t/ha for predominately Karri Bush areas
- Ensure no tree crowns overhang a building
- Prune trees and shrubs, and remove dead flammable material within 2 metres of all buildings
- Ensure the roofs, gutters and walls of all buildings on the land are free of flammable matter

## **2. (B) Lots sized greater than 5000m<sup>2</sup>.**

In addition to the provisions of Requirement 2 (A)

- Establish and maintain Low Fuel Boundary Access with a 6 metre width including a 4 metre trafficable surface and 4.5 metre vertical axis.

**NOTE** – Where any conditions listed in Requirements 2 (A) or 2 (B) are physically impractical to implement on a lot, the Shire may approve an Alternative Fire Management Arrangement via a Variation to Firebreak and Fuel Management Notice or Bush Fire Management Plan. Applications are available on the Shire of Denmark website.

## **3. Land zoned Special Rural, Special Residential, Landscape Protection, Tourist or Rural Multiple Occupancy**

- Comply with specific fire related provisions that relate to the Town Planning Scheme or relevant Bush Fire Management Plan
- Comply with requirements 2 (A) and or 2 (B) as applicable

## **4. Rural Land**

Establish and maintain an Asset Protection Zone in line with the requirements of Section 8 of this Notice around all habitable buildings (please consult the Shire for clearing regulations around any other buildings). Open pasture/grassed areas must generally be maintained to a height of not more than 100mm This includes;

- Comply with Vehicular Access as per requirement 2 (A)
- Low Fuel Boundary Access as per requirement 2 (B)
- Open pasture/grassed areas must be managed to reduce fire fuel loads which must be maintained throughout the Restricted and Prohibited Burning Times. If livestock grazing occurs as part of a managed agricultural pursuit at commercial stocking rates as per the Dept of Agriculture & Food guidelines, pasture may exceed 100mm if approved by an Authorised Officer
- Actively managed pastures, forming part of an agricultural pursuit, may exceed a 100mm height if approved by an Authorised Officer
- Bush area exceeding 40ha must be compartmentalised into areas not exceeding 40ha. This access must have a 6 metre width with a 4 metre trafficable surface and 4.5 metre vertical clearance
- Where access is longer than 100 metres passing places should be installed along accesses at a rate of 1 every 100 metres they should be 20 metres long and 6 metres wide. A turnaround point should be installed at a rate of 1 every 500m at a radius of 10 metres

## **5. Specific Hazards: Fuel Depot / Fuel Storage Area / Haystacks / Stockpiled Flammable Material and Power & Telecommunication Infrastructure**

- Remove all flammable material 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
- Install and maintain Low Fuel Zone, 4 metres wide immediately surrounding any haystacks or stockpiled flammable material

- Install and maintain Low Fuel Zone, 1 metre wide immediately surrounding any power infrastructure (domes, poles etc)
- For telecommunications infrastructure a minimum asset protection zone of 10 metres must be installed. For further conditions contact/consult with the relevant Shire department

## **6. Plantations, any area which trees have been planted for commercial purposes**

The Shire of Denmark has adopted the Guidelines for Plantation Fire Protection developed by the Department of Fire and Emergency Services. This requires all plantations in the Shire of Denmark to adhere to these guidelines. Copies are available from the Department of Fire and Emergency Services website or the Shire of Denmark office.

## **7. Strategic Fire Access Routes (SFAR)**

Where a Strategic Fire Access Route is located on your property you will be required to install and maintain it to the satisfaction of the Shire. It must be;

- Maintained between 1st December to the 30th April the following year
- Be clear of all obstructions
- Gates must be provided and unlocked between properties where the SFAR is located

## **8. Asset (Building) Protection Zone Specification**

The Asset Protection Zone (APZ) for habitable buildings and related structures, as defined within this Notice, must meet the following requirements, unless varied under an approved 'Alternative Fire Management Arrangement' as defined within this Notice. It applies only within the boundaries of the lot on which the habitable building is situated:

- For habitable buildings built to AS3959, the APZ is to be maintained as per the Bushfire Attack Level (BAL) assessment for that specific property. The APZ should, at a minimum, be of sufficient size to ensure the potential radiant heat impact of a fire does not exceed 29kW/square metre, Bushfire Attack Level (BAL) 29
- For habitable buildings not built to AS3959, the APZ must extend a minimum of 20 metres from the habitable building, attached structures or adjacent structures within 6 metres of the habitable building Please Note; this may be dependent upon specific BAL
- On sloping ground the APZ 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 where natural vegetation exists
- APZs predominantly consist of managed vegetation, reticulated lawns, gardens and other non-flammable features
- All grass is maintained to, or under, 100mm
- Fuel loads must be maintained to, or under, 2 tonnes per hectare
- Clear separation distance between adjoining, or nearby, tree crowns and canopies should be greater than 5m apart with a coverage of less than 15% so as not to form a continuous canopy
- 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
- Shrubs 0.5 metres to 5 metres high are not to be planted in groups or under trees within 3 metres of the habitable building must not exceed 5 square metres. There must be a gap of at least three times the height (at maturity) of the shrub away from the habitable building
- Trees over 5 metres high are not to be within 6 metres of a habitable building
- Trees are to be under pruned to at least a height of 2 metres from the ground
- There are no tree crowns or branches hanging over habitable buildings
- Ensure the roof, gutters and walls of all buildings on the land are free of flammable material
- Install paths and non-flammable features immediately adjacent to the habitable building
- Wood piles and flammable materials should be stored a safe distance from habitable buildings

## 9. Application to vary the above requirements

If it is considered impracticable to implement any of the requirements of this Notice you may apply for a Variation to the Firebreak and Fuel Management Notice. This must be lodged with the Shire of Denmark online or in writing by the prescribed form by **no later than the 1st day of November** each year seeking permission to implement alternative measures to assist in the control of bush fires, or preventing the spread or extension of a bush fire. If permission is not granted in writing by the Shire of Denmark you must comply with the requirements of this Notice.

## 10. Additional Works

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. Such notice will be forwarded to the address of the owner/s as shown on the Shire of Denmark rates record for the relevant land.

**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 Denmark may, by its Authorised Officers and with such servants, workmen and contractors, vehicles and machinery as the Authorised 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.

### **Bush Fires Act Responsibilities and Council Policies.**

#### **Bush Fires Act 1954 Section 24F and 24G (Restricted Burning)**

##### **BURNING OF GARDEN REFUSE**

Shire of Denmark Policy P050101

- No burning of garden refuse is permitted during the restricted burning time (RBT) without a permit
- No burning of garden refuse is permitted throughout the entire prohibited burning time (PBT)
- All garden refuse that is burnt is to be thoroughly dry (not green) so as not to cause a smoke nuisance to neighboring properties.

#### **Bush Fires Act 1954 Section 25 (1a) and (1c)**

##### **CAMP AND COOKING FIRES**

Shire of Denmark Policy P050102

Pursuant to the powers under Section 25 (1a) of the *Bush Fires Act 1954*, the Shire of Denmark hereby prohibits the lighting of fires in the open air in its district for the purpose of camping or cooking during the prohibited burning times, unless the fire is:

- A. At a person's home; (A person's permanent home or residence must be a building approved by the Shire. A temporary shed or caravan or other structure on an otherwise vacant Lot is not classified as a 'permanent home' and the lighting of camping or cooking fires in these situations is Prohibited during the PBT and subject to the issue of a permit during the RBT) or
- B. In an area which –
  - (i) Is set aside for that purpose by the State Authority or Local Government responsible for the care, control or management of the land; and
  - (ii) Bears the State Authority's or Local Government's sign denoting that purpose; and
  - (iii) All combustible material is cleared from within a 5 metre radius of the fire; and
  - (iv) The fire danger rating of the day indicates less than "Very High"

The fire must be;

- Contained within a purpose-built structure of brick or rocks and mortar, or
- Contained within a purpose-built steel container recognisable as a properly constructed barbecue, or
- Is a sand fire pit structure, suitable for a camp fire or cooking fire, that has a maximum diameter of 1 metre and a minimum depth of 30cm

## Approved locations within the Shire of Denmark

### Private Land

- Riverbend Caravan Park: 40 Riverbend Lane Denmark
- Ayr Saileen: 21 Tindale Road Bow Bridge
- Boat Harbour Chalets: 171 Boat Harbour Road Parryville

### Public Land

- Parry Beach Caravan Park (Shire)
- Denmark Boating and Angling Club, Parry Beach (Shire)
- Peaceful Bay Caravan Park (Shire)

## Bush Fires Act 1954 Section 28 and 46

### Responsibilities to Extinguish Fires

Property Owners/Occupiers of land are reminded that they must have the ability to contain, control and extinguish any fire burning on their land at any time. Where a bush fire is burning that the owner/occupier of the land shall, whether they have lit or caused such a fire to be lit or not, take all possible measures to extinguish a fire. Where a property owner/occupier fails to extinguish the fire, A Bush Fire Control Officer may take all proper measures to extinguish such fire and expenses of that action are recoverable from the relevant owner. The fees associated with fire response are available in the Shire of Denmark's Schedule of Fees and Charges.

A Bush Fire Control Officer may postpone the lighting of any fire at any time or direct that any fire is extinguished if they are of the opinion that if the fire is lit or not extinguished that the fire is in danger of escaping 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 Act 1954*.

The **PENALTY FOR FAILING TO COMPLY** with this Notice is a fine not exceeding \$5000 and 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.

By order of the Council.



Ceinwen Gearon  
Shire President