

LG501

BUSH FIRES ACT 1954

Fire Notice

Shire of Ashburton

Notice to all Owners and/or Occupiers of Land situated in the Shire of Ashburton

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 your 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.

**1. LAND IN TOWNSITES- INCLUDING MINING AND OR CONSTRUCTION
ACCOMMODATION FACILITIES**

1.1 Where the area of land is 2000 square metres (approximately 1/2 an acre) or less, all flammable material must be reduced over the whole of the land. Grasses shall be slashed to a height 75mm.

1.2 Where the area of land exceeds 2000 square metres, 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 five (5) metres in width must be cleared immediately surrounding each building.

**2. LAND OUTSIDE TOWNSITES INCLUDING MINING AND OR CONSTRUCTION
ACCOMMODATION FACILITIES**

2.1 For all buildings on land outside of the townsite, 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 be 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.

**3. POWER LINES AND POWER TRANSMISSION LINES IN TOWNSITES
INCLUDING MINING AND OR CONSTRUCTION ACCOMMODATION FACILITIES**

3.1 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.

3.2 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 INFRASTRUCTURE IN TOWNSITES INCLUDING MINING AND OR CONSTRUCTION ACCOMMODATION FACILITIES

4.1 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

5.1 All 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 not less than fifteen (15) metres from the perimeter of any such storage area.

6. FUEL DEPOT / FUEL STORAGE AREA / HAYSTACKS / STOCKPILED FLAMMABLE MATERIAL

6.1 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.

6.2 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 IN TOWNSITES

7.1 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 REQUIREMENTS

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. BURNING GARDEN REFUSE DURING LIMITED BURNING TIMES

9.1 A person must not burn garden refuse at a place (other than a rubbish tip) during the limited burning times for that place unless it is burned—

- (a) in an incinerator in accordance with subsection (2); or
- (b) on the ground in accordance with subsection (3).

9.2 Garden refuse burned in an incinerator is burned in accordance with this subsection where—

- (a) the incinerator is designed and constructed so as to prevent the escape of sparks or burning material; and
- (b) either—
 - (i) the incinerator is situated not less than two (2) metres from any building or fence; or
 - (ii) if the incinerator is less than two (2) metres from a building or fence, the Council or its Authorised Officer has given written permission in writing for the incinerator to be used; and
- (c) there is no flammable material within two (2) metres of the incinerator while it is in use; and
- (d) at least one person is present at the site of the fire at all times until it is completely extinguished; and
- (e) the fire is no longer required, the person ensures that the fire is completely extinguished by the application of water or earth.

9.3 Garden refuse burned on the ground is burned in accordance with this subsection where—

- (a) there is no flammable material (other than that being burned) within 5m of the fire at any time while the fire is burning; and
- (b) the fire is lit between 6:00pm and 11:00pm and is completely extinguished before midnight on the same day; and
- (c) at least one person is present at the site of the fire at all times until it is completely extinguished; and
- (d) when the fire is no longer required, the person ensures that the fire is completely extinguished by the application of water or earth.

9.4 The Council or Authorised Officer must not give permission under subsection 9.2 (b) (ii) unless it is satisfied that the use of the incinerator is not likely to create a fire hazard.

10. ADDITIONAL WORKS

10.1 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.

10.2 If the requirements of this Notice are carried out by burning, such burning must be in accordance with the relevant provisions of the *Act*.

10.3 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.

10.4 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.

ROB PAULL, Chief Executive Officer, Shire of Ashburton.