

# SHIRE OF JERRAMUNGUP

## SECTION 33 NOTICE

### 2026-27

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#### GENERAL SERVICE OF NOTICE

Pursuant to section 33(1) of the *Bush Fires Act 1954*, the Shire of Jerramungup gives notice that the land owners or occupiers of land within the district are required to undertake the following works on land owned or occupied by them.

Under section 33(3) the Shire of Jerramungup can fine land owners and occupiers who fail to comply with this Notice.

Under section 33(4) the Shire of Jerramungup may direct Bush Fire Control Officers or other Local Government officers to enter land of the owner or occupier to carry out the requirements of this Notice if these requirements have not been met by the owner or occupier.

Under section 33(5) any costs incurred in Shire of Jerramungup directed works undertaken to meet the requirements of this Notice are recoverable.

#### NOTICE REQUIREMENTS

The requirements of this notice are to be in place for the period between:

01 October to 30 April, inclusive for Fire Zones 1, 2, 3 and 4

01 September to 31 May, inclusive for Fire Zone 5

During this time the landowner or occupier is required to do the following;

1. **RESIDENTIAL, TOWNSITE, TOWN CENTRE, SERVICE COMMERCIAL, LIGHT INDUSTRY AND GENERAL INDUSTRY ZONES**

On land zoned Residential, Town Site, Town Centre, Service Commercial, Light Industry and General Industry under the Shire of Jerramungup Local Planning Scheme No.2 ("Scheme"), you must:

(a) Where the area is 2,000 square metres or less, clear the land free of all **flammable matter**, except for living trees, shrubs, plants and lawns under cultivation, to a height no greater than 5cm; or

(b) Where the area of land exceeds 2,000 square metres, clear a 3 metre wide **fire break** immediately inside all external boundaries of the land.

## 2. RURAL RESIDENTIAL ZONE – SPECIFIC TO FREEMAN DRIVE

On land zoned Rural Residential Zone No.2 under the Scheme, you must:

- (a) Clear:
  - (i) A 3 metre wide **fire break** immediately inside the property boundary; and
  - (ii) A 3 metre wide **fire break** within 20 metres of all haystacks and stockpiled **flammable matter** on the property.

## 3. RURAL RESIDENTIAL ZONE AND RURAL ZONE – SPECIFIC TO POINT HENRY PENINSULA

On land zoned Rural Residential and/or Rural, located on the Point Henry Peninsula, you must:

- (a) Where a subdivision guide plan, lodged in accordance with the Scheme, shows a **strategic fire break** located on the land, clear and/or maintain or, by arrangement with the Shire to clear and/or maintain, a 20 metre wide **fire break** with unimpeded vehicular access in the designated location of the **strategic fire break** or such other location, approved by the Shire; or
- (b) Where a Fire Management Plan which relates to the property has been adopted by Council, clear fire breaks and take measures in accordance with that Fire Management Plan.

The Point Henry Fire Management Strategy requires all owners of “**developed land**” in the Point Henry peninsula to install and/or maintain;

- (i) A **compliant access/driveway**;
- (ii) **Vehicle turn arounds suitable for heavy fire fighting appliances**;
- (iii) A 20,000l dedicated water supply for firefighting purposes; and
- (iv) A 20 metre **Asset Protection Zone**.

## 4. RURAL ZONE (EXCLUDING DESIGNATED PLANTATIONS AND POINT HENRY PENINSULA)

On land zoned Rural under the Scheme, you must:

- (a) Where the area of the land is 100 hectares or less:
  - (i) clear a 3 metre wide **fire break** immediately inside all external boundaries of the land; and
  - (ii) clear an additional 3 metre wide **fire break** within a distance of 20 metres of all buildings, haystacks and stockpiled **flammable matter** on the property; or
- (b) Where the area of the land exceeds 100 hectares;
  - (i) clear a 3 metre wide **fire break** within a distance of 20 metres of all buildings, haystacks, stockpiled **flammable matter** and bulk fuel storage areas on the property.

## 5. PLANTATIONS

If you are the owner or occupier of land upon which there is a **plantation** of 10 hectares or more, you must:

- (a) Clear a 15 metre wide **fire break** immediately inside the external boundary of the land on which the plantation is located; and
- (b) Clear a 15 metre wide **fire break** immediately inside the boundary of any lot on the land which abuts a public road; and
- (c) Where the **plantation** is divided into compartments and no compartment exceeds 30 hectares clear a 6 metre wide **fire break** between compartments; or
- (d) Where a compartment exceeds 30 hectares clear a 10 metre wide **fire break** between that compartment and all adjoining compartments; and
- (e) Where power lines pass through a hardwood plantation, or part thereof, clear a 15 metre wide **fire break** (I.e. a 7.5 metre separation distance on each side of power lines); or
- (f) Where power lines pass through a softwood plantation, or part thereof, clear a 20 metre wide **fire break** (I.e. a 10 metre separation distance on each side of the power lines).

## APPLICATION TO VARY REQUIREMENTS

### FIRE BREAKS

If it is impracticable, for any reason, to clear firebreaks or to take measures in accordance with this Notice, you may apply to the Shire in writing before the **15 of October** each year for permission to provide firebreaks in alternative locations or take alternative measures to prevent the outbreak or spread of a bush fire.

If written permission is not granted by the Shire you shall comply with the requirements of this Notice.

### ASSET PROTECTION ZONE

Where it is not practical for an existing dwelling to provide a 20m **Asset Protection Zone** due to **Site Constraints** a landowner shall apply to the Shire in writing before **15 of October** each year for permission to vary the Asset Protection Zone requirements of this Notice.

In considering any such request regard will be given to:

- (a) The topography of the site;
- (b) Potential environmental impacts caused by the **Asset Protection Zone**;
- (c) Provision of alternative low or managed fuel zones.

The Shire may approve variations to **Asset Protection Zones** for a period not more than 5 years.

## **APPENDIX 1**

### **1. RESTRICTED AND PROHIBITED BURNING TIMES – SHIRE OF JERRAMUNGUP**

Under Section 17 (Prohibited Burning) and Section 18 (Restricted Burning Times) of Bush Fires Act 1954 the following dates have been gazetted within the Shire of Jerramungup.

| <b>Zone 1,2,3 &amp; 4 Shire of Jerramungup</b> |                                      |
|------------------------------------------------|--------------------------------------|
| 01 October to 30 April                         | Burning Restricted. Permits required |
| <b>01 November to 05 February</b>              | <b>BURNING PROHIBITED</b>            |
| <b>Zone 5 – Shire of Jerramungup</b>           |                                      |
| 01 September to 31 May                         | Burning Restricted. Permits required |
| <b>01 November to 05 March</b>                 | <b>BURNING PROHIBITED</b>            |

Permits to burn are required during Restricted Burning Times. Permits can be obtained from the relevant Fire Control Officer. Refer to Shire of Jerramungup website for contact details.

Restricted Burning Times and/or Prohibited Burning Times may be varied due to seasonal changes. Any changes will be published in local newspapers and the Shire's website.

### **2. ADDITIONAL REQUIREMENTS OF PLANTATION OWNERS**

**Plantation** owners must also undertake the following actions to prevent the potential outbreak or spread of a bushfire.

- (a) Ensure water supply facilities are designed and constructed so that 4 X 4 vehicles carrying 3000 litres of water are able to access the facilities; and
- (b) Provide a copy of the **Plantation** Fire Management Plan to the Shire, and erect signage, showing;
  - (i) **Plantation** owner/operator contact details
  - (ii) Accurate plantation layout including compartment sizes and details
  - (iii) Water-supply facilities
  - (iv) Emergency access and egress points
  - (v) All structures contained within the plantation boundary
  - (vi) Areas of remnant vegetation
  - (vii) Natural landscape features including creeks, swamps,
  - (viii) Accurate routes through, including dead ends, the plantation
- (c) Ensure a Plantation Fire Management Plan is held in a clearly labelled and suitable container at the main entrance gate/s; and
- (d) Ensure the Plantation Fire Management Plan is updated annually and before October 15 each year. Updated copies are to be provided to the Shire and on the main gate as described in (c) above.
- (e) Supply and maintain the following equipment:
  - (i) Where the plantation has an area of less than 100ha, a 4 x 4 vehicle with 1 tonne load capacity carrying at least 450 litres of water; or
  - (ii) Where the plantation has an area of between 100ha and 1000ha, a 4 x 4 vehicle carrying 2000 litres of water; or
  - (iii) Where the plantation has an area of greater than 1000ha, a 4 x 4 vehicle carrying 3000 litres of water.
- (f) Pursuant to Section 46 of the Bush Fires Act 1954 all burning operations in a **plantation** must be first approved by the Shire. Any approvals will be based upon the owner completing a Burn Prescription. These are available from the Shire.

### **3. HARVESTING MACHINES AND HEADERS - REGULATION 38**

Pursuant to Regulation 38 of the *Bush Fires Regulations 1954*, a person shall not operate any harvesting machine or header in any crop during gazetted prohibited and/or restricted burning times unless an **approved fire extinguisher** is carried on the machine.

### **4. REGULATION 38A VEHICLES ETC., POWER TO PROHIBIT ETC. USE OF IN RESTRICTED OR PROHIBITED BURNING TIMES**

Accordingly, the Shire's Bush Fire Control Officer hereby prohibits pursuant to regulation 38A(1) of the *Bush Fires Regulations 1954*:

- (a) the use of a harvesting machine or header, other than a clover harvester, during the restricted and/or prohibited burning times specified unless, in the paddock being harvested or adjacent to the entrance of the paddock being harvested, there are sufficient **mobile fire fighting units** as defined below:
  - (i) if 1 or 2 Headers or Harvesters are operating then 1 **mobile fire fighting unit** is required, or
  - (ii) if there are three or more Headers or Harvesters are operating then 2 **mobile fire fighting units** are required, and
  - (iii) Where 3 or more Headers or Harvesters are operating a **secondary water supply** is also required.

- (b) the use of a harvesting machine or header on Christmas Day in any year, and

- (c) **track raking or track chaining or track renovating** activities during the prohibited and restricted burning times, unless there are sufficient **mobile fire fighting units** (as defined in 4 (a) parts (i) to (iii)) and an **approved fire extinguisher** is carried on each machine, and

- (d) the use of any **ground engaging machinery** in crop stubble or other vegetation that would carry a fire on rural zoned properties, during the prohibited burning times, unless each machine is accompanied by a **mobile fire fighting unit**, and

- (e) On farm grain carting and out loading during Shire imposed Vehicle and Harvest Bans issued under regulation 38A(1), unless Shire approval has been granted for **licensed storage and out loading areas**. Contact the Shire for details, and

- (i) The **licensed storage and out loading areas** are to be accessible by **roadway** or be adjacent to a road with a 50 metre radius cleared of all **flammable matter** or near houses or sheds, and
  - (ii) Are subject to inspection, approval and licensing by the Fire Control Officer duly appointed by the Shire of Jerramungup.

Note: the Shire's Bush Fire Control Officer may by notice prohibit or regulate the use of other engines, vehicles, plant or machinery during the prohibited or restricted burning times.

## **DEFINITIONS**

In this Notice, the following definitions apply:

**“20,000L dedicated water supply”** means a water tank (or dedicated portion of a water tank) with a 20,000L capacity which is solely for fire fighting purposes and:

- A 50mm male camlock coupling with full flow valves.
- A readily accessible and identifiable hard standing area adjacent to such connection/s.
- An associated non electric fire fighting pump (minimum 5.5hp) with sufficient hose to protect the dwelling and the surrounding low fuel zone.

**“Approved fire extinguisher”** means a device used to extinguish fires that are likely to occur in relation to the activity being undertaken, and

- i) has a capacity of at least 9 kilograms or 9 litres, and
- ii) complies with Australian Standards that relate to devices that are designed to extinguish a fire likely to occur in relation to the activity undertaken.

**“Asset Protection Zone (APZ)”** means a minimum of 20 metres measured from any external wall of the building or building envelope, increasing with slope, and;

- Within the boundaries of the lot on which the building is situated;
- All grasses within the APZ are to be maintained to a height of a maximum 5 cm
- The crowns of trees within the APZ should be separated where practical such that there is a clear separation distance between adjoining tree crowns.
- Prune lower branches of trees within the APZ (up to 2 metres off the ground) to stop a surface fire spreading to the canopy of the trees.
- No tall shrubs or trees located within 2 metres of a building;
- No tree branches overhanging the building; and
- Fences and sheds within the APZ are constructed using non-combustible materials (e.g. Iron, brick, limestone).

**“Compliant access/driveway”** means an access to a property/dwelling which;

- Has a minimum width of 4 metres;
- Has a minimum horizontal clearance to vegetation of 6 metres;
- Has a vertical clearance of 5 metres and;
- Has a maximum grade of 8 degrees

**“Developed land”** means any land that has been developed with a habitable dwelling as defined in the Building Code of Australia.

**“Fire break”** means an area of the specified width and with grass maintained at a maximum height of 5cm and being devoid of all other flammable matter with a vertical clearance of 5 metres.

**“Flammable matter”** means all materials that must be removed from a property to reduce the bushfire hazard and includes grass above 5cm high, dead and/or live vegetation, firewood, stored fuels, timber and plastics.

**“Ground engaging machinery”** means any plant or equipment that, during operation, has components that make direct contact with the ground, vegetation, or crop stubble and can generate heat or sparks through friction, impact, or abrasion.

**“Licensed storage and out loading areas”** means an area identified as being suitable for operating machinery in most adverse weather conditions.

**“Mobile fire fighting unit”** means a self-propelled vehicle carrying a single water tank of at least six hundred (600) litres capacity, equipped with an engine driven pump fitted with a minimum of twenty (20) metres of nineteen millimetre (19mm) diameter fire fighting delivery hose and capable of delivering fire fighting water through an adjustable nozzle in spray or jet settings.

**“Plantation”** means any area of planted trees, other than windbreak that exceeds 10 hectares that has been established by sowing or planting native or exotic tree species selected or managed intensively for their commercial and environmental value purposes at the time of establishment. A plantation includes roads, tracks, fire breaks and small areas of native vegetation. The area will continue to be defined as a plantation until all stumps are removed or the land use has changed.

**“Roadway”** means a road specifically constructed of gravel or bare earth for vehicular use that is a minimum of 6 metre wide.

**“Secondary water supply”** means any water cart, bulk water tanker, water tank or dam with a minimum of 5000 litres of water and located within 5 kilometres of harvesting operations. The water must be immediately accessible by vehicles under normal operating conditions and immediately usable and fitted with operational pumps and hoses.

**“Site Constraints”** as defined in the Planning for Bushfire Guidelines means a physical component affecting a site that restricts the ability of the site to address the bushfire protection measures listed in the Guidelines.

**“Strategic fire break”** means an area of the specified width and with grass maintained at a maximum height of 5cm and being devoid of all other flammable matter with a vertical clearance of 5 metres. Strategic fire breaks are specifically installed and maintained to provide protection to areas beyond a single property and cannot be fenced.

**“Track raking, track chaining and/or track renovating”** means a towed or attached implement that is used to gather rocks or stones for removal.

**“Vehicle turn arounds suitable for heavy fire fighting appliance”** means an area with a radius of at least 12.5 metres, or an area sufficiently large which allows a heavy fire fighting appliance to complete a three point turn, and is located within 50 metres of a building.