

LOCAL GOVERNMENT ACT 1995
BUSH FIRES ACT 1954

Shire of York

Local Laws Relating to Fire Precautions

Under the powers conferred by the *Local Government Act 1995* and by all other powers the Council of the *Shire of York* resolved to make the following local laws on the nineteenth day of February 2001.

1. These local laws may be cited as the *Shire of York Fire Precautions Local Laws 2001*.
2. Definitions in these local laws—

“Council” means the Council of the Shire of York.

“District” means District of the Council.

“Firebreak Period” means the time between the 24th day of October in any year until the 15th day of April in the following year.

“Firebreak” means ground from which inflammable material has been removed and in which no inflammable material (which includes vegetation) is permitted during the Firebreak Period or to the satisfaction of the Local Government or its duly authorised officer.

“Townsite land” means all land within boundaries of the York townsite.
3. The Local Law relating to firebreaks published in the Government Gazette on 12 December 1980 is repealed.
4. All owners and/or occupiers of all land within the district, with the exception of townsite land, shall prior to the commencement of the Firebreak Period or within 14 days of becoming the owner or occupier, should this occur within the Firebreak Period, establish and thereafter maintain, during the Firebreak Period, a Firebreak not less than 2.1 metres wide:-
 - (i) immediately inside all external boundaries of the land; and
 - (ii) in such other positions as is necessary to divide any land in excess of 300 hectares into areas not exceeding 300 hectares, each completely surrounded by a firebreak; and
 - (iii) immediately surrounding all buildings, haystacks and fuel ramps situated on the land; and
 - (iv) immediately surrounding any drums or drum situated on the land which is normally used for the storage of fuel whether it contains fuel or not.
5. All owners and/or occupiers of all townsite land within the district shall prior to the commencement of the firebreak period or within 14 days of becoming the owner/occupier should this occur within the firebreak period establish and thereafter maintain during the firebreak period,

- (i) all land with an area of 1,020m² or less shall be completely cleared of all inflammable material; and
 - (ii) all lots exceeding 1,020m² in area but not exceeding 4,000m² in area shall be hazard reduced by ploughing, slashing to a height not greater than 150mm or burning. Where the option of ploughing or slashing is selected a 2.1m wide firebreak shall also be installed on the perimeter of the block; and
 - (iii) on land exceeding 4,000m² in area a firebreak not less than 2.1m wide immediately inside all external boundaries of the land and immediately surrounding all buildings, haystacks, fuel ramps, drum or drums situated on the land which is normally used for the storage of fuel whether it contains fuel or not.
6. If the owner and/or occupier considers it impractical for any reason to clear a firebreak or remove inflammable material from land as required by these local laws the owner or occupier may apply in writing to the Council for permission to provide a firebreak in alternative positions on the land.
7. On receiving such an application the Council may refuse the same or may grant permission to provide a firebreak in alternative positions on the land and may set out in the notice granting such permission the time and the manner in which such alternative firebreak is to be established and maintained and the owner and/or occupier shall thereupon comply with the requirements of the notice.
8. If the fire prevention or hazard reduction requirements of these local laws are carried out by burning this shall be carried out in accordance with the provisions of the Bush Fires Act.
9. The following fire precautions and prohibition shall be observed by any person involved in performing any of the following activity:-
 - (i) cooking and camp fires in open air (other than established home barbecues) are prohibited during the prohibited burning time without written permission from the Council or its authorised officer;
 - (ii) the use of angle grinders and metal cutting/welding equipment is prohibited out of doors in very high or extreme fire danger during the prohibited burning time;
 - (iii) when angle grinders and metal cutting/welding equipment is being used between 1 November and 14 February each year there shall be a minimum 3.5 kilogram fire extinguisher or a fire fighting unit in working order with a minimum of 100 litres of water immediately adjacent to the work area;
 - (iv) when harvesting is in progress owners/occupiers of land shall have a mobile fire-fighting unit in working order with a minimum of 400 litres of water in or immediately adjacent to the paddock being harvested; and
 - (v) all headers operating in standing crop or stubble paddocks shall carry an operational fire extinguisher of not less than 9 litre capacity;
 - (vi) the operation of swathers, stubble balers, slashers, mechanically operated dry grass cutters, chains and portable sawmills during restricted and prohibited burning times is subject to same fire fighting equipment requirements for harvesting; and

- (vii) harvesting within the Shire of York is permitted on Sundays and Public Holidays except for Christmas Day, New Years Day and Boxing Day, unless otherwise advertised by the Council by notice in a newspaper circulating within the district.
10. Where an owner or occupier fails or neglects to comply with the requirements of this local law the local authority may by its workmen and/or subcontractors enter upon the land and carry out all works and do all things necessary as required to comply with these local laws. The local authority may charge to the owner and/or occupier the Council's reasonable costs in so doing.
11. Failure to comply with these local laws shall be an offence and shall subject the offender to penalties prescribed in the *Bush Fires Act 1954* as amended.

Dated the 17th day of April 2001.

(The Common Seal of the Shire of York
Was affixed by authority of a resolution
Of the Council in the presence of:-)

GORDON W MARWICK JP
Shire President

PHIL MARSHALL
Chief Executive Officer