

SHIRE OF KULIN FIREBREAK ORDER 2026/2027

Issued pursuant to Section 33 of the *Bush Fires Act 1954*

Notice to All Owners and/or Occupiers of Land

You are hereby required on or before **31 October 2026**, and thereafter up to and including **15 March 2027**, to have a 3 metre firebreak clear of all inflammable material on all rural and townsite land owned or occupied by you, as per the following requirements.

General Firebreak Requirements

Rural Land

- Immediately inside all external boundaries of the land.
- In such other positions as are necessary to divide land in excess of 400 hectares into areas not exceeding 400 hectares, each completely surrounded by a firebreak.
- Immediately surrounding any part of land used for crop.
- Parallel to and within 100 metres of the perimeter of all buildings, haystacks and fuel ramps situated on the land.
- Immediately surrounding any drum or drums or other receptacles situated on the land which are normally used for the storage of fuel, whether they contain fuel or not, provided that the firebreak required shall be not less than 5 metres wide.
- Immediately inside land on which bush has been bulldozed, chained or prepared in any similar manner for clearing by burning (whether you intend to burn the bush or not); provided that the firebreak required to comply with this paragraph only shall be not less than 7 metres wide. Where the land is prepared for clearing by burning after **19 September** you shall provide the firebreak immediately.

Townsite Land – Area Less than 1 Hectare

- All hazardous material must be removed from the whole of the land except living trees, shrubs and plants.
- In the remaining area all vegetation is to be maintained to a height of no greater than 100mm.
- It is recommended that at least a 2m wide area immediately within the external boundaries of the lot, be clear of all flammable material except for living trees, plants and shrubs. (Note: any land of one hectare or above – rural provisions apply.)

Important Notes

These requirements are made pursuant to Section 33 of the *Bush Fires Act 1954*. Failure to comply with this notice may render the landowner or occupier liable to a penalty and the Shire may carry out the required works at the owner's expense. These requirements are in addition to, and not a replacement for, the duty of care under the Act to prevent fire on your property.

Harvest and Vehicle Movement Bans – Exemptions for Fire Suppression Activities

During the period of a Harvest and Vehicle Movement Ban (HVMB), the Chief Bush Fire Control Officer (CBFCO) may grant an exemption for the movement of plant or equipment (for example, a dozer) that has been called into fire suppression activities in another local government area.

This exemption is subject to the following condition:

- a fire unit must be in attendance whilst that activity is undertaken, attended by a person other than the person moving the plant/equipment.

Firebreak Variation

If it is considered by the owner or occupier of the land that it is impractical to clear firebreaks to comply with this notice due to soil erosion, the spread of salinity or for any other reason, a request for a variation may be made to the Council not later than 1 September of each year.

Such a request must be in writing and include a detailed farm plan showing the proposed location of firebreaks or of the alternative fire protection methods to be used.

Burning of Garden Refuse During Restricted Burning Period (Sec. 24 (f)) *Bush Fires Act 1954*

- (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).
Penalty: \$3 000.
- (2) Garden refuse burned in an incinerator is burned in accordance with this subsection if —
(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 2 m or more away from any building or fence; or
 (ii) if the incinerator is within 2 m of a building or fence, the local government has given written permission for the incinerator to be used; and
(c) there is no inflammable material within 2 m 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) when the fire is no longer required, the person ensures that the fire is completely extinguished by the application of water or earth.
- (3) Garden refuse burned on the ground is burned in accordance with this subsection if —
(a) there is no inflammable 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 p.m. and 11 p.m. 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.
- (4) A local government must not give permission under subsection (2)(b)(ii) unless it is satisfied that the use of the incinerator is not likely to create a fire hazard.