

Local Law relating to Firebreaks

**City of Melville
Bush fires act 1954
Local law relating to firebreaks**

In pursuance of the powers conferred upon it by the abovementioned Act, the Council of the City of Melville resolved to make on 27 May 1997 the following Local Law.

1. Definitions

In this Local Law-

"Act" means the *Bush Fires Act* 1954;

"Authorised Officer" means a person appointed by the Council to administer the Local Law;

"Council" means the Council of the Municipality of the City of Melville;

"District" means the Municipal District of the City of Melville established pursuant to the *Local Government Act* 1995;

"Firebreak Period" means from 30 November in any year up to and including 31 March in the following year.

"Inflammable Matter" includes all forms of vegetation both living and dead, and any other flammable materials and combustible matter.

"Scheme" means the Town Planning Scheme or Schemes for the time being in force in respect of land within the district of the City of Melville.

2. All owners or occupiers of land within the district shall, prior to the commencement of the firebreak period, clear inflammable matter from that land in accordance with the following requirements-

(a) as to land which is fifteen hundred (1,500) square metres or less in area, or which is zoned "Residential" under the scheme, the owner or occupier shall clear, to the satisfaction of Council or its duly authorised officer, all inflammable matter from the whole of the land except living trees, shrubs, and plants under cultivation and lawns; and

(b) as to all other land within the district, the owner or occupier shall-

(i) clear firebreaks of a minimum width of three (3) metres inside all external boundaries of the land; and

(ii) clear firebreaks of a minimum width of five (5) metres around all buildings situated on the land; and

(iii) where the area of land exceeds ten (10) hectares, clear firebreaks of a minimum width of five (5) metres so as to ensure that no area of land within the firebreaks exceeds ten (10) hectares in area; and

(iv) in any event, clear the firebreaks to the satisfaction of Council or its duly authorised officer.

Clause 3 is amended by the City of Melville's Amendment to the Local Law Relating to Firebreaks published in the Government Gazette on 24 June 2005, No. 115

3. 3 All firebreaks must be cleared by the Owner or Occupier of Land on or before 15 November in any year, and thereafter be maintained by the Owner or Occupier clear of inflammable matter up to and including 30 April in the following year."

4. Variation to fire prevention measures If for any reason an owner or occupier considers it impractical to clear firebreaks or comply with other fire protection measures in accordance with this local law, the owner or occupier may apply in writing to the council's duly authorised officer no later than 31 October in any year for an exemption or partial exemption from compliance with this local law. If permission is not granted in writing by the duly authorised officer, the owner or occupier must comply with the requirements of this local law. An exemption or partial exemption granted by the authorised officer shall only remain in force until 31 March next immediately following the date of grant of the exemption or partial exemption.

5. Offences

A person who fails to comply with any provision of this local law commits an offence and shall, upon conviction, be liable to the penalty prescribed in the Act.

Dated this 23rd Day of June 1997.

The Common Seal of the City of Melville was hereunto affixed in the presence of-

K. MAIR, Mayor.

J. McNALLY, Chief Executive Officer.