

(Extract from Government Gazette (No 2) of 8 January 1999)

LOCAL GOVERNMENT ACT 1995

The Municipality of the City of Joondalup

BUSHFIRE PREVENTION AND CONTROL LOCAL LAW 1998

Under the powers of the Local Government Act 1995 and by all other powers, the Council of the City of Joondalup resolved to make the following local law on the 8th December, 1998.

ARRANGEMENT

PART 1 - PRELIMINARYClauses 1 - 5
PART 2 - FIRE CONTROL ORDERSClauses 6 - 7

PART 1 - PRELIMINARY

Title

- 1 This Local Law may be referred to as the City of Joondalup Bushfire Prevention and Control Local Law 1998.

Commencement

- 2 This Local Law comes into operation 14 days after the date of its publication in the Government Gazette.

Purpose and Intent

- 3 (1) The purpose of this Local Law is to provide for the prevention, regulation, control and management of bushfires and the reduction of fire hazards within the City of Joondalup
- (2) The effect of this Local Law is to require all owners or occupiers of land within the district to establish and maintain firebreaks on land owned or occupied by them so as to assist in prevention of fires and provide clear access for fire fighting vehicles and equipment.

Repeal

- 4 The Fire Control Order By laws as amended, of the former City of Wanneroo and the Establishment, Maintenance and Equipment of Bush Fire Brigade By laws as amended, of the former City of Wanneroo shall be repealed on the day this local law comes into operation.

Definitions

- 5 In this Local Law unless the context otherwise requires:

“act” means the Local Government Act 1995, as amended;

“district” means the district of the local government;

“firebreak period” means the period of time between the 31st day of October in any year until the 31st day of May inclusive in the following year;

“firebreak” means the land from which all inflammable material (which includes vegetation) has been removed and on which no inflammable material (which includes vegetation) is permitted during the firebreak period;

“local government” means the City of Joondalup;

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PART 2 - FIRE CONTROL ORDERS**Firebreaks**

- 6 Subject to clause 7, all owners or occupiers of land within the district 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 firebreaks of the dimensions prescribed as follows:
- (a) 2 metres wide immediately inside all external boundaries of parcels of land 2,000 square metres or under;
 - (b) 3 metres wide immediately inside all external boundaries of parcels of land over 2,000 square metres unless the local government has otherwise directed to the owner or occupier in writing;
 - (c) a minimum of 10 metres wide immediately surrounding flammable liquids storage sites including fuel dumps and ramps;
 - (d) 3 metres wide immediately surrounding all buildings situated on the land.

Application to Vary Firebreak Positions

- 7 (1) If the owner or occupier considers it impractical for any reason to clear firebreaks or remove inflammable material from the land as required by these Local Laws, the owner or occupier may apply in writing to the local government not less than 14 days prior to the commencement of the firebreak period for permission to provide firebreaks in alternative positions on the land.
- (2) on receiving such an application the local government may refuse the same or may grant permission to provide firebreaks 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 firebreaks are to be established and maintained and the owner or occupier shall thereupon comply with the requirements of the notice.

Footnote:

- (1) A local government may install firebreaks and recover costs in accordance with section 33 (4), (5), (5a) and (5b) of the Bushfires Act 1954.
- (2) Clause 63 of the Bushfires Act 1954 prevents action being taken against a local government or bushfire brigade personnel for carrying out any duties authorised under the Bushfires Act 1954.