



BUSH FIRES ACT 1954

Fire Prevention and Fuel Load Notice

Shire of Nungarin

Pursuant to the powers contained in Section 33 of the *Bush Fires Act 1954* (as amended), notice is hereby given to all owners and occupiers of land within the Shire of Nungarin, the Shire of Nungarin adopted the following requirements as a measure to assist in the control of bush fires, or preventing the spread or extension of a bush fire which may occur within the Shire.

All owners and/or occupiers of land within the Shire of Nungarin are required to carry out fire prevention work in accordance with this notice by 1st October each calendar year and maintained until 15 April the following calendar year, or within 14 days of becoming an owner or occupier of land if after that date, to comply with the requirements set out in this notice.

FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY RESULT WITH THE ISSUE OF AN INFRINGEMENT NOTICE PENALTY \$250.00 OR PROSECUTION IN A COURT OF LAW WITH A MAXIMUM PENALTY OF \$5,000 AND BE LIABLE WHETHER PROSECUTED OR NOT TO PAY THE COSTS OF PERFORMING THE WORK DIRECTED BY THE NOTICE.

1. Asset Protection Zone

Asset Protection Zone (APZ) - A low fuel area immediately surrounding a building which must extend 20m from the outermost point. On sloping ground, the distance increases at least 1m for every degree in slope on the sides of the building that are exposed to down slope where natural vegetation exists. APZ standards are:

- Clean Gutters flammable matter removed from all gutters, roofs and walls.
- Fine Fuel Load combustible dead vegetation matter, less than 7mm thick and maintained at an average of 2t per hectare.
- Trees (> 5m high) trunks at maturity should be a minimum distance of 6m from all elevations of the building, branches at maturity should not touch or overhang the building, lower branches should be removed to a height of 2m above the ground and or surface vegetation, canopy cover should be less than 15% with tree canopies at maturity well spread to at least 5m apart to not form a continuous canopy.
- Shrubs (0.5m – 5m high) should not be located under trees or within 3m of buildings, should not be planted in clumps greater than 5m² in area, clumps of shrubs should be separated from each other and any exposed window or door by at least 10m. Shrubs greater than 5m high are treated as trees.
- Ground Covers (<0.5m high) can be planted under trees but must be properly maintained to remove dead plant material and any parts within 2m of a structure, but 3m from windows or doors if greater than 100mm high. Ground covers greater than 0.5m high are treated as shrubs.

2. Land with area less than 10,000m²

- Maintain all grass on the land to a height no greater than 10cm, all windrows or dead flammable material must be removed.
- Maintain fuel loadings in natural bush areas at less than 8 tonnes per hectare across the land.
- Land with a habitable building on it must maintain an Asset Protection Zone.

3. Agricultural Land or Land with an area greater than 10,001m²

- Clear a firebreak consisting of mineral earth, to a width of no less than 3 metres, as close as practical inside the external boundaries of the property.
- Firebreaks must be maintained to provide a vertical clearance of a minimum 3.5 metres as to allow adequate access for fire appliances.
- An approved firefighting appliance is required to be present in any paddock where crop harvesting, straw raking or hay baling is being carried out. The firefighting appliance must be in a state of readiness and have a minimum capacity of 400 litres of water.
- Harvesting is permitted on Sundays and all public holidays, with the exception of Christmas Day, Boxing Day and New Year's Day.

4. Fuel Depot and Storage Areas, Haystacks, Chaff Dumps, Stockpiled Flammable Materials and Stationary Machinery.

- Remove all flammable matter within (10) metres of Fuel Depot and Storage Areas of where fuel drums whether containing fuel or not, fuel ramps or fuel dumps are located, Haystacks, Chaff Dumps, Stockpiled Flammable Materials, Stationary Machinery are stored.
- Install bare earth firebreaks three (3) metres wide immediately inside and along all boundaries of land in a continuous form with a vertical clearance of (4) metres where overhanging branches are trimmed back immediately adjacent to Fuel Depot and Storage Areas, Haystacks, Chaff Dumps, Stockpiled Flammable Materials and Stationary Machinery.

5. Bushfire or Emergency Management Plans (Compliance is required throughout the year, every year)

Means a bushfire management plan, emergency management plan or an approved Bushfire attack level (BAL) assessment that has been developed and approved to reduce and mitigate fire hazards as part of a subdivision approval or a building permit.

- All properties with a Bush Fire, Fire or Emergency Management Plan shall comply with the plan in its entirety.
- Any requirements identified in a Bush Fire, Fire or Emergency Management Plan are in addition to the requirements of this notice.

6. Application to vary the Firebreak Requirements with Alternative Arrangements

If it is considered impracticable for any reason whatsoever to implement any of the requirements of this Notice, you may apply in writing to the Shire of Nungarin by no later than the 7th September each year for permission to implement alternative measures. If permission is not granted in writing you must comply with the requirements of this notice.

7. Restricted and Prohibited Burning times

- The "Restricted Burning Time" means the 1st October through until 31st October and the 1st March through until 31st March each calendar year (inclusive, and as varied pursuant to Sections 17 and 18 of the *Bush Fires Act 1954*).
- The "Prohibited Burning Time" means the 1st of November each calendar year to 28th February the following calendar year (inclusive, and as varied pursuant to Sections 17 and 18 of the *Bush Fires Act 1954*).

Burning Periods for the Shire of Nungarin for the Upcoming Season will be as follows:

Permit Required: 1st October 2026 – 31st October 2026

Total Fire Ban: 1st November 2026 – 28th February 2027

Permit Required: 1st March 2027 – 31st March 2027

8. Permits to burn

Means a "Permit to Burn the Bush" as issued by an Authorised Officer under section 18 of the *Bush Fires Act 1954*.

- Applications for Permits are available from the Shire of Nungarin at no cost.
- You must comply with all conditions imposed by the Shire or an Authorised Officer in respect of any Permit issued by the Shire.
- Permits will not be valid on days of "Very High", "Severe", "Extreme" or "Catastrophic" fire danger.
- Permits may also be revoked if in the opinion of an authorised officer the conditions are not deemed suitable for prescribed burns.

Take Notice that pursuant to *Section 18 (11) of the Bush Fires Act 1954* - Where a person starts a fire on land, if the fire escapes from the land or if the fire is in the opinion of a bush fire control officer or an officer of a bush fire brigade out of control on the land, the person shall be liable to pay to the local government on the request of and for recoup to its bush fire brigade, any expenses up to a maximum amount of \$10,000 incurred by it in preventing the extension of or extinguishing the fire, and such expenses may be recovered in any court of competent jurisdiction.

A person who commits a breach of this section other than subsection (11) is guilty of an offence.

Penalty: For a first offence \$4,500.

For a second or subsequent offence \$10,000.

9. Harvest, Movement of Vehicles and Hot Works Bans

All persons within the Shire are required to comply with these bans under the provisions of the *Bush Fire Act 1954*.

- A Harvest Ban requires the cessation of all harvesting operations within the Shire of Nungarin.
- A Vehicle Movement ban does not permit the movement of vehicles on properties within the Shire of Nungarin except for the essential watering of stock in a diesel-powered vehicle.
- A Hot Works ban is defined as a ban on the outdoor use of all welding, grinding and abrasive tools on properties within the Shire of Nungarin. Further information is available by contacting Shire of Nungarin (08) 9046 5006.

A person/s who lights a fire contrary to the provisions of this section or who fails to carry out any direction given to him is guilty of an offence that carries a maximum penalty of \$10,000.

A Harvest Vehicle Movement and Hot works Ban will be advertised on the Shire of Nungarin Website or Emergency Information Line on 13 33 37. Where possible on ABC Radio 531AM, Radio West 864 AM and. Ban updates can be obtained or via a free SMS service which is available upon request from the Shire of Nungarin (08) 9046 5006.

10. Additional Works

In addition to the requirements noted above, regardless of land size and location, the Shire of Nungarin or its duly authorised officer may require you to undertake additional works on your property to improve access and or undertake further hazard removal and/or reduction works, where in the opinion of that authorised officer, it is to be necessary to prevent the outbreak and/or the spread of a bush fire.

Take notice that pursuant to Section 33(4) of the *Bush Fires Act 1954*, where the owner and/or occupier of land fails or neglects to comply with the requisitions of this Notice within the times specified, the Shire of Nungarin may by its officers and with such servants, workmen and contractors, vehicles and machinery as the officers deem fit, enter upon the land and carry out the requisitions of this Notice which have not been complied with and pursuant to Section 33(5) of the *Bush Fires Act 1954*, the amount of any costs and expenses incurred may be recovered from you as the owner and or occupier of the land.

If the requirements of this Notice are carried out by burning, such burning must be in accordance with the relevant provisions of the *Bush Fires Act 1954*.

The Penalty for failing to comply with this Notice is a fine not exceeding \$5,000 and a person in default is also liable whether prosecuted or not to pay the costs of performing the work directed by this Notice if it is not carried out by the owner and/or occupier by the date required by this Notice.

11. Reserves vested with the Shire of Nungarin

The Shire of Nungarin reserves the right to conduct any mitigation works deemed necessary on any reserves vested with Shire of Nungarin for the purpose of reducing the risk of fire to the community. Treatment implemented may include but not are not limited to prescribed burns, slashing, mulching or any other means necessary as determined by the Shire of Nungarin to ensure the risk is reduced to a satisfactory level.

GENERAL ADVICE

This notice gives the minimum requirements for fire control within the Shire of Nungarin and all residents and ratepayers are encouraged to be "Bushfire Ready" by undertaking additional fire protection measures like creating a household "Bushfire Survival Plan". Further additional information to that contained in this notice can be obtained from the DFES website:

[Prepare for a bushfire - Department of Fire and Emergency Services \(dfes.wa.gov.au\)](https://www.dfes.wa.gov.au/prepare-for-a-bushfire)

All previous versions of this notice are hereby cancelled.

By order of the Council,

David Nayda,

Chief Executive Officer