

BUSHFIRE INSPECTION AND MITIGATION COUNCIL POLICY

POLICY STATEMENT

The City is committed to managing exposure to bush fire risk, through:

- Applying treatments to council assets that align with requirements of the Bush Fires Act 1954 with consideration to ecological communities under consultation with the Department of Conservation, Biodiversity and Attractions (DBCAs) and City Environmental officers.
- Engage and educate the community and enforce only when necessary, to achieve compliance with the requirements of the Bush Fires Act 1954.
- Collaborate with Department of Fire and Emergency Services (DFES) to educate community members and stakeholders on current fire risk mitigation responsibilities.

POLICY SCOPE

This policy applies to:

- All properties within the City of Bunbury.
- Extend consultation with owners of bush land properties that present risk to others within the community. The intent would be to reduce risk from these individual properties, leading to a reduction of risk of bush fire to the whole community and surrounding local governments.

POLICY DETAILS

The *Bush Fires Act:1954* (the Act), specifically *section 33 (1)*, enables local governments to develop local laws, being customised strategies to reduce the risk and impact from bush fire.

- Properties are identified for assessment utilising the City's own database software. This allows us to prepare a list of all vacant lots and recent demolitions in the City. Residents who have been previously identified as non-compliant with the requirements of the Act are also added to the list along with properties reported by community members, agencies and Authorised Officers.
- A community engagement program is part of this strategy. All residents are provided with a Fire Control Public Notice, listing compliance requirements in August of each year plus advertisements in the newspaper and online are posted. In partnership with the Department of Fire and Emergency Services (DFES), the City continuously provides additional information through an ongoing educational campaign to assist the community to understand their own potential risk exposure while fostering a greater community awareness and support for fire risk mitigation.

POLICY REQUIREMENTS - FIRE PREVENTION:

1. Annual Schedule and City of Bunbury practices

- 1.1 Work Procedures Review** - The Team Leader Rangers & Emergency Management (TLREM) / Deputy Chief Bush Fire Control Officer (DCBFCO) shall review this procedure and current practices in September of each year.
- 1.2 Joint Meeting** - The TLREM shall convene and attend a meeting with other Fire Control Officers and other relevant staff, prior to the fire season each year. The meeting will assess the situation for the coming season and a list of Council properties shall be identified including treatments required to minimise fire hazards (e.g., chemical spraying, slashing, firebreaks).

If required, advice on implementing fire hazard reduction strategies shall be sought from relevant organisations, such as DFES and/or the Department of Biodiversity Conservation and Attractions (DFES and DBCA).

Where the estimated cost of proposed works cannot be accommodated within the annual budget, the annual risk treatment schedule recommended by the TLREM shall be referred to the Executive Leadership Team (ELT) with recommendations, regarding any rescheduled risk priorities in the fire hazard reduction programme.

- 1.3 Implementation of the hazard reduction** program will be prepared following consultation with DFES, DBCA and the Chief (CBFCO) & Deputy Chief Bush Fire Control (BCBFCO) officers in collaboration with relevant internal stakeholders. This program will consist of managed land under the care of the Emergency Management team and compliance action for privately owned land administered by the Ranger team.

The City will arrange required hazard reduction work. The Mitigation Activities Fund (MAF) grant program administered by DFES, will be utilised where possible, to fund treatments associated with State Government owned land that is managed by the City.

1.4 Annual Residential Inspections

In September of every year, the City will place the annual Fire Control Notice in the local newspaper to advise the community of all compliance requirements. A list of City Fire Control Officers will also be provided, so community members are made aware of which members are authorised representatives of the City.

Compliance inspections shall commence immediately following the commencement of Fire Season which has been gazetted to start 18 November and will continue until the season concludes on 5 May. The City also reserves the right to extend the season if conditions are such that an extended risk exists. Any extension shall be communicated in the newspaper and on the City of Bunbury website.

Any lands that do not comply with the requirements as defined in section 3 (Standard Requirements) of this Policy, the owner of that land may be subject to an infringement notice as per s. 33 (3) of the Bush Fires Act 1954.

Continued non-compliance may result in the City engaging the services of a contractor to complete the required works on the property and the invoice will be forwarded to

the owner of the land. A Ranger Fire Control Officer will be present while the works are conducted as per s.33, 4 (b) of the Bush Fires Act 1954.

The City may also consider prosecution where the owner of the land refuses to comply and/or the risk to other community members is increased due to excessive fuel loads and no genuine effort on the part of the landowner made to reduce the risk.

The City's procurement processes will be followed with regards to engaging and paying contractors to undertake work.

2. Permits to Burn

The CBFCO/DCBFCO and Chief Executive Officer (CEO), are delegated the authority to extend the Restricted Burning Period for up to fourteen days, in accordance with provisions of the Act.

Permits are required to burn within the Restricted Burning Period, and these will be issued (subject to the Act) to the public, by the Rangers/Fire Control Officers.

Permits issued will carry specific risk minimisation conditions and shall comply with the Act.

Notification of intention to commence a permitted burn must be given to all abutting landowners and occupiers, between a minimum of 4 days and a maximum of 28 days, prior to commencement of any burning.

Notification of the intention to burn must be provided by the permit holder to City's Ranger department, DFES and where stipulated on the permit, to Department of Primary Industries & Regional Development (DPIRD) on the morning of the day of commencement. This requirement shall be noted on the permit.

Ranger Fire Control Officers shall be responsible for ensuring that the permit holder is made aware of all conditions and requirements.

On days where DFES has issued a 'Total Fire Ban' for that day it is the responsibility of the landowner to check the status from the DFES website.

In order to conduct any of the Total Fire Ban Prescribed Activities during a Total Fire Ban (TFB), there are specific conditions which need to be complied with:

- Blasting
- Gas flaring
- Hot work
- Road work (grading and bituminising)
- Off-road activity
- Catering activity

Before conducting any of the above activities during a Total Fire Ban, DFES must be notified via the Online Notification Form at least 30 minutes prior to the activity commencing.

If the activity is occurring within 3 kilometres from land managed by the DBCA, the respective local District or Regional Duty Officer from DBCA must be notified at least 30 minutes prior to the activity commencing.

3. Standard Requirements

3.1 Private property (includes residential, commercial and industrial)

To protect from the risk of ember attack, from bushfire:

Fire Prevention is everyone's responsibility, and all property owners/occupiers have a duty to help us reduce the risk of fire.

Pursuant to Section 33 of the Bush Fires Act 1954, all City of Bunbury residents have a legal requirement to undertake fire prevention works on their property by 13 November and this standard must be maintained until 5 May.

- (a) Where the area of land is 2024m² or less, occupants must slash/mow all grass to a height no greater than ten (10) centimetres and remove all slashed materials and other flammable matter from the land.
- (b) Where the area of land is greater than 2024m² firebreaks free of all flammable material and at least three (3) metres wide and four (4) metres high, are to be installed immediately inside all external boundaries of the land and immediately surrounding all buildings on the land.

Firebreak Specifications

- must be not less than three (3) metres wide immediately inside and along all boundaries (Including boundaries adjacent to roads and open spaces)
- must be not more than four (4) metres wide
- must have a vertical clearance height of four (4) metres, with all overhanging vegetation trimmed back clear of the firebreak.
- must be a mineral earth firebreak or maintained living lawn with a continuous trafficable surface for a 4WD vehicle, clear of any obstructions and must not terminate in a dead end

3.2 Fuel and Gas Depots

In respect of land owned and/or occupied, on which is situated any container normally used to contain liquid or gas fuel, including the land on which any ramp or supports are constructed, you shall have the land clear of all flammable material.

3.3 Burning Permits, Burning of Bush, Grass and Garden Refuse

Each year burning is not permitted from 11 December to 24 March inclusive.

A Burning Permit must be obtained for the burning of any materials (including garden refuse) from 1 November to 10 December inclusive and from 25 March to 5 May inclusive.

Permits are automatically cancelled on days of very high and extreme fire danger as no burning of any type is permitted, not even in incinerators.

Permits to burn must be obtained from the City of Bunbury and all conditions imposed by the City's Fire Control Officers and Authorised Persons must be followed. Conditions may include:

- Three adults always present at the fire.
- Neighbouring property owners and occupiers notified at least four days before burning or on the day if agreed.
- Running water, or a fire unit with water pump and at least 500 litres of water, at the fire always.
- Time and wind conditions restrictions are also specified in the permit.

Permits to burn will not be issued, or permitted at any time, in Residential Areas or on land less than 2024²m, due to the increased hazard the activity presents.

Persons burning without a permit or approval, may receive an on the spot fine or be liable for fines up to \$2,000 plus costs and/or imprisonment. In the case of a running or escaping fire, the responsible person may be liable to prosecution or civil action and may be required to pay damages and the cost of firefighting, even if a permit or approval has been obtained.

Total Fire Bans

Total Fire Bans are declared on days when fires will be very difficult to control and are most likely to threaten lives and property because there is extreme fire weather or widespread bushfires that are seriously stretching firefighting resources.

Total Fire Bans prohibit lighting open air fires which includes deliberately lit fires, burn offs, cooking with open-fire appliances or campfires; or carrying out business activities that could start a fire including incinerators, welding, grinding, soldering or gas cutting.

As of 2018 the State Government has increased penalties for anyone breaching a Total Fire Ban. An offence can incur an on-the-spot infringement of \$1000. Repeat offenders or offences of a serious nature could result in prosecution with a fine of up to \$25,000 and / or imprisonment for 12 months.

3.4 Campfires, Cooking and Cultural Ceremonies

Use of Campfires & Firepits (Open Air)

Due to the increased risk from open flame, radiant heat and ember exposure, the use of campfires and firepits in the open air are **restricted** within the whole of the District of the City of Bunbury as per the following:

- on any land greater than 2024²m from 1 November until 5 May (inclusive), annually;

The use of campfires and firepits in the open air, are **prohibited** within the whole of the District of the City of Bunbury as per the following:

- on any land less than 2024²m at all times;
- on any public lands including City Reserves, beaches, caravan parks, holiday properties, vacant land or roadside parking bays unless a permit has been issued.

The defining feature of a fire pit is that they are designed to contain fire, prevent it from spreading and preferably raised off the ground.

Note that any fire that exists under a patio, or other external shelter, is still considered open-air.

Use of Pizza Ovens, Barbecues and Smokers (Solid Fuel)

For the purpose of cooking, BBQ's, pizza ovens and smokers etc that require a solid fuel such as wood, pellets or charcoal, are **not permitted at all** during the Prohibited Burning period between 11 December and 24 March.

During other permitted periods of use, all flames must be extinguished as soon as the cooking process has been completed.

Note that Between 1 November and 5 May or during Total Fire Bans in any year, pizza ovens used for a commercial "catering activity", where fire is required, will require an approved Department of Fire & Emergency Services (DFES) exemption to conduct the activity.

Cultural Ceremonies

Cultural ceremonies that involve fire are permitted under certain conditions. Elders or appointed event organisers are required to contact the City of Bunbury for approval at least 24 hours prior to the event between 6 May and 31 October of any year. To minimise the risk, all materials must be within a metal container of at least 10 litres of capacity with a minimum of 20 litres of water and a portable fire extinguisher present.

Between 1 November and 5 May or during Total Fire Bans in any year, all cultural ceremonies, where fire is required, will require an approved Department of Fire & Emergency Services (DFES) exemption.

Note, exemption applications can take up to eight (8) weeks to process and must be approved prior to the planned commencement of the activity. Further information is available on the DFES website.

Permits

Permits are required for permitted activities during the Restricted Burning period, and it would constitute an offence to light a fire without a valid permit. Permits are cancelled and no burning is allowed if the Fire Danger Rating is High or Above.

Additionally, permits can also be cancelled should changes in weather conditions occur or other risks present themselves.

A Total Fire Ban would also cancel any permit and community members must check the DFES webpage to see if one is in effect in your area prior to lighting any fire.

These activities are never permitted on any public land without permission from the City of Bunbury and doing so would constitute an offence.

3.5 Prohibited and Restricted Burning Periods

Prohibited Burning Period, as it applies within the Bunbury District, is from 11 December to 24 March (inclusive) annually.

Restricted Burning Periods, as they apply within the Bunbury District, are 1 November to 10 December (inclusive) and 25 March to 5 May (inclusive), annually. These dates may be subject to variation according to seasonal conditions, but any changes shall be advertised in a newspaper, circulating the Bunbury District.

If it is considered for any reason to be impractical to clear firebreaks or if natural features render fire-breaks unnecessary, a property owner/occupier may apply to the Council or its duly authorised officer, not later than 1 November annually, for permission to provide firebreaks in alternative positions, or to take alternative action to abate fire hazards on the land. If permission is not granted by the City of Bunbury or its duly authorised officer, the requirements as stipulated in the City's Fire Control Notice shall be complied with. If the requirements of the Fire Control Notice are carried out by burning, such burning must be in accordance with the relevant provisions of the Act.

4. City of Bunbury Notification Practice:

General Notification - Because of the complexity of this Policy and the impact of changing weather conditions, the City will follow these steps to notify the general public:

- Make the residents aware of the City's burn-off period and conditions, through the City's website and through the DFES www.emergencywa.gov.au website.
- Specific Notification - Team Leader Rangers and Emergency Management/DCBFCO shall ensure that property owners/occupiers in the area of a proposed hazard reduction burn will receive specific notification of the intended burn, in accordance with the Act.

5. Appointment, Qualifications and Training for City Bushfire Control Officers

Training:

Where required, all bushfire brigade members and relevant City staff, shall be trained by suitably qualified instructors from DFES and other suitable/recognised training organisations.

Unless stipulated otherwise, all training shall be valid for a period not exceeding 5 years after which time the brigade member or City staff, shall be required to again undertake the relevant training course, or demonstrate relevant competency maintenance activity, through logbooks or endorsement from the Brigade Captain.

Drivers of emergency vehicles shall be required to undertake relevant DFES driving courses, to enable the driving of emergency vehicles in emergency and off-road situations.

The City shall ensure that all Council fire personnel are trained and qualified to perform their duties, in accordance with the Act and this work procedure.

Annual Appointment of Fire Control Officers:

Council shall appoint Fire Control Officers in accordance with the Act and the relevant appointments shall be advertised in newspapers circulating the Bunbury District annually.

6. Annual Firebreak Notifications:

Pursuant to Section 33 of the *Bush Fires Act 1954*, the City shall post annual Fire Control Notices on the City Website, local Newspaper publications and on noticeboards in the City of Bunbury Administration building. This public notice will provide residents with the legislated requirements of each property.

Procedure:

Council will fulfil its obligations under the Act in accordance with the following guidelines:

- First Adopted:** (28) (a) – Council – 16 September, 1991
- Review by EMT:** 24 July, 2024
- Source of Procedure:** Senior Administration Officer,
- Review Date:** Annually, in July

Review Responsibility: Team Leader Rangers & Emergency Management

POLICY PROCEDURE

Using the City of Bunbury Fire Control procedure and Bushfire Risk Assessment process the risk of fire can be reasonably mitigated and will ensure activities comply with the Bush Fires Act 1954. Acting in accordance with the Act will ensure any treatments or remedial activities are both reasonable and effective. Any actions that require federal exemptions, especially in any area primarily populated by people, should only be considered when the treatments offered in the Bush Fires Act are proven ineffective.

The second stage is to concentrate on the community engagement and education component of the process which aligns with educational material provided by DFES, public notices provided within the Bush Fire Act 1954 and consistent with the activities of other Local Governments. The City Ranger team is committed to education and consultation with the Community to achieve compliance. Enforcement options are utilised only in the event the landowner/occupier chooses not to comply following the education process outlined in the procedure.

Risk Assessment

All identified properties are assessed as per the requirements of the *Bush Fires Act 1954*. They will be risk assessed as per the requirements listed in section 3 of this document.

Conclusion

Community members throughout Western Australia have become increasingly aware of Fire and the impacts on communities and the Country. Most recently the devastation in NSW caused by fires in 2019 and domestic fires in areas like Yarloop and Roleystone that ravished entire towns.

These catastrophic events have increased the awareness of residents and the knowledge required to mitigate the risk. It has also increased the community's expectations on local governments to proactively employ quality systems and process to reduce the risk and assist in protecting their lives and assets.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Bush Fires Act:1954, section 33 (1)*
- *Australian Standard 3959:2009 – Construction of Buildings in Bush Fire Prone Areas*
- *International Standard 31 000 – Risk Management -Principles and Guidelines*
- *Local Government Act:1995*
- *The City of Bunbury Bush Fire Brigade Local Law 2024*

INDUSTRY

- *National Risk Assessment Guidelines (NERAG) 2015*

ORGANISATIONAL

- *City of Bunbury Fire Control Notice*
- *City of Bunbury Fire Breaks and Inspections procedure*

Document Control					
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Reviewer:	Team Leader, Rangers and Emergency Management	Decision Maker:	Council		
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DOC/455536[v5]	Council Decision 238/24 26 November 2024	Policy reviewed with significant changes made.			
DOC/455536[v4]	Council Decision 188/23 26 September 2023	Policy reviewed with significant changes made.			
DOC/455536[v3]	Council Decision 179/21 31 August 2021	Policy reviewed with significant changes made.			
DOC/455536[v2]	Council Decision 049/20 17 March 2020	Consolidate policies and corporate guidelines in accordance with revised Policy Framework.			
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