



# **AGENDA**

**Bush Fire Advisory Committee  
Meeting**

**2 November 2024**



### **Notice of Meeting**

Notice is hereby given that the Bush Fire Advisory Committee Meeting will be held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Saturday, 2 November 2024 commencing at 8.30AM.

A handwritten signature in black ink, appearing to read "Dean Unsworth".

Dean Unsworth  
**Chief Executive Officer**

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**1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

**2 ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE**

**3 CONFIRMATION OF MINUTES OF MEETING**

Nil.

**4 BUSINESS ARISING FROM THE PREVIOUS MEETING**

Nil.

## 5 BUSINESS ARISING

### 5.1 Review of Bushfire Compliance Notice 2024/25

File Ref:	D24/37629
Previous Items:	BFAC23/003
Applicant:	Nil
Author and Title:	Dean Unsworth, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendices:	Item 5.1 Appendix 1 - WALGA / DFES - Section 33 Guidance Note Item 5.1 Appendix 2 - Shire of Murray Bushfire Compliance Notice 2023 - 2024 Item 5.1 Appendix 3 - Shire of Murray Bushfire Compliance Notice 2024/25 Item 5.1 Appendix 4 - Firebreak Notice and Bushfire Information Booklet 2022 / 2023

#### Recommendation

1. That the Bush Fire Advisory Committee supports the Chief Executive Officer in the amendment of the following clause to the 2024/25 Bushfire Compliance Notice:

#### ***Burning of Garden Refuse and Rubbish***

***The burning of garden refuse or rubbish is prohibited on all land in the district under 4,000 m<sup>2</sup> in size during the Limited Burning Time that would otherwise be permitted under section 24F of the Act.***

***The Limited Burning Time means 1 October each calendar year through until 15 May in the following calendar year (inclusive and as varied pursuant to Sections 17 and 18 of the Act).***

***On land larger than 4,001m<sup>2</sup> the burning of garden waste and rubbish that would otherwise be permitted under section 24F of the Act is prohibited absolutely during the Prohibited Burning Time.***

***Any time when there is in force a fire danger forecast issued for the district of High, Extreme or Catastrophic, Total Fire Ban or any other prohibition is in effect under the Bush Fires Act 1954, burning of garden refuse or rubbish in an incinerator or on the ground is prohibited on all land within the district.***

***In addition to the above restrictions, garden refuse burnt on the ground is burnt in accordance with this clause if:***

- (a) There is no flammable material, other than that being burnt, within five (5) metres of the fire at any time while the fire is burning.***
- (b) The fire is lit between 6.00pm and 11.00pm and is completely extinguished before midnight on the same day.***
- (c) At least one person is present at the site of the fire at all times until it is completely extinguished.***
- (d) One pile (up to one (1) cubic metre in size) can only be burnt at a time.***
- (e) When the fire is no longer required, the person ensures that the fire is completely extinguished by the application of water or earth.***
- (f) The person intending to light the fire must telephone the Department of Fire and Emergency Services' Communications Centre (COMCEN) immediately prior to igniting on (08) 9395 9209 or 1800 198 140.***

***The Shire of Murray Health Local Law 2018 further restricts and or prohibits burning of rubbish or refuse on land in the district.***

**2. That the annual Bushfire Compliance Notice be reviewed following the 2024/25 bush-fire season and that the Notice is reviewed on an annual basis in May each year to allow the Notice to be endorsed by Council and printing of Notices to be included in Shire of Murray annual rates notices.**

**3. The BFAC supports the clarification that fire permits can be provided to a landowner for a period of seven (7) days subject to the Fire Control Officer diarising each permit provided and reserves the right to withdraw this permit subject to changing weather conditions.**

### **In Brief**

The Bush Fire Advisory Committee is requested to discuss, review, and potentially amend the current 2024/25 Bushfire Compliance Notice.

### **Background**

Feedback has been received from the community through the role of a number of Councillors, that there is confusion with some sections of the 2024/25 Bushfire Compliance Notice.

Councillors, in their role under the Local Government Act is to:

#### **2.10. Role of councillors**

1 A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district; and
- (b) provides leadership and guidance to the community in the district; and
- (c) facilitates communication between the community and the council; and
- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

In previous years, the Bushfire Compliance Notice has been presented on an annual basis to the Bush Fire Advisory Committee (BFAC) and in turn then to Council for endorsement. Upon reviewing the 22 May 2024 Minutes, the Notice was not presented for review.

### **Report Detail**

A draft of the revised 2023/24 Bushfire Compliance Notice was circulated to all brigades and then presented to the BFAC meeting held 16 August 2023.

In the Officer report, it was stated:

*“The current Shire of Murray Firebreak Notice (Notice) was significantly amended as part of a full review in 2020. Further amendments have been undertaken again in 2023 in compliance with the recent WALGA Guidance Notes that were provided to support Local Governments to produce a standard, clear, concise and enforceable Notice that aligns with regulatory requirements”.*

This Guidance Note was tabled at the BFAC meeting and can be seen at **Appendix 1**. However, Section 33 deals with firebreaks, whereas section 24F deals with burning of garden refuse and rubbish, and hence the potential reason for some confusion within the community and volunteers.

As there was little feedback or compliant received, the 2023/24 Bushfire Compliance Notice was unchanged for 2024/25.

At this meeting, the Manager Rangers and Emergency Services presented the Notice, and it was Resolved:

### **BFAC23/003**

**Moved: P.Thurkle**

**That Council:**

- 1 Endorses the 2023/24 Shire of Murray Bushfire Compliance Notice, as attached at Appendix 3;**
- 2 Approves for the publication of the 2023/24 Shire of Murray Bushfire Compliance Notice in accordance with the provisions of the Bush Fire Act 1954.**

While this was then endorsed by Council, feedback has been recently received that the change to the Notice was not known to many of the Shire's residents, including Fire Control Officers.

The change that has caused some concern is the inclusion in the 2023/24 Notice **Appendix 2, page 14**, and then in turn in the 2024/25 Notice **Appendix 3, page 8** is the following section:

***"Burning of garden refuse and rubbish***

***A permit to burn must be obtained prior to any burning on any land that is over 4000m2.***

***The burning of any material including garden refuse or garden refuse or garden rubbish on any land that is 4,000m2 or less is strictly prohibited"***

The above permission is in line with the Bush Fire Act 1954:

#### **24F. Burning garden refuse during limited burning times**

**(3) Garden refuse burned on the ground is burned in accordance with this subsection if-**

- (b) The fire is lit between 6pm and 11pm and is completely extinguished before midnight on the same day.**

The Bush Fire Act section 24F is consistent with the Shire of Murray 2022/23 Firebreak Notice and Bushfire Information document **Appendix 4, pages 21 and 22**. In this notice, burning was permitted (subject to any enforced restriction) on land over 4,000m2 between 6 and 11pm. Feedback has been received that this has previous allowance has continued on a number of properties purely through the lack of awareness.

Also included in the officer recommendation is clarification of the provision of fire permits. The three-day permit can be problematic in some instances, especially if a permit has been provided on a Wednesday or Thursday as the permit would then ordinarily end on a weekend. Also, it may take two to three days for the landowner to get to the point of burning, and then, would then have to reapply. The officer recommendation therefore recommends a seven (7) day permit but subject to this being withdrawn subject to changing weather conditions.

### **Statutory Environment**

Bush Fire Act (1954) Section 24F applies.

**24F. Burning Garden refuse during limited burning times:**

**(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 5 m 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.

**Sustainability & Risk Considerations**

*Economic - (Impact on the Economy of the Shire and Region)*

N/A.

*Social - (Quality of life to community and/or affected landowners)*

N/A.

*Environment – (Impact on environment’s sustainability)*

N/A.

*Policy Implications*

There are no policy implications.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Moderate	There is moderate risk with this officer recommendation due to the allowance in the Bush Fire Act 1954 and the low amount of incidents the proposal has caused previously.



**Consultation**

Feedback from the community via Councillors in undertaking their role as per the Local Government Act.

**Resource Implications***Financial*

There will be minor costs to advertise any changes to the Bushfire Compliance Notice 2024/25.

*Workforce*

There are no implications to the Shire's workforce.

**Options**

1. Support the officer recommendation.
2. Amend the officer recommendation.
3. Not support the officer recommendation and revert to the current Bushfire Compliance Notice 2024/25.

**Conclusion**

In order to work positively and collectively with landowners and volunteers, and to avoid any confusion, it is recommended that the officer recommendation be supported. While the recent change is aimed at reducing risk and in line with the Western Australian Local Government Association and Department of Fire and Emergency Services Guidance Note – Section 33 Fire-break Notices reverting to the previous and well understood allowances for burning of garden refuse and rubbish (in line with section 24F of the Bush Fire Act 1954) is permissible and, in the opinion of the author, a responsible and reasonable way of allowing landowners to reduce fire loads on their own properties.

In effect, the recommended change as per the officer recommendation removes the need for a permit to burn on land between 6.00pm and 11.00pm and reverts to section 24F of the Bush Fire Act 1954.

This can be further reviewed via consultation with the Brigades at the end of the 2024/25 bushfire season and at the May 2025 BFAC meeting.

The intent of the changes to the 2023/24 and in turn the 2024/25 Bushfire Compliance Notices, and the intent of officers is always to ensure professional and contemporary management of risk. There is a requirement of ongoing review of risk. However, working in conjunction with the community and continuing to partner and educate our community is the most productive approach to ensuring we all can manage risk, but also adopt a reasonable approach where there is some leeway given to landowners. The officer's recommendation aims to ensure adequate risk measures are implemented and that there is still a compliance consistent with the Bush Fires Act 1954.

While guidance notes from WALGA and DFES are appreciated, they should be used merely as a guide, but also taking into account the abilities of our local volunteers and staff, past history and current procedures. In presenting this officer recommendation, all those things have been taken into account.

**6        REPORTS – EXTERNAL AGENCIES**

Nil.

**7        VOLUNTEER BRIGADE REPORTS**

Nil.

**8        MOTIONS WITHOUT NOTICE FOR DISCUSSION AT THE NEXT MEETING**

**9        NEXT MEETING**

**10      CLOSURE OF MEETING**