

ITEM NO.	C.21/1021	FILE REF.	
SUBJECT	Temporary Suspension of Enforcement action for Section 2 Fire break orders		
PROPONENT	Council		
OFFICER	Community Emergency Services Manager (CESM)		
DATE OF REPORT	25 October 2021		

OFFICER RECOMMENDATION 1

That Item C.21/1021 be accepted as urgent business.

OFFICER RECOMMENDATION 2

That Council authorise the CEO to suspend any enforcement action relating to Section 2 of the 2021/22 Firebreak and Fuel Hazard Reduction Notice for an initial period of 2 weeks (i.e. up to 29 November 2021 for Category 1, 2 and 3 properties and 15 November 2021 for Category 4 and 5 properties), with delegation granted to the CEO to approve a further 2 week extension for any category, subject to support being provided by the Chief Bush Fire Control Officer.

Summary/Purpose

The Shire of Bridgetown Greenbushes is due to enter the Restricted Burning Period on the 1st of November 2021. The weather in the Shire has been particularly different from the past few years and we are experiencing an unusually long and wet spring that are very conducive to growing grass and other fire fuels.

There are concerns that residents may face some difficulties in working to comply with the requirements of the Shire *Firebreak and Fuel Hazard Reduction Notice*, in particular Section 2 which details the work to be undertaken to make a property compliant. The vegetation in the Shire is still growing and some efforts are being hampered by unseasonal weather conditions.

Background

In consultation with the Chief Fire Control Officer and Deputy Chief Fire Control Officer it is recommended to Council that they suspend any enforcement action of Section 2 of the Firebreak and Fuel Hazard Reduction Notice for an initial period of 2 weeks, with an option to extend this period again for a further 2 weeks should the weather conditions not significantly change within this period. This will give residents and contractors the opportunity to carry out the required work without impacting on the environment whilst the curing (drying) of the grass does not present an apparent adverse risk to the community.

Council's 2021/22 Firebreak and Fuel Hazard Reduction Notice currently sets the following dates for compliance:

- Category 1 (Land under 5000m²) – 15 November 2021
- Category 2 (Land over 5,000m²) - 15 November 2021
- Category 3 – Land over 4 hectares - 15 November 2021
- Category 4 (Plantations and Harvested Plantations - 1 November 2021
- Category 5 (Timber Mills) - 1 November 2021

Given the ability of the bush to burn within a few days of fine weather it is not intended to alter the start date of the Restricted Burning Period which is due to start on the 1st November. Permits to conduct a burning activity will still be required from the 1st November.

Officer Comment

A significant number of property owners have contacted the Shire Customer Service Area, Shire Ranger and CESM in recent weeks expressing difficulties in engaging contractors to undertake mitigation work due to a backlog of work due to weather conditions and wet ground conditions making mechanical works difficult.

Statutory Environment

Bush Fires Act 1954

Section 33 - Local Government may require occupier of land to plough or clear fire-break.

Integrated Planning

- Strategic Community Plan
 - Outcome 3 – A safe community for people and animals
 - Objective 3.1 – Maintain high levels of community safety
- Corporate Business Plan
- Long Term Financial Plan
- Asset Management Plans
- Workforce Plan
- Other Integrated Planning

Policy Implications - Nil

Budget Implications - Nil

Whole of Life Accounting - Not Applicable

Risk Management

If Council doesn't support the officer recommendation the due date for properties to be compliant with the Firebreak and Fuel Hazard Reduction Notice will be 1 November 2021 for Categories 1 and 2, and 15 November 2021 for Categories 1,2 and 3. Due to recent weather conditions it is likely that many properties won't be compliant by the due dates. If the requirements of the Firebreak and Fuel Hazard Reduction Notice are enforced land owners risk receiving an infringement under the Bush Fires Act. It is expected the volume of appeals on these infringements would be high with mitigating reasons being given including the difficulties in engaging contractors and accessing parts of properties.

The level of risk to the Shire of Bridgetown-Greenbushes is in the area of reputation and have been assessed as "minor consequence" with a "possible likelihood" giving a risk rating outcome of "moderate" in accordance with Council Policy F.21 'Risk Management'.

Voting Requirements - Absolute Majority