



GOLDEN PLAINS SHIRE

ATTACHMENTS

**Under Separate Cover
Ordinary Council Meeting**

6.00pm Tuesday 22 October 2019

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9.2 Permits to Burn by Private Persons (Schedule 13)

Policy Title:	Schedule 13 Permits to Burn by Private Persons
Date Adopted:	27/1/16
Date Revised:	
Minute Book Reference:	27/1/16 Item 4.4.1, pages 19-22
Next Revision Due:	January 2020

PURPOSE

- To ensure permits to burn issued under the *Country Fire Authority Act 1958* (CFA Act 1958) by the MFPO, consider risks and contain conditions that may be reasonably required.
- To ensure Council resources are utilised effectively during the application, and issue of permits to burn.

INTRODUCTION

Golden Plains Shire is required under the CFA Act 1958 to appoint a Municipal Fire Prevention Officer (MFPO). The MFPO has a range of functions under the CFA Act 1958 including the ability to issue Section 38 permits to burn during the Fire Danger Period (FDP).

SCOPE

Applies to MFPOs (including deputy MFPOs as delegated) and administrative support staff.

POLICY

In rural areas a permit (permit to burn) pursuant to section 38(1) of the CFA Act 1958 must be obtained prior to burning off during the Fire Danger Period (FDP). The MFPO will only issue permits that are in accordance with the delegated responsibility of the position.

Permits to burn may be issued by the MFPO at any time throughout the FDP. The MFPO will determine if a permit to burn will be issued based on the seasonal fire conditions, the potential for the planned burn to become uncontrolled and the impact if that burn was to become uncontrolled. Based on the risk factors above, permits to burn generally will not be issued from 1 December to 1 March.

The MFPO will only consider applications for a permit to burn if all of the information required on the approved application form is provided.

Unless exceptional circumstances are given by the applicant and accepted by the MFPO, Schedule 13 permits will only be issued for the burning of grass and cropping stubble. Permits will also be issued in accordance with the Municipal Fire Management Planning Committee (MFMPC) endorsed Schedule 13 conditions. The conditions have been developed to consider the risk posed by the burning activity under advice from the MFMPC which is an inter-agency body chaired by the CFA as fire experts and authorities. The conditions approved by the MFMPC to be used during the fire season will be attached to the permit when issued.

If the MFPO believes additional conditions are required for a specific permit, based on the level of hazard that exists for the area of the burn, this decision may be made by the MFPO after consulting with the CFA Operational Officer or Operational Manager for that given area.

If Council or the MFPO is specifically aware of specific risks or vulnerabilities in relation to issuing of a permit, Council or the MFPO will attempt to refer the matter to the CFA.

Permit holders have a responsibility under Section 38(3) of the CFA Act 1958 to 'comply with each of the conditions and restrictions contained in the permit.'

Section 38(4) of the CFA Act 1958, determines that 'compliance with the conditions of a permit does not of itself relieve the holder of a permit from liability for any damage sustained by another person as a result of any fire lit by the holder of the permit pursuant to that permit.'

Once a permit is issued, the enforcement of the conditions on that permit are the responsibility of Authorised Officers for enforcement under the CFA Act 1958. The MFPO is not an Authorised Officer for enforcement purposes and therefore will not enforce permit conditions.

Council including the MFPO, Deputy MFPOs or other Council officers will not monitor compliance with section 38 permits to determine compliance. Council does not have a responsibility to do so, and it does not have the resources to do so.

Community education programs may be undertaken from time to time in partnership with CFA if Council resources allow.

PERMITS

A person may apply to the MFPO to be issued with a permit to burn under the CFA Act 1958. Applications for permits to burn are required to be in writing on the prescribed form as determined by the MFPO.

All applicants must sign a statement on the application form that they have the appropriate authority to submit the application and to carry out the works/ undertakings allowed under the permit.

No permit fee will apply to permit applications.

Application forms will not be considered by the MFPO if information is not correct or missing from the application.

In determining if a permit should be issued for burning, the MFPO will take into account the following considerations:

- The reasons for wanting to burn.
- The potential hazards/ risk of undertaking the burn or if the burn gets away.
- Vulnerabilities of the applicant or community around them and their ability to understand the conditions of a permit.
- Other means of disposing of the material.
- The duration of burning.
- The location of the proposed burn in proximity to adjoining hazards.
- The zoning of the land on which the burn is to take place.
- Whether there are adequate means of controlling and extinguishing the spread of the fire.
- Any relevant CFA advice.

If a permit is issued, it may contain relevant conditions as determined to be reasonably required by the MFPO. Whilst the MFPO can (and should) receive and consider advice from bodies such as the MFMPC and CFA (and Council if relevant), the MFPO has sole discretion in relation to the granting of permits and any associated conditions.

Once a permit is issued, it will be sent to the permit holder, the Brigade Captain and the CFA Group Communications Officer in which the burn is to take place.

The conditions contained in the permit to burn must be complied with by the permit holder. If a permit holder is unsure of the conditions contained in a permit they must contact the relevant CFA District for clarification prior to commencing the burn.

REFERENCES

Country Fire Authority Act 1958