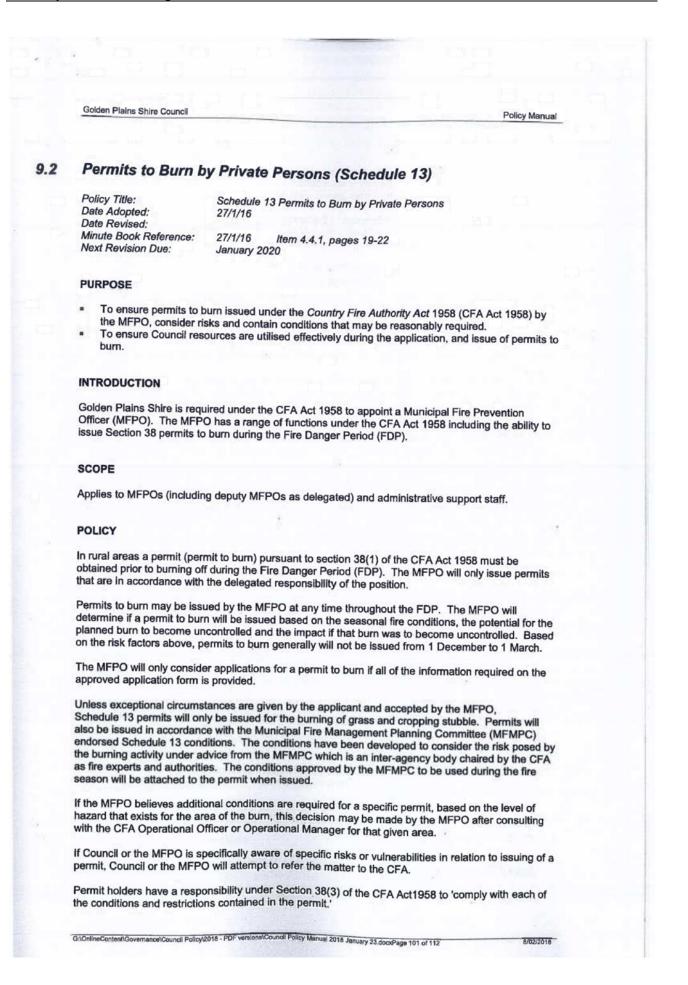


ATTACHMENTS

Under Separate Cover Ordinary Council Meeting

6.00pm Tuesday 22 October 2019

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Golden Plains Shire Council

Policy Manual

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

G:(OnlineContent)Governance)Council Policy/2018 - PDF versions)Council Policy Manual 2018 January 23.docxPage 102 of 112

8/02/2018