



# City of Busselton

*Geographe Bay*

**URGENT BUSINESS**

## **Council Agenda**

***10 October 2018***

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

[city@busselton.wa.gov.au](mailto:city@busselton.wa.gov.au)

**CITY OF BUSSELTON**

**URGENT BUSINESS FOR THE COUNCIL MEETING TO BE HELD ON 10 OCTOBER 2018**

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## **19. PLANNING AND DEVELOPMENT SERVICES REPORT**

### **19.1 VARIATION OF RESTRICTED BURNING TIMES TO MEET SEASONAL CONDITIONS**

<b>SUBJECT INDEX:</b>	Emergency Management
<b>STRATEGIC OBJECTIVE:</b>	A friendly safe and inclusive community with a strong community spirit.
<b>BUSINESS UNIT:</b>	Environmental Services
<b>ACTIVITY UNIT:</b>	Ranger and Emergency Services
<b>REPORTING OFFICER:</b>	Community Emergency Services Manager - Blake Moore
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Nil

#### **PRÉCIS**

The purpose of this report is to seek the extension and bringing forward of the restricted burning times from 02 November 2018 to 15 October 2018 due to seasonal conditions pursuant to Section 18 (5) of the *Bush Fires Act 1954*. Given the short timeframes involved, it is asked that the Council consider this matter as urgent business.

#### **BACKGROUND**

Due to rapidly changing seasonal conditions, lack of spring rainfall in some areas of the City and a recent fire there is concern that the current date of 2 November 2018 may be too late for the restricted burning times to commence.

As we are currently in an open burning season there are few conditions that apply to persons lighting a fire. By bringing restricted burning times forward this will then bring in the requirement for all persons lighting a fire in the open air to have obtained a permit before being able to burn. These permits are issued by Fire Control Officers that are responsible for an area where they have local knowledge and are able to place additional conditions on each permit if warranted.

#### **STATUTORY ENVIRONMENT**

Pursuant to Section 18 of the *Bush Fires Act 1954* (the Act), a local government may vary the restricted burning times.

- (5) *Subject to subsection (5B) in any year in which a local government considers that seasonal conditions so warrant the local government may, after consultation with an authorised CALM Act officer if forest land is situated in its district —*
- a) *vary the restricted burning times in respect of that year in the district or a part of the district by —*
    - i. *shortening, extending, suspending or reimposing a period of restricted burning times; or*
    - ii. *imposing a further period of restricted burning times;*
- (5B) *A variation shall not be made under subsection (5) if that variation would have the effect of —*
- b) *shortening the restricted burning times by; or*

c) *suspending the restricted burning times, or any prescribed condition, for, more than 14 successive days during a period that would, in the absence of the variation under subsection (5), be part of the restricted burning times for that zone in that year.*

#### **RELEVANT PLANS AND POLICIES**

There are no plans or policies relevant to this matter

#### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the Officers Recommendation.

#### **LONG-TERM FINANCIAL PLAN IMPLICATIONS**

There are no long term financial plan implications associated with the Officers Recommendation.

#### **STRATEGIC COMMUNITY OBJECTIVES**

This matter aligns primarily to Key Goal Area 1 – Community of the City’s Strategic Community Plan, and specifically community objective 1.1: A friendly, safe and inclusive community with a strong community spirit.

#### **RISK ASSESSMENT**

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City’s risk assessment framework. No significant risks have been identified. As discussed in the Officer Comment below, the Officer Recommendation serves to mitigate an identified risk associated.

#### **CONSULTATION**

There has been formal consultation with the DBCA CALM Act officer, Ed Hatherley, Chief Bush Fire Control Officer, Allan Guthrie and a teleconference with the City of Busselton Fire Control Officers on Friday, 7 November 2018; all supported a request to vary the restricted burning times.

#### **OFFICER COMMENT**

The fire behaviour experienced last week during a fire in Yallingup Siding, for which a Bush Fire Advice was issued, was more significant than had been expected.

As there is currently no means to place conditions on burning currently taking place, there is the potential of a fire becoming uncontrolled between now and the current date of restricted burning commencing on 2 November 2018.

Due to a lack of spring rainfall in some areas of the City and changing seasonal conditions, the soil dryness and Keetch-Byram Drought Indexes are currently tending at the same levels as the 2015/16 fire season (Esperance and Waroona Yarloop) levels.

In order to reduce the risk to the community and infrastructure, bringing the restricted burning time period forward will enable additional conditions to be placed on burning being conducted. This will potentially reduce the risk of a fire becoming uncontrolled.

**CONCLUSION**

In order to reduce the risk of uncontrolled fires, it is recommend that the Council endorse the change of dates for the restricted burning time to allow control and conditions over all fires that are to be lit within the City. Given the short timeframes involved, it is asked that the Council consider this matter as urgent business. The City would also need to take pro-active steps to communicate the change, and that would include advice through multiple channels, including conventional and social media, as well as via the City's website and networks.

**OPTIONS**

The Council could:

1. Determine that there is no requirement to vary the restricted burning times and therefore reject the request for variation; or
2. Vary the restricted burning times with an amended date of their choosing.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Should the variation be endorsed the restricted burning times would be shifted to 15 October 2018 and would be advertised in the local media outlets as soon as possible as required by the Bush Fires Act 1954 (the Act) Section 17(8) and (9).

**OFFICER RECOMMENDATION**

That the Council, pursuant to Section 18 of the *Bush Fires Act 1954*, endorse the variation of the restricted burning times, to commence on Monday 15 October 2018.