



Special Meeting of Council

Minutes

21 October 2014

MINUTES OF SPECIAL MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS ON 21 OCTOBER 2014

Preface

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the Minutes will be confirmed subject to any amendments made by the Council.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Council Meeting are put together as an addendum to these Minutes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as separate Confidential Minuted Agenda Items.

Unconfirmed Minutes

These minutes were approved for distribution on 23 October 2014.



Stan Scott
CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 28 October 2014.

Signed: 

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.

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ADDENDUM *with separate index follows Item 8.*

Shire of Toodyay

SPECIAL MEETING – 21 OCTOBER 2014

MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr D Dow, Shire President, declared the meeting open at 4.05 pm.

2. RECORDS OF ATTENDANCE

Members

Cr D Dow	Shire President
Cr B Lloyd	Deputy Shire President
Cr P Greenway	
Cr A McCann	
Cr T Chitty	
Cr B Rayner	
Cr C Firns	
Cr S Craddock	
Cr R Madacsi	<i>arrived at 4.15 pm</i>

Staff

Mr S Scott	Chief Executive Officer
Mr C Munson	Community Emergency Services Manager
Ms C Delmage	Manager Corporate Services
Mr G Bissett	Manager Planning & Development
Mr L Vidovich	Manager Works and Services
Mrs M Rebane	Executive Assistant

Visitors

Nil.

2.1 APOLOGIES

Nil

3. DISCLOSURE OF INTERESTS

The Chairperson advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

4. PUBLIC QUESTIONS (relating to the purpose of the meeting)

Nil.

**5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS
(relating to the purpose of the meeting)**

5.1 Petitions

Nil.

5.2 Deputations

Nil.

5.3 Presentations

Nil.

5.4 Submissions

Nil.

6. PURPOSE OF MEETING

This Special Meeting of Council was called by Cr Dow for the purpose of considering Emergency Management and Bushfire Related issues as follows:

6.1 Proposed Bushfire Regulatory Changes

Date of Report:	15 October 2014
Name of Applicant / Proponent/s:	Minister For Planning
File Reference:	FIR1
Author:	Graeme Bissett – Manager Planning & Development
Responsible Officer:	CEO
Previously Before Council:	This matter was presented to a Council Briefing on Bushfire Matters on 23 September 2014
Author's Disclosure of Interest:	Nil
Nature of Council's Role in the matter:	Advocate
Attachments:	1. Proposed Regulations; 2. Discussion Paper; and 3. Summary of AS 3959.
Voting Requirements:	Simple Majority

PURPOSE OF THE REPORT

The purpose of this report is for Council to consider their response to the proposed Planning and Development (Bushfire Risk Management) Regulations 2014. These are complementary to the proposed Bushfire mapping that is being presented as a separate matter for Council to consider as part of this Special meeting but are very much an integral part of the proposals in this report.

BACKGROUND

The Minister for Planning is seeking public comment on the proposed Planning and Development (Bushfire Risk Management) Regulations 2014. The regulations and discussion paper are attached.

These regulations follow the recent release of draft State Planning Policy 3.7:

Planning for Bushfire Risk Management and the Planning for Bushfire Risk Management Guidelines and intend to:

- clarify whether a property is within a bushfire prone area for the purposes of building and planning regulation;

- ensure that a bushfire risk assessment is undertaken before a new habitable building or land use is constructed in a bushfire prone area; and
- require development approval for habitable buildings and land uses on sites of extreme bushfire risk to ensure appropriate bushfire risk management measures are undertaken.

The regulations are prepared under section 256 of the Planning and Development Act 2005, and contain deemed provisions for automatic inclusion into all WA local planning schemes from 1 May 2015.

Council's comment is sought on the proposed regulations for inclusion in a submission Minister for Planning.

CONSULTATION IMPLICATIONS

As already indicated this matter was raised with Council on the 23rd of September at a briefing session on Bushfire matters where materials were given in relation to this proposal for Council to consider prior to this meeting.

STRATEGIC IMPLICATIONS

There are no significant Strategic implications in this proposal

POLICY IMPLICATIONS

There are no significant Policy implications in this proposal

FINANCIAL IMPLICATIONS

The implementation of these provisions will add to the cost of new homes by requiring owners to obtain a Bushfire Attack Level assessment and in some cases a development application on any lot identified by the Bush Fire mapping and or Regulations as being in a Bushfire Prone area. In some cases the cost of compliance in terms of the additional costs for home builders will be significant. These costs will rise proportional to the risk of "Bushfire attack Level" expressed as one of 6 ascending levels.

Some examples of potential additional items that will add to the costs are attached in a brochure containing the summary of AS3959 – 2009 Construction in a bushfire Prone Area provisions. Typically additional costs for the lower BALs 12.5 or 19 would add anywhere from \$1000 - \$5000 depending on the type of construction that requires modification. Costs for dwellings that are at the other extreme, BAL 40 or FZ (Flame zone) could add \$75 000 or even more because the whole building has to be fire proofed and full window fire shutters are required. Typically houses in the middle ranges above BAL 19 and Below BAL 40 could be expected to add \$15 -30 000 to a standard cost.

At the extreme end of the risk level it may make construction unviable or even not possible.

LEGAL AND STATUTORY IMPLICATIONS

These provisions override our Town Planning Scheme Provisions via the introduction of a new Bushfire Risk Management regulation. The Regulations call up the provisions of the Australian Bushfire Standard for Building Permit applications and require Planning Approval in areas designated as severe bushfire risk. The mapping becomes a legal tool to determine if a property is determined to be in a bushfire prone area.

RISK IMPLICATIONS (including DAIP)

These provisions are designed to reduce risk for the shire in terms of the impact of future bushfires.

ENVIRONMENTAL IMPLICATIONS

This proposal does not contain any notable environmental implications.

SOCIAL IMPLICATIONS

This proposal does not contain any notable social implications.

OFFICER COMMENT / DETAILS

A copy of the draft regulations and additional explanatory guidelines are attached. It is important to note that these provisions only apply to new dwellings, townhouses/flats, and boarding houses/motels. Commercial/industrial buildings are not included. There are also implications for outbuildings within 6m of residential properties.

In brief the regulations set out all new houses in a designated bushfire prone area will be required to obtain a Bushfire Attack Level (BAL) assessment which will need to be prepared by a competent person. This BAL is expressed as a level the impact of which is described in an Australian Standard. BAL's go from 12.5 – FZ or Flame zone. The BAL is a measure of heat that the dwelling will be exposed. BAL's are influenced by slope, distance to vegetation and shielding and the type of vegetation (or fuel load).

The BAL is then used to guide home builders on what level of protection must be incorporated in the dwelling to obtain a permit to build. If a BAL is either 40 or FZ which are the two highest levels a planning approval must also be obtained justifying why development should be permitted in such a high risk area.

The BAL assigned is then cross referenced to the Australian Standard AS3959 – 2009 “Construction in a bushfire Prone Area” which specifies what must be done to a dwelling to make it defendable in case of a bushfire. These requirements are based on sound bushfire science based on the behaviour of fires. The requirements take into account the impact of ember attack at the lower BAL's right up to Direct Flame impact at the extreme end.

They work together with the Building clear zone setbacks to reduce the risk of losing a property in a bushfire event.

The two base provisions that determine if a property is in a Bushfire prone area are if it is:

1. Within 100m of bushfire prone vegetation or
2. If falls within land identified by mapping that designates it as in a Bushfire prone area.

These draft provisions tie in with the Shire Bushfire Mapping that Council must sign off by the October 2014 meeting so it can be in place by December 2014.

As already stated the mapping will be considered separately but these provisions work with the mapping which determines if a block needs a BAL assessment or not.

OFFICERS RECOMMENDATION

That Council advise the Minister For Planning in relation to the proposed Planning and Development (Bushfire Risk Management) Regulations 2014 that:

1. Its supports the general provisions and direction of the proposed changes;
2. It considers the accreditation framework for Bushfire Attack Level assessors must be introduced concurrently with the Legislation introduction or immediately after; and
3. Any accreditation system must have review provisions to ensure assessors are audited and their work can be reviewed if regulators raise concerns over specific reports.

Cr Lloyd moved the Officer's Recommendation as follows:

That Council advise the Minister For Planning in relation to the proposed Planning and Development (Bushfire Risk Management) Regulations 2014 that:

- 1. Its supports the general provisions and direction of the proposed changes;**
- 2. It considers the accreditation framework for Bushfire Attack Level assessors must be introduced concurrently with the Legislation introduction or immediately after; and**
- 3. Any accreditation system must have review provisions to ensure assessors are audited and their work can be reviewed if regulators raise concerns over specific reports.**

Cr Firms moved an amendment to the motion as follows:

At Point 3 the word “regulators” be replaced by the words “any decision-making authority”

At Point 3 the word “raise” becomes “raises”

Cr Lloyd accepted the amendments.

The motion was put.

OFFICERS RECOMMENDATION/COUNCIL RESOLUTION NO 294/10/14

MOVED Cr Lloyd

That Council advise the Minister For Planning in relation to the proposed Planning and Development (Bushfire Risk Management) Regulations 2014 that:

1. Its supports the general provisions and direction of the proposed changes;
2. It considers the accreditation framework for Bushfire Attack Level assessors must be introduced concurrently with the Legislation introduction or immediately after; and
3. Any accreditation system must have review provisions to ensure assessors are audited and their work can be reviewed if any decision-making authority raises concerns over specific reports.

MOTION CARRIED 9/0

6.2 Bushfire Prone Mapping

Date of Report:	14 October 2014
Proponent:	Shire of Toodyay
File Ref:	FIR1
Author:	Corry Munson – CESM
Responsible Officer:	Stan Scott – Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	Nil
Voting Requirements:	

INTRODUCTION

The Office of Bushfire Risk Management (OBRM) has supplied the Shire of Toodyay with the first draft of the bushfire prone vegetation maps that cover the land within Toodyay's boundaries. The Shire of Toodyay has been given 60 days to comment and suggest any changes to the maps before OBRM submits the information the Commissioner of the Department of Fire and Emergency Services.

BACKGROUND

The State Government has released new draft regulations which if implemented will have the effect of modifying every Local Planning Scheme to deal with development Bush Fire Prone area. The identification and designation of bushfire prone areas acts as a mechanism to initiate application of bushfire land use planning in line with the Department of Planning's State Planning Policy 3.7 Planning for Bushfire Risk Management.

Land owners wishing to develop areas identified as being bushfire prone will need to conduct further assessment to determine the level of bushfire hazard (Bushfire Attack Level – BAL) and appropriate application of *Australian Standard AS3959-2009: Construction of Buildings in Bushfire Prone Areas*.

The FES Commissioner is responsible for designating areas as bushfire prone based on the information in the maps provided.

CONSULTATION

An information session was conducted in November last year regarding the different types of Bushfire Attack Level (BAL) in regards to the building code AS3959-2009 and the potential cost increase associated with building to different BAL. The CESM attended this meeting.

A consultation meeting was held in Chittering on the 14 October providing further information to Local Governments regarding the mapping process and implications that may arise from declaring areas of bushfire prone.

An information session for elected members to examine the maps provided by the OBRM was held on 25 September 2014.

STATUTORY ENVIRONMENT

The new draft regulations are the subject of a separate agenda item.

POLICY IMPLICATIONS

This proposal does not contain any notable policy implications.

FINANCIAL IMPLICATIONS

Designating the Shire of Toodyay as Bushfire prone would likely result in:

- More planning applications (and fees) where buildings are assessed as high risk;
- Greater complexity in assessing some building license applications, which means that privately certified applications will be assessed at less than full cost recovery.

STRATEGIC IMPLICATIONS

The Community Strategic Plan notes the importance of both bushfire risk management and a user friendly planning system. It may be challenging achieving both in some circumstances.

ENVIRONMENTAL IMPLICATIONS

This proposal does not contain any notable environmental implications.

SOCIAL IMPLICATIONS

This proposal does not contain any notable social implications.

OFFICER'S COMMENT

At the September information session members examined both the vegetation mapping provided by the OBRM and maps of previous fire scars in Toodyay. These maps made it clear that the Shire of Toodyay has experienced severe fires over all types of terrain and vegetation within the Shire boundaries.

The map provided by OBRM shows the majority of the Shire of Toodyay has bushfire prone vegetation and trying to separate the non-bushfire prone vegetation would appear to be very challenging for administration and planning requirements. It was also noted that there would also be a 100 metre buffer around bushfire prone vegetation that would further increase the area.

Given the extent of fire prone vegetation it is proposed that Council support the entire Shire being designated as bush fire prone. Under this approach, assuming the regulation is promulgated, there would be the following effects:

Every new residential building in the Shire of Toodyay would require an assessment of the Bushfire Attack Level;

- Only if the BAL is 40 or above (that is extreme) would a development application be required;
- Only if the BAL is 12.5 or above would there be any additional building costs; and
- If the BAL is less than 12.5 there would be no additional requirements.

These arrangements would apply to new buildings only, not extensions or renovations. Further any implications would relate entirely to the actual circumstances of the building, and there would be a single planning and building regime applying across the Shire.

OFFICER'S RECOMMENDATION

That Council advise the Office of Bushfire Risk management that it would support the entire Shire of Toodyay being designated as Bushfire Prone.

Cr Madacsi moved the Officer's Recommendation as follows:

That Council advise the Office of Bushfire Risk management that it would support the entire Shire of Toodyay being designated as Bushfire Prone.

COUNCIL RESOLUTION NO 295/10/14

MOVED Cr Craddock

That Standing Orders be suspended to permit members to receive a briefing from the CESM on the regional mapping.

MOTION CARRIED 9/0

Standing Orders were suspended at 4.42 pm.

Cr Firms departed Council Chambers at 4.42 pm.

Cr Rayner departed Council Chambers at 4.45 pm.

COUNCIL RESOLUTION NO 296/10/14

MOVED Cr Craddock

That Standing Orders be resumed.

MOTION CARRIED 7/0

Standing Orders were resumed at 4.50 pm.

Cr Rayner entered Council Chambers at 4.50 pm.

Cr Firms entered Council Chambers at 4.51 pm.

Clarification was sought.

Cr Firms objected to the motion.

Cr Lloyd seconded the motion.

Debate commenced.

Cr Firms foreshadowed an alternative motion as follows:

That Council advise the Office of Bushfire Risk management that it would support the provision for periodical reviews of the mapping

Cr Firms moved an amendment to the motion as follows:

That the words “except within the Toodyay town-site where the definition of the regulations would apply” be inserted following the words “designated as Bushfire Prone”

Cr Madacsi accepted the amendment.

Cr Lloyd objected to the amendment.

Cr Madacsi seconded the amendment.

Debate commenced.

Clarification was sought.

The amendment was put.

AMENDMENT

MOVED Cr Firms

SECONDED Cr Madacsi

That the words “except within the Toodyay town-site where the definition of the regulations would apply” be inserted following the words “designated as Bushfire Prone”

AMENDMENT LOST 2/7

Debate continued.

Clarification was sought.

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The motion was put.

COUNCIL RESOLUTION NO 297/10/14

MOVED Cr Madacsi

SECONDED Cr Lloyd

That Council advise the Office of Bushfire Risk management that it would support the entire Shire of Toodyay being designated as Bushfire Prone.

MOTION CARRIED 8/1

In accordance with Section 5.21(4)(b) of the Local Government Act 1995, Cr Firns requested that the vote of all members present be recorded. Councillors Dow, Lloyd, Greenway, Madacsi, Craddock, Chitty, McCann and Rayner voted for the motion. Councillor Firns voted against the motion.

6.3 Fire Management Plan for Toodyay Reserves

Date of Report:	15 October 2014
Proponent:	Shire of Toodyay
File Ref:	FIR1
Author:	Corry Munson – CESM
Responsible Officer:	Stan Scott – Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	
Voting Requirements:	Simple majority

INTRODUCTION

In order to effectively manage and mitigate its fire risks the Shire needs to develop a Fire Management Plan for all vested and owned lands. The proposed plan will provide the following information relevant to the management and risks associated with the Shire vested and owned lands:

- Fuel load assessments;
- Annual and new works program;
- Vegetation recording;
- Annual targets for prescribed burning;
- 5 year prescribed burn plan;
- Risk rating of vested and owned lands;
- Reserve identification; and
- Indicative cost for works to help annually with financial year budget planning.

BACKGROUND

The Community Emergency Service Manager is delegated to conduct fire management on all Shire vested, Shire owned land and Unallocated Crown Land within the gazetted townsites of Toodyay, West Toodyay and Bejoording. As it stands the land that fits into this category is approximately 2500 hectares.

As it currently stands 40% of the land managed and owned by the Shire of Toodyay do not meet the requirement of the Shire of Toodyay Firebreak Order and there is no developed annual plan to deliver the works required.

The Fire management plan will help with allocated finances for works and help to prioritise new works based on the risk associated to surrounding assets. The document will become a living plan and history of works carried out and updated annually as required once treatments of identified risks are conducted.

The Office of Bushfire Risk Management and Department of Fire and Emergency Services intend to release a new legislation in the next financial year regarding the tenure blind approach to identifying and treating bushfire

prone areas. This legislation was a recommendation from the Keelty Report into the Roleystone Fire and will be led by Local Governments across 46 Shire that have been identified as high risk.

CONSULTATION

The Office of Bushfire Risk Management conducted a consultation meeting with the local governments and relevant agencies from other government departments from the Avon region to go through the process to identifying and treating locations of high risk vegetation. The tenure blind approach will enable the Shire of Toodyay to put pressure on those government agencies to manage their lands far better than what is currently being conducted.

The proposed Fire Management Plan will be an indication to all agencies and Shire residents that the Toodyay Council is leading by example in regards to managing, identifying risks its lands.

STATUTORY ENVIRONMENT

The Shire of Toodyay is not presently fulfilling its obligations under the Bushfires Act, or its own firebreak order.

POLICY IMPLICATIONS

This proposal does not contain any notable policy implications.

FINANCIAL IMPLICATIONS

The development of the Fire Management Plan may need to be produced by an external contractor if the Reserves Management Officer position is not appointed.

The plan will help to ensure adequate planning for annual investment in land management activities.

STRATEGIC IMPLICATIONS

Management of the Shires own land for fire mitigation and bushfire protection was identified in the draft Environment Strategy.

ENVIRONMENTAL IMPLICATIONS

The plan will manage both the fire risk and the environmental values. One of the biggest risks to biodiversity is wild fire and this risk can be mitigated through effective management of fire risks and fuel loads

SOCIAL IMPLICATIONS

This proposal does not contain any notable social implications.

OFFICER'S COMMENT

This document is a much needed source of information on the land that is vested or owned by the Shire of Toodyay. Having this document will help the Shire of Toodyay to lead by example in fire management matters and help to create safer, healthier and more dynamic reserves. Currently we have very little understanding of many of our reserves and no current or future plan to even meet our minimum obligations.

When we get our own house in order we will be better placed and have more credibility in dealing with private land owners.

OFFICER'S RECOMMENDATION

That the CESM (and Reserves Management Officer if appointed) prepare a Shire of Toodyay Reserves Fire Management Plan to guide future activities and investment.

Cr Greenway moved the Officer's Recommendation as follows:

That the CESM (and Reserves Management Officer if appointed) prepare a Shire of Toodyay Reserves Fire Management Plan to guide future activities and investment.

Clarification was sought.

Cr Firms moved an amendment to the motion as follows:

That a Point 2 be included to read as follows:

- 2. That the Toodyay Naturalists Club and the Toodyay Friends of the River be consulted during the development of the Shire of Toodyay Reserves Fire Management Plan.**

Cr Greenway accepted the amendment.

Further clarification was sought.

Cr Firms moved an amendment to the motion as follows:

That a Point 3 be included to read as follows:

- 3. That the Shire of Toodyay Reserves Fire Management Plan includes an environmental impact statement.**

Clarification was sought.

Cr Greenway accepted the amendment.

Further clarification was sought.

Cr McCann moved a motion as follows:

That a Point 4 be included to read as follows:

- 4. That the Shire of Toodyay Reserves Fire Management Plan be brought back to Council for endorsement upon completion.**

Cr Greenway accepted the amendment.

Further clarification was sought.

The substantive motion was put.

OFFICERS RECOMMENDATION/COUNCIL RESOLUTION NO 298/10/14

MOVED Cr Greenway

That:

1. The CESM (and Reserves Management Officer if appointed) prepare a Shire of Toodyay Reserves Fire Management Plan to guide future activities and investment;
2. That the Toodyay Naturalists Club and the Toodyay Friends of the River be consulted during the development of the Shire of Toodyay Reserves Fire Management Plan;
3. That the Shire of Toodyay Reserves Fire Management Plan includes an environmental impact statement; and
4. That the Shire of Toodyay Reserves Fire Management Plan be brought back to Council for endorsement upon completion.

MOTION CARRIED 9/0

The Shire President adjourned the meeting at 6.04 pm.

The Shire President resumed the meeting at 6.15 pm.

Cr Greenway was not present in Council Chambers.

The Executive Assistant was not present in Council Chambers.

6.4 Reserves Management Officer

Date of Report:	15 October 2014
Proponent:	Shire of Toodyay
File Ref:	
Author:	Corry Munson – CESM
Responsible Officer:	Stan Scott – Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	Position Description
Voting Requirements:	Absolute majority

INTRODUCTION

The Shire of Toodyay has approximately 2500 hectares of vested and owned lands that require on ground management, much of which is not currently being conducted. The size of the responsibility and works required calls for the appointment of dedicated Reserves Management Officer to work across the shire. This position will provide the on ground works to create safer, healthier and more dynamic reserves in the Shire of Toodyay and help to achieve the goals set out in the Shire of Toodyay Environmental Strategy.

BACKGROUND

The importance of managing Shire land holdings has become more of a focus since the Roleystone fire and the release of the Keelty report which identified the lack of mitigation works that is carried out by Local Government on lands owned or vesting management orders. Conversely the review of the recent Parkerville fire highlighted the important contribution the Shire of Mundaring had made to fire mitigation ahead of the fire. Presently Toodyay is more akin to the situation that existing in Roleystone than Parkerville

The proposed position of the Reserve Management Officer compliments the operational requirements of the Community Emergency Services Manager and the Shires Environmental Officer, the position is set to achieve the outcomes that are desperately required for all Shire land holdings in regards to fire and environmental management.

Following discussions with Council during budget deliberations, the proposal has been modified to make it clear that the focus is not entirely a fire management issue but also land management for Shire land holdings. This position will focus on managing the risk of bushfire and maintaining and preserving environmental values. The position will be similar to a Department of Parks and Wildlife Officer, maintaining fire management practices and to conserve bio diversity values.

The State Government will shortly be introducing a new policy under SEMP 2.9, the policy is known as Bushfire Risk Management Planning (BRMP). This is a tenure blind approach to identifying and treating bushfire risk on all land, the

proposal for the State is that Local Governments will take ownership of the process, which in turn will create a workload that would not currently be viable by the CESM and the Environmental Officer

The Shire vested and owned lands are all required to meet the same requirements as indicated in the Shire of Toodyay Firebreak Order. We need to manage our lands and reduce the impacts of wildfire to surrounding assets the environmental flora and fauna. To reduce these impacts a dedicated staff member can conduct timely spraying, slashing and firebreak maintenance

It is worth noting that before the Community Emergency Services Manager position was created, and 70% funded by FESA, the Shire of Toodyay employed a full time fire management officer. The CESM role was never intended to take on all of the Shires fire management responsibilities and was instead to be focussed on broader emergency preparedness and coordination.

CONSULTATION

The proposed position has been discussed with the Shire of Mundaring, Wanneroo and Kalamunda who have had these positions for a considerable amount of time and have been able to measure the success or problems that have been encountered. The Department of Parks and Wildlife were consulted on the job description as their conservation employees conduct a very similar role of that required for the Shire of Toodyay. Department of Fire and Emergency Services were also consulted as they have positions called Bushland Mitigation Officers, but this role is mainly administration based with little field work conducted.

STATUTORY ENVIRONMENT

Council is responsible for firebreaks and mitigation works on land under its control.

POLICY IMPLICATIONS

This proposal does not contain any notable policy implications.

FINANCIAL IMPLICATIONS

Council budgeted to transfer \$40,000 to a Bush Fire Mitigation Reserve. It is proposed that these funds be allocated to this role together with other mitigation and administration allocations to fund the position was proposed in the draft budget.

STRATEGIC IMPLICATIONS

Management of the Shires own land for fire mitigation and bushfire protection was identified in the draft Environment Strategy.

ENVIRONMENTAL IMPLICATIONS

This position will help the Shires Environmental Officer to implement the Shire of Toodyay's Environmental Strategy and to develop practices that maintain and protect biodiversity values within the Shire of Toodyay land holdings

SOCIAL IMPLICATIONS

This proposal does not contain any notable social implications.

OFFICER'S COMMENT

On its budget deliberations Council recognised the importance of this activity, and set aside funds in reserve for the purpose. There seemed to be some concerns around the execution of the proposed approach.

These concerns have informed a revised duty statement which elevates the importance of managing reserves for environmental values. It is also important to note that there is no-one identified or earmarked for the position. The Search for candidates will commence if and when Council approves the allocation of funds.

We have moved into a new contract period for the CESM position, and it is proposed that the existing CESM vehicle be retained and kitted out for the new role rather than traded in. This should reduce the capital set up costs.

OFFICER'S RECOMMENDATION

That Council:

1. Endorse the creation of a new Reserves Management Officer role to manage the Shire's reserves and land holdings;
2. Allocate the \$40,000 earmarked for transfer to the fire mitigation reserve to the employment of this position;
3. Fund the balance of the cost of the position from existing budget allocations.

Clarification was sought.

Cr Greenway returned to Council Chambers at 6.18 pm.

The Executive Assistant returned to Council Chambers at 6.18 pm.

Manager Corporate Services departed Council Chambers at 6.28 pm.

Manager Corporate Services returned to Council Chambers at 6.45 pm.

OFFICERS RECOMMENDATION/COUNCIL RESOLUTION NO 299/10/14

MOVED Cr Lloyd

That Council:

1. Endorse the creation of a new Reserves Management Officer role to manage the Shire's reserves and land holdings;
2. Allocate the \$40,000 earmarked for transfer to the fire mitigation reserve to the employment of this position;
3. Fund the balance of the cost of the position from existing budget allocations.

MOTION CARRIED 9/0

The Shire President adjourned the meeting at 6.45 pm.

The Shire President resumed the meeting at 7.04 pm.

The Manager Planning and Development departed Council Chambers at 7.04 pm.

The Manager Corporate Services departed Council Chambers at 7.04 pm.

6.5 Fire control Officer Review

Date of Report:	14 October 2014
Proponent:	Shire of Toodyay
File Ref:	FIR25
Author:	Corry Munson – CESM
Responsible Officer:	Stan Scott – Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	1. FCO review.
Voting Requirements:	Simple Majority

INTRODUCTION

The Shire of Toodyay administration was requested by the Bush Fire Advisory Committee (BFAC) during the May 2014 meeting to conduct a review into the operations and duties conducted by the Shire of Toodyay appointed Fire Control Officers.

BACKGROUND

Under the Bush Fires Act 1954 the Shire of Toodyay appoints Fire Control Officers (FCO) to conduct prevention and suppression duties on behalf of Shire Council. The basic duty of an FCO is to write permits to burn, infringe individuals who do not comply under the Bush Fires Act 1954, take control of wildfire incidents and perform leadership duties as required within brigades and on the fire ground.

The request from the BFAC arose from concerns over the past few years about the way permits are being issued, the lack of follow up actions against individuals that are in breach of permits and the training standards of FCO's and the liability that the Shire of Toodyay may be exposed to with FCO's that are not up to a current standard.

CONSULTATION

The CESM and CBFCO conducted a FCO review meeting held at the Coondle fire shed which was attended by the majority of existing FCO's. Prior to the meeting a discussion paper was sent to all FCO's for them to comment on and provide feedback.

Consultation was conducted with the Shire of Toodyay Chief Bush Fire Control Officer and the District Officer from DFES who provided feedback on the way other Shires use FCO's.

STATUTORY ENVIRONMENT

Local Governments appoint Bushfire Control Officers under *Section 38 the Bushfires Act 1954* and the duties of these volunteers are set out in the legislation.

POLICY IMPLICATIONS

Council recently endorsed Bushfire Operating Procedures that set out preferred levels of training and qualification for different positions within the firefighting hierarchy.

FINANCIAL IMPLICATIONS

Recommendations 5 and 6 would have some cost implications for Council, and may require further investigation.

STRATEGIC IMPLICATIONS

These changes are consistent with Council's strategic commitment to bushfire risk management.

ENVIRONMENTAL IMPLICATIONS

This proposal does not contain any notable environmental implications.

SOCIAL IMPLICATIONS

This proposal does not contain any notable social implications.

OFFICER'S COMMENT

Recommendations have been used in accordance and references to the Shire of Toodyay Bushfire Brigade Administration Manual and SOP's. These references were also used during the consultation with the FCO's regarding standards of training amongst the current FCO group.

Recommendation 1:

That the number of FCO'S in the Shire of Toodyay be limited to 11 volunteers and designated staff.

Discussion:

The current number of FCO's is 21 with a varying difference in levels of experience and training. As the Shire is broken up into six areas of brigade operational localities:

- -Morangup
- -Central
- -FRS (Gazetted Town Site)
- -Julimar

- -Coondle-Nunile
- -Bejoording

FCO's should be appointed two per locality with the exception of the Townsite of the Gazetted town site of Toodyay. This giving a total number 11 FCO's for the Shire of Toodyay. Exceptions to the number of FCO's may vary due to the Shire Rangers and the CESM. The appointment of Chief and Deputies will come from the 11 FCO's throughout the localities above or to include the CESM in either senior role.

The decision to stand down current any FCO's should begin with a letter to all FCO's in the Shire of Toodyay which includes individuals current level of training and the requirements that must be achieved within a designated time frame. Through this process there may be FCO's whom feel it may be time to stand down due to age or not willingly wanting to complete the required training. If further numbers are required to be lowered then recommendations shall be given to Council which will be based on:

- -Previous performance
- -Current numbers of FCO's in the locality
- -Current training levels
- -Suitability to control fires in the Shire of Toodyay

Recommendation 2:

That for a 6 month period commencing immediately that fire permits only be issued centrally by staff FCOs.

Discussion:

The Shire of Toodyay should conduct a 6 month trial in the Restricted Burning season in autumn of 2015, this is the busiest time for permits.

The trial will bring all permits to burn to a central location and governed by up to two persons only. This may provide the following:

- Uniform approach to issuing permits;
- Further enforcing of the 24 hour notice to the Shire for intention to burn;
- Reduce the workload on volunteer FCO's;
- Issuing Officers shall also be appointed as Infringement Officers, they issue permits then they shall conduct the enforcement as required, this brings the Shires responsibility to one or two officers and accountability and responsibility remains at the Shire and not on the Volunteer FCO;
- Cost for property inspections of smaller hobby blocks will come back to the Shire of Toodyay and not back on the Volunteer FCO; and
- Tighter control of permits during times of impending weather.

The Shire of Toodyay permit register will be sent via email to all FCO daily to keep them in loop regarding what permits are out for that day. A register shall also be developed to record individuals whom have been in breach of their

permit or of permits that have been revoked, this information shall also be advertised daily to all FCO's.

Staff FCOs include the CESM, Rangers and the Reserves Management Officer (if appointed).

Recommendation 3:

That all FCO appointments will be conditional on the FCO remaining actively engaged in fire control or brigade activities.

Discussion:

From discussions from the FCO's and Brigades members it is important that FCO's have a certain level of interaction with brigades from time to time. To what level of interaction may come back to Shire of Toodyay Bushfire Brigades Administration and SOP's Manual. Stating the following:

- **2.6 Termination of membership**

- **2.6.3 Has not been active with the Brigade for a period of**

- **Twelve (12) months that a member will be taken to have resigned from the Bush Fire Brigade.**
 - **If extenuating circumstances prevent a member from meeting his or her Brigade commitments, it is the responsibility of the member to notify the Brigade Captain or Lieutenants.**

This recommendation needs to be endorsed by Council as FCO's are appointed by Council which may in Councils eyes exempt them from the above information.

Active contribution from FCO's shall be considered as either:

- -response to wildfire
- -participating in operational meetings
- -permit issuing as required
- -or normal brigade activities

If recommendation number two was successful, therefore the Shire of Toodyay are only require the services of Volunteer FCO's during wildfire incidents in to fulfil senior roles on the fire ground. Several FCO's indicated that this is a preferred workload.

Recommendation 4:

That FCOs be encouraged to take up leadership roles in wildfire incidents to maintain their skills.

Discussion:

After the current FCO numbers are revised and the remaining FCO's are competent in roles of seniority on the fire ground then the CBFCO, DCBFCO

and CESM shall endeavour to use the FCO's in more senior capacities on the fire ground. This recommendation will always be subject to availability of personnel on the day or at the time.

FCO's in preference over brigade Captains and other brigade members should be used for the following:

- Control of small incidents;
- Used in the AIIMS roles on the ground and in the incident management team;
- Be used for pre-formed local teams in the event of impending weather
- Gazetted as FCO's for the entire Shire; and
- Sent to incidents outside the Shire to gain further experience.

The CBFCO, DCBFCO and the CESM may at any time take over an incident from the FCO if the incident is escalating or exceeding the FCO's ability to handle such work load. In saying that the CBFCO, DCBFCO or the CESM can help to mentor and develop the FCO by attending any incident and working with that FCO as required, this will continue to be at the discretion of the most senior officer persons at the time.

The CESM will develop a SMS system similar to the current harvest service to the Shire residents but will be specific to all FCO's. This will provide FCO's with communication from the Shire in times impending weather, or during wildfire emergencies to call upon their services as required.

Recommendation 5:

That the CEO investigates a system to allow the reimbursement of fuel expenses for FCOs during fire incidents.

Discussion:

FCO's have tried for years to set up a system to be reimbursed for fuel used during fire operations. Is there scope for FCO's to have a fuel key allocated to them?

Now that the Shire of Toodyay have gone to the electronic fuel key system this would make it far easier to govern fuel use to an external individual. The idea should be investigated further regarding the allocation of a fuel key to FCO's for operational use only.

This system can be governed by the fact that the fuel monitoring system at the Shire Depot provides a date, time and fuel used. This can now be simply matched back to an incident number and the T-card provided by that FCO on the day of the fire incident. Access to the fuel bowser will be still granted by a Shire Staff member or the Ranger on duty if on weekends.

The CEO would prepare a report for Council assessing the costs and the risks of the proposed approach, and provide a report to Council at the November or December 2014 Ordinary Meeting of Council.

Recommendation 6:

That FCOs be issued with a red emergency beacon and magnetic signs for the driver and passenger doors of their vehicle to allow them to be easily identified on the fire ground.

Discussion:

FCO's often attend fires in their private vehicles, and take an incident management role. FCO's mentioned that whilst on the fire ground they are not easily identifiable and sometime this may cause farmers or other firefighters to not listen or take directions that may be given.

- The Shire needs to conduct a cost analysis to kit out an FCO with the following:
- -Magnetic Red beacon
- -Magnetic sign for driver side and passenger side doors with the words in reflective writing FCO.

Once the revision of FCO numbers is complete then all remaining FCO's should be issued with these two items if they intend to use their vehicles on the fire ground.

OFFICER'S RECOMMENDATION

It is recommended that Council adopt the recommendations of the FCO review as follows:

1. That the number of FCOs in the Shire of Toodyay be limited to 11 volunteers and designated staff;
2. That for a 6 month period commencing immediately that fire permits only be issued centrally by staff FCOs;
3. That all FCO appointments will be conditional on the FCO remaining actively engaged in fire control or brigade activities;
4. That FCOs be encouraged to take up leadership roles in wildfire incidents to maintain their skills;
5. That the CEO investigates a system to allow the reimbursement of fuel expenses for FCOs during fire incidents; and
6. That FCOs be issued with a red emergency beacon and magnetic signs for the driver and passenger doors of their vehicle to allow them to be easily identified on the fire ground.

Cr Firms moved the Officer's Recommendation as follows:

That Council adopt the recommendations of the FCO review as follows:

- 1. That the number of FCOs in the Shire of Toodyay be limited to 11 volunteers and designated staff;**
- 2. That for a 6 month period commencing immediately that fire permits only be issued centrally by staff FCOs;**
- 3. That all FCO appointments will be conditional on the FCO remaining actively engaged in fire control or brigade activities;**
- 4. That FCOs be encouraged to take up leadership roles in wildfire incidents to maintain their skills;**
- 5. That the CEO investigates a system to allow the reimbursement of fuel expenses for FCOs during fire incidents; and**
- 6. That FCOs be issued with a red emergency beacon and magnetic signs for the driver and passenger doors of their vehicle to allow them to be easily identified on the fire ground.**

Clarification was sought.

Cr Madacsi moved an amendment to the motion as follows:

That a Point 7 be added to read as follows:

- 7. That FCO's be expected to demonstrate their knowledge of current fire management practices required of Shire Brigades.**

Cr Firms did not accept the amendment.

Cr Lloyd seconded the amendment.

Debate ensued.

Clarification was sought.

The amendment was put.

AMENDMENT

MOVED Cr Madacsi

SECONDED Cr Lloyd

That a Point 7 be added to read as follows:

7. That FCO's be expected to demonstrate their knowledge of current fire management practices required of Shire Brigades.

AMENDMENT LOST 2/7

Clarification was sought.

The motion was put.

OFFICERS RECOMMENDATION/COUNCIL RESOLUTION NO 300/10/14

MOVED Cr Firms

That Council adopt the recommendations of the FCO review as follows:

1. That the number of FCOs in the Shire of Toodyay be limited to 11 volunteers and designated staff;
2. That for a 6 month period commencing immediately that fire permits only be issued centrally by staff FCOs;
3. That all FCO appointments will be conditional on the FCO remaining actively engaged in fire control or brigade activities;
4. That FCOs be encouraged to take up leadership roles in wildfire incidents to maintain their skills;
5. That the CEO investigates a system to allow the reimbursement of fuel expenses for FCOs during fire incidents; and
6. That FCOs be issued with a red emergency beacon and magnetic signs for the driver and passenger doors of their vehicle to allow them to be easily identified on the fire ground.

MOTION CARRIED 9/0

7. CONFIDENTIAL ITEMS

7.1 Appointments of Chief and Deputy Chief Bush Fire Control Officers

Cr McCann departed Council Chambers at 7.27 pm.

COUNCIL RESOLUTION NO 301/10/14

MOVED Cr Rayner

That Council move behind closed doors in accordance with Standing Order 5.2(2) order for confidential business to be discussed.

MOTION CARRIED 7/1

The meeting was closed to the public in to discuss confidential business in accordance with Section 5.23(2)(a), and (b) of the Local Government Act 1995.

All members of the public departed the Council Chambers at 7.28 pm.

Cr McCann returned to Council Chambers at 7.29 pm.

Cr Greenway departed Council Chambers at 7.29 pm.

Cr Greenway returned to Council Chambers at 7.32 pm.

MOTION (PART 1)/COUNCIL RESOLUTION NO 302/10/14

MOVED Cr Rayner

SECONDED Cr Craddock

That Council make the following appointments under the Bush Fires Act.

1. Craig Stewart be appointed to the position of Chief Bush Fire Control Officer;
2. Michael Rogers be appointed to the position of Deputy Chief Bush Fire Control Officer No 1;
3. Corry Munson be appointed to the position of Deputy Chief Bush Fire Control Officer No 2;

MOTION CARRIED 9/0

COUNCIL RESOLUTION NO 303/10/14

MOVED Cr McCann

That Council investigate the possibility of making the CBFCA a paid position given that the responsibility now needed has increased; and that this matter be brought back to Council at the next budget review.

MOTION CARRIED 9/0

Cr Greenway departed Council Chambers at 8.25 pm.

MOTION (PART 2)/COUNCIL RESOLUTION NO 304/10/14

MOVED Cr Rayner

SECONDED Cr Chitty

That Council make the following appointments under the Bush Fires Act.

4. That the CEO be delegated authority to appoint Fire Control Officers in line with the outcome of the FCO Review.

MOTION CARRIED 6/2

In accordance with Section 5.21(4)(b) of the Local Government Act 1995, Cr Firms requested that the vote of all members present be recorded. Councillors Dow, Lloyd, Rayner, Madacsi, Craddock and Chitty voted for the motion. Councillors Firms and McCann voted against the motion.

8. CLOSURE OF MEETING

The Shire President declared the meeting closed at 8.31 pm.



ADDENDUM

Attachments to Minutes of the

SPECIAL MEETING OF COUNCIL

21 October 2014

ADDENDUM
ATTACHMENTS TO MINUTES OF SPECIAL MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS ON 21 OCTOBER 2014

CONTENTS

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6.5 Fire Control Officer Review	21

BAL 12.5 estimated additional building costs associated with building a single storey home \$5,000 - \$12,000

AS3959

Section 3 & 5

Sub Floor Supports	No special construction requirements. NOTE: The exclusion of requirements for subfloor supports applies to the principal building only and not to verandas, decks, steps, ramps and landings (see Clause 5.7).
Floors	No special construction requirements. All timber species and engineered timber products as usual.
External Walls	Walls within 400mm of the ground, and deck or veranda's, require protection; i.e. non-combustible material, 6mm fibre cement clad or bushfire resisting timbers.
External Glazing and Doors	Windows and doors (including vehicle access doors) within 400mm of the ground, deck or veranda, require protection. Openable part to be screened. All screens to be corrosion resistant steel, bronze, or aluminium <2.0mm. Note: 4mm Grade A safety glass can be used in place of 5mm toughened glass. Door framing can be naturally fire resistant timber.
Roofs	Fully sarked and sealed, openings fitted with ember screens. Verandas and carports to be non-combustible, Vent pipes can be PVC.
Verandas and decks	Decking within 300mm of glazed elements to be non-combustible or hardwood (Table E1) or protected. Enclosed sub-floor space – no special requirement for materials except within 400mm of ground.

BAL 19 estimated additional building costs associated with building a single storey home \$5,000 - \$20,000

Section 3 & 6

	No special construction requirements. NOTE: The exclusion of requirements for subfloor supports applies to the principal building only and not to verandas, decks, steps, ramps and landings (see Clause 5.7).
	No special construction requirements. All timber species and engineered timber products as usual.
	Walls within 400mm of the ground, and deck or veranda's, require protection; i.e. non-combustible material, 6mm fibre cement clad or bushfire resisting timbers.
	Windows and doors (including vehicle access doors) within 400mm of the ground, deck or veranda, require protection. Glazing within 400mm of deck or veranda to be toughened 5mm. Unprotected doors to be toughened 5mm glass. Openable part to be screened with frame of metal or metal reinforced PVC-U or bushfire resisting timber. All screens to be corrosion resistant steel, bronze, or aluminium <2.0mm. Doors non combustible or 35mm solid timber 400mm above ground. Weather strips at base required.
	Fully sarked and sealed, openings fitted with ember screens. Verandas and carports to be non-combustible.
	Decking within 300mm of glazed elements to be non-combustible or hardwood (Table E1) or protected. Enclosed sub-floor space – no special requirement for materials except within 400mm of ground.

BUSHFIRE PRONE PLANNING

Summary of AS3959 - 2009
Construction of Buildings in Bushfire Prone Areas

For more information contact:
enquiries@bushfireprone.com.au

www.bushfireprone.com.au

BAL 29 estimated additional building costs associated with building a single storey home \$20,000 and higher

BAL 40 the cost increases associated with BAL 40 over BAL 29 are largely dependent on glass area

BAL FZ the cost increases associated with BAL FZ over BAL 40 are largely dependent on glass area

AS3959

Section 3 & 7

Sub Floor Supports	Enclosed by external walls or mesh with a 2mm aperture made of steel or bronze OR non-combustible material. Non-combustible supports where the subfloor is enclosed, naturally fire resistant timber stumps or posts on 75mm metal stirrups.
Floors	Concrete slab on ground, enclosure by external walls, metal mesh as above, or unenclosed floors < 400mm above ground shall be non-combustible, naturally fire resistant timber or protected on the underside with sarking or mineral wool insulation. Ply or particle sheet flooring to be sarked or mineral wool insulation.
External Walls	Non-combustible material (masonry, brick veneer, mud brick, aerated concrete, concrete), timber framed, steel framed walls sarked on the outside and clad with 6 mm fibre cement sheeting or steel sheeting or bushfire resistant timber.
External Glazing and Doors	Protected by bushfire shutter, or screened with steel, bronze or aluminium mesh or non-combustible, or 35 mm solid timber for 400 mm above threshold. Metal or bushfire resisting timber framed tight-fitting with weather strips at base. Windows - Protected by bushfire shutter or completely screened with steel, bronze or aluminium mesh, or 5 mm toughened glass with openable portion screened and frame of metal or metal reinforced PVC-U, or bushfire resisting timber and portion within 400 mm of ground level screened.
Roofs	Non-combustible covering. Roof/wall junction sealed. Openings fitted with non-combustible ember guards. Roof to be fully sarked. Eaves linings, fascias and gables to be non-combustible.
Verandas and decks	Enclosed sub-floor space or non-combustible or bushfire resistant timber supports. Decking to be non-combustible.

Section 3 & 8

	Enclosed by walls or mesh with a 2mm aperture made of steel or bronze OR be non-combustible.
	Unenclosed floors to be non-combustible, or have the underside of the combustible elements of the floor system protected with non-combustible sheeting.
	All walls to be non-combustible (masonry), or framed, (Steel or timber framed) sarked and clad with non-combustible material.
	Protected with non-combustible shutters; or, Metal frame with toughened Glass min 5mm. Openable AND fixed parts to be screened. All screens to be corrosion resistant steel, or bronze < 2.0mm. Vehicle access doors to be non-combustible.
	Non-combustible covering. Roof/wall junction sealed. Openings fitted with non-combustible ember guards. Roof to be fully sarked. Eaves linings, fascias and gables to be non-combustible.
	Deck to be non-combustible. Unenclosed sub floors to be non-combustible.

Section 3 & 9

	Enclosed by walls, or unenclosed to have at least an FRL 30/30/30. Unenclosed subfloor space to have the underside of the combustible elements of the floor system protected with a 30 min resistance to incipient spread of fire system.
	Where the subfloor space is unenclosed, the floor system, including bearers, joist and flooring, shall have at least FRL 30/30/30 or meet AS1530 or to have the underside of the combustible elements of the floor system protected with a 30 min resistance to incipient spread of fire system.
	Non-combustible or FRL 30/30/30.
	Non-combustible shutters or openable part to be screened. All screens to be corrosion resistant steel, or bronze < 2.0mm; AND, window system to have FRL -/30/-, or pass AS1530.8.2 when tested from the outside.
	Roofs to have FRL 30/30/30 Verandas - non-combustible. Eaves linings, fascias and Gables to be non-combustible. Metal pipes and conduits.
	Deck to be non-combustible and have no gaps. Unenclosed sub floors to be non-combustible.



PLANNING FOR BUSHFIRE RISK MANAGEMENT



Department of
Planning



Western
Australian
Planning
Commission

AUGUST 2014

Bushfire regulations discussion paper

Purpose

The *Planning and Development (Bushfire Risk Management) Regulations* (Regulations) aim to apply consistent requirements to development throughout Western Australia to reduce the risk of bushfire damage to habitable buildings in bushfire-prone areas.

The Regulations are intended to:

- clarify whether a property is within a bushfire-prone area for the purposes of building and planning regulation;
- ensure that a bushfire risk assessment is undertaken before a new habitable building is constructed in a bushfire-prone area;
- require development approval for habitable buildings on sites of extreme bushfire risk to ensure appropriate bushfire risk management measures are undertaken.

Context

The Regulations complement *State Planning Policy 3.7 – Planning for Bushfire Risk Management* (SPP 3.7), and the associated *Planning for Bushfire Risk Management Guidelines* (Guidelines), both of which have previously been advertised for public comment. These instruments apply to different stages of the planning process but work together to achieve the objective of reducing the impact of bushfire damage on lives and properties. A substantial number of submissions have been received by the Department of Planning in response to the policy and guidelines. These are currently being analysed and appropriate amendments to the documents being considered.

Disclaimer

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© Western Australian Planning Commission
Published by the
Western Australian Planning Commission
Gordon Stephenson House
140 William Street
Perth WA 6000

Locked Bag 2506
Perth WA 6001
Published August 2014

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This document is available in alternative formats on application to Communication Services.

Operation

The flow chart on page 4 shows how the Regulations will work.

The Regulations set criteria for determining if a property is in a bushfire prone area. These are:

- the property is in an area designated as bushfire prone by the Fire and Emergency Service Commissioner under the *Fire and Emergency Services Act 1998*¹; or
- the bushfire status of the property has not yet been determined by the Fire and Emergency Services Commissioner, but the property is within 100 metres of an area of bushfire-prone vegetation (as defined in the Regulations) covering more than one hectare.

The draft Regulations incorporate a default definition for bushfire-prone areas. This is to ensure planning and building approval mechanisms designed to manage bushfire risk are applied to all areas at risk of bushfire damage, pending the completion of a statewide assessment by the Fire and Emergency Services Commissioner.

Comment is sought on whether a default definition is an appropriate way to manage new development in areas at risk of bushfire prior to their statutory designation.

Are there any unintended consequences that may arise from this definition? What solutions exist to address any such consequences that will ensure bushfire risks are appropriately addressed?

¹ The draft Regulations assume that designation of bushfire-prone areas will be by means of maps endorsed by the Fire and Emergency Services Commissioner. If other mechanisms are provided for in the Emergency Services Bill, this will be reflected in the final version of the Regulations.

Prior to the construction of a habitable building on a property that is wholly or partly in a bushfire-prone area, a Bushfire Attack Level (BAL) assessment must be carried out according to the standards set out in Australian Standards *Construction of buildings in bushfire-prone areas* (AS 3959).

For sites assessed at a BAL rating of less than BAL-40, the local government's existing requirements for development approval, or for exemption from development approval, under the local planning scheme will apply.

However, the Regulations provide that development approval must be sought from the local government for the development of any new habitable building on a site assessed as being at extreme risk of bushfire damage (BAL-40 or BAL-Flame Zone), regardless of whether that class of building would otherwise have been exempt from development approval. This is to ensure that appropriate bushfire risk management measures are undertaken on the site in addition to the relevant building construction standards.

The Regulations apply to the site at the time of the proposed development, and the BAL assessment must be undertaken on the site characteristics as they exist at that time. No allowance is made for clearing that may occur in the future on adjacent properties. If the site is modified after a BAL assessment has been undertaken but prior to commencing development, another BAL assessment may be undertaken and the new rating used.

The Regulations require that a BAL assessment be done and that assessments of BAL-40 or BAL-FZ will require that development approval be obtained for any new habitable building. The Regulations do not direct local governments on how they assess those development applications, although guidance will be provided through State Planning Policy 3.7 and the Guidelines.

Comment is sought on whether existing lots in an area that is already mostly developed, and which are at a similar level of risk to existing neighbouring buildings, should have some assurance that development approval will be granted, with such bushfire management conditions as the local government considers appropriate.

The State Government is developing an accreditation scheme for fire risk consultants to provide assurance to consumers that professional assessments are undertaken by qualified personnel. Until the scheme is in operation, local governments may allow proponents to choose to self-assess the Bushfire Attack Level or employ a qualified bushfire risk assessor.

Application

The Regulations apply throughout Western Australia, and from 1 May 2015 will become part of, and be enforced through, all local planning schemes. No formal amendment to local planning schemes is required for this to occur.

The basic requirements of the Regulations will be the same for all local government areas throughout the State. However, local governments will have the ability to add other bushfire management provisions in their local schemes to meet local requirements, provided these provisions are consistent with the Regulations. The Regulations will prevail should there be any inconsistency between them and any provision of a local planning scheme.

The Regulations apply to new development on approved lots. They are not applicable at the scheme amendment, structure plan or subdivision approval stages, to which SPP 3.7 and the Guidelines will apply.

The Regulations apply to proposals for the development of all new habitable buildings and such other specified buildings as individual local governments may identify.

Construction of residential buildings in a bushfire-prone area must comply with the Building Code of Australia requirements for such construction, as applicable to the assessed BAL rating. Construction standards are regulated through the building permit process and are not the subject of these Regulations.

Development (planning) approval on sites of extreme bushfire risk (BAL-40 or BAL-Flame Zone) will be required for construction of new habitable buildings. This is to ensure that bushfire protection measures can be

considered beyond the actual habitable buildings, such as ensuring two ways to escape the property. The Regulations ensure that local governments have the opportunity to apply such conditions to development approvals, but do not specify them. The term 'habitable building' is defined in the Regulations and refers to any building in which people are expected to spend appreciable time, including homes, schools, shops, workplaces, dining and entertainment venues.

Comment is sought on the suitability of the definitions set out in the draft Regulations, in particular, "bushfire-prone vegetation" and "habitable building".

These Regulations are not intended to apply to renovations or extensions to existing buildings. Existing local government development approval or exemption arrangements for these activities will continue to apply. Existing homeowners are, however, strongly encouraged to prepare themselves and their homes to ensure they are bushfire-ready, and to consider opportunities to reduce bushfire risk as part of any alterations to their homes. Advice can be found here: <http://areyouready.wa.gov.au/>.

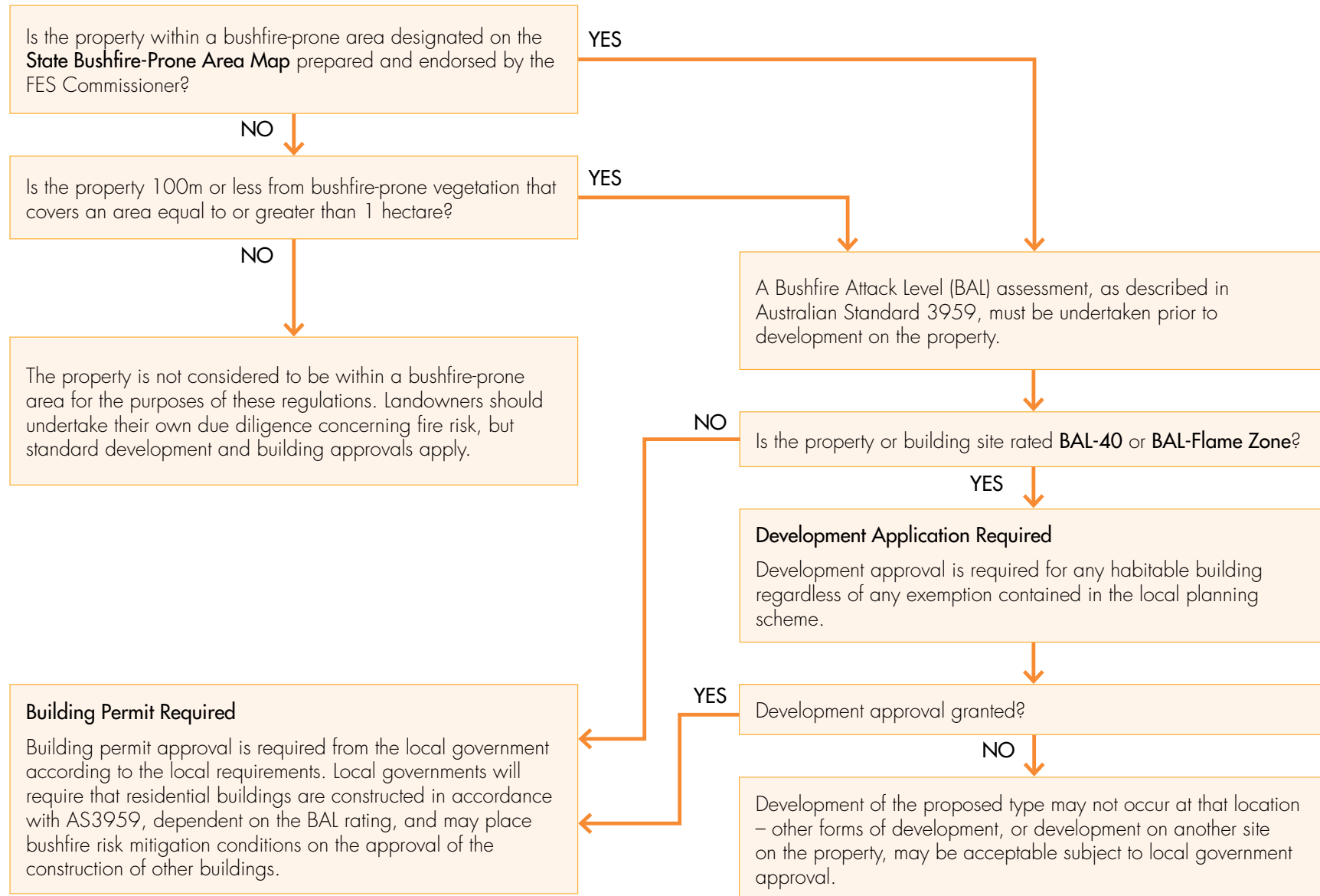
Process

These Regulations are released for consultation for a period of 60 days, with comment invited by 31 October 2014.

Subject to any amendments arising from the consultation process or consequential amendments required by other legislative processes within Government, the Regulations will be gazetted in late 2014. Unless disallowed by Parliament, the Regulations will take effect from 1 May 2015.

Transitional provisions in the Regulations are intended to ensure that people who have already commenced, but not completed, development or the development/building approval process prior to 1 May 2015 are not disadvantaged.

Flowchart: Proposed operation of bushfire deemed provisions





PLANNING FOR BUSHFIRE RISK MANAGEMENT



Department of
Planning



Western
Australian
Planning
Commission

AUGUST 2014

**Bushfire regulations
discussion paper**

**submission
FORM**

The preparation of the draft regulations stems from the report, *A Shared Responsibility: The Report of the Perth Hills Bushfire February 2011 Review* (2011), prepared by Mick Keely AO following the Perth Hills bushfires in February 2011. The report recommended that "The State Government give legislative effect to the *Planning for Bush Fire Protection Guidelines* (Ed 2, 2010)". The proposed regulations respond to this recommendation and complement the recently-released draft *State Planning Policy 3.7: Planning for Bushfire Risk Management* and revised *Planning for Bushfire Risk Management Guidelines*, which can be accessed at www.planning.wa.gov.au/bushfire.

To help in finalising the draft regulations, this submission form is proposed to ascertain community and stakeholder views regarding the effectiveness of the legislative measures proposed

All comments received will be considered prior to recommendations being provided to the Minister for Planning.

When making a submission, it is very helpful to:

- include the section or page number which relates to your area of interest;
- clearly state your opinion and the reasons for your opinion;
- outline alternatives or solutions to your area of interest; and
- provide any additional information to support your comments.

A submission form is included overleaf for your convenience. If you prefer to make a submission in an alternative format, please remember to include relevant details as outlined on the submission form.

Please note that all submissions will be published on the Department of Planning's website unless confidentiality is requested in the submission. Submitters may choose to retain some elements of their submission as confidential, or otherwise request their name not be displayed.

The closing date for submissions on the Bushfire regulations discussion paper is **5pm Friday 31st October 2014.**

Submissions on the policy may be emailed to bushfire@planning.wa.gov.au or posted to:

**Planning for Bushfire Risk Management
Bushfire regulations discussion paper
Submission form**

Department of Planning
Locked Bag 2506
Perth WA 6001

Closing date 5pm Friday 31st October 2014
We look forward to receiving your comments.

Name: _____

Organisation (if relevant): _____

Address: _____

Suburb: _____ Postcode: _____

Interest (eg. landowner, business operator): _____

Comments

Additional comments

A large, empty rectangular box with a thin black border, intended for providing additional comments.

Planning and Development (Bushfire Risk Management) Regulations 2014

Made by Minister under Part 15 Division 1 of the Act.

Part 1 — Preliminary

1. Citation

These regulations are the *Planning and Development (Bushfire Risk Management) Regulations 2014*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 May 2015.

Part 2 — Deemed provisions

3. Deemed provisions prescribed for local planning schemes

- (1) The provisions in Schedule 1 are prescribed for the purposes of section 256 of the Act.
- (2) The provisions in Schedule 1 are deemed provisions, being provisions to which section 257B of the Act applies, and are applicable to all local planning schemes.

Note: Under section 257B of the Act deemed provisions, as amended from time to time, have effect and may be enforced as part of each local planning scheme to which they apply, whether they are prescribed before or after the scheme comes into force.

If a deemed provision is inconsistent with another provision of a local planning scheme to which the deemed provision applies, the deemed provision prevails and the other provision is to the extent of the inconsistency of no effect.

4. Purpose of deemed provisions

The purpose of the provisions in Schedule 1 is to ensure —

- (a) that bushfire risk is addressed in planning and development decisions; and
 - (b) that there is a clear legal basis —
 - (i) for local governments to require the assessment of bushfire risk in areas identified under the provisions; and
 - (ii) the application of bushfire resistant construction requirements of the Building Code, as defined in Schedule 1 clause 2(1), in areas so identified;
- and
- (c) that the development of any building or structure on land assessed under the provisions as land having a high risk of bushfire attack is subject to development approval requirements, even if the class of development may ordinarily be exempt from those requirements.

Schedule 1 — Bushfire risk management: deemed provisions for local planning schemes

[r. 3]

1. Application of Schedule to a local planning scheme

For the purposes of this Schedule having effect and being enforced under section 257B of the Act as part of a local planning scheme prepared by a local government —

- (a) a reference in this Schedule to the *local government* is taken to be a reference to that local government; and
- (b) a reference in this Schedule to the *scheme* is taken to be a reference to that local planning scheme.

2. Terms used

- (1) In this Schedule, unless the contrary intention appears —
 - AS 3959* means Australian Standard AS 3959 — 2009 Construction of Buildings in Bushfire Prone Areas, as adopted from time to time as a referenced document for the purposes of the Building Code;
 - Building Code* means the Building Code of Australia which is volumes 1 and 2, as amended from time to time, of the National Construction Code series published by, or on behalf of, the Australian Building Codes Board;
 - bushfire* means uncontrolled fire in vegetation and includes wildfire;
 - bushfire attack level assessment* means an assessment prepared in a manner and form set out in AS 3959 to determine a bushfire attack level (BAL) as set out in AS 3959;
 - bushfire prone vegetation* means contiguous vegetation including grasses and shrubs but not including maintained lawns, parks and gardens, nature strips, plant nurseries, golf courses, vineyards, orchards or vegetation on land that is used for horticultural purposes;
 - construction* of a building includes the erection, assembly or placement of a building but does not include the renovation, alteration, extension, improvement or repair of a building;
 - contiguous* means separated by less than 20 metres;

cl. 3

development means the construction or use, or construction and use, of any habitable building or specified building;

development approval means approval obtained upon the making of a development application to the local government;

development site means the land on which a building that is the subject of development stands or is to be constructed;

FES Commissioner has the meaning given to that term in the *Fire and Emergency Services Act 1998* section 3;

habitable building means a permanent or temporary structure on land that —

- (a) is fully or partially enclosed; and
- (b) has at least one wall of solid material and a roof of solid material; and
- (c) is used for a purpose that involves the use of the interior of the structure by people for living, working, studying, being entertained or undertaking other activities;

specified building means a structure of a kind specified in the scheme as a kind of structure to which this Schedule applies in addition to its application to habitable buildings.

- (2) If a term used in this Schedule is not given a meaning by subclause (1) and is not given a meaning by the Act, the meaning of the term may be determined by reference, in the order listed, to the following —
 - (a) *State Planning Policy 3.1 Residential Design Codes (Variation 1)*, including any amendments made to the policy;
 - (b) any other State planning policy;
 - (c) the scheme;
 - (d) the ordinary meaning of the term.

3. Determining whether development site is in a bushfire prone area

For the purposes of this Schedule, a development site is subject, or likely to be subject, to bushfires and is referred to as being ***in a bushfire prone area*** in either of the following cases —

- (a) where the development site is on land covered by a Bushfire Prone Area Map endorsed by the FES Commissioner — if

any part of the development site is designated on that map as being in a bushfire prone area; or

- (b) where the development site is not on land covered by a Bushfire Prone Area Map endorsed by the FES Commissioner — if any part of the development site is within 100 metres of an area of bushfire prone vegetation equal to or greater than one hectare.

4. Proposed development in a bushfire prone area

- (1) Before commencing or carrying out any development on a development site in a bushfire prone area a person (the *developer*) must prepare, or cause to be prepared, a bushfire attack level assessment for the development site.
- (2) If —
 - (a) the bushfire attack level assessment prepared under subclause (1) calculates the bushfire attack level of the development site as BAL — 40 or BAL — Flame Zone; or
 - (b) because of the terrain of the development site it is not possible to calculate the bushfire attack level of the development site,

the developer must not commence or carry out any development on the development site without development approval.

- (3) Subclause (2) applies —
 - (a) in addition to any requirement in the scheme for development approval to be obtained; and
 - (b) despite any exemption in the scheme from the requirement to obtain development approval.

5. Application of clause 4

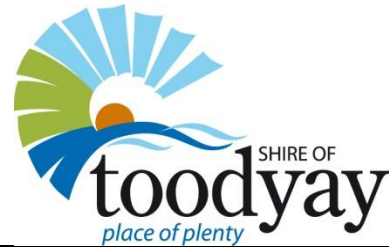
- (1) In this clause, each of these terms has the meaning given in the *Building Act 2011* section 3 —
 - building permit*
 - building work*

cl. 5

- (2) In this clause —
- application* means an application under the *Building Act 2011* for a building permit;
- transitional permit* means a building permit granted —
- (a) before 1 May 2015; or
 - (b) in respect of an application made before 1 May 2015; or
 - (c) in respect of an application to do building work on land that was not in a bushfire prone area when the application was made.
- (3) Clause 4 does not apply to the carrying out of a development commenced —
- (a) before 1 May 2015; or
 - (b) when the development site was not in a bushfire prone area.
- (4) Clause 4 does not apply to the commencement or carrying out of a development to which a transitional permit applies.

Minister for Planning

POSITION DESCRIPTION



POSITION DETAIL

1	TITLE	Reserves Management Officers
2	DEPARTMENT	Emergency Services
3	AWARD	Local Government Industry Award 2010
4	CONTRACT TERM	N/A
5	LEVEL	4
6	POSITION OBJECTIVES	
6.1	<p><u>Fire</u></p> <p>6.1.1 Fire mitigation activities and planning on all Shire land holdings;</p> <p>6.1.2 Develop Shire land holdings data base and mapping;</p> <p>6.1.3 Fire equipment maintenance; and</p> <p>6.1.4 Response to bush fire incidents</p>	
6.2	<p><u>Land Management</u></p> <p>6.2.1 Develop Shire land holdings database and mapping;</p> <p>6.2.2 Reserve and Shire land holding assessments;</p> <p>6.2.3 Work with the Environmental Officer to implement the land management goals of the Shire's Environmental Strategy; and</p> <p>6.2.4 Weed management, biodiversity of flora and fauna and revegetation.</p>	
7	KEY DUTIES / RESPONSIBILITIES	
7.1	<p>Management of all Shire land holdings including:</p> <ul style="list-style-type: none"> • Reserves • Freehold land • Public Open Space; • Road Reserves; and • Shire owned land. 	
7.2	Development of a land assessment tool to determine the condition and biodiversity values of Shire land holdings;	
7.3	Asses and rate Shire land holdings using the developed tool;	
7.4	Develop Shire land holding database that contains all relevant information such as history, maps, assessment findings, management works, fuel loads and biodiversity values;	
7.5	Fire mitiation planning;	
7.6	Fire break maintenance and construction;	
7.7	Fire reduction activities eg: spraying, prescribed burning, slashing and mulching;	

7	KEY DUTIES / RESPONSIBILITIES Cont...
7.8	Rehabilitation and revegetation of degraded reserves;
7.9	Management of Contractors;
7.10	Prescribed burn prescriptions;
7.11	Fuel load assessments;
7.12	Bush Fire Threat Analysis of all Shire land holdings;
7.13	Budget submission for planned works;
7.14	Stake holder consultation; and
7.15	Report findings as required.
7.16	Maintaining Bush Fire Brigade Equipment
	7.16.1 Moving of equipment for servicing;
	7.16.2 Maintenance of Fire Sheds;
	7.16.3 Delivering of goods to Brigades such as foam, drinking water etc.;
	7.16.4 Maintain Shire fire water tanks and suction facilities; and
	7.16.5 Fill Shire fire water tanks when required.
7.17	Participate In Public Education
	7.17.1 Community Workshops eg: Bush Fire Preparedness Workshops;
	7.17.2 Begin an educational land management Program;
	7.17.3 Help the CESM conduct educational events;
	7.17.4 Create a better awareness for bush fire issues in Toodyay; and
	7.17.5 Consult with landowners on property preparedness for summer periods.
7.18	Undertake annual fire break inspections within the Shire of Toodyay to ensure compliance
7.19	SEMP 2.9 – Bush Fire Risk Management Planning
	The Reserve Management Officer will participate in consultation with the CESM in the planning process of SEMP 2.9 BRMP and identify and conduct treatment strategies identified in the process.
7.20	Community Emergency Services Manager – CESM
	The Reserve Management Officer will act as CESM when required
7.21	Bush Fire Response
	The Reserve Management Officer will participate in all fire suppression activities as a first responder in the Shire of Toodyay.
	7.21.1 The Reserve Management Officer is the first response to all bush fire emergencies within the Shire of Toodyay.
	7.21.2 The Reserve Management Officer will be a designated Fire Control Officer (FCO) of the whole of the Shire of Toodyay;
	7.21.3 The Reserve Management Officer may provide support to the incident management team as required.
	7.21.4 Provide support to the CESM and Chief Bush Fire Control Officer and his Deputies as required; and
	7.21.5 Mop up and patrol fires to relieve volunteers.

8	SELECTION CRITERIA
	<p><u>Essential</u></p> <p>8.1 Bush Fire Experience – Required BFB Qualifications</p> <p>8.1.1 Introduction to fire fighting;</p> <p>8.1.2 Bush fire fighting;</p> <p>8.1.3 Advance bush fire fighting;</p> <p>8.1.4 AIIMS Awareness;</p> <p>8.1.5 Crew Leader; and</p> <p>8.1.6 Fire Control Officer training.</p> <p>8.2 Fire Management Experience</p> <p>8.2.1 Fuel Load Assessments;</p> <p>8.2.2 Writing prescriptions to burn; and</p> <p>8.2.3 Conducting prescribed burns.</p> <p>8.3 Environmental Management</p> <p>8.3.1 Sound understanding of environmental issues with nature reserves;</p> <p>8.3.2 Knowledge of conservation and land management issues; and</p> <p>8.3.3 Experience in the herbicide preparation, application and weed control.</p> <p>8.4 General</p> <p>8.4.1 Current WA 'HR' Class Drivers Licence - Four Wheel Drive Experience;</p> <p>8.4.2 Current Basic First Aid;</p> <p>8.4.3 Ability to work unsupervised;</p> <p>8.4.4 Able to work in a manual labour type role; and</p> <p>8.4.5 Basic computer skills.</p>
8.2	<p><u>Desirable</u></p> <p>8.2.1 Experience operating earth moving equipment;</p> <p>8.2.2 Knowledge of the Bush Fires Act 1954;</p> <p>8.2.3 Chainsaw Accreditation and experience;</p> <p>8.2.4 Certificate II in Conservation and Land Management; and</p> <p>8.2.5 Fire Break Inspection experience.</p>

9	ORGANISATIONAL RELATIONSHIPS		
9.1	<u>Responsible to</u> Community Emergency Services Manager		
9.2	<u>Supervision of</u> Nil		
9.3	<u>Accountability</u> Community Emergency Services Manager		
9.4	<u>Internal Liaison</u> <ul style="list-style-type: none"> • Chief Executive Officer; • Community Emergency Services Manager; • Senior Management; and • Other staff. 	<u>External Liaison</u> <ul style="list-style-type: none"> • General Public; • Government Departments; • Consultants; • Contractors and Suppliers; • Environmental organisations; and • Community Groups. 	
10	EXTENT OF AUTHORITY		
10.1	Operates under general direction of the Chief Executive Officer within established guidelines, procedures and policies of Council as well as statutory provision of the Local Government Act and other relevant legislation.		
11	SALARY PACKAGE DETAILS		
11.1	Cash Component – Depending on Experience and Qualifications*		
		Minimum \$	
		Maximum \$	
	Cash Component*	60,000.00	67,000.00
	Superannuation Guarantee @ 9.50%	5,700.00	6,365.00
	Local Government Superannuation @ 5% (Subject to matching contribution)	3,000.00	3,350.00
	Telecommunications	1,000.00	1,000.00
	Vehicle – Commuter Use Only	7,124.50	7,124.50
	Uniform Allowance (including PPE)	600.00	600.00
	Professional Development	1,500.00	1,500.00
	TOTAL PACKAGE	78,924.50	86,939.50

12	CERTIFICATION
12.1	The details contained in this document are an accurate statement of the duties, responsibilities and other requirements of this position.
	<p>CHIEF EXECUTIVE OFFICER</p> <p>Name: Stan Scott</p> <p>SIGNATURE: _____</p> <p>DATE: ___/___/___</p>
12.2	As occupant I have noted the statement of duties, responsibilities and other requirements as detailed in this document.
	<p>ENVIRONMENTAL OFFICER</p> <p>Name:.....</p> <p>SIGNATURE: _____</p> <p>DATE: ___/___/___</p>
12.3	DATE OF REVIEW: ___/___/___

SHIRE OF TOODYAY

FIRE CONTROL OFFICER REVIEW

SEPTEMBER 2014



EXECUTIVE SUMMARY

The Shire of Toodyay was requested to conduct a review into the current arrangement of its Fire Control Officers that have been appointed under the Bush Fires Act 1954. The request came from the May 2014 Bush Fires Advisory Committee (BFAC) to the CEO that this review investigates the following;

1. Current training standards amongst all FCO's
2. The concern with FCO's being out of touch with current requirements on the fire ground
3. Concerns regarding liability on the Shire if an incident was to occur due to the level of training and competencies amongst several FCO's.
4. The issuing of permits to burn, this process was also requested to be investigated

The Shire of Toodyay currently has 21 Fire Control Officers appointed under the Bush Fires Act 1954; of this number three are appointed under requirements of positions as Shire of Toodyay staff Officers such as the Shire Rangers and the Community Emergency Services Manager. The rest of this number is made up of Brigade members, Farmers and the senior Officers that have been appointed as the Chief and the Deputies.

Appointments of FCO's general have come from the recommendation from the brigades to the BFAC and then a vote is conducted and the recommendations are submitted to the Shire of Toodyay Council.

The following list shows all of the Shire of Toodyay current FCO's as of September 2014 and indicates the FCO positions and area of responsibility.

CESM SHIRE	CORRY MUNSON
C.B.F.C.O. SHIRE	MURRAY MCBRIDE
D.C.B.F.C.O 1 SHIRE	MICK ROGERS
D.C.B.F.C.O 2 SHIRE	MARK BRIGGS
D.C.B.F.C.O 3 SHIRE	CRAIG STEWART
RANGER 1 SHIRE	DEBBIE PAPPS
RANGER 2 SHIRE	ALAN KNAPP
BEJOORDING	BOB SOMERS
BEJOORDING	GEOFF LUDEMAN

BEJOORDING	BARRY GREY
BEJOORDING	LAWRENCE HAYWOOD
COONDLE	MAX HEATH
COONDLE	GARRY FORSYTH
COONDLE	JAY WAKKA
JULIMAR	CHARLIE WROTH
JULIMAR	HEATHER WEARMOUTH
MORANGUP	KIM MADDRELL
MORANGUP	DIETER BARTELS
CENTRAL	BRIAN WOOD
CENTRAL	WAYNE CLARKE
CENTRAL	KEVIN HUG
TOWNSITE	GORDON BOWMAN

The Shire of Toodyay invited all FCO's to participate in a review process to have their say regarding the current and the future of the role of FCO in the Shire of Toodyay.

On the night of the 19th of September 2014 12 FCO's attended the meeting, four apologies were submitted including two with responses to the topics of conversation that were sent to all FCO's. Ideally feedback from the prominent farmer FCO's to the north was required but there were no apologies and no feedback from them was provided.

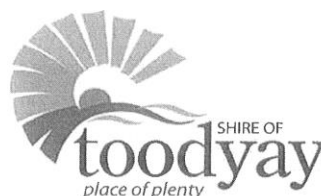
The main points that stood out on the night were:

- The surprise at the number of FCO's
- Changing environment in liability and responsibilities
- The Shire's reluctance to enforce the Bush Fires Act 1954 when required
- The vast differences in training and knowledge level amongst FCO's
- The work load on some FCO's
- Shire to take more responsibility in its duties
- To better use FCO's during wildfire incidents

The questions in the topics of conversation had been put together from issues and questions previously mentioned and raised at meetings such as operational or previous BFAC's and examples came from other Shires.

LETTER SUBMITTED TO ALL FIRE CONTROL OFFICERS

Our Ref: OCR20546



Dear Shire of Toodyay Fire Control Officer

Fire Control Officer (FCO) Review

I am writing to advise you that the Community Emergency Services Manager will be undertaking a review into the current Fire Control Officer system that is in place in the Shire of Toodyay.

During the May Bush Fire Advisory Committee, a motion was moved that a review be undertaken of all FCO's role in issuing permits, incident management, issuing of infringements and the current status of training amongst the current FCO's in the Shire of Toodyay.

The Shire of Toodyay has recently released the Bushfire Operating Procedures which contains the Administration Manual plus a standard of training that all current and future Fire Control Officers will be required to work towards.

The Bush Fire Operating Procedures is available on the Shire of Toodyay's website at <http://www.toodyay.wa.gov.au/publications.aspx>

I invite you to participate and have your say in the future practice of the FCO's and to discuss options that the Department of Fire and Emergency Services are currently trialling in regards to the way burning permits are being issued.

This meeting will take place as follows:

Venue: Coondle-Nunile Bushfire Brigade Shed
Date: 19 September 2014
Time: 5:00 pm
Other: BBQ dinner and refreshments supplied

I strongly encourage you to participate in the discussion and have your say as it will have an effect on your future role as a Fire Control Officer in the Shire of Toodyay.

If you have any queries in relation to the above please contact the Community Emergency Services Manager on Ph.0458-042-104.

Yours sincerely



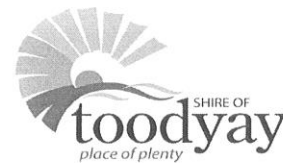
Stan Scott
Chief Executive Officer

2 September 2014

TOPICS OF CONVERSATION SENT TO ALL FCO'S PRIOR TO THE MEETING



FIRE CONTROL OFFICER REVIEW



The topics below will be discussed during the FCO review on the 19th of September at the Coondle Fire Shed. These are generic questions about the position of FCO and also questions which have been raised previously during the Bush Fire Advisory Committee for the Shire of Toodyay.

If you have any of your own questions you wish to discuss on the night please send them through to me prior to the meeting in case I need to conduct research to provide the best answer possible.

TOPICS FOR REVIEW

- **Current number of FCO'S in the Shire of Toodyay**

The current arrangement of FCO'S is divided into brigade districts; currently the Shire has 21 FCO's. Several of these are FCO's are for the entire Shire but the breakdown is roughly three FCO's per district.

Is there too many FCO's?

- **FCO condition of appointment**

The current condition of FCO role in Toodyay seems to be not too clear. Some FCO's are only writing permits to burn.

Some FCO's are controlling fires when required and some FCO's such as the rangers are only conditioned to infringe persons in the wrong.

Should FCO's be required to be able to fulfil all of the duties?

Does this system currently work efficiently? Do we need to simplify the system?

- **Issuing of permits to burn**

There is some concern over the past few years at the lack of appreciation by some permit holders of the responsibility whilst conducting burns and the arrogance shown by some when informed that a breach of the permit has taken place.

Are we making too easy for people to get burning permits?

Should there be more emphasis on property inspections and to understand if the person can safely conduct a burn?

· **Should the responsibility of issuing permits to burn come back to a single place, the Shire office and issued by the CEO's delegates?**

This would bring the accountability back to a single location and possibly take some pressure of FCO's during the busy time of permit issuing and possibly property inspections prior to issuing of permits.

· **FCO's appointments**

FCO's are appointed by Council, so should all FCO's fall under the Shire brigade and not the individual brigades within the Shire of Toodyay. This may also benefit many as they would not have to participate in brigade activities but they would lose the right to have any vote at their respective brigade.

· **Are we using the FCO's enough during fire emergencies?**

Some FCO's have raised concern about not being used appropriately during bushfire incidents or the Deputy Chiefs always take control and do not allow other FCO's to gain experience.

· **FCO current training standards**

There has been a lot of concerned raised over the lack of training that some of the FCO's in the Shire of Toodyay have and the concern that some FCO's are very out of touch regarding brigades, new requirements and standards.

Do you think you are competent enough to run a bushfire in the Shire of Toodyay?

Does the Shire need to arrange additional training for FCO's who do not have the current preferred qualifications?

· **Lack of FCO's at the Shire Operational meetings held throughout the year**

Throughout the year the Chief calls several operational meeting relating to matters for brigades and Fire Control Officers; it is very common that no FCO's from outside the brigades attend to hear or provide input into topics of conversation.

• **Should FCO's have set period of operational service e.g. 3 years?**

This is currently the practise in the Shire of Northam.

• **Should FCO's be officers for the whole Shire or only their district?**

• **Should Brigade Captains be gazetted FCO's upon their appointment to the position?**

This would allow Captains better powers under the act for fire suppression and prevention activities and may decrease the work load on the farmer FCO's.

FEEDBACK FROM THE REVIEW

The questions on the night were tabled as per the topics of conversation that sent to all FCO's prior to the meeting. Throughout this document it has been presented as best as possible regarding questions flowing into each other and not bouncing back and forth.

Current number of FCO'S in the Shire of Toodyay

Amongst the group there was not a current knowledge of the number of FCO's in the Shire of Toodyay and a feeling that maybe 21 maybe too many. FCO's did not know all the FCO's in the Shire.

The above statement is also replicated by many brigade members, as they feel that taking directions during a bushfire emergency by someone they do not know or have not seen around are those individuals able to make safe and informative decisions.

FCO condition of appointment

There has been confusion about the appointment of FCO's in the Shire and the understanding of the role between the BFAC, Council and the Bush Fires Act 1954.

There was a general consensus but not confirmed that some FCO's are only issuing permits and some are playing senior roles on the fire ground and issuing infringement's.

It was also voiced that FCO's currently do not represent a strong enough voice at the BFAC on the appointment of other FCO's and issues relating to fire prevention and control.

FCO's do not believe that they should have a shelf life but do concede that regular activity is vital to being in touch with brigades and changes to firefighting procedures.

Issuing of permits to burn

The discussion was split down the middle in regards to the responsibility on the FCO and the holder of the permit. FCO's generally inspect hobby farm blocks and very rarely inspect larger properties or broad-acre farmers on the assumption that they know the responsibilities and they apply annually for permits and are well known.

All FCO's generally have concern about issuing to hobby farmers because of a lack of fire equipment and understanding of fire behaviour. It was pointed out that generally our issues in the Shire of Toodyay come from farmers and not from hobby block areas.

It was noted that the fines are too small under the regulations in the Bush Fires Act 1954 and lack of enforcement from the Shire has maybe caused a poor culture and

the thought that she'll be right attitude in the Shire of Toodyay. It was strongly felt that repeat offenders in the Shire are not fined or prosecuted appropriately. Many FCO's have mentioned that the Shire has been far too slack regarding follow up from request of brigade members and FCO's to individuals whom have been in breach of their permits.

The group mentioned that they would like to be made aware through SMS or email about all the permits that are out in the Shire. Better communication from the Shire would be appreciated.

FCO's indicated that a system needs to be in place regarding repeat offenders and when permits are revoked so they are kept informed if approached by these individuals for a new permit.

2013-2014 restricted burning season information

- 119 permits issued
- 20 permits were for burning garden refuse
- 1 permit was revoked
- 3 known escapes under permit conditions

Should the responsibility of issuing permits to burn come back to a single place, the Shire office and issued by the CEO's delegates?

FCO's at the meeting general agreed that if the Shire was appropriately setup to deal with issuing of permits that this system would be worth a trial period. As the work load would be reduce dramatically on some FCO's including the cost of fuel and time to inspect some properties. However there was concern that FCO's in the localities around the Shire know and understand they areas and know and understand some of the locals whom require permits to conduct burns and wonder if this may cause some property owners to receive permits that should not have access to them.

It was put forward again that if the Shire was going to take over this task, the person would have to have local knowledge, the understanding the stubble burning is also part of the lively hood for farmers and wonder if this person would also take on the role of infringement.

FCO's appointments

FCO's believe that they should remain attached to a brigade and not come under the Shire's brigade. FCO's feel that they play an important part of the brigade structure and help to contribute to develop new brigade members and providing a leadership role. Some FCO's feel that is they were appointed to the Shire brigade then certain FCO's would not continue to train and update skills.

One submission from an FCO who could not attend the meeting thought that FCO's should be given KPI's to meet and this would be away of judging their ability to remain as an FCO.

Are we using the FCO's enough during fire emergencies?

The majority of FCO's strongly feel they are not been used efficiently in the control of fires and believe that they need to maintain and better develop their skills through controlling or playing senior roles on the fire ground.

Murray had indicated that due to the requirements to develop the DCBFCO this may be why some FCO's feel that they have not been used to the full degree. FCO's have indicated that an SMS system specific to all FCO's be developed so that they can called upon for tasks during summer.

Deputy, Chief or the CESM should stand over the shoulder and supervise an FCO at the onset of an incident. Should the incident escalate it would facilitate the expansion of the IMT with the Deputy, Chief or the CESM already knowing what is happening as the relieving IC and the FCO assuming the role as operations.

FCO current training standards

On the night of the review several FCO's indicated that they would not be able to control a fires due to lack of knowledge and understanding of what is required.

It was discussed about the level of training required to be an FCO in the BFB admin manual but the majority of persons on the night agreed that the standard set was suitable. FCO's that did not meet the current standard were given ample time to address their lack of training under the procedures in the BFB admin.

Lack of FCO's at the Shire Operational meetings held throughout the year

It just went to show on the night of the review only half the FCO's attended, enough said!

Should FCO's have set period of operational service e.g. 3 years?

This was strongly disagreed with by all attending.

Should FCO's be officers for the whole Shire or only their district?

All FCO's on the night agreed that this was defiantly required as FCO's attend fires across the entire district not just there patch.

The point was also discussed if this was the case are all FCO's able to write permits across the entire Shire.

Should Brigade Captains be gazetted FCO's upon their appointment to the position?

This was strongly disagreed with by the majority.

OTHER POINTS OF DISCUSSION

- Why has the Shire gone from 2 rangers available during the week to only 1?
- Why can't Rangers be involved in fire related activities?
- FCO's have tried for years to set up a system to be reimbursed for fuel used during fire operations is there scope for FCO's to have a fuel key allocated to them?
- Better use of vehicles by FCO's, concerns was raised when an FCO is using a fire appliance on the fire ground as it takes away an important resource.
- Do FCO's have access to Shire vehicles during long prolonged fire incidents?
- FCO's mentioned that whilst on the fire ground they are not easily identifiable and sometime this may cause farmers or other firefighters to not listen or take directions that may be given.

The points above regarding issues of the Shire Rangers are worthy of discussion at the Shire administration level, but no recommendations will be made in this review as the scope of issues with Rangers taking more involvement in fire prevention and suppression came about due to reasons that weren't discussed at the review.

RECOMMENDATIONS

Recommendation 1: That the number of FCO's in the Shire of Toodyay be limited 11 volunteers and designated staff.

The current number of FCO's is 21 with a varying difference in levels of experience and training. As the Shire is broken up into six areas of brigade operational localities:

- Morangup
- Central
- FRS (Gazetted Town Site)
- Julimar
- Coondle-Nunile
- Bejoording

FCO's should be appointed two per locality with the exception of the Townsite of the Gazetted town site of Toodyay. This giving a total number 11 FCO's for the Shire of Toodyay. Exceptions to the number of FCO's may vary due to the Shire Rangers and the CESM. The appointment of Chief and Deputies will come from the 11 FCO's throughout the localities above or to include the CESM in either senior role.

The decision to stand down current any FCO's should begin with a letter to all FCO's in the Shire of Toodyay which includes individuals current level of training and the requirements that must be achieved within a designated time frame. Through this process there may be FCO's whom feel it may be time to stand down due to age or not willingly wanting to complete the required training. If further numbers are required to be lowered then recommendations shall be given to Council which will be based on:

- Previous performance
- Current numbers of FCO's in the locality
- Current training levels
- Suitability to control fires in the Shire of Toodyay

RECOMMENDATIONS

Recommendation 2: That for a 6 month period commencing immediately that fire permits only be issued centrally by staff FCO's.

The Shire of Toodyay should conduct a 6 month trial in the Restricted Burning season in autumn of 2015, this is the busiest time for permits.

The trial will bring all permits to burn to a central location and governed by up to two persons only. This may provide the following:

- Uniformed approach to issuing permits

- Further enforcing of the 24 hour notice to the Shire for intention to burn

- Reduce the workload on volunteer FCO's

- Issuing Officers shall also be appointed as Infringement Officers, they issue permits then they shall conduct the enforcement as required, this brings the Shires responsibility to one or two officers and accountability and responsibility remains at the Shire and not on the Volunteer FCO.

- Cost for property inspections of smaller hobby blocks will come back to the Shire of Toodyay and not back on the Volunteer FCO.

- Tighter control of permits during times of impending weather

The Shire of Toodyay permit register will be sent via email to all FCO daily to keep them in loop regarding what permits are out for that day. A register shall also be developed to record individuals whom have been in breach of their permit or of permits that have been revoked, this information shall also be advertised daily to all FCO's.

RECOMMENDATIONS

Recommendation 3: That all FCO appointments will be conditional on the FCO remaining actively engaged in fire control or brigade activities.

From discussions from the FCO's and Brigades members it is important that FCO's have a certain level of interaction with brigades from time to time. To what level of interaction may come back to Shire of Toodyay Bushfire Brigades Administration and SOP's Manual. Stating the following:

- **2.6 Termination of membership**

2.6.3 Has not been active with the Brigade for a period of Twelve (12) months that a member will be taken to have resigned from the Bush Fire Brigade.

If extenuating circumstances prevent a member from meeting his or her Brigade commitments, it is the responsibility of the member to notify the Brigade Captain or Lieutenants.

This recommendation needs to be endorsed by Council as FCO's are appointed by Council which may in Councils eyes exempt them from the above information.

Active contribution from FCO's shall be considered as either:

- response to wildfire
- participating in operational meetings
- permit issuing as required
- or normal brigade activities

If recommendation number two was successful, therefore the Shire of Toodyay are only require the services of Volunteer FCO's during wildfire incidents in to fulfil senior roles on the fire ground. Several FCO's indicated that this is a preferred workload.

RECOMMENDATIONS

Recommendation 4: That FCO's be encouraged to take up leadership roles in wildfire incidents to maintain their skills.

After the current FCO numbers are revised and the remaining FCO's are competent in roles of seniority on the fire ground then the CBFCO, DCBFCO and CESM shall endeavour to use the FCO's in more senior capacities on the fire ground. This recommendation will always be subject to availability of personnel on the day or at the time.

FCO's in preference over brigade Captains and other brigade members should be used for the following:

- Control of small incidents
- Used in the AIIMS roles on the ground and in the incident management team
- Be used for pre-formed local teams in the event of impending weather
- Gazetted as FCO's for the entire Shire
- Sent to incidents outside the Shire to gain further experience

The CBFCO, DCBFCO and the CESM may at any time take over an incident from the FCO if the incident is escalating or exceeding the FCO's ability to handle such work load. In saying that the CBFCO, DCBFCO or the CESM can help to mentor and develop the FCO by attending any incident and working with that FCO as required, this will continue to be at the discretion of the most senior officer persons at the time.

The CESM will develop a SMS system similar to the current harvest service to the Shire residents but will be specific to all FCO's. This will provide FCO's with communication from the Shire in times impending weather, or during wildfire emergencies to call upon their services as required.

RECOMMENDATIONS

Recommendation 5: That the CEO investigate a system to allow the reimbursement of fuel expenses for FCO's during fire incidents.

Now that the Shire of Toodyay have gone to the electronic fuel key system this would make it far easier to govern fuel use to an external individual. The idea should be investigated further regarding the allocation of a fuel key to FCO's for operational use only.

This system can be governed by the fact that the fuel monitoring system at the Shire Depot provides a date, time and fuel used. This can now be simply matched back to an incident number and the T-card provided by that FCO on the day of the fire incident. Access to the fuel bowser will be still granted by a Shire Staff member or the Ranger on duty if on weekends.

RECOMMENDATIONS

Recommendation 6: That FCO's be issued with a red emergency beacon and magnetic signs for the driver and passenger doors of their vehicles to allow them to be easily identified on the fire ground.

The Shire needs to conduct a cost analysis to kit out an FCO with the following:

- Magnetic Red beacon
- Magnetic sign for driver side and passenger side doors with the words in reflective writing FCO.

Once the revision of FCO numbers is complete then all remaining FCO's should be issued with these two items if they intend to use their vehicles on the fire ground.

SUBMISSIONS FROM ABSENTEE FCO'S

Sorry this is late.

In response to the FCO review, I feel that if we except that fire fighters have to abide by given standards so should FCOs ; re training and education. If the shire takes over the permits then FCOs should be part of the shire brigade and be the CEOs delegates with all duties including inspection and infringement.

If captains meet the requirements and if it benefits the shire fire service then they should be FCOs.

FCOs should attend a minimum of meetings and training a year.

If you want to ask me anything feel free to call me as I extremely hate this typing and you know I always have something to say.

Yarn with you then.

Lawrence Hayward

Captain/FCO

Bejoording BFB

SUBMISSIONS FROM ABSENTEE FCO'S

Submission from Dieter Bartels
Fire Control Officer Morangup

TOPICS FOR REVIEW

- **Current number of FCO'S in the Shire of Toodyay**

The current arrangement of FCO'S is divided into brigade districts; currently the Shire has 21 FCO's. Several of these are FCO's are for the entire Shire but the breakdown is roughly three FCO's per district.

Is there too many FCO's?

- **FCO condition of appointment**

The current condition of FCO role in Toodyay seems to be not too clear. Some FCO's are only writing permits to burn. Some FCO's are controlling fires when required and some FCO's such as the rangers are only conditioned to infringe persons in the wrong.

Should FCO's be required to be able to fulfil all of the duties?

- Yes and No, perhaps a tiered system may help in establishing a path for those who wish to progress and take up greater responsibility.

Does this system currently work efficiently? Do we need to simplify the system?

- No sometimes I feel that communication is poor between all parties Shire, Chief/deputies and FCO's especially at the FCO level. We have a BFAC representative who has never relayed anything back to me from those meetings.

- **Issuing of permits to burn**

There is some concern over the past few years at the lack of appreciation by some permit holders of the responsibility whilst conducting burns and the arrogance shown by some when informed that a breach of the permit has taken place.

Are we making too easy for people to get burning permits?

- Who are the majority of permit applications made by? Already seasonally restrictions are placed on the issuing of permits for crop preparation only and this normally allows only a small window for residential type permits.
- Many people in Morangup already feel that it is too hard to get a permit.

Should there be more emphasis on property inspections and to understand if the person can safely conduct a burn?

- Permits need to be clear and concise with regard to requirements and FCO's made aware of what is required. Perhaps the requirement to attend training each year is required or they will no longer be able to issue permits.
- Infringements need to be issued consistently to those who disregard the permit conditions as a deterrent and these statistics made public.

Should the responsibility of issuing permits to burn come back to a single place, the Shire office and issued by the CEO's delegates?

This would bring the accountability back to a single location and possibly take some pressure of FCO's during the busy time of permit issuing and possibly property inspections prior to issuing of permits.

- Is the shire going to employ another person to do this?
- The issuing of permits locally allows FCO's to gain an understanding of who is going to be burning in their area at any particular time. This is however dependant on area FCO's communicating.

FCO's appointments

FCO's are appointed by Council, so should all FCO's fall under the Shire brigade and not the individual brigades within the Shire of Toodyay. This may also benefit many as they would not have to participate in brigade activities but they would lose the right to have any vote at their respective brigade.

- Yes, it would help establish/maintain a chain of command as laid down in the Brigade Admin Manual.
- However they should be encouraged to participate in brigade activities as they should be experienced and provide valuable role models to junior fire-fighters and perhaps mentor new/upcoming Lieutenants and Captains.

Are we using the FCO's enough during fire emergencies?

Some FCO's have raised concern about not being used appropriately during bushfire incidents or the Deputy Chiefs always take control and do not allow other FCO's to gain experience.

- I agree with this statement, there is no reason that a Deputy or the Chief cannot stand over the shoulder and supervise an FCO at the onset of an incident. Should the incident escalate it would facilitate the expansion of the IMT with the Deputy or Chief already knowing what is happening as the relieving IC and the FCO assuming the role as operations.

· **FCO current training standards**

There has been a lot of concern raised over the lack of training that some of the FCO's in the Shire of Toodyay have and the concern that some FCO's are very out of touch regarding brigades, new requirements and standards.

Do you think you are competent enough to run a bushfire in the Shire of Toodyay?

- I believe that I hold the required skill sets to manage an incident however due to the lack of practical experience I am not confident that I could do it without error.

Does the Shire need to arrange additional training for FCO's who do not have the current preferred qualifications?

- FCO's should be required to maintain their skills and knowledge. The comment "I did that training ten years ago, when I became an FCO why do I need to do it again?" is a load of rubbish. Legislation changes, procedures change everything changes and we should be on top of it voluntarily or no longer appointed.

· **Lack of FCO's at the Shire Operational meetings held throughout the year**

Throughout the year the Chief calls several operational meeting relating to matters for brigades and Fire Control Officers; it is very common that no FCO's from outside the brigades attend to hear or provide input into topics of conversation.

- Attending meetings should be a KPI, we are all aware or at least should be or the requirement placed on us when we take up the appointment. If you want to do the job do it all not just the bits that you want to.

Should FCO's have set period of operational service e.g. 3 years?

This is currently the practise in the Shire of Northam.

- Perhaps yes however selection/recommendation for FCO's should be managed by the Chief and his Deputies.
- Perhaps if initiated FCO's should be given KPI's to work towards as evidence that they are suitable for reappointment.

Should FCO's be officers for the whole Shire or only their district?

- With proper communication FCO's should be able to operate over the whole Shire and important should the number of appointed FCO's decrease.

Should Brigade Captains be gazetted FCO's upon their appointment to the position?

This would allow Captains better powers under the act for fire suppression and prevention activities and may decrease the work load on the farmer FCO's.

- No, as this would contradict the Brigade Admin Manual with regard to the Chain of Command. Also with regard to required experience and qualifications.
- Are all Brigade Captains now and in the future suitable to be FCO's and able to perform the duties.
- As Captains are selected by the brigade membership we may end up with popularity appointments not merit.

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