

Policy title	Bush Fire Risk Management
Responsible manager(s)	Director, Infrastructure Services
Contact officer(s)	Fire Mitigation Officer
Directorate	Infrastructure Services
Approval date	26 April 2022
Outcome area	2. Our community that welcomes, celebrates, and supports everyone.
Strategy	2.4 Foster a safe community
Delivery Program	2.4.4 Work with agencies and emergency services to coordinate emergency management and improved resilience
Operational Plan	2.4.4.5 Pursue increased grant funding and undertake fire mitigation program on Council controlled land

Purpose

This Policy clarifies the management of bush fire risk to the community within Council controlled lands.

The Eurobodalla Shire covers approximately 342,900 hectares and a significant proportion of this area is identified as bush fire prone land. There are approximately 1,200 parcels of Public Reserve and Crown Land under Council's care and control in both urban and rural environments.

The risk management of bush fire is often a complex and emotive issue and one that requires a balance between managing the risks to people and community assets and acknowledging the value of the natural environment to our social, economic and cultural wellbeing.

Policy aims

- Promote an integrated framework for dealing with bush fires
- Ensure consistency and fairness in the manner in which Council deals with hazard mitigation
- Ensure compliance with legislative requirements under the *Rural Fires Act 1997*
- Promote awareness of the requirements of the *Rural Fires Act 1997* with respect to people, community assets and the natural environment
- Take such steps as are appropriate to ensure the effective management of bush fires
- Make the Council's policies and requirements for Bush Fire Management of Council owned land or land under its control and management readily accessible and understandable to the public.

Policy details

1	Application The NSW Rural Fire Service is the lead agency in coordinating the management of risks from bush fires in NSW. This Policy applies to lands owned and managed by Eurobodalla Shire Council. The managing of the risk from bush fire is a shared responsibility between individual landowners, State agencies, Council and the emergency management groups.
2	Legislation Council has statutory obligations to minimise the risk of bush fires in accordance with the relevant legislation, namely the <i>Rural Fires Act 1997 Act and Regulation</i> , <i>Local Government Act 1993</i> , <i>Protection of the Environment Operations Act 1997</i> , <i>Protection of the Environment</i>

	<p><i>Operations (Clean air) Regulations 2021, The Environmental Planning and Assessment Act 1979, Local Land Services Act 2013, Biodiversity Conservation Act 2016, Threatened Species Conservation Act 1995, State Emergency and Rescue Management Act 1989.</i></p> <p>Council’s policy also operates in accordance with the <i>Bush Fire Environmental Assessment Code for NSW Rural Fire Service 2021, Planning for Bush Fire Protection (NSW Rural Fire Service 2019) and NSW Rural Fire Service Standard Operational Procedures – Prescribed Burning Activities.</i></p>
<p>3</p>	<p>Bush Fire Hazard Management Regulatory Control</p> <p>It is the duty of a public authority (Council, National Parks, State Forests, Crown Lands), owner or occupier to undertake maintenance and management of land under their care or control in order to mitigate bush fire risk under the Rural Fires Act 1997. Under Section 74C(3) of the <i>Rural Fires Act 1997</i>, a local authority must refer any complaint made to it under this Division to the Commissioner of the NSW Rural Fire Service within 14 days of receipt of the complaint in order to manage bush fire hazard complaints. Authorised officers of the NSW Rural Fire Service, in exercising the above responsibilities, may undertake inspections and issuing of notices for bush fire hazard reduction work requiring property owners or land managers to mitigate the presence of significant bush fire hazard on their land.</p>
<p>4</p>	<p>Bush Fire Hazard Mitigation on Council-controlled Land</p> <p>Council acknowledges the need to manage this issue within its limited financial resources to minimise the risk to the community, to limit Council’s (ie, the community’s) potential liability and to provide fairness between people seeking action to address their concerns about bush fire hazards where it does not require additional resources/management by Council.</p> <p>The Far South Coast Bush Fire Management Committee is coordinated by the Rural Fire Service. In accordance with the <i>Rural Fires Act 1997</i>, the FSCBFMC prepares the Eurobodalla Bush Fire Risk Management Plan. The Plan identifies the levels of risk across the Eurobodalla Local Government area and establishes coordinated hazard reduction zone strategies which responsible land management authorities implement in order to manage bush fire risks.</p> <p>To achieve compliance with the Eurobodalla Bush Fire Risk Management Plan, Council shall develop and implement a Code of Practice to provide guidance for the management of bush fire risk from vegetation on Council controlled land.</p> <p>Council will:</p> <ul style="list-style-type: none"> a) Undertake fire mitigation works on Council managed lands to the limit of the allocated budget on a priority basis as determined under Council’s Code of Practice for <i>Bush Fire Hazard Mitigation – Council Controlled Land</i>. b) Where Council is unable to undertake works due to limited budget, give private landowners the option of funding fuel reduction works on Council Controlled Land. c) As a general principle, give priority to public safety and legislative requirements over other factors such as environmental and heritage issues.
<p>5</p>	<p>Smoke Management</p> <p>Council, its employees and contractors may burn dead and dry vegetation on Council controlled land in accordance with the <i>Protection of the Environment Operations (Clean Air) Regulation 2021</i> and subject to the conditions of Eurobodalla Shire Council’s Clean Air Policy.</p>

	<p>In undertaking Hazard Reduction activities by means of fuel reduction burns, Council will undertake such works in accordance with the <i>NSW Rural Fire Service Bush Fire Environmental Assessment Code 2021</i>, including requirements for smoke management.</p> <p>In accordance with conditions imposed on such works by an approved Hazard Reduction Certificate issued by Council, the NSW Rural Fire Service <i>Standard Operational Procedures – Prescribed Burning Activities</i> also requires burn planning to take into account smoke impact to ensure burns are not conducted during a “No Burn Day” declared by the Environmental Protection Authority (EPA) and to ensure all adjoining property owners that could be affected by the impact of smoke emissions are provided with notifications prior to the commencement of works.</p>
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Implementation

Requirements	Responsibility
<p>1 Coordination and Collaboration</p> <p>Strategic planning and operations in the Eurobodalla Rural Fire District are co-ordinated by the NSW Rural Fire Service.</p> <p>The NSW Rural Fire Service coordinates the Far South Coast Bush Fire Management Committee made up of relevant government agencies and the peak body representatives constituted under the <i>Rural Fire Act 1997</i>.</p> <p>Council will provide representation to this Committee and proactively assist with the development and implementation of the Eurobodalla Bush Fire Risk Management Plan to minimise the risk to the community from bush fire.</p>	<p>NSW Rural Fire Service</p> <p>Council</p>
<p>2 Local Emergency Management</p> <p>The NSW Rural Fire Service is the lead agency in planning and implementing a response to bush fires.</p> <p>Council will act in good faith in endeavouring to fulfil its responsibilities under the <i>State Emergency and Rescue Management Act 1989</i> through the provision of support for the Local Emergency Management Committee and the provision of Executive Support to assist the Local Emergency Operations Controller. This may include assisting with the establishment and operation of the Eurobodalla Emergency Operations Centre if requested by the NSW Rural Fire Service or otherwise required by authorised direction under the <i>State Emergency and Rescue Management Act 1989</i>.</p>	<p>NSW Rural Fire Service</p> <p>Council</p>
<p>3 Code of Practice</p> <p>The development and implementation of a Code of Practice shall include:</p> <ul style="list-style-type: none"> a) the methodology for rating the risk that is used to prioritise works; b) the methodology for implementing actions to mitigate the risk; c) the methodology for compromise where environmental constraints and safe works methods are limiting the extent of the works allowable; d) details of customer service; 	<p>Council</p>

	<p>e) a system of recording all actions and reporting to the Far South Coast Bush Fire Management Committee; and</p> <p>f) Bush Fire Risk Management work on Council Controlled Land by Others.</p>	
4	<p>Community Education The prime responsibility for community education and provision of information relating to bush fire remains with the NSW Rural Fire Service. Council will incorporate relevant links to this community education within its programs.</p>	NSW Rural Fire Service Council
5	<p>Staff Under supervision, and once appropriate training has been received, relevant Council staff will be responsible for ensuring that this Policy is implemented within their work area.</p>	Council officers Fire Mitigation Officer
6	<p>Concerns Public concerns communicated to Council in relation to this Policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.</p>	Council officers
7	<p>Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. This will include consultation with the NSW Rural Fire Service and the Local Emergency Management Committee. Public submissions regarding this Policy are invited for consideration during the exhibition period. Any other consultation deemed necessary may occur with key stakeholders when and if required.</p>	As applicable

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages bush fire risks to the community.

Note: The next general local government election is expected to be held in September 2024.

Reviews of the effectiveness of this Policy could include the following:

Performance indicator	Data source(s)
Customer Concerns or Complaints Customer Feedback Survey Responses	Council records, surveys
Internal or external audit	Audit
Community Strategic Plan 2.2	esc.nsw.gov.au

Governance

This Policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies and guidelines.

Related legislation and policies

Name	Link
<i>Local Government Act 1993</i>	Local Government Act 1993
<i>NSW Rural Fires Act 1997</i>	NSW Rural Fires Act 1997
<i>NSW Rural Fire Service Bush Fire Environmental Assessment Code 2021</i>	NSW RFS Bush Fire Environmental Assessment Code 2006 https://www.rfs.nsw.gov.au/_data/assets/pdf_file/0014/24332/NSW-gazette_Rural-Fires210628Bush-Fire-Environmental-Assessment-Code-July-2021vSJ28.pdf
<i>Planning for Bush Fire Protection NSW Rural Fire Service 2019</i>	NSW RFS Planning for Bush Fire Protection 2006 https://www.rfs.nsw.gov.au/_data/assets/pdf_file/0005/130667/Planning-for-Bush-Fire-Protection-2019.pdf
<i>State Emergency and Rescue Management Act 1989</i>	State Emergency and Rescue Management Act 1989
<i>Protection of the Environment Operations Act 1997</i>	Protection of the Environment Operations Act 1997
<i>Protection of the Environment Operations (Clean Air) Regulations 2021</i>	Protection of the Environment Operations (Clean Air) Regulations 2010 https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0485
<i>Environmental Planning and Assessment Act 1979</i>	Environmental Planning and Assessment Act 1979
<i>Native Vegetation Act 2003 – superseded by the below Act’s</i> <i>Now Local Land Services Act 2013,</i> <i>Biodiversity Conservation Act 2016</i>	Native Vegetation Act 2003 https://legislation.nsw.gov.au/view/html/inforce/current/act-2013-051 https://legislation.nsw.gov.au/view/html/inforce/current/act-20
<i>Threatened Species Conservation Act 1995</i>	Native Vegetation Act 2003
<i>Coastal Management Act 2016</i>	https://legislation.nsw.gov.au/view/html/inforce/current/act-2016-020
<i>State Environmental Planning Policy (Coastal Management) 2018</i>	https://legislation.nsw.gov.au/view/html/inforce/current/epi-2018-0106

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au
NSW Rural Fire Service	www.rfs.nsw.gov.au
Department of Environment & Heritage	www.environment.nsw.gov.au

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Oct 2011	Council	09/369	E09.3418	Policy reviewed and adopted G09-99
2	10 Sep 2013	Council	13/272	E060375 E13.7095	Updated template, review date, references and links
3	28 Feb 2017	Council	17/31	E06.0375 E16.0297	Reviewed and updated at start of new Council term. GMR17/006
4	26 Apr 2022	Council	22/91	E16.0297	Reviewed & updated at new Council term. Report GMR22/046.

Internal use

Responsible officer	Director Infrastructure Services		Approved by	Council	
Minute	22/91	Report	GMR22/046	Effective date	26 April 2022
File	E16.0297	Review date	Feb 2022	Pages	6