



TATIARA DISTRICT COUNCIL

# FIRE PREVENTION WORKS ON COUNCIL LAND POLICY

Version:	1
Last revised date:	n/a
Minutes reference:	Agenda item 16.12, 8/6/21 Resolution # 2021/219
Next review date:	Council will endeavour to review this policy every 4 years
Applicable Legislation:	<i>Fire and Emergency Services Act 2005</i> <i>Local Government Act 1999</i> <i>Native Vegetation Act 1991</i>
Related Policies:	Emergency Management Policy Private Works Policy
Related Procedures:	n/a
Other relevant documentation:	Roadside Vegetation Management Plan  Operational Instruction 20.1 Care, Control & Management of Roads (Highways) by the Commissioner of Highways  Guidelines for the Management of Roadside Vegetation  Limestone Coast Bushfire Management Area Plan (includes Risk Register)

## 1. Background

Bushfires are, unfortunately, an all too common feature of the Australian landscape. The spread of fire across land (whatever its source) can cause loss of life, injury to people and animals and damage to property, including Council assets, and the natural environment. The *Fire and Emergency Services Act 2005* (the **FES Act**) provides for shared responsibility by property owners, state agencies and Council in relation to the management and prevention of fire risks.

The Council is ultimately responsible for managing fire risks on its land, including public roads in its area, which vest in the Council pursuant to section 108 of the *Local Government Act 1999*. This is consistent with the Section 105G of the FES Act, which provides:

*A council that has the care, control or management of land...in the country... must take reasonable steps—*

- (c) to prevent or inhibit the outbreak of fire on the land; and*
- (d) to prevent or inhibit the spread of fire through the land; and*
- (e) to protect property on the land from fire; and*
- (f) to minimise the threat to human life from a fire on the land.*

The Council's approach to managing risks on its land will be in accordance with the Council's Bushfire Management Plan for the district that has been endorsed by the Regional Bushfire Management Committee. For this purpose and as a general proposition, fire prevention activities on land (including vegetation clearance) will be prioritised according to the risk rating attributable to the conditions on the land and undertaken in accordance with applicable legislative requirements.

### Responsibilities for Fire Prevention on Roads

Notwithstanding that the Council is the owner of public roads in its area, the Council's responsibilities for the roads it owns are subject to the operation of the following provisions of the Highways Act:

- section 26, which operates to enable the Commissioner of Highways (**Commissioner**) to assume the care, control and management of certain roads by way of publishing a notice in the *Government Gazette*; and
- section 30A(3) which provides that all controlled-access roads are under the care, control and management of the Commissioner.

The above is relevant to the Dukes Highway, Riddoch Highway and the Ngarkat Highway, which is under the care, control and management of the Commissioner. To that end, the Commissioner is responsible for undertaking works to the Dukes Highway as set out in Operational Instruction 20.1 (the **Instruction**). This includes that the Commissioner is solely responsible for managing vegetation in accordance with Part 9 of the Instruction.

The Council may, in its discretion, undertake any roadside vegetation works that may be required for fire prevention purposes above and beyond the works in Part 9 of the Instruction for which the Commissioner is responsible.

## 2. Purpose

The purpose of this Policy is to:

- 2.1 **create** a framework for fire prevention activities on Council land which is transparent and consistent, taking into account the Council's duty under section 105G of the FES Act;
- 2.2 ensure there is a clear understanding of the roles and responsibilities for vegetation clearance on Council land for fire prevention purposes, including on roads, and outline the Council's position as to when such works might be reasonably undertaken; and
- 2.3 promote the protection of roadside native vegetation while balancing the need for reasonable and appropriate fire prevention and management activities.

## 3. Policy Objective

This Policy guides decision making by the Council regarding fire prevention activities on its land as they relate to vegetation clearance.

## 4. Policy

- 4.1 Council recognises the value of preserving vegetation on its land, which contributes to biodiversity within and the amenity of the Council's area.
- 4.2 The Council's duty under section 105G of the FES Act does not operate to require all existing fuel loads on Council land to be reduced as this would not be reasonable or feasible.
- 4.3 Vegetation clearance and control, to remove or cut back any tree or other vegetation, on Council land is, subject to paragraph 4.4, generally deemed a lower-priority action.
- 4.4 Vegetation clearance and control for fire prevention purposes will be dealt with as a priority activity in the following extenuating circumstances:
  - a. where the proximity of the vegetation to residences and other buildings or improvements means there is an immediate danger to a person or an immediate risk of property damage;

- b. emergency works that are required to urgently eliminate or mitigate an immediate fire hazard or threat to an occupier of or persons on the land; and
  - c. the level of risk attributable to the condition on the land is classified as **Major** or **Catastrophic** in reference to the *Consequences Ratings Scale* set out in Part 5 of this Policy.
- 4.5 In the absence of extenuating circumstances, vegetation clearance for fire prevention purposes, including on roads will not occur unless the Council considers the expenditure of funds for such works are reasonably justified having regard to the following considerations:
- d. the extent of any fire risk arising from the vegetation;
  - e. the proximity of Council and/or other assets to the vegetation;
  - f. the Council's budget and any relevant resource limitations;
  - g. any conditions on the land that impact or impede access by equipment required for fire prevention activities; and
  - h. other applicable legislative requirements, including under the *Native Vegetation Act 1991*.
  - i. Limestone Coast Bushfire Management Area Plan (includes Risk Register)
- 4.6 Council will seek advice from and liaise with the CFS where it considers appropriate regarding proposed fire prevention activities to ensure its decision-making is fully informed.
- 4.7 Wherever possible, the Council will undertake low impact methods of trimming or pruning of vegetation in connection with fire prevention activities, which is in line with the Council's Roadside Vegetation Management Plan.
- 4.8 If a rare or threatened plant species is present, reasonable care will be taken to protect it when undertaking any vegetation clearance.
- 4.9 Any unauthorised clearance of native vegetation that occurs on Council land will be referred to the Native Vegetation Management Unit.

## 5. Consequence Rating Scale

A risk assessment including potential consequences of proceeding or not proceeding with vegetation clearance on Council land will be conducted with reference to the Consequence Rating Scale, before council exercises its decision-making functions:

Very minor	<ul style="list-style-type: none"> <li>• No fatalities</li> <li>• Minor injury possible</li> <li>• Inconsequential no damage to asset with minor or no disruption to use, function or operation</li> </ul>
Minor	<ul style="list-style-type: none"> <li>• No fatalities</li> </ul>

	<ul style="list-style-type: none"> <li>• Minor injuries to people generally treatable by on-site first aid that may require only short term additional treatment</li> <li>• Localised damage to assets requiring minor repairs and limited or short disruption to use, function or operation</li> </ul>
Moderate	<ul style="list-style-type: none"> <li>• Injuries requiring medical intervention by ambulance or hospitalisation</li> <li>• Damage to assets requiring major repairs</li> <li>• Short to medium disruption to its use, function or operation</li> </ul>
Major	<ul style="list-style-type: none"> <li>• Significant level of injuries with possible fatalities</li> <li>• Significant damage to assets and infrastructure that may be beyond repair or require significant time and resources to repair</li> <li>• Medium to long term disruption to asset/infrastructure use, function or operation</li> </ul>
Catastrophic	<ul style="list-style-type: none"> <li>• Multiple fatalities, large numbers requiring hospitalisation.</li> <li>• Significant damage/destruction to multiple assets and infrastructure</li> </ul>

## 6. Availability of Policy

The public may inspect a copy of this policy, without charge, at the Council's Bordertown and Keith offices during office hours and may obtain a copy for a fee fixed by Council.

Council employees can access a copy of the policy on Council's network or by contacting the Responsible Officers.

The Policy is also available on Council's website [www.tatiara.sa.gov.au](http://www.tatiara.sa.gov.au)

## 7. Record of Amendments

DATE	REVISION NO:	REASON FOR AMENDMENT
31 May 2021	Rev: 00	Draft Policy prepared.
8 June 2021	Rev: 01	Policy adopted by Council