

Minutes



BUSH FIRE ADVISORY COMMITTEE MEETING

HELD IN THE SHIRE OF DENMARK COUNCIL CHAMBERS,
953 SOUTH COAST HWY, DENMARK
TUESDAY, 1st July 2025

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1. DECLARATION OF OPENING

5:05pm – Cr Gibson declared the meeting open.

2. RECORD OF ATTENDANCE**VOTING MEMBERS:**

Cr Kingsley Gibson	Shire President, Council Delegate and Chairperson
Cr Clare Campbell	Council Delegate
Mark Guerin	Chief Bush Fire Control Officer
Lez Baines	Fire Weather Officer
Geoff Bowley	Fire Control Officer
Graham Dixon	Fire Control Officer
Gavin Butler	Fire Control Officer
Darin Hockley	Captain Denmark VFRS
Craig Lilley	Fire Control Officer (Deputy CBFCO Proxy)

STAFF:

David King	Chief Executive Officer
Renee Wiggins	Manager of Community Services

VISITORS:

Cam Famlonga	Department of Fire and Emergency Services (DFES)
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APOLOGIES:

Murray Brooker	Fire Control Officer
Chris Hoare	Deputy Chief Bush Fire Control Officer

3. ANNOUNCEMENTS BY THE PERSON PRESIDING

Nil

4. CONFIRMATION OF MINUTES

OFFICER RECOMMENDATION	ITEM 4.1
MOVED: Cr. Campbell	SECONDED: G Bowley
That the minutes of the Bush Fire Advisory Committee Meeting held on the 13 th of March 2025, be confirmed as a true and correct record of the proceedings.	
CARRIED 9/0	
For: Cr. Gibson, Cr. Campbell, M. Guerin, L. Bains, G. Bowley, G. Dixon, C. Lilley, G. Butler, D. Hockley	
Against: Nil	

4. REPORTS

4.1 DEPARTMENT OF FIRE AND EMERGENCY SERVICES

Fire Incident Report

No notable fire events

Continual need to support WAPF in rescues in DBCA Parks with multiple rescues in the Stirling's and Porongurup's with both Volunteer and Career personnel from across the region

Training/Safety Issues

Now entering a training phase of the year with multiple course available across the region on eAcademy or through the Brigade.

Future Priorities

Still chasing updates from DFES CAD and GIS Mapping on the Turnout update, made enquiries and factors of new staff and waiting on CAD updates to be able to add into ComCen.

From ROAC there is a working group on access for Farmer Response and other Emergency vehicles to be able to pass through Road Closures during Incidents. Initial discussions are mentioning that a workaround maybe the need to have registration for Farm Response via the application process through Local Govt. using the windscreen stickers. Also, clear instructions to Road Closure personnel ie; WAPF, LG or Contractors onto who may be allowed to pass through.

Continue Prevention and Preparedness.

4.2 CHIEF BUSHFIRE CONTROL OFFICER

A flurry of call outs as we entered the unrestricted period, with people burning when the fire danger rating was HIGH and not following simple precautions such as remaining with the fire, having water on-site and clearing the ground around their burn. All callouts could have been prevented if these simple steps were followed.

Succession planning at brigades has been a focus, with most brigades well placed moving forward.

4.3 COMMUNITY EMERGENCY SERVICES MANAGER

A full training program is being undertaken this winter (Bushfire Fighting Fundamentals, Bushfire Safety Awareness, Advanced Bushfire Fighting, Crew Leader, Fire Control Officer (FCO), and Pomp Operations)

It was very pleasing to see a solid attendance at the FCO course with 11 students present.

Focused on providing new FCOs (of which we have three) with all the support they need to thrive in their new roles.

4.4 CHIEF EXECUTIVE OFFICER

The Chief Executive Officer outlined upcoming BFAC business for the next 6-12 months including:

- Review of Policy and Standard Operating Procedure
- Bushfire Local Law
- Brigade Shed Agreements/MOU

4.4.1 FIRE MANAGEMENT NOTICE 2025/2026

File Ref:	FIRE.1
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	25 June 2025
Author:	David King, Chief Executive Officer
Authorising Officer:	David King, Chief Executive Officer
Attachments:	4.4.1a – 2024/2025 Fire Management Notice 4.4.1b – Draft 2025/2026 Fire Management Notice 4.4.1c – Schedule of Submissions 4.1.1d - Guidance Note – Section 33 Fire-Break Notices

IN BRIEF

- This report recommends changes to the Fire Management Notice for 2025/2026.

VOTING REQUIREMENTS

1. Simple majority.

OFFICER RECOMMENDATION	ITEM 5.1
That Council:	
1. ENDORSE the Draft 2025/26 Fire Management Notice as per Attachment 4.4.1a	
2. AMEND P050102 CAMPING & COOKING FIRES, to reflect the Notice issued in accordance with (1) above.	

BFAC RECOMMENDATION	ITEM 4.1
MOVED: L. Bains	SECONDED: G Bowley

That Council:

1. ENDORSE the Draft 2025/26 Fire Management Notice as per Attachment 4.4.1a with the following amendments:
 - P1 – Include reference to call 000
 - P2 – Change number of days from 7 to 3
 - P2 – Add Shire website for reference to FDR
 - P2 - Include and emphasise at the top of page “No Burning at any time including the unrestricted period when FDR is high or above (Bushfire Act Section) ”
 - P3 – Remove the reference to not burning Garden Refuse and include a reference to the relevant section of the Act.
 - P11 – Update phone numbers
2. AMEND P050102 CAMPING & COOKING FIRES, to reflect the Notice issued in accordance with (1) above.

CARRIED 9/0

For:

Cr. Gibson, Cr. Campbell, M. Guerin, L. Bains, G. Bowley, G. Dixon, C. Lilley, G. Butler, D. Hockley

Against:

Nil

LOCATION

2. The Firebreak and Fuel Management notice applies across the Shire of Denmark municipality.

BACKGROUND

3. Historically, the Fire Management Notice has been endorsed by Council on an annual basis following input from the Bush Fires Advisory Committee (BFAC). This process has typically involved Councillors making decisions based solely on the BFAC recommendation, without additional supporting details or feedback from individual committee members. With the recent amendment to BFAC resulting in a reduced number of members, a mechanism has been introduced to ensure that decision-makers receive a more comprehensive perspective on key issues.
4. This mechanism includes a formal call for submissions and a summary of discussion at the Bushfire Operations Group. These steps aim to capture a broad range of viewpoints and allow for a structured debate on the matters at hand.
5. This process is complete with feedback that is provided in this report. At the meeting on the 1 July 2025, BFAC is tasked with making a recommendation to the Council. The Council will then review the report, which incorporates submissions, minutes from

discussions, and the BFAC recommendation, to make an informed decision on the Fire Management Notice.

DISCUSSION / OFFICER COMMENTS

6. A number of submissions on the Fire Management Notice (FMN) have been received. The main topics have been listed below with the recommendations. Further discussion on a number of topics is provided later in this report.

Summary of Submissions

Topic	Response (*further discussion in the report body)
Camping and cooking fires - Varying submissions have been received. There was a consensus that fire pits and campfires generally should be prohibited. However, there were opposing views regarding allowing exemptions for certain types of cooking fires (Pizza Oven /Smoker/etc)	*There are no provisions in the Bush Fires Act to provide blanket exemptions for types of cooking fires. The only mechanism would be to issue individual permits for each property. Officers recommend that the provisions to prohibit camping and cooking fires during the prohibited times remain.
Burn Registry - Emphasis on promoting registration for all burn-offs during non-permit periods, as many residents are unaware of this requirement.	Whilst a standard notice only deals with the particular requirements. The Shire uses the notice to service as an educational opportunity and therefore, this has been included in the Draft.
Highlight the rule 'No Burning and ANY time if the Fire Danger Rating is High or Above'	*The draft has included this statement, although the wording has been amended to reflect the Bush Fires Act.
Water Tanks and Low Fuel Boundaries – Simplification of low fuel boundaries to be more consistent.	The Draft has been amended to standardise low fuel boundaries to 3m.
Online Permit Application – implement an online permit application system.	This is not related to the contents of the notices and decisions of Council. However, investigations into how the Permit process can be improved are underway.
Permit Application Notice – Change the 7-day notice for permit applications from 'request' to 'require'.	This narrative has been included in the Draft FMN for 2025/2026 with additional information on how to obtain a permit.

FMN Layout and consistency – Maintain the layout for consistency and only change the colour year to year.	<p>*Changes are proposed to align with DFES and WALGA guidance note as per Attachment 4.1.1d.</p> <p>However, it is agreed that a standardised layout year to year holds value. As the draft now aligns with the DEFS and WALGA and so it is expected that this standard format can remain for future years.</p>
False Call Outs – Address increased callouts during the unrestricted burning period by promoting burn registration.	Whilst a standard notice only deals with the particular requirements. The Shire uses the notice to service as an educational opportunity, and therefore, this has been included in the Draft.

Summary of Proposed Changes

Change	Reason (*further discussion in the report body)
<p>The FMN is proposed to be delineated into four (4) separate sections.</p> <ul style="list-style-type: none"> • Burning Periods • Firebreak and Property Management Notice • Camping and Cooking Fires • Other Information 	<p>*For clarity and to ensure the provisions are enforceable if tested. Recommended by the DEFS and WALGA guidance note as per Attachment 4.1.1d.</p>
Changes to APZ standard and some definitions.	<p>*Improved for clarity and to make it easier for the community to understand and adhere to the provisions.</p> <p>Reflects the DEFS and WALGA guidance note as per Attachment 4.1.1d.</p>
Amending the wording of <i>'No Burning and ANY time if the FDR is High or Above'</i> to reflect the terminology in the Bush Fire Act	*Consistency with the Bushfire Act.
Remove the requirement of a Permit to Burn Standing Bush from 1 October 2024	No provision in the Act allows this to be enforced.

Additional Educational Elements	Including the promotion of burn registration during the unrestricted period.

Further Discussion

Delineating Notices Under Various Sections of the Act

7. The Fire Break and Fuel Management notice issued by the Shire incorporates a number of different notices as prescribed by the Bushfire Act. These are listed below:

Provision	Title	Relevant Information
s.33	Fire-break Notice	<p>A fire-break notice should specify the criteria from section 33(1)(a) or (b) that are required to be completed by the owner or occupier.</p> <p>Fire-break notices can require a land owner or occupier to undertake additional actions to address anything identified as being conducive to the outbreak, spread or extension of a bushfire.</p>
s.17	Prohibited Burning Times	Specifies the times between which the prohibited burning provisions apply
s.18	Restricted Burning Times	Specifies the times between which restricted burning provisions apply
s.25(1a)	Prohibit camping and cooking fires in the open air during the prohibited burning times	The Local Government may prohibit camping and cooking fires in the open air during the prohibited burning times for the specified periods

8. The Draft Fire Management Notice improves clarity on what parts of the document relate to individual notices and authorities of the Local Government.

APZ Definition

9. The proposed changes relating to Asset Protection Zones (APZ) have raised several points of discussion. These include clarifications regarding fine fuel load limits, the management of vegetation, and the removal of flammable matter. Particularly,

concerns were noted around the definition of leaf litter, its permissible quantity within the APZ, and the proximity of vegetation to built structures.

10. The draft FMN proposes to simplify the requirements and make the notice easier to understand for everyone.

APZ requirements from 2024/2025

Flammable Matter (including leaf litter and firewood) removed from all walls, roofs, gutters and from under unenclosed decking or house sub-structure.

Fine Fuel Load maintained at an average of 2t per hectare

Managed Vegetation lawns, gardens and other vegetation within the APZ, including removal of all dead plants and/or flammable material from shrubs and other plantings. Plants and gardens must not be planted against the walls.

Large Trees (larger than 5m tall)

Lower branches pruned so they are at least 2m off the ground

No branches overhanging any built asset

Lawns/Grass Maintained to less than 100mm

Draft APZ requirement for 2025/2026

All **flammable matter** (including leaf litter and firewood) shall be removed from all walls, roofs, gutters and from under unenclosed decking or house structure.

Managed Vegetation - Leaf Litter and fallen dead vegetation should not have a depth of more than 5cm. Dead plants (all or part) should be removed.

Trees (larger than 5m tall) should

No branches overhanging any built asset unless there is 3m vertical clearance.

Lawns/Grass maintained to less than 100mm

Properties over 5000m²

11. Officer proposed the removal of '*Managed Flammable Material*' and associated explanatory note relating to tonne per hectare.
12. This meant that, for residential properties (including special and rural residential), dead flammable material should be removed across the property—even in areas outside of the Asset Protection Zone (APZ).
13. Legal advice obtained indicated that the definition of tonnes per hectare could not be realistically enforced through a compliance process and would likely not withstand legal scrutiny if challenged in court. As a result, significant effort has been made to

ensure that the requirements outlined in the notice are both achievable and enforceable. Consequently, the specific requirement relating to managed flammable material measured in tonnes per hectare, along with the associated explanatory note, has been proposed for removal from the draft.

14. Officers' view is that if all other requirements on a residential property are met, including APZ and boundary breaks, this broader removal across the property is not required. For properties that cannot achieve the APZ or boundary requirements and require a variation, officers can require additional vegetation management as part of the variation process.

No Burning and ANY time if the FDR is High or Above

15. The 2024/2025 FNM states that no burning at any time is allowed if the FDR is high or above.
16. The Bush Fires Act does not provide a provision for the Shire to regulate burning outside the restricted and prohibited times.
17. The Bush Fires Act states that burning garden refuse is not permitted during high to catastrophic fire danger conditions at all times.
18. The draft notice has been updated to provide information in line with the Bush Fires Act

Camping and Cooking Fires

19. Section 25(1a) of the Bush Fires Act provides that a Local Government can prohibit camping and cooking fires in the open air during the prohibited burning times.
20. This condition was imposed for the 2024/2025 prohibited times for the first time in Denmark, although it is not uncommon across Local Governments in WA.
21. Section 25(1c) provides for the Local Government to allow exemptions to a ban determined under Section 25(1a). Exemptions can only be made for burning in a specific place identified in the notice or by separate written approval.
22. Officers have sought legal advice that confirms that written approval should be given individually for each fire. There are no provisions to allow blanket approvals for types of cooking or camping fires. The intent of this clause is to allow fires for special purposes (cultural smoking ceremony, for example), although it could be applied to individuals or individual property owners if a risk assessment is undertaken for each circumstance.
23. Officers strongly advise against using section 25(1c) to issue individual approvals or permits, as it will create a significant administrative and volunteer burden to inspect and register permits or approvals. That is, if Council sought to approve pizza ovens, smokers and Weber-style BBQs, it could be imagined that if everyone applied, that would be 100s or 1000s of individual approvals.

24. Generally, the consideration around camp and cooking fires should be around effectively reducing:
- Risk of a bushfire starting
 - Risk of smoke complacency
 - Risk of misunderstandings
 - Risk of false callouts
25. The risks associated with bushfires originating from camp and cooking fires are significant. While certain cooking fires (Pizza oven etc) may present a more limited hazard, no practical system exists for exempting specific fire categories without introducing ambiguity and operational challenges. As such, the risk remains high with limited controls to affect a reduced risk.
26. The more restrictive the prohibition on camping and cooking fires during hazardous fire danger periods, the greater the clarity and certainty achieved. With tighter restrictions, any smoke seen can be more confidently identified as either illegal or indicative of an uncontrolled fire, thereby reducing hesitation and ensuring prompt emergency responses. This is essential for fostering public confidence in promptly calling 000 when smoke is detected. Deviating from the 2024/25 FMN on this matter could undermine education efforts that encourage immediate action in the presence of smoke, potentially compromising community safety during periods of heightened threat.
27. Prior to the implementation of this condition in 2024, officers and volunteers frequently received 000 emergency calls or inquiries triggered by false alarms emanating from permitted cooking or camping fires. These calls, although well-meaning, added an unnecessary burden on staff and volunteers, diverting vital resources from genuine emergencies. By prohibiting such fires during prohibited burning times, this added strain on personnel has been effectively mitigated, allowing them to focus on critical tasks during the fire season.
28. It is the officer's view that camping and cooking fires should not be permitted in any circumstance during the prohibited period. The Shire of Denmark faces an exceptionally high bushfire threat, and protecting the community from this danger must remain a paramount priority, surpassing inconveniences or disappointment that might arise from the restriction of camping or cooking fires. Given the catastrophic potential of bushfires in this region, every preventive measure should be supported to ensure the safety and preservation of lives, property, and the natural environment.

CONSULTATION AND EXTERNAL ADVICE

Bush Fire Operations Group

29. The matter was discussed at the Bush Fire Operations Group. While there was a lengthy discussion, the majority of feedback was related to camping and cooking fires. No informal consensus or majority view was reached. However, the discussion reflected the submissions that had differing views as to how to address the matter.

Written Submissions – Fire Control Officers

30. Fire Control Officers were invited to provide formal comments. Comments received are provided in the schedule of submissions. Attachment 4.1.1c.
31. The matters are discussed in the discussion section of the report.

Requirement to Advertise Notices

32. The 2025/2026 Notice will be included in the Rates Notice as well as meeting the various provisions of the Bush Fires Act.

STATUTORY / LEGAL IMPLICATIONS**Bush Fires Act 1954**

33. Section 17 relates to the prohibited burning times.
34. Section 18 relates to the restricted burning times.
35. Section 25(1a) relates to the prohibition of camping and cooking fires during the restricted burning times.
36. Section 33 relates to the fire-break notice and requirements.

STRATEGIC / POLICY IMPLICATIONS**P050102 Camping & Cooking Fires**

37. The current policy prohibits the lighting of fires in the open air in its district for the purpose of camping or cooking during the prohibited burning times, unless the fire is:
- at a person's home; or
 - in an area which –
 - is set aside for that purpose by the State Authority or local government responsible for the care, control or management of the land; and
 - bears the State Authority's or local government's sign denoting that purpose; and
 - all combustible material is cleared from within a 5 metre radius of the fire; and
 - the fire danger rating today indicates "high or low-moderate".
38. It is advised that the Policy be revised to reflect the Council's current view.

FINANCIAL IMPLICATIONS

39. Nil

OTHER IMPLICATIONS**Environmental**

40. The fire management notice seeks to strike a balance between protecting the natural environment and mitigating bushfire risks.

Economic

41. There are no known significant economic implications relating to the report or officer recommendation.

Social

42. There are no known significant social considerations relating to the report or officer recommendation.

RISK MANAGEMENT**Overview of Bushfire Risks**

43. Bushfires pose a significant threat to communities, assets, and ecosystems, particularly in areas prone to dry conditions and abundant vegetation. In alignment with the Shire of Denmark's Risk Management Governance Framework, the consequences of a bushfire are recognised as extreme across multiple dimensions. These include human impact, financial implications, asset and property damage, business interruption, social and environmental consequences, economic repercussions, and potential legal and regulatory compliance issues.
44. The likelihood of a significant bushfire occurring is categorised as 'unlikely,' with an estimated occurrence of at least once in ten years. Despite this relatively low frequency, the consequences of such an event are so severe that the risk rating remains high. This high-risk rating necessitates the implementation of excellent controls accompanied by annual monitoring to ensure effectiveness.

Controls and Preventive Measures

45. The Shire has established a comprehensive suite of controls to mitigate bushfire risks, which include but are not limited to:
- Bushfire Brigades: These brigades are equipped with tools and resources and consist of personnel trained in fire suppression and emergency response.
 - Emergency response and recovery: Staff resourcing and widespread volunteer support ensures a rapid and organised response to bushfire incidents, as well as effective recovery measures.
 - Mitigation activities: Resources are allocated to preventive measures, such as controlled burns and vegetation management, to reduce the likelihood of bushfires.

The Role of Annual Notices

46. One specific control measure discussed within this framework is the issuance of notices under the Bush Fires Act. These notices, issued annually, play a crucial role in reducing the likelihood of bushfires by setting clear expectations and requirements for property owners and the community. Compliance with these notices ensures that bushfire risks are minimised and that preparedness levels are enhanced.
47. Given the widespread and impactful consequences of a bushfire under worst-case scenarios, it is recommended that every reasonable control and measure be undertaken to mitigate risks effectively. The draft notice, as proposed, is considered a reasonable and necessary step within this strategy.

5. NEW BUSINESS OF AN URGENT NATURE

Nil

6. NEXT MEETING

It is recommended that the next meeting of the Bush Fire Advisory Committee be held on Monday the 8th of September 2025 at the Shire of Denmark Council Chambers commencing at 5:00pm.

7. CLOSURE

6:20pm – Cr Gibson declared the meeting closed.

These minutes were confirmed at the meeting of the _____

Signed: _____
(*Presiding Person at the meeting at which the minutes were confirmed.*)

