



Municipal Fire Management Planning

PLANNING AND DOCUMENTING ROADSIDE FIRE MANAGEMENT WORKS IN MUNICIPAL FIRE MANAGEMENT PLANS

Background

It is important that roadside fire management treatments or programs (works such as slashing and burning) are adequately documented in Municipal Fire Management Plans (MFMPs). This gives road authorities including VicRoads and councils, CFA, and other organisations a structure to plan and integrate effective roadside fire management works within broader fire management planning.

Since 2001, CFA's *Roadside Fire Management Guidelines (CFA 2005)* have been available to assist in the identification of management objectives, identification and assessment of treatment options in formulating roadside fire management programs. The purpose of this guideline is to suggest a possible method of documenting roadside fire management treatments or programs in MFMPs.

This Fire Service Guideline applies only to non-emergency fire management works being undertaken by CFA brigades.

Good Roadside Fire Management

Good roadside fire management is based on the following principles.

- The integration and balance of sound knowledge, personal and property safety, environmental and heritage concerns.
- Partnerships between organisations and the community involved in roadside management are important.
- Except in emergency situations, all roadside fire management works should be identified in the relevant MFMP or other council document called up in these plans
- All proposed roadside fire management treatments should have the necessary approvals and consents for the actual works and any ancillary activities such as traffic management

Legislation

Roadside fire management responsibilities and the CFA Act 1958

Section 43(1) of the *Country Fire Authority Act 1958* (CFA Act) states that:

In the country area of Victoria it is the duty of every municipal council and public authority to take all practicable steps (including burning) to prevent the occurrence of fires on, and minimise the danger of the spread of fires on and from—

- *Any land vested in it or under its control or management; and*
- *Any road under its care and management.*



Municipal Fire Management Planning

- Within the country area of Victoria (as defined in the CFA Act), s. 43 will apply to either VicRoads or the relevant municipal council. This obligation is replicated in s. 5 of the *Metropolitan Fire Brigades Act 1958* for VicRoads and councils. In areas outside of either the country area of Victoria or the Metropolitan Fire District, i.e. forests, national parks and protected public lands that fall under the jurisdiction of DSE, s. 43 under the CFA Act obligations do not apply.
- Section 43(2) **empowers** public authorities and municipal councils to acquire any equipment; do anything; and expend from its funds any amount necessary or expedient to discharge the duty under s. 43(1)
- Sections 93, 94 and 95 of the *CFA Act* provide **protection** for public authorities and councils undertaking or authorising works under provisions of the CFA Act or Regulations.
- Councils and VicRoads therefore, **are given a clear obligation, empowerment and protection** to undertake fire prevention activities on municipal roads.
- Under s. 42 of the *CFA Act*, CFA brigades are **empowered but not obliged to engage in roadside fuel-reduction works**, including prescribed burning. These works must be carried out with the consent, or at the request of, the road manager. If the works are requested, CFA must be paid. CFA supports councils by generally taking the position that these roadside works are with the consent rather than at the request of the council.

VicRoads' *Road Bushfire Risk Assessment Guideline* is a tool designed to be used by VicRoads in conjunction with other inputs and considerations within the IFMP committee framework. It is based on and informed by the CFA Roadside Fire Management Guidelines. It is an important element of a suite of considerations and actions that enable Vic Roads to meet its statutory obligations under s. 43(1) of the CFA Act 1958.

Occupational Health and Safety Act 2004

Sections 21 and 23 of this Act places obligations upon employers to ensure that employees and other persons are not exposed to risks to their health or safety arising from the conduct of the undertaking of the employer. Risk assessment, planning and documentation will assist CFA and roadside managers in meeting these obligations.



Municipal Fire Management Planning

Road Management Legislation

The following are critical determinants of activities on roadsides and set parameters for works on roadsides:

- The *Road Management Act 2004* (the RMA) and its regulations
- The *Road Safety Act 1986* and its regulations, together with
- The *Road Management Act 2004 Worksite Safety – Traffic Management Code of Practice* (the COP), made in accordance with s. 28 of the *Road Management Act 2004* and s. 99A of the *Road Safety Act 1986*

Section 63 of the *Road Management Act 2004* requires any person proposing to conduct works in, on, under, or over a road to obtain the written consent of the coordinating road authority, except where an exemption applies. This is called Road Use Consent.

Section 99A of the *Road Safety Act 1986* requires that roadside works are conducted in a manner that is safe for road users and persons engaged in carrying out the works. This also requires any person conducting works on a road to 'have in operation a traffic management plan that complies with the prescribed requirements of the *Road Safety (Traffic Management) Regulations 2009*.

A written authorisation, called a Memorandum of Authorisation (MOA) is required under the *Road Safety (Traffic Management) Regulations 2009*, provided through the submission of an application to VicRoads or the relevant municipal Council as appropriate. An application for an MOA should include the traffic management plan setting out the details for the proposed use of those traffic control devices for which authorisation is sought.

NOTE:

- Traffic management plans must be prepared by accredited persons
- Traffic control must be conducted by persons with the accredited competency
- Generic CFA traffic management plans are available in each CFA regional office and utilised by Vegetation Management Officers in supporting brigades.
- Copies of all necessary written authorisations should be kept at the worksite.

Conservation Legislation

State and Federal legislation is in place to protect species, communities and places of environmental or cultural significance. Municipal councils have responsibilities under this legislation and roadside fire management should incorporate these responsibilities.

Relevant legislation includes:

- *Flora and Fauna Guarantee Act 1988*,
- *Environment Protection and Biodiversity Conservation Act 1999*,
- *Heritage Act 1995*, and
- *Archaeological and Aboriginal Relics Preservation Act 1972*.

The Victoria Planning Provisions, which comprise every municipal planning scheme, also impose environmental controls on land management activities.



Municipal Fire Management Planning

Planning Roadside Fire Management

Good roadside fire management can only be achieved through adequate planning and consultation with all relevant organisations and communities with an interest in roadside management. It is through this process that councils can ensure that they are aware of their responsibilities for fire safety, the environment and heritage issues. The community can also be assured that other community needs are being addressed.

Council Policies

Where there are conflicting objectives between fire safety and other community values (for example heritage issues), this should be resolved at a local and regional level before the roadside management treatments are documented in the MFPP/MFMP.

CFA Guidelines

CFA has developed two sets of guidelines to inform and direct roadside fire management undertaken by brigades:

- The Roadside Fire Management Guidelines (2005) assist in applying a risk Management process to roadside fire management. The guidelines assist with identifying appropriate roadside fire management objectives, selecting treatment options that will achieve these objectives and the development of effective roadside fire management programs.

The objectives for roadside fire management provide clear direction in roadside fire management planning. The objectives for roadside fire management are:

- Prevent fires on roadsides
 - Contain roadside fires
 - Manage safety of road users
 - Provide control lines
 - Recovery from roadside fires
- The Roadside Works Management Guidelines are used to direct processes in roadside fire management planning, to ensure appropriate consents and compliance are achieved.

Roadside Fire Management has links to Community Information Guides (CIG) process around managing safety of road users for egress and operational planning for CFA around providing control lines.

As VicRoads and municipalities have the primary responsibility for managing roads, it is important that VicRoads' Roadside Fire Management is consistent with and complements Municipal Roadside Fire Management to ensure overall community safety is achieved.

To be realistic and effective all treatments and works undertaken on roadsides under the management of VicRoads and municipalities must be agreed to by all organisations involved, prior to undertaking any works.



Municipal Fire Management Planning

Documenting roadside fire management treatments

The main body of the MFMP should contain the strategic fire management objectives explaining what risk the works are aiming to mitigate and why certain roadside fire management objectives and treatments have been chosen. This will include consideration of the management of sites involving a significant risk to agricultural, environmental or heritage values, or where follow-up works are required.

The roadside fire management program is to be documented in Appendix B – Multi Agency Work Plans (a list of treatments) of the MFMP. The Works Plan will clearly designate and document the lead agency/stakeholder accountable for delivering and reporting upon actions contained within the Works Plan.

Site specific work plans are required for road use consent and the memorandum of authorization. These plans must detail the locations to be treated, areas to be excluded from the treatment and appropriate weather conditions.

The VicRoads Road Assessment outputs are one source of information that may inform the MFMP decision making.

CFA has Vegetation Management Officers (VMOs) whose role is to help brigades get the work done by facilitating the necessary approvals. They work very closely with municipalities on strategic risk planning and at the works level on council managed reserves.

Other specialist resources such as DSE Biodiversity specialist, Municipal Environmental Officer (where applicable) may also be able to provide advice and guidance for risk planning.

Further Information

- Country Fire Authority (2001) Roadside Fire Management Guidelines.
- www.cfa.vic.gov.au
- Country Fire Authority: Roadside Fire Management Works: CFA Guidelines and Procedures (2007)
- Country Fire Authority (2003) Roadside Program Case Studies: www.cfa.vic.gov.au
- Country Fire Authority (2012) Draft herbicide policy
- Country Fire Authority (2012) Herbicide Use (Fire Prevention) Guideline
- Country Fire Authority – Herbicide Use for Fire Prevention Brochure – Herbicide Use (Fire Prevention) Guideline Summary
- Country Fire Authority (in preparation) Standard Operating Procedure: prescribed burning.
- VicRoads (2002) VicRoads' Roadside Management Strategy. VicRoads, Victoria : www.vicroads.vic.gov.au
Victorian Legislation www.austlii.edu.au/databases.html