

## Derelict Structures – Burning of

### Scope

This Standard Operating Procedure applies to all CFA members involved in training or instruction.

This Standard Operating Procedure does not apply to fires or incidents for which the brigade has received an emergency call.

### Definitions

The following definitions apply to this Standard Operating Procedure:

- **CFA member:** A person who is registered by the Authority as a volunteer officer or member of a brigade and/or a person who is employed by CFA.
- **Communications Centre (CommCen):** Includes VicFire, Group listening watch, Group communications bases and sub-bases and other locations that provide day to day/normal radio communication to CFA vehicles and aircraft.
- **Derelict structure:** Any structure or improvement on a property, which is the subject of a request or invitation by the owner of the property for a brigade to burn down.
- **OIC (Officer-in-Charge) Brigade:** The Captain or CFA appointed officer in charge of a brigade. In the absence of these persons or other brigade officers, this definition includes a member of the brigade below the rank of officer.
- **Owner/occupier:** A person in whom the ownership of property is vested. Rights of ownership include the right to exclude others, to destroy or alter the property, to alienate the property, to maintain it, and to recover possession of it. Rights of ownership are divisible, in that property may be bailed, pledged, hired, mortgaged or partially transferred to another. As a consequence, an owner may not always have a right to possess and may be restricted in exercising rights such as those to alter or destroy the property.
- **Personal Protective Clothing (PPC):** Includes clothing used to provide protection to CFA members from the risks associated with performing a specific operational task for which they are competent and endorsed.



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<p><b>Objective</b></p>	<p>To establish the procedures to be followed by CFA members and the owner of a property where a request or invitation has been made to burn down a derelict structure.</p> <p>To ensure that the brigade’s and owner’s legal responsibilities and obligations are managed and understood.</p> <p>To ensure that the responsibility for any loss or damage caused by the burning down of a derelict structure rests solely with the owner of the property.</p>
<p><b>Procedure</b></p>	<ol style="list-style-type: none"> <li>1. The burning of derelict structures involving CFA brigades shall only be undertaken for the purposes of providing training and instruction for CFA members.</li> <li>2. Actions prior to the burning operation             <ol style="list-style-type: none"> <li>2.1 When requesting or inviting a brigade to burn down a derelict structure the owner of the property shall provide the following (refer to Schedule 1):                 <ol style="list-style-type: none"> <li>2.1.1 Proof of ownership.</li> <li>2.1.2 The exact address of the property.</li> <li>2.1.3 A precise description of the structure to be burnt.</li> <li>2.1.4 A declaration that they have requested/invited the brigade to burn down the structure.</li> <li>2.1.5 An acknowledgement that they accept sole responsibility for any and all losses or damages caused by the burning down of the structure.</li> <li>2.1.6 An acknowledgement that they understand that the derelict structure identified in Schedule 1 will be destroyed by the fire and provide consent to such destruction.</li> <li>2.1.7 A declaration that they undertake to obtain any necessary permits required for burning down the derelict structure from any municipal or other relevant authority, including those permits required if the burn is to occur during the fire danger period.</li> <li>2.1.8 A declaration that they accept sole responsibility for removal of debris, cleaning up and making good the property after the burning of the derelict structure.</li> <li>2.1.9 A declaration that to their knowledge, their request or invitation to burn a derelict structure is not in contravention with any other party or agreement.</li> </ol> </li> </ol> </li> </ol>



3. Upon receiving a request/invitation to burn down a derelict structure the OIC Brigade shall:
  - 3.1 Ensure that Schedule 1 is completed and signed by the owner;
  - 3.2 Consider the completed Schedule 1 form for endorsement, and where appropriate, endorse the Schedule 1 form; and
  - 3.3 Gain the approval of the Operations Manager to proceed.
  
4. Upon receiving a request from a brigade for approval to burn down a derelict structure, the Operations Manager shall:
  - 4.1 Require an officer from the region to inspect the property;
  - 4.2 Ensure a risk assessment has been carried out;
  - 4.3 Ensure that appropriate risk treatments have been identified and put in place; and
  - 4.4 Where appropriate, endorse the completed Schedule 1 form.
  
5. Actions on the day of the burn
  - 5.1 The OIC Brigade or their delegated officer shall:
    - 5.1.1 Have a copy of, and apply actions consistent with, the risk assessment;
    - 5.1.2 Check the weather conditions and forecast to assess suitability for the burn;
    - 5.1.3 Ensure that the owner of the property has obtained any necessary permits, and that the permit conditions can be met;
    - 5.1.4 Arrange with the owner for their presence at the property during the burn;
    - 5.1.5 Ensure that the adjoining property owners have been notified at least 24 hours in advance of the scheduled burn; and
    - 5.1.6 Advise the CommCen of:
      - 5.1.6.1 The time the burn is to take place; and
      - 5.1.6.2 The exact location of the property.



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## 6. Actions during the burn

### 6.1 The OIC Brigade or their delegated officer shall:

- 6.1.1 Ensure that there are sufficient CFA members and equipment on hand to control any potential incident that may arise as a result of burning the derelict structure;
- 6.1.2 Ensure that only the owner or the owner's authorised agent lights the fire in the structure;
- 6.1.3 Ensure the safety of the person lighting the fire while they are lighting the fire; and
- 6.1.4 Ensure that no flammable liquids are used to ignite the fire.

## 7. Burning of derelict structures for other purposes

### 7.1 Brigades may attend the burning of derelict structures undertaken by owners, for the sole purpose of protecting exposures.

- 7.1.1 Brigades shall submit a fire and incident report for such attendance.
- 7.1.2 The owners of the property burnt in these circumstances shall be charged for the attendance of the brigade in accordance with Section 87 of the Country Fire Authority Act 1958.

#### Safety notes

- Ensure that any hazards such as electricity, gas and other pressure vessels are isolated from the structure.
- All CFA members shall wear PPC appropriate to the task they are to perform.
- No CFA member may enter the burning structure unless they are wearing compressed air breathing apparatus.
- Consider the potential for building collapse at all times.
- Be aware of the potential presence of asbestos in older buildings.


#### Environmental notes

- Plan the burn to minimise water, foam and debris run off into water courses.
- Plan the burn to minimise the impact of smoke plume on CFA members involved in the activity and the community.



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Related Documents			Other Links and References	Delegations
Policies	Standing Orders	SOPs		
	Training and Competence  Fires and Incidents – Management of  Health and Safety	Strategy and Tactics	Country Fire Authority Act 1958  Country Fire Authority Regulations 2004  NFPA 1403	Operations Manager  OIC Brigade

Date to be Reviewed:	Date to Cease:	Date Endorsed:	Endorsed By:
TBA	N/A	22 Nov 2007	Russell Rees  Director of Operations/Chief Officer



## Schedule 1 – Burning Of Derelict Structures

FORM TO BE COMPLETED PRIOR TO THE BURN

Name of the brigade(s) to be involved in burn: -----

Proposed date of burn: -----

### SECTION A

*(To be completed by the owner/authorised agent of the owner of the property)*

Name of owner of property: ----- (“the owner”)

Address of the property: ----- (“the property”)

Owner’s address: -----

Owner’s phone number: -----

Name of authorised agent of the owner: ----- (“the authorised agent”)

Authorised agent’s address: -----

Authorised agent’s phone number: -----

Full details of the derelict structures on the property to be burnt: -----

----- (“the derelict structures”)

The owner/authorised agent hereby:

1. Warrants and declares that the owner is the registered proprietor of the land and existing improvements, including the derelict structures, known as the property being the whole of the land comprised in *Certificate of Title, Volume ----- Folio -----* (copy attached) and that the owner has not sold, contracted to sell, offered for sale or given any option to purchase any interest in the property.
2. Confirms that the owner has requested and/or invited the brigade to burn the derelict structures.
3. Acknowledges that the owner understands that the derelict structures will be destroyed by fire if the brigade accepts the owner’s request and/or invitation to burn them and the owner hereby consents to such destruction.
4. Undertakes that the owner will obtain any necessary permit for the burning down of the derelict structures from any municipal or other relevant authority, including any necessary permit should the burn take place during the fire danger period.
5. Undertakes that the owner or the authorised agent will be present at the property during the burning of the derelict structures and to light the fire necessary to burn such derelict structures.
6. Acknowledges that the burning of the said derelict structures carries with it a potential hazard and, therefore, the owner hereby for himself/herself, his/her executors, administrators, heirs, next of kin, successors and assigns:

- 6.1 Acknowledges that the owner has sole responsibility for any and all loss or damage caused to the owner, the brigade or any other person by the burning of the derelict structures;
- 6.2 Acknowledges that the owner has sole responsibility for removal of debris, cleaning up and making good the property after the burning of the derelict structures;
- 6.3 Agrees to release, discharge and waive the CFA, the brigade, its officers, directors, members, volunteers, employees and agents (“the Releasees”) from any and all claims, demands, suits, actions, causes of action or costs whatsoever which the owner now has or at any time hereafter may have but for execution of this form against the Releasees or any one or more of them arising out of or related to or in anyway connected with the owner’s request and/or invitation for the brigade to burn the derelict structures, the brigade’s acceptance of such request and/or invitation and the burning of the derelict structures and any matter incidental thereto;
- 6.4 Agrees to fully and completely indemnify and hold the Releasees harmless against any claims, demands, suits, actions, causes of action or costs whatsoever arising out of or related to or in anyway connected with the owner’s request and/or invitation for the brigade to burn the derelict structures, the brigade’s acceptance of such request and/or invitation and the burning of the derelict structures and any matter incidental thereto and made against the Releasees or anyone or more of them by any person including by any transferee, assignee, lessee, successor, executor or administrator of, or heir, to the property or of the owner, as the case may be.



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Signed by owner/authorised agent of the owner: \_\_\_\_\_  
(PRINT FULL NAME IN BLOCK LETTERS)

Witness: \_\_\_\_\_

Date: \_\_\_\_\_

**SECTION B**

*(To be completed where the owner is represented by an authorised agent)*

The authorised agent hereby warrants and declares that he/she is authorised by the owner to act on his/her behalf in requesting and/or inviting the brigade to burn the derelict structures and to sign, seal and deliver and execute this form, all deeds, releases, indemnities, contracts and agreements and instruments and all warrants, bonds and securities for costs or otherwise, undertakings, receipts or other instruments and to do and perform all acts, matters and things which may be necessary or expedient to effect any of the purposes of such authority or which may be required by any statute or regulations or by any enactment relating to all acts and deeds for the purposes of such authority.

Signed by the authorised agent of the owner: \_\_\_\_\_  
(PRINT FULL NAME IN BLOCK LETTERS)

Witness: \_\_\_\_\_

Date: \_\_\_\_\_

**SECTION C**

*(To be completed by brigade Officer-in-Charge of the burn prior to the burn)*



Name: -----

Signature: -----

Officer Rank: -----

- Proof of ownership of property/authorisation to act as agent
- Permit/s if necessary

### SECTION D

*(To be completed by Operations Manager or delegated officer)*

I have inspected the above property and conducted a risk assessment. I am satisfied that appropriate risk treatments have been established and that the necessary authorisation has been achieved and sighted by me.

Name: -----

Signature: -----

Operations Manager: -----

*(or Delegate)*

Date: -----