



Policy No. 2015-32

FIRE ABATEMENT POLICY

Responsible Officers: **General Mgr. & Mgr. Development & Environmental Services**

For Review By: **General Mgr., Mgr. Development & Environmental Services & Mgr. Finance & Administration**

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Approved by:

[Signature] **Mayor** 23/1/17
Date

[Signature] **General Manager** 23/1/17
Date

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1. Purpose

The purpose of this Policy is to state the Council's position in regard to dealing with fire abatement issues as they relate to nuisance provisions within the Local Government Act 1993.

Fire hazard reduction is the lowering of the percentage of a serious fire threat to a manageable level and timeframe within which a Fire Service could attend and contain the threat.

Council recognises that wildfire is a natural hazard in our environment and that it is the responsibility of all landowners to help minimise that on-going risk to their own and other property. Council has two roles to play in meeting this objective: that of a significant property land owner within the Central Highlands; and that of an organisation with the capacity to ensure that members of the municipality meet their statutory obligations regarding fire hazards.

This policy outlines the measures that Council will adopt to reduce fire risk and demonstrates Council's commitment to ensuring that fire hazards on land under its control are abated. It will also provide direction to Council staff and landowners as to the measures that should be adopted to minimise the risk of the escape of a fire to adjacent properties.

Whilst Council has statutory powers to ensure that fire hazards are abated, it recognises that different fire risks exist on individual properties depending upon the location of the land, its terrain, vegetation cover, availability of services, etc. For this reason, this policy is in the form of guidelines that give general direction and measures that should be adopted in the absence of compelling reasons to vary them.

Except where there is a direct threat to their personal safety, landowners can play an important part in the early intervention where fire occurs on their property and to monitor their property when regional fire threats are present or imminent.

As the landowners of vacant land are frequently not present when these fire events occur, they have an increased responsibility to ensure that there are appropriate measures in place to mitigate the spread of fire. This policy applies to land in residential areas.

2. Legislative Requirements, Regulations and Associated Council Policies, Procedures and Guidelines.

This policy should be read in conjunction with applicable, appropriate and associated Legislative Requirements, Regulations, Council Policies, Procedures and Guidelines. These include but are not limited to:

- The Local Government Act 1993 - particularly Part 12, Division 6 - Nuisances; including Sections 199 to 204.
- Penalty Units and Other Penalties Act 1987
- Code of Conduct Policies;
- Risk Management Policy and Strategy;
- Duty Statements (Job Descriptions, etc.);
- Fraud Policies and Procedures;
- Delegations of Authority;
- Australian Standard 8001-2008 – Fraud and Corruption Control.

3. Glossary of Terms

3.1. This Policy

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3.2. Council

Central Highlands Council.

3.3. Contractor

A contractor is defined as a person or organisation, external to Council, engaged under a contract for service (other than as an employee) to provide specified services to Council. A contractor generally works under the supervision of a Council Manager to provide services which are not readily available in the Council.

4. Guidelines

Council has varied land ownership throughout the Central Highlands, including local parks and playgrounds, roads and roadside reservations and reserves. It is committed to actively inspect and maintain those properties so as to minimise fire hazards. This will include the periodic slashing of roadside verges, the mowing of parks, ovals grounds, etc., the establishment and maintenance of fire breaks and the development of fire management plans for significant reserves.

Council does not provide a comprehensive property inspection service, but will promptly respond to community concerns of potential fire hazards. In addition it will provide guidance to landowners seeking advice as to measures they may implement to reduce fire risk on, or to, their property.

Council's authorised officers have the training and authority to inspect properties on which fire hazards are thought to exist and to require the landowner to abate an identified fire hazard within a specified period of time.

Where a Fire Hazard Abatement Notice has been issued and not complied with, Council will arrange for a contractor to undertake the works at the owner's expense and may issue an infringement notice for the failure to comply with the Notice.

It is the responsibility of the landowner to confirm whether or not any permits are required for vegetation removal prior to implementation of fire hazard abatement measures.

5. Fire Hazard Abatement – Frequently Asked Questions

5.1 Why do Councils issue fire hazard notices?

All councils in Tasmania are required by law to issue a Hazard Abatement Notice when an inspection shows that there is, or is likely to be, a direct fire hazard on private property that presents an immediate risk to life or property on adjoining land within their council area. This legislation, The Local Government Act 1993, also assigns councils with the responsibility to clear a hazard at the owner's expense if the owner does not do so inside a specified time.

5.2 It's my property, why can't I decide what is a fire risk and what isn't?

Property owners may determine for themselves how to manage their properties up to the point where it becomes a clear risk to their neighbours. Council's Inspectors are trained to recognise fire hazards and to determine the most practical way to manage the hazard.

5.3 So, how do Fire Hazard Abatement Notices work?

If a fire hazard is located, a hazard Abatement Notice is sent to the property owner. This notice describes the hazard and sets the deadline for clearing it. If the hazard has not been properly cleared by the due date, a "Failure to Comply" letter is sent. This gives the property owner notice that the deadline has passed and that Council is now compelled to clear the hazard on the owner's behalf.

Shortly after this, either a crew from Council or a Contractor engaged by Council enters the property and completes the required work. An invoice for the work is then posted to the owner.

5.4 Can you recommend anyone to do the work for me?

Council does not provide recommendations of suitable private contractors for hazard clearing works. The Yellow Pages contain a listing under Land Clearing &/or Firebreak Contractors and another under Lawn Mowing and Maintenance.

5.5 What is it going to cost me if Council or a Council appointed contractor clears the hazard on my property?

Costs vary depending on the size and type of hazard, the time required to clear the hazard and the equipment and resources required.

5.6 I worked to clear the hazard and you sent me a "Failure to Comply" letter. Why?

The terms of the Hazard Abatement Notice must be met in full to provide an adequate level of fire protection. It is also a standard requirement of the notice to keep the hazard clear until the end of the fire season, so ongoing maintenance may be required to prevent the hazard from growing back.

5.7 I have received a Fire Abatement Notice but do not agree that my property constitutes a fire hazard. What can I do?

A person served with, or specified in, an abatement notice may appeal to a magistrate within 14 days after service of the notice on any one or more of the following grounds:

- (a) that a nuisance does not exist;
- (b) that an action required by the abatement notice is unreasonable;
- (c) That the period stated in the abatement notice is unreasonable.

A magistrate may:

- (a) order that the person is to comply with the abatement notice; or
- (b) modify the abatement notice and order that the person and the council are to comply with the modified notice; or
- (c) order that the council withdraw the abatement notice.