



FIRE ABATEMENT POLICY

Approved By: Council
Doc Controller: General Manager
File: 126

Document Code: DVC-POL-017
Version: 003
Approved Date: 19/01/2017
Next Review Date: 19/01/2019

1. PURPOSE

The purpose of this policy is to provide a fair and consistent approach to the reduction of potential fire hazards on properties within the Derwent Valley.

This policy enables the Council to act in a timely manner, on the abatement of potential fire hazards on private land, following advice from the Tasmanian Fire Service that a Fire Permit period is to come into effect. Fire hazard reduction is the lowering of the potential of a serious fire threat to a manageable level and timeframe within which a Fire Service could attend and contain the threat.

This policy also states the Derwent Valley Councils' position in regards to dealing with fire hazard abatement issues as they relate to the nuisance provisions of the *Local Government Act 1993*.

2. SCOPE

While Council has statutory powers to ensure that fire risks 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.

Owners and occupiers of land can play an important part in the early intervention. As the owners of vacant land are frequently not present when fire events occur, they have an increased responsibility to ensure that there are appropriate measures in place to mitigate the spread of fire.

The Council also has varied land ownership throughout the municipal area, including local parks and playgrounds, roadside verges and reserves. The Council is committed to actively inspect and maintain those properties to minimise fire hazards. This includes the periodic slashing of roadside verges, the mowing of parks, ovals and grounds, the establishment and maintenance of fire breaks.

3. LEGISLATION

Local Government Act 1993

Fire Service Act 1979

Monetary Penalties Enforcement Act 2005

Penalty Units and Other Penalties Order 2014

4. POLICY STATEMENT

The Council is required under the *Local Government Act 1993* to conduct a Fire Hazard Abatement Program which aims to control fire hazards on privately owned land.

Owners and occupiers have an obligation to ensure their property does not pose a risk to those adjoining their lot.



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Whilst the Council has a statutory provision 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, the policy is in the form of a guideline that gives general direction on measures that should be adopted in the absence of compelling reasons to vary them.

The Council does not provide a comprehensive property inspection service but will respond to community concerns about potential hazards.

4.1 Fire Hazard Categories

Fire hazards that require abatement fall into three (3) main categories, these being:

	CATEGORY
1.	Rural areas consisting of broad acre grass, scrub and bushland.
2.	Fringe areas where bush, scrub and grasslands adjoin residential areas.
3.	Residential land with hazards consisting of grass, weeds, rubbish etc.

Each of these categories needs to be assessed according to the threat that they pose to the community.

As a general rule, category one (1) hazards are best dealt with pursuant to Tasmanian Fire Services, Fire Management Plan and may include fuel reduction burns carried out over a pre-determined cycle.

Category two (2) hazards may be dealt with in the same way as category one (1). However, it is important that a buffer area (fire break) be maintained between residential premises and bushland, etc.

Category three (3) hazards are best dealt with by the removal of the combustible material on the advice of Tasmanian Fire Service that a fire permit period will soon come into effect.

In attempting to reduce the threat of fire to the community it is not possible to simply rely upon the enforcement provision of the legislation. Rather, the community needs to be educated and encouraged in adopting appropriate fire management practices in meeting their obligations as owners and occupiers of property.

4.2 Expectation

Due to the level of risk at a property, the Council may require clearing outside these expectations. The guideline below assists property owners in understanding the Councils' expectations surrounding fire abatements. The guideline is a minimum standard to be adopted by landowners to protect their property from the risk of fire.



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4.2.1 Rural areas

It is expected that owners and occupiers of rural properties will manage their risk of fire transfer, either to or from their properties, through the use of fire breaks at their boundaries. Depending on the slope and potential fuel load, fire breaks are to be between 10 metres and 20 metres wide and cut to a height not exceeding 75mm or be ploughed. Fire breaks should be regularly inspected and maintained by owners and occupiers with a minimal fuel load.

It is expected that owners and occupiers of properties on the urban fringe or in designated low density residential or rural living areas will manage their risk of fire transfer, either to or from their properties, through the use of fire breaks at their boundaries. Depending on the slope and potential fuel load, fire breaks are to be between 5 metres and 20 metres wide and cut to a height not exceeding 75mm or be ploughed. Fire breaks should be regularly inspected and maintained by owners and occupiers with a minimal fuel load.

4.2.2 Urban areas

It is expected that owners of vacant lots within urban areas will maintain a 5 metres wide fire break, at a height not exceeding 75mm, additionally all shrubs and lower limbs of trees (less than 1 metre) are to be removed. Grass throughout the balance of the property should be maintained at a height not exceeding 100mm, trees and shrubs may be retained. Debris fuel load should be removed annually.

4.3 Nuisance

Section 199 of the *Local Government Act 1993* classifies nuisances to include:-

- a) Causes, or is likely to cause, danger or harm to the health, safety or welfare of the public; or
- b) Causes, or is likely to cause, a risk to public health; or
- c) Gives rise to unreasonable or excessive levels of noise pollution; or
- d) Is, or is likely to be, a fire risk; or
- e) Constitutes an unsightly article or rubbish

If the Council is satisfied that a nuisance exists the Councils' General Manager will issue an Abatement Notice under section 200 of the *Local Government Act 1993*.

4.4 Fire Hazard Abatement Process

The Council will initiate the first letter reminding property owners in affected areas of the requirement to ensure that their properties are maintained and that the potential for risk is minimised. This letter provides property owners with the required timeframes for works to be undertaken.



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The Council Authorised Officers have the appropriate training and authority to inspect properties and where necessary, require the abatement of risk. The Authorised Officer will inspect effected properties and issue a formal Abatement Notice in accordance with Section 200 of the *Local Government Act 1993*.

This Abatement Notice provides the owner with instruction to address the abatement within a designated timeframe.

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

Once the timeframe of the Abatement Notice has expired the Authorised Officer will initiate the abatement of the fire hazard through a compulsory clearance.

4.5 Compulsory Clearance

When an Abatement Notice has been issued and not complied with, the Council will arrange for a contractor to undertake the works at the owner's expense, and may issue an Infringement Notice under section 204A of the *Local Government Act 1993* for failing to comply with the notice.

The Council will obtain quotes from contractors as per the DVC-POL-026 Code for Tenders and Contracts.

The debt payable by the property owner equates to the total contractor costs plus an additional 25% administrative surcharge. This is a charge on the land and is recoverable by the Council in the same manner as rates and charges.

4.6 Appeal Process

Under the *Local Government Act 1993* a person serviced 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 the nuisances doesn't exist;
- b) that an action required by the abatement notices 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



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- c) order that the Council withdraw the abatement notice.

4.7 Infringement Process

Infringement Notices for failure to comply with a notice may be issued under the *Local Government Act 1993*. These notices are issued to the recipient with 14 days to appeal or 28 days to pay. After this period the infringement will be lodged with the Monetary Penalty Enforcement Service as per the requirements of the *Monetary Penalties Enforcement Act 2005* and the Councils' Enforcement Policy.

5. RELATED DOCUMENTS

DVC-POL-026 Code for Tenders and Contracts
DVC-POL-031 Enforcement Policy
DVC-PRO-047 Fire Hazard Abatement Procedure
DVC-PRO-047.1 Fire Hazard Checklist
Abatement Notice
Infringement Notice

6. REVIEW

This policy will be reviewed at least once every two years or sooner if required.