

	COUNCIL POLICY	POLICY NUMBER
	Fire Abatement	C 027
RESPONSIBLE OFFICER	APPROVAL DATE	
General Manager	March 2012	

1.0 PURPOSE

This policy aims to demonstrate Council's commitment to ensure fire hazards within the Tasman Municipal area are abated, and outlines the measures that Council will adopt to reduce fire risk.

The policy will also provide direction to Council staff and landowners regarding the measures that should be implemented to minimise the risk of fire to adjacent properties.

2.0 SCOPE

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 ongoing risk to their own and other property.

Whilst Council has statutory powers to ensure that fire hazards are abated in accordance with the *Local Government Act 1993* ("the Act"), it is recognised that different fire risks exist on individual properties depending on the location of the land, its terrain, vegetation cover, availability of services etc.

Council has varied land ownership throughout the Tasman Municipal area, including local parks and playgrounds, roadside verges and reserves. Council 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 and grounds, the establishment and maintenance of fire breaks and the development of fire management plans for significant reserves.

Fire Hazard Abatement Notices are used by Council as a means to reduce serious fire threat to a manageable level thereby reducing the risk to property owners within the Tasman Municipal area by minimising potential hazards prior to the fire season.

The policy does not apply to Crown Land or land managed by Forestry Tasmania. Enquiries or complaints regarding these properties will be directed to the relevant Government Agency for investigation and action if required, as many Crown reserves have significant environmental and cultural heritage values that must be taken into consideration before fire hazard reduction can occur.

The Council will continue to support and assist in the implementation of community fire safety initiatives of the Tasmanian Fire Service (TFS) and development of local Fire Management Plans.

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3.0 PROCESS

The most effective means of controlling hazards is to ensure that potential hazards do not develop into serious threats.

In attempting to reduce the threat of fire to the community it is not possible to simply rely upon the enforcement provision of legislation. It is imperative that the community is educated and encouraged to adopt appropriate fire management practices in order to meet their obligations as owners and occupiers of property.

3.1 *Authorisation of Officers*

Only Authorised Officers who are competent by training, qualification and/or experience will be authorised by Council to undertake fire abatement enforcement action by inspecting properties on which fire hazards are thought to exist, and to require the landowner to abate an identified fire hazard within a specified timeframe. Officers are required to show their authorisations on demand.

3.2 *Categorisation of Hazards*

Fire hazards generally fall into three main categories. These categories need to be assessed according to the threat they pose to the community.

1. *Rural areas consisting of broad-acre grass scrub and bush land*

These hazards are best dealt with pursuant to the local fire authorities fire management plan, which may include fuel reduction burns carried out over a pre-determined cycle.

2. *Fringe areas where bush, scrub and grasslands adjoin residential areas.*

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

3. *Residential land with hazards consisting of grass, weeds, rubbish etc.*

These hazards are best dealt with by the removal of the combustible material, however, the slope of the land and the type of vegetation should be individually assessed to ascertain the level of the abatement needed.

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3.3 Public Consultation

It is imperative that the community is educated and encouraged to adopt appropriate fire management practices in order to meet their obligations as owners and occupiers of property. Council is committed to ensuring that property owners meet their statutory obligations regarding fire hazards.

To ensure that the public are aware of their responsibilities, Council will place notices in "The Mercury" newspapers' *Fire Awareness Feature* which is published in November and January of each year.

In addition, Council will place notices in the Tasman Gazette from September-March as well as including information regarding fire hazard reduction on its Facebook page, website and community noticeboards.

3.4 Nature of Complaint

A person can make a complaint regarding a potential fire hazard in a variety of ways:-

- Letter;
- Telephone;
- Facsimile;
- Email;
- In Person at the Council offices

Complaints from members of the public will be recorded in Councils' customer requests management system and inspected by an Authorised Officer.

3.5 Inspection Process

Council does not provide a comprehensive property inspection service as it is the responsibility of individual land owners to assess their own risk and take appropriate action. Council will respond all sites where a fire risk concern is raised by the community.

During October of each year, Council's Authorised Officers will inspect properties that have been brought to its attention by the public. In addition, Inspections will also be undertaken of those properties that have been issued with notices in previous years.

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Where a fire hazard has been identified, a Fire Hazard Abatement Notice will be issued in accordance with Section 200(a) of the Act, and the process detailed in Clause 3.6 of this Policy.

3.6 Enforcement Action - Fire Hazard Abatement Notice

Where a fire hazard has been identified, a Fire Hazard Abatement Notice will be issued to the property owner in accordance with Section 200(a) of the Act. An Abatement Notice must state the following:-

- (a) the nature of the nuisance; and*
- (b) any reasonably necessary action to be taken to abate the nuisance; and*
- (c) the period within which such action is to be taken; and*
- (d) the person or persons responsible for ensuring that such action is taken; and*
- (e) that the council may take action to abate the nuisance*

The property owner has a period of 28 days from the date of the Abatement Notice in which to abate the nuisance. If the property owner wishes to lodge an appeal to the Abatement Notice, they must do so with the Magistrates Court.

A subsequent inspection will be undertaken by the Authorised Officer at the conclusion of the specified timeframe to determine whether the Abatement Notice has been complied with.

If the property owner does not abate the risk or lodge an appeal within the specified timeframe, a letter will be sent advising that Council will carry out the works at the owner's expense in accordance with Section 201 of the Act.

Council will obtain quotations from three (3) contractors to undertake the work. 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 Council in the same manner as rates and charges

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4. DEFINITIONS

In this Policy the following definitions apply:-

“the Act” means the Local Government Act 1993

“Authorised Officer” means a Council Officer or person appointed by the General Manager or the Council for the purposes of administering and enforcing fire hazard abatements in accordance with the Local Government Act 1993 and any other Act which the Authorised Officer is responsible.

“Council” means the Tasman Council.

This policy was approved at the ordinary Council meeting held on 22 June 2016, resolution number 16/06.20216/C.



Robert Higgins
General Manager

Policy Developed – July 2010

Policy Approved – July 2010

Policy reviewed – September 2013

Policy reviewed & amended– June 2016

Disclaimer

That this policy be read in conjunction with any or all other Council and/or Management Policies