



Fire Risk Abatement Policy

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Responsible Officer:	Director Governance, Recreation & Property Services
Strategic Plan Reference:	1.1 A Council that engages with and enables its community

1. POLICY STATEMENTS

- 1.1 The *Local Government Act 1993* (the Act) indicates that one of Council's functions is to provide for the health, safety and welfare of the community. Council is also required by the Act to take action to abate nuisances, which includes anything that is or is likely to be a fire risk.
- 1.2 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 owner within Kingborough; and that of an organisation with the capacity to ensure that members of the community meet their statutory obligations regarding fire risk.

2. DEFINITIONS

- 2.1 **"Fire Risk"** means anything that an Authorised Council Officer is satisfied may pose, or is likely to pose, a risk of causing or exacerbating the effects of a fire. This may include (but is not limited to) overgrown grass, vegetation, weeds or scrub, the presence of rubbish or flammable material on a property or the proximity of a property to bushland.
- 2.2 Matters considered in assessing fire risk may include:
 - 2.2.1 the extent and type of vegetation, and whether or not it has been maintained;
 - 2.2.2 the extent and type of other materials stored on the property, which may serve as fuel for a fire;
 - 2.2.3 the location of the property and the characteristics of surrounding properties;
 - 2.2.4 past weather conditions or future weather predictions;
 - 2.2.5 accessibility of the property by fire-fighting vehicles which may be used to extinguish or manage a fire;
 - 2.2.6 access to a property (for example a property may be in an area which is accessed by only one road and may be cut off as an exit in the event of a fire); and
 - 2.2.7 Any assessment tool or methodology result undertaken by a qualified person concerning fire risk.
- 2.3 **"Abatement Notice"** means an Abatement Notice issued under section 200 of the *Local Government Act 1993*.

3. OBJECTIVE

- 3.1 To provide a framework in which Council will meet its statutory obligations and community expectations in relation to fire risk abatement.
- 3.2 This policy provides direction as to the circumstances under which Council may issue Abatement Notices and take enforcement action against property owners for non-compliance.
- 3.3 This policy recognises that it is not possible to rely solely on the enforcement provision of legislation and it is important that the community is encouraged to adopt appropriate fire management practices.

4. SCOPE

- 4.1 This policy applies to private property within the Kingborough municipality on which something has been identified which is, or likely to be a fire risk.
- 4.2 Matters relating to Crown Land or land managed by Sustainable Timbers Tasmania will be directed in the first instance to the relevant Agency for investigation.

5. PROCEDURE (POLICY DETAIL)

5.1 Proactive Process

- 5.1.1 Written Notification of Fire Risk . At its discretion Council will issue correspondence to land managers/landowners where Council has conducted abatement practices previously. The purpose of this correspondence is to draw attention to potential fire risks and give opportunity to land managers/landowners to take action and abate the risk prior to the bush fire season.
- 5.1.2 Inspections. Council officers will conduct inspections where historic fire risks have been identified, professional advice has been provided regarding heightened risk, or proactive written notification has been sent.

5.2 Reactive Process

- 5.2.1 Public Notification and Response. Council officers will assess properties where a fire risk concern is raised by the community. Council does not provide a comprehensive property inspection service, but will respond to community concerns of potential fire risk in accordance with available resources. In addition it may provide guidance to landowners seeking advice as to measures they may implement to reduce fire risk on, or to, their property.
- 5.2.2 Abatement Notices. Council's authorised officers have the training and authority to inspect properties on which fire risks are thought to exist. Council may issue an Abatement Notice and require the land manager /landowner to abate an identified fire risk within a specified period of time and in some instances in a specified manner.
- 5.2.3 Enforcement Action. Where an Abatement Notice has been issued and not complied with, Council may arrange for a contractor to undertake the works at the owner's expense, and may issue an infringement notice or commence proceedings, for the failure to comply with the Notice.

5.3 Other Permits and Permissions

- 5.3.1 Clearing of vegetation for abatement purposes may require a permit from Council under By-Laws or the *Kingborough Interim Planning Scheme 2015* (or successor). Further information can be found on Council's website at www.kingborough.tas.gov.au.
- 5.3.2 Tasmania Fire Service (TFS) also has requirements regarding fire bans and permits. Further information can be found at www.fire.tas.gov.au.

6. COMMUNICATION

- 6.1 Members of the public.
- 6.2 TFS.
- 6.3 Authorised officers.
- 6.4 Councillors and staff.

7. LEGISLATION

7.1 *Local Government Act 1993*

- 7.1.1 Council is required by section 20(1) of the *Local Government Act 1993*:
 - (a) *to provide for the health, safety and welfare of the community;*
- 7.1.2 Sections 199 – 204A of the *Local Government Act 1993* relate to statutory nuisances and empower Council to abate such nuisances. Section 199 defines a nuisance as to include anything that:
 - (d) *is, or is likely to be, a fire risk;*