

<b>Title</b>	<b>Fire Hazard Abatement Notices</b>
<b>Council Resolution</b>	Item 9 (26 Sep 2016) as per Council minutes
<b>Responsible Directorate</b>	Corporate Governance
<b>Due for Review</b>	Four (4) years from Council resolution date
<b>Strategic Plan Reference</b>	<p><b>Valuing our Environment</b></p> <p>3.1.1 Set priorities for management of our natural and built environments in partnership with our communities</p> <p>3.1.2 Deliver services that sustainably manage our natural environments</p> <p><b>Leading our Community</b></p> <p>4.2.4 Maintain fair systems and processes that result in high levels of regulatory compliance in Council and the community</p>
<b>ECM</b>	Council Policy

## PURPOSE

This policy provides direction as to the circumstances under which Council will issue Fire Hazard Abatement Notices to owners of private property and take enforcement action against property owners for non-compliance.

## SCOPE

This policy applies to private property within the Glenorchy local government area on which something has been identified which is, or is likely to be a fire risk .

## STATUTORY REQUIREMENTS

Section 199 of the *Local Government Act 1993* (the Act) provides that a ‘nuisance’ includes anything that is, or is likely to be a fire risk.

Section 200 of the Act provides that if a Council is satisfied that a nuisance exists, the General Manager may serve an abatement notice on a person which specifies, amongst other things, the nature of the nuisance, any reasonably necessary action to be taken to abate the nuisance, and the time in which the action must be taken.

Section 200(3) of the Act provides that a person served with an abatement notice must comply with the notice, unless they choose to appeal it.

<b>Acts</b>	<i>Local Government Act 1993</i> <i>Fire Service Act 1979</i>
<b>Regulations</b>	Not applicable
<b>Australian/International Standards</b>	Not applicable

## DEFINITIONS

<b>fire risk</b>	Means anything that a council officer is satisfied may pose a risk or 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.
<b>Fire Hazard Abatement Notice</b>	Means an Abatement Notice issued under section 200 of the <i>Local Government Act 1993</i> .

## **POLICY STATEMENT**

One of the Council's functions under the Act 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 include anything that is or is likely to be a fire risk.

Council will actively work with the community and the Tasmanian Fire Service to reduce fire hazards in the Glenorchy local government area. Measures that Council will take will include:

- notifying residential land owners of potential fire risks
- issuing Fire Hazard Abatement Notices where fire risks are identified
- taking enforcement action against land owners where fire risks are not abated, and
- educating the community about proper fire management practices.

The circumstances under which Council will take the above measures are outlined below:

### **1. General principles**

Council will only take action to abate a fire risk or issue an infringement notice where a property owner has been given notice of the risk and has been given the opportunity to take action to abate it.

However, nothing in this policy prevents Council officers from taking enforcement action in accordance with the provisions of the Act or any other act if they consider it necessary.

### **2. Notification of Fire Hazards**

Prior to the beginning of the summer bushfire season Council will issue "Fire Hazard General Notices" (**General Notice**) to owners of all properties which, due to their location or other characteristics, cause Council to be satisfied that they pose a fire risk. General Notices will typically be issued in or about mid-October, or alternatively upon the declaration of the beginning of the bushfire season by the TFS, whichever is earlier.

The purpose of a General Notice is to draw property owners' attention to potential fire risks on their property and give them the opportunity to take action to identify and abate the risk prior to inspections by Council and the subsequent issue of a Fire Hazard Abatement Notice.

### **3. Inspections**

Council will conduct routine inspections of properties to which a General Notice has been issued to determine whether a fire risk exists.

### **4. Fire Hazard Abatement Notices**

Council will issue a Fire Hazard Abatement Notice to the owner of any property on which it is satisfied that a fire risk exists as a result of an inspection.

A Fire Hazard Abatement Notice will comply with the requirements of section 200 of the Act, and will give the owner 14 days to take the action specified in the notice to abate the fire risk.

### **5. Enforcement action**

Where a property owner fails to comply with a Fire Hazard Abatement Notice, Council may take enforcement action. Enforcement action includes:

- taking action to abate a nuisance under section 201 of the Act (in which case Council will recover the cost of any action taken from the owner)
- issuing an infringement notice under section 204A of the Act
- applying to a Court for a nuisance order under section 203 of the Act, and/or
- taking any other enforcement action that Council may be entitled to take under the Act or any other act.

## **6. Education program**

Council supports the view that the most effective way of controlling fire hazards is to ensure that they do not develop into serious threats. Council is committed to both:

- taking its own measures to educate and work with the community, and
- working with and supporting the TFS or other agencies to raise awareness.

Wherever possible, Council will identify and action opportunities to provide education to property owners and the community about proper fire hazard management practices. Such measures may include:

- the provision of information or fact sheets
- holding seminars or information evenings, and
- participating and supporting any community education measures organised by the TFS, including the provision of facilities, where available.

## **7. Inconsistency with legislation**

In the event of an inconsistency between this policy and the provision of the Act (or another act), the latter will prevail to the extent of the inconsistency.

## **BACKGROUND**

Council is responsible for (among other things) providing for the health, safety and welfare of the community.

Part of Council's ordinary responsibilities are identifying and taking steps to mitigate any danger to the community posed by fire. To discharge that responsibility, Council conducts routine inspections of properties in its municipal area to identify potential fire risks, and notifies property owners accordingly so that action can be taken to remove any fire hazard which exists. One means by which Council can notify owners of the risk is through the issue of an Abatement Notice under section 200 of the Act.

From time to time, it may be necessary for Council to take formal enforcement action to ensure that risks are properly mitigated, and to safeguard the community from the risks posed by fire as much as possible.