

PURPOSE

This policy provides direction as to the circumstances under which Council will issue Fire Risk 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 as, 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 Chief Executive Officer 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.

Acts	<i>Local Government Act 1993</i> <i>Fire Service Act 1979</i>
Regulations	N/A
Australian/International Standards	N/A

DEFINITIONS

Fire Risk means anything that a council officer is satisfied may pose a risk of causing or exacerbating the effects of a fire. This may include (but is not limited to) overgrown grass, vegetation, weeds, scrub, the presence of rubbish or flammable material on a property, or the proximity of a property to bushland.

Fire Risk Abatement Notice means an Abatement Notice issued under section 200 of the *Local Government Act 1993*

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 (TFS) to reduce fire risks in the Glenorchy local government area. Measures that Council will take will include:

- notifying residential landowners of potential fire risks,
- issuing Fire Risk Abatement Notices where fire risks are identified,
- taking enforcement action against landowners 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 Risks

Prior to the beginning of the summer bushfire season, Council will issue “Fire Risk General Notices” (**General Notice**) to the owners of all properties which, due to their location or other characteristics, cause Council to be satisfied that they may 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 summer Fire Permit Period 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 Council inspections being undertaken and, any subsequent Fire Risk Abatement Notice.

3. Inspections

Council will conduct routine inspections to determine any fire risks on properties to which a General Notice is related, or on properties which may be subject to an alleged fire risk that Council receives via a Customer Request.

4. Fire Risk Abatement Notices

Council will issue a Fire Risk Abatement Notice to the owner of any property on which it is satisfied that a fire risk nuisance exists.

A Fire Risk Abatement Notice will comply with the requirements of section 200 of the Act, and will give the owner a reasonable timeframe, usually 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 Risk 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 minimising fire risks is through the community becoming aware, and staying engaged with bushfire prevention advice. 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 embrace the opportunity to educate property owners and the broader community about appropriate fire risk management practices. Such measures may include:

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

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 is to identify and take steps to mitigate any danger to the community posed by fire. To fulfil that responsibility, Council has historically conducted routine inspections of properties in its municipal area to identify potential fire risks. If identified, property owners are notified accordingly to promote action to be taken to remove the existence of any fire hazards, for example, through issuing a Fire Risk General Notice, general correspondence, or a Fire Risk 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 mitigated, which in effect serves to safeguard the community from the risks posed by fire as much as possible.

DOCUMENT CONTROL

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