



# NORTHERN MIDLANDS COUNCIL

## POLICY MANUAL

### FIRE ABATEMENT

**Originated Date:** Adopted 18 February 2013 – Min. No. 50/13 (as Policy 69)

**Amended Date/s:** Amended 21 November 2016 – Min. No. 311/16  
Amended 23 January 2017 – Min. No. 07/17

**Applicable Legislation:** *Local Government Act 1993*

**Objective** Provide a fair and consistent approach to the reduction of potential fire risk within the settlement areas of the Northern Midlands.

**Administration:** Community and Development

**Review Cycle/Date:** Next review 2021.

#### INTRODUCTION

Wildfire is a natural hazard throughout Tasmania and it is the ongoing responsibility of all land owners to take reasonable measures to minimise the risk to their own property and that of their neighbours.

The *Local Government Act 1993* at part 12, division 6, defines a nuisance to include anything that is, or is likely to be, a fire risk. Further, the Act requires that, where Council is satisfied that a nuisance exists the General Manager must serve a notice requiring abatement of the nuisance.

Council's authorised officers have the training and authority to inspect properties and when a fire risk is identified, prepare the relevant abatement notices to be issued by the General Manager.

Council recognises that different fire risks exist on individual properties depending upon matters such as the location of the land, its terrain and vegetation cover.

#### OPERATION

##### 1 EXPECTATION

###### *Rural Properties*

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 should be between 10m and 20m wide and should be cut to a height not exceeding 10cm or be ploughed. Fire breaks should be regularly inspected and maintained to ensure the fuel load is at a minimum.

###### *Urban Fringe – Low Density Residential*

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 should be between 5m and 20m wide and should be cut to a height not exceeding 10cm or be ploughed. Fire breaks should be regularly inspected and maintained to ensure the fuel load is at a minimum.

###### *Urban areas*

It is expected that owners of vacant lots within urban areas will maintain a 5m wide fire break, at a height of not more than 10cm, with all shrubs and lower (less than 1m) limbs of trees removed. Grass throughout the balance of the property should be maintained at approximately 10cm, trees and shrubs may be retained. Debris fuel load should be removed annually.



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### *Grazing to abate risk*

The use of sheep, or other stock, to graze vacant land and so keep the grass short and thus abate potential fire risk can be effective if commenced early enough and if weeds – particularly thistles and gorse - are additionally dealt with. Placing sheep onto vacant land once an abatement notice has been served, or after significant growth, is unlikely to produce a satisfactory result. In many cases, the trampling, by stock, of the fuel load may simply make its removal more difficult.

## 2 INSPECTION

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.

However, Council's authorised officer will respond and inspect all sites where a fire risk concern is brought to Council's attention.

In addition, in spring of each year Council's authorised officer will conduct inspections of the residential areas in the municipality, for potential fire hazards.

## 3 PROCESS

- i *Friendly Reminder:* following the initial inspection, the authorised officer will send a reminder letter to the owner or occupier of all properties where, in the opinion of that officer, a fire risk may eventuate if the existing fuel load is not reduced.
- ii *Advertise:* Council will place fire season hazard advertisements in newspapers circulating in the municipality, in early October and November each year. The advertisements are also to be shared on Council's Facebook page.
- iii *Inspection:* the authorised officer will conduct a follow up inspection of all properties identified from the inspection referred to in clause 2, and of any other properties brought to Council's attention, prior to the Fire Permit Period or fire restrictions commencing.
- iv *Abatement Notice:* where, in the opinion of the authorised officer, there is, or is likely to be a fire risk, a notice will be served upon the owner or occupier of the land requiring the risk to be abated within fourteen days.
- v *Appeal or carry out work:* the owner or occupier of the land must abate the risk or appeal to a magistrate within 14 days of the service of the notice, in accordance with the provisions of the *Local Government Act 1993*.
- vi *Risk not abated:* if the owner or occupier does not abate the risk or lodge an appeal within the prescribed 14-day period, a letter will be sent to the owner or occupier advising that Council will carry out the works at the owner or occupier's expense.
- vii *Send Contractor:* once the letter referred to in step (vi) is sent, the authorised officer will engage a contractor to enter the land and do anything reasonably necessary to abate the fire risk. The contractor will cut locks or remove gates etc. if necessary to gain entry.
- viii *Charge to owner:* all costs associated with the contractor, plus and administration fee, will be invoiced to the owner or occupier. This cost will be incurred even if the owner or occupier abates the risk, after the expiry of the prescribed period, but prior to the arrival of Councils contractor.