

## Fire Prevention Notices

### What is a Fire Prevention Notice?

A Fire Prevention Notice is a notice issued as deemed necessary to protect life and property from the threat of fire. The notice may be served to an owner or occupier of a property. Fire Prevention Notices may specify:

- Parts of the land or property that need to be treated
- Treatment methods for particular vegetation or material
- Construction of a fuel reduced area
- Positions of objects on the land that need to be altered.

### Why does Council issue Fire Prevention Notices?

Under the Country Fire Authority Act 1958, Council has a legal obligation to ensure the community's risk associated with bush fire and grass fire is reduced. Fire hazards on private property can include any of the following:

- Dead, dry or long grass
  - Fuel such as dead branches, piles of cuttings etc
  - Wood piles placed too close to houses or fence lines
  - Other combustible material.
- Municipal Fire Prevention Officers (MFPO) have the power to enter properties to undertake inspections and to issue directional Fire Prevention Notices.

### Why would I receive a Fire Prevention Notice?

Fire Prevention Notices are issued to a land owner, occupier or manager of the property in question.

During the declared Fire Danger Period a MFPO/s conduct

routine inspections around the municipality driving through the streets looking for fire hazards and issuing Notices.

Alternatively, Council may also receive a complaint from a community member.

Once a complaint is made to Council regarding a potential fire threat, Council is obligated to inspect the property, make an informed opinion and take appropriate measures by issuing a Fire Prevention Notice if a threat has been identified.

### When is the Fire Danger Period?

The County Fire Authority introduces Fire Restrictions (Fire Danger Period) for each Region over the summer period each year.

The Fire Danger Period can range from November to May depending on the level of risk predicted for the season. During this period residents are required to maintain their property in a safe manner. Once declared the dates can be found on the Alpine Shire Council website as well as the CFA website.

### What do I have to do if I receive a Fire Prevention Notice?

If you receive a Fire Prevention Notice you are required to comply with the instructions in the Notice. The works must be carried out by the due date.

The notice does not authorise you to remove any shrubs and trees unless marked.

### What will happen if I don't comply with the Fire Prevention Notice?

Follow up inspections are carried out on properties that have been issued a Fire Prevention Notice.

If the prescribed works have not been completed to the

satisfaction of the MFPO by the due date:

- As per Section 225 of the Local Government Act 1989, Council will appoint a contractor to enter upon your land to carry out the works specified in the Fire Prevention Notice, and;
- The owner or occupier will have to pay all associated costs in carrying out the works specified in the notice plus an administration fee.

Please note: Council will not contact you prior to undertaking works once the Fire Prevention Notice has been issued.

Failure to pay for these works may result in court action to recover the cost, including interest, on the money owed as per Section 232 of the Local Government Act 1989. In addition, the MFPO may serve a Fire Prevention Infringement Notice for failing to comply, with a penalty of \$1611.90 (10 penalty points).

If this penalty is paid within 28 days of the date of the infringement notice, no further proceedings may be taken and no conviction recorded as per Section 41 of the Country Fire Authority Act 1958.

### What if I can't carry out these works?

If you are unable to carry these works on your property, you may wish to employ a contractor to assist. There are a number of businesses providing these services listed in the Yellow Pages under grass slashing, vegetation removal or tree lopping.

If you engage a contractor to undertake the prescribed works, it is your responsibility to liaise with the contractor to ensure they complete the works by the due date.

Alternatively, Council can engage a contractor on your

behalf and invoice you for the works. You will need to complete the appropriate form that accompanies the Fire Prevention Notice and submit it to Council by the due date. Rates for these services are listed in the covering letter.

### **What I've just cut my grass?**

There can be a small delay between the fire hazard inspection and the time you receive the Fire Prevention Notice.

If you have carried out the work that has been requested in the notice since the date of inspection, please disregard the Notice and ensure you maintain your property for the remainder of the Fire Danger Period.

### **What if I own a property/ vacant block of land and don't visit it regularly?**

As a property owner, it is your responsibility to maintain your property and ensure that grass is kept to the required heights at all times (less than 100mm in residential areas).

As the Shire is located in a high bushfire risk area, Council recommends that owners of vacant blocks engage a contractor to maintain their property.

This will prevent you receiving a Fire Prevention Notice and prevent your neighbours from worrying about any fire hazards on your property, during the Fire Danger Period.

### **What if I'm worried about my neighbour's fire hazard?**

If there is a property of concern to you, please let our Customer Service staff know (in person, via email or on the phone).

We will send a Fire Prevention Officer to inspect the property and, if required, will issue the owner with a Fire Prevention Notice.

### **What if I have moved house and didn't receive the Fire Prevention Notice?**

As a property owner it is your responsibility to advise Council of your correct mailing address for the property you own. This is highlighted on the back of the Rates Notice.

### **What if I'm planning to cut my paddock for hay?**

If it is your intent to cut your paddock for hay, contact the MFPO before the completion date on your notice.

### **What if I plan to put stock in my paddock?**

If it is your intent to put stock on your paddock, contact the MFPO before the completion date on your notice.

### **Can I object to my Fire Prevention Notice?**

You can object to your Fire Prevention Notice as per Section 41 of the Country Fire Authority Act 1958. By lodging your objection, in writing, to the MFPO within 7 days of receiving your Fire Prevention Notice, stating the grounds of this objection.

The MFPO must confirm or vary the original Fire Prevention Notice (specifying the new time by which works must be completed) or withdraw the Fire Prevention Notice within 14 days of receiving the objection.

### **Can I appeal the decision regarding my objection?**

If you are not satisfied with the response from the MFPO or the Officer fails to confirm, vary or withdraw your Fire Prevention Notice within 14 days, you may appeal as per Section 41 of the Country Fire Authority Act 1958. Appeals must:

- Be in writing
- Be lodged with the Chief Officer, Country Fire Authority,

8 Lakeside Drive, East Burwood 3151 within 7 days of the end of the 14 day period described above, or within 7 days of the date of confirmation or variation (whichever is earlier);

- Fully state the grounds of your appeal.

The Chief Officer (or a delegate) will then consider your appeal.

To do this, an investigation will be made into your case. In the course of the investigation an Officer of the Country Fire Authority may visit you to assess the matter. When considering the appeal, the Chief Officer (or a delegate) will take into account all relevant circumstances, including the proper needs of conservation, and any alternative means of addressing the threat of fire. After considering the appeal, the Chief Officer (or a delegate) must confirm, vary or cancel the Fire Prevention Notice. You will be notified in writing of the decision.

### **What if I need more information about preparing my property for fire?**

The Country Fire Authority has some excellent resources available to assist residents in preparing their homes for fire. Check out their website ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)) or contact the CFA Community Education Coordinator at your local CFA or Regional Office.

### **More information**

Contact Fire Prevention at Alpine Shire Council  
**Office:** 2-6 Churchill Ave, Bright, VIC 3471

**Mail:** PO Box 139, Bright, VIC 3741

**Phone:** (03) 5755 0555

**Email:** [fireprevention@alpineshire.vic.gov.au](mailto:fireprevention@alpineshire.vic.gov.au)

**Fire Prevention is everyone's responsibility.**