



Factsheet

Fire Prevention Notices

What is a Fire Prevention Notice?

A Fire Prevention Notice is a notice served by a Fire Prevention Officer, in relation to anything that by its nature, composition, condition or location constitutes or may constitute a danger to life or property from the threat of fire. The Notice may be served on a landowner or occupier.

Fire Prevention Notices may specify:

- parts of the land 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 legal obligations in relation to fire prevention to require landowners to manage danger to life or property from the threat of fire. Fire hazards on private land include:

- 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 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 or occupier of land. They may be issued as part of proactive inspections or because of a complaint.

During the declared Fire Danger Period Council's Fire Prevention Officers conduct routine inspections around the Shire assessing land for fire hazards and issuing Notices.

If a complaint is received about a potential fire hazard, Council's Fire Prevention Officers are obligated to inspect the land, make an informed opinion about the hazard and the risk it poses to life or property from the threat of fire, and if required issue a Fire Prevention Notice.

When is the Fire Danger Period?

The CFA declares the Fire Danger Period for each municipality at different times in the lead up to the fire season. It depends on the amount of rain, grassland curing rate and other local conditions.

The Fire Danger Period may be declared as early as October and remains in place until the fire danger lessens, as late as May.

The Fire Danger Period dates are published on the CFA website: <https://www.cfa.vic.gov.au/warnings-restrictions/fire-danger-period-restrictions>

During this period landowners and occupiers are required to maintain their land in a manner that does not constitute a danger to life or property from the threat of fire.

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 the removal of shrubs and trees unless specifically required by the Notice.

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

Council's Fire Prevention Officers reinspect land that is subject to a Fire Prevention Notice. If the prescribed works have not been completed to the satisfaction of Council's Fire Prevention Officers by the due date:

- Under section 41E of the *Country Fire Authority Act 1958* a Fire Prevention Infringement Notice will be issued, with a penalty in 2024/25 of \$1,976 (10 penalty units).
- If works are still not undertaken, under section 117 of the *Local Government Act 2020*, Council will appoint a contractor to enter your land to carry out the works specified in the Fire Prevention Notice.

Please note: Council will not contact you prior to undertaking the works and you will have to pay all associated costs in carrying out the works specified in the Notice plus an administration fee.

Failure to pay for these works may result in court action to recover the cost, including interest, on the money owed as per *Section 120 of the Local Government Act 2020*.

In addition to the above, a failure to comply with a Fire Prevention Notice is an offence carrying a \$23,711 fine (120 penalty units) or 12 months imprisonment or both.

What if I can't carry out the works?

If you are unable to carry out the required works on your land, you must engage a third party to undertake the works on your behalf.

There are several contractors providing these services in the Shire and are generally listed in the Yellow Pages under *grass slashing, vegetation removal or tree lopping*.

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

What if I've just cut my grass?

There can be a delay between the date of the fire hazard inspection and the date you receive the Fire Prevention Notice. If you have maintained your land in that period, you may have already met the requirements of the Notice. Please read the Notice carefully to ensure that all matters have been addressed and ensure you maintain your land for the remainder of the Fire Danger Period.

What if I own a vacant land and don't visit it regularly?

As a landowner, it is your responsibility to maintain your land and ensure that vegetation is always kept to the reasonable standards (eg. grass < 100mm in residential areas).

As the Shire is in a high bushfire risk area, Council recommends that owners of vacant land engage a contractor to maintain their land. This will reduce the likelihood of receiving a Fire Prevention Notice and your neighbours from complaining about any fire hazards on your land, during the Fire Danger Period.

What if I think a neighbour's land is a fire hazard?

If you are concerned about fire hazards on other land, please contact Council's Fire Prevention Officers by phone: (03) 5755 0555

or email:

fireprevention@alpineshire.vic.gov.au

A Fire Prevention Officer will inspect the land and, if required, issue the owner with a Fire Prevention Notice.

What if my address has changed and I didn't receive the Fire Prevention Notice?

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

What if I'm planning to cut my paddock for hay or silage?

If it is your intent to cut your paddock for hay or silage, contact Council's Fire Prevention Officers and communicate your intentions before the completion date on the Notice.

What if I plan to put stock in my paddock?

If it is your intent to put stock on your paddock, you need to contact Council's Fire Prevention Officers and communicate your intentions before the completion date on the Notice.

Can I object to a Fire Prevention Notice?

You can lodge an objection to a Fire Prevention Notice under section 41B of the *Country Fire Authority Act 1958*. Your objection must:

- be in writing, to the Municipal Fire Prevention Officer
- be lodged within 7 days of receiving the Fire Prevention Notice
- state the grounds of your objection.

The Municipal Fire Prevention Officer must confirm or vary the original Notice (specifying the new time by which works must be completed) or withdraw the 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 Municipal Fire

Prevention Officer or the Officer fails to confirm, vary, or withdraw the Fire Prevention Notice within 14 days, you may lodge an appeal under section 41C of the *Country Fire Authority Act 1958*.

Appeals must:

- be in writing addressed to:
Chief Officer
Country Fire Authority
8 Lakeside Drive
Burwood East VIC 3151
- be lodged 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)
- state the grounds of your appeal in detail.

The Chief Officer (or a delegate) will then consider your appeal. To do this, an investigation will be made into your case. During the investigation an Officer of the CFA may visit you to assess the matter. When considering the appeal, the Chief Officer (or a delegate) will consider 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 land for fire?

The CFA publishes resources to assist landowners and occupiers in planning and preparing for fire - <https://www.cfa.vic.gov.au/plan-prepare> or contact the CFA Community Education Coordinator at your local CFA or Regional Office.

Further information

If you require any further information regarding fire hazards or Fire Prevention Notices, contact Council's Fire Prevention Officers by Phone: (03) 5755 0555 or

Email:

fireprevention@alpineshire.vic.gov.au