



# Fire Prevention

## Section 105F Notice

### Frequently Asked Questions

#### 1. What is a Section 105F Notice?

A Section 105F Notice is a Notice issued under the **Fire and Emergency Services Act 2005** to protect life and property from the threat of a fire. The notice specifies the work that must be carried out on a property within a specified time frame.

#### 2. Why does Council issue Section 105F Notices?

Under the **Fire and Emergency Services Act 2005**, Council is obligated to reduce the risks associated with bushfire / grass fire on behalf of the community. These notices are not only issued to vacant land but also home owners with fire hazards. Fire Hazards include;

- Long dry/dead grass above 10cm
- Piles of cuttings, dead branches and other combustible material
- Wood piles that are close to houses or fence lines.

Fire Prevention Officers have the authority to enter properties to undertake inspections. They also reserve the right to issue directional 105F Notices. If the property owner or the occupier does not complete the required work by the due date of the notice, Council have the legal right to carry out the works on the property and recover the costs incurred.

#### 3. Why did I receive a Section 105F Notice?

Council's Fire Prevention Officers issue Section 105F Notices to property owners whose properties pose a fire risk such as overgrown vegetation or other flammable materials. They determine what must be removed to reduce the fuel load/risk of fire. If you have received a Section 105F Notice, then your property is deemed to be a fire hazard.

#### 4. What do I have to do?

You are required to comply with instructions that are listed on the Notice in which these instructions must be completed by the due date.

#### 5. What if I can't action the works required within the timeframe? Can I ask for an extension?

If you are unable to complete the works that are required on your property, you may wish to employ a local contractor.

As Property owner, it is your responsibility to liaise with the contractor to ensure the works is completed as soon as possible to an acceptable standard.

Contact Council's Fire Prevention Officer to discuss your situation. An extra week may be given for some cases but we must hear from you before the completion date of your notice.

*Please note that if you only ring the day before the due date of the Section 105F notice an extension may not be granted.*

#### 6. I have received a Section 105F Notice, but I just mowed my grass!?

There can sometimes be a crossover between the inspection that the Fire Prevention Officer completed and then the issuing of the Notice. If you have completed the work that is required on the Notice, please contact Council's Fire Prevention Officer and also ensure your property is maintained for the remainder of the Fire Danger Season.

#### 7. What happens if I do not comply with the Section 105F notice?

A follow up inspection is undertaken to those properties that were issued a Notice. If found that the works required on the Notice has not been completed, a penalty infringement notice will be issued for not complying with the Notice under the **Fire and Emergency Service Act 2005**.

Council will appoint a contractor to carry out the works in which the owner will incur the costs associated with the works plus an administration fee (Council's fees and charges schedule).

Council **will not** contact you prior to the works being undertaken by the contractor as it is the owner's responsibility of the land/property to ensure there is no Fire Hazard at all times.



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#### **8. I own a vacant block of land however I don't visit often enough to see if it is overgrown?**

As you are the property owner, it is your responsibility to maintain your property at all times. Council recommends that owners of vacant land that do not get a chance to maintain their property, organise for a contractor to maintain their property all year round.

This will ensure a Notice is not sent and also keep surrounding neighbours' worries at ease, particularly during the Fire Danger Season. Do not leave it up to the contractor to remember and advise Council's Fire Prevention Officer of intended works by contractor.

#### **9. I have not received a Section 105F notice.**

In some cases, those that have not received a Section 105F notice means the Fire Prevention Officer has not deemed your property as overgrown and posing a Fire Risk.

However if you know you have not had your property slashed and you haven't received one (post is not always reliable) – please ensure you organise a contractor or for yourself to check that your property isn't a fire hazard, as you may incur costs discussed in question.

#### **10. I have moved houses and I haven't received a Section 105F Notice.**

As you are the property owner it is your responsibility to inform Council of your correct mailing address.

#### **11. I slashed my property in October, why have I received a notice dated in December?**

Due to unpredictable weather conditions, a once off slashing may not be sufficient during the Fire Danger Season. Please ensure your property is maintained at no greater than 10cm throughout the entire Fire Danger Season.

#### **12. My neighbour's property has long grass, there are snakes and I have kids!!**

Unfortunately snakes and other vermin in the country are a fact of life. They are attracted to shelter, food and water. Ensure that around your house is maintained as well as removing attractions for snakes around your home.

Snakes are a protected species and therefore not much can be done in that regard however Council's Fire Prevention Officer will inspect the property and if it does in fact pose a fire risk, the owner will be issued with a notice.

*Please note there are no registered snake catchers in the Council area. Council do not provide a snake catching service.*

#### **13. When is the Fire Danger Season?**

Lower South East's Fire Danger Season usually commences mid November and finishes at the end of April the following year. These dates are subject to change depending on certain factors and specific dates are determined by the Bushfire Management Committee for the Region.

In terms of the *Fire and Emergency Services Act 2005*, the owner is responsible to ensure that their property does not pose a fire risk at any time, whether informed by Council or not.

## HOW TO CONTACT US

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