

Roadside Mowing and other Fire Prevention Works

Background

Across Victoria, many people have completed fire prevention works on the roadsides adjoining their properties, over a long period of time. These works have included slashing, herbicide spraying, grading, mowing, ploughing and burning. Often these works are considered both a right and a responsibility for landholders.

The introduction of the *Road Management Act* in 2004 with its implications for roadside fire prevention works, has hardly been noticed and may not have been properly considered by many members of the community. Everyone who plans to do roadside fire prevention works, including mowing, needs to know that the legislative framework within which roadside works may be undertaken has changed. The consequences of these legislative changes are outlined below.

What does the introduction of the *Road Management Act* mean for you?

Generally, the *Road Management Act 2004* requires that landholders wishing to undertake any roadside fire prevention works must have written consent from the appropriate coordinating road authority. For state roads, the coordinating road authority is usually VicRoads, while for municipal roads it is the municipal council.

It is an offence to undertake roadside works without consent, and could result in prosecution. A history of doing roadside fire prevention works does not constitute consent.

Section 99A of the *Road Safety Act 1986* also requires that persons undertaking roadside fire prevention works must conduct roadside works in a safe manner for both road users and those carrying out the works or directing traffic around them.

Are there any exemptions to this?

Driveway works that give access to arterial roads, or mowing of roadsides (other than a roadside on a freeway) are also exempt - provided that the works do not have a significant impact on road safety, traffic or other infrastructure.

So, landholders may mow their roadside reserves, as long as they have due regard for safety and other legislation, particularly environmental legislation. It is important to note that the exemption for landholders does not extend to roadside works other than mowing

What if I want to do roadside fire prevention works other than mowing?

You must contact the appropriate coordinating road authority, to seek consent. For council roads this will be your local municipal office, and for most state roads it will be your regional VicRoads office. The consent process will also involve identifying any requirements of high visibility clothing, signage and traffic management, which will vary according to the nature, location and extent of the proposed works.

If you are intending to conduct any burning activities on roadsides in the fire danger period, you will also need a permit to burn from the fire prevention officer of the municipal council or VicRoads, depending on who controls the road.

You are strongly advised to contact your nearest CFA office to discuss your proposed works before seeking consent from the coordinating road authority. Remember, it is an offence to do roadside works apart from mowing without written consent, and it is an offence to light a fire on a roadside in the FDP without a permit.