

Firebreak Notice 2022-2023

Bush Fires Act 1954 - Section 33

NOTICE TO ALL OWNERS AND / OR OCCUPIERS OF LAND IN THE CITY OF BELMONT

As a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, all owners and occupiers of land within the City of Belmont are required before the 1st day of December 2022, or within 14 days of becoming the owner or occupier of land if after that date, to clear firebreaks and take measures in accordance with this Notice and maintain those firebreaks and measures in accordance with this Notice up to and including the 31st March 2023.

DEFINITIONS

'**Inflammable Matter**' means dead or dry grass, leaves, timber, paper, plastic and other materials or things deemed by an authorised officer to be capable of combustion.

1 - Land with an area of less than 3000sqm with a building on it

- All inflammable matter except living trees, shrubs, plants under cultivation and lawns, must be slashed, mowed or trimmed down by means other than burning to a height no greater than 5cm across the entire of the land and;
- Prune all trees and shrubs and remove dead inflammable material around all buildings and;
- Ensure the roofs, gutters and walls of all buildings on the land are free of inflammable matter.

2 - Land with an area of 3000sqm or greater with a building on it

- All inflammable matter except living trees, shrubs, plants under cultivation and lawns, must be slashed, mowed or trimmed down by means other than burning to a height no greater than 5cm across the entire of the land;
- Install firebreaks three (3) metres in width immediately inside and along all boundaries of the land, including on boundaries adjacent to roads, rail and drain reserves and all public open space reserves, with all overhanging branches, trees, limbs etc. to be trimmed back from over the firebreak area to a minimum height of four (4) metres. Driveways must also be maintained to these conditions and;
- Prune all trees and shrubs and remove dead inflammable material around all buildings and;
- Ensure the roofs, gutters and walls of all buildings on the land are free of inflammable matter.

3 - Vacant land with an area of less than 3000sqm

- All inflammable matter except living trees, shrubs, plants under cultivation and lawns, must be slashed, mowed or trimmed down by means other than burning to a height no greater than 5cm across the entire of the land and;
- All inflammable matter that is produced as a result of complying with the requirements of this Firebreak Notice must be removed from the land and disposed of in an appropriate manner.

4 - Vacant land with an area of 3000sqm or greater

- All inflammable matter except living trees, shrubs, plants under cultivation and lawns, must be slashed, mowed or trimmed down by means other than burning to a height no greater than 5cm across the entire of the land and;
- All inflammable matter that is produced as a result of complying with the requirements of this Firebreak Notice must be removed from the land and disposed of in an appropriate manner.
- Install firebreaks three (3) metres in width immediately inside and along all boundaries of land, including on boundaries adjacent to roads, rail and drain reserves and all public open space reserves, with all overhanging branches, trees, limbs etc. to be trimmed back from over the firebreak area to a minimum height of four (4) metres.



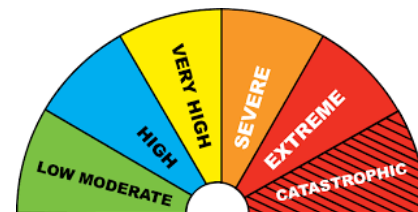
5 - Burning off

Pursuant to Section 24G(2) of the *Bush Fires Act 1954* and Section 48(1) of the *City of Belmont Health Local Law 2002*, the burning of any refuse, rubbish or garden waste is prohibited at all times.

6 - Solid fuel barbeques, pizza ovens and ornamental chimineas

Pursuant to Section 25(1a) of the *Bush Fires Act 1954*, solid fuel barbeques, pizza ovens, and ornamental chimineas can be used for the purposes of cooking and/or heating, subject to the following conditions:

- Use is prohibited when the Fire Danger Rating for the district of the City of Belmont is "Very High or above".
- The fire must be contained in a purpose built appliance.
- Pizza ovens must be fitted with a spark arrestor.
- The emission of smoke is kept to a minimum and must not cause or be a nuisance to any other person.



Fire Danger Rating

7 - Gas barbeques or gas pizza ovens

Gas barbeques or gas pizza ovens can be used at any time of the year.

8 - General

AAuthorised Officers (Bush Fire Control Officers) will commence inspections of land and properties from 1 December 2022. In some circumstances, an owner or occupier of land may be required to undertake fire prevention measures in addition to those specified in this Notice.

Where the owner or occupier of the land fails or neglects to comply with the requisitions of this notice or any other notice given pursuant to Section 33(1) of the *Bush Fires Act 1954* within the time specified in the notice, the City of Belmont may direct its officers together with such servants, workmen or contractors, and with such vehicles, machinery and appliances as the officers deem fit, to enter upon the land and carry out the requisitions of the notice which have not been complied with and the City of Belmont may recover the amount of any costs and expenses incurred in carrying out those requisitions in any court of competent jurisdiction as a debt due from the owner or occupier of the land.

9 - Application to vary the above requirements

If it is impracticable for any reason to clear firebreaks or to take measures in accordance with this Notice, the owner or occupier of the land may apply to the City of Belmont in writing before the 1st of November of each year for permission to provide firebreaks in alternative locations or take alternative measures to prevent the outbreak or spread of a bush fire. If permission is not granted in writing by the City of Belmont, the owner or occupier of the land shall comply with the requirements of this Notice.

10 - Additional requirements

In addition to the requirements noted above, regardless of land size and location, the City of Belmont or its duly authorised officer may require the owner or occupier of the land to undertake additional works on the property to undertake further fire hazard reduction works, where in the opinion of that authorised officer, it is necessary to prevent the outbreak and/or the spread of a bush fire.

11 - Alternative methods of fuel reduction

The requirements of this Notice should be carried out by means other than burning, i.e. mowing, rotary hoeing, ploughing, scarifying or cultivating.

12 - Penalties for non-compliance with this order

Failure to comply with any of the requirements of this notice may result in a penalty of up to \$5,000.

By Order of the City of Belmont

John Christie
Chief Executive Officer

