

Firebreak and Fire Hazard Notice From 1 July 2024

Bush Fires Act 1954
Section 33



Notice to all owners and occupiers of land in the City of Belmont

To prevent the outbreak, spread, or extension of a bush fire, all owners and occupiers of land within the City of Belmont are required to clear firebreaks, remove all fire hazards, and take other precautionary measures by 1 December each year (or within 14 days of becoming the owner or occupier if after that date), and maintain those firebreaks and precautionary measures until 31 March of the following year, in accordance with the requirements outlined in this Notice.

Definitions

Inflammable Matter means dead or dry grass, leaves, timber, paper, plastic and other materials or things an Authorised Officer deems to be capable of combustion.

1. Land with an area of less than 3000m² with or without 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.
- All trees and shrubs must be pruned and all dead inflammable material around all buildings must be removed.
- Roofs, gutters, and walls of all buildings on the land must be free of inflammable matter.
- All inflammable matter that is produced by complying with the requirements of this Notice must be removed from the land and disposed of in an appropriate manner.

2. Land with an area equal to or greater than 3000m² with or without 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 entirety of the land.
- Firebreaks three (3) metres in width must be installed 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. All overhanging branches, trees, limbs etc. must be trimmed back from over the firebreak area to a minimum height of four (4) metres. Driveways must also be maintained to these conditions.
- All trees and shrubs must be pruned and all dead inflammable material around all buildings must be removed.
- Roofs, gutters and walls of all buildings or structures on the land must be free of inflammable matter.
- All inflammable matter that is produced by complying with the requirements of this Notice must be removed from the land and disposed of in an appropriate manner.

3. Burning off

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

4. Solid fuel barbeques, pizza ovens and ornamental chimineas

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

- Use is prohibited when the Fire Danger Rating for the district of the City of Belmont is 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 must be kept to a minimum and must not cause or be a nuisance to any other person.

5. Gas barbeques or gas pizza ovens

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

6. General

Authorised Officers (Bush Fire Control Officers) will commence inspections of land and properties from 1 December each year. 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 requirements 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 requirements 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 requirements in any court of competent jurisdiction as a debt due from the owner or occupier of the land.

7. 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 1 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.

8. Additional requirements

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

9. 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.

10. 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

