

Making Victoria Fire Ready - Frequently Asked Questions

10/30 RIGHT AND FENCE LINE CLEARING:

Q. What does the '10/30 right' mean?

A. This simple new '10/30 right' allows residents on their own property to clear any vegetation, including trees, within 10 metres of a house and any vegetation except for trees within 30 metres of a building used for accommodation without a permit, provided the vegetation is removed for bushfire protection only.

Residents are also allowed to clear all vegetation, including trees, for a combined maximum width of four metres either side of the property boundary fence.

Q. Where does the 10/30 right apply?

A. The changes will be introduced to planning schemes in Victoria by Ministerial amendment. They will apply state-wide, including in areas under planning overlays, except for in 20 metropolitan municipalities and the Port of Melbourne area where existing planning permit requirements will continue to apply.

Q. What are the 20 metropolitan municipalities where the 10/30 right will not apply?

A. Banyule, Bayside, Boroondara, Brimbank, Darebin, Glen Eira, Greater Dandenong, Hobsons Bay, Kingston, Knox, Maribyrnong, Maroondah, Melbourne, Monash, Moonee Valley, Moreland, Port Phillip, Stonnington, Whitehorse, Yarra. Existing controls will also continue to apply in the Port of Melbourne area.

Q. How did the government decide where the 10/30 right would apply.

A. The government worked with the Country Fire Authority (CFA) to identify entire municipalities where the 10/30 right would apply. This was done in order to provide clarity to residents and enable them to implement their bushfire protection plans in a timely manner. There are some areas where the 10/30 right applies which are not at risk of

bushfire and for which clearing for bushfire protection is not necessary.

There are some limited areas where the 10/30 right does not apply where there clearing for bushfire protection may be necessary. Clearing in these areas will be required to be undertaken in line with existing planning permit exemptions for bushfire protection or an approved planning permit.

Q. What about areas where the 10/30 right does not apply?

A. The existing planning permit requirements will continue to apply including a number of exemptions from the requirement to obtain a planning permit including for fire protection.

Q. Does this mean that I can clear vegetation if there is a section 173 agreement on my property.

A. A section 173 agreement is an agreement between the council and land owner under the *Planning and Environment Act 1987* and can be used to protect vegetation on a property. If a section 173 agreement applies to vegetation you wish to remove under the 10/30 right you will need to seek an amendment to this agreement with your local council.

Q. Will these changes actually reduce the fire risk?

A. It is important to remember that managing vegetation is one component of a bushfire survival plan. Bushfires are fuelled by the amount, availability and arrangement of surface and near surface fine fuels, including leaf litter, twigs and shrubs. Trees and elevated fuels such as bark can contribute to extreme fire behaviour, however bushfires rely on fine fuels on the surface to develop speed and intensity.

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Q. Can I clear vegetation on public land under the new measures for bushfire protection?

A. The 10/30 right and property boundary fence rights apply to land which you own. You will require the written consent of the landowner to clear vegetation on neighbouring land including roadsides.

A guidance document and request form for clearing on Department of Sustainability and Environment (DSE) and Parks Victoria land is available on the DSE website at www.dse.vic.gov.au.

If you wish to undertake clearing on a public road reserve you will need to request permission from the relevant road management authority (VicRoads or the relevant local council).

Q. If my house is less than 10 metres from a boundary fence can I clear my neighbour's property?

A. The 10/30 right applies to land which you own. You will need the written consent of the land owner to clear vegetation on a neighbouring property.

Q. What can I do if I lease public land?

A. If you lease public land you will require the written consent of public land manager or owner who leases you the land before you can clear vegetation. A guidance document and request form for clearing on DSE and Parks Victoria land is available on the DSE website at www.dse.vic.gov.au.

Q. How do these changes apply to leased government land in parks and Alpine resorts?

A. Any public land lessee will need to gain the written consent of the relevant public land manager prior to undertaking any clearing including clearing in accordance with the interim entitlements for bushfire protection. Public land managers should decide if clearing around buildings used for accommodation is appropriate in sensitive environmental areas. They have the discretion to disallow, allow in part or in full,

clearing in accordance with the interim entitlements. Public land managers can not permit clearing in excess of the interim entitlements without a planning permit.

A guidance document and request form for clearing on DSE and Parks Victoria land is available on the DSE website at www.dse.vic.gov.au.

Q. What are the current penalties for illegally clearing vegetation from private land?

A. The maximum penalty for clearing of native vegetation without a permit and outside the scope of an exemption, such as the '10/30 right' is 1200 penalty units or approximately \$140,000.

Q. Will the penalties change under the new system?

A. No.

Q. Will this mean there is no longer a need to get a permit to carry out fuel reduction burns on private land?

A. Existing requirements to obtain a permit from the Municipal Fire Prevention Officer or the CFA to carry out fuel reduction burning on private land will continue to apply. Residents should check the CFA website at www.cfa.vic.gov.au to see whether a fire danger period or total fire ban applies and whether a permit to carry out fuel reduction burning will be required. Permits for burning are issued by the Municipal Fire Prevention Officer or by the CFA Regional office.

Q. What if my neighbour or landlord won't do anything?

A. Local councils, through their Municipal Fire Prevention Officer, can assess vegetation fuel hazards on private property and issue Fire Prevention Notices to private land holders where reduction of vegetation fuel hazards on a property is considered necessary. If a resident is concerned that there may be a significant fire hazard on adjoining private property they should contact the Council who will be able to assess the fire risk and take appropriate action.

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If your neighbour does not wish to undertake clearing on their side of an existing boundary fence you can undertake four metres of clearing on your side of the fence.

Q. Are there types of plant I should have in my garden to reduce fire risk?

A. Different plants burn differently. This is influenced by how old the plant is, the environment it is growing in, the season and how it is looked after (for example, if it is well-watered). Some plants burn more easily than others.

Such plants include those that:

- accumulate and/or create lots of dry, dead debris during the fire season
- have loose flaky bark
- have masses of very fine leaves and
- have very low moisture content.

While some plants may not burn in low to moderately intense fires, all plants can burn in high intensity fires (those fires when you and your home are most at risk).

Q. How will these measures affect the building of new homes?

A. The interim measures do not directly affect the building of new homes.

When siting new buildings it is expected that every effort is made to avoid native vegetation removal and to provide a 10 metre separation between native vegetation and the new dwelling.

The interim measures apply to the rebuilding of houses destroyed in the 2009 bushfires is covered by the new rules if they are within the relevant municipalities.

Q. Are Aboriginal scarred trees able to be trimmed or cleared under the new rules?

A. Aboriginal scarred trees continue are protected by the *Aboriginal Heritage Act 2009* and a cultural heritage permit from the Department of Planning and Community Development is required prior to undertaking any action which may harm a scarred

tree. This is the landowners responsibility. More information about Aboriginal scarred trees, cultural heritage permits and the Aboriginal Heritage Act may be found at the Aboriginal Affairs Victoria website at www.aboriginalaffairs.vic.gov.au.

Q. How can I compensate for removing native vegetation on my property?

A. Residents who remove native vegetation for bushfire protection are able to compensate for the removal by making a voluntary donation to Greening Australia. Greening Australia will invest the funds donated into re-establishing native vegetation and providing habitat across Victoria through voluntary conservation measures on private land.

To make a donation contact Greening Australia on 03 9450 5300 or visit their website at www.greeningaustralia.org.au/community/vic.

ROADSIDES:

Q. What changes are happening to roadside clearing?

A. Local councils and VicRoads will be able to reduce fuel on roadside reserves through burns conducted by the CFA. These burns will only apply to roadside reserves selected by Road Management Authorities in consultation with the CFA and DSE because of an identified fire risk and low biodiversity impacts. People will also be able to remove fallen firewood without a permit for personal use from the nominated roadside road reserves for two weeks before the burns.

Q. How will you identify which sites are suitable for roadside burns?

A. Careful selection of the sites to be burnt will be required to maximise the reduction in risk from roadsides and minimise the impact on nationally and state threatened species and habitat. Priority will be given to sites with the greatest fire risk and minimal biodiversity risk.

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Q. Which roadside will be prioritised for roadside fuel reduction burning?

A. The CFA has identified 52 locations in 25 Local Government Areas as needing immediate attention prior to the 2009-10 fire season. Initially roadside fuel reduction burning will be prioritised for sections of roadsides within these areas. The CFA continue to will work with Local Councils, Road Management Authorities and DSE to undertake roadside fuel reduction burning on other roadsides as part of their normal roadside fuel reduction programmes.

Q. How will the public know when the planned burns are going to happen so they can collect the firewood beforehand?

A. Roadside burns will be advertised with a sign on the site and in local papers. Where this advertises that a "no written consent" period for fallen firewood collection for personal use has been provided, the public will be able to collect firewood from that section of roadside reserve prior to the burn without obtaining further permits.

The "no written consent" period for fallen firewood collection for personal use will last for two weeks in advance of burning.

Q. What are the current penalties for illegally removing firewood from roadsides?

A. Where the removal of firewood is controlled by a local law the maximum penalty under the *Local Government Act 1989* for breaching the local law is 20 penalty points or approximately \$2,300.

Q. Will the penalties change under the new system?

A. No.

Q. Are there safety risks involved in collecting firewood from roadsides?

A. The safety of residents is the primary motivation behind these changes. Signs will be posted on the selected roadsides to ensure the community is aware of the size, timing and location of roadside fuel reduction activities. Firewood collection will not occur on sites where it there are road and pedestrian safety issues.

Q. Do I still need a permit from Councils or DSE to take firewood from roadsides?

A. The "no written consent" period for fallen firewood collection for personal use will only occur for the two weeks prior to a planned burn on a selected roadside. Outside of this time normal permit requirements apply.