

Preparing for bushfire

10/30 Rule, 10/50 Rule and fence line clearing

Frequently asked questions

Planning permit exemptions are provided for in Victoria's planning schemes to enable residents to manage vegetation for bushfire protection around their property, and adjacent to fences on property boundaries. Permit exemptions for vegetation removal only apply to existing buildings and fences built or approved before certain dates.

Why have these entitlements been introduced?

These entitlements have been introduced to enable residents to manage vegetation around their existing dwellings for bushfire protection, without the need for a planning permit. These entitlements are closely aligned with risk of bushfire.

What is the '10/50 rule'?

The '10/50 rule' enables all landowners in areas covered by the Bushfire Management Overlay to clear:

- any vegetation on their property, including trees, within 10 metres of a house and
- any vegetation except for trees within 50 metres for bushfire protection.

What is the '10/30 rule'?

The '10/30 rule' applies state-wide except for in 21 metropolitan municipalities and allows residents to clear:

- any vegetation on their property, including trees, within 10 metres of a house and
- any vegetation except for trees within 30 metres for bushfire protection.

The 10/30 and 10/50 rules enable clearing around buildings built or approved before 10 September 2009 only. For new buildings, clearing for bushfire protection will be considered through the planning permit process.

What about planning overlays?

The 10/30 and 10/50 rules apply irrespective of any planning overlays.

Where doesn't the 10/30 and fenceline clearing apply?

Banyule, Bayside, Boroondara, Brimbank, Darebin, Glen Eira, Greater Dandenong, Hobsons Bay, Kingston, Knox, Maribyrnong, Maroondah, Melbourne, Monash, Moonee Valley, Moreland, Port Phillip, the Port of Melbourne, Stonnington, Whitehorse and Yarra.

In these municipalities, where bushfire risk exists, local councils can specify in their planning scheme areas where the 10/30 rule and fenceline clearing applies.

Can I clear vegetation along my boundary fence?

Yes. In areas where the 10/30 rule applies, any vegetation can be removed for a combined maximum width of four metres across an existing property boundary fence.

Vegetation can only be removed by the owner of the land.

Can vegetation be removed if more than four metres is already cleared on one side of the fence?

No. If there is already at least four metres of cleared land on one side of the fence, vegetation cannot be removed on the other side of the fence without a planning permit.

What if there is a section 173 agreement on my property?

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 rule you will need to seek an amendment to this agreement with your local council.

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Can I clear vegetation on neighbouring land?

The 10/30 rule and property boundary fence clearing entitlements apply to land which you own. You will require the written consent of the landowner to clear vegetation on neighbouring land including roadsides or reserves.

If you wish to undertake clearing on a public road or reserve you will need to request permission from the relevant road or public land manager.

What if I lease my property?

If you lease your property, including from a public authority, you will need the written consent of the public authority or owner who leases you the land before you can clear vegetation.

Public land managers will consider if clearing is appropriate in sensitive environmental areas and have the discretion to disallow, allow in part or in full, clearing in accordance with the new clearing entitlements. Any clearing beyond the clearing entitlements will require a planning permit.

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

The maximum penalty for clearing of native vegetation without a permit and outside the scope of an exemption, such as the '10/30 rule and 10/50 rule' is 1200 penalty units or approximately \$140,000.

Do I still need a permit to carry out fuel reduction burns on private land?

Requirements to obtain a permit from the Municipal Fire Prevention Officer or the Country Fire Authority (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 if 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.

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What if my neighbour won't do anything?

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.

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.

Do the 10/30 and 10/50 rules affect the building of new homes?

No. Victorian planning schemes and building regulations include specific requirements for building new dwellings in bushfire prone areas.

This includes an expectation that when siting new buildings that every effort is made to site dwellings away from the bushfire hazard and where native vegetation removal can be avoided and minimised.

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

Aboriginal scarred trees 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.

Further information

- For further information contact: your local council
- Department of Environment and Primary Industries (DEPI) Customer Service Centre on 136 186 or visit www.depi.vic.gov.au
- Victorian Bushfire Information Line on 1800 240 667
- Or visit <http://www.dpcd.vic.gov.au/planning/plansandpolicies/bushfire-planning-and-building-resource/building-for-bushfire-protection>.

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