

Community Amenity Local Law 2023

Important information regarding open air burning

This fact file applies to all residents undertaking Open Air Burning on the Mornington Peninsula.

Nothing in this Fact File or the *Community Amenity Local Law 2023* permits a person to light a fire during a declared Fire Danger Period (including a day of Total Fire Ban) or otherwise in contravention of the *Country Fire Authority Act 1958* or the *Fire Rescue Victoria Act 1958*.

Part 4 of the Local Law does not apply during the Declared Fire Danger Period, or on days of Total Fire Ban or Smog Alert. No Open-Air Burning can be undertaken during these times.

The VicEmergency Hotline 1800 226 226 can provide information on fire restrictions applying during these periods. The Mornington Peninsula Shire is in the Central Fire District.

I am on land less than 1,500sq metres can I burn off?

NO, a person or occupier of land must not, without a permit, light or allow to be lit, a fire in the open air, where the land size is 1,500 square metres or less.

Any Open-Air Burning on land less than 1,500 square metres requires a permit from Council; these will only be issued in **very specific circumstances** (see over page for eligibility).

I am on land greater than 1,500sq metres can I burn off?

NO, A person or occupier of land must not light or allow to be lit a fire in the open air, where the land size exceeds 1,500 square metres but is less than 40,000 square metres **unless**:

- a) The fire is lit or allowed to remain alight only on a Friday or a Saturday and not before 9am or after 4pm;
- b) No more than 10 cubic metres of vegetation is burnt at any one time;
(Example 2.5 metres wide x 2 metres long x 2 metres high)
- c) The fire is not within 20 metres of any neighbouring dwelling;
- d) The fire is lit or allowed to remain alight in accordance with the General Fire Safety Provisions.
(see over page)

Where a person or occupier of land wants to burn in the open air under this provision and these requirements **CANNOT** be complied with, that person or occupier **MUST** obtain a permit.

I am on land greater than 40,000sq metres can I burn off?

NO, A person or occupier of land must not light or allow to be lit a fire in the open air, where the land size is 40,000 square metres or more **unless**:

- a) No more than 100 cubic metres of vegetation is burnt at any one time
(Example 5 metres wide x 5 metres long x 4 metres high)
- b) The fire is not within 100 metres from any neighbouring dwelling;
- c) The fire is lit or allowed to remain alight in accordance with the General Fire Safety Provisions.
(see over page)

Where a person or occupier of land wants to burn in the open air under this provision and these requirements **CANNOT** be complied with, that person or occupier **MUST** obtain a permit.

What are the general provisions when I am burning off?

1. A person or occupier of land who has lit or allowed a fire to be lit in the open air **MUST** ensure that:
 - a) The fire is supervised by an adult at all times who has the capacity and means to extinguish the fire;
 - b) The person in charge of the fire is not:
 - i. Outside the line of sight of the fire; or
 - ii. More than 50 metres from the perimeter of the fire;
 - c) Sufficient fire protection equipment is available to extinguish the fire;
 - d) The vegetation to be burnt is dead and dry prior to lighting it;
 - e) At the site of the fire, the wind speed **MUST NOT** exceed 20 kilometres per hour (11 knots);
 - f) A notification of the burn is registered with ESTA (Emergency Services Telecommunications Authority) **1800 668 511 (this prevents unnecessary response from fire brigades)**
2. A person or occupier of land who has lit or allowed a fire to be lit or is in charge of a fire in the open air must, before leaving the place of the fire:
 - a) Completely extinguish the fire;
 - b) Ensure that an adult person who has the capacity and means to extinguish the fire remains at all times in charge of the fire.

How do I determine the general size of my property?

You can contact the Shire's Customer Service team on 1300 850 600 or (03) 5950 1000 to confirm the correct size of your property, so you are aware of the regulations that apply to your land.

How do I know if I am eligible for a permit to burn?

There may be circumstances whereby Council will issue a permit to burn to landowners that cannot comply with the general open air burning regulations. Council gives due regard to the following factors when assessing permit applications:

- The size of the land
- That the land is in a designated bushfire risk area
- That the burn off is strictly for fire prevention purposes only
- The ability of the landowner to remove the vegetation via more appropriate methods
- The proximity to neighbouring assets and property and any smoke nuisance

How do I apply for a permit to burn?

You can obtain a permit to burn online by visiting the Shire's website at: www.mornpen.vic.gov.au

The cost of a permit to burn application is \$138 which is non-refundable.

Please allow up to 10 business days for your application to be processed.

But I only want to use a fire pit or charcoal BBQ?

The restrictions in the Local Law do not apply to:

- a) A barbecue, pizza oven or other properly constructed appliance while it is being used for cooking food;
- b) A fire in a brazier, fire pit or chimenea while it is being used for heating;
- c) A tool of trade while being used for the purpose for which it is designed.

See the CFA "Can I, Can't I" brochure on their website for more information www.cfa.vic.gov.au/can