

Urban Backyard Burning of Vegetation Policy

Environment

Goal 4.1 Wingecarribee's distinct and diverse natural environment is protected and enhanced

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1. Objectives

The objectives of this Policy are to:

- regulate when, where and how burning of vegetation from property maintenance can occur in a way that protects air quality and amenity;
- promote alternatives for disposal of garden vegetation through re-use, composting, mulching, using Council's kerbside organic waste service or transporting to the Resource Recovery Centre; and
- ensure compliance with the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

2. Policy Statement

Burning in the open, backyard burning, is controlled by the *Protection of the Environment Operations (Clean Air) Regulation 2010* (the Regulation). Part 2, Schedule 8 of the Regulation allows Wingecarribee Shire Council (Council) to grant approval for burning in the open in certain circumstances.

Under the Regulation, when providing an approval to burn Council is required to consider:

- the feasibility of alternative disposal methods such as recycling;
- the impact on regional and local air quality and amenity;
- any opinions of the Environment Protection Authority; and
- any opinions of public that may be affected by the approval to burn.

Council is committed to maintaining air quality and amenity by minimising fine particulate air pollution. Burning of vegetation from property maintenance contributes to air pollution and impacts community amenity. There are alternative, preferred methods for disposing of vegetation available including:

- using the kerbside organics waste collection;
- using dried vegetation in internal wood heaters;
- mulching or composting; and
- taking the material to the Resource Recovery Centre for mulching.

To protect air quality and amenity, there are conditions under which burning of dead and dry vegetation for property maintenance may be carried out. These conditions are part of Council's general terms of approval for the regulation of burning under the Regulation.

Council will publish a Notice of Approval in the local newspapers which states the conditions of the open burning approval.

2.1 Open Burning Approval

This Policy and approval does not cover or apply to the following situations:

- Burning of vegetation for bush fire hazard reduction. For this activity a hazard reduction certificate is required from NSW Rural Fire Service.
- Burning of vegetation resulting from land clearance. Development consent is required for the clearing of native vegetation and the disposal method which can be obtained from Council.
- Burning of vegetation that has been cleared for commercial development or building construction. Development consent is required which can be obtained from Council.
- Burning of any native vegetation that comprises an endangered ecological community or habitat for threatened species. Assessment and approval is required under the *Rural Fires Act 1997*.
- The use of internal wood heaters. The Regulation restricts wood heater standards and requires that there is not excessive smoke.
- Section 12(4) of the Regulation lists activities which do not require Council approval. This includes activities such as barbeques; camping; burning vegetation during agricultural operations, which includes burning agricultural clearing (other than for construction), stubble, orchard prunings, diseased crops, weeds or pest animal habitats on farms, or pasture for regenerative purposes.


However, there is still a requirement for these activities to be done in a way that minimises air pollution including taking into account the impacts of smoke on any person, wind, weather, suitability of materials to be burnt and the length of the burn.

There are criteria for when and where burning can occur, the type of materials that can be burnt and how burning occurs. Conditional approval to burn dead and dry vegetation is given to owners, occupiers and managers of land within the Wingecarribee Shire Local Government Area (LGA) where each of the following burning approval conditions is met:

1. Burning must not occur during a Total Fire Ban or on No Burn Days as declared by the NSW Rural Fire Service or the Environment Protection Authority.
2. Burning is approved on properties with an individual area of 4000 square metres and above, provided the property is not zoned medium density (R3).

A map of properties that are approved to burn dead and dry vegetation can be accessed on Council's website.

3. A permit to light a fire must be obtained from the relevant fire authority for the location of the fire where required in line with the *Rural Fires Act 1997*.
 - a. All conditions on a Fire Permit must be adhered to before, during and after the fire.
4. Burning must be carried out in a way that will prevent or minimise air pollution and the impact of smoke on neighbours and traffic. Actions to prevent and minimise air pollution include:
 - a. regular use of alternative disposal methods, such as using the green organics bin; and
 - b. taking into account the wind direction, weather conditions and length of time the burn will take.
5. The vegetation must be from the property on which the fire is lit.

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6. Materials that are prohibited to be burnt under the *Protection of the Environment Operations (Clean Air) Regulation 2010* include tyres, coated wire, paint containers and residues, solvent containers and residues and timber treated with CCA or PCP.
 7. At least 24 hours verbal or written notice must be given to neighbours and fire authorities before the burning commences. A standard neighbor written notice is available from Council's website. Properties in RFS zones may use the RFS online notification form.
 8. Burning is to be carried out in accordance with the NSW Rural Fire Service *Standards for Pile Burning* which can be accessed from Council's website. This includes, but is not limited to:
 - a. only one pile is to be burnt at a time;
 - b. burning is not permitted within 4.5 metres of any combustible material; and
 - c. the material to be burnt is dead and dry vegetation with a diameter of less than 15 centimeters.
 9. A responsible adult must be present at the fire, from the time the fire is lit until the fire is fully extinguished and have sufficient firefighting resources immediately available to extinguish the fire.

Residents on property types not covered by the conditional approval may apply to Council for approval to burn on a case by case basis. Approval may be given in exceptional circumstances and is subject to the burning conditions in a written notice of approval provided by Council.

3. Scope

This policy relates to:

- Burning of vegetation from property maintenance.
- Owners, occupiers or managers of land within the Wingecarribee local government area.

This policy does not apply to:

- agencies which have approval to undertake burning under the *Rural Fires Act 1997*;
- burning of vegetation for bush fire hazard reduction;
- burning of vegetation resulting from land clearance;
- burning of vegetation which has been cleared for commercial development or building construction; and
- burning of any native vegetation that comprises an endangered ecological community or habitat for threatened species.

4. Responsibilities

Responsibilities for the implementation of this Policy are shared as follows.

4.1 Councillors

Councillors shall:

- provide leadership in the protection of air quality and amenity in Wingecarribee shire; and
- ensure the policy meets Council’s obligations under the Regulation.

4.2 Executive

The Executive shall integrate the Policy into business services across departments and ensure adequate resourcing is available for implementation.

4.3 Manager Environment and Sustainability

The Manager Environment and Sustainability shall:

- provide guidance to Councillors, Executive and other Council staff as to the content and implementation of this Policy;
- ensure the timely review of this Policy including consideration of any new waste services; and
- provide the community with information to support compliance with the Policy.

4.4 Group Manager Planning, Development and Regulatory Services

The Group Manager Planning, Development and Regulatory Services shall:

- provide the community with information to support compliance with the Policy.
- investigate burning complaints and infringements.

4.5 Group Managers and Managers

Group Manager and Managers shall provide guidance to Council staff within their respective branches as to the content and implementation of this Policy, seeking guidance from the policy owner as required.

4.6 Council staff

Council staff shall implement this Policy.


5. Performance Measures

The success of this Policy will be measured by:

- increased understanding by the residents of their rights and responsibilities in relation to backyard burning;
- reduced number of community complaints from backyard burning activities;
- reduced number of caution and infringement notices issued by regulatory staff; and
- Increased use of the kerbside green waste collection service from April to September.

6. Definitions

Bush Fire Danger Period	The Bush Fire Danger Period is a statutory period that runs from 1 October to 31 March each year as in section 81 and 82 of the <i>Rural Fires Act</i> (1997). During the Bush Fire Danger Period additional restrictions on fires apply. The start and
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end dates can be adjusted by the relevant authority depending on seasonal conditions.

7. Related Material

7.1 Related Legislation

The following legislative materials are related to this Policy:

- *Protection of the Environment Operations Act 2000;*
- *Protection of the Environment Operations (Clean Air) Regulation 2010; and*
- *Rural Fires Act 1997.*

8. Non-compliance with this Policy

It is an offence under the Regulation to burn except in accordance with this Policy and the notice of approval. Penalty notices under the Regulation may apply.

9. Document Control

9.1 Version Control

Version	Adoption Date	Notes
3.2	24 March 2021	Administrative changes to wording for clarification and update of template

9.2 Superseded Documents

The following documents are superseded by this Policy:

Document Title	Adoption Date	Notes
Urban Backyard Burning of Vegetation Policy v.3.1	4 December 2018	Administrative amendment
Urban Backyard Burning of Vegetation Policy v.3.0	26 July 2017	

10. Attachments

There are no attachments to this Policy.

Approved by:

WINGECARRIBEE SHIRE COUNCIL

24 March 2021