



Planning and Strategy Committee of the Whole

9 October 2019

**UNDER SEPARATE COVER
ATTACHMENTS**

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
PLANNING AND STRATEGY COMMITTEE OF THE WHOLE**

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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

9 OCTOBER 2019

ITEM 6.1 REVIEW OF THE PROTECTION OF THE ENVIRONMENT
 (CLEAN AIR) REGULATION - CONTROL OF OPEN
 BURNING

ATTACHMENT 1 DRAFT OPEN BURNING POLICY



DRAFT Open Burning Policy

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Draft Open Burning Policy

Date policy was adopted:		CEO Signature and date
Resolution number:		
Next Policy review date:		
Reference number:		
Strategic Pillar	Character	
Responsible Branch	Natural and Built Character	DD/MM/YYYY



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Draft Open Burning Policy

1. OUTCOMES:

- 1.1 To protect the environment, the health and the amenity of people in the Queanbeyan-Palerang Regional Council LGA.
- 1.2 To ensure consistency and fairness in the way Council deals with open burning applications.
- 1.3 To ensure compliance with the Regulation.
- 1.4 To increase public awareness of their obligations under the Regulation.
- 1.5 To make Council's procedure and requirements for burning readily accessible and understandable to the public.

2. POLICY:

- 2.1 Open burning is regulated across New South Wales by the *Protection of the Environment Operations (Clean Air) Regulation 2010* ('the Regulation'). The intention of the Regulation is to manage the air pollution issues associated with open burning, with a view to protecting local and regional air quality, local amenity and public health.
- 2.2 The Queanbeyan-Palerang Region (QPRC) is a Local Government Area ('LGA') listed in Part 2 and Part 3 of Schedule 8 of the Regulation in which burning of vegetation and other waste is prohibited except with approval or by exemption.
- 2.3 This Policy sets out the processes to ensure compliance with the listings under the Regulation.

3. SCOPE OF THE POLICY:

- 3.1 This policy applies to ALL burning of vegetation or other waste in the Queanbeyan-Palerang Local Government Area.

4. DEFINITIONS:

- 4.1 Nil.

5. LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS:

- [Rural Fires Act 1997](#)
- [NSW RFS "Standards for Pile Burning"](#)
- [Protection of the Environment \(Operations\) Act 1997](#)
- [Protection of the Environment \(Clean Air\) Regulation 2010](#)



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6. CONTENT:

6.1. Generally

- 6.1.1. The lighting of any fire is prohibited during a Total Fire Ban. A Fire Permit that has been issued by the NSW Rural Fire Service or Fire & Rescue NSW will be suspended or cancelled on days of 'High Fire Danger' or 'Extreme Fire Danger' or when NSW EPA declares a 'No Burn Day'.
- 6.1.2. If a person fails to comply with this Policy it is likely that they will be committing an offence under the *Protection of the Environment (Operations) Act 1997*. Council Officers are authorised under the *Protection of the Environment (Operations) Act 1997* and its regulations to undertake enforcement action in relation to this Policy. Council may commence legal action if a breach is made. Penalty notices of \$500 for individuals or \$1,000 for corporations are issuable for offences under the *Protection of the Environment Operations Act 1997*.

6.2. Burning of Waste Other than Vegetation

- 6.2.1. Except as provided in 6.2.2 and 6.2.3 below any person residing within the Queanbeyan-Palerang Regional Council LGA who carries out open burning of any material other than vegetation is committing an offence unless they have written approval from the NSW Environment Protection Authority.
- 6.2.2. An offence is not committed if burning is undertaken for any of the following activities specified in Clause 12(4) of the Regulation:
- a) to cook or barbecue in the open, or to light, maintain or use a fire for recreational purposes such as camping, picnicking, scouting or other similar outdoor activities, so long as only dry seasoned wood, liquid petroleum gas (LPG), natural gas or proprietary barbecue fuel (including a small quantity of fire starter) is used, or
 - b) to burn vegetation, in the course of carrying on agricultural operations, on premises on which the vegetation grew, including:
 - i. the burning of vegetation for the purposes of clearing (other than for construction), or
 - ii. the burning of stubble, orchard prunings, diseased crops, weeds or pest animal habitats on farms, or
 - iii. the burning of pasture for regenerative purposes, or
 - c) to burn anything for the purposes of the giving of instruction in methods of fire fighting by any of the following persons when acting in his or her official capacity:
 - i. an officer or member of a fire fighting authority (within the meaning of the *Rural Fires Act 1997*),
 - ii. a fire control officer (within the meaning of the *Rural Fires Act 1997*),
 - iii. an industrial fire control officer, or
 - d) to burn anything under the authority of, and in accordance with, a bush fire hazard reduction certificate issued under the *Rural Fires Act 1997*, or
 - e) to burn anything in an incinerator that is authorised or controlled by a licence under the Act, or

Draft Open Burning Policy

- f) to burn anything in an incinerator that:
 - i. is equipped with a primary and secondary furnace, and
 - ii. is designed, maintained and operated in a manner that ensures the maintenance of appropriate temperatures for the complete combustion of anything that the incinerator is designed to burn and prevents the escape of sparks or other burning material, and
 - iii. is equipped with suitable equipment that is designed, maintained and operated for the purposes of controlling air impurities in the exhaust gas once the incineration process has been completed, and
 - iv. is not installed in a residential building comprising home units, flats or apartments, or
 - g) to burn air impurities by the process known as flaring if the flare is designed, maintained and operated so as to prevent or minimise air pollution.
- 6.2.3. It is not an offence to burn domestic waste generated on a residential premises within the Queanbeyan-Palerang Regional Council LGA if domestic waste management services are not available to those premises.

6.3. Burning of Vegetation

- 6.3.1. Burning of waste or vegetation as the result of an activity related to land subdivision or building construction is prohibited.
- 6.3.2. In order to protect public health and amenity, the burning of vegetative waste within 75 metres of a habitable building on neighbouring land is not supported by Council unless it is conducted for the purposes of a Hazard Reduction burn.
- 6.3.3. No specific approval from Council is required for burning of vegetation more than 75 metres from a habitable building on neighbouring land. The person may burn dead and dry vegetation on premises, subject to complying with the general conditions contained in Appendix 1 of this Policy.
- 6.3.4. Regardless of Clauses 6.3.1 to 6.3.3 fire permits are also required to be obtained from:
 - NSW Rural Fire Service within Rural Fire Districts during the bushfire danger period each year.
 - Fire & Rescue NSW within Fire Districts during the bushfire danger period each year.
 - Fire permits are required at any time when the lighting of a fire would be likely to be dangerous to any building.

Draft Open Burning Policy

- 6.3.5. No approval from Council is required for the burning of any of the following activities:
- Bush Fire Hazard Reduction work under the NSW *Rural Fires Act 1997*.
 - Burning of prohibited plants or drugs by the NSW Police in accordance with the NSW *Drugs Misuse & Trafficking Act 1985*.
 - The burning and destruction of an animal that is confirmed or suspected to have died of a disease within the meaning of the *Biosecurity Act 2015* by an authorised officer exercising functions under that Act, or acting as authorised or required by an emergency order, control order, biosecurity zone regulation, biosecurity direction or biosecurity undertaking under that Act or by the mandatory measures under that Act.
 - The burning and destruction of weeds as defined by the *Biosecurity Act 2015*, whilst under the direction of an authorised officer.
 - Agricultural operations burning of vegetation on the premises on which the vegetation grew for the purposes of clearing (other than construction), or of stubble, orchard prunings, diseased crops, weeds or pest animal habitats on farms, or of pasture for regenerative purposes.
 - The burning of vegetation as part of a Property Vegetation Plan (PVP) agreement between a landholder and the Local Land Services under the NSW *Native Vegetation Act 2003* and/or the NSW *Threatened Species Conservation Act 1995*.
 - Bush Fire Hazard Reduction work or regeneration burning authorised under an Integrated Forestry Operations Approval issued under the NSW *Forestry Act 2012*.

7. REVIEW

- 7.1 This policy is a local policy and accordingly will be reviewed or confirmed within the first 12 months after the declaration of the poll for the next NSW general local government election, unless revoked sooner by Council.

[Note: automatic revocation of this policy is provided for under s.165(4) of the *Local Government Act 1993*. The next general local government election is scheduled to be held in September 2020].

- 7.2 This policy may be reviewed and updated as necessary if:
- (a) legislation requires it, or
 - (b) Council's functions, structure or activities change.

If you would like more information about this Policy, or to report a possible breach of this Policy, please contact Council on 1300 735 025, or by email at council@qprc.nsw.gov.au. Please do not call NSW RFS, Fire & Rescue NSW or contact 000 in this regard.

(Calls to Triple Zero (000) should only be made where a person has concerns that life or property may be directly impacted by a fire).



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APPENDIX 1

General conditions for burning in areas **more than 75 metres** from a habitable building on neighbouring land are as follows:

- Adjacent property owners or occupiers must be given 24 hours' notice (verbal or written) of an intention to burn.
- Only dried vegetation that has grown on the premises can be burnt. Every attempt must be made to recycle or reuse vegetation prior to burning. Recycling techniques include but are not limited to mulching, composting, milling, and use as fuel for heating purposes.
- All attempts must be made to prevent or minimise air pollution when burning.
- Burning can only take place when the Fire Danger Index (FDI) is low to moderate or high and predicted to remain so for the duration of the burn. The FDI for the Queanbeyan-Palerang Region can be identified by visiting <http://www.rfs.nsw.gov.au/fire-information/fdr-and-tobans> or by contacting the NSW RFS locally on 02 6128 0600 during normal business hours. Note Burning when the FDI is very high or greater is prohibited.
- Burning must only take place during dry weather conditions, taking into account the potential for smoke impacting on any person due to wind direction and other climatic conditions.
- Burning must not take place where another person's health and amenity are likely to be unduly impacted.
- Burning as the result of an activity related to land subdivision or building construction is prohibited.
- Burning should not cause nuisance to neighbours or a smoke hazard to traffic. If there is a risk of smoke from a fire creating a traffic hazard, specific advice from NSW RMS must be sought before the fire is lit.
- An open fire must be supervised by a responsible and competent adult at all times.
- An open fire must be located where it is not likely to be a threat to a building, including dwellings or outbuildings, whether such buildings are on the subject land or not.
- Adequate water supplies must be immediately at hand to extinguish the fire if required.
- Activities must be undertaken in accordance with the NSW Rural Fire Service / Fire and Rescue NSW document "[Standards for Pile Burning](#)".
- During the bushfire danger period, generally from the beginning of September until the end of March, if you are intending to burn, you must also obtain a fire permit from your local Fire Service permit issuing officer. Owners/managers then must comply with the conditions stipulated on the Fire Permit.
- At all times, land managers/owners intending to conduct an open burn must provide a minimum of 24 hours' notice to the appropriate Fire Service. Please note the NSW RFS for the Queanbeyan-Palerang area can only be contacted for such notification during normal business hours on 02 6128 0600. Fire & Rescue NSW can be contacted on 02 6297 2332 (Queanbeyan) and 02 4842 2524 (Braidwood)
- Note approval from Queanbeyan-Palerang Regional Council does not automatically mean that the relevant Fire Service will issue you a permit as they need to assess your request in light of the requirements of the *Rural Fires Act*.

Draft Open Burning Policy

APPENDIX 2

Summary of types of approvals required in Queanbeyan-Palerang Regional Council LGA for different burning activities and where to obtain a permit (if required).

Type of Burning	Types of Approval Required	Where to obtain Approval
Burning of vegetation and waste within 75 metres of a habitable building on neighbouring land.	Not supported by Council unless for hazard reduction purposes. Hazard Reduction burns require a Fire Permit from NSW RFS or Fire & Rescue NSW during declared bushfire danger period.	Local NSW RFS in a rural fire district and local Fire and Rescue NSW in a fire district.
Burning of vegetation more than 75 metres from a habitable building on neighbouring land	QPRC General approval (see Appendix 1) & Fire Permit from NSW RFS and Fire & Rescue NSW during declared bushfire danger period and	QPRC, Local NSW RFS in a rural fire district and Fire and local Fire and Rescue NSW in a fire district.
Hazard reduction burn	Hazard Reduction Certificate	NSW Rural Fire Service Queanbeyan Fire Control Centre
Beach Fires	Prohibited	N/A
Agricultural burning of material such as stubble, orchard pruning or diseased crops, or for the purposes of clearing (other than for construction) or burning of pasture for regeneration	Permitted without approval except during a declared Bushfire Danger Period when a Permit is required.	Local NSW RFS or FRNSW
Burning waste in an incinerator	Prohibited within all of QPRC area except where 1. licenced by NSW EPA; or 2. where no domestic waste services provided.	NSW EPA for licenced premises
Burning of dry vegetation in a Solid Fuel Heater within a building	No approval required	N/A
Burning of domestic waste	Prohibited except where domestic waste management services are not available.	N/A
Burning to demolish a building or other building materials	Prohibited	N/A



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Burning of vegetation cleared as part of a sub division or construction site	Prohibited	N/A
Burning of: Tyres, Coated Wire, Paint containers and residue, Solvent containers and residue, Treated timber with copper chromium arsenate (CCA) or pentachlorophenol (PCP)	Prohibited	N/A
LPG BBQ or campfire for cooking on private land including wood fired BBQs/pizza ovens, chimneys etc	*No approval required (* see note regarding Total Fire Ban, No Burn days)	N/A



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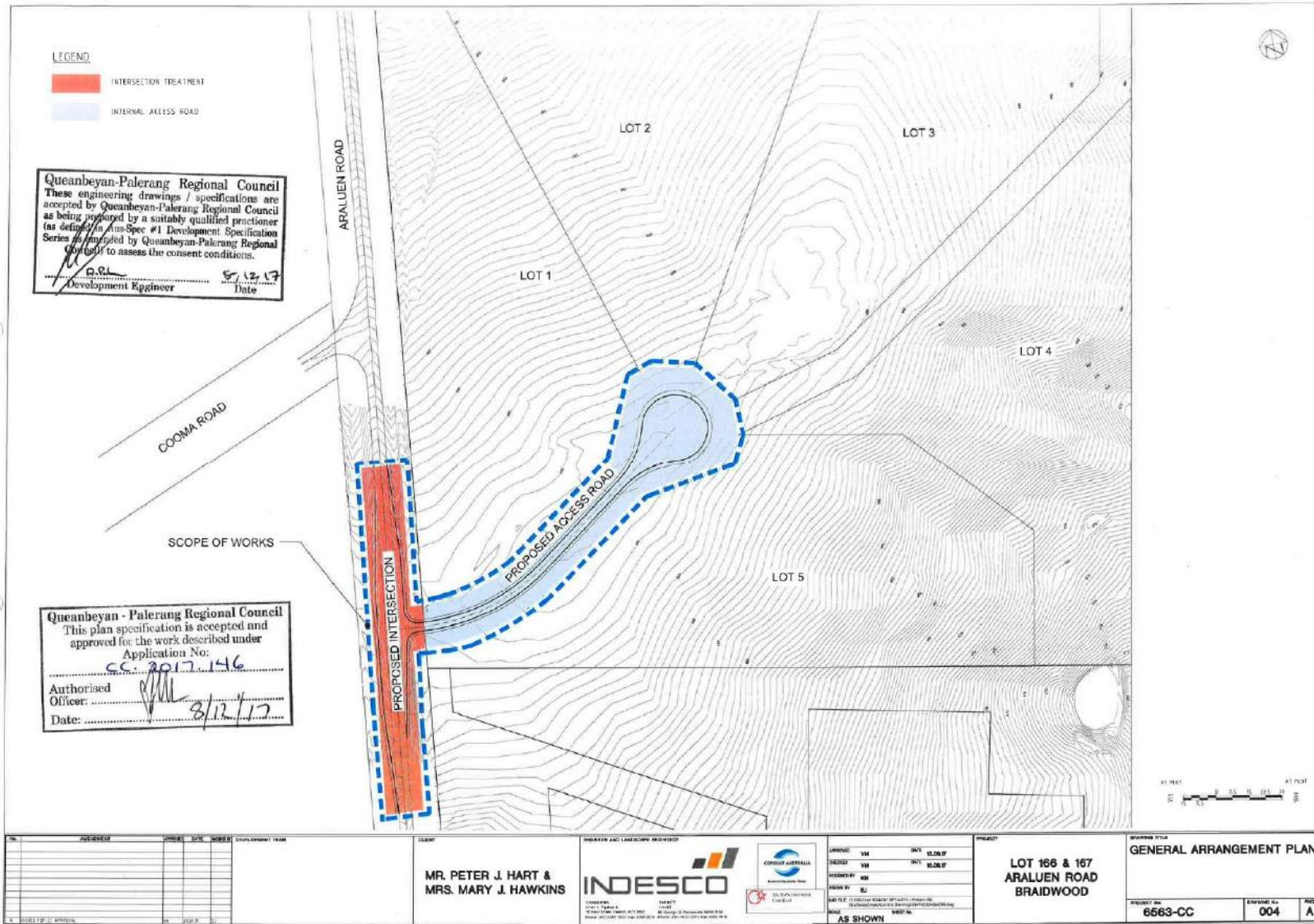
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Attachment

9 OCTOBER 2019

ITEM 6.3 ROAD NAMING PROPOSALS - AUBREY CLOSE, BRAIDWOOD
AND SPARROW CLOSE, BUNGENDORE

ATTACHMENT 1 SITE MAP - ROAD NAMING PROPOSAL - AUBREY CLOSE

6.3 Road Naming Proposals - Aubrey Close, Braidwood and Sparrow Close, Bungendore
 Attachment 1 - Site Map - Road Naming Proposal - Aubrey Close (Continued)



QUEANBEYAN-PALERANG REGIONAL COUNCIL

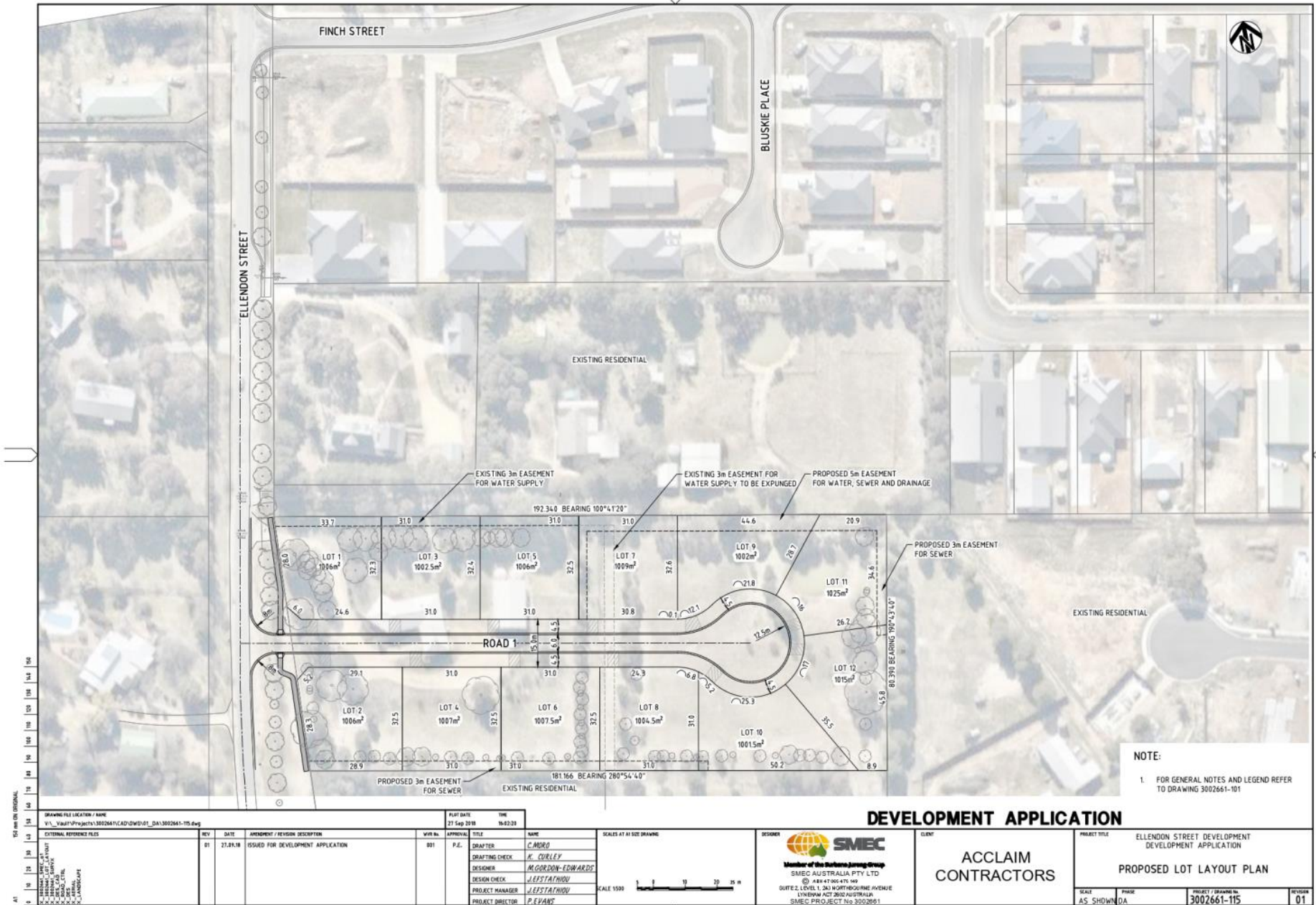
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ITEM 6.3 ROAD NAMING PROPOSALS - AUBREY CLOSE, BRAIDWOOD
AND SPARROW CLOSE, BUNGENDORE

ATTACHMENT 2 SITE MAP - ROAD NAMING PROPOSAL - SPARROW CLOSE

6.3 Road Naming Proposals - Aubrey Close, Braidwood and Sparrow Close, Bungendore
 Attachment 2 - Site Map - Road Naming Proposal - Sparrow Close (Continued)



NOTE:
 1. FOR GENERAL NOTES AND LEGEND REFER TO DRAWING 3002661-101

DEVELOPMENT APPLICATION

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EXTERNAL REFERENCE FILES		REV	DATE	AMENDMENT / REVISION DESCRIPTION	APP. No.	APPROVAL	TITLE	NAME	SCALE AT A1 SIZE DRAWING SCALE 1:1500		
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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

9 OCTOBER 2019

ITEM 7.1 MINUTES OF THE QPRC HERITAGE ADVISORY COMMITTEE
MEETING HELD 19 SEPTEMBER 2019

ATTACHMENT 1 MINUTES OF THE QPRC HERITAGE ADVISORY COMMITTEE
MEETING HELD 19 SEPTEMBER 2019

Minutes of the QPRC Heritage Advisory Committee Meeting Held on 19 September 2019

Present: Cr Peter Marshall (Chair), Andrew Riley, Jane Underwood, Judith Bedford, David Loft, Sue Whelan OAM.

Also Present: Martin Brown, Mike Thompson, Kat McCauley

Others Present: Nil

Apologies: Cr Mark Schweikert

The Committee Recommends:

1. **Confirmation of the Report of Previous Meeting**

Recommendation (Bedford/Loft)

That the report of the meeting of the Committee held on 18 July 2019 be confirmed.

2. **Business arising from the minutes**

Nil

3. **Declaration of Conflicts of Interest**

David Loft advised that he has an interest in a property adjoining 40 Antill Street. Mr Loft advised that he considered this was a non-pecuniary, less than significant interest and he would remain in the meeting when the issue was discussed.

4. **Historical Signage – Queanbeyan**

Martin Brown provided an outline of the final Historical Signage artwork and text to be placed at 10 locations around Queanbeyan. The Committee requested that efforts be made to ensure the signs were designed in such a way as to be able to be read by someone in a wheelchair. The Committee asked if similar signs could be considered for use in Bungendore and Braidwood.

5. **Queanbeyan Showground Advisory Committee (Whelan / Underwood)**

Kat McCauley advised that the Queanbeyan Showground Advisory Committee currently has a vacancy for a representative from the Heritage Advisory Committee. The Committee was asked to support the appointment of David Loft to the Queanbeyan Showground Advisory Committee. The Committee agreed with the appointment.

Recommendation (Whelan/Riley)

QPRC HAC 08/19

That the Committee supports the appointment of David Loft to the Queanbeyan Showground Advisory Committee.

Minutes of the QPRC Heritage Advisory Committee Meeting Held on 19 September 2019

6. DA - Demolish Woolshed and Cook's House – Tralee Urban Development

Mike Thompson provided an outline of the DA to demolish the Woolshed and Cook's house located in the new Tralee or South Jerrabomberra township. The proposal was generally supported, noting that the elements that the Committee had requested in past meetings had been included.

The Committee expressed concern as to how a determination would be made as to what elements would be retained during demolition and in particular who would make the decision about whether a building element was structurally sound or of significant heritage interest to be retained for future use in the new building. It was considered that the developer should not be left to make this determination in isolation and that an independent assessor should be on site to guide which elements were suitable for retention.

A discussion around incorporating a photo and written history of the two buildings in the newly constructed structures lead to a recommendation to this effect.

Recommendation (Whelan/Riley)

- QPRC HAC 09/19**
- 1. That any determination for approval include a condition of consent that an independent heritage assessor (agreed to by Council before the commencement of demolition work) be used before and on site during the demolition of the buildings to verify which elements of the structures are able to be retained for reuse in the new buildings, This is to ensure that the developer does not dispose of materials because they make an arbitrary decision about the elements structural integrity, damage or heritage significance.**
 - 2. That any determination for approval include a condition that photos and written information about the demolished buildings, with specific reference to the significance of the building elements reused, be permanently displayed in the new buildings where the elements are reused. The nature and content of such a display is to be provided to the Committee for comment prior to installation of the display.**

7. DA – Demolish Existing Dwelling - 40 Antill Street

Mike Thompson provided an overview of the proposed development application which involves the demolition of 1940's house and the construction of a new multi-unit development.

It was noted by the Committee that there is little historical significance of the building.

Recommendation (Riley/Loft)

- QPRC HAC 10/19**
- That the Committee raise no objection to the application for the demolition of the house at 40 Antill Street.**

Minutes of the QPRC Heritage Advisory Committee Meeting Held on 19 September 2019

8. Other Business

Kat McCauley provided the Committee with an update advising that applications for the 2019/20 Local and Special Heritage Grants are now open. Details of the location of information and the closing dates for applications were also provided.

A discussion was undertaken on how the applications would be assessed. It was agreed for the Heritage Advisor's and QPRC Staff to assess and the reports and make recommendations for consideration by the Committee prior to consideration by Council. To facilitate the timely consideration by Council the Committee will move its meeting back one week to 24 October 2019, to give Staff time to prepare the report.

A discussion was undertaken in regard to Braidwood and Curtilage Advisory Committee recommendations to Council in regard to State Heritage Listing the Braidwood Court House. Kat McCauley was requested to talk to the Presbyterian Church on how they got their listing.

9. Next Meeting

The next meeting will be held at 4.30pm on **Thursday 24 October 2019** in the Committee Room at Queanbeyan Council Chambers.

There being no further business, the meeting closed at 5.15 pm.