


Open Burning Policy

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Resolution number:	431/19	
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Reference number:	24.3.12	
Strategic Pillar	Character	
Responsible Branch	Natural and Built Character	18 December 2019

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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 **domestic waste** - waste (other than vegetation) that is of a kind and quantity ordinarily generated on domestic premises
- 4.2 **domestic waste management services** - services comprising the periodic collection of domestic waste from individual parcels of rateable land by Council or private waste contractor and services that are associated with those services.
- 4.3 **incinerator** – an incinerator that is authorised or controlled by a licence under the Protection of the Environment (Operations) Act 1997
- 4.4 **Not supported by Council** – permit will not be issued by Council
- 4.5 **vegetation** – plants collectively; plant life; including stubble, prunings, cuttings, weeds, branches, leaves, long grass

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 when the Fire Danger Rating (FDR) is 'Very High' or greater 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

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- 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. Complying with the general conditions contained in Appendix 1 of this Policy, which includes burning more than 75 metres from a habitable building on neighbouring land, then automatic approval is deemed.
- 6.3.4. Regardless of Clauses 6.3.1 to 6.3.3, residents should check with their local fire authority as fire permits may be required to be obtained from:
 - NSW Rural Fire Service within Rural Fire Districts
 - Fire & Rescue NSW within Fire DistrictsFire permits are required at any time when the lighting of a fire would be likely to be dangerous to any building.

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- 6.3.5. No approval from Council is required for the burning of any of the following activities:
- a) Bush Fire Hazard Reduction work under the NSW *Rural Fires Act 1997*.
 - b) Burning of prohibited plants or drugs by the NSW Police in accordance with the NSW *Drugs Misuse & Trafficking Act 1985*.
 - c) 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.
 - d) The burning and destruction of weeds as defined by the *Biosecurity Act 2015*, whilst under the direction of an authorised officer.
 - e) 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 within the *Protection of the Environment (Clean Air) Regulation 2010*
 - f) 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*.
 - g) 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 – Note: approval automatically granted by QPRC if compliant with the following:

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

- a) Adjacent property owners or occupiers must be given 24 hours' notice (verbal or written) of an intention to burn.
- b) Only dried vegetation that has grown on the premises can be burnt.
- c) Every reasonable 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.
- d) All practicable attempts must be made to prevent or minimise air pollution when burning.
- e) Burning can only take place when the Fire Danger Rating (FDR) is low to moderate or high and predicted to remain so for the duration of the burn. The FDR 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 FDR is very high or greater is prohibited.
- f) Burning must not take place where another person's health and amenity are likely to be unduly impacted.
- g) Burning as the result of an activity related to land subdivision or building construction is prohibited.
- h) 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.
- i) An open fire must be supervised by a responsible and competent adult at all times.
- j) 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.
- k) Adequate water supplies and/or equipment must be immediately at hand to extinguish the fire if required.
- l) Activities must be undertaken in accordance with the NSW Rural Fire Service / Fire and Rescue NSW document "[Standards for Pile Burning](#)".
- m) A permit may be required 12 months of the year. During the bushfire danger period, which generally is from the beginning of October 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.
- n) 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)
- o) 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*.

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APPENDIX 2 – Self assessment checklist for automatic approval from QPRC (see appendix 1)

Location

Is the burning site more than 75 metres to a neighbour's dwelling?	Yes	No – choose a different site (if unable to meet 75m then alternative means of disposal are required)
Is the fire located where it will not to cause a threat to any building?	Yes	No – alternate means of disposal required
Is the fire located or managed where smoke is not likely to cause a nuisance or affect the health of another person?	Yes	No – alternative means of disposal required
Will you be supervising the fire at all times?	Yes	No – do not start the fire until you are able to supervise the fire at all times

Notification

Is the fire danger rating at a safe level (less than 'very high')?	Yes	No – alternative means of disposal required
Is it outside of the bushfire danger period (the danger period is generally from October to March)?	Yes	No – you will also need a fire permit, contact your local fire authority
Have you given your neighbours 24 hours notice?	Yes	No – notify neighbours
Have you notified your fire authority?	Yes	No – notify your fire authority

Materials

Is the material only dried vegetation?	Yes	No – alternative means of disposal required
Have you considered mulching or composting?	Yes	No – every attempt must be made to recycle or reuse
Have you got adequate water or equipment on hand to extinguish a fire?	Yes	No – alternative means of disposal required

Note approval from QPRC 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.

Other options to consider before burning:

- **At home:** mulching, composting, re-use as fuel for heating.
- **Council waste facilities:** Green waste can be taken to one of the following
 - Braidwood Waste Transfer Station
 - Bungendore Waste Transfer Station
 - Captains Flat Waste Transfer Station
 - Majors Creek Tip on Araluen Street
 - Queanbeyan Waste Minimisation Centre on Lorn Road

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APPENDIX 3

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	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 approval automatically granted if in accordance with Appendix 1 & Fire Permit from NSW RFS and Fire & Rescue NSW during declared bushfire danger period	Local NSW RFS in a rural fire district and Fire and Rescue NSW in a fire district.
Hazard reduction burn	Hazard Reduction Certificate (Native Vegetation Only)	NSW Rural Fire Service Queanbeyan Fire Control Centre
River 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 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 only
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
BBQ or campfire for cooking or recreation on private land including pizza ovens and fire pits.	No approval required as long as only dry seasoned wood, LPG, natural gas or proprietary barbeque fuel is used, and no nuisance is created	N/A
<p>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 'Very High Fire Danger' or greater or when NSW EPA declares a 'No Burn Day'.</p>		

