

POLICY NAME	Controlled Burning Policy
DIRECTORATE	Planning and Environment - Compliance/Sustainability



PURPOSE

The purpose of AlburyCity's Controlled Burning Policy is to ensure that Council meets its legislative responsibility under the *Clean Air Regulation 2010* to minimise and prevent air borne pollutants and other contaminants entering the environment through the activity of burning or incineration.

The Policy, with its supporting Procedure, will also assist staff and other stakeholders to accurately assess the requirements of the Regulation and determine the circumstances where Council approval is required prior to any controlled burning activity.

SCOPE

The scope of this draft policy is to clearly establish and identify the specific areas of Albury that are subject to the requirements of Schedule 8 of the *Clean Air Regulation 2010*.

The draft policy reflects the legislative requirements of *Clean Air Regulation 2010* and provides a standard operating procedure, guidelines and assessment form that provide staff or residents with relevant information on the options and processes available to them when considering a controlled burn. It also contains a reference map that clearly defines the areas of responsibility for the Rural Fire Service and Fire and Rescue NSW. These areas of responsibility were used to identify the rural areas of the city where no Council approval is required for the controlled burning of vegetation and the urban area of the city where approval is required from Council prior to the disposal of vegetation through burning.

PROVISIONS OF CONTROLLED BURNING POLICY

Excessive smoke and air pollution is an issue of concern to the community and the associated impacts on air quality and human health are well recognised. This policy seeks to improve awareness and reduce instances of uncontrolled or inappropriate burning of materials.

1. Legislation and Policy

The principal legislation addressing pollution in New South Wales is the *Protection of the Environment Operations Act 1997* ('POEO Act'). Under the POEO Act, control of burning in the open is regulated by the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

The *Clean Air Regulation 2010* imposes a general obligation to prevent or minimise air pollution when burning in the open or in an incinerator. It also prohibits the burning of certain articles, such as tyres, coated wire and treated timber. Part 2 and Part 3 (of Schedule 8) of the *Clean Air Regulation 2010* provide the framework for local government actions and they have been structured to allow councils to adopt a level of control for burning appropriate to local conditions.

2. Alternatives to Burning

AlburyCity will promote and encourage alternative means of disposal other than controlled burning where possible. There are many ways to dispose of materials other than burning, and in most cases materials can be recycled or reused. AlburyCity strongly recommends the use of its kerbside recycling and green waste services, as well as on-site chipping, composting and mulching of organic materials. There are numerous benefits of composting and mulching organic material such as conserving soil and water, and reducing fertiliser and herbicide use. The recycling and green waste services provided by Council are available throughout the AlburyCity area; this means there is no need to burn household or garden waste.

3. Controls for Burning Off

3.1. General Controls – All Albury City Areas

The burning of any substance, material, article or item of household waste that has the potential to release air borne pollutants or other contaminants into the environment is **prohibited** and an offence under AlburyCity's Controlled Burning Policy and the *Clean Air Regulation 2010* under the *Protection of the Environment Operations Act 1997*.

Type of Fire	Environmental Approval Required?
Incinerator burning	Prohibited
Domestic waste burning	Prohibited
Burning to demolish a building or other building materials	Prohibited
Burning of: <ul style="list-style-type: none">- Tyres (except for fire fighting instruction)- Coated wire- Paint containers & residue- Solvent containers & residue- Treated timber	Prohibited

3.2. Burning of Vegetation

A. Urban Areas

The residents or owners of any property within the Fire and Rescue NSW area of AlburyCity as defined by the Fire Brigade Boundaries Map are required to seek Council approval prior to the disposal of any vegetation through a controlled burn. Any resident or property owner in this area shall contact Council and seek approval. This will include arranging for officers to attend the property to assess the circumstances prior to any formal consideration of the request for approval. Approval will not be given where suitable and appropriate alternatives to burning are available.

B. Rural Areas

The residents or owners of any property within the Rural Fire Service areas of AlburyCity as defined by the Fire Brigade Boundaries Map are not required to seek Council approval prior to the disposal of vegetation through a controlled burn. Any resident in these areas that wishes to carry out a controlled burn are obliged to follow the conditions set out in this policy to minimise the generation of excessive smoke and air borne pollutants. Residents are also obliged to contact their local Rural Fire Service prior to ignition.

Type of Fire	Environmental Approval Required?
Agricultural burning. (e.g. stubble, diseased crops etc)	Approval not required
Burning animal carcasses that have died due to disease.	Approval not required
Camp fire for cooking or heating/ recreational purposes.	Approval not required
Hazard reduction burn.	AlburyCity Approval not required Contact the Rural Fire Service (Approval may be required)

3.3. Conditions for ALL Controlled Burns in Albury

If a Controlled Fire Burn Approval is granted, the following conditions will apply as a minimum. The applicant (or rural resident) **MUST** adhere to **ALL** of the conditions.

- The applicant must advise the local Fire and Rescue NSW on 6021 3174 or Rural Fire Service on 6051 1511 a minimum 24 hours prior to ignition.
- The Applicant must give written or oral notice, at least 24 hours before the fire is lit, to AlburyCity, all adjoining residents including properties separated by any lane, road, or waterway. Such notice must specify the location, purpose, period and time of the controlled burn.
- Only dry and dead vegetation originating on the Applicant's property shall be burnt.
- Due to toxic air emissions, pollutants such as the following shall not be incinerated: plastics, rubber, chemical containers, tyres, coated wire, paints/solvents and treated timber.
- Burning under this approval must at all times be carried out by such practical means as necessary to prevent air pollution. The potential impact on any neighbouring property due to wind direction, weather conditions and duration of burn shall be considered prior to ignition.
- In the event of a Total Fire Ban being declared, the approval is suspended. Any existing fire is to be extinguished and cannot be reignited until the Total Fire Ban is lifted.

- In the event of a No Burn Day being declared by the Office of Environment and Heritage, the approval shall be effectively suspended.
- The applicant shall provide the necessary resources and emergency control procedures to maintain and prevent any outbreak or spread of the fire.
- Any authorised officer from a relevant authority may initiate their powers and suspend this approval at any stage.

Failure to comply with the conditions imposed on any Approval is an offence which is subject to legislative penalties.

All applications received by AlburyCity during the Bush Fire Danger Period (1 October-31 March) will be referred to the local fire authority for approval.

RELATED DOCUMENTS

- Controlled Burning Standard Operating Procedure.
- Map – Fire Brigade Boundaries – Albury Local Government Area (*attached*).

AUTHORISATION

Status	Committee	Planning and Development Committee 12 September 2011 Planning and Development Committee 12 March 2012 Planning and Development Committee 8 December 2014
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	Council	Minutes of PDC ratified at the Council Meeting on Monday 26 September 2011. Minutes of PDC ratified at the Council Meeting on Monday 26 March 2012. Minutes of PDC ratified at the Council Meeting on Monday 15 December 2014.
Author	Team Leader Sustainability and Environment.	
History	New Policy and Procedure Developed in 2011 publicly exhibited and adopted in March 2012. Policy and Procedure subject to review in 2014, according to the review schedule set out in the Policy. The review identified no substantive changes to the Policy or the Procedure except for the periodicity of the review (2 to 4 years).	
Register	Controlled Burning Standard Operating Procedure attached to this Policy. Included in the AlburyCity Public Policy & Procedure Register.	
Last issued	December 2014	Review December 2018
TRIM REFERENCE DOC11/49855		

See attached area map of Fire Brigade Boundaries – Albury Local Government Area on following page.

