

COUNCIL POLICY

**Policy Name**

Burning of Vegetation and General Waste

Abstract

To define areas restricted from open air burning and where approvals may be granted by Council for burning

Dates	Policy or amendment approved	13 December 2023
	Policy or amendment takes effect	13 January 2024
	Policy is due for review (up to 4 years)	13 December 2027
Endorsed by	Executive Leadership Team at its meeting held 28 November 2023	
Approved by	Gunnedah Shire Council, at its Ordinary Meeting of Council held 13 December 2023 Resolution number: 6.12/23	
Policy Custodian	Manager Community Safety	
Relevant to	Community	
Superseded Policies	Burning of Vegetation Policy adopted by Gunnedah Shire Council, at its Ordinary Meeting of Council held on 20 July 2011 Resolution number: 17.5	
Related documents	Nil	
Related legislation	Protection of the Environment Operations Act 1997 Protection of the Environment Operations (Clean Air) Regulation 2022	

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1. Purpose

1.1 The Protection of the Environment (Clean Air) Regulation 2022 is intended to impose a general obligation to prevent or minimise air pollution from burning in the open or in incinerators.

2. Scope

2.1 The objective of the policy is to define areas within the LGA that are prohibited from burning vegetation or general waste in open air or incinerators, or where such burning may be permitted with approval.

3. Definitions

3.1 *Air impurity* – includes smoke, dust (including fly ash), cinders, solid particles of any kind, gases, fumes, mists, odours and radioactive substances.

Air pollution – means the emission into the air of any impurity.

Open fire/fire ~~on~~ in the open – any fire in which the products of combustion are not directed to the open air by a stack or chimney.

Waste – includes:

- a. Any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or
- b. Any discarded, rejected, unwanted, surplus or abandoned substance, or
- c. Any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or
- d. Any processed, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or
- e. Any substance prescribed by the regulations to be waste.

A substance is not precluded from being waste for the purposes of this Act merely because it is or may be processed, recycled, re-used or recovered.

4. Policy Principles

4.1 The guiding principle of this policy is to reduce unnecessary air pollution in the urban area through an application and approval process that balances the relevant legislation with specific needs and circumstances of the applicant.

5. Policy Statement

5.1 General Obligations

The following obligations apply in all areas of NSW:

- Prohibition of burning certain items including tyres, coated wire, solvent containers and residues, paint containers and residues and treated timber – copper chromium arsenate (CCA) and pentachlorophenol (PCP) except where exempted in accordance with Part 3, Division 3, Section 10 of the Regulations.
- A general obligation for any person to prevent or minimise pollution when burning.

5.2 Local Obligations

Gunnedah Shire Council has established the following provisions to better control open air (backyard burning) especially in closely settled areas.

5.3 Burning of General Waste (Not Vegetation)

Gunnedah Shire Council has adopted Schedule 1 Part 3 of the Regulation that deals with the burning of general waste.

Burning of general waste is prohibited through the Shire except where no domestic waste collection service is available.

5.4 Burning of Vegetation

Council has adopted Schedule 1 Part 3 of the Regulation that deals with burning of vegetation.

Council has applied the restriction on burning vegetation only to the area of Gunnedah identified on the Vegetation Burning Restricted Areas Maps. Refer to Figure 1.

Burning of vegetation (subject to general obligations) is permitted other than within the areas identified in the Vegetation Burning Restricted Areas Map with the approval of Council.

Compliance with the terms of this policy will constitute an approval to such burning under Division 4 of the Regulation.

5.5 Exceptional Circumstances

Notwithstanding, the provisions Council may consider individual cases for the burning of dry vegetation under exceptional circumstances on the individual merits of the case in the controlled area, if the authorised officer of Council is satisfied that measures are in place to minimise smoke impacting on any person or dwelling having regard to:

- a. Reasons why vegetation cannot be reused, recycled or disposed of at a waste facility.
- b. Wind direction at time of the proposed burn.
- c. Weather conditions at time of the proposed burn.
- d. Length of time vegetation is likely to burn.
- e. Moisture level of the vegetation to be burnt.
- f. The location of the burn is sufficiently remote or isolated from residential buildings not on the property subject of the burn as to not present an environmental or health hazard.

- g. Written notification of the proposed burn must be prepared and delivered by the applicant to occupiers of residential premises likely to be impacted by the burn at least 4 days prior to the proposed burn.

5.6 General Exemptions

The Regulation exempts:

- Bush Fire Hazard Reduction work under the Rural Fires Act 1997;
- Destruction by burning of prohibited plants or drugs under the Drugs Misuse and Trafficking Act 1985;
- Destruction by means of burning an animal that has died or suspected of having died of a disease proclaimed under the Biosecurity Act 2015 or an exotic disease within the meaning of the Exotic Diseases of Animals Act 1991.

5.7 Special Exemptions

It is not an offence under Division 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:
 - i. An officer or member of a fire fighting authority; or
 - ii. A fire control officer within the meaning of the Rural Fires Act 1997; or
 - iii. An industrial fire control officer when acting in his or her official capacity.

The Regulation also provides exemptions for:

- Licensed incinerators and incinerators which meet specific technical requirements; and
- Flaring of waste gases.

6. Accountability, Roles and Responsibility

6.1 Manager Community Safety – responsible for review

6.2 Compliance Officers – responsible for enforcement

7. Acknowledgements

Nil

8. Version Control and Change History

Date	Version	Approved by & Resolution No.	Amendment
Jul 2011	1	Council Ordinary Meeting 20 Jul 2011 Resolution 17.5	
Dec 2023	2	Ordinary Meeting 13 Dec 2023 Resolution 6.12/23	

Figure 1

GUNNEDAH VEGETATION BURNING - RESTRICTED AREAS



LEGEND

 VEGETATION BURNING RESTRICTED AREA



DISCLAIMER:
While every care is taken to ensure the accuracy of the information contained on this map, Gunnedah Shire Council makes no representations or warranties about the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability or negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs you may incur as a result of the information being inaccurate or incomplete in any way or for any reason.
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