

## CLEAN AIR GUIDELINES AND THEIR LINK TO BUSHFIRE HAZARD MANAGEMENT

### Introduction

Bush fire hazard reduction is a necessary part of managing any property likely to be affected by dangerous bushfires. Only if fuel material is in its natural state on the site, and you wish to burn off for genuine bushfire hazard reduction, are you exempt from the environmental obligations under the *Protection of the Environment Operations Act* (POEO) 1997. You still must contact the NSW Fire Brigade or a Fire Control Officer of the NSW Rural Fire Service and comply with any of their requirements for hazard reduction work.

If the material has been cleared and piled up it is a different situation. Wollongong is currently listed under Part 1 Schedule 1 of the *Protection of the Environment Operations (Clean Air) Regulation 2010 (Control of Burning) in Local Government Areas* due to Council's commitment to preventing air pollution. This effectively means that the burning of anything in an incinerator or heaped up in the open is prohibited. This includes piles of dead, dry natural vegetation.

### Exemptions

There are only minimal exemptions to total prohibition in Wollongong.

The exemptions are:

- 1 Burning 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 development),
  - (ii) the burning of stubble, orchard prunings, diseased crops, weeds or pest animal habitats on farms,
  - (iii) the burning of pasture for regenerative purposes.
- 2 Burning anything for the purpose of giving instruction in methods of fire fighting by an officer of the NSW Fire Brigade or a Fire Control Officer.
- 3 Where **all** of the following circumstances exist:
  - the land must be larger than 5 acres (2 hectares),
  - it must not be feasible to remove and dispose of piles of vegetation by other means, such as by physical or mechanical means,
  - the land must adjoin natural bushland areas, ie interface between bushland and urban areas,
  - It is being done for bushfire management purposes,
  - the vegetation to be burned must have been generated on the site,
  - only natural vegetation may be burned, ie no plastic, timber, rubbish etc,
  - burning for the purpose of clearing must not be associated with construction or development purposes.

### Should you qualify for an exemption you must also comply with the following conditions during a burn -

- 1 A Responsible Adult must be present from the time the pile is lit until such time as it is extinguished.
- 2 The landowner must possess a permit to light, use or maintain a fire from the NSW Rural Fire Service and comply with any conditions of approval during the bushfire danger period which is between 1 October and 31 March. This permit must be on the site at the time of the fire being lit.

- 3 The permit holder must give written or oral notice, at least 24 hours before the fire is lit, to adjoining occupiers or owners of land, including land that is separated by a lane, road or waterway, and to the appropriate authority who issued the permit. Such notice must specify the location, purpose, period and time of the fire proposed to be lit.
- 4 When the Environment Protection Authority declares a 'No Burn' day this permit is suspended except where the fire has been lit for the purpose of hazard reduction pursuant to a Bush Fire Risk Management Plan.
- 5 The permit holder must not burn on days declared as a Total Fire Ban.
- 6 A means of extinguishment must be present on the site in case of an outbreak.
- 7 Smoke must not cause a nuisance to neighbouring properties.

It is important that these guidelines are understood and followed as penalties for breaches of the *Protection of the Environment Operations (Clean Air) Regulation 2010* can be issued by Council.

It is also important to note that this guideline only protects you against creating an offence under the *POEO Act* and does not affect any requirement to obtain approvals as necessary. Advice should be sought from appropriate government departments prior to any intended clearing or burn.

Where you believe that your circumstances warrant special consideration for fire hazard management purposes, and are not exempt, you should write to Council seeking approval to ensure that you are not prosecuted under the POEO legislation.

For further enquiries contact Council's Customer Service Centre on 4227 7111.

### Disclaimers

This information was believed to be correct at the date of its publication.

This information is for general information purposes only and should not be relied upon for legal advice.