

- 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 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.

## health issues

The Protection of the Environment Operations Act 1997 enable Council's authorised officers to require extinguishment of any fire, which the officer can confirm is causing a serious risk to the health of any person. A similar provision applies where it can be confirmed that a fire is not conducted in such a manner as to minimise air pollution.

After hours numbers may be contacted especially where a person believes that a fire is causing a serious risk to health.

## safety issues

Residents are reminded that this Policy does not relate to the safety aspects of burning off. Obligations under the Rural Fires Act 1997 require the seeking of permits during the bushfire danger period. There are notifications required both to Council and to adjoining neighbours for the

conducting of fires at any time of year. More details regarding these requirements are available from the Rural Fire Service or the Town Brigades.

## penalties

Council's authorised officers and certain officers of other authorities, are empowered to serve penalty infringement notices where it can be established there has been a breach of the Regulation.

Penalties for breaches of the regulation are \$500 against individuals and \$1000 against corporations. Higher penalties apply if a matter is prosecuted in Court.

In this Policy a reference to "the Act" refers to the Protection of the Environment Operations Act 1997.

A reference to "the Regulation" refers to the Protection of the Environment Operations (Clean Air) Regulation 2010.

## further information

Ballina Shire Council's Public & Environmental Health Section on 6686 1210, email [council@ballina.nsw.gov.au](mailto:council@ballina.nsw.gov.au) or visit Council's website [www.ballina.nsw.gov.au](http://www.ballina.nsw.gov.au) for further information



# Backyard Burning Guidelines

## in Ballina Shire



The Protection of the Environment (Clean Air) Regulation 2010 is designed to prevent air pollution from air borne particulates and chemicals and eliminate localised nuisance caused by smoke and odour generated by inefficient burning off.

## general obligations

The following obligations apply in all areas of NSW:

- Prohibition of burning certain items including tyres, coated wire, solvent containers & residues, paint containers & residues and treated timber – copper chromium arsenate (CCA) & pentachlorophenol (PCP); except where exempted in accordance with Clause 11 of the Regulation.
- A general obligation for any person to prevent or minimise pollution when burning.

## local obligations

Ballina Council has resolved to implement provisions to better control backyard burning especially in closely settled areas.

## burning of domestic waste (not vegetation)

Ballina Council has adopted Schedule 8 Part 3 of the Regulation that deals with the burning of general waste.

Burning of domestic waste is prohibited throughout the shire except where no domestic waste collection service is available.

## burning of vegetation

Council has adopted Schedule 8 Part 2 of the Regulation that deals with burning of vegetation.

Council has applied the controls on burning vegetation only to the area within the towns and villages and known urban zonings. Maps that form part of this Policy clearly delineate where the restriction on burning vegetation applies. These maps are also available on Council's website. Burning of vegetation (subject to the general obligations) is permitted other than within the areas identified in the maps referred to above. This Policy constitutes an approval to such burning under Clause 13 of the Regulation.

Council is not precluded from considering individual cases for the burning of dry vegetation on their merits within the controlled area. Council officers are required under the regulation to assess each application against a number of heads of consideration prior to the issue of an approval.

## 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 & Trafficking Act 1985;
- Destruction by means of burning of an animal that has died or suspected of having died of a disease proclaimed under the Stock Diseases Act 1923 or an emergency animal disease within the meaning of the Animal Diseases (Emergency Outbreaks) Act 1991.

## specific exemptions

It is not an offence under clause 12 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 the burning of pasture for regenerative purposes, or