POLICY 6.03
Regulatory Services
Burning within Townships
Version: 3 | Next Review: August 2030

DISTRICT COUNCIL of TUMBY BAY

1. INTRODUCTION

This Burning within Townships Policy (the Policy) provides the basis for control of burning vegetation within gazetted townships areas.

This Policy recognises the rights of landholders to burn vegetation within their properties. This Policy recognises that smoke can impact on human health and the environment and can cause environmental nuisance.

This Policy allows for the authorisation for all landholders to burn within townships following the annual publication of a formal notice by the Council in the Community Newsletter and Port Lincoln Times specifying for each individual year the start and finish dates or specified periods. The formal notice forms part of this Policy.

2. POLICY OBJECTIVE

This Policy establishes the conditions under which burning of vegetation and agricultural waste may occur within gazetted townships in the Council area, consistent with the *Environment Protection (Air Quality) Policy 2016* and any relevant *CFS Code of Practice*.

The Policy aims to protect human health, minimise smoke nuisance, reduce environmental impacts, and provide a clear framework for authorising burning in appropriate circumstances.

This Policy applies to burning in the open within gazetted townships in the District Council of Tumby Bay area. It does not apply to burning activities regulated exclusively under other legislation, including the *Fire and Emergency Services Act 2005* or the *Crown Land Management Act 2009*, except where those laws or related approvals are also required. This policy does not apply to domestic cooking, domestic heating, or indoor solid-fuel appliances

Council may authorise burning of vegetation and agricultural waste within gazetted townships subject to the conditions set out in this policy and any applicable legislation. Burning is to be treated as a last resort after reasonable alternatives such as mulching, composting, or other waste management options have been considered. A person must not undertake burning in contravention of this policy, any permit conditions, or any notice issued by Council.

3. LEGISLATIVE REQUIREMENT

This policy is made in support of the *Environment Protection (Air Quality) Policy 2016*, which regulates burning in the open in council areas. Council has also had regard to CFS guidance on burn-offs and burning conditions, including the requirement to comply with relevant codes of practice. Where there is any inconsistency between this policy and applicable legislation, the legislation prevails.

4. DEFINITIONS

For the purposes of this policy:

Adjoining neighbour means an owner or occupier of land sharing a boundary with the property on which burning is to occur.

Agricultural waste means vegetation derived from agricultural activities on the property.

Burning in the open includes lighting or maintaining a fire outdoors, including a domestic incinerator, where relevant to the legislation.

Gazetted township means an area proclaimed or recognised by gazettal for the purposes of this policy.

Vegetation means dry plant material originating from the property on which the burning is undertaken.

5. AUTHORISATION

Council authorises burning of vegetation and agricultural waste within gazetted townships only in accordance with this policy and any conditions imposed by Council. A permit or general notice authorisation does not remove the requirement to comply with any other law, emergency direction, fire ban, or prescribed code of practice. Council may refuse, suspend, vary, or revoke an authorisation where it considers that burning may create a risk to public health, safety, amenity, or the environment.

6. CONDITIONS OF BURNING

A person undertaking burning under this policy must comply with all of the following:

6.1 The burning must occur only on land owned by, or lawfully occupied by, the person undertaking the burning, or with the landowner's consent.

6.2 The material burnt must originate from the property on which it is burnt.

6.3 Burning must not occur on a total fire ban day or when otherwise prohibited by emergency restrictions.

6.4 Burning must only occur outside the fire danger season and in accordance with any relevant seasonal restrictions.

6.5 The person must notify adjoining neighbours at least 24 hours before burning occurs.

6.6 The person must comply with any mandatory measures and have regard to any recommended measures in the relevant code of practice.

6.7 The burning area must have a cleared break of at least 4 metres from any flammable material.

6.8 Adequate water must be available on site to extinguish the fire and prevent spread.

6.9 The fire must be attended at all times by a competent adult until fully extinguished.

6.10 Burning may only occur between 12:00 noon and 6:00 pm unless otherwise approved by Council in writing.

6.11 Burning must not create smoke nuisance, offensive odour, ash fallout, or other unreasonable interference with neighbours.

7. PROHIBITED MATERIALS

The following must not be burnt under this policy:

a) Tyres,

b) green garden waste,

c) clippings and mulch contaminated with soil or other matter,

d) plastic,

e) cardboard,

f) chemical containers,

g) treated timber,

h) construction waste, and

i) any other hazardous or prohibited material under applicable law.

8. FIRE MANAGEMENT REQUIREMENTS

Vegetation piles must be neatly stacked and managed to reduce smoke and spread risk. Stockpiles must not exceed 2 metres x 2 metres x 1 metre high, and multiple piles must not be burnt simultaneously unless otherwise authorised in writing. The person undertaking the burn must take all reasonable precautions to prevent smoke entering adjoining premises and to prevent the fire from escaping.

9. PERMITS & NOTICES

Council may issue an individual permit or a general notice authorising burning within townships, as appropriate. Any notice published by Council forms part of this policy and may specify dates, times, locations, seasonal restrictions, and additional conditions. Council may publish notices in a newspaper, on its website, or by another method determined appropriate by Council.

10. NON-COMPLIANCE

Failure to comply with this policy may result in cancellation of the authorisation, refusal of future burning approvals, enforcement action, or penalties under applicable legislation. Council may also refer matters to the relevant enforcement authority where required. Nothing in this policy limits the ability of Council or an authorised officer to take action in relation to smoke nuisance or unsafe burning

11. DELEGATIONS

The Chief Executive Officer may delegate the administration of this Policy to an appropriate staff member.

12. ADMINISTRATION

Council's Regulatory Services team is responsible for receiving applications, issuing notices, maintaining records, and advising the public on requirements.

13. POLICY REVIEW

This policy is to be reviewed within four (4) years of adoption, or earlier if legislation, operational requirements, or community circumstances change. The review should consider any changes to the *Environment Protection (Air Quality) Policy 2016*, *CFS codes of practice*, council nuisance management practices, and comparable council policies.

14. AVAILABILITY OF THIS POLICY

This Policy will be available for inspection at the Council's Office during ordinary business hours and via the Council's website, www.tumbybay.sa.gov.au. Copies will also be provided to the public upon request and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

15. FURTHER INFORMATION

File reference	R26/9890
Responsibility	General Manager Environmental Services
Version	3
Effective date	11/08/2026
Last revised date	08/03/2022
Minutes reference	10c/82026
Next review date	August 2030
Applicable Legislation	*Environment Protection Act 1993* *Vegetation Pile Burning – Code of Practice (April 2015)* *EPA – Burning in the Open Chart* *EPA – Air Quality Policy Brochure*
Related Policies	
Related Procedures	

AUTHORITY: Adopted by Council: 11/06/2019 {Motion 6c/62019}
Adopted by Council: 13/08/2019 {Motion 5c/82019}
Adopted by Council: 11/08/2026 {Motion 10c/82026}

SIGNED: 

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Responsible Officer