

# POLICY 6.03

## Regulatory Services

### Burning Within Townships



Version: 2 | Next Review: After – November 2022

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#### Policy Statement

The District Council of Tumby Bay (the Council) gives landholders within gazetted townships the authorisation to undertake burning of vegetation outside a fire danger season subject to strict conditions.

#### 1. INTRODUCTION

This policy provides the basis for control of burning vegetation within gazetted townships areas.

The policy recognises the rights of landholders to burn vegetation within their properties.

The policy recognises that smoke can impact on human health and the environment and can cause environmental nuisance.

The 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. SCOPE

This policy applies to gazetted town areas only.

The policy does not apply to burning undertaken within the requirements of the Fire and Emergency Services Act 2005 and Crown Land Management Act 2009.

This policy does not control burning on properties outside of gazetted townships. All properties outside of gazetted townships are subject to the Fire and Emergency Services Act 2005.

The notification requirements contained within the policy do not apply to outside cooking, outside heating, indoor domestic heating (i.e. wood burning heaters) or indoor cooking (i.e. wood burning range ovens).

#### 3. DEFINITIONS

**Adjoining neighbour** means the owner or occupier of any property with a boundary connecting at any point with the property on which the burning is to occur.

**Agricultural Waste** means vegetation derived from agricultural practices.

**Gazetted Town area** means as area defined by the formal gazettal of a town area.

**Cooking** means lighting or maintaining a fire within a fit-for-purpose fire chamber using charcoal or dry matured wood for the purpose of preparing food or beverages.

**Outdoor heating** means use of a fit-for-purpose brazier, chiminea or fire pit for heating an outdoor area with the use of charcoal or dry matured wood only.

#### 4. POLICY FRAMEWORK

This policy should be read in conjunction with EPA guidelines for burning.

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**5. ADHERENCE TO POLICY**

All property owners and residents must abide by this policy at all times. Conducting burning activities other than in accordance with this policy can result in maximum penalties of up to \$4,000 and expiations of \$300.

**6. LEGISLATIVE FRAMEWORK**

In South Australia burning in the open (which includes burning in a domestic incinerator) is managed by local government using provisions in the Environment Protection (Air Quality) Policy 2016.

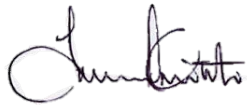
**Relevant Documents**

- Environment Protection Act 1993
- Vegetation Pile Burning – Code of Practice (April 2015)
- EPA – Burning in the Open Chart
- EPA – Air Quality Policy Brochure

**7. AVAILABILITY OF POLICY**

This Policy will be available for inspection at Council’s principal office during ordinary business hours and on the Council’s website [www.tumbybay.sa.gov.au](http://www.tumbybay.sa.gov.au). Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council’s schedule of fees and charges.

**Authority:**                      **Reviewed by Council:** 11/06/2019 {6c/62019}  
   **Adopted by Council:** 13/08/2019 {5c/82019}

SIGNED:  .....

Responsible Officer

Date: 13 / 08 / 2019

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## **Formal Notice (Policy 6.03)**

### **District Council of Tumby Bay**

## **GAZETTED TOWNSHIPS: BURNING OF VEGETATION OUTSIDE THE FIRE DANGER SEASON**

Section 5 of the Environment Protection (Air Quality) Policy 2016 requires people residing in gazetted townships obtain authorisation (clause 6) prior to undertaking the following outside the fire danger season:

- the burning of vegetation or agricultural waste.

The District Council of Tumby Bay hereby gives landholders within gazetted townships the authorisation to undertake burning of vegetation or agricultural waste outside a fire danger season subject to the following conditions.

#### **Conditions of Authorisation by Council**

1. The burning activity takes place only on land owned by the person or, if leasing, on land with the consent or authority of the land owner.
2. The vegetation must have originated from the property on which it is being burnt.
3. The person should notify all adjoining neighbours at least 24 hours before the burning is to take place.
4. The person must comply with any mandatory measures and have regard to any recommended measures of a prescribed burning code or practice that applies to the burning activity. i.e:
  - SACFS Vegetation Pile Burning – April 2015
  - EPA – Burning in the Open Chart
  - EPA – Air Quality Policy Brochure
5. Burning may not be undertaken on a Sunday or Public Holiday or a day declared a day of Total Fire Ban.
6. All vegetation piles to be burnt should have a cleared break of at least 4m from any other flammable material including grass.
7. Stockpiles of vegetation (other than agricultural waste) shall not be larger than 2m x 2m x 1m high. Multiple stockpiles of vegetation (other than agricultural waste) shall not be allowed to burn at the same time.
8. Ensure you have adequate water supplies on hand to extinguish the burn. Ensure you have a hose that can reach the vegetation pile and all of the way around the pile and have tested your water supply.
9. The burning activity may only take place between 12:00 noon to 6:00pm.
10. This authorisation does not extend to any other material besides dry and matured agricultural or vegetation waste.
11. For the avoidance of doubt the policy only allows the burning of vegetation and agricultural waste and the following materials or any other hazardous waste are not permitted to be burnt:

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- Tyres
- Green garden waste
- Materials such as clippings and mulch – mixed in with soil
- Plastic
- Cardboard
- Chemical containers
- Treated timber
- Other materials prescribed by legislation

All property owners and residents must abide by this policy at all times. Conducting burning activities other than in accordance with this policy can result in maximum penalties of up to \$4,000 and expiations of \$300.

This authorisation is valid for the period (Insert Date) until the commencement of the (Insert Year) Fire Season unless revoked.

**TREVOR J SMITH**  
**CHIEF EXECUTIVE OFFICER**

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