
Our Vision

The Nambucca Valley is a vibrant, sustainable, inclusive and connected community that values and respects the Gumbaynggirr culture, its environment and lifestyle, whilst creating opportunities for a safe and meaningful future for all.

1.0 Policy objective

To clearly set out the obligations of landowners and residents in respect to burning off in the Nambucca Valley Local Government Area, and an adjunct to Council's ongoing commitment to a comprehensive and long-term plan for air quality management across the Valley.

2.0 Related legislation

Protection of the Environment Operations Act 1997
Protection of the Environment Operations (Clean Air) Regulation 2022
Rural Fires Act 1997

3.0 Definitions

approval means an approval in force under clause 18 of the Protection of the Environment Operations (Clean Air) Regulation 2022

domestic waste means waste that is of a kind and quantity ordinarily generated on domestic premises, but does not include vegetation.

domestic waste management services, as defined in the Local Government Act 1993, means services comprising the periodic collection of domestic waste from individual parcels of rateable land and services that are associated with those services.

4.0 History

The Protection of the Environment Operations (Clean Air) Regulation 2022 is designed to prevent air pollution from air borne particulates and chemicals to eliminate localised nuisance caused by smoke and odour generated by inefficient backyard burning off.

Complaints relating to burning by residents within the Nambucca Valley. primarily relate to smoke production, odour and human health effects.

5.0 Policy statement

5.1 Introduction

Fires inappropriately lit or managed, can endanger and impact on lives, property and the environment.

The purpose of this Policy is to clearly define the responsibilities of organisations regarding the issuing of fire permits and approvals in all areas of the Valley. This Policy sets out ways individuals can avoid damaging impacts by following basic procedures and knowing how to obtain the correct approvals, prior to burning.

5.2 General Obligations

The following obligations under the *Protection of the Environment Operations (Clean Air) Regulation 2022* (the regulation) apply in all areas of NSW:

- 1 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 10 of the regulation.
- 2 A general obligation for any person to prevent or minimise pollution when burning, can include:
 - a Taking into account the potential for smoke impacting on any person due to wind direction and weather conditions
 - b Taking reasonable measures to ensure that the material being burnt is not wet;
 - c Burning only material that is suitable for disposal by burning, having regard to possible effects on human health and the environment.

5.3 Local Obligations

Nambucca Valley Council is committed to sound management and control of backyard burning especially in closely settled areas.

5.3.1 Burning of Domestic Waste

Council is listed under Schedule 1 Part 3 of the regulation that deals with all burning:

- a Burning of domestic waste is prohibited throughout the Valley however the regulation allows for the burning of domestic waste where there is no domestic waste collection service available and the domestic waste was generated on the premises. (Clause 13).
- b Council discourages the burning of domestic waste in all circumstances.

5.3.2 Burning of Vegetation

Council is listed under Schedule 1 Part 2 of the Regulation that deals with burning of vegetation.

Council has applied the controls on burning vegetation only to the area within towns, villages and known urban and rural residential zonings. Any persons wishing to burn vegetation in an area identified in **bold yellow** on the maps, that form part of this policy, must submit a written application to Council.

This policy constitutes an approval to burn under Clause 18(2-4) of the regulation for any land not identified in **bold yellow** on the maps.

Council has delegated, to the Rural Fire Service (RFS), authority to issue approvals to burn domestic waste and vegetation. Burning of vegetation (subject to the general obligations) is permitted other than within the urban and rural residential areas (**Bold yellow** on maps).

NOTE: Council, under legislation, may consider individual cases involving burning of dry vegetation within the controlled area. Council officers are required under the regulation to assess each application presented and may issue a written approval if satisfied with it. ~~Council must keep a copy of each approval and maintain a public register (see Section 5.8 of this Policy).~~

5.3.3 General Exceptions

It is not an offence under Division 4 of the regulation:

- a To cook or barbeque in the open, or to light, maintain or use a fire for recreational purposes such as camping, picnicking, scouting or similar outdoor activities, so long as only dry seasoned wood, liquid petroleum gas (LPG), natural gas or proprietary barbeque 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 purpose of clearing (other than for construction), or;
 - ii The burning of stubble, orchard pruning's, 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 any of the following persons when acting in his or her official capacity:
 - 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, or
- d To burn anything under the authority of, and in accordance with, a bush fire hazard reduction certificate issued under the *Rural Fires Act 1997*, or
- e to burn anything in an incinerator that is authorised or controlled by a licence under the Act, or
- f to burn anything in an incinerator that:
 - i is equipped with a primary and secondary furnace, and
 - ii is designed, maintained and operated in a manner that ensures the maintenance of appropriate temperatures for the complete combustion of anything that the incinerator is designed to burn and prevents the escape of sparks or other burning material, and
 - iii is equipped with suitable equipment that is designed, maintained and operated for the purposes of controlling air impurities in the exhaust gas once the incineration process has been completed, and
 - iv is not installed in a residential building comprising home units, flats or apartments, or
- g to burn air impurities by the process known as flaring if the flare is designed, maintained and operated so as to prevent or minimise air pollution.
- h To burn vegetation as part of Bush Fire Hazard Reduction work under the *Rural Fires Act 1997*

The regulation also provides exemptions for:

- a Licensed incinerators and incinerators which meet specific technical requirements, and
- b Flaring of waste gasses.

For details please contact Council.

5.4 Health and Other Issues

- a There are provisions in the *Protection of the Environment Operations Act 1997* that enables 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.

Inquires may be made to Council regarding any aspect of this point.

- b Valley 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 (Section 5.6 of this Policy).

There are notifications required both to Council and to adjoining neighbours for the conducting of fires at **any time of the year** (Section 5.9 of this Policy).

5.5 Penalties

Council authorised officers and certain officers of other authorities, are empowered to serve Penalty Notices where it can be established there has been a breach of the regulation. Penalties are set by the *Protection of the Environment Operations Act 1997*.

5.6 Bushfire Danger Period

A permit is **required** if a fire is to be lit in the open during the Bushfire Danger Period. The Bushfire Danger Period is usually from **1 September** to **31 March** annually, however this may vary due to local conditions. Permits are required at all times when a fire is likely to endanger a building.

Permits are issued during the Bushfire Danger Period by the Commissioner of the Rural Fire Service or his/her delegate in rural fire districts or officers of the NSW Fire Brigades in fire districts.

Even if a permit has been issued, the lighting of a fire during a **Total Fire Ban** is **Prohibited**. Additionally, the permit will be suspended or cancelled on days of **'High Fire Danger'** to **'Extreme Fire Danger'** or when the EPA declares a **'No Burn Day'**.

Determining whether a Total Fire Ban is in force can be done by phoning the Rural Fire Service (information line) 1800 654 443 or on the web at www.rfs.nsw.gov.au. To find out if a No Burn Notice is in effect call the Pollution Hotline on 131 555 or visit www.environment.nsw.gov.au.

The onus is on the holder of the permit to ensure that the conditions on the day are conducive to lighting a fire.

5.8 Approvals For Burning Activities

The following table summarises the types of approvals required in Nambucca Valley Council area for different burning activities and where to obtain that permit.

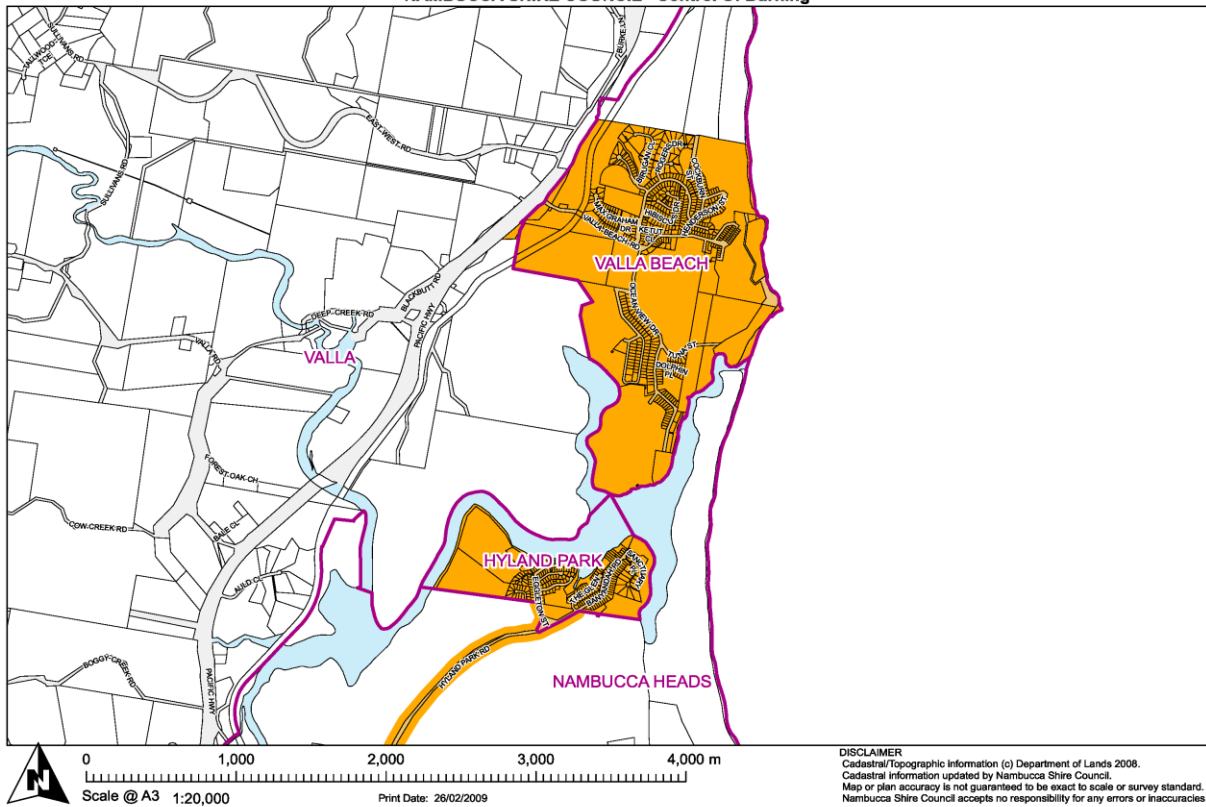
Type of Burning Activity	Type of Approval Required	Where to Obtain Approval
Hazard reduction burn	Hazard Reduction Certificate or other environmental approval as advised	Rural Fire Service
Vegetation pile burn inside marked area	Control of Burning approval	Council
Vegetation pile burn outside marked area	Not required	Council
Agricultural burning of vegetation grown on premises	Not required	-
Burning in an incinerator	Not required if authorised by an environment protection licence.	Environment Protection Authority
Burning domestic waste (other than vegetation)	Not required provided that it is burnt on the residential premises on which the waste was generated and domestic waste management services are not available	-

Burning to destroy sawmill waste material	Development Application	Council
Lighting fires to produce charcoal	Development Application	Council
Burning an animal that has died, or is suspected to have died, due to disease	Not required	-
Camp/pit fire for cooking or heating	Not required	-
Burning of: - Tyres (except for the purpose of giving fire fighting instruction) - Coated wire - Paint containers and residues - Solvent containers and residues - Treated timber	Prohibited	-
Burning (excluding cooking or heating) during the Bush Fire Danger Period or burning that is likely to endanger a building	Fire Permit in addition to any approval specified above. A Hazard Reduction Certificate or Control of Burning approval to be obtained prior to submitting an application of a Fire Permit.	NSW Rural Fire Service/NSW Fire Brigades
<u>IMPORTANT</u> Lighting of fires is prohibited during a Total Fire Ban. A Fire Permit that has been issued by the NSW Rural Fire Service or NSW Fire Brigade will be suspended or cancelled on days of 'High Fire Danger' or 'Extreme Fire Danger' or when EPA declares a 'No Burn Day'.		

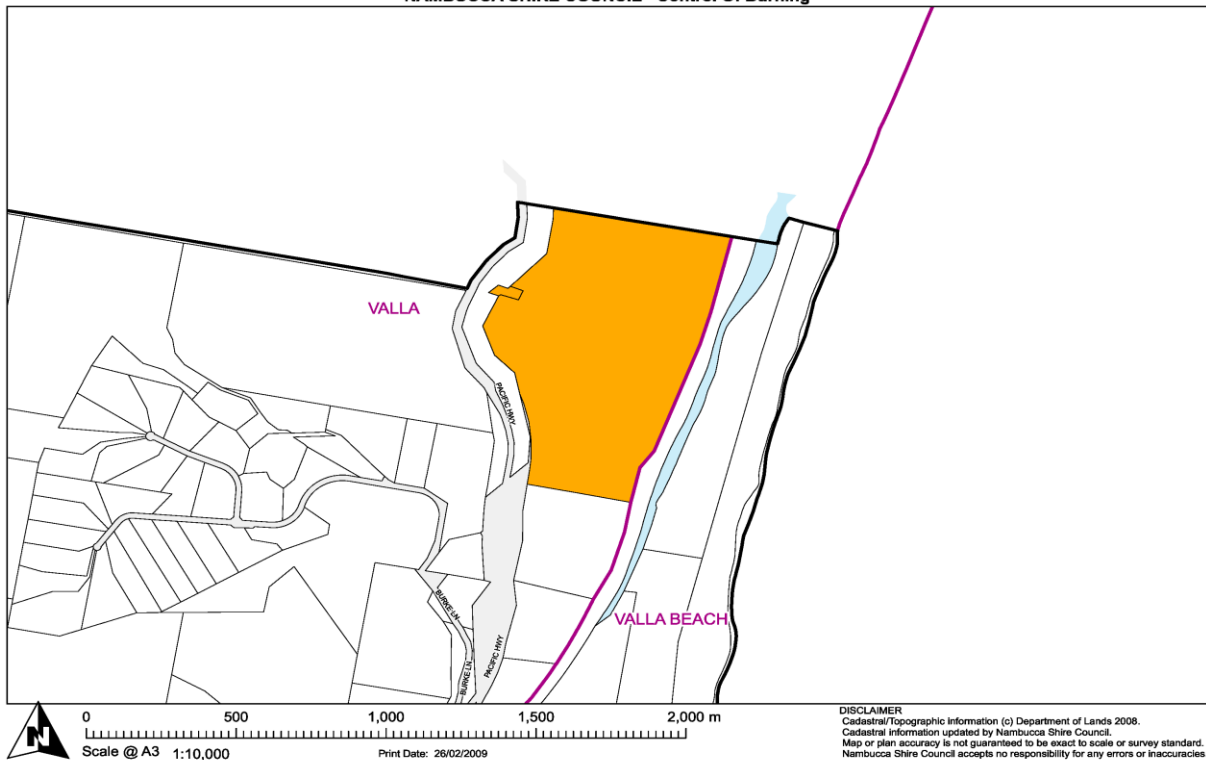
5.0 History

Department:	Development and Environment	Last Reviewed	Resolution Number
Policy Category	Council	21 Oct 2010	
Endorsed By:	General Manager	17 September 2025	265/25
Approval Authority	Council		
Policy Owner	DDES		
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Document No.	20694/2010		
First Adopted	15 Oct 2009		
Resolution No:			
Review Date:	September 2029		

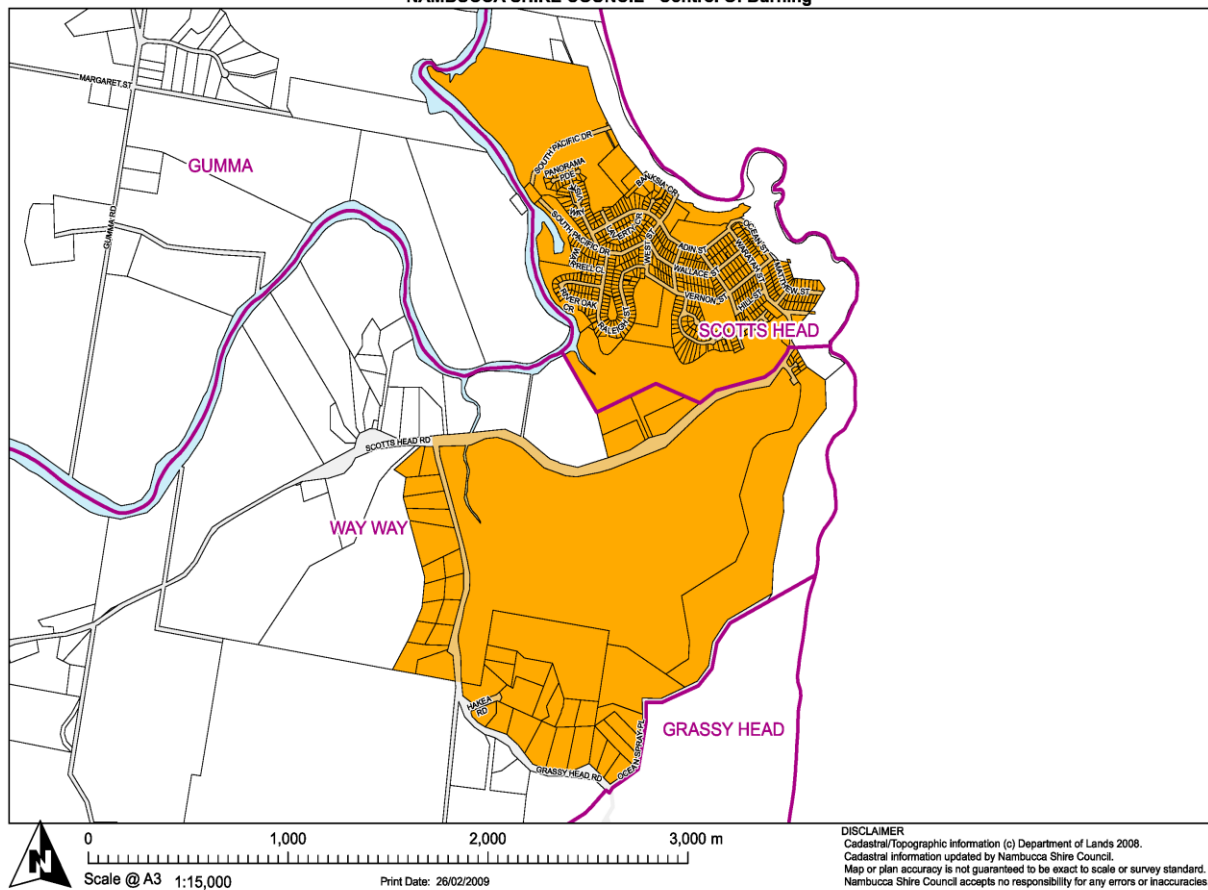
NAMBUCCA SHIRE COUNCIL - Control Of Burning



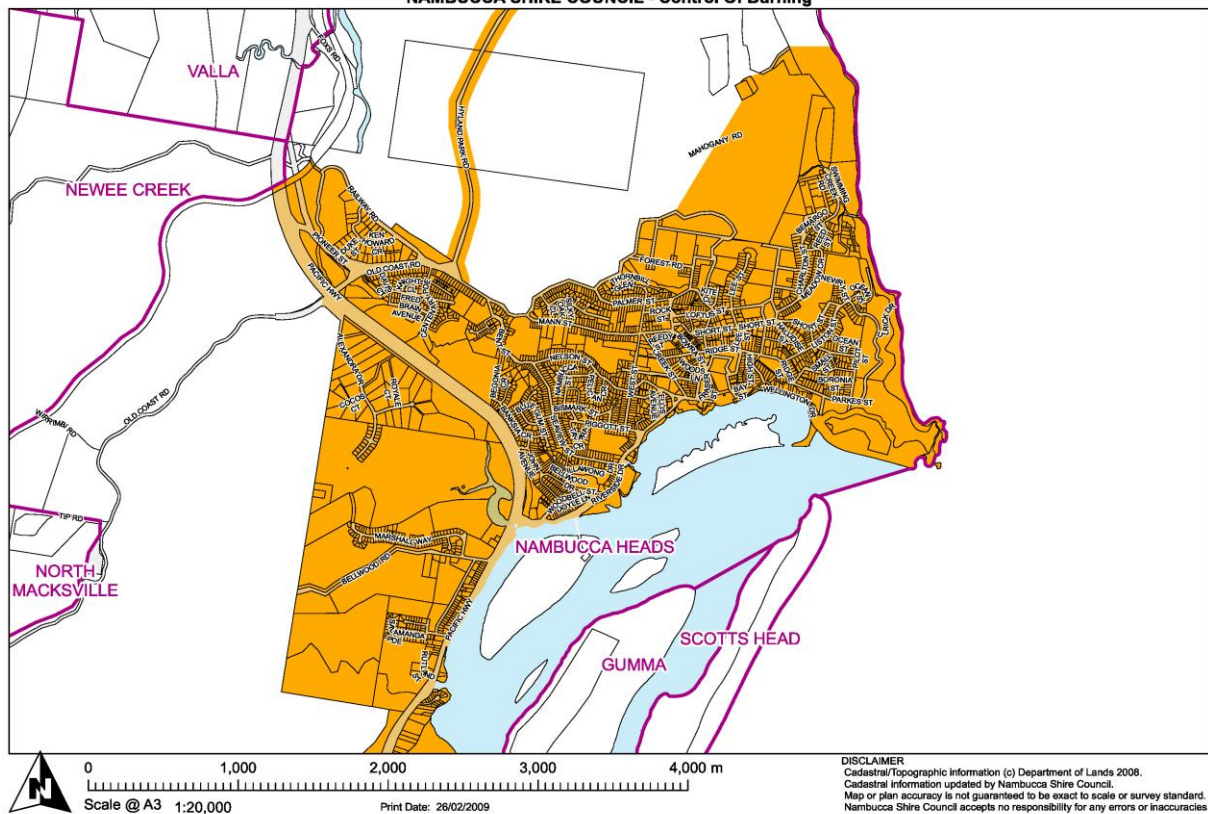
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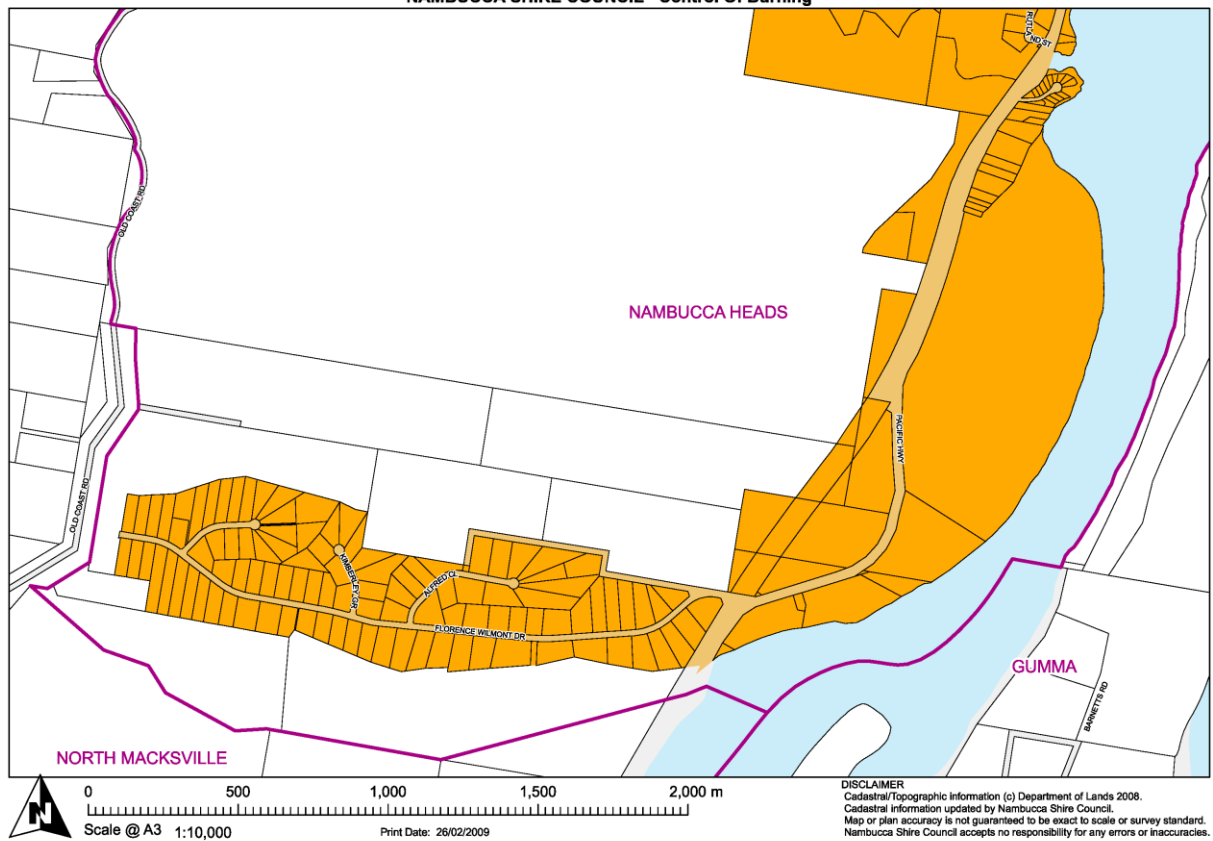
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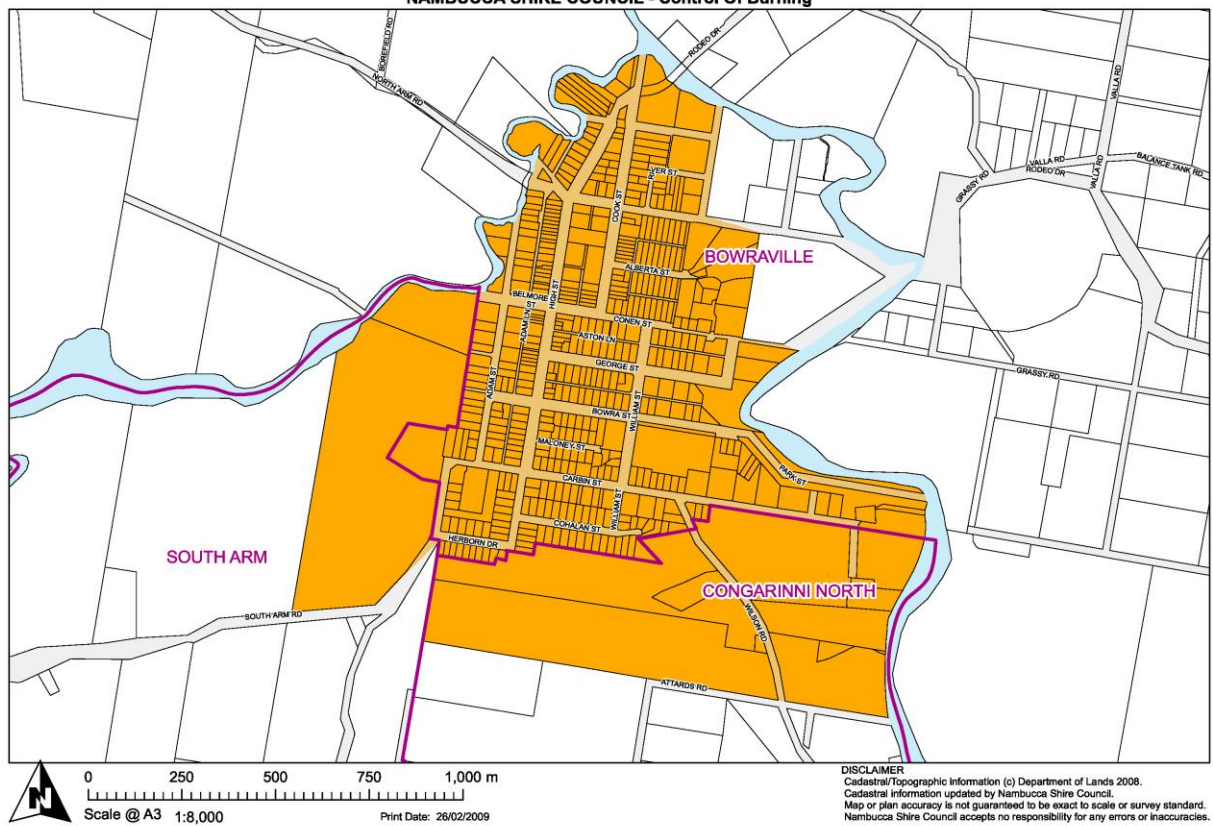
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