

## Application for Burning in Residential Areas

Receipt No: \_\_\_\_\_

Date Lodged: \_\_\_\_\_

GL:BackyardBurn \$52.60 (2018/19)

### Property Details – Where it is Proposed to Burn

Property No:	Lot No (s):
House Number:	Deposited Plan (DP/SP)No(s):
Street:	Locality:

### Owners Details

Surname:	Given Name:
Postal Address:	Locality:
Signature:	Postcode:
Business Telephone:	Home Telephone:
Signature:	Date: ____/____/____

Do you wish to use this as your postal address for correspondence:  Yes  No

### Reason for Burning

Please describe why burning is required. It should be noted that generally in residential areas other methods of disposing of vegetation are available and burning will only be permitted as a last resort.

### Explanatory Notes

#### Why is backyard burning prohibited in residential areas?

To prevent air pollution and associated health concerns from backyard fires. Backyard fires create annoying smoke which results in numerous calls to Council regarding air pollution and smoke complaints.

#### What is the regulation prohibiting backyard burning in residential areas?

The *Protection of the Environment Operations (Clean Air) Regulation 2010* lists Clarence Valley Council in Schedule 8 of the regulation. This prohibits backyard burning in residential areas across the local government area without approval. At the November 2006 Council meeting it was resolved that Council would give blanket approval for burning in rural and rural residential areas. Effectively this now means that backyard burning in residential areas is prohibited unless approval is gained from Council.

Full details of the *POEO Clean Air Regulation* can be viewed at the NSW Legislation website at [www.lawlink.nsw.gov.au/Lawlink](http://www.lawlink.nsw.gov.au/Lawlink)

#### Exemptions

There are a number of exemptions allowed under the regulation which include;

- Lighting a fire for cooking, recreation such as camping, picnicking and for fire fighting instruction.
- Burning of vegetation for carrying out agricultural operations or
- Lighting a fire for the purposes for instruction of methods of fire fighting

Bushfire hazard reduction work under the Rural Fires Act (i.e. hazard reduction work with a hazard reduction certificate issued by the Rural fire service)

**Who can and cannot burn?**

Only properties which are zoned as rural (Zone RU1, RU2 or RU3) or rural residential (Zone R5) are allowed to burn (subject to the Rural Fires Act and Regulations).

All burning on land subject to other zonings will require approval from Council.

**What if there is no other choice?**

If people wish to burn vegetation in an urban residential area they will need to apply to Council. This can be done by written application to Council. Council staff will then assess the site in accordance with the POEO Clean Air Regulation. This requires that Council take the following matters into consideration when assessing an application;

- the impact on regional air quality and amenity
- the impact on local air quality and amenity
- the feasibility of re-use, recycling or other alternative means of disposal
- any opinions of the sector of the public likely to be affected by the proposal approved.

Once all this is considered Council will advise the applicant if they are allowed to burn. It should be noted that generally in residential areas other methods of disposing of vegetation are available and burning will only be permitted as a last resort.

**Penalties for non compliance**

Under the POEO Clean Air Regulation there is a fine of 50 penalty units for an individual and 100 penalty units for a corporation for breaches of the regulation (a penalty unit is currently \$110 per unit i.e. \$5,500 for an individual and \$11,000 for a corporation).

**Other Approvals Required**

Fire and Rescue NSW (Local Town Brigade) – any burning in residential areas will also require relevant approvals from the local Town Fire Brigade (Fire and Rescue NSW) – Contact your local town brigade for further information/ requirements.

**Further information**

For further information regarding backyard burning in residential areas contact Council's Environment and Open Spaces on phone 6643 0200.

**Please draw locality and diagram showing location of area proposed to be burned**

**Privacy Advice**

The personal information collected on this form is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 (PPIPA). Clarence Valley Council (CVC) will only use this information in accordance with the PPIPA.

The supply of this information by you is voluntary. However, if you cannot provide or do not wish to provide the information sought, CVC may be limited in dealing with your request.

You may make application for access or amendment to your personal information held by CVC. CVC will consider any such application in accordance with the PPIPA.

CVC is to be regarded as the agency that holds the information.