


COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	<h2>BURNING PERMIT</h2>
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Policy Number:	ENV-06
Responsible Department(s):	Development & Regulatory Services
Relevant Delegations:	Delegations by the Board of the Environment Protection Authority to Employees of Councils dated 22 June 2016
Other Relevant Policies:	Nil
Relevant Procedure(s):	Nil
Relevant Legislation:	<i>Environmental Protection Act 1993</i> <i>Environment Protection (Air Quality) Policy 2016</i> <i>Fire and Emergency Services Act 2005</i> <i>Planning, Development and Infrastructure Act 2016</i>
Policies and Procedures Superseded by this policy on its Adoption:	Interim Township Burning Permit Policy Burning Permit Policy 23 May 2017, Item 14.2, 109/17 Burning Permit Policy 26 February 2019, Item 12.10, 40/19
Adoption Authority:	Council
Date of Adoption:	25 May 2021, Item 12.3
Effective From:	8 June 2021
Minute Reference for Adoption:	93/21
Next Review:	No later than May 2024 or as required by legislation or changed circumstances

BURNING PERMIT POLICY

1. INTRODUCTION

In July 2016 the *Environment Protection (Air Quality) Policy 2016* (the Air Quality Policy) came into effect. The Air Quality Policy, created by the Environment Protection Authority (EPA) regulates air emissions including those from burning in the open. The intent of the Air Quality Policy is to better protect and improve the health of South Australians and the environment through improved air quality. The Air Quality Policy provides Council with the authority to issue permits for a variety of burning activities outside the Fire Danger Season.

2. POLICY OBJECTIVE

The objectives of this policy are:

- To provide guidance to Relevant Council Delegates when administering functions provided to them under the Air Quality Policy
- Maximise equity in the level of permitted burning activities between residents outside Metropolitan Adelaide and residents within Metropolitan Adelaide
- Balance the intent of the Air Quality Policy with the bushfire risk found within many parts of the Council area
- To document the policy position to apply within all Townships, within Metropolitan Adelaide (excluding Townships) and outside Metropolitan Adelaide (excluding townships)
- To provide a reference for community use.

3. SCOPE

This policy applies to:

- All land within Townships within the Adelaide Hills Council as defined by Council resolution, plans submitted to the Surveyor General's Office and publication in the Government Gazette
- All land within the portion of the Council district that falls within Metropolitan Adelaide
- All land within the portion of the Council district that falls outside Metropolitan Adelaide

The Air Quality Policy allows the following burning to occur without a permit from Council and therefore these activities are not within the scope of this policy:

- All exclusions as outlined in Clause 4 of the Air Quality Policy
- Metropolitan Adelaide and within all Townships:
 - Lighting or maintaining a fire using charcoal, dry wood or other dry plant material for the purpose of preparing food or beverages. The fire must be of a size, and has been built in a way, that reasonably corresponds to this purpose.
 - Burning charcoal (but not wood or other plant material) in a brazier, chiminea or fire pit for domestic heating.
- Non Metropolitan Adelaide (excluding townships):
 - Lighting or maintaining a fire in the open on land using charcoal, dry wood or other dry plant material for the purpose of preparing food or beverages. The fire must be of a size, and has been built in a way, that reasonably corresponds to this purpose.

- Lighting or maintaining a fire in the open on land using charcoal, dry wood or other dry plant material for the purpose of a campfire or barbecue in the course of camping, scouting or a similar outdoor recreational activity.
- Burning charcoal, dry wood or other dry plant material in a brazier, chiminea or fire pit for domestic heating
- Burning agriculture or forestry waste, burning off vegetation for fire prevention or control, or burning vegetation for any other purpose, outside a fire danger season, provided that:
 - The burning activity takes place only on land owned or occupied by the person or on land with the consent or authority of the owner or occupier; and
 - The person complies with any mandatory measures of a Prescribed Burning Code of Practice that apply in relation to the burning activity; and
 - The person has regard to any recommended measures of a Prescribed Burning Code of Practice that apply in relation to the burning activity.

This policy does not apply in relation to any item, activity or action that is not applicable under the Air Quality Policy.

4. DEFINITIONS

“Air Quality Policy” means the *Environment Protection (Air Quality) Policy 2016*.

“Burning Permit(s)” means a permit or permits issued by a Relevant Council Delegate of the Adelaide Hills Council, issued in accordance with the provisions of the *Environment Protection (Air Quality) Policy 2016*.

“Fire Danger Season” has the same meaning as in the *Fire and Emergency Services Act 2005*.

“Metropolitan Adelaide” has the same meaning as the *Environment Protection (Air Quality) Policy 2016*.

“Prescribed Burning Codes of Practice” has the same meaning as the *Environment Protection (Air Quality) Policy 2016* e.g.

- The Broad Acre Burning Code of Practice prepared by the South Australian Country Fire Service; or
- The Vegetation Pile Burning Code of Practice prepared by the South Australian Country Fire Service

“Relevant Council Delegate” means an employee of Council delegated with the authority to issue a Burning Permit in accordance with the provisions of the *Environmental Protection Act 1993* and the delegations by the Board of the Environment Protection Authority to employees of Councils.

“Township or Townships” unless defined otherwise, has the same meaning as the *Environment Protection (Air Quality) Policy 2016*.

5. POLICY STATEMENT

The Air Quality Policy provides Relevant Council Delegates with the ability to permit persons or class of persons to carry out any one or more of the following burning activities outside of the Fire Danger Season:

- Burning agriculture or forestry waste; or
- Burning off vegetation for fire prevention or control; or
- Burning vegetation for any other purpose.

The issuing of permits under the Air Quality Policy can be undertaken as follows:

- By notice in writing to the person to whom the permit applies; or
- By notice published on the relevant council's website and in newspapers circulating within the council area.

To achieve the objectives of this policy the following Burning Permit Policy positions are defined:

5.1 Metropolitan Adelaide (Excluding Townships)

The Air Quality Policy requires residents within Metropolitan Adelaide to obtain a permit to undertake the following burning activities. Residents outside Metropolitan Adelaide (outside Townships) do not require a permit to undertake the same burning activities.

- Burning dry wood or other dry plant material for a campfire or barbecue in the course of camping, scouting or a similar outdoor recreational activity
- Burning dry wood or other dry plant material in a brazier, chiminea or fire pit for domestic heating
- Burning agriculture or forestry waste
- Burning off vegetation for fire prevention or control
- Burning vegetation for any other purpose

The nature of the environment between land within and outside Metropolitan Adelaide is similar in many characteristics including primary production zoning, high fuel loads, bushfire risk, vegetation type, large allotment sizes and low population densities.

Given the similarities of the environment between Metropolitan Adelaide and non Metropolitan Adelaide the permitted burning activities should also be similar to ensure consistency and equity between the zones. Accordingly, the following Burning Permit Policy position is adopted for land outside of Townships within Metropolitan Adelaide.

5.1.1 Metropolitan Adelaide Policy Position (Excluding Townships)

Authority is given to any person within the following areas of the Adelaide Hills Council (as defined in the Planning and Design Code pursuant to the *Planning, Development & Infrastructure Act 2016* that are within Metropolitan Adelaide, excluding those properties within the declared Townships pursuant to the *Environment Protection (Air Quality) Policy 2016*:

- The Productive Rural Landscape Zone
- The Hills Face Zone

- The Recreation Zone, excluding those areas with a Medium Bushfire Risk classification in a Bushfire Protection Area
- Tourist Development Zone

to carry out any of the following burning activities in those areas, outside of the Fire Danger Season (as fixed under the *Fire and Emergency Services Act 2005*):

- Burning agriculture or forestry waste
- Burning off vegetation for fire prevention or control
- Burning vegetation comprising dry wood or other dry plant material in a brazier, chiminea or fire pit in the open for domestic heating
- Lighting or maintaining a fire in the open using vegetation comprising dry wood or other dry plant material for a campfire or barbecue in the course of camping, scouting or a similar outdoor recreational activity

Authority to undertake the above burning activities will be via a Burning Permit authorised by the Chief Executive Officer and issued by notice published on Council's website and in newspapers circulating within the Council area.

The duration of the Burning Permit will be for a five year period unless revoked or resolved otherwise by Council, or should circumstances change that would warrant a review.

Prior to expiration of the Metropolitan Adelaide Burning Permit Council will review the effectiveness of the operation of the Burning Permit taking into consideration a number of factors including bushfire fuel hazard reduction requirements and the intent of the Air Quality Policy. This review will inform decision making on future Burning Permits that are to be issued, subject to Council resolution.

5.2 Townships

The Air Quality Policy requires residents within Townships to obtain a permit for:

- Burning agriculture or forestry waste; or
- Burning off vegetation for fire prevention or control; or
- Burning vegetation for any other purpose.

Given the intent of the Air Quality Policy, the higher population densities within Township areas, the generally reduced bushfire fuel load and access to kerbside green organics collection service it is appropriate that residents apply for individual Burning Permits within Townships.

To ensure assessment of permit applications for burning within Townships is undertaken consistently, recognises and considers the bushfire hazard, and takes into account the intent of the Air Quality Policy to improve air quality, the following Burning Permit Policy position is adopted for Townships within the Adelaide Hills Council area.

5.2.1 Township Policy Position

Burning Permit applications are required for any Township burning from the person whom the permit application applies. Burning Permit applications must be in writing in a manner and form determined by Council.

The assessment, and when applicable, issuing of Burning Permit applications will be undertaken by a Relevant Council Delegate outside of the Fire Danger Season (as fixed under the *Fire and Emergency Services Act 2005*).

In assessing Burning Permit applications, Relevant Council Delegates, will use their discretion, taking into account the following criteria, in determining whether a Burning Permit will be issued or not:

- Bushfire risk of the area
- Purpose of the proposed burning
- Amount of material to be burnt
- Fuel load present on property and adjoining properties
- Properties in close proximity or adjoining reserves or national parks
- Proximity and potential impact to neighbouring residents
- Availability of other reasonable means to dispose of the vegetation
- Ability of applicant to utilise other reasonable means to dispose of the vegetation
- Legitimacy of the proposed burning – i.e. is this genuine fire hazard reduction or rubbish removal
- Nature of material to be burnt
- Size of the allotment
- Terrain of the allotment and locality
- Accessibility to the allotment and area where the vegetation is to be burnt
- Is the material declared and or woody weeds
- Is the material diseased plant material
- Requirements of the Country Fire Service Broad Acre Burning Code of Practice
- Requirements of the Country Fire Service Vegetation Pile Burning Code of Practice
- Religious or cultural purposes.

5.3 Outside Metropolitan Adelaide (Excluding Townships)

The Air Quality Policy allows residents outside the Adelaide metropolitan area (excluding townships), to undertake the following burning activities without the need to obtain a permit from Council:

- Burning agriculture or forestry waste
- Burning off vegetation for fire prevention or control
- Burning charcoal, dry wood or other dry plant material in a brazier, chiminea or fire pit in the open for domestic heating
- Lighting or maintaining a fire in the open using charcoal, dry wood or other plant material for a campfire or barbeques in the course of camping, scouting or a similar outdoor recreational activity
- Burning of vegetation for any other purpose.

Application of this exemption is subject to residents complying with relevant Prescribed Burning Codes of Practice.

Given this exemption there is not a requirement to include a specific policy position for properties that are outside of the Adelaide metropolitan area, excluding townships.

5.3.1 Outside Metropolitan Adelaide Policy Position (Excluding Townships)

Provisions of the *Environment Protection (Air Quality) Policy 2016* apply in relation to burning in the open in the non-metropolitan Adelaide portion of the Council area (excluding townships).

5.4 Burning Permits

All matters relating to receiving and assessing Burning Permit applications, and the issuing of Burning Permits, will be undertaken in accordance with the requirements of the Air Quality Policy including relevant compliance with Prescribed Burning Codes of Practice.

In instances when a Burning Permit is to be issued the Relevant Council Delegate will give due consideration, in consultation with the applicant, to providing a period of time ('a window') to undertake the burning activity. Burning Permits will be issued for a maximum period of two months from date of issue.

In relation to applicants that apply for multiple permits the assessment of the first two applications will include a mandatory site assessment by the Relevant Council Delegate. Thereafter, and subject to satisfactory compliance with permit conditions, site assessments will be optional, at the discretion of Relevant Council Delegates. A permit register will be maintained for the purposes of this policy provision.

Burning Permits will not be valid for township burning on Sundays unless exceptional circumstances arise at the discretion of Council. Township burning permits will only be valid between 10.00am to 3.00pm Monday to Saturday inclusive.

6. DELEGATIONS

The Chief Executive Officer has the delegation to approve, amend and review any procedures that shall be consistent with this policy.

Delegations by the Board of the Environment Protection Authority to employees of Council.

7. AVAILABILITY OF THE POLICY

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