

Open Air Burning Policy

June 2016



Version Control

Version	Details	Date
0.1	Original draft policy created	12 February 2016
0.2	Conditions amended to reflect changes in local law content	17 February 2016
0.3	Policy amended for preparation of Councillor workshop	22 February 2016
0.4	Feedback from Councillor workshop included	24 February 2016
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INTRODUCTION

1.1 Background and objective

Cardinia Shire has a significant history of bushfires and the importance of minimising the risk from bushfire is critical to the safety of our communities.

The objective of this policy is to ensure that open air burning (commonly known as 'burning off' or to 'burn off') is used to minimise the risk of bushfire across the Shire in a safe manner and where alternative methods of vegetation waste disposal may not be practicable.

1.2 Local Law 17

This policy is a plain language version of the open air burning restrictions that are within Part 5A of Local Law 17. If there is any inconsistency between this policy and Local Law 17, the Local Law prevails.

Failing to comply with the information in this policy could result in infringements being issued, or prosecutions commencing under Local Law 17.

A full copy of Local Law 17 is available at <http://www.cardinia.vic.gov.au>.

1.3 What happens during the declared Fire Danger Period

Burning off during the declared Fire Danger Period and/or on a day of Total Fire Ban is restricted under the *Country Fire Authority Act 1958*.

Any individual intending to undertake burning off during the declared Fire Danger Period will need to apply to the Country Fire Authority (CFA) or Council for a specific permit to do so.

However, it should be noted that Council is unlikely to issue a permit to burn off during the Fire Danger Period due to the increased danger of such activity.

For further information on burning off during the Fire Danger Period, please contact the CFA on (03) 9262 8444 or visit <http://www.cfa.vic.gov.au>.

1.4 Open air burning is a last resort

Whilst Council recognises the importance of reducing bushfire fuels, residents are strongly encouraged to consider and utilise all other alternative methods of vegetation waste disposal before burning off such as –

- Green and hard waste kerbside collection
- Composting and mulching of materials
- The use of temporary and or permanent transfer stations.

For more information on alternative vegetation waste disposal methods, please visit <http://www.cardinia.vic.gov.au> or call Council on 1300 787 624.

1.5 Complaints about fires and enforcement of this policy

If there is a risk to life or property from fire please call 000 and report it to the CFA.

If it is not a matter of life or property safety then the activity can be reported to Council for investigation.

Upon receiving a report an investigation by an Authorised Officer of Council will take place. For privacy reasons the specifics of the outcome of this investigation may not be able to be discussed.

Warnings, Infringements and or court proceedings may be possible as a result of an investigation by Council.

For more information on enforcement or to report a fire suspected to be contrary to this policy, please visit <http://www.cardinia.vic.gov.au> or call Council on 1300 787 624.

OPEN AIR BURNING POLICY

2.1 Burning off in Cardinia Shire

Burning off is permitted in areas of the shire designated as a 'burn off areas' providing it is done so within the conditions specified in this policy.

The general process on burning off in the Shire is shown in **Figure 1**.

This policy does not stop you the lighting of fires in permanent structures for cooking or heating including barbecues, chimineas etc. providing it does not cause a nuisance to others and complies with a range of other safety related conditions.

Disposal of waste in an incinerator is prohibited throughout the Shire.

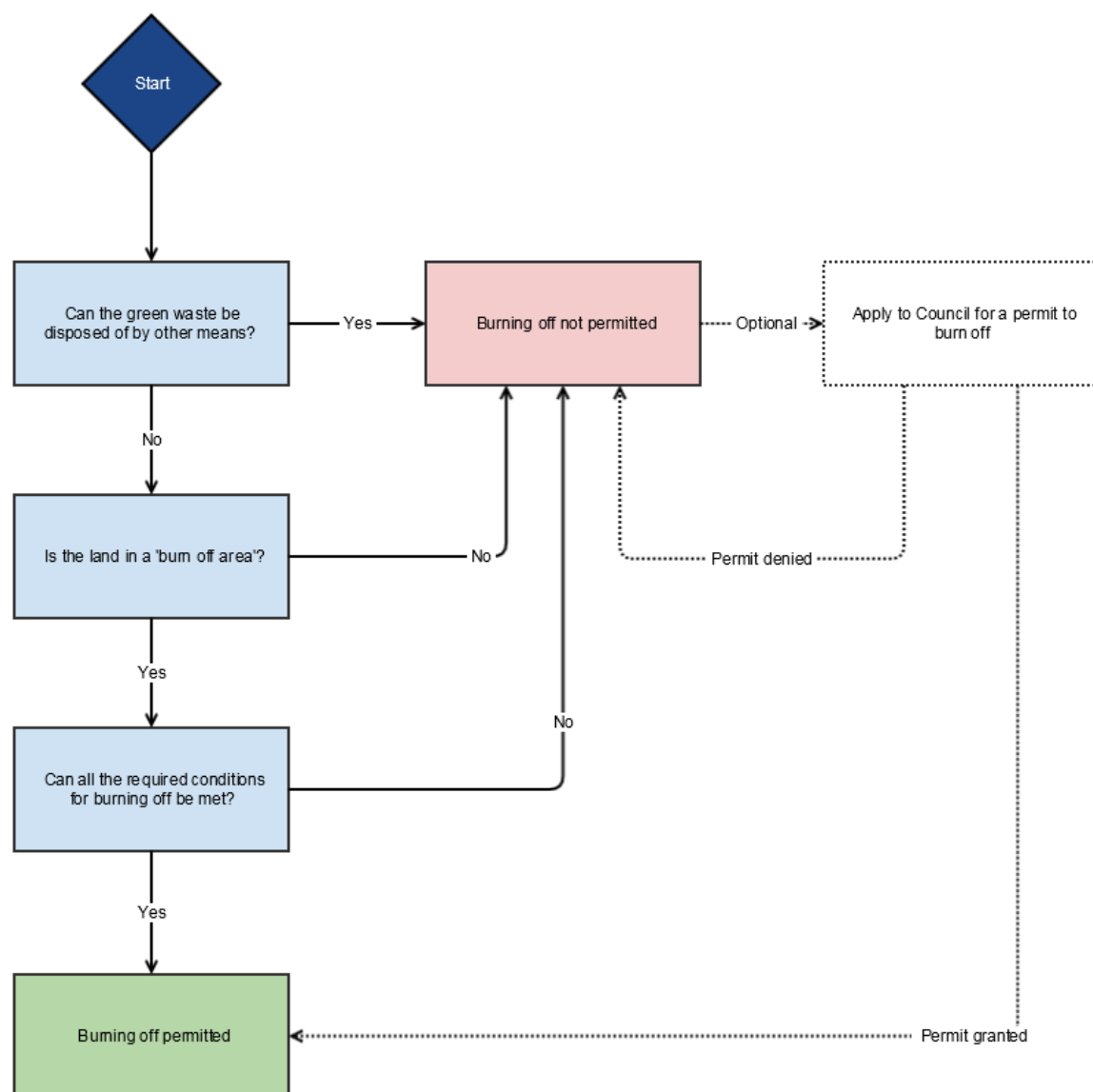


Figure 1: Burning off decision making process.

2.2 Burn off areas and no burn off areas

The determination of burn off and no burn off areas is done using the Bushfire Prone Area mapping under the *Building Regulations 2006*.

The Bushfire Prone Area is a map is maintained by the State Government of Victoria and uses fire modelling to identify areas of Victoria which may be impacted by fire and or locations where fuels may be sufficient to sustain a fire.

It is updated regularly by the CFA and the Department of Environment, Land, Water and Planning (DELWP) with limited input from Council.

With large expanses of forest to the north and large areas of pasture grasses to the south, the majority of the Shire is within the Bushfire Prone Area as shown in **Figure 2**.



Figure 2: Map of Cardinia Shire showing the extent of the bushfire prone area as at May 2016.

For the purposes of this policy, any location either partly or wholly within the Bushfire Prone Area is in a burn off area. All other locations are 'no burn off areas'.

Maps of locations which are designated as no burn off areas can be found in **Attachment 1** of this policy. These maps will be updated from time to time as changes are made to the Bushfire Prone Area map and owners of affected properties will be notified. To find out if a particular property is in a burn off area or no burn off area please visit the Council's [Community Compass](http://www.cardinia.vic.gov.au) tool at <http://www.cardinia.vic.gov.au> or call 1300 787 624.

If a map of a location is not included in Attachment 1 this is simply because that entire location is a burn off area. For example, Emerald is not shown in Attachment 1 as the entire town is in a Bushfire Prone Area (as can be seen in Figure 2) and therefore, for the purposes of this policy, Emerald is entirely within a burn off area.

2.3 Conditions for burning off in burn off areas

Where land is within a burn off area and where burning off is proposed, a range of conditions must be adhered to.

Some of the conditions are different depending on the size of the property where the fire will be (see **Table 1**). As a general principle, there are more conditions for fires on smaller properties due to the increased likelihood of issues with smoke and fires escaping.

Conditions	Size of the property	
	Less than or equal to 20 ha (49.42 acres)	Greater than 20 ha (49.42 acres)
Days when open air fires are permitted	Friday, Saturday and Monday	All days except Sunday
Amount of open air fires permitted	1	3
Distance required from the fire permitter to any structure	10 m	30 m
Minimum clearance from other combustible materials (fire break)	3 m	6 m
Maximum size of the material to be burnt (pile size)	8 m ³ (2 m in any dimension)	64 m ³ (4 m in any dimension)

Table 1: Conditions for burning off in a burn off area depending on property size

In addition to any condition within **Table 1**, the following general conditions apply to any proposed fire in the open air (irrespective of property size).

- Fires in the open air must be actively supervised at all times by a person over the age of 18 years old and who has the means and capability to extinguish fire.
- Fires in the open air must only be for fuel reduction purposes and not for commercial or industrial purposes.
- Only dry vegetation waste can be burnt, which does not include -
 - Cardboard
 - Non-timber building materials
 - Rubber or plastic, including plastic mulch, plant pots and packaging materials
 - Furnishings and carpet
 - Manufactured chemicals
 - Petrol, oil or other flammable liquids
 - Paint, including any container in which paint has been kept
 - Food waste
 - Manure and straw
 - Animal carcasses
 - Commercial or industrial waste
 - Any other offensive, noxious or toxic material.

- Fires in the open air are not permitted on a days declared by the Environmental Protection Authority to be SMOG Alert Day's. To see if a SMOG Alert has been declared please visit <http://epa.vic.gov.au> or contact Council.
- Fires in the open air must not create a hazard in the vicinity or beyond the property boundary – including reducing visibility on any road.
- Fires in the open air must not be unreasonably offensive or a nuisance to another person.
- Fires in the open air must be immediately extinguished when directed by a member of an emergency service or Authorised Officer of Council.
- Prior to lighting any fire in the open air, the Emergency Services Telecommunication Authority must be notified by calling 1800 668 511 or by using one of the following options on the CFA website at <http://www.cfa.vic.gov.au> (This prevents unnecessary fire brigade callouts).

2.4 Burning off in no burn off areas or outside of the conditions

It is recognised that from time to time there may be a legitimate need to burn off in a no burn off area or be able to burn off in circumstances which are not in accordance with the conditions outlined in this policy.

In those circumstances, an application can be made to Council for a permit to undertake the proposed burn off.

Each application for a permit is free of charge and will be assessed using a thorough risk management process by a Council officer (which will typically involve an inspection). This process is shown in the **Figure 3**.

To lodge an application for a permit or to discuss an existing application, please visit <http://www.cardinia.vic.gov.au> or call Council on 1300 787 624.

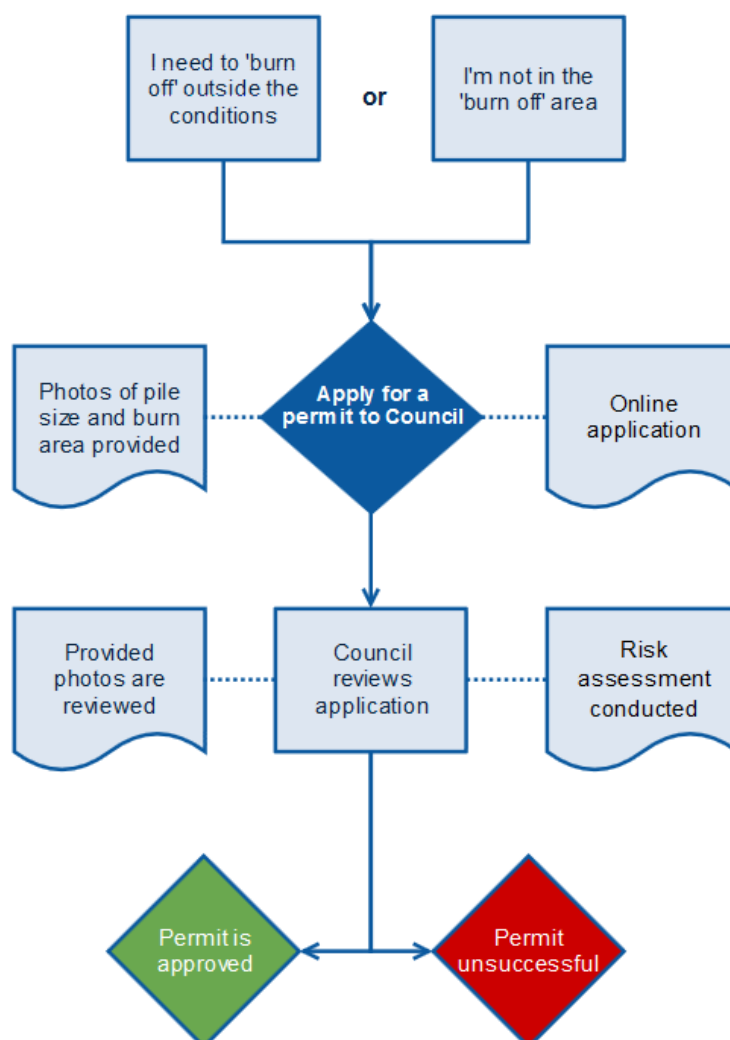
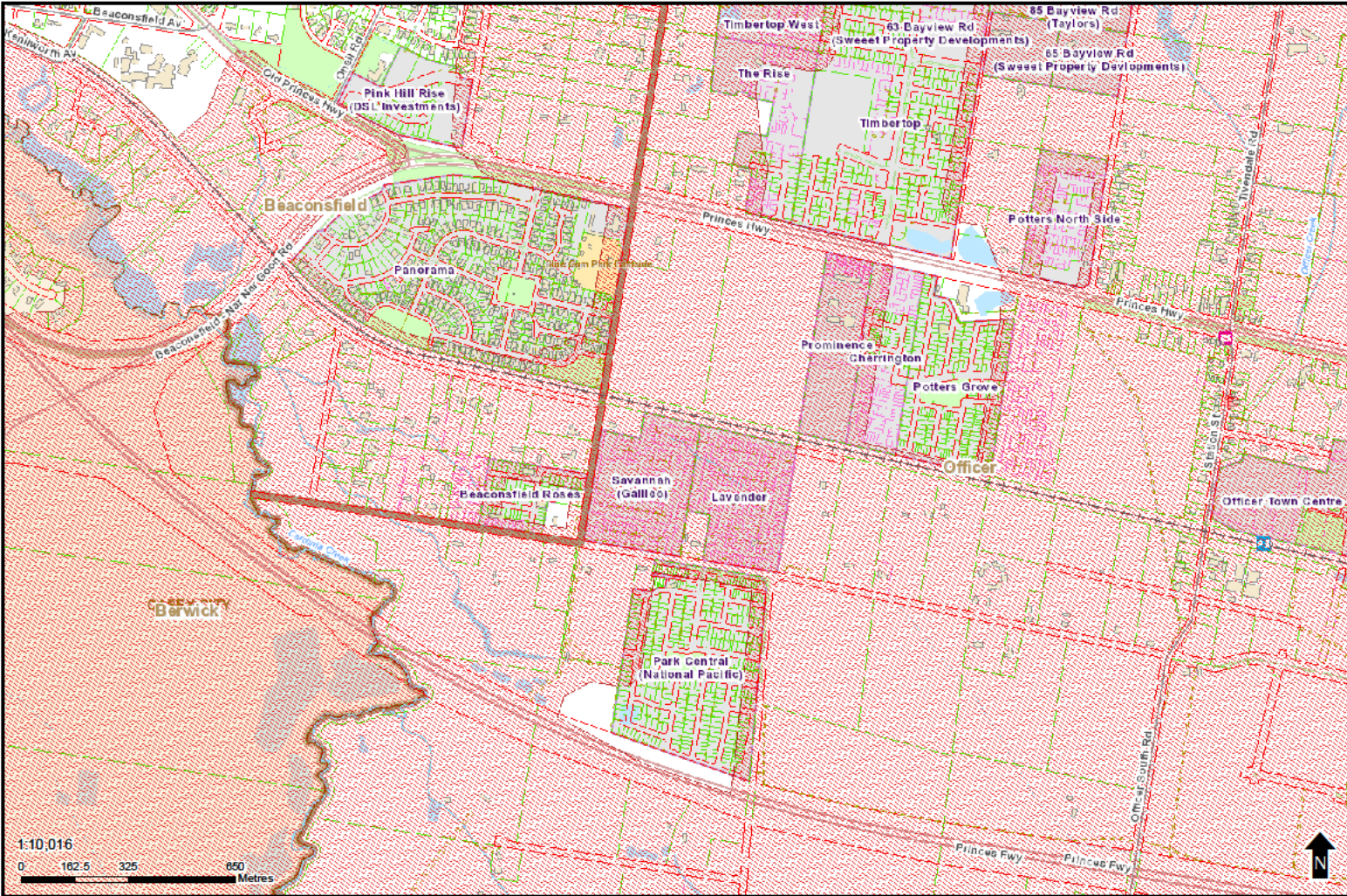


Figure 3: Permit application process

Attachment 1 – Maps of no burn off areas

Beaconsfield - SE



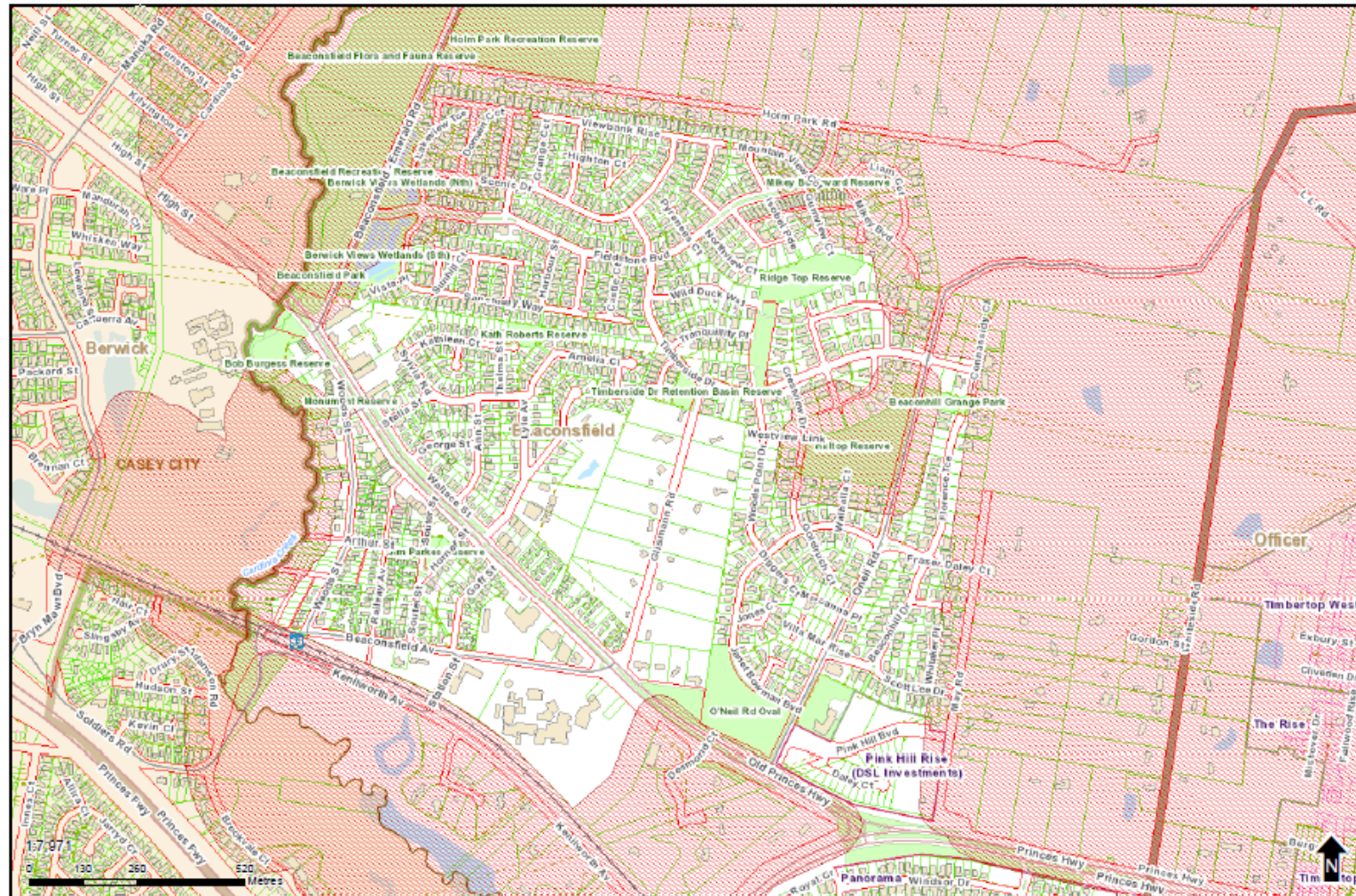
Data Source: State & Local Government. © CARDINIA SHIRE COUNCIL

19/05/2016

 Burn off areas

 No burn off areas

Beaconsfield



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22/02/2016

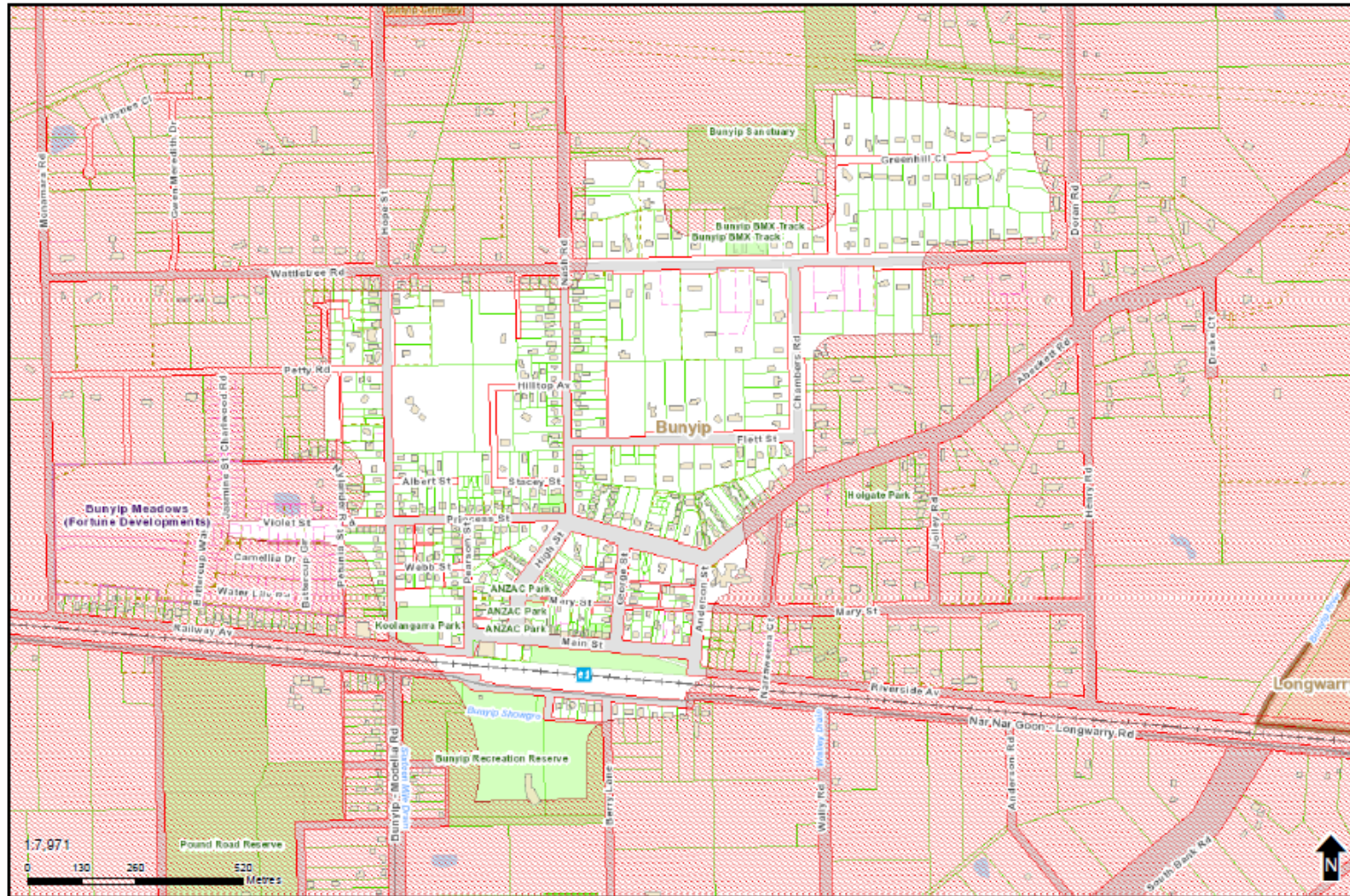


Burn off areas



No burn off areas

Bunyip



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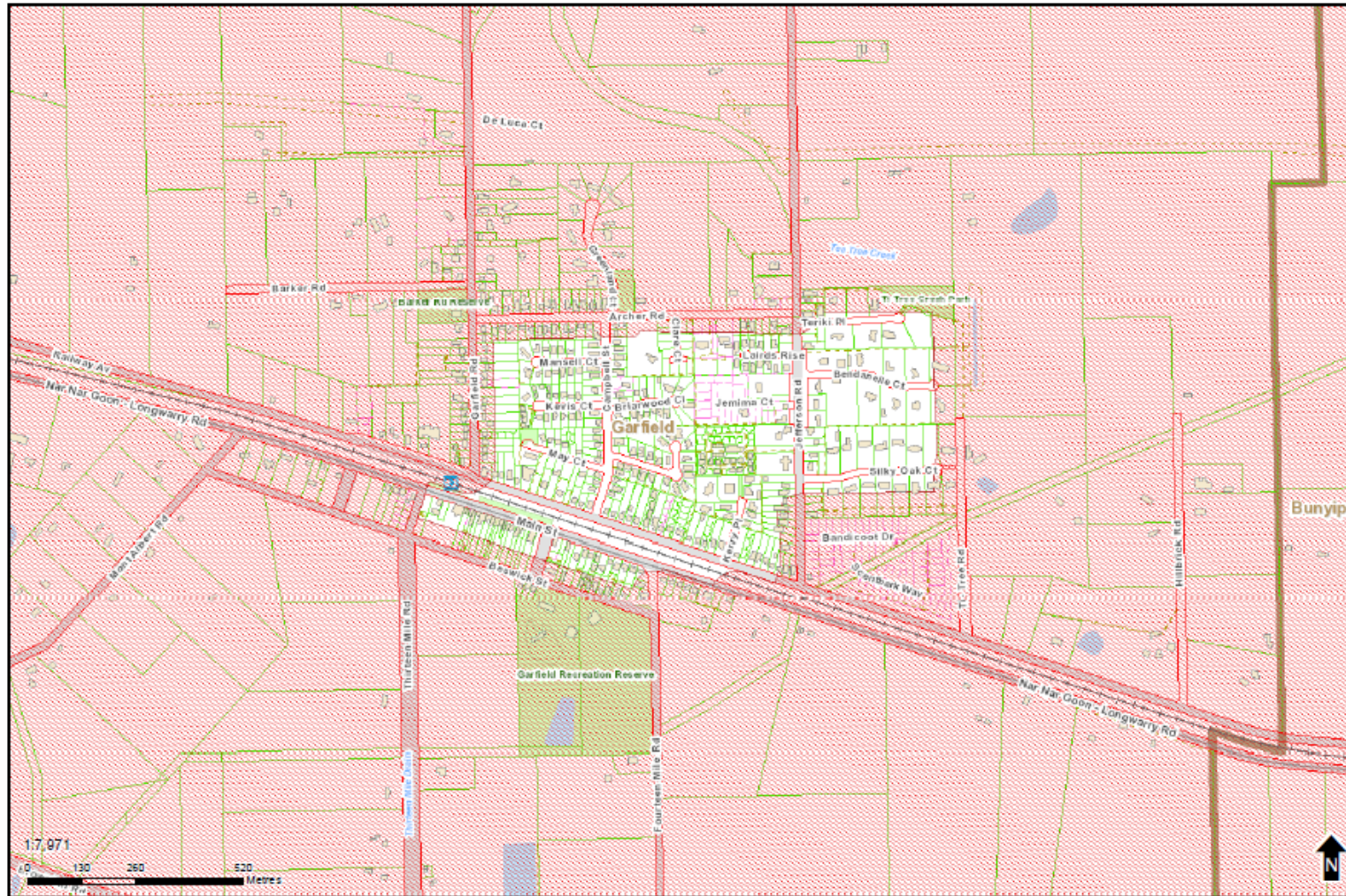


Burn off areas



No burn off areas

Garfield



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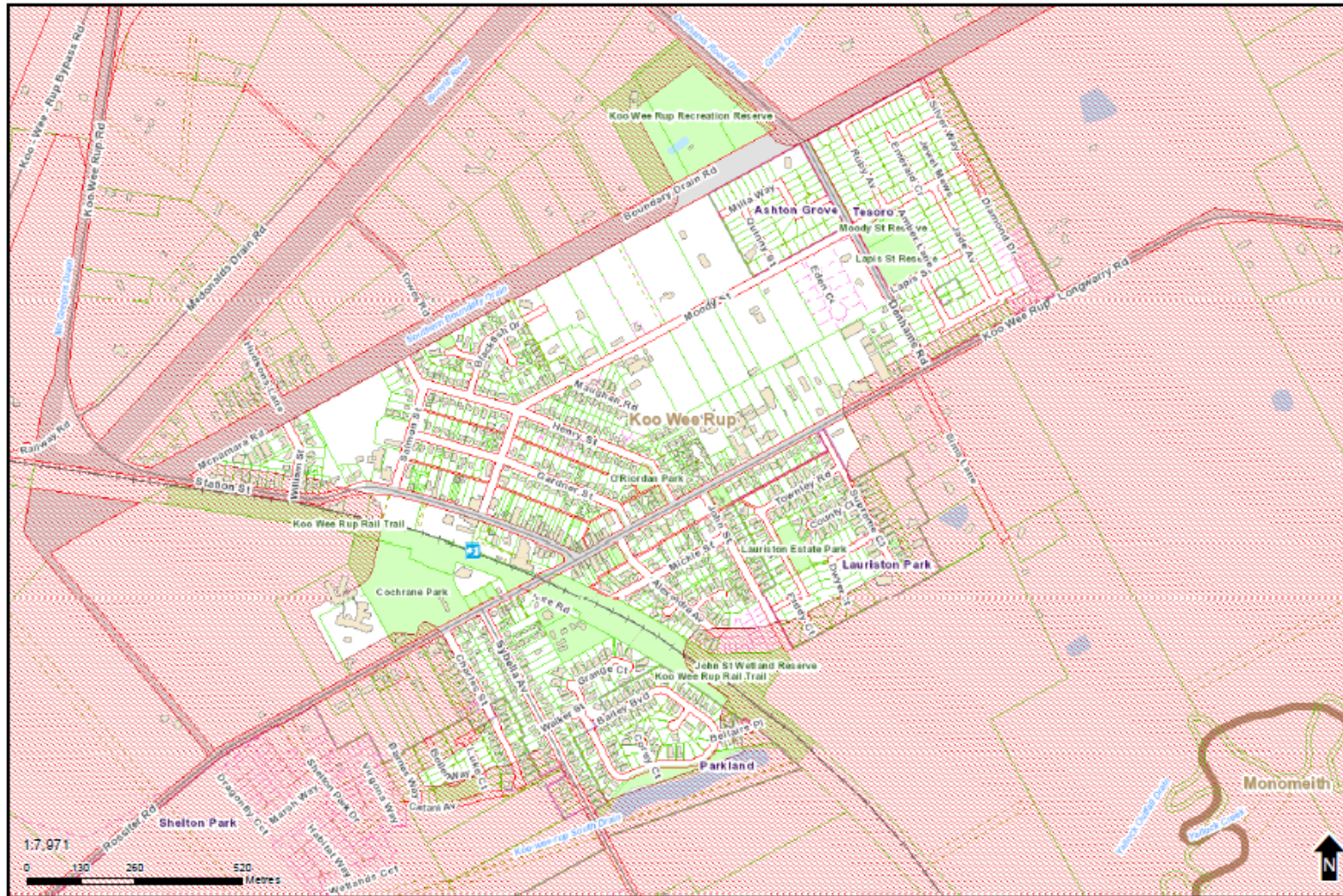


Burn off areas



No burn off areas

Koo Wee Rup



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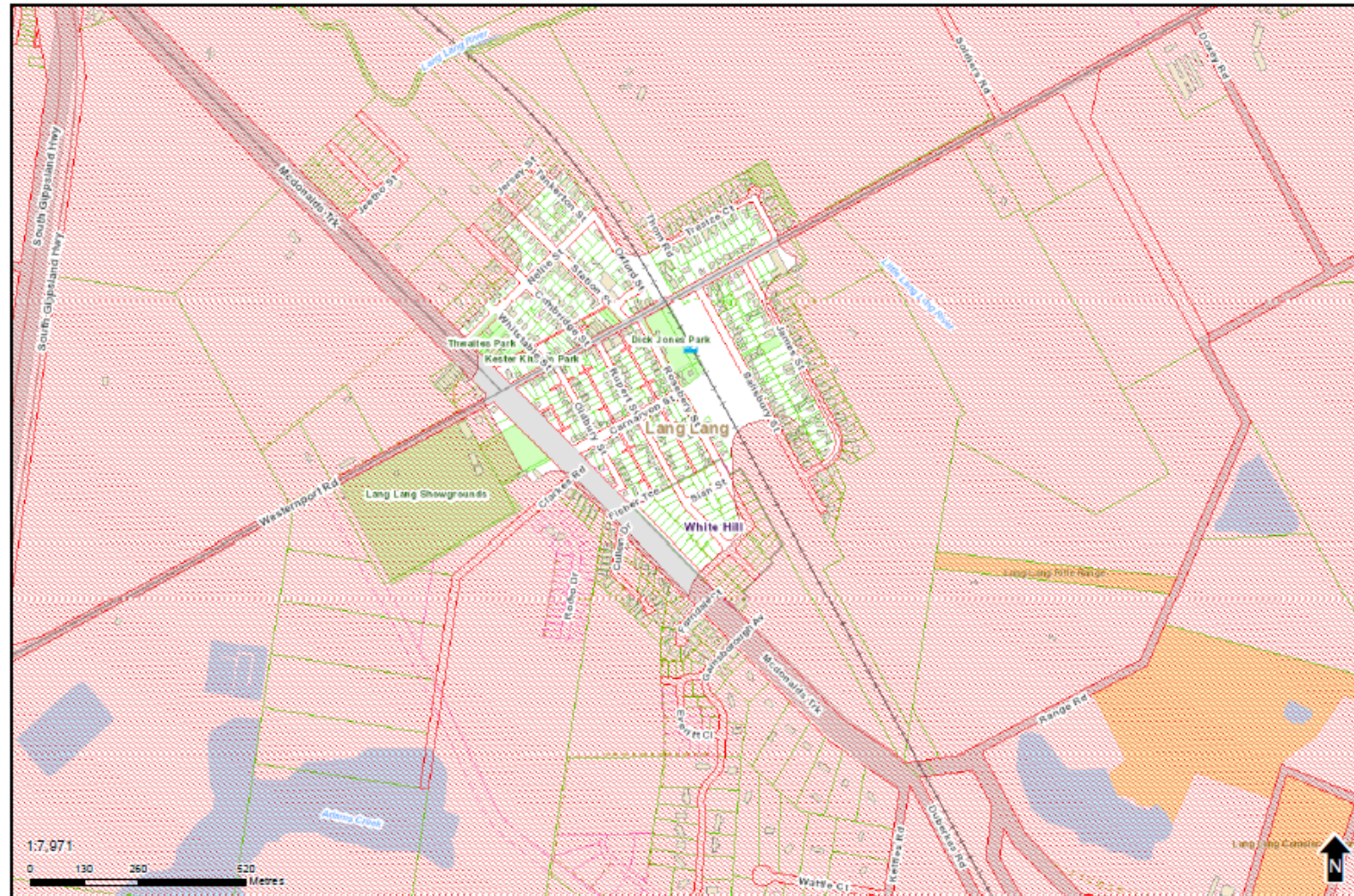


Burn off areas



No burn off areas

Lang Lang



Data Source: State & Local Government. © CARDINIA SHIRE COUNCIL

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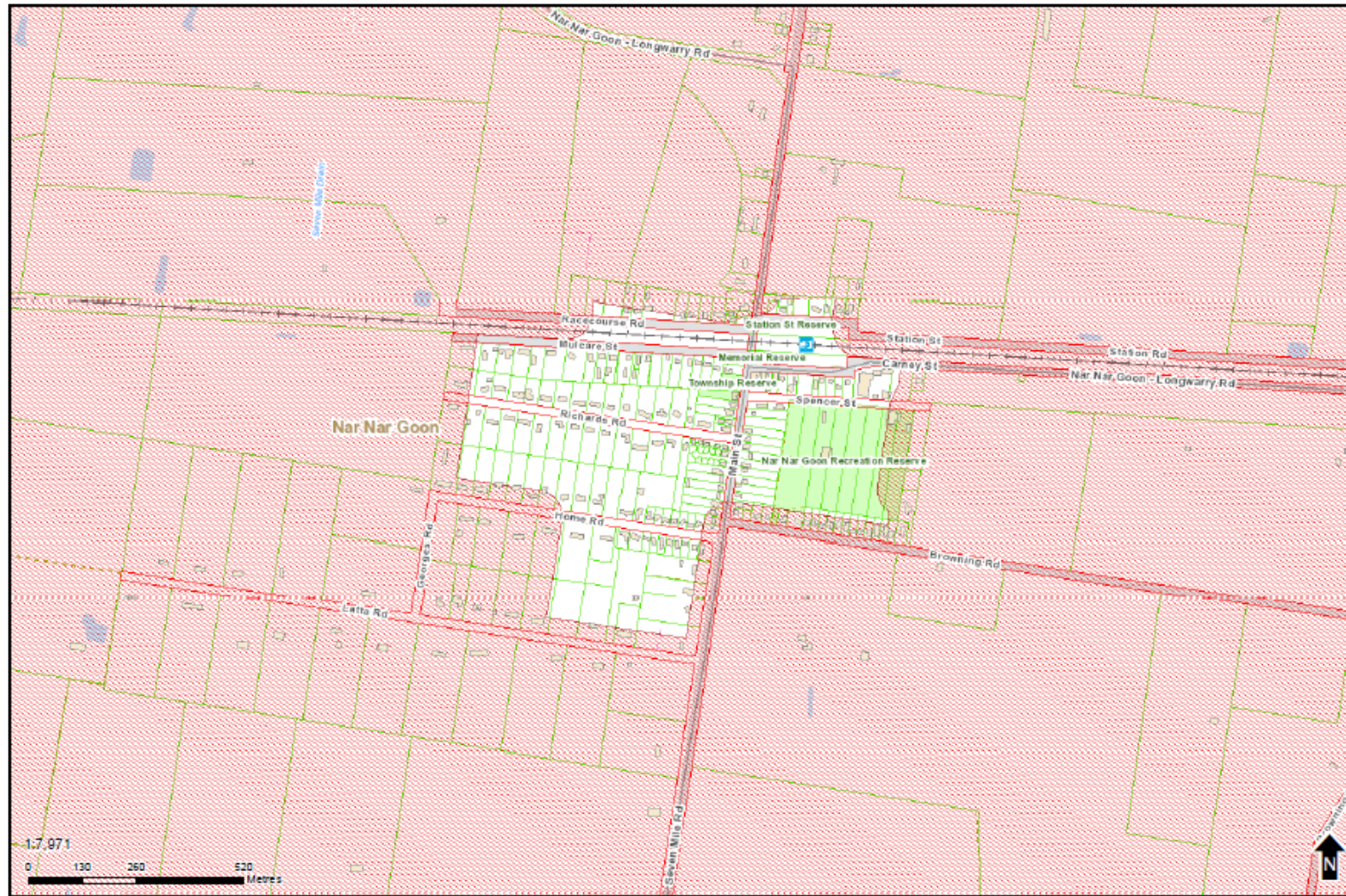


Burn off areas



No burn off areas

Nar Nar Goon



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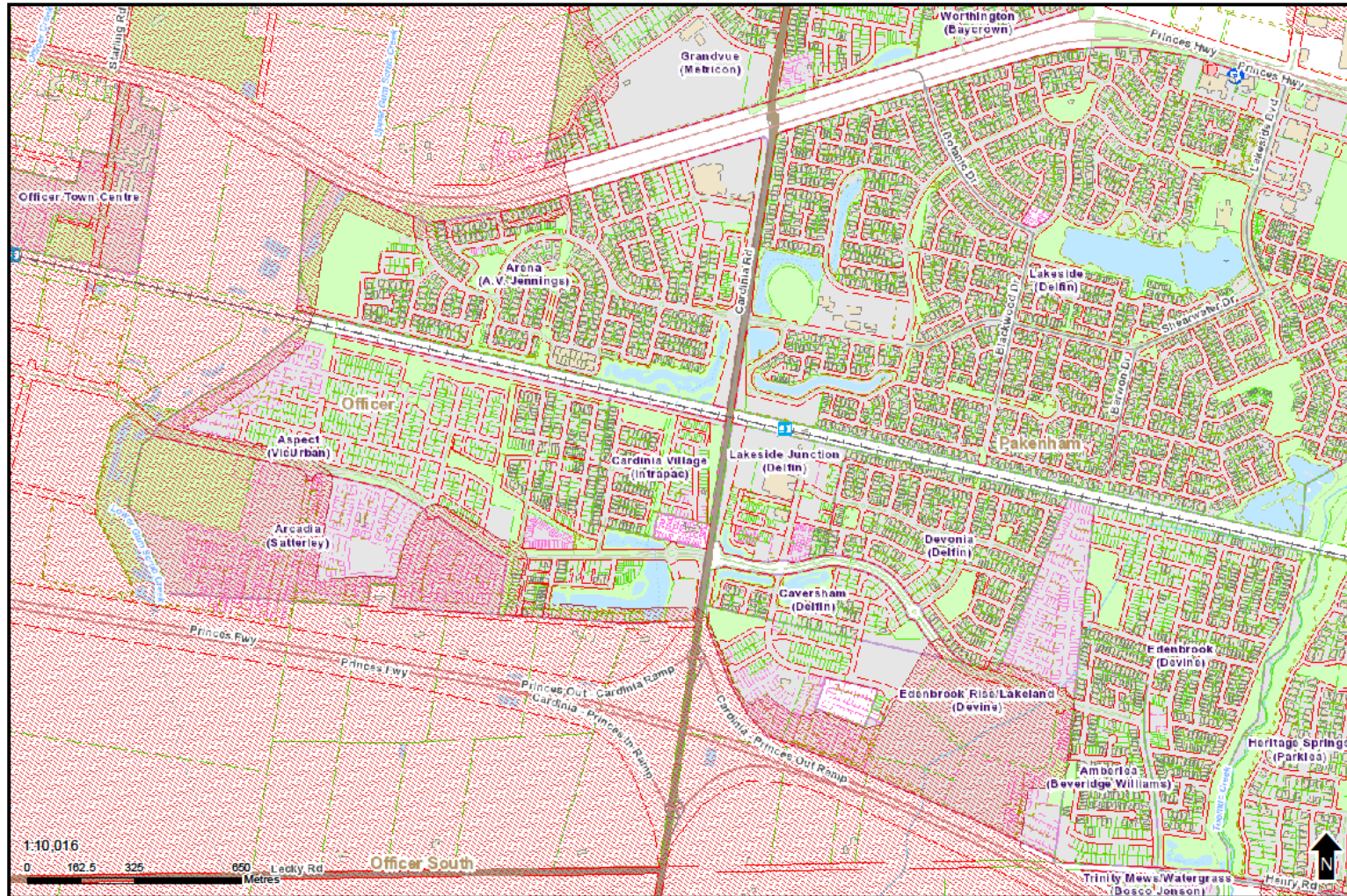


Burn off areas



No burn off areas

Officer - S

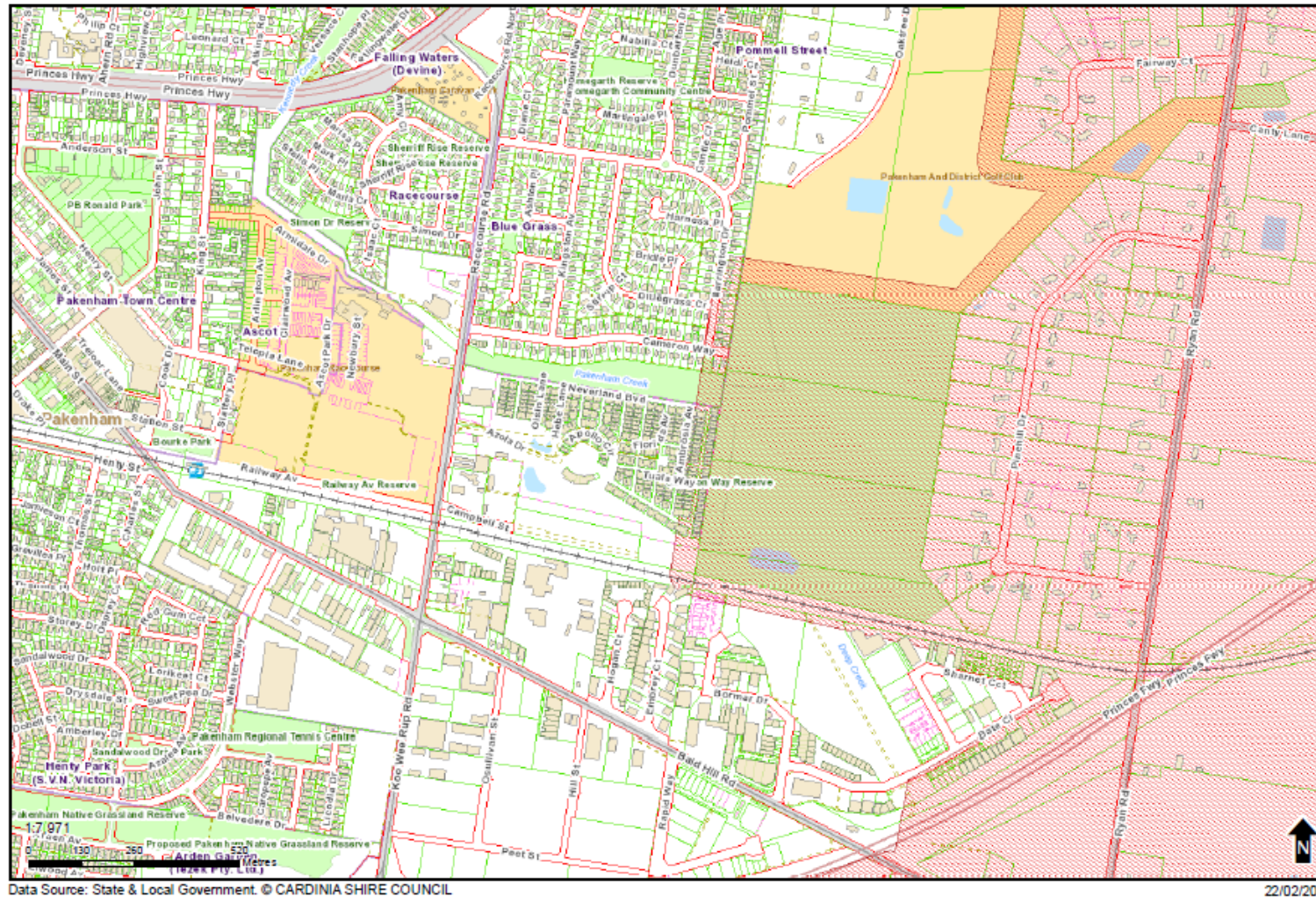


Burn off areas



No burn off areas

Pakenham - E

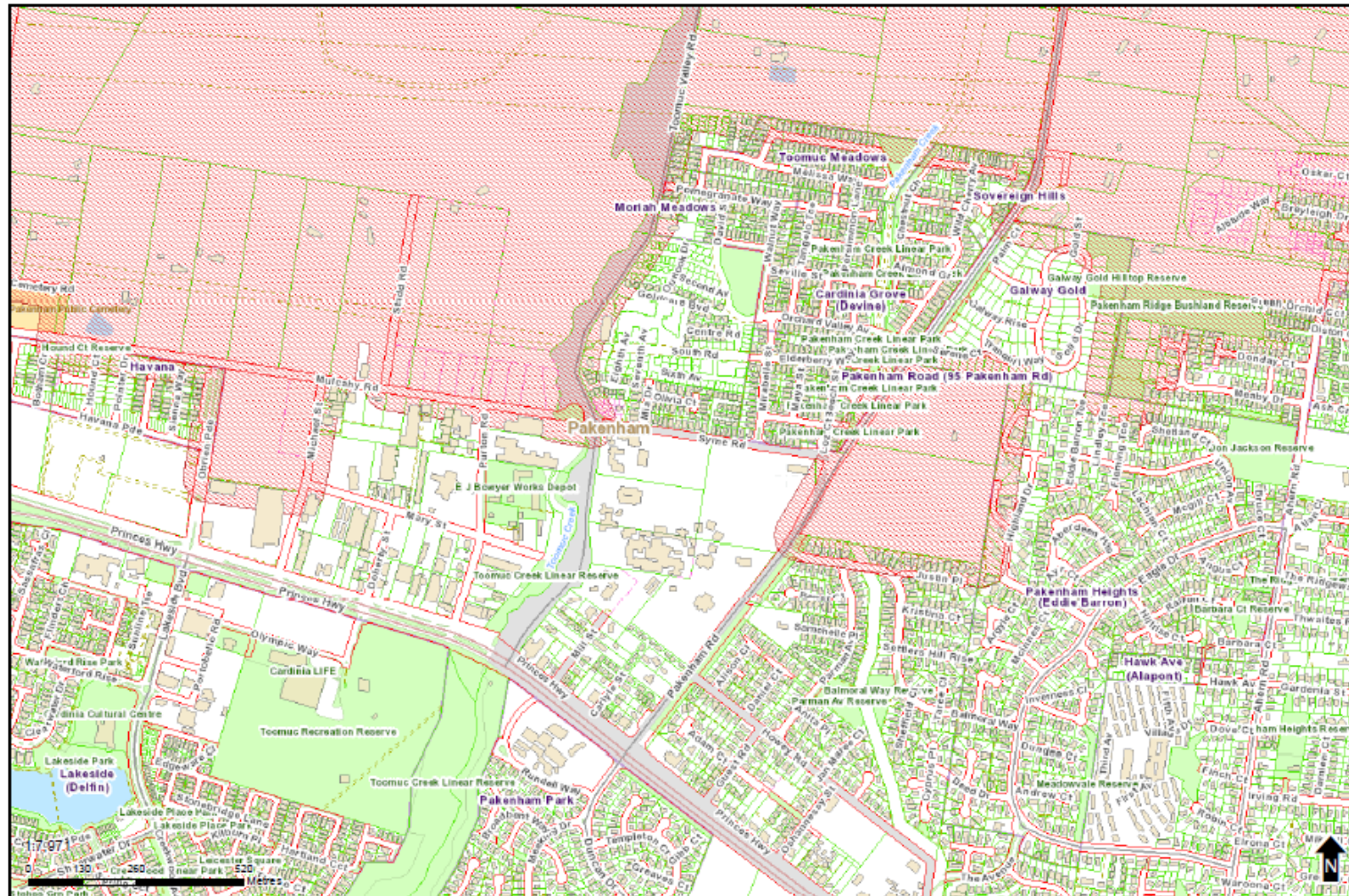


Burn off areas



No burn off areas

Pakenham - N



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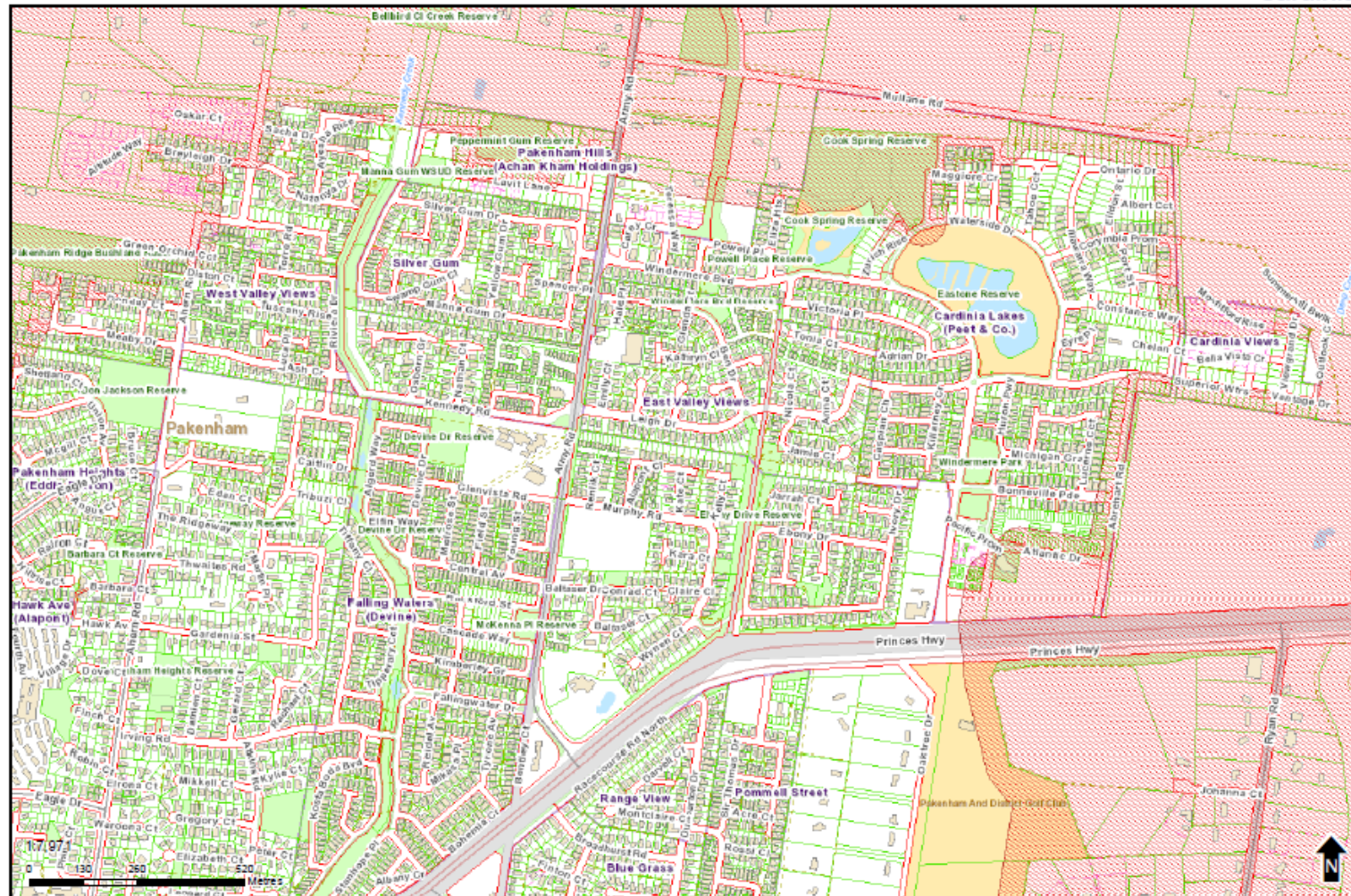


Burn off areas



No burn off areas

Pakenham - NE



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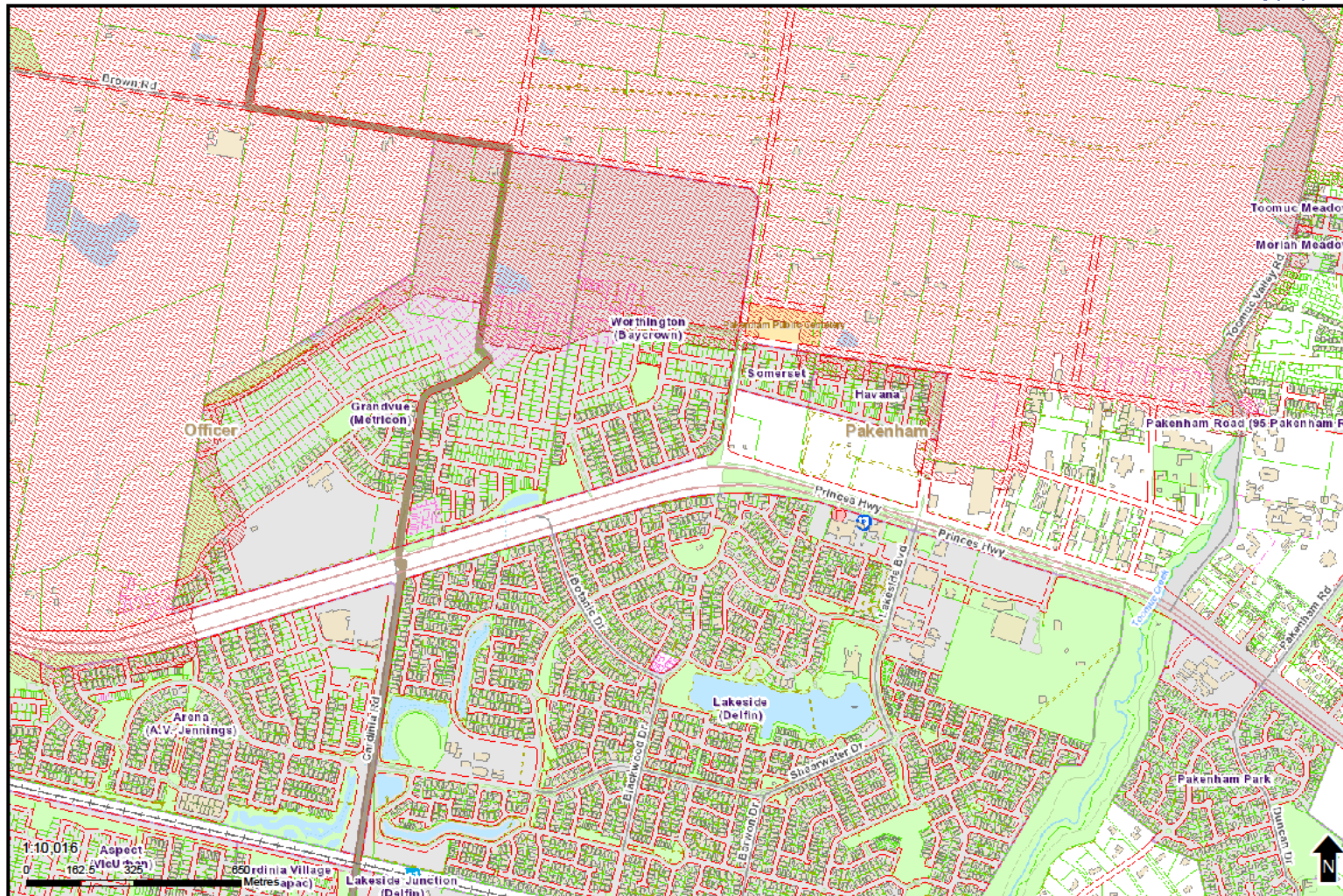


Burn off areas



No burn off areas

Pakenham - NW



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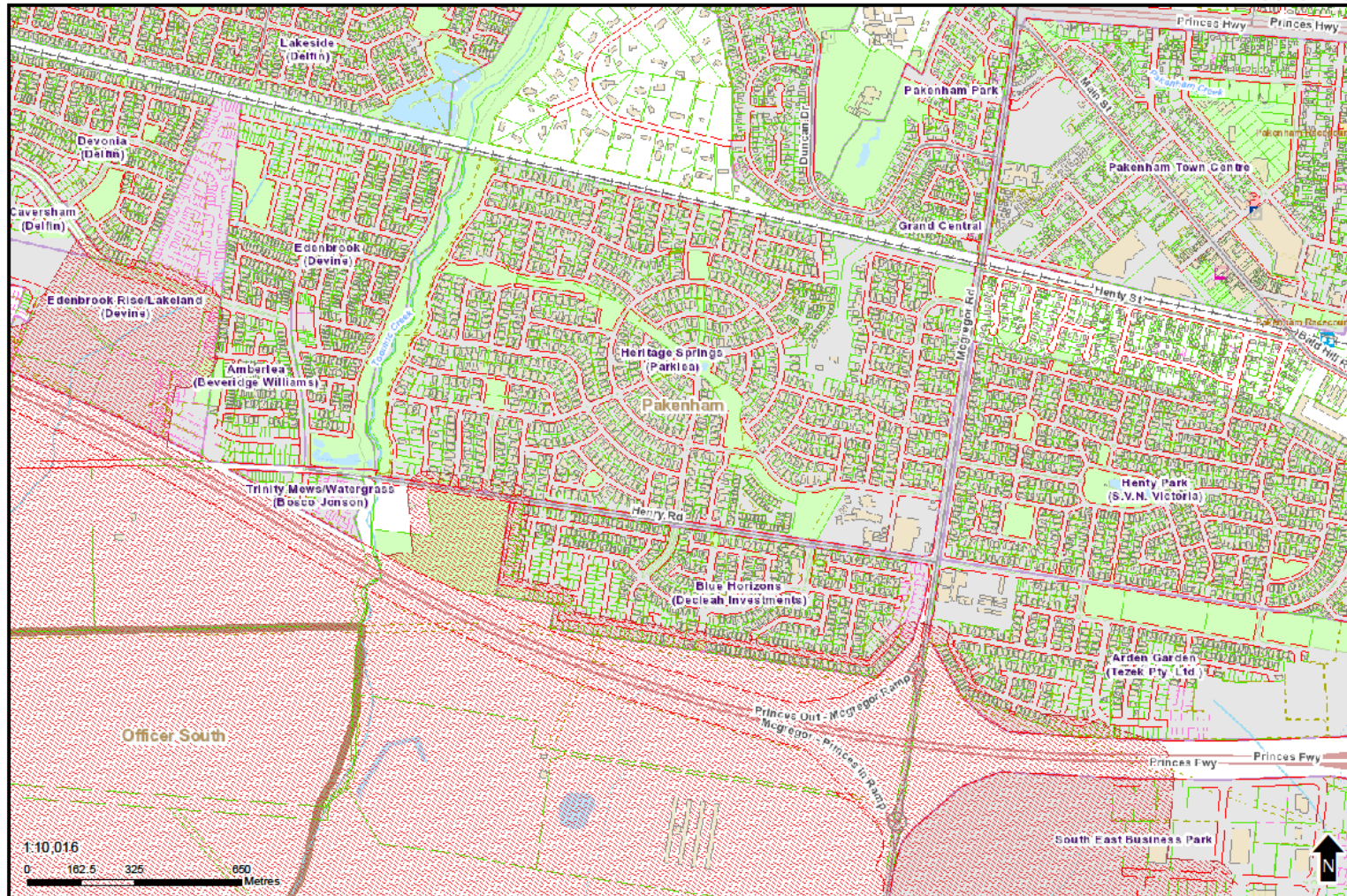


Burn off areas



No burn off areas

Pakenham - S



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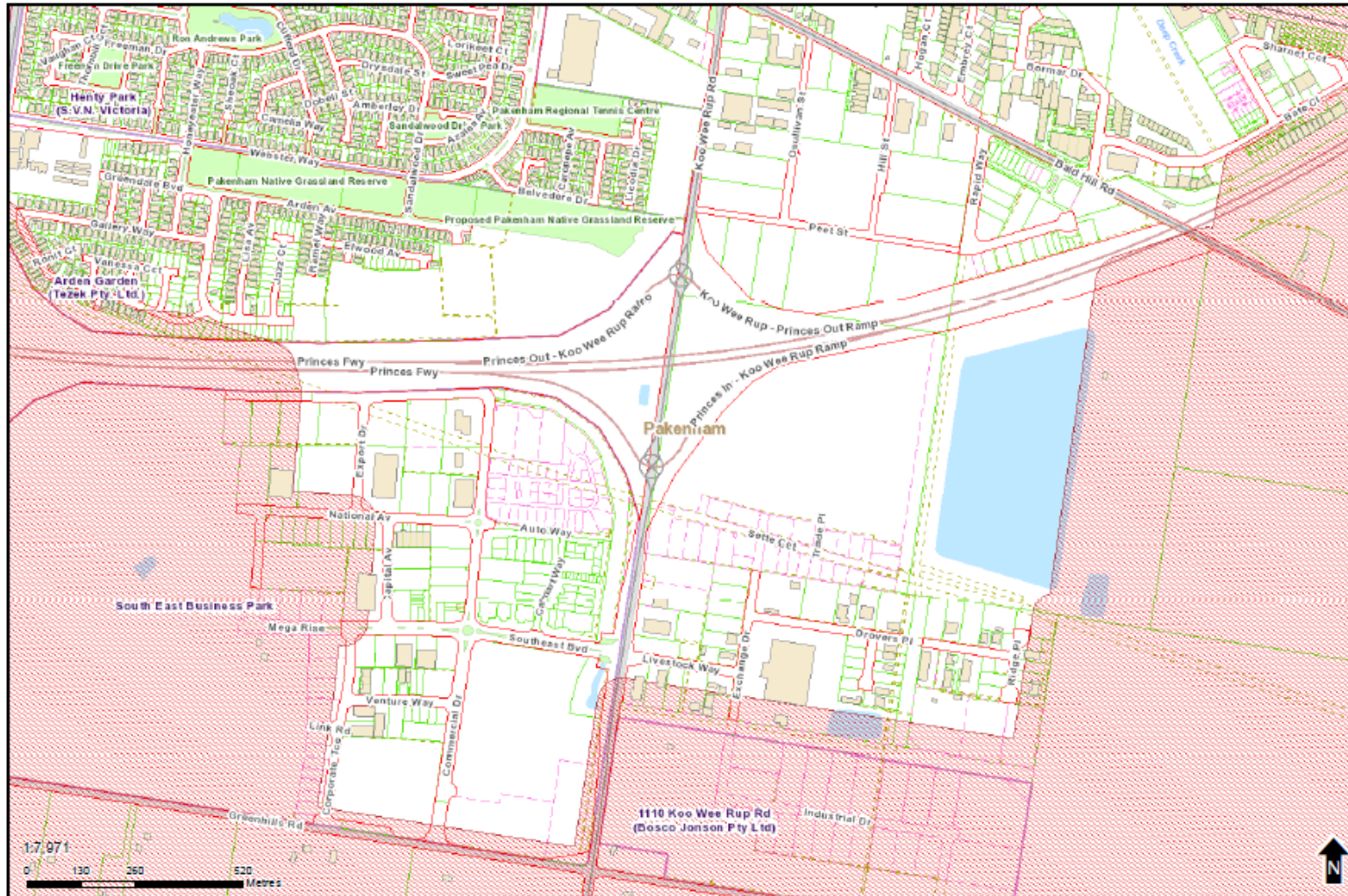


Burn off areas



No burn off areas

Pakenham - SE



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Burn off areas



No burn off areas