

Open Air Burning Corangamite Shire

November 2021



CORANGAMITE
SHIRE

Council Policy



Open Air Burning

Introduction

Open air burning has the potential to impact on both residents and the environment within Corangamite Shire.

Purpose

1. To prevent open air burning negatively affecting residents and the environment by limiting the generation of offensive or injurious odour or smoke, through regulating the size of fires and restricting the type of materials that may be burnt.
2. To reduce the likelihood of open air burning causing dangerous and destructive fires within Corangamite Shire.

Scope

Applies to all persons within Corangamite Shire. This policy does not apply to CFA brigades undertaking fuel reduction works and/or other emergency related organisations, implementing their duties to either reduce risk or manage an emergency.

References

Corangamite Shire General Local Law No.1 2015
Country Fire Authority Act 1958
Summary Offences Act 1966

Policy Detail

Burning of certain materials, especially vegetative matter has long been regarded as a valid method of disposal of unwanted material, and it is accepted that in certain circumstances this method can be safe, effective, and have a relatively minor impact on the general amenity of an area. However, the potentially detrimental effects of open air burning needs to be acknowledged and for this reason Council will, through its Local Laws, control and place restrictions around the use of fires within the municipality.

In rural areas a permit under the CFA Act 1958 must be obtained prior to burning off during the Fire Danger Period (FDP).

Open Air Burning in Urban Areas

(Urban areas are defined in the General Local Law No.1)

The impact to residents in urban areas of uncontrolled open air burning is unacceptable and therefore restrictions will be made around this activity including a limitation on the size of fires allowed in urban areas to 1m³. A permit for larger fires will generally not be issued for open air burning in urban areas. No fires will be allowed in the urban area during the Fire Danger Period (Fire Danger Period is determined by the CFA). A fire must not be lit in breach of these restrictions without first obtaining a permit. For the

purposes of this restriction, solid fuel BBQs and fire pits used for heating or cooking are exempt if they use a designated/recognised fuel type and comply with CFA guidelines.

Prohibited Material

Offensive materials including damp/green materials which are liable to cause an unreasonable nuisance or be injurious to health may not be burned without first obtaining a permit.

Permits

A person may apply to Council to be issued with a permit to burn under the local law. Applications for permits are required to be in writing on the prescribed form contained within Councils General Local Law No.1.

No Permit fee will apply to permits.

Open Air Burning in an Urban Area

In determining if a permit should be issued for burning in an urban area, Council will take into account the following considerations:

- The reasons for wanting to burn outside the standard conditions.
- Other means of disposing of the material.
- The possible effects on the neighbourhood.
- Access by the permit applicant to adequate means of controlling the fire.
- Likely effects of weather on the fire.
- The duration of burning.

Offensive Material

In determining whether to grant a permit for the burning of offensive materials, Council will take into account the following consideration:

- Alternative means of disposal.
- The location of the proposed burn in proximity to adjoining land.
- The zoning of the land on which the burn is to take place.
- Whether there are adequate means of supervising the burn.
- Whether there are adequate means of controlling and extinguishing the spread of the fire.
- The degree to which the material to be burned may produce offensive, toxic or unpleasant smells or smoke.
- Environment Protection Authority policies.

Penalty

See Local Law.

Additionally there are severe penalties under the *Country Fire Authority Act 1958* and the *Summary Offences Act 1966* for the lighting of fires and the non-compliance of conditions of a permit.

Human Rights

The policy gives regard to relevant legislation, principles of natural justice and procedural fairness, community values and Council's resource capacity.

It is considered that this policy does not adversely impact community members or employees of different genders and has been developed in accordance with the Gender Equality Act 2020.

It is considered that this policy does not impact negatively on any rights identified in the *Charter of Human Rights Act (2006)*.

Review Date

This policy is to be reviewed by November 2025 unless updated earlier.



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Andrew Mason
Chief Executive Officer
Corangamite Shire

Date.. 29/11/2021

Review Date

23 November 2025