

# OPEN BURNING – ENVIRONMENTAL APPROVAL

1 APRIL 2023 to 30 SEPTEMBER 2023

**This consent applies only to single land parcels that are 4000m<sup>2</sup> (one acre) or greater on rural zoned properties in Wallacia, Mulgoa, Kemps Creek, Mt Vernon, Londonderry, Llandilo, Castlereagh, Berkshire Park, Cranebrook, Orchard Hills, Luddenham, Agnes Banks, Badgerys Creek and Regentville.**

**For a proposed fire in other areas not covered by the Rural Fire Service (RFS), a specific permit from Fire and Rescue NSW (FRNSW) will be required. FRNSW may consider applications all year round.**

In accordance with Part 3, Schedule 1 of the Protection of the Environment Operations (Clean Air) Regulation 2021, Penrith City Council hereby grants general consent for burning in the open of dead and dry vegetation that originated on the property where the burning is to be carried out.

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0485#sch.1>

If your property falls within a FRNSW jurisdiction, a Fire Permit must be obtained from FRNSW prior to the proposed burn. Specific conditions will be detailed on any FRNSW Permit. Further information can be found here:

<https://www.fire.nsw.gov.au/page.php?id=200>

This consent is granted subject to the provisions of the Regulation and the following conditions:

1. Only dead and dry vegetation, where the vegetation originally grew on the same property shall be burnt in accordance with the RFS / FRNSW Standards for Pile Burning.

[https://www.rfs.nsw.gov.au/\\_data/assets/pdf\\_file/0012/13323/Standards-for-Pile-Burning.pdf](https://www.rfs.nsw.gov.au/_data/assets/pdf_file/0012/13323/Standards-for-Pile-Burning.pdf)

2. All fires are to be pile burns where the pile is not to exceed 2m in length or width and must not be greater than 1.5m high. Any logs over 150mm in diameter are not to be added to the pile.
3. Burning under this consent must always be carried out by such practicable means as are necessary to prevent or minimise air pollution. Burning should not be carried out during periods of high wind or when the weather conditions are likely to cause smoke impacts on sensitive receptors such as schools, nursing homes, childcare centres or other residences.
4. All reasonable measures should be taken to ensure that the material being burnt is not wet or green.

5. Only dead and dry vegetation is to be burnt. Plastics, rubber, chemical and pesticide containers, and the following specific prohibited articles are not to be burnt:
  - a. Tyres, plastic coated wire, paint/solvent containers and residues.
  - b. Timber treated with copper chromium arsenate (CCA) or pentachlorophenol (PCP) or painted timber.
  - c. Grass clippings and leaves are not considered suitable due to the excessive smoke and alternative methods of disposal should be sought.
6. All fires are to be a minimum distance of 20m from any building, areas of natural vegetation and 10m from all property boundaries.
7. In the event of a Total Fire Ban being declared this consent is suspended. Any existing fire is to be extinguished and is not to be recommenced until the Total Fire Ban is lifted.
8. In the event of a No Burn Day being declared by the Department of Planning, Industry and Environment (DPIE) this approval is suspended for the duration of the declaration. When a No Burn Notice is issued, it applies to the lighting of new fires in the declared areas. Existing fires are allowed to continue in accordance with the conditions of the No Burn Notice. No Burn Notices are different from total fire bans. Further information about No Burn Notices can be found here:  
  
<https://www.environment.nsw.gov.au/questions/no-burn-day>
9. Adjoining neighbours and people likely to be affected by smoke are to be notified at least 48 hours before the fire is lit. This will allow for smoke sensitive people including asthmatics to plan to be away from the area before the burn is conducted.
10. Notice is to be given to the Cumberland RFS (02) 4734 7777 at least 24 hours prior to the burn. Notice must specify the person's name, contact number, location, purpose of proposed fire and time that the fire is supposed to be lit. Notifications can also be made online which is the preferred method of the RFS.  
  
<https://www.rfs.nsw.gov.au/fire-information/BFDP/burn-notifications>
11. A responsible supervising adult over the age of 18 shall be on site at all times with enough water to extinguish the fire, if required, for the time the fire is active.
12. Burning shall only be conducted between the hours of 8am and 6pm on any day.
13. Any residue waste from the burning must be disposed of in an environmentally satisfactory manner and in accordance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 2014. On completion of the burn, the burnt area must be maintained in a condition that minimises or prevents the emission of dust and prevents sediment or ash from fires being washed from the area into

surrounding waterways (natural or constructed) including creeks, stormwater drainage lines, dams or ponds.

## LIMITS OF THIS APPROVAL

**This approval remains in force from 1 April 2023 to 30 September 2023 or until the commencement of the Bush Fire Season if declared earlier.**

This approval **does not apply to:**

1. The burning of vegetation resulting from land clearing undertaken without development consent. Vegetation arising from land clearing can only be burnt in accordance with this general approval and if allowed under a development consent issued by Council.
2. The burning of packaging associated with agricultural operations.
3. Ecological/bush regeneration burns are carried out to destroy infestations of noxious weeds, or to clear land for native species regeneration. Prior to any burning of vegetation on any property where there are known threatened species, populations, ecological communities of any known Aboriginal relics, individuals and organisations must obtain advice from the DPIE on 1300 361 967.

## PENALTIES APPLY

Conducting open burning that does not comply with the conditions of this approval may result in an on the spot penalty notice exceeding \$500.00 for an individual or \$1000.00 for a corporation. In the event of prosecution for such an offence the maximum penalty is \$5,500 for an individual and \$11,000 for a corporation.

## ENQUIRIES

Contact Penrith City Council Ranger Services on (02) 4732 7777.