

## APPROVAL TO A CLASS OF PERSON TO LIGHT AND MAINTAIN AN OPEN FIRE

---

Approval to light and maintain an open fire is hereby granted in accordance with Clause 13(2)(a) of the *Protection of the Environment Operations (Clear Air) Regulation 2010*, until further notice, to those residents who own or manage a property wholly or partially zoned as Rural Landscapes (RU2), Primary Production Small Lots (RU4), or Environmental Management (E3) where the property size is greater than 1,000m<sup>2</sup>, as defined by LEP 2015; or residents who own or manage land fronting Explorers Road, Pulpit Hill Road, Nellie's Glen Road and Saywell Road, Katoomba.

To determine if your property is within these zonings, contact Blue Mountains City Council on 4780 5000 or use the interactive maps provided on the BMCC website ([www.bmcc.nsw.gov.au](http://www.bmcc.nsw.gov.au)). Should your property be outside of these zones, application to burn may be made on a case by case basis. See the [open burning](#) page on Council's website or call to obtain details on how to do this.

In order for residents in the aforementioned zones to take advantage of and comply with this approval, all of the following conditions **must** be met.

1. The burn must be carried out in accordance with the Rural Fire Service / Fire & Rescue NSW document *Standards for Pile Burning*, which can be obtained from the Blue Mountains District Office of the Rural Fire Service or from the RFS Website ([www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au));
2. The material being burnt must be dead and dry vegetative matter that originates from the property on which the fire is to be lit;
3. The fire must be located at least 20m from the nearest building;
4. As far as practicable, all actions necessary to prevent or minimise air pollution and potential smoke impacts are undertaken, including:
  - a. ensuring that the material in the pile is dry before the fire is lit;
  - b. ensuring that no green material is present, such as recently placed material or long grass growing up through a pile;
  - c. monitoring of wind direction prior to lighting the fire, and only burning when smoke will drift away from any nearby residence; and
  - d. actively tending the fire to ensure that it burns cleanly and does not smoulder.
5. The local fire danger rating must be checked prior to lighting the fire, and the fire must not be lit if the bush fire danger rating is at 'very high' or above;
6. A responsible adult person must be present at the site of the fire from the time it is lit until it is fully extinguished;
7. An adequate water supply must be available to control and completely extinguish all fires.
8. At least 24 hours notice of the location, purpose, period and time of the proposed fire to be lit has been given to:
  - a. the owners or occupiers of all land contiguous to, or that is separated by a road, laneway or waterway from the land on which the fire is to be lit;
  - b. the relevant fire authority, which will be:
    - i. The Rural Fire Service if the property is in the Rural Fire District; or
    - ii. Fire & Rescue NSW if the property is in the Fire District.

**This approval does not remove the necessity or exempt the person from the requirement to obtain relevant permits or licences as may be required by the *Rural Fires Act 1997*, the *Protection of the Environment Operations Act 1997*, or *Threatened Species Conservation Act 1995*, including the need to comply with No Burn Days or Total Fire Bans that may be declared. These requirements are specifically addressed on the following page.**

### **1. Rural Fires Act 1997**

If the lighting of any fire is to occur during the bush fire danger period, a permit from either the NSW Rural Fire Service or Fire & Rescue NSW is required (depending on the location of the fire). The purpose of this permit is to provide for the safe use of fire.

**The lighting of any open fire is prohibited by the declaration of a Total Fire Ban by the Commissioner of the NSW Rural Fire Service. It is the responsibility of any person intending to light a fire to determine if a Total Fire Ban is in force.**

Information on the Bush Fire Danger Period and Total Fire Bans is available on the RFS web site ([www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)) or the Blue Mountains District Office of the NSW Rural Fire Service on 4784 7444.

### **2. Protection of the Environment Operations Act 1997**

The Environmental Protection Authority may issue a No Burn Notice, restricting the lighting of fires in particular regions, for the purposes of protecting air quality during certain atmospheric conditions.

**It is the responsibility of any person intending to light a fire to determine if a no burn notice has been issued.**

This information is available from the Environment Protection Authority website ([www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)) or by calling 131 555.

### **3. Threatened Species Conservation Act 1995**

The removal of dead wood and dead trees is listed as a key threatening process under Schedule 3 of the *Threatened Species Conservation Act 1995*. Collection and burning of vegetative material from natural areas can therefore lead to harm to important species and communities. The removal and burning of material from natural areas is therefore strongly discouraged.

**Material forming piles to be burnt must only consist of vegetative material that has originated from the process of maintaining existing cleared or landscaped areas. Clearing of undisturbed vegetation may require approval, and burning of such material will generally not be permitted.**

For further information in relation to pile burning, see the NSW Rural Fire Service / Fire & Rescue NSW documents *Before You Light That Fire* and *Standards for Pile Burning*, which are available from the Blue Mountains District Office of the NSW Rural Fire Service or the RFS website.

Any other questions relating to open burning may be directed to Blue Mountains City Council on 02 4780 5000.

## **On the spot fines and penalties apply for unauthorised burning**

**Authorised by:** Robert Greenwood  
General Manager  
Blue Mountains City Council

**Date:** 20 April 2016