

Central Coast Council

Open Pile Burning Policy

Date Adopted: XX/XX/2025
Revision: X

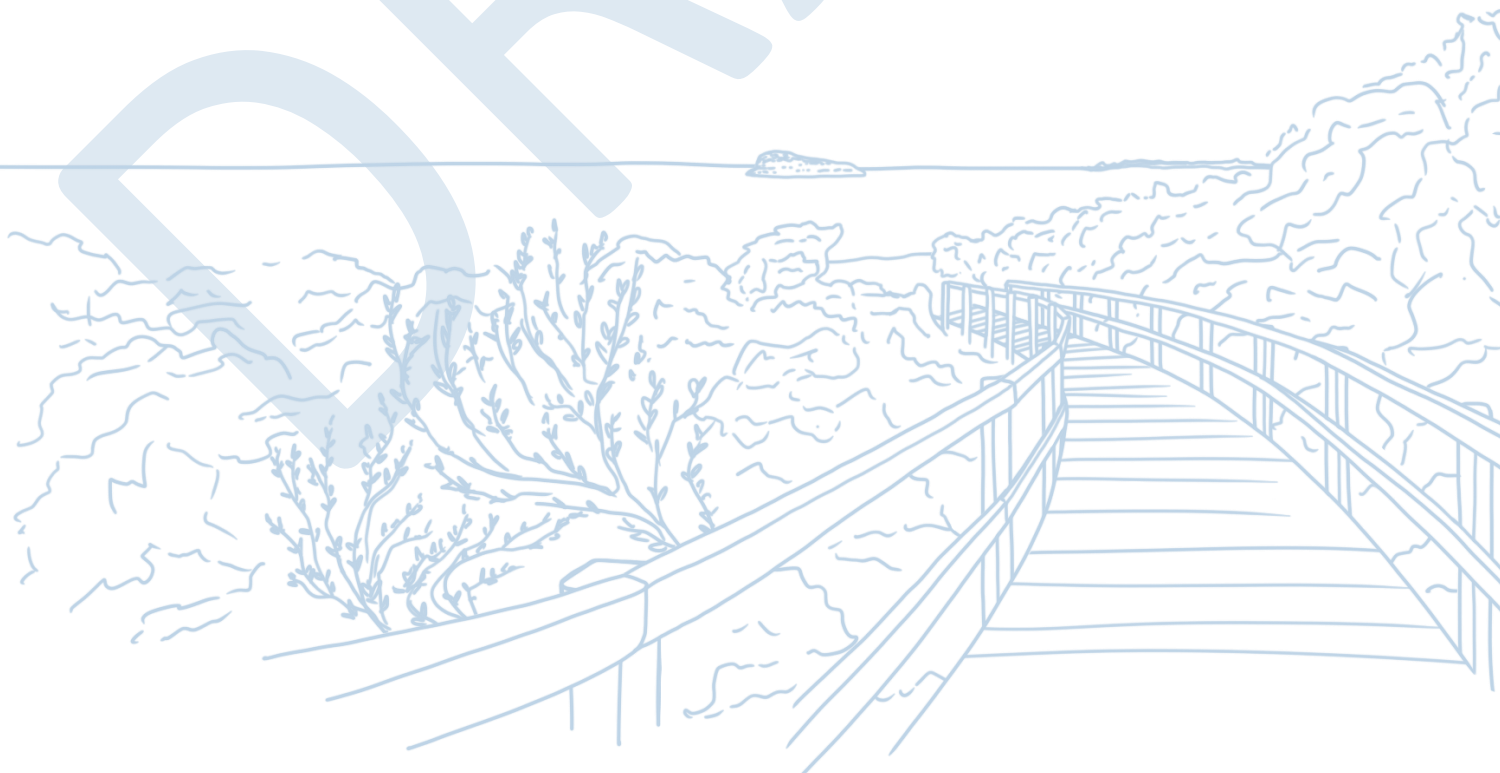


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1. Policy Objectives

- 1.1. The objective of the Open Pile Burning Policy (Policy) is to enable the burning of dead and dry vegetation for the purposes of maintaining rural residential properties in a way that is safe and poses minimal risk to the environment and public health.
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2. Policy Scope

- 2.1. The Policy specifies conditions of consent for the pile burning of dead and dry vegetative material in appropriately zoned lands within the Central Coast Local Government Area (LGA).
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3. Policy Statement

- 3.1. Open pile burning is regulated across NSW by the Regulation under the Protection of the Environment Operations Act 1997 (the Act). Under the Regulation, local councils can voluntarily choose the level of control over burning that is best suited to their LGA.
- 3.2. Open pile burning in the Central Coast LGA is prohibited except in accordance with an approval under clause 18(1), and Schedule 1, Part 2 of the Protection of the Environment Operations (Clean Air) Regulation 2022.
- 3.3. Council will provide approval for the open burning of dead and dry vegetative material on parcels of land that meet the conditions of consent outlined in this policy. Such approval is intended for properties that are not in urban areas that have a large number of mature trees that are likely to generate larger than average quantities of vegetative debris.
- 3.4. Council cannot provide approval for the burning of non-vegetative waste.
- 3.5. Burning must be undertaken in a safe manner by complying with the conditions of consent outlined in section 5 of this Policy.
- 3.6. In the making of this Policy Council has taken into consideration the following issues:
 - 3.6.1. impact on local and regional air quality and amenity;
 - 3.6.2. feasibility of re-use, recycling, or other alternative means of disposal such as mulching or chipping;
 - 3.6.3. the views of the sector of the public likely to be affected by the proposed approval;
 - 3.6.4. the views of the NSW Environment Protection Authority (EPA) in relation to the self-approval process; and
 - 3.6.5. the views of the RFS in support of this policy.

- 3.7.** Special provisions apply to land parcels located in Cogra Bay, Wondabyne, Little Wobby, Bar Point, Marlow Creek, and Patonga Creek (Hawkesbury River Communities) due to boat only access to properties, which is outlined in Schedule 1 of this policy.
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4. Conditions of Consent

- 4.1.** Open pile burning of dead and dry vegetative material may be carried out on properties used for residential purposes in the Central Coast LGA under deemed approval from Council, which is granted subject to the following conditions.
- 4.2.** Parcels of land must be either:
- 4.2.1.** Greater than 4,000m² in area; and
 - 4.2.2.** zoned E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, RE2 Private Recreation, R5 Large Lot Residential, RU1 Primary Production, RU2 Rural Landscape, RU5 Village, or RU6 Transition under the Central Coast Local Environment Plan 2022 (CCLEP), or
 - 4.2.3.** Less than 4,000m² in area, located in Hawkesbury River Communities (where there is boat-only access to properties), and zoned C2 Environmental Conservation under the CCLEP.
- 4.3.** Only one pile of vegetation may be burnt at any one time.
- 4.4.** Pile size must not exceed 2 metres in diameter and 1.5 metres in height. As the pile burns down vegetation may be added to bring the pile back up to the maximum pile size.
- 4.5.** Deemed approval is only granted for the burning of dead and dry vegetation at the premises on which the vegetation grew.
- 4.6.** Vegetation such as branches or logs added to the pile must be of a diameter of 150mm or less, to minimise smoke and make the pile easier to extinguish.
- 4.7.** Smoke impacts must be minimised by not burning green, damp and compacted piles.
- 4.8.** An open pile burn fire must be at least 20 metres from any dwelling structure, building, or unmanaged vegetation (native or non-native).
- 4.9.** All combustible material within 4.5 metres of the fire must be removed.
- 4.10.** You must ensure that there is a sufficient water supply and that you have a hose with appropriate water pressure and length that can reach around the whole pile to extinguish the fire if required and contain any spot fires that may occur.
- 4.11.** Adjacent property occupiers (or, if there are no occupiers, the owners) must be given 24 hours' notice (verbal or written) of the intention to undertake an open pile burn, unless otherwise specified by the conditions of a Fire Permit granted by the RFS. Adjacent properties include land separated by a lane, road or

waterway from the land on which the fire is to be lit. Details to be provided include name and contact of the person/s proposing to light the fire, location, date/time, purpose, and expected duration of the fire.

- 4.12.** For land in a Rural Fire District, the RFS must be provided with 24 hours' notice (verbal or written) unless otherwise specified by the conditions of a Fire Permit granted by the RFS. Details of the notification process are located on the NSW RFS website or alternatively contact 1800 679 737 for assistance.
- 4.13.** For land not in a Rural Fire District, the NSW Fire and Rescue must be provided with 24 hours' notice, either in writing or verbally. Details of the notification process are located on the NSW Fire and Rescue website or alternatively contact 02 9265 2999 for assistance.
- 4.14.** An open fire must be supervised by a responsible adult at all times.
- 4.15.** Burning should only take place when weather conditions are suitable with winds under 15km/h.
- 4.16.** Burning should not cause nuisance to neighbours or a smoke hazard to traffic. Where nuisance or smoke hazard occurs, the fire is to be immediately extinguished.
- 4.17.** Burning must only be undertaken between the hours of 7am and 10pm.
- 4.18.** All fires must be completely extinguished between the hours of 10pm and 7am.
- 4.19.** Approvals granted by this Policy will no longer be valid should any of the conditions of consent be breached.
- 4.20.** Approvals granted by this Policy are in force (unless revoked) for 4 years or until this policy is reviewed, whichever comes first.
- 4.21.** All obligations under the Rural Fires Act 1997, Protection of the Environment Operations Act 1997, Biodiversity Conservation Act 2016, and Local Land Services Act 2013 take precedence over this policy.
- 4.22.** Council Officers have the authority under section 134 of the Protection of the Environment Operations Act 1997 to direct that an open pile burn fire be immediately extinguished (and not relit for 48 hours) if the air pollution is likely to cause serious discomfort or inconvenience to any person.
- 4.23.** To protect native habitats, the clearing of vegetation—including burning woody debris that supports native wildlife—is not permitted under this Policy.

5. Other Legislative Provisions

- 5.1.** It is an offence under the Protection of the Environment Operations (Clean Air) Regulation 2022 to burn any of the following items at any time:
- Tyres,
 - Coated wire,
 - Paint/solvent containers and residues, and
 - Treated timber.

- 5.2.** An approval granted under this Policy does not provide approval to burn for any other purpose, such as:
- clearing vegetation;
 - burning vegetation resulting from the clearing of land related to development consent under the *Environmental Planning and Assessment Act 1979*; or
 - undertaking bush fire hazard reduction burns, ecological burns or Aboriginal cultural heritage burns.
- 5.3.** Approval to undertake bush fire hazard reduction burns are required to be made in accordance with the Rural Fires Act 1997 and must be sought from the RFS.
- 5.4.** Approval to undertake ecological burns or Aboriginal cultural heritage burns must be sought from the Office of Environment & Heritage.
- 5.5.** Burning of vegetation on the premises on which the vegetation grew for the purpose of agricultural operations is authorised by the Protection of the Environment Operations (Clean Air) Regulation 2022, and as such, is not subject to the conditions of consent in this Policy. Burning as part of agricultural operations must include:
- clearing the premises of vegetation (other than for construction on the premises); or
 - the burning of stubble, orchard prunings, diseased crops, weeds, or pest animal habitats on farms; or
 - the burning of pasture for regenerative purposes.
- 5.6.** Burning for recreational purposes such as cooking, barbecuing, picnicking, camping, and scouting, is authorised by the Protection of the Environment Operations (Clean Air) Regulation 2022, and as such, is not subject to the requirements of this Policy. Recreational burning may only be undertaken utilising the following fuels:
- dry, seasoned, untreated wood;
 - liquid petroleum gas (LPG);
 - natural gas; or
 - proprietary barbecue fuel, including a small quantity of fire starter.
- 5.7.** A Fire Permit must be obtained from the RFS under the Rural Fires Act 1997 for open pile burning in a Rural Fire District during the Bushfire Danger Period (usually 1 October to 31 March, however, that may vary due to local conditions).
- 5.8.** A Fire Permit must be obtained from Fire and Rescue NSW for open pile burning in a Fire District all year round.
- 5.9.** No open burning can be undertaken on 'No Burn Days' (related to air pollution), or during a 'Total Fire Ban' (related to bush fire safety) that may be declared by

the relevant authority. Any approval under this policy is suspended on such days.

- 5.10.** It is the responsibility of the approval holder to identify whether one of the days provided in clause 5.8 and 5.10 is occurring prior to lighting their fire.
 - 5.11.** An open pile burn fire must not be lit, or must be extinguished, if the closest air monitor exceeds an Air Quality Index (AQI) of 66 (fair-yellow) for particulate matter PM10 or PM 2.5.
 - 5.12.** Smoke impacts and air pollution associated with open burning should be minimised in order to protect local and regional air quality, local amenity, and human health.
 - 5.13.** Council will investigate reported breaches of the Policy and may undertake enforcement action under the provisions of the Act with reference to Council's Regulatory Policy.
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6. Special provisions for Hawkesbury River Communities

The conditions set out below replace conditions 4.4 and 4.8 for properties in the Hawkesbury River Communities. All other conditions in Section 4 remain applicable.

- 6.1.** Pile size must not exceed 1 metre in diameter and 1.5 metres in height. As the pile burns down vegetation may be added to bring the pile back up to the maximum pile size.
 - 6.2.** An open pile burn fire must be at least 20 metres (or 3 metres for Hawkesbury River communities) from any dwelling structure, building, or unmanaged vegetation (native or non-native).
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7. Responsibilities

Compliance, monitoring and review

- 7.1 Council may take regulatory action to address any impact produced by the burning of any material.
- 7.2 An impact may include: Odour
 - Smoke
 - Dust
 - Safety risks
- 7.3 Where Council decides to take action to address any impact, such action will be undertaken in accordance with the Central Coast Council Regulatory Policy.

Records management

- 7.4 Staff must maintain all records relevant to administering this protocol in accordance with Council's [Information and Records Management Policy](#) and the State Records Act 1998.

8 Policy Definitions

Policy	means Council's <i>Open Pile Burning Policy</i>
Regulation	means the <i>Protection of the Environment Operations (Clean Air) Regulation 2022</i> (NSW)
Act	means the <i>Protection of the Environment Operations Act 1997</i> (NSW)
CCLEP	means the <i>Central Coast Local Environment Plan 2022</i>
Council	means Central Coast Council
RFS	means NSW Rural Fire Service
EPA	means NSW Environment Protection Authority
OEH	means NSW Office of Environment & Heritage
LGA	means Local Government Area
Hawkesbury River Communities	means Cogra Bay, Wondabyne, Little Wobby, Bar Point, Marlow Creek, and Patonga Creek

9 Policy Administration

Business Group	Environment and Planning
Responsible Officer	Section Manager Development Control & Environment Protection
Associated Procedure (if any, reference document(s) number(s))	Nil
Policy Review Date	July 2029
File Number / Document Number	F2010/00542: CORPORATE MANAGEMENT - POLICY - Policy Register - Draft Working Documentation D16771447
Relevant Legislation (reference specific sections)	• Section 134, <i>Protection of the Environment Operations Act 1997</i>, • Part 5.4, Division 3 Domestic Air Pollution, <i>Protection of the Environment Operations Act 1997</i> • Part 3, Division 4 Controls for Local Government Area, <i>Protection of the Environment Operations (Clean Air) Regulation 2022</i> • Schedule 1 Local Government Areas in which burning is prohibited, <i>Protection of the Environment Operations (Clean Air) Regulation 2022</i>
Link to Community Strategic Plan	Theme 4: Responsible Goal L: Healthy lifestyle for a growing community B-A4: Enhance community safety within neighbourhoods, public spaces and places.
Related Policies / Protocols / Procedures / Documents (reference document numbers)	▪ Information and Records Management Policy (D14025241) ▪ Council's Code of Conduct ▪ Delegations Register

10 Policy Authorisations

No.	Authorised Function	Authorised Business Unit / Role(s)

11 Policy History

Revision	Date Approved / Authority	Description Of Changes
1	27 May 2019 / Central Coast Council	Adopt the draft Open Pile Burning Policy.
2	14 September 2020 / Central Coast Council	Adopt the Open Pile Burning Policy to permit open pile burning for the Hawkesbury River communities.
3	July 2025 Central Coast Council	Adopt the draft Open Pile Burning Policy.