COMMUNITY CONSULTATION ON PROHIBITING BACKYARD BURNING IN TOWNSHIP AREAS:

At its meeting on Monday 18 August 2008, Council endorsed a Report to seek community comment on the proposal to prohibit backyard burning in township areas. The proposal incorporates all townships except the hamlets of Flaxley, Prospect Hill and Wistow. It is pointed out that the proposal does not alter the current burning status for rural land owners.

Members of our community have until 30 September 2008 to make any written comments on the proposal. After this consultation period, a supplementary Report will be provided to Council.

A community forum is planned for the second half of the community comment period. Details of this forum will be publicised in the near future.

In the meantime, below are further details on the proposal:

BACKGROUND
Currently, during the declared fire danger season that normally extends from 1 December until 30 April of the following year, backyard burning within our township allotments is prohibited. For rural land owners, a Schedule 9 or 10 permit can be issued by either Council’s Fire Prevention Officer or an authorised Country Fire Services' officer to carry out specified burning for bushfire reduction during this period of time.

Outside of the fire danger season, rural residents are permitted to burn suitable material at anytime. In township areas, occupiers and land owners are allowed to burn dry paper, dry cardboard, dried wood and dried garden clippings between the hours of 10:00am and 3:00pm Monday to Saturday.

Under the provisions of the Environment Protection (Burning) Policy expiation notices and fines apply for persons not complying with the above requirements.

For the information of Council, all metropolitan Councils have banned backyard burning for many years now.

DISCUSSION
In 2001, community consultation took place in relation to altering Council’s approach to burning-off on rural and residential properties during the non fire danger period. A proposal was put forward to restrict rural burning so that it could only take place under a permit system and for residential backyard burning to be prohibited. The negative responses coming back from the community at that time led to both propositions being quashed and so the status quo was allowed to remain. It was considered that the administrative component of issuing permits to rural land owners would be very time consuming and inefficient and that insufficient options were available at that time for residential residents and owners to dispose of domestic levels of green wastes apart from burning.
Council staff believe that generally speaking, residential land owners do not have the necessary skills to burn efficiently and effectively in their backyards. There are many problems that surface when householders attempt to backyard burn including the following:

- The generation of nuisance smoke to neighbours
- The burning of wet or inappropriate material
- Attempting to burn when weather conditions are unsuitable
- Backyard burning may occur outside of the designated hours
- Risks of the backyard burn escaping from the property

During the non fire danger period, Council’s General Inspectors and the Fire Prevention Officer take many complaints from residents concerning nuisance smoke generated from backyard burning by their neighbours. Many of the complaints relate to backyard burning outside of designated hours. Additionally, residents who suffer from asthma and other respiratory ailments have worsened symptoms as a result of the nuisance smoke from poorly operating backyard burning.

In support of the above, over the past twelve months the District Council of Mount Barker Bushfire Prevention Committee have been discussing the possibility of the inclusion of the District Council of Mount Barker into Schedule One of the Environment Protection (Burning) Policy 1994, to remove the ability of township residents to conduct backyard burning. At a meeting of the Committee held 15 January 2008, a motion was passed that Council should ‘adopt in principle joining Schedule One of the Environment Protection (Burning) Policy 1994, to ban backyard burning in township areas’.

On 31 March of this year, Council introduced a new waste bin collection service to residents in both township and rural areas. As part of this updated collection service, a green waste collection service is provided to all townships that enables the removal of lawn cuttings, smaller tree cuttings, leaves etc from the property every second week. In addition, green waste can be disposed of at Council’s Windmill Hill Transfer Station. There are also three free drop off days each year at the Transfer Station for ‘clean’ green waste.

With the above options now available for the disposal of domestic green wastes and to improve local air conditions, it is considered unnecessary for residents living in township areas to have access to backyard burning. It is emphasised that this proposal will not affect rural property owners where the current requirements would remain. Only residential properties would be affected by the proposal.

The following townships would be subject to a proposed ban on backyard burning:
Brukunga
Callington
Dawesley
Echunga
Hahndorf
Harrogate
Kanmantoo
Littlehampton
Macclesfield
Meadows
Mount Barker
Nairne
The hamlets of Wistow, Flaxley and Prospect Hill have not been included in the above list. Similarly, the Rural Living zones of Mount Barker and Littlehampton have been exempted. Community feedback during the consultation stage will dictate whether any of the above are incorporated into this proposal.

To have backyard burning banned in township areas, Council will need to undertake the following process:

- Council would have to pass a resolution to formally request the Minister for Environment and Conservation to amend Schedule 1 of the Environment Protection (Burning) Policy 1994, pursuant to section 32(1)(c) of the Environment Protection Act 1993 in accordance with Regulation 4A of the Environment Protection (General) Regulations 1994 to include in Schedule 1 of the Environment Protection (Burning) Policy 1994, those townships within the Council area in which burning on domestic premises will be prohibited.
- Prepare a letter from Council to the Environment Protection Authority referring to the Council resolution and a brief background to the resolution and requesting assistance in the processing Council's request for the Minister for Environment and Heritage to amend the Schedule 1 of the Environment Protection (Burning) Policy 1994 and arranging gazettal of the new amendment.
- Attach to the formal request document all of the details regarding Council’s reference to those towns within the district that will be affected. Council needs to identify the area(s) to be included in Schedule 1 as they appear in the Development Plan under the Development Act, 1993.

Prior to Council embarking on a policy that prevents backyard burning in township areas, the views of the community need to be sought on the matter. Therefore, it is intended that the proposal to ban backyard burning in township areas within the District listed above be placed on public notice for a period of twenty eight days to gather the thoughts of the community on this Council initiative. Any comments in relation to the proposal would need to be received in a written form. It is of paramount importance that the proposal receives as wide community publicity as possible and to this end, the following is intended:

- An advertisement to appear in ‘The Courier’ newspaper
- A media release to be prepared by Council’s Communications Officer
- A copy of the proposal to appear on Council’s web site
- Copies of the proposal to be available at our Customer Service areas at the Local Government Centre and the Library
- A community forum will be held at the Local Government Centre on a date to be decided

After the twenty eight day period has expired, any written comments coming from the community will be incorporated into a further Report to Council. Should Council and our residents embrace the idea of prohibiting backyard burning, it would improve general air quality for our townships as well as reduce the negative affects on people that suffer from asthma and other respiratory illnesses. It would also signal that Council is prepared to take steps to reduce the effects of green house gas production even if it may only be in a small way.

In the first instance, please contact Ms Linda Ward, Regulatory Services on telephone 8391.7209 should you require additional information.