

Backyard burning regulations

Tasmania has regulations that are aimed at improving air quality by placing controls on backyard burning.

The *Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007* cover backyard burning in the open and in incinerators.



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Improving air quality

Regulations on backyard burning

EPA Division
Department of
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New regulations for backyard burning

Why is there a need to control smoke from backyard burning?

Smoke from backyard burning can contribute to excessive levels of fine particles in the air which are known to increase the incidence of heart and respiratory diseases. Smoke can also be an environmental nuisance for neighbours. The *Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007* help to reduce these effects.

Who was consulted about the regulations?

The regulations were developed within the framework of the *Tasmanian Air Quality Strategy 2006* and in accordance with normal requirements for assessing the impact of regulations on the community. The State Government consulted with councils, government agencies and the public.

What are the restrictions?

Backyard burning in the open or using an incinerator is banned on all blocks of less than 2,000 square metres in area, throughout the State. Most urban residential blocks are less than 2,000 square metres.

Are there any exceptions to these new restrictions?

Burning for the sole or primary purpose of reducing fire hazards is exempt from the

regulations. This may be with or without a permit issued under the *Fire Service Act 1979*. Open burning during the fire permit period requires a permit. Contact the Tasmania Fire Service or your local fire brigade for further information.

Also, a council may pass a by-law to opt out of the backyard burning prohibition. Check with your local council to see if it has passed such a by-law.

If my block is greater than 2,000 square metres can I still burn?

While the regulations do not prohibit burning on blocks 2,000 square metres or larger, they specify the types of waste or fuel that may be burnt on blocks of any size.

The burning of treated or painted wood, plastics, rubber and other unsuitable materials is prohibited.

The requirements of the *Fire Service Act 1979* also apply to larger blocks.

Are barbecues included under these restrictions?

Barbecues are not subject to the prohibition on backyard burning but they are subject to the same visible smoke restrictions as wood heaters. A separate pamphlet is available on heater smoke emissions.

How much can I be fined if my backyard burning breaches the regulations?

A council officer can issue an infringement notice, or you may be prosecuted. An infringement notice applies an on-the-spot fine of \$650*.

The maximum penalty for backyard burning is \$6500* if the matter is taken to court but it is expected that court action will be taken only if other approaches consistently fail.

Will the community be patrolled and fines issued for illegal backyard burning?

It is envisaged that education and informal warnings will usually be the first step in implementing the regulations, with formal action being taken only where people persist in backyard burning that breaches the regulations. The approach to enforcing the regulations is a matter for individual councils to decide. In an area where there is a particular problem with air quality, the council might conduct patrols.

* Penalties may be subject to variation or indexation.