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Smoke control guidelines

Guidelines for control of smoke from development sites

**Department of Environmental Protection
Perth, Western Australia
April 1994**

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Acknowledgment

These Smoke Control Guidelines have been developed after consultation between staff of the Department of Environmental Protection (DEP), the Western Australian Municipal Association (WAMA), the Association of Consulting Engineers Australia (ACEA), the Australian Earthmovers and Road Contractors Federation (AERCF), the Local Government Engineers Association (LGEA), the Urban Development Institute of Australia (UDIA), Homeswest, Landcorp, Shire Environmental Health Officers and Planners and individual earthmoving contractor representatives.

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1. Introduction

Pollution of the atmosphere by smoke generated from development site burning generally is not acceptable in Western Australia.

The burning of vegetation which has been cleared from development sites can cause at least two forms of pollution. These are:

- the pollution of the atmosphere in general; and
- interference with the health, welfare, convenience, comfort or amenity of people.

The burning of vegetation cleared from development sites, used to be a common and accepted process for disposal. In addition, fires were often lit with the use of tyres or oils or materials likely to generate dark smoke. Freshly cleared "green" vegetation or wet vegetation also promote large volumes of smoke. Some shires now have a "no open burning without written permission" policy, some have appropriate By-Laws created under the Health Act and some impose development conditions under planning provisions. Despite this, burning of vegetation from development sites and the pollution it causes still continue.

2. Aims of the guidelines

These guidelines provide strategies to ensure that smoke pollution from burning associated with the clearing of development sites is minimised.

The guidelines also are aimed at providing a course of action to be taken by the developers, contractors, consulting engineers, local authorities and the Department of Environmental Protection, when smoke is generated and a smoke-related complaint is received.

It is intended that the Smoke Control Guidelines will be seen as an industry standard and their observance will be included as a condition of contract or tender by development managers and as a condition of development approval by local government planners.

3. Definition

For the purpose of these guidelines, land development sites are premises having an area of 5000m² or greater on which any work, including clearing of vegetation and topsoil, recontouring (bulk earthworks), trenching and road construction is to be done to develop the land for residential, industrial, recreational or commercial use.

4. Treatment of cleared vegetation — the guidelines

Where possible, broad clearing, windrowing of vegetation and burning should be avoided. Land developers or their contractors should strive to adopt the following guidelines:

- As much standing vegetation as practicable should be retained, in the context of each particular development.
- Low scrub should be ploughed in to form part of the topsoil to be separately stripped, stockpiled and eventually respread.
- Disposal of vegetation to landfill should be adopted only where absolutely necessary to avoid increasing the pressure on valuable landfill space.
- Timber should be cut and stacked for firewood sale or collection. (It will be necessary for the contractor and/or developer to ensure that appropriate arrangements are in place to protect the contractor/developer from claims arising from the public entering private land.)
- Vegetation which is removed should be chipped and used for mulch for soil stabilisation.
- Where appropriate, valuable species in areas to be cleared should be transplanted, for example, to areas planned to be retained for public open space.

Burning is acceptable only where other disposal options are not practicable or economically viable. Where cleared vegetation is to be burned, land developers or their contractors should adopt the following guidelines:

- Local authority approval for burning must be obtained.
- Burning should proceed only under favourable weather conditions.
- Multiple heaps should be used, with each heap as small as practicable.
- Heaps should be as free of soil as possible and allowed to dry for as long as possible before igniting.
- Under no circumstances is foreign material to be burned or used to promote burning.

Under these guidelines, a choice will always remain as to whether to burn or not. These guidelines are in no way related to Bush Fires legislation and do not constitute approval to burn, neither does an approval under the Bush Fires Act constitute environmental approval. There will be certain circumstances where no burning is appropriate.

5. Responsibility of contractors

Under Section 49(1) of the Environmental Protection Act, the contractor as occupier of the site is responsible for minimising the likelihood of a breach of the Act.

Where required, the contractor can apply to the local authority for a permit to conduct burning. It is expected that the local authority will implement these guidelines as a condition of that permit. Unless otherwise specified in the contract, the decision to burn will be made by the contractor bearing in mind that if the burning is not in accordance with the guidelines or causes pollution, then the contractor may be required to extinguish the burn at the contractor's cost.

6. Responsibility of local authorities

Local authorities have a responsibility to:

- ensure the rights of people in their constituency are protected;
- issue burning permits;
- issue conditions to development approval; and
- monitor the site management plan.

7. Responsibility of developers

It is the developer's responsibility to ensure that the rights of the general public are not infringed. These rights include the right of a person to be free of any smoke nuisance which unreasonably interferes with their health, welfare, convenience, comfort or amenity.

It is expected that developers will require adoption of these guidelines as a "condition of tender".

If included as a condition of tender, then individual contractors tendering for the contract will not be disadvantaged by assuming compliance with these guidelines. The contractor should not be put in a situation where he or she is penalised financially for not burning, where the non-burning option is appropriate under these guidelines.

The developer should ensure that an appropriate site management plan is in place before the tendering process. Key factors to be used in preparing a site management plan include:

- the size of the area to be burnt, and its proximity to other premises, that is, the likelihood to affect the health, welfare, convenience, comfort or amenity of people;
- the nature of materials to be burnt, ie whether they are dry rather than wet or "green";
- the forecast, and actual weather (particularly wind speed and direction);
- the permitted time frame for burning to occur; and
- contingency plans, should the generated smoke prove to constitute pollution.

8. Procedure following a smoke-related complaint

Following receipt of a smoke-related complaint, the site under complaint shall be inspected by the local authority or a Department of Environmental Protection inspector.

Should the complaint be validated, the contractor will be required by the Department of Environmental Protection to implement sufficient contingency arrangements to suppress the generation of smoke. This may often involve a requirement to extinguish the offending fires immediately.

Should the complaint be not valid, then the complainant is to be advised accordingly and no further action is required. Should further complaints be received then the matter shall be referred to the Department of Environmental Protection for re-assessment.

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For further information contact:

Department of Environmental Protection

8th Floor, Westralia Square

141 St George's Terrace

PERTH WA 6000

Telephone: (09) 222 7000 **Facsimile:** (09) 322 1598

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