



Government Gazette

of the State of

New South Wales

Number 41–Environment

Friday, 5 February 2021

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of the notice and can be used as a reference for that notice (for example, (n2019-14)).

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website (www.legislation.nsw.gov.au) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal, see the Gazette page.

**NOTICE OF APPROVAL
PROTECTION OF THE ENVIRONMENT OPERATIONS (CLEAN AIR) REGULATION 2010**

I, STEPHEN BEAMAN, Executive Director Regulatory Operations, NSW Environment Protection Authority (EPA), having considered the matters set out in Part 1 of the Schedule to this notice and the matters set out in clause 13(3) of the *Protection of the Environment Operations (Clean Air) Regulation 2010*, grant approval pursuant to clause 13(1)(a) of that Regulation for the pile burning of vegetation in the open within the former City of Gosford local government area to the specified class of persons, subject to the conditions set out in Part 2 to the Schedule to this notice.

In this notice:

Central Coast local government area means the Central Coast Council local government area created under cl 4 of the *Local Government (Council Amalgamations) Proclamation 2016*.

former City of Gosford local government area means the former City of Gosford area that was incorporated into the Central Coast local government area by the *Local Government (Council Amalgamations) Proclamation 2016*.

former Wyong local government area means the former Wyong area that was incorporated into the Central Coast local government area by the *Local Government (Council Amalgamations) Proclamation 2016*.

Hawkesbury River communities means land parcels located in Cogra Bay, Wondabyne, Little Wobby, Bar Point, Marlow Creek and Patonga Creek as described within the Central Coast Council *Open Pile Burning Policy* dated September 2020.

Regulation means the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

specified class of persons means the owner or occupier of an area of land in the former City of Gosford local government area that is:

- (a) greater than 4,000 m² in area; and
- (b) zoned either:
 - (i) 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 Gosford Local Environment Plan 2014; or
 - (ii) No. 7(a) Conservation and Scenic Protection (Conservation) or No. 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) under the Interim Development Order No. 122 - Gosford.

This notice is made under delegation from the Environment Protection Authority pursuant to s 21(1) of the *Protection of the Environment Administration Act 1991*.

SCHEDULE

PART 1 – PRELIMINARY

1. Under clause 12 of the *Protection of the Environment (Clean Air) Regulation 2010*, burning of vegetation in the open or in an incinerator in a local government area specified in Parts 1 or 2 Schedule 8 of that Regulation is an offence except in accordance with an approval.

2. The former City of Gosford local government area is specified in Part 1 of the Regulation. Wyong local government area is specified in Parts 2 and 3 of the Regulation. Those local government areas now form part of the Central Coast local government area.
3. The Central Coast Council may grant an approval in respect of the burning of dead and dry vegetation on the premises on which vegetation grew within the former Wyong local government area under clause 13(2) of the Regulation.
4. The Environment Protection Authority may grant an approval for the purposes of burning in the open for the purposes of Part 2 of the Regulation, including burning of vegetation within the former City of Gosford local government area.
5. In May 2019, Central Coast Council adopted the *Open Pile Burning Policy* that grants approval under cl 13(2) of the Regulation for the purposes of open pile burning of vegetation in the former Wyong local government area, subject to conditions.
6. In July 2019, Central Coast Council requested the Environment Protection Authority's approval for the pile burning of vegetation in the open for a class of persons specified in Council's *Open Pile Burning Policy* that would otherwise be prohibited from burning under cl 12(1) and Part 1 of Schedule 8 to the Regulation until such time as the Regulation is amended.
7. In September 2019, the Environment Protection Authority granted Central Coast Council approval for the pile burning of vegetation in the open for a class of persons specified in Council's *Open Pile Burning Policy*, subject to conditions. In accordance with the issued Notice of Approval, the approval remained in force for a period of 12 months from the date of the Notice of Approval, or when the Regulation is repealed, whichever comes first.
8. In September 2020, Central Coast Council adopted an amended *Open Pile Burning Policy* to permit open pile burning of vegetation for specified Hawkesbury River communities, subject to conditions.
9. In October 2020, Central Coast Council requested the Environment Protection Authority's approval for the pile burning of vegetation in the open for a class of persons specified in Council's amended *Open Pile Burning Policy* dated September 2020, which would otherwise be prohibited from burning under cl 12(1) and Part 1 of Schedule 8 to the Regulation, until such time as the Regulation is amended.
10. Adjoining landholders have the potential to be affected by open pile burning of vegetation, however, the conditions of approval are designed to minimise any impact.

PART 2 – CONDITIONS OF APPROVAL

1. Only dry and dead vegetation that was generated on the premises on which the vegetation grew may be burnt.
2. Vegetation must only be burnt for the purposes of disposing of dry and dead vegetation.
3. With the exception of land parcels in the "Hawkesbury River communities", the vegetation must be located on areas of land that are:
 - a. in the same ownership or occupation; and
 - b. are greater than 4,000 m² in area and adjoining; and
 - c. zoned either:

(i) 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 Gosford Local Environment Plan 2014; or

(ii) No. 7(a) Conservation and Scenic Protection (Conservation) or No. 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) under the Interim Development Order No. 122 - Gosford.

4. The burning of vegetation must be carried out in accordance with clauses E1 to E10 of the *Open Pile Burning Policy* adopted in September 2020 by Central Coast Council.

5. The burning of vegetation must be carried out in accordance with clauses D1 to D13 of the *Open Pile Burning Policy* adopted in September 2020 by Central Coast Council, with the exception of land parcels located in the “Hawkesbury River communities”.

6. The burning of vegetation for land parcels located in the “Hawkesbury River communities” must be carried out in accordance with clauses H1 to H13 of the *Open Pile Burning Policy* adopted in September 2020 by Central Coast Council.

7. The open pile burning of vegetation must not be carried out on a day subject to an order prohibiting the burning of fires in the open published by the EPA pursuant to section 133(2) of the *Protection of the Environment Operations Act 1997*.

8. The open pile burning of vegetation must only be carried out using such practicable means as may be necessary to minimise smoke emissions causing air pollution.

9. This approval shall cease 12 months from the date of this notice, or when the Protection of the Environment Operations (Clean Air) Regulation 2010 is repealed, whichever comes first.

Note: Burning of vegetation to which this approval applies must still meet any other legislative requirements, including requirements under clause 10(1) of the Regulation, the *Rural Fires Act 1997* and any other relevant legislation.

For further information telephone the EPA on 131 555

Stephen Beaman
Executive Director Regulatory Operations
Environment Protection Authority

Dated: 27 January 2021

NATIONAL PARKS AND WILDLIFE ACT 1974

Proposed Amendment to Kosciuszko National Park Plan of Management

The Draft Plan of Management Amendment: Kosciuszko National Park Draft Amendment to the Plan of Management: Snowy 2.0 is on public exhibition.

The draft amendment may be viewed at www.environment.nsw.gov.au/get-involved/have-your-say.

Submissions on the amendment must be received by **22 March 2020** via:

- the online form at www.environment.nsw.gov.au/get-involved/have-your-say
- email to npws.parkplanning@environment.nsw.gov.au
- mail to Manager NPWS Planning Evaluation and Assessment, Locked Bag 5022, Parramatta NSW 2124.

See www.environment.nsw.gov.au/help/privacy.htm for information on how we will treat any personal information you provide.

NATIONAL PARKS AND WILDLIFE ACT 1974

Proposed Amendment to Barrington Tops National Park, Mount Royal National Park and Barrington Tops State Conservation Area Plan of Management

The Draft Plan of Management Amendment: Upgrading visitor facilities is on public exhibition. This draft amendment relates to Barrington Tops National Park, Mount Royal National Park and Barrington Tops State Conservation Area.

The draft amendment may be viewed at www.environment.nsw.gov.au/get-involved/have-your-say or by appointment via email request at the following locations:

- NPWS Gloucester Office, 59 Church St, Gloucester
npws.barringtontops@environment.nsw.gov.au
- NPWS Scone Office & Depot, 19 Hayes St, Scone
npws.barringtontops@environment.nsw.gov.au
- NPWS, Bulga Office & Depot, 2156 Putty Rd, Bulga
npws.wollemiyengo@environment.nsw.gov.au

Submissions on the draft amendment must be received by 22 March 2021 via:

- the online form at www.environment.nsw.gov.au/get-involved/have-your-say
- email to npws.parkplanning@environment.nsw.gov.au
- mail to Manager, NPWS Planning Evaluation and Assessment, Locked Bag 5022, Parramatta NSW 2124.

See www.environment.nsw.gov.au/help/privacy.htm for information on how we will treat any personal information you provide.