



Pic 1: Launceston morning – 2011 - I had wanted to record what the City looked like on a relatively clean-air day.



Pic 2: Wed 16May 2012 #pm ... I was coming home from work and saw this – when will we ever learn?

Gorse fire sends smoke over Youngtown

16 May, 2012 03:39 PM

A WEED-reduction burn on a private property at Breadalbane has cast a large plume of black smoke over Youngtown. A spokesman for the Tasmanian Fire Service said the fire was under control and had been checked by a senior fire officer about 3pm today.

He said a private land owner was burning out gorse bushes and the fire was expected to run for several days.

The Examiner newspaper brought us that news - "Gorse fire sends smoke over Youngtown"

With the air quality of Sydney; every man and his dog gets to set fire to green-waste all down the valley! At dusk last week the guy behind me starts a fire that filled my house with smoke. I saw a HUGE plume of smoke coming from Riverside golf course last week, and three more as you looked down the valley. No wonder there are so many here with respiratory problems. Bring in green waste collection like they have on the mainland and ban burning off!

Posted by **socratesdancing**, 16/05/2012 4:20:47 PM, on The Examiner

Obviously, socratesdancing, you do not own an acreage. Burning off is an essential practice if the owner wishes to protect their property from bush fire. This is not an issue that can be solved with a wheelie bin.

Posted by **Rob**, 16/05/2012 5:57:23 PM, on The Examiner

cool maybe we could have the wild fires like the mainland too then ???

Posted by **Rio worker**, 16/05/2012 6:04:43 PM, on The Examiner

@ "socratesdancing" who do you propose collect the tons of green waste that was burnt off today. They were burning off gorse, and many acres of it. Maybe they can dump it at your place so you have gorse going all through your garden. Sometimes burning off is the most appropriate thing to do.

Posted by **Sam**, 16/05/2012 6:12:16 PM, on The Examiner

Oh, socrates dancing, can I lend you a hanky! It's typical of this police state minded beurocracy that we can't even have a little burn off if we need to, even though it is our right. And, of course, the sentimental do-gooders like.....

Posted by **Anthony**, 16/05/2012 9:37:08 PM, on The Examiner

E.P.A? M.I.A!

Posted by **Garry Stannus**, 16/05/2012 10:03:40 PM on The Examiner

That was the sum total of The Examiner's online comments and the last time the Ex mentioned the burn.

Comment: Launceston is some 50kms inland from the coast. It sits at the junction of the North Esk and South Esk Rivers. It is at sea level and the entire river estuary is surrounded by hills. The City itself is at the bottom of a horseshoe of hills at the top of which commence the northern midlands. These hills above Launceston often act like a gully trap, a natural drainage basin for cool smoke to roll down the slopes during the night. And then in the daytime, it is not uncommon to see smoke of various origin moving upriver till it reaches the city – at which point it stops, blocked by the hills, until that nor-wester springs up during the morning and drives the smoke through the city and up and over the slopes.

It is also known that the rate of admissions to the emergency department of our hospitals increases in line with increases in the amount of smoke in the air. Now let's imagine that you were managing a respiratory condition and that you were living in Launceston on the morning of May 17th, 2012. You would know that "smoke, including wood smoke stemming from bushfires or fuel reduction burning can seriously affect the wellbeing of people with asthma, emphysema and other respiratory conditions". (TFS)

Q: What does asthma feel like?

Dave: "It feels like someone put a bag over your head and is just letting you breath through a small hole. No matter how hard you try you cannot get enough air. Your lungs might feel like they're burning but not always. Your chest will feel tight but, of course, that's because you can't move enough air to expand it. Sometimes it starts slowly and builds and sometimes it's quick but it's always scary."



Pic 3: Thur 17 May The morning after, the fire is still burning & smoking. Launceston is covered in its smoke.

The fire kept burning through the day, though the smoke haze moved away from the City basin. I spent weeks, it seems, photographing the valley subsequently, when it had woodheater smoke, when it had river fog, when it had smoke on top of fog and I also looked for weather observations and burn-off details. Finally, I decided to contact the EPA...

EPA Enquiries:

[...]

To whom it may concern:

*I observed a large plume of smoke to the south of Launceston on the afternoon of May 16 2012. The next morning, the Launceston river valley was full of smoke. Was the EPA aware of this and were there elevated PM levels recorded which were associated with the burn-off? Did the EPA take any action in relation to this burn off? [[Gorse fire sends smoke over Youngtown](#) *The Examiner*: 16 May 12 | "A weed-reduction burn on a private property at Breadalbane has cast a large plume of black smoke over Youngtown".]*

I have photographs of the plume and of smoke over Launceston City the next morning.

Yours faithfully

*Garry Stannus
0418 139 231*

Recently I received this reply:

Dear Mr Stannus,

I acknowledge your email correspondence to the EPA Division received on the 14th June 2012 regarding burning of gorse in the Breadalbane area, south of Launceston on the 16th May 2012.

The EPA Division was aware of the fire you have indicated and on this occasion no action has been taken in relation to it.

I have attached a short report outlining the preliminary information that the EPA Division has collected in relation to this event. The report indicates that the EPA Division's South Launceston BLANKET air monitoring station did detect elevated PM_{2.5} concentrations on the evening of the 16th May and the morning of the 17th May. However, it is not possible to quantify what proportion (if any) of the smoke recorded at the station can be attributed to the burn-off at Breadalbane.

Regards

[...]

Some legal stuff and discussion challenging the legal relevance of “not possible to quantify what proportion...”:

5. Environmental harm [from the Environmental Management and Pollution Control Act 1994]

(1) For the purposes of this Act, environmental harm is any adverse effect on the environment (of whatever degree or duration) and includes an environmental nuisance.

[...]

(5) For the purposes of this Act, environmental harm is caused by pollution –

(a) whether the harm is a direct or indirect result of the pollution; and

(b) whether the harm results from the pollution alone or from the combined effects of the pollution and other factors.

This last sentence “*whether the harm results from the pollution alone or from the combined effects of the pollution and other factors.*” seems to be at odds with the EPA's “*However, it is not possible to quantify what proportion (if any) of the smoke recorded at the station can be attributed to the burn-off at Breadalbane*”. My reading of that part of the Act (Environmental Management and Pollution Control Act 1994.) suggests that it is not relevant nor justified for the EPA to observe that action will not be taken because it is ‘*not possible to quantify*’ the proportion of the smoke in the Launceston airshed ‘*(if any)*’ that came from Breadalbane.

A short preliminary report was included with the EPA response. It made a number of points [**below, in red**], some of which I take issue with:

1:

“It is important to note that, in general, it is not the purpose of this initial summary to identify the source of smoke from which a complaint has arisen, or to determine if an air quality standard has been exceeded. In many cases a full technical analysis must be performed to ascribe smoke to a specific source and to determine if an air quality standard is likely to have been exceeded. The level of detail required for a full technical analysis is beyond the scope of this summary.”

My own on-ground photographic evidence suggests the Breadalbane burn-off as the source of the smoke. The Act accepts as evidence of pollution...

53A. Evidentiary provision for environmental nuisance

“If, in a proceeding for an offence against section 53(1) or (2), an authorized officer or a council officer gives evidence, based on the officer's own senses, that noise, smoke, dust, fumes or odour was emitted from a place occupied by the defendant and travelled to, or was, or was likely to be, detectable at, a place occupied by another person, that evidence is prima facie evidence of the matters so stated.” An authorized officer includes a police officer and/or a council officer.

Surely there was in attendance such an authorized officer who could inform the EPA that the extent of the fire and its plume was such that it was likely to be detectable at ‘*a place occupied by another person*’. The initial summary/preliminary report was disappointing.

2:

"Officers of the EPA will review all the available data relating to this complaint and determine whether a more detailed analysis is appropriate." Given the EPA's 'no further action' response, it seems to me that a "more detailed analysis" was not deemed appropriate when the review was concluded. This is surprising, as I had informed the EPA that I had photos which related to the burn-off. Nor is any mention made in the preliminary report of the EPA contacting the local Council or the police.

3:

"Air Quality data is collected by the EPA Division from the BLANKET network of air monitoring stations. Details of the data collected at BLANKET Station located at South Launceston on the 16th and 17th May 2012 shown in Figure 2. The South Launceston BLANKET Station was chosen for analysis in respect to this complaint as it is the closest station to the Breadalbane area."

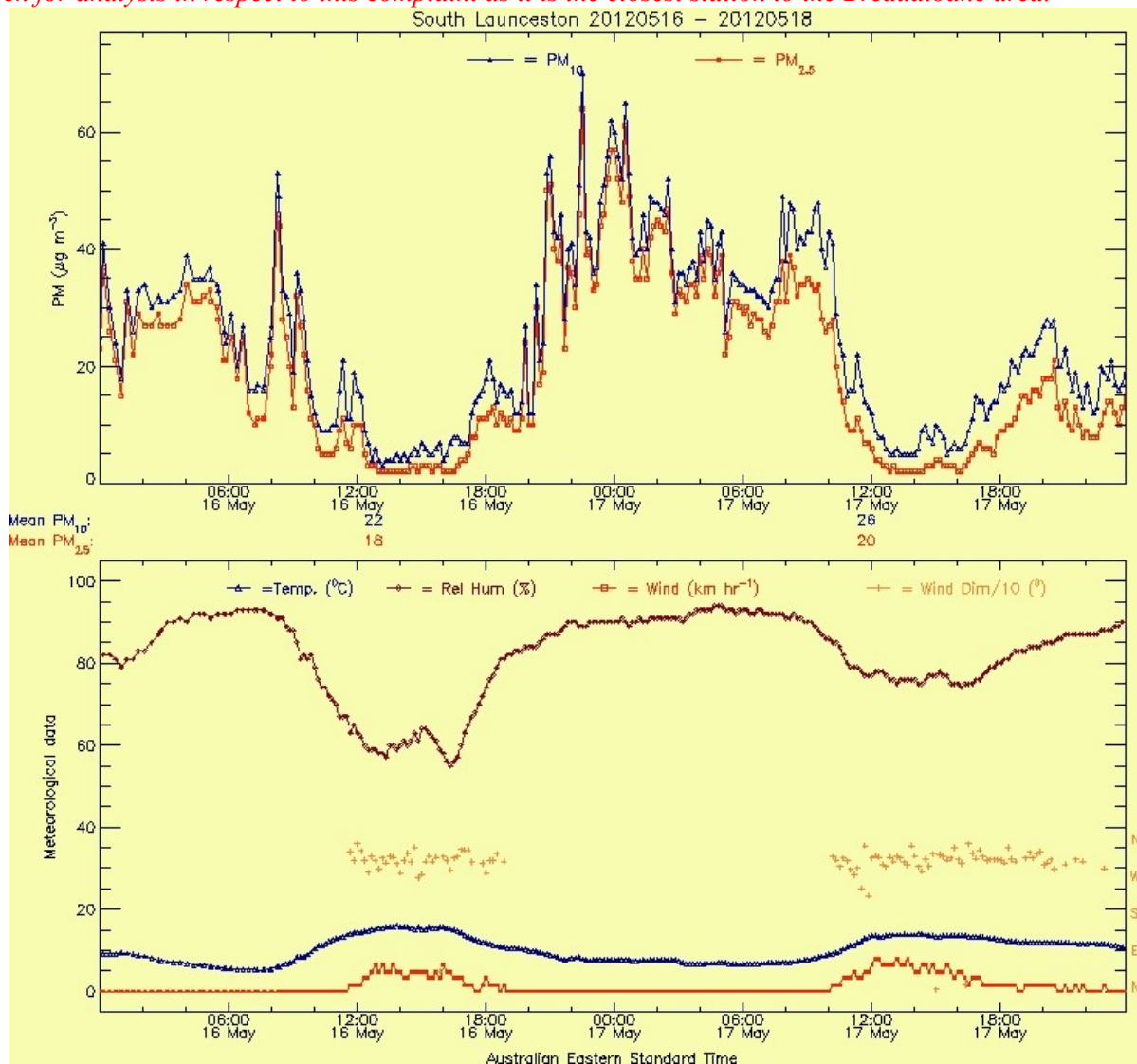


Fig 1: - A plot of smoke concentrations detected by the BLANKET Air Monitoring Station at South Launceston, on the 16th and 17th May 2012. Data from the Station indicates that daily average PM_{2.5} was 18 µg m⁻³ on the 16th May and 20 µg m⁻³ on the 17th May.

Please keep in mind that National Environment Protection (Air Toxics) Measure (NEPM), adopted as a State Policy in Tasmania, requires PM_{2.5} levels to average in excess of 25 µg m⁻³ for 24 hours from midnight to midnight before an exceedence is reported. (In fact, to my knowledge, PM_{2.5}s don't rate officially under the NEPM). However, this is not a measure which is well suited to the Tamar Valley – and possibly not anywhere. Why not in the Tamar? Look at the above figure. Top half. The amount of particulate matter in the air rose noticeably from 6pm on the 16th May, and didn't drop till midday the next day. At the same time (Fig 1, bottom half), the wind had dropped, as it had done the night before. This is not unusual. I point out that the smoke over Launceston on the morning of the 17th did not come from wood-heaters – my other photos show that fact. Given the lack of wind overnight, the smoke did not come upriver from some distant point of origin. It had to be 'local' and it was. It could be seen still smoking considerably and inclining horizontally to the East, and draining down into Launceston. Regularly, the Launceston airshed is still. And cool. That's at night. In autumn and winter and even spring, it's cool at night when clearing winds stall. Sometimes we cop the planned burns, spring and Autumn. In the thick of winter we get the woodheaters piggy-backing the industrial emissions. It doesn't take 24 hours from midnight to midnight for someone with COPD to experience life threatening situations due to the advent of an afternoon burn-off. Please review the earlier photo for the 17th May 2012, showing the City of Launceston enveloped in smoke and showing that overnight burn-off from Breadalbane still burning and polluting. According to the EPA, there was no action to be taken. According to the NEPM, we weren't being polluted.

It would be helpful to view the plots and data for Ti Tree bend for the morning and afternoon of 17th May, 2012. At the moment, validated data are not available to the public – there is some website/network problem, a redesign perhaps, so that while *real-time* air quality information is publicly available, validated data are not.

A second related matter is that of the location of the BLANkET stations. The Ti Tree Bend BLANkET station lies some three and a half kilometres down river from my residence on the edge of the CBD. It often seems to be at a distance from the smoke haze which gathers over the CBD and built up areas. The more recently opened South Launceston BLANkET Station is closer, to my east, but sitting above much of the city's air, up along the spine of High St's Windmill Hill.

In any case, wherever the stations might be, we have (**above: Fig 1**) that one data plot [above] from the EPA, which in shows at the bottom a red line which indicates wind direction. That red line (between 7:00pm 16 May and 10am on the following morning, the 17th of May) flat lines, telling us that there was no wind, or more precisely, a wind speed of zero kilometres per hour. Above it is the temperature, represented by the blue line, and then further above, the wind directions, again indicating that there was no wind in any direction between the hours mentioned. The absence of recorded wind does not mean that there was no air movement. While insufficient perhaps to move tree leaves or winds vanes, we yet observe often how smoke, rising from wood heaters on apparently windless Sunday mornings, attains a certain height and then moves horizontally... my 17 May photo of that large horizontal smoke plume feeding the smoky Tamar demonstrates this point ... the plume had direction and travel, while no wind was recorded.

Down hill, down valley, down stream ... down.



Pic 4: Launceston – a topographical view - from the LIST, with additions.

Launceston is at sea level. In the image above, a navigable part of the Tamar River and that of Cataract Gorge can be seen in white. Similarly, the North Esk past Seaport can be seen as white. To the right of that can be seen the northern tip of a spine of hill – 'Windmill Hill'. The 'flat' grey areas around it signify altitudes close to sea-level and it can be seen that at that level, the North Esk River, and its floodplain are quite lengthy, extending south east, as can be seen in the image above, nearly to the bottom of the frame. The hills bordering the North Esk river can often be observed draining not just the water catchment, but also draining smoke contained in the airshed, an 'air catchment' between the sides of the valley. Like water, smoke in the North Esk airshed tends to drain to the north west, i.e., from a nominal starting point at Relbia, then negotiating the lower parts of Norwood and St Leonards, Newstead, Killafaddy, (below Waverley), the intertidal zone below Ravenswood, then (East L.), Launceston, Inveresk and Invermay, finally joining with waters from the South Esk at Home Point: the River Edge ... 'where the rivers meet the tide'. Launceston is a marvelous town. By day surface winds along the river are often from the NW, but at night it's a different story. Here's are two extracts from the then (c. 2004) Air Quality Strategy – Tamar Valley Airshed that explains what happens to Launceston air:

“The orientation of the Tamar Valley in a SE-NW direction, bounded by ridges and hills creates local air drainage of cold air (katabatic winds) which fall down the slopes creating a cold air layer close to the ground with a warmer layer of air above. This is what is called an inversion, a reversal of the normal situation where the colder air is generally higher than the air at ground level which is warmed by the heat stored in the earth from the sun. It is likely this cold air drainage occurs from as far inland as Perth and Hadspen. Plumes of smoke from point sources in the northern midlands have been observed drifting into and over the southern suburbs of Launceston when inversions occur.”

Light daytime winds push the cold layer of air which has gathered a pollution load over night, especially in winter when woodheaters are operating, in a southerly direction with the highest levels of pollution building up along the North Esk River basin. During the night the katabatic winds from the surrounding slopes drive this layer of polluted air back down the Tamar towards Legana and beyond.

As the air mass receives more pollutants nightly and drifts up the Tamar and back over the city each 24 hour period, particles and other pollutants build up to unsustainable levels causing the health affects identified above. These inversions can persist for several days at a time as a result of high pressure systems over Tasmania before a new weather system comes in to blow the pollution away.”

and

“Recent monitoring seems to indicate that the particle pollution levels experienced in Launceston extend from Legana to Hadspen at times of poor atmospheric dispersion. Contributing sources include fires on the agricultural plains to the south, forest fires in the north-west and east, as well as local sources such as woodheaters, backyard burning and other outdoor fires.”

[View the c. 2004 [Air Quality Strategy Tamar Valley Airshed](#)]

Environmental Management and Pollution Control Act 1994.

PART 2 - Objectives of the Environmental Management and Pollution Control System Established by this Act

Objectives of the Environmental Management and Pollution Control System Established by this Act

3. The objectives of the environmental management and pollution control system established by this Act are, in support of the objectives set out in Part 1 of this Schedule –

- (a) to protect and enhance the quality of the Tasmanian environment; and
- (b) to prevent environmental degradation and adverse risks to human and ecosystem health [...]

Environment Protection Policy (Air Quality) 2004 = [EPP \(Air Quality\) 2004 \(PDF, 247KB\)](#)

Part 3 - ENVIRONMENTAL VALUES AND STANDARDS

Environmental values

6. (1) Environmental values are the values or uses of the environment that are to be protected.

(2) The environmental values to be protected under this Policy are –

- (a) the life, health and well-being of humans at present and in the future;
- (b) the life, health and well-being of other forms of life, including the present and future health, wellbeing and integrity of ecosystems and ecological processes;
- (c) visual amenity; and
- (d) the useful life and aesthetic appearance of buildings, structures, property and materials.

What are the national standards for PM₁₀ and PM_{2.5}?

The National Environmental Protection (Ambient Air Quality) Measure (known as the Air NEPM) stipulates air quality standards in Australia. For PM₁₀ there is a 24-hour standard of 50 µg m⁻³ (50 millionth of a gram per cubic metre). That is, if PM₁₀ levels measured by a reference instrument, averaged over 24 hours, exceeds 50 µg m⁻³, an exceedence of the standard is recorded. The Air NEPM also stipulates that the reporting interval is the calendar day (midnight to midnight). For PM_{2.5}, an advisory 24-hour reporting limit is set at 25 µg m⁻³. It is likely that this reporting limit will become a national standard in the future.

Currently there are no air quality standards for PM₁₀ or PM_{2.5} for intervals shorter than 24-hours. That is, if PM₁₀ levels exceed 50 µg m⁻³ for only one or two hours, but for the rest of the 24-hour interval PM₁₀ levels are low so the day-average is below 50 µg m⁻³, then an exceedence would not be recorded. There is significant interest both in Australia and overseas in specifying PM₁₀ and PM_{2.5} standards for intervals shorter than 24-hours. Such standards may be enacted in the future.

[from the Tas EPA website]



Pic 5: Part of the burnt areas of the Breadalbane property where the gorse was burnt.

Other parts of the property show regrowth where the gorse has previously been burnt off. The efficacy of this sort of burning as a method of weed control is questioned.

Extreme smoke pollution in Launceston City area in May result of burning gorse on private property, not Forestry Tasmania burn-offs, says State Govt

Posted by gmarkets on 3 September, 2007

*Smoke pollution over Launceston last May was not caused by Forestry Tasmania burnoffs, said Mr Doug Parkinson, Leader of the Government in the Council, answering a question from Independent MLC and Launceston Mayor Ivan Dean in the Tasmanian Legislative Council on 22 August 2007. **Gorse, not forestry:** Parkinson told the Council that the answer involved a lot of figures and charts. "Smoke which affected Launceston during the period outlined by Hon Ivan Dean MLC is most likely to have come from burning of gorse on private property at Breadalbane and Hadspen/Carrick which went on for a week or so," he said. "A satellite image taken at the time that smoke and fog caused the closure of Launceston Airport shows that the smoke from Forestry Tasmania burns in the central north and north-east of Tasmania was travelling away from Launceston."*

This indicates (and confirms my own then observations) that the property which was the source of the May 2012 smoke has been linked to **earlier** smoke events.

Supplementary Information (2006): *“The majority of PM10 exceedences in Launceston occur in winter, and are generally associated with emissions from domestic solid fuel burning during the coolest months of the year. Table 1, which is when exceedences of the National Environment Protection Standard are more likely to occur. Despite the reduction in the number of wood heaters in Launceston, domestic solid fuel burning is still the main source of PM10 emissions. Emissions from paved and unpaved roads and motor vehicles are the next largest contributors. Industrial emissions contribute approximately 6 per cent to PM10 emissions in Launceston during the coolest six months of the year [...] It is possible that other particulate sources such as fuel reduction and regeneration burns outside the Launceston City Council area may also contribute to PM10 levels in Launceston.”* (epa.tas.gov.au/Documents/Tasmanian_Air_Quality_Strategy.pdf)

OPINION:

The failure of the EPA to prosecute in this matter of the closure of an airport in 2007 and of the smoking out of a city in 2012 exemplifies exactly that ... a failure of the EPA. I am mindful of the EPA's many successes, and its current 'Burn Brighter this Winter' campaign. However, this Breadalbane Burn exemplifies one area of consistent failure in the EPA. It fails in its duty to protect the Tasmanian public from pernicious smoke. What can I say about the EPA? That it was **proactively** happy to give Gunns the go-ahead, saying that the mill project had been substantially commenced, when Blind Freddy could not even locate a single dunny, when the site hadn't even been levelled? Often, perhaps even most times or (dare I write it?), *'always'* finding reason *not* to prosecute when planned burn smoke impinges on the health and safety of ordinary citizens. The law is there to support prosecutions. Yet the agency doesn't prosecute. Instead it 'passes the buck' and points to the NEPM, which require that we be smoked out for a period of 24 hours before anyone will even admit to an air pollution event. That reliance on the NEPM is a cop-out. We have our own state law, the EMPC Act 1994, which in sections 50-54, deals with the issue as an offences against the Act, provides for penalties etc. Yet our EPA fiddles while Tasmania burns.



Pic 6: Isn't it a pity? Now, isn't it a shame? - Launceston, 3rd August, 2012.

I remind my fellow readers that Tasmania **had** a Department of the Environment, until David Bartlett/Michelle O'Byrne dismantled it. She is still in cabinet. Do I recall correctly that her brother David took the portfolio from her? Now Brian Wightman has it. I ask: **Should we celebrate that ours was the first government in the world to abolish a Department of the Environment?**

The **Environmental Management and Pollution Control Act 1994** established the EPA. (Environmental Protection Authority). The Authority consists of the Board and the Director. [12. Establishment of Environment Protection Authority & 13. Board of Environment Protection Authority]

"The Board must perform such other functions as are conferred on it by or under this Act or any other Act ... The Board may do all things necessary or convenient to be done for or in connection with, or incidental to, the performance of its functions." [14. Functions

and powers of Board]

"The functions of the Board are to administer and enforce the provisions of this Act, and in particular, to use its best endeavours – [...] to further the objectives of this Act..."

"It is the obligation of any person on whom a function is imposed or a power is conferred under this Act to perform the function or to exercise the power in such a manner as to further the objectives set out in Schedule 1." [from 8. Objectives to be furthered]

"For the purposes of this Act, environmental harm is any adverse effect on the environment (of whatever degree or duration) and includes an environmental nuisance." [5. Environmental harm]

environmental nuisance means –(a) the emission of a pollutant that unreasonably interferes with, or is likely to unreasonably interfere with, a person's enjoyment of the environment; and(b) any emission specified in an environment protection policy to be an environmental nuisance; [3. Interpretation]

So now we know what an environmental harm includes: An unreasonable interference with 'a person's enjoyment of the environment'.

5 (5) For the purposes of this Act, environmental harm is caused by pollution –

(a) whether the harm is a direct or indirect result of the pollution; and

(b) whether the harm results from the pollution alone or from the combined effects of the pollution and other factors.

So why does the EPA not prosecute Smoke? We don't need to be lawyers or judges to understand the import of these words. Does the EPA not understand them? See again our beloved Launceston (page 3, Pic 3).

The EPA Compliance and Investigation Section, 'given the information it has to hand', will not undertake a compliance investigation of the May 2012 Breadalbane burn-off. The view is that the interpretation of 'environmental harm' defined this as *requiring evidence that a person was actually affected by the smoke. By themselves, measurements that the smoke concentrations in the plume were high would not constitute evidence of environmental harm before a court, although the data could be used to support a claim by an affected person that harm did occur*'. However, the Act (Section 51 A) provides that it is an offence to deposit a pollutant where environmental harm may be caused, and further provides (Section 53) that it is an offence to cause an environmental nuisance. These two Sections **do not** require evidence that the environmental harm resulted in *'an actual adverse effect on the health or safety of human beings'*.

The Northern Midlands Council advises that it enforces 'no backyard burns' in towns within the Municipality, but *has no policy for burns in rural areas*'.

APPENDIX

The definition of **environmental harm** given in the Act is this: *"For the purposes of this Act, environmental harm is any adverse effect on the environment (of whatever degree or duration) and includes an environmental nuisance."*

environmental nuisance means –"(a) the emission of a pollutant that unreasonably interferes with, or is likely to unreasonably interfere with, a person's enjoyment of the environment; and(b) any emission specified in an environment protection policy to be an environmental nuisance;" the

Environment Protection Policy (Air Quality) 2004 includes the following values to be protected by the policy: *"the life, health and well-being of humans at present [...] and visual amenity[...]"*.

Objectives to be furthered [Section 8]"

It is the obligation of any person on whom a function is imposed or a power is conferred under this Act to perform the function or to exercise the power in such a manner as to further the objectives set out in [Schedule 1](#).

53. Offence of causing environmental nuisance

(1) A person who wilfully and unlawfully causes an environmental nuisance is guilty of an offence.

Penalty:

Fine not exceeding 300 penalty units.

(2) A person who unlawfully causes an environmental nuisance is guilty of an offence.

Penalty:

Fine not exceeding 100 penalty units.

Clearly there is scope for the EPA to act. Let us consider the EPA's acronym ... the Environment Protection Authority. With regard to smoke pollution, it seems fair to question whether the Authority is living up to its name and protecting us from smoke by enforcing the law. Under the Act, the

Board of the EPA *"must perform such other functions as are conferred on it by or under this Act or any other Act ... The Board may do all things necessary or convenient to be done for or in connection with, or incidental to, the performance of its functions."* [14.

Functions and powers of Board] The law is there, though it seems that the will to enforce it is not. And so Launceston can be covered in smoke and the EPA declines to enforce the law.

level 1 activity means an activity which may cause environmental harm and in respect of which a permit under the [Land Use Planning and Approvals Act 1993](#) is required but does not include a level 2 activity or a level 3 activity;

level 2 activity means an activity specified in [Schedule 2](#);

level 3 activity means an activity which is a project of State significance under the *State Policies and Projects Act 1993*;

[Environmental Management and Pollution Control Act 1994]

permit means any permit, approval or consent required by a planning scheme or special planning order to be issued or given by a municipality in respect of the use or development of any land; [Land Use Planning and Approvals Act 1993]

Planned Burning [ENVIRONMENT PROTECTION POLICY (AIR QUALITY) 2004]

17. (1) “Planned burning” is the planned application of fire to vegetation under controlled conditions to achieve a deliberate outcome. Planned burning includes low intensity fuel reduction, ecological management, and high intensity regeneration and windrow burning. Planned burning does not include burning undertaken to control existing wildfires.

“**µg/m³**” [ENVIRONMENT PROTECTION POLICY (AIR QUALITY) 2004] means micrograms per cubic metre referenced to a temperature of 0 degrees Celsius and an absolute pressure of 101.325 kilopascals;

“**NEPM**” [[ENVIRONMENT PROTECTION POLICY (AIR QUALITY) 2004]] means a national environmental protection measure within the meaning of the *National Environment Protection Council (Tasmania) Act 1995*;

Table 1: [1] **9.2.2 TABLE OF USES AND DEVELOPMENTS IN THE RURAL AGRICULTURE (RU1) ZONE**

1	2	3	4
PERMITTED (NO PERMIT REQUIRED) ³	PERMITTED (WITH PERMIT) ³	DISCRETIONARY (WITH PERMIT) ³	PROHIBITED
Agriculture Animal Husbandry Environmental Management Utility Services (minor)	Animal Saleyard/ Animal Stockyard Home Business House ² Industry Light ¹ Industry Rural Plant Nursery Recreation Passive Wood Yard	Abattoir Animal Breeding, Boarding, Keeping or Training Aquaculture Emergency Services Facility Equestrian Facility Forestry Garden Centre Guest House Holiday Unit House and Ancillary Apartment Industry Extractive Institutional Building ¹ Intensive Horticulture Motor Sport ¹ Place of Assembly ¹ Place of Worship ¹ Roadside Stall ¹ Rural Dwelling (Multiple) Sports Ground ¹ Store ¹ Subdivision Timber Mill Tourist Operation Transport Depot Utility Services (major) Waste Transfer Station Welfare Building ¹ Use or development in accordance with Clause 2.6.1(iii)	All other uses.

The Planning Scheme thus allows anything deemed to come under the term 'agriculture' to be able to be conducted without a permit. Since the burn-offs at Breadalbane occurred on an agricultural property, under the Planning Scheme ... 'they could do what they want'.

Nota bene below : (i) *the removal of non indigenous weeds;* [from 'Northern Midlands Planning Scheme 1995']

[Whilst the Act exempts burn-offs from environmental harm considerations if they are done for the purposes of fire risk/fuel reduction considerations, under this Local Government planning scheme, while the gorse burn did not need a permit, it yet was not exempt from the Act.]

14.7 VEGETATION AND TREE REMOVAL PROTECTION

14.7.1 The clearing of land or destruction of any trees or natural understorey in any zone shall require a permit pursuant to Clause 2.6 unless it is for the purpose of:

- (a) any soil conservation and reclamation works ordered or approved by Council;
- (b) damage prevention purposes or the tree removal requirements for maintenance purposes by Council or Public Authorities;
- (c) fire hazard reduction purposes as agreed by a Forest Officer;
- (d) the removal of hazard or to provide clear access for vehicles along access tracks;
- (e) the purpose of construction or maintenance provided that the tree is within 10m of an existing building, or shown as within 10m of the site of a proposed building on a plan approved by Council;
- (f) the removal of any dead or diseased trees, timber or branches;
- (g) pruning and the general maintenance of a garden, including the removal of any tree(s) having a height less than 10 metres measured from the lowest adjacent ground level or a spread of branches less than 6 metres, but does not include a hedgerow;
- (h) general minor needs of the owner/occupier of the land including:-
 - for improvements to existing pasture or cropping land;
 - for fence posts, firewood and the general construction needs associated with maintaining or developing the land;
- (i) the removal of non indigenous weeds;