

# Burning off

## Frequently Asked Questions

### Can I light a fire in a residential area?

Not without a Permit to Burn. Permits are required for all land types and sizes. Properties less than 1,600 m<sup>2</sup> in size are generally not eligible for a permit and should instead take advantage of other green waste disposal options including the Frankston Regional Recycling and Recovery Centre.

### How much is a permit?

Residential and commercial permit costs are reviewed annually. Please check the Frankston City Council website for current pricing. These are non-refundable application fees.

### How do I apply for a permit?

Online permit applications are preferred, visit: [frankston.vic.gov.au](http://frankston.vic.gov.au)

### When can I burn off with a permit?

Days allowed for burning with a permit are Friday and Saturday between 9am and 4pm. Applications for a Permit to Burn open each year at the end of the Fire Danger Period. All permits expire on 30 November each year or at the onset of the Fire Danger Period (whichever is earlier).

### I have an incinerator in the backyard, can I use it?

No, incinerators have been banned since 1995.

### I live in a rural area/on an acreage block, do I still need a permit?

Yes, all properties within Frankston City require a Permit to Burn, regardless of the block size or location.

### Is any open air burning allowed without a permit?

Barbecues, pizza ovens, chimineas and braziers are allowed to be used without a permit provided they are being used for the purpose for which they were designed and the smoke is not causing a public nuisance. Different restrictions apply during the Fire Danger Period and on a day of Total Fire Ban, visit: [cfa.vic.gov.au](http://cfa.vic.gov.au)

In the event of an emergency

## Dial 000

for Police, Ambulance or Fire Brigade

Are you burning off safely?		
<input checked="" type="checkbox"/>	Tick these actions	Follow these steps to burn off safely
<input type="checkbox"/>	Have you checked your permit conditions?	This will ensure you are complying with restrictions when burning off.
<input type="checkbox"/>	Have you checked the weather?	Check weather forecasts for the day you plan to burn. If the wind is greater than 20km/h you must postpone your burn.  Also check the weather forecast for a few days afterwards. Strong winds on days following your burn can reignite the fire.
<input type="checkbox"/>	Do you have an adequate water supply?	You need to have enough water ready to extinguish a possible outbreak. You must have access to a connected hose or at least 10 litres on hand.
<input type="checkbox"/>	Clean up around your burn site	Create a 3 metre clearance of all flammable material around your whole burn site.
<input type="checkbox"/>	Have you registered your burn off?	To register your burn off, phone <b>1800 668 511</b> . This will ensure the fire services aren't called out unnecessarily to your burn.
<input type="checkbox"/>	Have you notified your neighbours?	Ensure you are considerate of your neighbours when burning off. Notify them if you are in close proximity and the smoke will affect them.
<input type="checkbox"/>	Have you put the fire out properly?	Make sure there are enough physically capable adults to monitor, contain and extinguish your burn safely and effectively.  Ensure that your fire is 100 per cent out before you leave it.

# A guide to burning off



## Requirements for lighting fires within Frankston City

Lifestyle Capital of Victoria



**Frankston City Council**  
30 Davey Street  
Frankston VIC 3199  
**Phone** 1300 322 322  
[frankston.vic.gov.au](http://frankston.vic.gov.au)



- Frankston City Council receives many complaints about open air burning in the municipality. Open air burning is regulated under Frankston City Council Community Local Law 2020, Part 3.12 so that all residents can enjoy a healthy environment
- Green waste can be disposed of at the Frankston Regional Recycling and Recovery Centre (FRRRC) open 8am–4pm daily
- No person may light, or allow to remain alight, a fire in the open air unless a Permit to Burn has first been obtained from Council. Barbecues, pizza ovens, chimineas and braziers are allowed provided they are being used for the purpose for which they were designed and the smoke is not causing a public nuisance
- The owner or occupier of land where a fire has been lit without a Permit to Burn must immediately take all steps necessary to make it safe and completely extinguish the fire
- No person may burn any substance in the open air on any land in such a manner as to cause a nuisance or is offensive or a health hazard
- Fires must not be lit in incinerators at any time within the Frankston City Council municipality

## The law regarding burning off

### Frankston City Council Community Local Law 2020

#### Part 3.12 Open Air Burning and Chimneys

- a. In this clause 3.12, “in the open air” has the same meaning as that contained in Division 2 of Part III of the *Country Fire Authority Act 1958*.
- b. A person must not light a fire in the open air on any land within the municipality, including in an incinerator.
- c. The prohibition in subclause 3.12(b) does not apply to:
  - i. A barbecue, pizza oven or other properly constructed appliance while it is being used for cooking food;
  - ii. A fire in a brazier or chimenea while it is being used for heating;
  - iii. A tool of trade while being used for the purpose for which it was designed;
  - iv. A fire lit during the course of duty by a member of a fire or emergency services agency; or
  - v. A person to whom Council or an Authorised Officer has granted a permit.

*Specific conditions apply to permit holders on different land sizes and types. For a full copy of Community Local Law 2020 please visit: [frankston.vic.gov.au](http://frankston.vic.gov.au)*

- d. A person must not light a fire on any land by using any of the following materials:  
Green or wet material; non timber based building materials; treated timber materials; rubber or plastic, including plastic mulch, plant pots and packaging materials; furnishings and carpet; manufactured chemicals; petroleum or oil products; paint, including any container in which paint is kept; food waste; manure and straw; carcasses or dead animals or birds, unless prescribed by the Department of Environment, Land, Water and Planning (or any other Department with operational responsibility for such matters) as the only means of disposal; other offensive, noxious or toxic matter as determined by an Authorised Officer and published on Council’s website.

## During the fire danger period

In accordance with the **Country Fire Authority Act 1958** during the declared Fire Danger Period:

- A person shall not light a fire in the open air except in accordance with a Schedule 13 Permit issued by a Fire Prevention Officer.\*
- A person who has lit a fire in the open air or who has been left in charge of a fire in the open air shall not leave the place of the fire unless they completely extinguish the fire before leaving or have left another person who has the capacity and the means to extinguish the fire in charge of the fire.

**\*Please note:** a Schedule 13 Permit is a different permit to the Permit to Burn issued by Council under the Local Law. A Permit to Burn issued by Council under the Local Law expires automatically on 30 November or at the onset of the Fire Danger Period (whichever is earlier).

Frankston City Council will generally not issue a Schedule 13 Permit during the Fire Danger Period. It would only consider an application under very rare circumstances. Residents are encouraged to obtain a permit for greenwaste removal outside of the Fire Danger Period.

There is provision in the *Country Fire Authority Act 1958* which allows for limited types of open air fires during the Fire Danger Period.

Visit: [cfa.vic.gov.au/warnings-restrictions/can/](http://cfa.vic.gov.au/warnings-restrictions/can/)

