

*Fire and Emergency Services Act 1990***NOTIFICATION FOR BURNING OF SUGAR CANE****Title**

1. This notification shall be known as the *Notification for Burning of Sugar Cane*.

Commencement

2. This notification will commence from the date of gazettal on 31 May 2019 and will remain in force until such time as it is cancelled, amended or revoked.
3. This notification supersedes and revokes the 2004 notification as published in the Queensland Government Gazette on 6 August 2004 (Gazette number 72) and clauses 3, 5, and 6 of the 2010 notification, issued by the Commissioner of the Queensland Fire and Rescue Service as published 30 July 2010 (Gazette number 112).

Authorising Law

4. The law under which this notification is approved is section 63 of the *Fire and Emergency Services Act 1990*.

Relationship with other laws and requirements

5. An owner or occupier of a parcel of land used for the production of sugar cane that is subject to a supply contract with a sugar mill (the owner or occupier) must obtain a Permit to Light Fire in accordance with section 65 of the *Fire and Emergency Services Act 1990* before lighting a fire to burn sugar cane, tops or trash on a parcel of land used for the production of sugar cane if they are unable to comply with or hold the belief that they are unable to comply with clauses 8 to 17 of this notification.
6. As per sections 86A to 86G of the *Fire and Emergency Services Act 1990*, this notification does not authorise the lighting of a fire in a part of the State during a period in respect of which a Local Fire Ban has been declared.
7. This notification does not exempt the owner or occupier from complying with other legislation, laws, regulations or policies of the Commonwealth, State or Local Governments.

Burning of Sugar Cane in particular circumstances

8. Subject to clauses 9 to 17, the owner or occupier of a parcel of land used for the production of sugar cane that is subject to a supply contract with a sugar mill may light a fire on that parcel of land for the purpose of burning sugar cane, tops or trash.

9. The lighting of fire must conform with any Local Law administered by a Local Government whose jurisdiction is applicable to the owner or occupier of the parcel of land where it is proposed to light the fire, and the provisions of the *Environmental Protection Act 1994*.
10. The area of cane to be burned must be separated from any flammable material on any adjoining parcel of land by a vehicular access track on the parcel of land where the fire is to be lit that is clear of flammable material which could cause or contribute to the spread of fire.
11. In the case of a fire lit for the purpose of burning any residual tops or trash, the residual tops or trash must be at least 10 meters from any headland and from all other flammable material.
12. The parcel of land on which the fire will be lit:
 - (a) must only adjoin:
 - i. parcels of land used for the production of sugar cane on every side of the parcel of land where the fire is to be lit; or
 - ii. parcels of land dedicated as a road in accordance with the *Land Act 1994* that has parcels of land used for the production of sugar cane on both sides provided that the parcel of land does not include a highway or main road; or
 - iii. a single parcel of land of no greater than 2,000 square metres provided that this parcel of land:
 - is also owned or occupied by the owner or occupier of the parcel of land to be burned, and
 - includes no more than two residential dwellings that are separated from the area of cane to be burnt by an area that is clear of flammable material which could cause or contribute to the spread of fire that is no less than 10 meters wide, and
 - is surrounded by other parcels of land used for the production of sugar cane or adjoins a parcel of land dedicated as a road in accordance with the *Land Act 1994* that does not include a highway or main road, which has parcels of land used for the production of sugar cane on the opposite side; or
 - iv. parcels of land used for rural purposes other than the production of sugar cane (e.g. grazing, other crop production, horticulture, nature conservation, waterways, or stock routes); provided that:
 - the area of cane to be burned is separated from any flammable material, buildings or other property on the adjoining parcel of land by an area that is clear of flammable material which could cause or contribute to the spread of fire that is no less than 10 meters wide, and
 - the owner or occupier of the adjoining parcel of land has provided written advice to the owner or occupier of the parcel of land to be burned, in the year that the burning is to be undertaken, that they do not object to the proposed lighting of fire and
 - (b) must not adjoin:
 - i. a parcel of land dedicated as a road in accordance with the *Land Act 1994* that includes a highway or main road; or
 - ii. a parcel of land that is used for urban purposes or other intensive activities (e.g. residential, rural-residential, commercial, industrial, community activities, utilities, airports, railways, mining, quarries, plantation forests or intensive animal production); except a parcel of land defined in clause 12 a) iii.

13. No burning is to be conducted:
- (a) between 10 o'clock in the morning and 2 o'clock in the afternoon; or
 - (b) if the forecast wind speed from the Bureau of Meteorology on the day of the proposed burn exceeds 24 kilometres per hour for the locality of the area to be burnt, at any point in time during the expected duration of the burn; or
 - (c) if the wind direction is likely to cause smoke from the fire to become a hazard on a local road, main road or highway.
14. Where the area to be burnt adjoins or is within 100 metres of a local road, main road or highway, signs that comply with the Department of Transport and Main Roads standard sign T4-6-Q01A (a rectangular sign 900 millimetres x 600 millimetres with the words SMOKE HAZARD in black with a retroreflective fluorescent yellow background) must be:
- (a) erected to face traffic on all approaches to the hazard on the left side of the road for approaching drivers, and
 - (b) arranged to be prominently displayed to traffic and command attention as follows:
 - i. mounted clear of the ground and free of obstruction with a minimum height from the shoulder surface to the bottom edge of the sign of 200 millimetres, and
 - ii. placed at least 1 metre clear of the path that vehicles would take when travelling this section of road, taking into account the need for vehicles to pass one another, and
 - (c) located 160 meters to 240 meters from the smoke hazard.
15. The following minimum precautions must be in place while the fire is active:
- (a) at least three (3) persons must be on site who are mentally and physically capable of undertaking fire-fighting, legally permitted to operate necessary equipment and wearing appropriate clothing; and
 - (b) all persons and vehicles on site must have appropriate communications equipment; and
 - (c) at least one (1) vehicle must be on site that is fitted with a water tank containing sufficient water and with capability to access and extinguish fire; and
 - (d) at least one (1) vehicle or equipment capable of creating a bare earth firebreak must be available.
16. Once the fire is no longer active, the perimeter of the burnt area must be patrolled by at least two (2) persons with capabilities specified in clause 15 a), communications equipment as specified in clause 15 b) and one (1) vehicle with capabilities specified in clause 15 c) until any residual fire within the burnt area is extinguished.
17. Where the fire to be lit is within 25 metres of a high voltage transmission line, the owner or occupier must comply with requirements of Powerlink Queensland.
For further information about these requirements, contact Powerlink Queensland or visit <https://www.powerlink.com.au/reports/burning-sugarcane-near-transmission-lines>
- local road* A street or local road controlled by local government as per mapping information available from the Fire Warden Finder at https://www.ruralfire.qld.gov.au/Pages/fw_finder.aspx or <https://qldglobe.information.qld.gov.au/>. Enquiries in relation to navigation and features of the Queensland Globe website should be directed to opendata@dnrme.qld.gov.au
- main road* A state controlled secondary road or Local Government connector road as per mapping information available from the Fire Warden Finder at https://www.ruralfire.qld.gov.au/Pages/fw_finder.aspx or <https://qldglobe.information.qld.gov.au/>. Enquiries in relation to navigation and features of the Queensland Globe website should be directed to opendata@dnrme.qld.gov.au
- parcel of land* A lot, being a separate, distinct parcel of land created on— (a) the registration of a plan of subdivision; or (b) the recording of particulars of an instrument, as defined by the *Land Title Act 1994*; and includes a lot under the *Building Units and Group Titles Act 1980*. Lot perimeter information can be identified on the Queensland Government Globe website at <https://qldglobe.information.qld.gov.au>. Enquiries in relation to navigation and features of the Queensland Globe website should be directed to opendata@dnrme.qld.gov.au
- private road* A private road as per mapping information available from the Fire Warden Finder at https://www.ruralfire.qld.gov.au/Pages/fw_finder.aspx or <https://qldglobe.information.qld.gov.au/>. Enquiries in relation to navigation and features of the Queensland Globe website should be directed to opendata@dnrme.qld.gov.au
- residual tops or trash* Organic material remaining after harvesting of sugar cane including the top leafy section of cane removed during harvesting and dead cane leaves which may or may not be attached to the mature cane stick. Also referred to as a trash blanket.
- supply contract* (a) a written contract, complying with chapter 2, part 2, division 1, of the *Sugar Industry Act 1999* made between a grower and a mill owner for the supply of cane by the grower to the mill; and
(b) includes a supply contract taken to have been made under section 33A(10) of the *Sugar Industry Act 1999*.

Deputy Commissioner
Queensland Fire and Emergency Services

Definitions

18. In this notification, relevant references are defined as follows:

highway A state controlled freeway, motorway or highway as per mapping information available from the Fire Warden Finder at https://www.ruralfire.qld.gov.au/Pages/fw_finder.aspx or <https://qldglobe.information.qld.gov.au/>. Enquiries in relation to navigation and features of the Queensland Globe website should be directed to opendata@dnrme.qld.gov.au