

# Control of Burning Policy

**Date Adopted:** Thursday, 18 December 2025

**Version:** 3.0

## Policy Objectives

The Protection of the Environment Operations (Clean Air) Regulation 2022 gives Council the authority to issue approvals to burn dead and dry vegetative matter to “any particular person” and to any “class of persons”. This policy identifies the “classes of person” that will be given consideration to burn approved materials.

This Policy aims to provide Council with direction on the issuing of approvals to burn dead and dry vegetative material in the open to classes of persons. In particular the policy aims to:

- Define the classes of persons that have approval to burn dead and dry vegetative materials under the Protection of the Environment Operations (Clean Air) Regulation 2022, and
- Outline under what conditions an approval to burn dead and dry vegetative materials in the open will be granted.

## Policy Scope

Burning of anything in the Maitland Local Government Area is prohibited except in accordance with an approval under the Protection of the Environment Operations (Clean Air) Regulation 2022 or the Rural Fire Act 1997 and Regulation.

Council will provide approval to the open burning of dead and dry vegetative material on parcels of land that meet the prescribed criteria. Such approval is intended for properties of the prescribed criteria that have a large number of mature trees that are likely to generate larger than average quantities of vegetative debris.

Approval to burn under this policy is only for the purpose of waste disposal of dead and dry vegetative material, which accumulates on the prescribed parcels of land during the normal use of the land. An “approval to burn” does not mean approval to burn for bushfire hazard reduction or clearing of vegetation other than clearing for agricultural purposes as prescribed in the Protection of the Environment Operations (Clean Air) Regulation 2022.

Before granting an approval to open burning of dead and dry vegetative material Council shall take into consideration the following issues:

- The impact on regional air quality and amenity
- The impact on local air quality and amenity
- The feasibility of reuse, recycling or other alternative means of disposal
- Any opinions of the sector of the public likely to be affected by the proposed approval

- In the case of an approval under Division 3 Clause 13 Sub-clause 2(a) of the Protection of the Environment Operations (Clean Air) Regulation 2022 - any opinions of the Environment Protection Authority in relation to the proposed approval

The Council of a Local Government Area specified in Part 2 of Schedule 8 of the Protection of the Environment Operations (Clean Air) Regulation 2022 may grant an approval for the purposes of this Part in respect of the burning of dead and dry vegetation on the premises on which the vegetation grew in the Local Government Area to any class of persons in a way that the council is satisfied is likely to bring the notice to the attention of the class of person. This policy has been developed to provide notification, as required by Clause 18 of the Regulation.

## Policy Statement

Open burning is prohibited in the Maitland Local Government Area except if permitted in this policy or under the Protection of the Environment Operations (Clean Air) Regulation 2022 or under the Rural Fires Act 1997 and Regulation.

## General Conditions of Consent

When the prescribed criteria for the land are met and the land manager and/or owner of the property agrees to comply with the following conditions listed below. Council gives approval for the burning of dead and dry vegetative material in the open on parcels of land under the Maitland Local Environmental Plan 2011, on which the vegetation grew in the following circumstances.

- not less than 4000 square meters in area and zoned RU1 Primary Production
- RU2 Rural Landscape
- R5 Large Lot Residential

The following articles are prohibited articles and should not be burnt under any circumstances:

- a. Tyres
- b. Coated wire
- c. Paint containers and residues
- d. Solvent containers and residues
- e. Timber treated with copper chromium arsenate (CCA) or pentachlorophenol (PCP).

## Other Consent Provisions

Approvals are subject to the following conditions:

- Approval to burn will only be given if reuse and recycling options (such as mulching or chipping) are unfeasible
- Land managers, owners, or residents must contact the Rural Fire Service or Fire & Rescue NSW Station prior to lighting
- Approval to burn does not apply during proclaimed “No Burn Days” and a “Total Fire Ban”
- Approval to burn in the open during the Statutory Bush Fire Danger Period is subject to a permit from the New South Wales Rural Fire Service or Fire & Rescue NSW Station.

- The Rural Fire Service Guidelines “Before you light that fire” and “Standards for Pile Burning”, should be followed when conducting a burn
- An approval to burn does not mean approval to burn for any other purpose, such as hazard reduction burning of the land, land clearing and or the disposal of vegetation cleaned in accordance with a development consent.
- An open fire must not be less than 25 meters from any dwelling
- Adjacent property residents must be given 24 hours’ notice (verbal or written) of an intention to burn
- An open fire must be supervised at all times by an adult
- All combustible material within 4.5 meters radius of the fire must be removed before it is lit
- Burning should only take place when weather conditions are calm and predicted to remain so
- Burning should not cause a smoke hazard, where smoke presents a potential to cause harm to any person or property
- The lighting of an open fire is not permitted before 8.00 am or after 4.00 pm

## Review and Evaluations

The Policy for Control of Open Burning should be reviewed every four (4) years.

## Policy Definitions

Open Burning	The act of burning anything in the open air. Referred to as backyard burning, bon fires or pile burning.
Prohibited Article	<ul style="list-style-type: none"> <li>b. Tyres</li> <li>c. Coated wire</li> <li>d. Paint containers and residues</li> <li>e. Solvent containers and residues</li> <li>f. Timber treated with copper chromium arsenate (CCA) or pentachlorophenol (PCP).</li> </ul>
RFS	Rural Fire Services
Class of Person	A persons granted authority to burn excess vegetation in the Maitland Local Government area under conditions specified in this Policy

## Policy Administration

BUSINESS GROUP:	City Planning
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RESPONSIBLE OFFICER:	Team Leader Compliance
COUNCIL REFERENCE:	103/166
POLICY REVIEW DATE:	Three (4) years from date of adoption
RELEVANT LEGISLATION	<p>Protection of Environment Operations Act 1997</p> <p>Protection of Environment Operations (Clean Air) Regulation 2022</p> <p>Rural Fires Act 1997</p> <p>Rural Fires Regulation 2013</p> <p>Maitland Local Environmental Plan 2011</p>
RELATED POLICIES / PROCEDURES / PROTOCOLS	

## Policy History

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	24 February 2004	Initial Policy
2.0	13 May 2014	<p>Update of Legislation</p> <p>Update of zoning in accordance with Maitland Local Environmental Plan 2011</p>
3.0	21 November 2025	Updated Policy, public exhibition and legislation changes