

Air Pollution

Smoke Nuisance – Open Air Fires

Smoke and particles from open-air fires can cause a nuisance to neighbours and interfere with their normal daily activities. If severe, it can also affect their health. This fact sheet may help you to reduce smoke impacts and meet legal requirements.

A Greener Queensland

The Queensland Fire & Emergency Service (QFES) and Rural Fire Service (RFS) fulfil a supervisory role in relation to lighting fires in the open.

However, even with RFS permission to burn off in the open air, Council is responsible for regulating environmental nuisance within the community, so you may not be able to burn off in the open air even with RFS approval. This fact sheet can help guide you on when you can burn off in the open air.

The criteria

1. Obtain Rural Fires Service (RFS) approval for burning accumulated material larger than two metres by two metres in area and observe fire restrictions or bans.
2. You will need to comply with Council Local Laws.
3. You also must comply with nuisance provisions of the *Environmental Protection Act*.

The law

Queensland's *Environmental Protection Act 1994* includes controls for smoke emissions. If issues between neighbours cannot be resolved and further complaints are made, Council may investigate.

When investigating a smoke complaint, Council will consider:

- the amount of smoke
- the smoke's duration, rate of emission and characteristics
- the sensitivity of the environment and impact that it has had or may have
- views of other neighbours or complainants
- other relevant criteria

If the smoke is determined to be a nuisance, Council may issue a Direction Notice. The notice will detail the offence and give a time-frame for the problem to be rectified.

Council's Local Law 3 prohibits the lighting of fires outdoors in the entire shire area unless the fire is enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material. In Council controlled areas such as parks, fires cannot be lit unless the fire is lit in structure constructed by Council for the purpose of containing a fire.

Fines for non-compliance may be issued.

Government departments other than Council may be responsible for regulation of smoke emissions.

Be a good neighbour

Talk to neighbours. Find out what concerns they have, or ask for suggestions to solve problems. Solutions can often be found which satisfy everyone.

Handy hints

- ✓ recycle or reuse wastes where possible
- ✓ regular composting reduces the need for burning in the open air
- ✓ take large branches or trees to Council waste tips or transfer stations
- ✓ avoid burning paints, hazardous chemicals, wet paper or cloth and sanitary napkins, as they release hazardous chemicals.
- ✓ avoid burning wet or green vegetation which smoulders and causes excessive smoke
- ✓ give fires maximum air-flow for efficiency, resulting in less smoke
- ✓ ensure adequate fire-control for safety
- ✓ observe weather conditions before lighting fire
- ✓ If possible, choose a calm day

For more information, contact Council's Customer Service Centre or visit our website.