

Fact Sheet

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 city

The Queensland Fire and Rescue Service (QF&RS) is the primary provider of fire and rescue services throughout Queensland. This includes overseeing the lighting of fires in the open.

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

The criteria

1. Obtain QF&RS approval for burning accumulated material larger than two metres in any direction and observe fire restrictions or bans.
2. You must comply with nuisance provisions of the *Environmental Protection Act 1994*.

Note: Exemptions from criteria no: 2 may apply to a Council-approved pit burn (ERA 61 – waste incineration and thermal treatment)

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 will 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 an Environmental Enforcement Order.

The notice will detail the offence and give a time-frame for the problem to be rectified. Noncompliance with an Environmental Enforcement Order may result in a fine.

Government departments other than Council also 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 fires. If possible, choose a calm day.