

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 Gold Coast

Queensland Fire & Emergency Service (QFES) fulfil a supervisory role in relation to lighting fires in the open. However, even with QFES permission to burn off in the open air, Council of the City of Gold Coast (Council) is responsible for regulating environmental nuisance within the community. In some cases you still may not be able to burn off in the open air even with QFES approval. This fact sheet can help guide you on when you can burn off in the open air.

The law

Queensland's *Environmental Protection Act* 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 a Direction Notice. The notice will detail the offence and give a time-frame for the problem to be rectified. Fines for non-compliance are to the value of 15 penalty units (for an individual) or 75 penalty units (for a corporation). See the City website for information about penalty unit values.

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

Requirements

1. Obtain QFES 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 *Local Law No. 8* relating to public health, safety and amenity. This law states that a nuisance is deemed to exist if a fire hazard exists or is likely to exist on the premises or a fire, or the operation of any fire-producing or smoke-producing object, causes a volume of smoke or flames that is likely to give rise to a risk of personal injury or property damage or alarm to members of the public.
3. You also must comply with nuisance provisions of the *Environmental Protection Act*.

Note: Exemptions from criteria nos. 2 & 3 may apply to a Council-approved pit burn (ERA 61 – waste incineration and thermal treatment).

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 City Waste and Recycling Centres.
- 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.

For more information

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