

# Smoke Nuisance

Smoke and particles from open fires can detrimentally affect others living in the area and impact people's health.

Council manages smoke nuisance by controlling the lighting of fires under local laws and by investigating relevant smoke emissions pursuant to the *Environmental Protection Act 1994*.



## Council Local Laws – Restrictions on lighting of fires

### Urban properties (under 4000m<sup>2</sup>)

Council local laws permit the lighting of fires on urban properties (residential areas) for the purposes of cooking or heating only. Permitted fires must be contained in a cooking or heating appliance e.g. BBQ or brazier.

**Incinerators and other fires are prohibited.**

### Non-urban or rural properties

Small fires less than two metres in any direction are permitted on non-urban or rural properties provided no smoke nuisance is created.

A Queensland Fire and Emergency Services (QFES) Fire Permit is required for fires that are greater than two metres in any direction. A fire permit must be obtained from your local Fire Station or Rural Fire Service fire warden. Fires lit under a permit are regulated by QFES.

If you are being impacted by a fire greater than two metres in any direction, please contact your local fire warden in the first instance. NOTE: call 000 in emergency situations.

Recommended options for disposal of green waste at your non-urban or rural property include:

- Shredding, composting, recycling or reusing green waste
- Taking green waste to a waste management facility (there is no charge to dispose of green waste at our waste management facilities).

**Local Law Offence - lighting a prohibited fire - maximum penalty - 50 penalty units**

## Environmental Nuisance - Smoke Emissions

Council investigates most smoke emission complaints in accordance with the *Environmental Protection Act 1994*.

In conducting investigations, council is required to consider:

- If the fire permitted by the local law i.e. a BBQ or in a brazier in an urban area
- if the fire regulated by QFES
- Whether the site has a development approval with any conditions relation to smoke emissions
- The amount of smoke being emitted
- The duration and rate of emissions, including what materials are being burned
- Environmental sensitivities
- The degree of impact on neighbouring properties.

Depending on the outcome of its investigation, the impact and extent of the smoke emission and the availability of corroborating evidence, council may commence enforcement action.

**Environmental Protection Act offence -  
unlawfully cause environmental nuisance  
maximum penalty - 600 penalty units**

### Not all smoke-related complaints are council's responsibility

- *Bushfire smoke*  
- Queensland Fire and Emergency Services
- *Vehicle smoke*  
- Department of Transport and Main Roads
- *Cigarette smoke*  
- Queensland Health
- *Manufacturing smoke*  
- Department of Environment and Science
- *Farming and agriculture-related smoke*  
- Department of Agriculture, Fisheries and Forestry

## Tips to reduce your smoke emissions

Smoke emissions from permitted fires can be reduced by:

- not burning green waste and leaves. Dry, aged wood is the most efficient to burn
- giving fires maximum air-flow so that they release less smoke
- not burning in unsuitable conditions including where breezes may carry smoke toward neighbours.

It is unlawful to burn items such as treated timbers, tyres, nappies, plastics, and paints. These items release hazardous chemicals when burnt and are a danger to your health and the health of those around you.

### I'm being impacted by smoke. What action can I take?

It's a good idea to make a note of how often you are being negatively impacted by smoke emissions. For example, is this a one-off or is it happening regularly?

If it is a regular occurrence, consider talking with the person who is responsible to find a solution. If you don't feel comfortable talking with the person directly, consider leaving a respectful letter in their mailbox.

If you are unable to find a solution, you can lodge a complaint with council. Council will send you a nuisance pack with a complaint form and diary to complete and formalise the complaint.

### Lodging a complaint with council

*By phone:*

1300 307 800

*By email:*

[council@gympie.qld.gov.au](mailto:council@gympie.qld.gov.au)

*In person:*

at one of council's customer contact points

