



Environmental Nuisance - Backyard Burning

Smoke and particles from open-air fires can cause a nuisance to neighbours or interfere with their day-to-day activities. If severe enough, it can not only cause inconvenience, but also be detrimental to people's health.

An excessively smoking wood heater causes air pollution containing fine particles, which can affect people's lungs. These fine particles can be particularly dangerous to people who have existing respiratory problems, the very young and the elderly.

This fact sheet includes information that may assist residents to reduce smoke and meet legal requirements.

The Law for fires?

Gladstone Regional Council has powers under *Local Law No. 3 (Community and Environmental Management) 2011* ("Local Law No. 3") and the *Environmental Protection Act 1994 (Qld)* to regulate fires within the Gladstone Regional Council local government area.

In accordance with Local Law No. 3, the lighting of fires is prohibited within the Gladstone Regional Council local government area unless the fire is lit within a fireplace, barbeque or incinerator and meets the following conditions:

- The fire must not exceed 2 metres in all directions; and
- The fire is lit in an enclosed, properly constructed fireplace that prevents the escape of fire or any burning material from the fire (a fireplace that is constructed of stone, metal, concrete or any other non-flammable material that contain the fire perimeter).

In addition to the requirements under *Local Law No. 3*, under the *Environmental Protection Act 1994 (Qld)*, residents must ensure that any fire lit does not cause a smoke nuisance (for more information about how to reduce smoke emissions, please see 'Ways to reduce smoke emissions' below).

The *Environmental Protection Act 1994 (Qld)* requires environmental nuisances to be controlled. The definition of an 'environmental nuisance' under the *Environmental Protection Act 1994 (Qld)* is described as unreasonable interference or likely interference with an environmental value caused by aerosols, fumes, light, noise, odour, particles or smoke.

If you own a fireplace, barbeque, incinerator or carry out any other type of prohibited burning, it is your responsibility to ensure that your appliance operates correctly and does not cause a smoke nuisance.

Council is legally required to enforce these controls when smoke problems occur from residential premises. If issues between neighbours cannot be resolved and further complaints are made, Council will have to investigate. Where Council investigates complaints of smoke nuisances and the fires do not meet the requirements outlined under *Local Law No. 3 and the Environmental Protection Act 1994 (Qld)*, Council may issue infringement notices/fines.

Domestic green waste generates significant amounts of smoke and should not be burnt or disposed of through your household kerbside collection. It is free of charge for residents to dispose of domestic green waste at selected Transfer Stations and at Benaraby Landfill. Other waste types may attract a disposal fee. Please visit Council's website at www.gladstone.com.au for more information or contact Council's Waste Services Section for advice on (07) 4970 0700.

You should be aware that the lighting of fires for any purpose (even if it meets the above requirements) is not permitted during any declared fire ban or state of fire emergency.

A permit from the Queensland Fire and Rescue Services is required when the size of the material to be consumed by fire exceeds two metres in any direction, that is, 2m high at the height of the fire or 2m long or wide. For information about restrictions and permits, phone Queensland Fire and Emergency Service on 13 74 68.

If you wish to undertake a controlled burn on a Council road reserve adjoining your property boundary you must apply for permission from Council. Council does not allow residents to undertake controlled burns on other Local Government controlled land such as Parks and Reserves. Phone Council on (07) 4970 0700 for information on how to apply for permission.

Be a good neighbour

In most cases, the best way to resolve an environmental nuisance issue is through polite and productive communication between yourself and the person causing the nuisance. If you have not already spoken with the person about the nuisance, we strongly recommend you try this approach first.

Another option is to print out the Environmental Nuisance Neighbourhood Handout available at www.gladstone.qld.gov.au, fill in your details (this is optional) and place it in the resident's letterbox. If you know the property address and are concerned about communicating with the resident, or it's already been ineffective, you can report the problem to Council via Online Services on our website.

If you are the person burning, make a habit of checking when first lit and during operation for excessive smoke. Talk to your neighbours to find out what concerns they may have and ask for suggestions about solving any problems. In many cases an agreement can be reached that satisfies everyone's needs.

How Council deals with an Environmental Nuisance

When investigating a smoke complaint, Council will consider:

- the amount of smoke being emitted;
- the duration and rate of emission and the smokes characteristics and qualities;
- the sensitivity of the environment into which the smoke is being emitted and the impact that it has had or may have; and
- views and evidence of any other neighbours or complainants.

If the complaint item is deemed to be a nuisance Council may issue an on the spot fine or a Direction Notice detailing the offence and giving a timeframe for the problem to be rectified. Non-compliance may result in an on-the-spot fine.

It is important to note that achieving compliance under this process sometimes takes in excess of six weeks.


Ways to reduce smoke emissions

1. Choosing your firewood carefully and only burn dry, seasoned firewood. The dryness of firewood makes all the difference to the amount of smoke emitted. Wet or green wood causes excessive smoke and doesn't generate as much heat. Dry wood is generally lighter in colour and should make a hollow cracking sound when banged together. Wet or green wood is heavier and usually darker in colour. Do not use wood products such as chipboard as they contain formaldehyde, or treated or painted timber, as the smoke from these products is hazardous to people's health.

2. Stack wood under cover in a dry ventilated area. Wood should be air-dried for at least eight months before it is ready to burn. Keep wood under cover and stack in a criss-cross manner to allow air to circulate.
3. Burn the fire brightly. Start with dry kindling and fully open any air controls. Do not use oil or fuel soaked rags. Once the fire is well established, gradually add larger wood pieces, making sure not to choke the fire by overloading it with logs. An efficient fire should have bright swirling flames and red glowing embers with little or no smoke. The less smoke, the hotter and more efficient the fire.
4. Keep air controls open at night. this also causes excessive smoke. Let the fire burn out completely overnight – an insulated house will hold enough heat to keep your house warm until morning.
5. All wood heaters tend to smoke when first lit. However, the smoke should not last for more than 15 minutes when first lit or refueling. Regularly check the chimney/fire and if it is smoking too much, reduce the fuel load and open any airflows.
6. Cleaning and maintaining your equipment regularly. At the beginning and end of winter each year, clean and inspect the chimney, fireplace and/or firebox. If you have a combustion heater, regularly check the glass door for cracks, and door ropes and seals for deterioration. Check the firebox for rust and make sure that the firebricks are not damaged. Every second year the airslide control should be lubricated with high temperature grease.


For further information on this topic or to lodge a complaint, please visit Gladstone Regional Council's website at www.gladstone.qld.gov.au, Council's online services www.gladstone.qld.gov.au/OnlineServices or phone Council.

How can you contact us?


 (07) 4970 0700

STD CALLS: 1300 733 343

For those residents who currently incur STD call rates when contacting their local customer service centre

 (07) 4975 8500

 info@gladstonerc.qld.gov.au

 www.gladstone.qld.gov.au

