

# Nuisance

## Smoke



particles can be detrimental to people's health.

The use of a domestic barbecue, brazier or fireplace are classed as permitted fires and do not require permits or approvals.

However, if through the use of such items an excessive amount of smoke is being emitted, then that behaviour may be considered a nuisance.

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

### Our Business

Queensland Fire and Rescue Service (QFS) generally exercise a supervisory role in relation to lighting fires in the open.

However, even with QFS 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 QFS approval.

This fact sheet has primarily been designed as a guide to advise when residents can burn off in the open air.

Residents need to make sure that they can comply with all of the criteria outlined below, before deciding to burn off.

### The Criteria

1. Compliance with Council's Local Law/s relating to burning off.

Residents are encouraged to be mindful of neighbours when using open-air fires as smoke and

2. Fires lit outdoors not in a barbecue, brazier or an approved incinerator are prohibited in urban areas and residents burning an area or materials larger than 2 metres by 2 metres must obtain approval from the Queensland Fire and Rescue Services.

3. Compliance with the relevant nuisance provisions of the Environmental Protection Act (EP Act) 1994.

The Environmental Protection Act 1994 introduced by the State Government include controls for smoke emissions.

If issues between neighbours cannot be resolved and further complaints are made, Council has a responsibility to investigate.



### Investigation

When investigating a smoke complaint, Council will consider:

- The amount of smoke being emitted.
- The duration and rate of emission and the smoke's 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.
- Views of neighbours or complainants.



If the smoke is determined to be a nuisance, Council may issue the person causing the smoke problem with a 'direction notice'.

A direction notice will detail what offence has taken place and the time frame that the offender has to rectify the problem.

If the direction notice is not complied with, Council may then issue an on-the-spot fine.

### Be a Good Neighbour

It is important that residents take time to talk to their neighbours and find out what concerns they may have.

Asking for suggestions about solving any problems can also help.



In many cases, an agreement can be reached that satisfies everyone's needs.

**For details please contact Mackay Regional Council.**

Phone 1300 MACKAY (1300 622 529) or visit [www.mackay.qld.gov.au](http://www.mackay.qld.gov.au)