

Open air fires and smoke nuisance

Fact Sheet

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Open air fires and smoke nuisance

Smoke and particles from open air fires can cause a nuisance to neighbours and interfere with their normal daily activities.

This fact sheet may help you to reduce smoke impacts and meet the requirements of Logan City Council, Queensland Fire and Emergency Services (QFES) and Rural Fire Service (RFS).

The QFES and RFS fulfil a supervisory role in relation to the lighting of fires in the open air and do not allow fires which exceed two metres to be lit without a specific permit.

A permit to light a fire is required for any fire that exceeds two metres in any direction and can be acquired free of charge from your local fire warden.

The lighting of fires for any purpose is banned during any declared fire ban or state of fire emergency.

For a fire emergency call 000 or in a non-emergency for general enquiries call 13 74 68.

Logan City Council regulates fires less than 2 metres in any direction

Under Council's *Local Law No. 10 (Public Health) 1999*, a fire which is not authorised under the *Fire and Emergency Services Act 1990* **must not** be lit or maintained in the open air on premises, **except where**;

- (i) On premises with an area of less than 4000m², the fire –
 - (A) is for cooking food for human consumption in or on a gas, wood or coal fire barbeque, hangi or similar device and uses only clean, dry, non-toxic and combustible material as fuel and does not otherwise cause a nuisance under this local law; or
 - (B) only involves the lighting of a match, cigarette lighter, candle, lamp, blow torch or similar device; or
 - (C) is part of a Boy Scout or Girl Guide activity or function; or

- (D) is for outdoor heating within an enclosed fireplace or similar device which is constructed so as to prevent the escape of fire or any burning material contained within the device and does not otherwise cause a nuisance under this local law; or
- (ii) on premises with an area of 4000m² or greater, the fire meets the below requirements.

Open fire requirements for fires less than 2 metres in any direction on premises with an area of 4000m² or greater

A fire that has been lit or maintained in the open air on premises with an area of 4000m² or greater must comply with the following requirements—

- (a) only clean, dry, non-toxic and combustible material may be used as fuel; and
- (b) only one fire may be lit or maintained in the open air on the premises at any time; and
- (c) appropriate firefighting equipment, which may include water, hoses and pumps must be on the premises at all times; and
- (d) the fire must not be lit before 7 am and must be extinguished by no later than 5 pm on the same day unless the fire is for –
 - (i) cooking food for human consumption in or on a gas, wood or coal fire barbeque, hangi or similar device; or
 - (ii) outdoor heating within an enclosed fireplace or similar device which is constructed so as to prevent the escape of fire or any burning material contained within the device; and
- (e) the fire must not be lit or maintained at any time where the Queensland Fire Danger Rating applicable to the whole of the Logan City Council local government area is at a scale of very high or above¹; and
- (f) ashes must be thoroughly wet down when a fire is extinguished; and
- (g) the fire must be set back at least 10 metres from any property boundary or building; and
- (h) a person who is not a minor² must be in attendance at the fire at all times until the fire is extinguished; and
- (i) the fire must not otherwise cause a nuisance under *Local Law No. 10 (Public Health) 1999*.

¹Daily Queensland fire ratings can be viewed at <https://ruralfire.qld.gov.au/Pages/FDR.aspx> www.bom.gov.au/qld/forecasts/bushfire.shtml

²*minor* means an individual who is under 18.

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.

Investigating complaints

Council will communicate with the parties and seek voluntary compliance in the first instance.

Council will investigate if issues between neighbours cannot be resolved and further complaints are made.

When investigating complaints, Council will consider:

For fire complaints

- The size of the fire
- The location of the fire
- The reason for the fire
- Whether a permit is in existence

For smoke complaints

- 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
- Other relevant criteria

If an open air fire or smoke is determined to be a nuisance, Council may issue the responsible person with a compliance notice and require the nuisance to be rectified within a specified time. Fines may be issued for non-compliance. The maximum penalty is 50 penalty units.

Handy hints

- Check with Council before lighting a fire
- Obtain a permit before lighting a fire that exceeds two metres in any direction. An application for a 'Permit to Light Fire' is made through your local fire warden
- Comply with all conditions of a permit
- Observe fire restrictions and fire bans
- Recycle or reuse waste 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
- Refer to Council's website for kerbside clean-up collection dates
- **Do not** burn paints, hazardous chemicals, wet paper or cloth and sanitary napkins as they release hazardous chemicals
- **Do not** burn wet or green vegetation which smoulders and causes excessive smoke

Checklist for lighting fires under 2 metres

- Is my property 4000m² or larger?

You may go to Council's website and search PD Online and select Property Enquiries, enter the address and follow the prompts or call Council's Customer Service Centre on 3412 3412 to confirm the size of your property.

- Is the fire danger rating for Logan City Council local government area at a scale of very high or above – go to <https://ruralfire.qld.gov.au/Pages/FDR.aspx> or call Queensland Fire and Rescue Service on 13 74 68. If yes, **do not** light a fire.
- Do I have appropriate firefighting equipment ready, which may include water, hoses and pumps?
- Do I have water ready to wet down ashes thoroughly after the fire is extinguished?
- Is it after 7.00 am?
- Will the fire consume material to be burnt prior to 5.00 pm?
- Is the location of the fire to be lit set back at least 10 metres from any property boundary or building?
- Is the material to be consumed dry and non-toxic so as to not cause a smoke nuisance?
- Will a person who is not a minor be in attendance at all times?

For more information

Phone **3412 3412**

Visit www.logan.qld.gov.au

Email council@logan.qld.gov.au

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