

Smoke

Smoke from wood fired heaters, fire pits and open air fires can affect neighbours and interfere with their normal activities. If severe enough, it can impact people's health.

How to reduce smoke emissions

You can reduce smoke by:

- composting, recycling or reusing waste where possible
- taking garden waste to a council transfer station
- avoiding burning of paints, hazardous chemicals, wet paper or cloth and sanitary napkins, as they release hazardous chemicals
- avoiding burning of wet or green vegetation which smoulders and causes excessive smoke
- giving fires maximum air-flow so that they release less smoke
- checking weather conditions - avoid burning any materials in windy conditions.

Complaints

If you are affected by smoke emissions, talk to the person responsible and try to achieve a solution. Give them time to do something about it.

If you can't reach a solution, you can lodge a complaint with Council. Alternatively, you can contact the Dispute Resolution Centre.

How to lodge a complaint with Council

To lodge a complaint with Council, you will need to provide:

- your name, address and phone number – this is kept confidential
- details of the emissions
 - source address
 - date and time it starts
 - the duration each time it happens.

To help you keep track of the details of the emission, it is a good idea to fill out a daily log that you can submit with your complaint.

How Council handles complaints

Council investigates most smoke emissions using the *Environmental Protection Act 1994*. Some sites have a development approval with conditions. Council investigates complaints about these sites using the *Planning Act 2016*.

When investigating smoke complaints, Council considers:

- whether the site has a development approval with a condition specific to smoke emissions
- the amount being emitted
- the duration and rate of emission and the characteristics and qualities
- the sensitivity of the environment and the impact that it has or may have
- views of any other neighbours or complainants
- any measures that have been taken or could reasonably have been taken by the person causing the emission.

If the smoke emission is unlawful, Council may:

- issue an on-the-spot fine of 15 penalty units (individual) or 75 penalty units (corporation)
- issue a notice. This will detail the offence and the timeframe the responsible person has to rectify the problem. If the person does not comply with the notice, an on-the-spot fine of 15 penalty units (individual) or 75 penalty units (corporation) may also be issued
- prosecute.

If there is a development approval for the site, with a condition about smoke emissions, Council may issue a notice to ensure compliance with the condition. If the person does not comply, a fine of 20 penalty units (individual) or 100 penalty units (corporation) may be issued.

Complaints not investigated by Council

Council shares responsibility for smoke complaints with other authorities. Council does not investigate the following.

- An environmentally relevant activity regulated by the Department of Environment and Science (e.g. chemical manufacturing).
- An environmentally relevant activity regulated by the Department of Agriculture and Fisheries (e.g. poultry farming).
- A state or local government premises or activity. This is the responsibility of the Department of Environment and Science.
- Cigarette smoke. This is the responsibility of Queensland Health.
- Smoke from vehicles. This is regulated by the Department of Transport and Main Roads.
- Bushfire smoke. Contact Queensland Fire and Emergency Services (QFES). If you are burning

Smoke

accumulated material larger than two metres by two metres in area, you need to have approval from QFES and follow fire restrictions and bans.

Useful websites

- Dispute Resolution Centre
<https://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/setting-disputes-out-of-court/dispute-resolution-centres/>
- Department of Environment and Science
<https://environment.des.qld.gov.au/>
- Department of Agriculture and Fisheries
<https://www.daf.qld.gov.au/>
- Department of Transport and Main Roads
<https://www.tmr.qld.gov.au>
- Queensland Health
<https://www.health.qld.gov.au/>
- Queensland Fire and Emergency Services
<https://www.qfes.qld.gov.au/Pages/default.aspx>
- Standards Australia
<http://www.standards.org.au/>