

Backyard Burning

This factsheet provides information to South Burnett residents on backyard burning and its impacts on properties and people's health. Council has regulations in place to ensure safety and to control smoke, ash and fumes that can be a nuisance to the neighbourhood because of backyard fires.

What are the laws about fires?

Council regulates the lighting and maintenance of fires in accordance with [Subordinate Local Law No 3 \(Community and Environmental Management\) 2011](#)

- **Any small fires:** (less than two (2) metres by two (2) metres) – as burning rubbish or waste is prohibited in residential areas the fire must not be made from these materials.
- **Outdoor fire pits:** these must comply with the size restrictions above and must be constructed to prevent fire or any burning material escaping. The burning of rubbish and waste in an outdoor fire pit is **not** allowed.

Additionally, State legislation (*Environmental Protection Act 1994*) applies to smoke nuisances with Council officers delegated to investigate and enforce nuisance provisions. On the spot fines may apply.

Do I need a fire permit?

Under the *Fire and Rescue Services Act 1990* (Qld), it is an offence to light a fire without first obtaining authorisation by receiving either notification, notice or a permit from Queensland Fire and Rescue Services. Council cannot issue a permit to burn.

A fire permit is required when the size of the fire exceeds two (2) metres in any direction and other circumstances that permits a fire to be made.

For further information regarding restrictions and permits contact Queensland Fire and Rescue Services on 1300 369 003.

What fires are permitted?

Fires in the South Burnett are allowed by Council's Local Laws for the following:

- a fire in which neither the height, width nor length of the material to be consumed exceeds two (2) metres;
- a fire lit at a sawmill for the purpose of burning sawdust or other residue resulting from the operation of a sawmill;
- a fire lit outdoors, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material therefrom.

Do's	Don'ts
<ul style="list-style-type: none"> • Use clean, dry wood, gas, ethanol, or charcoal 	<ul style="list-style-type: none"> • Let smoke impact neighbours
<ul style="list-style-type: none"> • Contain the fire in the fire pit or brazier above the ground 	<ul style="list-style-type: none"> • Burn garden vegetation, damp wood, toxic material, or waste
<ul style="list-style-type: none"> • Keep the fire at least 2.5 metres away from any flammable material, including property, vegetation, and other structures and not under any overhang 	<ul style="list-style-type: none"> • Have a fire on the ground or in used drums
<ul style="list-style-type: none"> • Supervise children 	<ul style="list-style-type: none"> • Use a fire pit or brazier during fire bans
<ul style="list-style-type: none"> • Fully extinguish the fire with water 	<ul style="list-style-type: none"> • Leave a fire burning overnight

Fire Bans

No fires of any kind can be lit if there is a fire ban in place, subject to any exemptions by the Queensland Rural Fire Service. To find out if a fire ban is currently in place and what activities are allowed under the fire ban, check the [Queensland and Fire Emergency Services web site](#).

Smoke Nuisance

Residents should note that all burning is to be conducted in a manner that does not cause a nuisance to other neighbours.

Fines could be incurred for non-compliance with the State Legislation and/or Local Law for:

- Not contained the fire within a firepit or brazier; and
- Causing a smoke nuisance/impact.

Council may take the following enforcement process should a smoke nuisance be received and validated:

1. Verbal warning.
2. Written warning.
3. Compliance notice.
4. Penalty.

How do I report a burning concern?

Complaints can be made by contacting Council.

When investigating complaints about smoke, ash and fumes, the following criteria needs to be ascertained:

- The amount of smoke (photos will assist Officers determining the extent of the nuisance);
- How long the smoke is emitted and the smoke's characteristics;
- How sensitive the surrounding environment is and the impact of the smoke;
- The number of complaint's from other neighbours.

How can I lodge my submission?

You can contact Council for further information about making a submission in any of the following ways:

- ✉ South Burnett Regional Council
PO Box 336
KINGAROY QLD 4610
(07) 4189 9100
- @ info@sbrc.qld.gov.au
- 👤 Visiting a Customer Service Centre