

Open fires and solid fuel burning

Use this form for guidance to ensure you are aware of fire authority requirements and how to minimise air pollution nuisance to nearby properties.

This fact sheet is designed to provide guidance on lighting open fires, including cooking, heating, green waste burning off on their property.

Legislations

Open fires are regulated by Fire authorities; NSW Fire and Rescue and NSW Rural Fire Service (RFS) dependant on the area. Smoke complaints are regulated by Local Governments under the Protection of the Environment Operations Act 1997.

Do I need a fire permit?

For urban areas you must notify Fire and Rescue NSW to seek advice regarding a permit. Depending on the time of year, fires in rural areas require a permit from RFS. Nevertheless RFS MUST also be notified 24 hours before burning.

I have contacted the relevant fire authority and I don't need a fire permit; do I need to apply for approval from Council?

If you meet the minimum requirements in Councils open fire burning policy for urban areas, you do not need to seek approval with Byron Shire Council.



What are Council's minimum requirements?

Notwithstanding relevant fire authority requirements, Councils open fire burning policy describes when an open fire is acceptable in urban areas provided it does not cause an air pollution nuisance.

1. Burning occurs in containment designed to prevent escape of sparks and burning materials;
2. Before burning consideration is given to prevailing winds and any other factors reasonable expected to consider that likely affects neighbours.
3. Burning does not occur without consideration for the relevant Fire Authority requirements including Fire permits or total fire ban periods.
4. Neighbours are given 12 hours notice before the burning occurs.

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5. At least one person in attendance always while burning and in close proximity of an easily accessible and adequate water supply.
6. Only natural state & seasoned plant-based fuel is burnt. Domestic waste MUST not be burnt.

Can my fire become a concern?

Smoke can cause nuisances to nearby properties and can aggravate existing heart and lung problems in some people, other impacts include:

- itchy or burning eyes and throat irritations
- breathing difficulties and respiratory illnesses
- headaches, tiredness, or chest pain

These impacts are likely to cause neighbours to complain to Council.

What if someone complains about my fire?

If a complaint is received by Council regarding smoke from the fire, a Council Officer may contact you or visit the property regarding measures taken to ensure the fire does not adversely impact nearby neighbours.

Should the fire be found to be causing an air pollution nuisance Council officer may issue notices that attract fees or on the spot penalties under the Protection of the Environment Operations Act 1997.

Where can I get further information?

Rural areas

Further information for rural areas can be sought from [NSW Rural Fire Service Website](#) .

To telephone a 'burn notification' to NSW Rural Fire Service call 1300 632 174

Urban areas

Further information for urban areas can be sought from [NSW Fire and Rescue](#).

Smoke complaints

Further information regarding smoke complaints can be sought from Byron Shire Council by contacting Council' s Public and Environmental Services:

- **By phone** on 6626 7107
- **In person** at 70 Station Street MULLUMBIMBY

Or report **Online** using [Report It](#)

Refer to Council' s [Open Air burning policy](#) on Councils website:

Solid fuel heating

Pot belly stoves and other similar forms of heating are common forms of heating that use solid fuel. Solid fuel heaters must be installed by a qualified contractor and in accordance with relevant Australian Standards. Further information can be found in the [Guidelines on Selecting, Installing and Operating Domestic Solid Fuel Heaters](#). These guidelines and other information can be found at NSW EPA website www.epa.nsw.gov.au.

