

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under Clause 14 of the
First Schedule to the Act

BETWEEN NEW ZEALAND FIRE SERVICE

(ENV-2007-CHC-267)

(Topic: ENV-2008-308-009)

Appellant

AND

CANTERBURY REGIONAL
COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

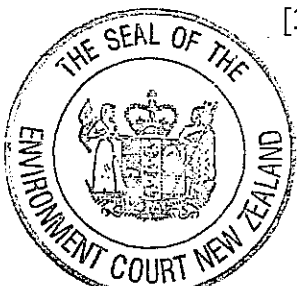
Environment Judge J E Borthwick sitting alone under section 279 of the Act

In Chambers at Christchurch

CONSENT ORDER

Introduction

- [1] The Court has read and considered the appeal and the memorandum of the parties received on 29 May 2009.
- [2] No person has given notice of an intention to become a party under s274.
- [3] The Court is making this order under s279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on



Appendix One: Changes to Chapter 3 of the Proposed Canterbury Natural Resources Regional Plan

1. Policy AQL4

Amend the sixth paragraph of the **Explanation and principal reasons to Policy AQL4 Restrict outdoor burning** as follows:

Provision for fire fighting training and research in Policy AQL(c)(i) is in recognition that this is a necessary activity, which may not conform to other requirements. Accordingly, some burning of buildings for the purposes of training fire-fighters is appropriate. However, the unnecessary burning of buildings other than for the training of fire-fighters as a means of demolition will be strongly discouraged.

2. Method AQL4(a) Advocacy

Delete **Method AQL4(a)(ii)** and replace as follows:

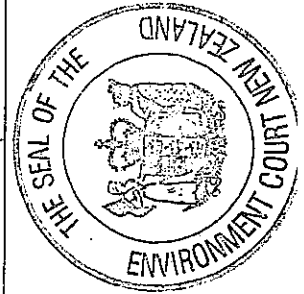
Environment Canterbury will advocate to: (...)

(ii) ~~New Zealand Fire Service and the building industry to strongly discourage the unnecessary burning of buildings as a means of demolition; and that it shall undertake burning of buildings for the purpose of training fire-fighters according to the Memorandum of Understanding between the two organisations dated May 2009, which outlines the circumstances under which such training should occur.~~

3. Table 3.1 Summary of Rules

Amend **Table 3.1 Summary of Rules** by adding the following between Rule AQL35 and Rule AQL36:

<i>Anywhere in the Canterbury Region</i>	<u>AQL33A</u>	<i>Outdoor burning of buildings for purposes of training fire-fighters</i>	<i>Permitted</i>
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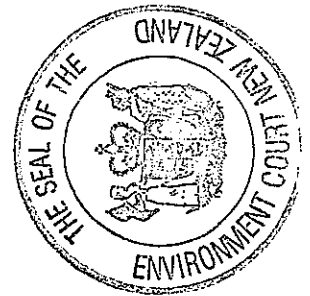


4. Rule AQL33A Outdoor burning of buildings for purposes of training fire-fighters -- permitted activity

Insert Rule AQL33A Outdoor burning of buildings for purposes of training fire-fighters -- permitted activity as follows:

Rule AQL33A Outdoor burning of buildings for purposes of training fire-fighters -- permitted activity

Activity	Conditions	Cross Ref.
<p><u>Subject to Rules AQL35 and AQL37, the discharge of contaminants into air from outdoor burning of buildings for the purpose of training fire-fighters is a permitted activity.</u></p>	<ol style="list-style-type: none"> 1. <u>The fire shall be under the direct control of a member of the New Zealand Fire Service.</u> 2. <u>Environment Canterbury shall be notified of the intended time and location of any building fire at least 24 hours prior to the burn.</u> 3. <u>All properties within a 150m radius of the point of discharge shall be notified in writing at least 7 days prior to the training exercise.</u> 4. <u>Building fires shall not occur during the months of April, May, June, July, August, and September within Christchurch Clean Air Zones 1 and 2, Rangiora Clean Air Zones 1 and 2, Kaiapoi Clean Air Zones 1 and 2 or Ashburton Clean Air Zones 1 and 2.</u> 	

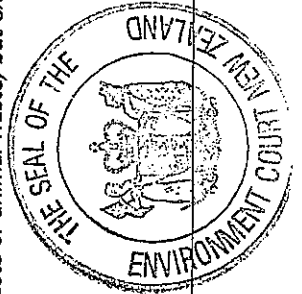


5. Rule AQL36 Outdoor burning of specified waste – prohibited activity for which no resource consent shall be granted

Amend Rule AQL36 Outdoor burning of specified waste – prohibited activity for which no resource consent shall be granted as follows:

Rule AQL36 Outdoor burning of specified waste – prohibited activity for which no resource consent shall be granted

Activity	Cross Ref.
<p><i>Except as provided for in Rule AQL33A, the discharge of contaminants into air from outdoor burning any of the following materials is a prohibited activity for which no resource consent shall be granted:</i></p> <ul style="list-style-type: none"> (a) <i>any fuel having a sulphur content greater than 1% by weight; or</i> (b) <i>wood treated with Copper-Chrome-Arsenic (CCA) or other chemicals; or</i> (c) <i>chip board, including particle board and laminated boards; or</i> (d) <i>wood which is painted, stained or oiled; or</i> (e) <i>all plastics, including but not limited to, halogen or phosphorus containing plastics; or</i> (f) <i>metals and materials containing metals, including but not limited to, cables; or</i> (g) <i>materials containing asbestos; or</i> (h) <i>all rubber, including but not limited to, rubber tyres; or</i> (i) <i>synthetic material, including but not limited to, foams, fibreglass and chemicals; or</i> (l) <i>tar or bitumen; or</i> (k) <i>used or waste oil; or</i> (l) <i>medical waste, pathological wastes, quarantine waste or animal waste, but excluding animal carcasses or offal as provided for in Rule AQL32; or</i> (m) <i>motor vehicle parts; or</i> (n) <i>paint and other surface coating materials; or</i> (o) <i>sludge from industrial processes.</i> 	



6. Explanation to Rule AQL33A Outdoor burning of buildings for purposes of training fire-fighters - permitted activity

Amend 3.5.9.3 Regional rules for discharges to air for outdoor burning, Rule AQL33 Outdoor burning for fire fighting research and fire fighting training purposes – permitted activity, as follows:

Rule AQL33 Outdoor burning for fire fighting research and fire fighting training purposes – permitted activity

Rule AQL33A Outdoor burning of buildings for purposes of training fire-fighters – permitted activity

It is occasionally necessary for fire fighting organisations to undertake training that requires the burning of buildings, vegetation or fuels such as diesel oil. Provided such burning is carried out with appropriate care by a group authorised to undertake fire fighting duties, any adverse effects caused by infrequent emissions are normally minor. Similarly, burning of vegetation to control wildfires (such as back-burning) is an essential and infrequent activity.

Activities may be sensitive to nuisance effects from the burning of disused buildings for fire fighting training. However, the rationale for permitting the outdoor burning of buildings for the purpose of training fire-fighters is that the public good of efficient fire fighting training outweighs any temporary effects of incidental releases of contaminants to air associated with this training. It is unavoidable that smoke and other contaminants will be discharged beyond the site boundary. Specific controls are included within Rule AQL33A to minimise the adverse effects of the discharge of contaminants to air on both the local and ambient air quality. In relation to ambient air quality, it is necessary to ensure that the burning of buildings for the purposes of training fire-fighters does not add to known winter-time PM₁₀ ambient air quality issues within the Region. In addition, the New Zealand Fire Service and Environment Canterbury have entered into a detailed Memorandum of Understanding to ensure the controls within Rule AQL33A are effective.

~~*Despite allowing this activity to occur as a permitted activity, Environment Canterbury will actively discourage the unnecessary burning of buildings in residential areas because of the potentially harmful contaminants released when combustion occurs.*~~

