

## Final Plan Change 2 (Backyard Burning) Operative Text.

Deletions and additions to the text of the Regional Air Quality Plan for Northland are shown by ~~strikeout~~ and underscore respectively.

### 6.4 DISCHARGES OF CONTAMINANTS TO AIR FROM ANY PLACE OR SOURCE (OTHER THAN INDUSTRIAL OR TRADE PREMISES)

#### 6.4.2 Smoke

There are three primary sources of smoke and associated odours - the use of domestic heating appliances that consume fuels, the use of backyard fires to dispose of domestic wastes and the burning of waste vegetation.

A large number of dwellings in Northland contain a fuel burning home heating appliance. The discharges from these appliances are not usually significant on an individual basis, but may give rise to adverse effects on neighbours if not installed and operated in a proper manner. The cumulative effects of many individual domestic sources may give rise to more widespread effects. When inversion conditions exist over an urban residential area, where warm smoke-filled air is trapped beneath a layer of colder air, the cumulative effects are significant.

The main effects of burning domestic wastes in backyard incinerators or fires are nuisance to neighbouring properties through emission of smoke, toxic gases, odour and fly ash. Significant localised effects can occur, such as respiratory irritation, offensive odour, soiling of property and reduced amenity values.

Burning of vegetation, particularly when it is green or damp, can give rise to considerable volumes of smoke with widespread adverse effects. ~~Such effects can be considered to cause a nuisance in accordance with the Health Act 1956, and as such will be managed by the District Council's under that legislation.~~ Such effects are considered to be inconsistent with the objectives of this Plan, particularly within the Whangarei Urban Area, and will be managed by the NRC accordingly. These effects regionally may also include traffic hazards when ~~the gas (odour),~~ smoke and/or particulate material from burning activities drifts over adjacent roads and state highways, reducing drivers' ability and/or visibility.

## 10. RULES FOR DISCHARGES OF CONTAMINANTS TO AIR FROM ANY OTHER PLACE OR SOURCE

### 10.1 PERMITTED ACTIVITIES

The following discharges of contaminants to air from any other place or source (which is not an industrial or trade premise) are permitted activities:

8. The discharge of contaminants into air from the burning of any material – excluding the combustion of certain waste materials listed in Rule 10.4.1 – by open burning, or burning within an incineration device outside the Whangarei Airshed (as shown in Map 2), is a Permitted Activity provided that:

- a. All other alternative methods for disposal, for example composting, mulching or transport to a refuse station, have been considered; and
  - b. The discharge shall not result in any offensive or objectionable odour or any noxious or dangerous levels of gases, beyond the boundary of the subject property as determined by a suitably qualified and experienced enforcement officer of the Northland Regional Council; and
  - c. The material to be burned shall not contain any tyres or other rubber, waste oil, any waste products containing mineral hydrocarbons, wood treated with chemicals, painted wood, chip board, plastic, asbestos, medical waste, chemical waste, or any combination of metals and combustible materials, except where the burning is:
    - (i) For the purpose of disease control or quarantine control in accordance with Section 7A and Part VII of the Biosecurity Act 1993; or
    - (ii) For the purpose of fire training; and
  - d. The discharge shall not result in any smoke that adversely affects traffic safety (i.e. interferes with normal driving task), including on state highways or, reduces visibility within recognised flight paths in the vicinity of airports; and
  - e. The discharge shall not result in any objectionable deposition of particulate matter on any land or structure beyond the boundary of the subject property as determined by a suitably qualified and experienced enforcement officer of the Northland Regional Council.
9. The discharge of contaminants into air from the burning of any material – excluding the combustion of certain waste materials listed in Rule 10.4.1 – by open burning, or burning within an incineration device on properties greater than 10,000m<sup>2</sup> (1ha) within the Whangarei Airshed (as shown in Map 2), is a Permitted Activity provided that:
- a. The activity is undertaken in accordance with the conditions a to e of rule 10.1.8; and
  - b. The activity does not occur during the months of June, July and August except where material is being burned for the purposes of disease and pest control.
10. The discharge of contaminants into air from a bonfire associated with community events is a permitted activity within the Whangarei Airshed, provided that:
- a. The activity is undertaken in accordance with the conditions b to e of rule 10.1.8; and
  - b. The bonfire is organised by a community controlled organisation and;
  - c. The Northland Regional Council is notified 5 working days prior to the event.

### 10.3 DISCRETIONARY ACTIVITIES

1. The discharge of contaminants to air which fail to comply with the conditions in Rules 10.1(1) to 10.1(7) (10) is a Discretionary Activity.
2. The discharge of contaminants into air from the burning of any material – excluding the combustion of certain waste materials listed in Rule 10.4.1 – by open burning, or burning within an incineration device on
  - (a) properties less than 10,000m<sup>2</sup> (1ha); and
  - (b) on properties greater than 10,000m<sup>2</sup> (1ha) during the months of June, July and August.

within the Whangarei Airshed (as shown in Map 2), excluding:

- Barbeques
- Hangi
- Umu
- Wood-fired kilns (provided that these are being used for their designed purpose and with their intended fuel)
- Outdoor fires for food cooking purposes (provided that these are being used for their designed purpose and with their intended fuel)

is a Restricted Discretionary Activity.

The matters of discretion are restricted to:

- a) The adequacy of the assessment of alternative methods of disposal and whether or not disposal by burning is the best practicable option; and
- b) The method of disposal (open burning or incineration or other); and
- c) The nature of the receiving environment and proximity to any sensitive areas; and
- d) The timing, frequency and duration of the disposal activity; and
- e) The wind speed, wind direction and atmospheric conditions that are likely to prevail during burning; and
- f) The type and quantity and proportions of different types of material to be disposed and its moisture content; and
- g) The nature and design specifications of any incineration device; and
- h) The likely combustion temperature of waste material; and
- i) Location of the fire, including setbacks from property boundaries; and
- j) Whether the material to be disposed can be extinguished once lit in the event of a change in wind conditions; and
- k) Whether the activity is proposed to occur during the months of June to August; and
- l) Whether the activity has the potential to result in adverse environmental effects. Specifically effects on human health and amenity (odour, particulate and visibility) values will be considered; and
- m) The potential for smoke and/or odour and/or particulate material to be offensive or objectionable at or beyond the property boundary; and
- n) The nature of the surrounding topography, including proximity to hills, low lying areas etc; and
- o) Whether consultation has occurred with, and written consent has been obtained from, all immediately adjoining neighbours and those within

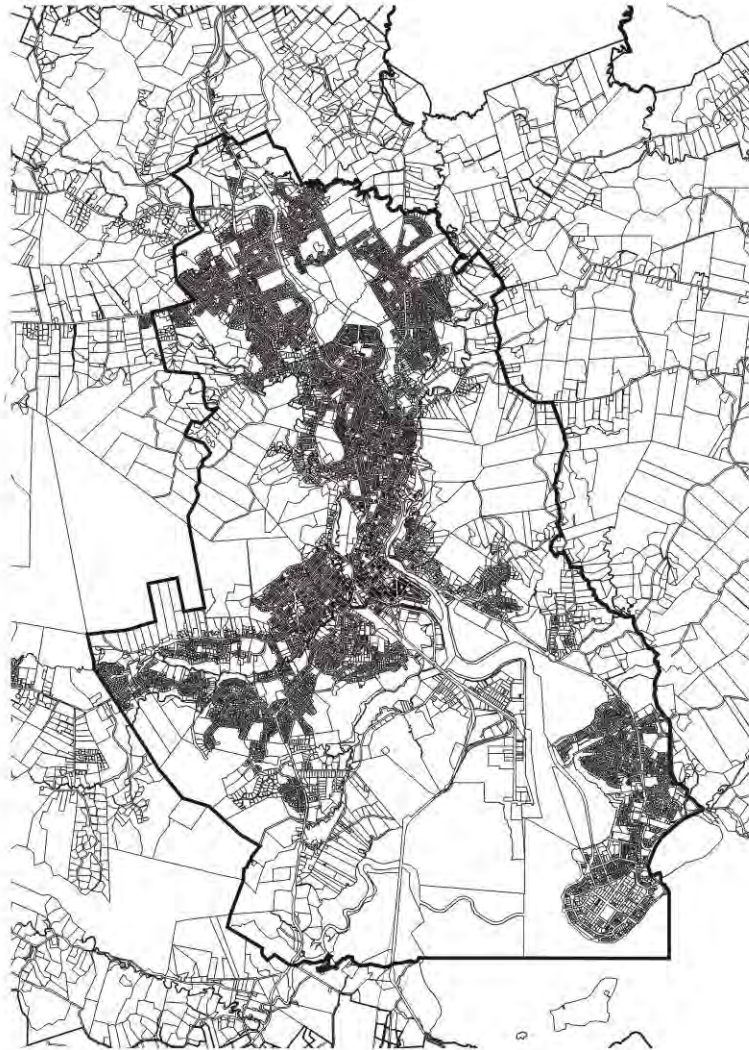
100m of the boundary of the property on which the activity is proposed;  
and

- p) The current status of the Fire Season managed by the WDC or any Bylaw developed by the WDC.

## **17. DEFINITIONS**

Community controlled organisation: includes but is not limited to not-for-profit corporations, incorporated societies, charitable bodies, organised clubs, sports clubs, religious groups and education providers.

# Map 2 – Whangarei Airshed



## Approvals

This plan renders the boundary capable of identification under clause 14 of the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Regulations 2004.

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 Approved by Northland Regional Council

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 Approved by Land Information New Zealand

Approved as to Gazettal Purposes

...../...../..... Approving Surveyor

Deposited this ..... day of ..... 20.....

.....  
 for Registrar - General of Land

File  
 Received  
 Instructions

## DESCRIPTIVE PLAN

LAND DISTRICT ..... NORTH AUCKLAND

NZMS 261 SHT ..... RECORD MAP No .....

# WHANGAREI AIRSHED

TERRITORIAL AUTHORITY Northland Regional Council

Surveyed by .....

Scale ..... Date .....