

# **Regional Plan: Air for Otago**

## **Proposed Plan Change 1**

**To change the provisions  
controlling Fire Service  
training and research**

17 December 2005



**Otago  
Regional  
Council**

ISBN 1-877265-06-3



## Chairperson's foreword

The New Zealand Fire Service requires reasonable opportunity to train fire-fighters in techniques of researching and fighting house fires, and in identifying the causes of fires in order to continuously develop fire safety standards and fire safety advice.



The Otago Regional Plan: Air provides for live Fire Service training through the managed burning of former dwellings. Unfortunately some of the general provisions of the Plan that are directed to prevention of unnecessary smoke hazards counter the provision allowing Fire Service training. This plan change is very specifically designed to ensure our Fire Service personnel can undertake an appropriate limited amount of live training by managed burning of former dwellings.

This proposed plan change will support the public interest in maintaining a well trained Fire Service and ensure research on house fires can be kept up to date.

I commend the proposed plan change to you and invite your submissions on the change.

A handwritten signature in black ink that reads "Stephen Cairns." The signature is written in a cursive, flowing style.

Stephen Cairns  
**Chairperson**

## How to make a submission

This Proposed Plan Change has been released for public submission. The Otago Regional Council welcomes input and sees public participation as an important part of an integrated planning process.

### **Any person may make submissions on this document**

Submissions may be made on any aspect of this Plan Change document. There will be a subsequent opportunity for further submissions.

Please note that submissions will be accepted until 5.00 PM, Friday 17 February 2006. Your submission can be:

- Posted to: Air Plan Change 1  
Otago Regional Council  
Private Bag 1954  
DUNEDIN
- Faxed to: (03) 479 0015  
(Marked: Air Plan Change 1)
- Delivered to: Otago Regional Council  
70 Stafford Street  
DUNEDIN  
(Marked: Air Plan Change 1)
- E-mailed to: [info@orc.govt.nz](mailto:info@orc.govt.nz)  
(Marked: Air Plan Change 1)

### **Toll Free Number**

If you wish to discuss any aspect of this document, feel free to phone the following numbers:

Phone (toll free) 0800 474 082  
Within the Dunedin area, phone 474 0827

**Remember, your submissions on this Proposed Plan Change must be received by 5.00 PM, Friday 17 February 2006. The form at the back of this document is to help you write your submissions.**

## Table of contents

|  |          |
|--|----------|
| <b>1. Introduction to the plan change.....</b>                                   | <b>1</b> |
| <b>2. Change to Fire Service training and building disposal provisions .....</b> | <b>5</b> |
| <b>Submissions Form.....</b>   | <b>7</b> |



# 1. Introduction to the plan change

## 1.1 The purpose of the plan change

This document proposes to amend the provision in the operative Regional Plan: Air for Otago (Air Plan), relating to activities of the New Zealand Fire Service. The plan change process is carried out in terms of the Resource Management Act 1991 (RMA).

It has always been Council's intent, through the Air Plan, to permit the Fire Service to undertake realistic fire training exercises. The activities would include research and education/promotion aspects.

The plan change is intended to reduce uncertainty in the rule controlling Fire Service activities and make it easier to understand, implement and enforce.

The justification for, and principal alternatives to, the proposal to change the Air Plan are examined in the accompanying "Section 32 report", required by the RMA.

## 1.2 The current provisions relating to Fire Service activities

The Air Plan became operative on 1 January 2003. It contains (at page 69) the following rule, which had effect from the date of notification of decisions on submissions: 30 June 2001 (*Decision Report 2: Overview of Decisions on Outdoor Burning*):

### 16.3.13 General permitted activities

#### 16.3.13.1 Discharges from miscellaneous activities - permitted activity

The discharge of contaminants into air from:

...

- (7) The burning of any material for training activities or disposal of buildings, carried out by the NZ Fire Service, providing all reasonable measures are taken to ensure any material specified in Rule 16.3.3.1 is not burnt;

...

is a *permitted activity*, providing any discharge of smoke, odour, particulate matter or gas is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property.

#### **Principal reasons for adopting**

Rule 16.3.13.1 recognises that some activities involve only small scale discharges and, provided the conditions of the rule are met, those activities will have no more than minor adverse effects on the environment.

## 1.3 Discussion on the existing rule in terms of Fire Service needs

Problems of rule interpretation have arisen, leading to uncertainty and consequently a reluctance to carry out Fire Service-controlled burning for training, research and public education. The Service faces similar issues in various other regions. A reduction in the number of deliberate building fires is good for air quality, but inadequate training and research could result in increased accidental

fires, with resulting air quality degradation. Inadequate training and research would also not enable communities to provide for their social, economic and cultural well being and their health and safety.

Fire prevention measures are devised and improved through experience with realistic building fires. Training using the burning of realistic, typical buildings is invaluable, as much of a fire-fighter's efficiency and effectiveness comes from individual experience. Realistic burning is also used to improve forensic training.

There are two main reasons for problems with the rule:

1. The words "providing all reasonable measures are taken to ensure any material specified in Rule 16.3.3.1 is not burnt" pose difficulties as to what is meant by "reasonable"; and
2. The standard boundary effects condition "providing any discharge of smoke, odour, particulate matter or gas is not noxious, dangerous, offensive or objectionable at or beyond the boundary of the property" is unavoidably subjective, but causes difficulty in that no building fire can be guaranteed to not cause excessive smoke, odour or ash drift across boundaries.

Materials specified in Rule 16.3.3.1 typically found within buildings include: polyvinyl chloride (PVC), plastics, nylon, synthetic fibres, painted iron, metals, painted and varnished timber, preserved "treated" timber, asbestos, kitchen/laundry/garden chemicals and foodstuffs.

The Council had considered that if "reasonable measures" were taken to remove these before burning, there would be less air quality degradation. Realism could be lost, however, if the Fire Service removed all of that material, even if it were practically possible to do so.

The Fire Service will not knowingly utilise a building that contains asbestos or certain chemicals, to avoid undue exposure of staff to hazardous air contamination. Fire Service staff do not need to add any of these materials to the buildings.

For realism in training and research, the building should be in a condition, or contain materials, that would occur in a typical situation.

The second concern, relating to the boundary effects condition, arises because of the practical impossibility of keeping smoke, odour, ash and gas on-site. In practical terms, where effects are unavoidable, this condition is met effectively by informing those likely to be affected so that they accept that the effects are inevitable, can take appropriate action and are thereby unlikely to make a formal complaint. This arrangement, however, cannot be relied on because:

- Smoke can be unexpectedly excessive,
- The vagaries of wind speed and direction could cause unexpected effects to be experienced, and
- Individuals some distance away could have cause to object or feel offended, for unpredictable reasons.

Equally inevitably, is the fact that there will be *some* noxious and dangerous elements present in all smoke that is generated from the burning of the prohibited

materials. Even if a formal complaint is not raised, it is thus technically impossible for the deliberate burning of a building to meet the existing permitted activity rule. The Otago Regional Council could not therefore technically allow the permitted activity to be carried out.

An additional matter that has come to the Council's attention is the Fire Service's occasional need to burn vehicles for purposes including fire training. As it exists, part (7) of Rule 16.3.13.1 permits "any material" to be burnt. The rule as it is amended should continue to allow for the occasional burning of a vehicle.

As long as the provision still allows adequate realistic training and research to continue, the effect of the plan change on Otago's environment will be neutral.

To address these concerns, the following changes are proposed.

# I N T R O D U C T I O N

## **2. Change to Fire Service training and building disposal provisions**

**2.1 Rule 16.3.13.1 is amended by deleting (7). (page 69)**

**2.2 The following new rule is substituted for part (7) of Rule 16.3.13.1 (insert on page 69 or 70):**

**16.3.13.2 Discharges from burning by New Zealand Fire Service – permitted activity**

The discharge of contaminants into air from the burning of any material for training activities or fire safety research or educational purposes, carried out by the New Zealand Fire Service, even though material specified in Rule 16.3.3.1 may be present in structures or vehicles burnt, is a *permitted activity*, providing:

- (a) The Fire Service carries out no more than a total of three fires burning a structure or vehicle, per calendar year, within each territorial authority district; and
- (b) The New Zealand Fire Service ensures every occupier of land within 500 metres of any structure or vehicle to be burnt, and the road-controlling authority for any road within 500 metres of that structure or vehicle, is notified at least two days prior to the burning; and
- (c) No material specified in Rule 16.3.3.1 is added to any structure or vehicle to be burnt; and
- (d) There is no asbestos present in any material to be burnt.

**2.3 The following amendment is made to the Principal reasons for adopting Rule 16.3.13 (page 69):**

Rules 16.3.13.1 and 16.3.13.2 recognises that some activities involve only small scale or infrequent discharges and, provided the conditions of the rules are met, those activities will have no more than minor adverse effects on the environment.

**2.4 The following amendment is made to the start of Rule 16.3.3.1 (page 50):**

Except as provided for by Rules 16.3.3.2 and 16.3.13.2, the discharge of contaminants into air from the burning of... ..is a *prohibited activity*.

**2.5 The following minor amendments are made:**

- (i) Where Rule 16.3.13.1 is referred to in Policy 8.2.1 (page 25) and Policy 11.1.1 (page 33), add reference to 16.3.13.2.

## EXPLANATION OF PLAN CHANGE

- (ii) In Table 1: Index to Rules, add reference to 16.3.13.2 under listing for 16.3.13.1 as follows (page 42):

|                  |                   |                  |   |
|------------------|-------------------|------------------|---|
| <u>16.3.13.2</u> | <u>69 (or 70)</u> | <u>Permitted</u> | <u>Discharges from burning by NZ Fire Service</u> |
|------------------|-------------------|------------------|---|

- (iii) Where Rule 16.3.13.1 is referred to in Rule 16.3.5.9 (page 57), add reference to 16.3.13.2.

**Submission on Proposed Plan Change 1 to the Regional Plan: Air for Otago under Clause 6, First Schedule RMA**

To: Otago Regional Council

Name of submitter [in full]:

**Remember to return your Submissions by  
5.00 PM, Friday 17 February 2006**

Organisation:

Address for Service of Submitter:

Phone during business hours:

Fax/Email address:

Contact person [name and designation, if applicable]:

Please indicate: I wish (*or do not wish*) to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing. [Delete if you would not consider this]

If you require further information phone the Otago Regional Council on (03) 474 0827, or freephone 0800 474 082.

Signature:

Date:

|  |   |   |
|--|---|---|
| The specific provisions of the proposal that my submission relates to are:<br><i>(Please refer to section numbers in line with your submissions)</i> | My submission on proposed Plan Change 1 is:<br><i>(Please indicate whether you support or oppose the specific provisions, or wish to have them amended. Give reasons for your views.)</i> | I seek the following decision(s) from the Otago Regional Council:<br><i>(The more precise you can be, the easier it will be for the Council to understand and provide for your concerns.)</i> |
|  |   |   |

S U B M I S S I O N F O R M ( F O R M 5 O F T H E R M ( F O R M S E T C ) R E G U L A T I O N S 2 0 0 3 )

|  |  |   |
|--|--|---|
| <p>The specific provisions of the proposal that my submission relates to are:<br/><i>(Please refer to section numbers in line with your submissions)</i></p> | <p>My submission on proposed Plan Change 1 is:<br/><i>(Please indicate whether you support or oppose the specific provisions, or wish to have them amended. <b>Give reasons for your views.</b>)</i></p> | <p>I seek the following decision(s) from the Otago Regional Council:<br/><i>(The more precise you can be, the easier it will be for the Council to understand and provide for your concerns.)</i></p> |
|  |  | <p>Please continue onto additional pages as required.</p>   |