

1977/172



THE CLEAN AIR ZONE (CHRISTCHURCH) ORDER 1977

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 4th day of July 1977

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 12 of the Clean Air Act 1972, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. Title and commencement—(1) This order may be cited as the Clean Air Zone (Christchurch) Order 1977.

(2) This order shall come into force on the 7th day after the date of its notification in the *Gazette*.

2. Interpretation—In this order—

“Act” means the Clean Air Act 1972:

“City Council” means the Christchurch City Council:

“Clean air zone” means the clean air zone declared by clause 3 of this order.

3. Creation of clean air zone—The City of Christchurch is hereby declared to be a clean air zone.

4. Limitation of application of sections 15 and 16 (1) of the Act—(1) Section 15 of the Act shall not apply in respect of—

- (a) Buildings in the clean air zone which do not comprise or form part of industrial or trade premises and which—
- (i) Were erected before the commencement of this order; or
 - (ii) Were erected, whether before or after the commencement of this order pursuant to a building permit issued by the City Council before the commencement of this order; or

- (iii) Were completed after the commencement of this order having been lawfully commenced before the commencement of this order; or
 - (b) Open spaces occupied together with buildings in the clean air zone (being open spaces that do not comprise or form part of industrial or trade premises); or
 - (c) Premises in the clean air zone which are neither buildings nor industrial or trade premises.
- (2) Subject to subclause (3) of this clause, section 16 (1) of the Act shall not apply in respect of—
- (a) Buildings in the clean air zone which are exempted from the application of section 15 of the Act by subclause (1) (a) of this clause or which would be so exempted if they did not comprise or form part of industrial or trade premises; or
 - (b) Open spaces occupied together with buildings to which paragraph (a) of this subclause applies; or
 - (c) Open spaces occupied together with buildings in the clean air zone (being open spaces that do not comprise or form part of industrial or trade premises); or
 - (d) Premises in the clean air zone which are neither buildings nor industrial or trade premises.
- (3) Nothing in subclause (2) of this clause shall exempt from section 16 (1) of the Act scheduled premises on which a scheduled process is carried on subject to a condition that light smoke be not emitted from those premises.
- (4) This clause shall be read subject to clause 6 of this order.

5. Prohibited and authorised fuel burning equipment and prohibited and authorised fuels—(1) The use in the clean air zone of oil-fuel or solid-fuel burning equipment, other than fuel burning equipment belonging to a class of fuel burning equipment specified in the first column of the Schedule to this order, is hereby prohibited.

(2) The use in the clean air zone of fuel burning equipment belonging to a class of fuel burning equipment specified in the first column of the Schedule to this order is hereby authorised.

(3) The use in the clean air zone, in fuel burning equipment belonging to a class of fuel burning equipment specified in the first column of the Schedule to this order, of fuel having a sulphur content not exceeding 0.5 percent by weight and belonging to a class of fuel, specified in the second column of that Schedule in relation to that class of fuel burning equipment, is hereby authorised.

(4) The use of electricity and solar radiation in the clean air zone is hereby authorised.

6. Further exemptions from sections 15 and 16 (1) of the Act—(1) Subject to subclauses (2) and (3) of this clause, neither section 15 nor section 16 (1) of the Act shall apply—

- (a) To fuel burning equipment, the use of which is authorised by subclause (2) of clause 5 of this order, for a period of 30 minutes while the equipment is being lit up from cold by the use, as kindling, of paper, dry wood, manufactured fire lighters, or gas; or

- (b) To fuel burning equipment or industrial plant for the period during which it is being installed, or to the building or other premises in which such installation is being carried out, if the emission which would be prohibited by either of those enactments results from a test or experiment associated with that installation; or
- (c) To fuel burning equipment, buildings, or other premises, used by the Christchurch Metropolitan Fire Brigade for training purposes, for the period of such use.

(2) The exemption conferred by paragraph (b) of subclause (1) of this clause is subject to the condition that the emission is reported by the occupier of the premises from which it occurs to the City Council as soon as practicable after its occurrence.

(3) The exemption conferred by paragraph (c) of subclause (1) of this clause is subject to the condition that the prior approval of the City Council to the use of the fuel burning equipment, buildings, or other premises for training purposes is obtained on every occasion on which the benefit of the exemption is sought.

7. Savings—Nothing in this order shall derogate from or otherwise affect—

- (a) Any regulations made under the Act which are applicable within the clean air zone;
 - (b) The application of sections 7 (2), 9, and 10 of the Act in relation to any industrial or trade premises.
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SCHEDULE

Cl. 5

Authorised Fuel Burning Equipment

- (a) Gas fired fuel burning equipment.
- (b) Liquefied gas fired fuel burning equipment.
- (c) Flueless fixed or portable kerosene fuel burning equipment.
- (d) Oil fired fuel burning equipment, provided with a chimney to ensure adequate draught to enable the fuel burning equipment to be operated on a continuous basis with an emission not exceeding Bacharach No. 2, and being one of the following kinds:
- (i) Pot-type burner:
- (ii) Gun-type burner.
- (e) Alcohol fired fuel burning equipment.
- (f) Fuel burning equipment for open air cooking.
- (g) Enclosed solid-fuel fuel burning equipment provided with a flue insulated and sealed to preclude any air leakage and extending to a height sufficient to avoid reverse draught, and being one of the following kinds:
- (i) Any enclosed solid-fuel space heating, water heating, or cooking fuel burning equipment not hereinafter specified.
- (ii) "JUNO" Heater, as manufactured by Gillies Manufacturing Co. Ltd., Oamaru, New Zealand.
- (iii) "RAYBURN PRINCE" Models 101 and 301, as manufactured by Glynwed Foundries Ltd., Great Britain.
- (iv) "BOSCA" Solid Fuel Heater, as manufactured by Bosca Industries Ltd., Frankton, New Zealand.
- (v) "HEATAMATIC" Domestic Boiler, as manufactured by Doherty Brothers Ltd., Winton, New Zealand.
- (vi) "ESSE AUTOVECTOR" Domestic Heating Appliance, as manufactured by Smith & Wellstood Ltd., Scotland.

Authorised Fuel

- Natural gas or manufactured gas.
- Liquefied petroleum gas.
- Kerosene.
- Kerosene or a blended home heating oil.
- Automotive gas oil (diesel oil).
- Liquid alcohol or solid alcohol fuels.
- Coke, char, charcoal, or dry wood.
- Coke, char, or charcoal.
- Coke, char, or charcoal. Coal with a swelling number not greater than 1.
Size to be, in each case, small domestic graded fuel (nuts generally 20 × 40 mm but not exceeding 75 mm, peas generally 10 to 20 mm).
- Coke, char, charcoal, or moderate swelling bituminous or sub-bituminous coal, of nut grade.
- Coke, char, or charcoal. Coal with a swelling number not greater than 1.
Size to be, in each case, small domestic graded fuel (nuts or peas).
- Coke, char, or charcoal. Coal with a swelling number not greater than 1.
Size to be, in each case, a good slack grade without excess of fines.
- Coke, char, or charcoal. Coal with a swelling number not greater than 1.
Size to be, in each case, small domestic graded fuel (nuts or peas).

SCHEDULE—*continued**Authorised Fuel Burning Equipment—*
continued

(vii) "PITHERS STUDIO 2 STOVE", as
manufactured by Heating Services
Ltd., Hamilton, New Zealand.

Authorised Fuel—continued

Coke, char, or charcoal. Coal
with a swelling number not
greater than 1.
Size to be, in each case,
small (peas or slack).

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order declares the City of Christchurch to be a clean air zone under the Clean Air Act 1972.

The application of section 15 of the Act (which would otherwise apply to all premises, whether or not they were industrial or trade premises, some of the more stringent provisions of the Act dealing with the emission of pollutants) is limited by the order so that certain existing buildings, certain buildings in the course of construction, and certain buildings in respect of which building permits have already been issued will not be made subject to that section. In addition open spaces and vacant land in the clean air zone which do not comprise or form part of industrial or trade premises are excluded from the application of the section.

The application of section 16 of the Act (which prohibits the emission of light smoke from premises in clean air zones) is also limited so that buildings exempted from the application of section 15 of the Act or which would be so exempted if they were not industrial or trade premises, open spaces occupied together with such buildings, and premises that are neither buildings nor industrial or trade premises will not (except in the case of certain scheduled premises) be caught by the prohibition on the emission of light smoke. In addition open spaces and vacant land in the clean air zone which do not comprise or form part of industrial or trade premises are excluded from the application of the section.

The only types of oil-fuel or solid-fuel burning equipment which are authorised for use in the clean air zone at the date of the making of the order are specified in the Schedule to the order. Other types of equipment may be added to the Schedule as they are approved.

Authorised fuels are specified in clause 5 of the order and in the Schedule.

Exemptions for lighting-up purposes, installation purposes, and fire brigade training purposes are specified in clause 6.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 7 July 1977.

This order is administered in the Department of Health.