



**THE CLEAN AIR ZONE (CHRISTCHURCH) ORDER 1977,
AMENDMENT NO. 4**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 16th day of May 1988

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 12 and 13 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.

ANALYSIS

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| <ul style="list-style-type: none"> 1. Title and commencement 2. New clauses substituted <ul style="list-style-type: none"> 5. Authorised fuels 5A. Prohibited fuels 5B. Authorised fuel burning equipment 5C. Fuel burning equipment authorised until close of 31 October 1988 5D. Fuel burning equipment authorised until close of 30 April 1992 | <ul style="list-style-type: none"> 5E. Condition in relation to use of fuel burning equipment 5F. Prohibited fuel burning equipment 5G. Power of Minister to authorise or prohibit use of fuel or fuel burning equipment 3. Further exemptions from sections 15 and 16 (1) of the Act 4. Order not to apply to scheduled process 5. New First, Second, and Third Schedules substituted 6. Revocations Schedule |
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ORDER

1. Title and commencement—(1) This order may be cited as the Clean Air Zone (Christchurch) Order 1977, Amendment No. 4, and shall be read together with and deemed part of the Clean Air Zone (Christchurch) Order 1977* (hereinafter referred to as the principal order).

(2) This order shall come into force on the 1st day of June 1988.

2. New clauses substituted—The principal order is hereby amended by revoking clause 5, and substituting the following clauses:

“5. Authorised fuels—(1) The use in the clean air zone of any of the following fuels, namely,—

“(a) Any fuel (being wood or fuel derived from wood) having a moisture content not exceeding 25 percent (on wet weight):

“(b) Any fuel (being coal or fuel derived from coal) having a sulphur content not exceeding 1 percent (by weight):

“(c) Any fuel (being natural gas, liquefied petroleum gas, or any other fuel derived from oil) having a sulphur content not exceeding 1 percent (by weight),—

is hereby authorised.

“(2) Subject to the conditions specified in subclause (3) of this clause, the use in the clean air zone of any fuel specified in the First Schedule or the Second Schedule or the Third Schedule to this order is hereby authorised.

“(3) Subclause (2) of this clause is subject to the following conditions, namely—

“(a) That the fuel be used only—

“(i) In fuel burning equipment of a kind or class specified in the First Schedule or the Second Schedule or the Third Schedule to this order in relation to that fuel; or

“(ii) In any fuel burning equipment installed before the 14th day of July 1977; or

“(iii) In any fuel burning equipment that has at any time been authorised for installation or use in the clean air zone; and

“(b) That, in the case of fuel used in any fuel burning equipment to which subparagraph (ii) or subparagraph (iii) of paragraph (a) of this subclause applies, the fuel is not—

“(i) A fuel (being wood or fuel derived from wood) having a moisture content exceeding 25 percent (on wet weight); or

“(ii) A fuel having a sulphur content exceeding 1 percent (by weight).

“(4) Nothing in this clause affects the use in the clean air zone of electricity or solar radiation.

“5A. Prohibited fuels—(1) The use in the clean air zone of any of the following fuels, namely,—

“(a) Any fuel (being wood or fuel derived from wood) having a moisture content exceeding 25 percent (on wet weight):

“(b) Any fuel having a sulphur content exceeding 1 percent (by weight),—

is hereby prohibited.

*S.R. 1977/172

Amendment No. 1: S.R. 1979/258

Amendment No. 2: S.R. 1981/17

Amendment No. 3: S.R. 1982/247

“(2) The use in the clean air zone in any fuel burning equipment of a kind or class specified in the First Schedule or the Second Schedule or the Third Schedule to this order of any fuel other than a fuel specified in the First Schedule or the Second Schedule or the Third Schedule to this order or in a notice under clause 5G of this order in relation to that kind or class of fuel burning equipment is hereby prohibited.

“(3) Nothing in subclause (2) of this clause affects the provisions of subclauses (2) and (3) of clause 5 of this order.

“(4) Nothing in this clause relates to the use in a clean air zone of electricity or solar radiation.

“**5B. Authorised fuel burning equipment**—Subject to the condition specified in clause 5E of this order, the installation and use in the clean air zone of any fuel burning equipment of a kind or class specified in the First Schedule to this order is hereby authorised.

“**5C. Fuel burning equipment authorised until close of 31 October 1988**—(1) Subject to the condition specified in clause 5E of this order, the installation and use in the clean air zone of any fuel burning equipment of a kind or class specified in the Second Schedule to this order is hereby authorised.

“(2) This clause and the Second Schedule to this order shall expire with the close of the 31st day of October 1988.

“**5D. Fuel burning equipment authorised until close of 30 April 1992**—(1) Subject to the condition specified in clause 5E of this order, the installation and use in the clean air zone of any fuel burning equipment of a kind or class specified in the Third Schedule to this order is hereby authorised.

“(2) This clause and the Third Schedule to this order shall expire with the close of the 30th day of April 1992.

“**5E. Condition in relation to use of fuel burning equipment**—Clauses 5B, 5C, and 5D of this order are each subject to the condition that the only fuel used in fuel burning equipment of a kind or class specified in the First Schedule or the Second Schedule or the Third Schedule to this order is fuel of a kind or class specified in the First Schedule or the Second Schedule or the Third Schedule to this order or in a notice under clause 5G of this order in relation to that kind or class of fuel burning equipment.

“**5F. Prohibited fuel burning equipment**—(1) The installation or use in the clean air zone of any fuel burning equipment (other than fuel burning equipment of a kind or class specified in the First Schedule or the Second Schedule or the Third Schedule to this order or of a class authorised for installation or use in the clean air zone by a notice under clause 5G of this order) is hereby prohibited.

“(2) Nothing in this clause prohibits the use in the clean air zone of—

“(a) Any fuel burning equipment installed before the 14th day of July 1977; or

“(b) Any fuel burning equipment that has at any time been authorised for installation or use in the clean air zone; or

“(c) Electricity or solar radiation.

“**5G. Power of Minister to authorise or prohibit use of fuel or fuel burning equipment**—(1) The Minister may, by notice in the *Gazette*, given after consultation with the City Council,—

“(a) Authorise or prohibit the use in the clean air zone of any class of fuel specified in the notice:

“(b) Authorise or prohibit the installation or use in the clean air zone of any class of fuel burning equipment specified in the notice.

“(2) The Minister may exercise in such manner as the Minister thinks fit the powers delegated to the Minister by this clause.”

3. Further exemptions from sections 15 and 16 (1) of the Act—Clause 6 (1) of the principal order is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) To fuel burning equipment, of a kind specified, or belonging to a class described, in the First Schedule or the Second Schedule or the Third Schedule to this order or belonging to a class authorised for installation or use in the clean air zone by a notice under clause 5C 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”.

4. Order not to apply to scheduled process—The principal order is hereby amended by inserting, after clause 6, the following clause:

“6A. This order shall not apply to a scheduled process on any scheduled premises.”

5. New First, Second, and Third Schedules substituted—The principal order is hereby amended by revoking the Schedule, and substituting the First, Second, and Third Schedules set out in the Schedule to this order.

6. Revocations—The following regulations are hereby revoked:

(a) Regulation 3 of the Clean Air Zone (Christchurch) Order 1977, Amendment No. 1:

(b) The Clean Air Zone (Christchurch) Order 1977, Amendment No. 2:

(c) The Clean Air Zone (Christchurch) Order 1977, Amendment No. 3.

Cl. 5

SCHEDULE

NEW FIRST, SECOND, AND THIRD SCHEDULES TO PRINCIPAL ORDER

Cls. 5, 5A, 5B

"FIRST SCHEDULE

AUTHORISED FUEL BURNING EQUIPMENT AND FUEL

*Authorised Fuel Burning Equipment**Authorised Fuel*

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|--|--|
| (a) Gas fired fuel burning equipment | Natural gas or
manufactured gas.
Liquefied
petroleum gas. |
| (b) Flueless kerosene fuel burning equipment
(fixed or portable). | Kerosene. |
| (c) Oil fired fuel burning equipment, with a
chimney to ensure adequate draught to enable
the equipment to be operated on a continuous
basis with a smoke emission not exceeding
Bacharach No. 2, and being one of the
following kinds: | |
| (i) Pot-type burner: | Kerosene or a
blended home
heating oil. |
| (ii) Gun-type burner. | Automotive gas oil
(diesel oil). |
| (d) Alcohol fired fuel burning equipment. | Liquefied alcohol or
solid alcohol fuels. |
| (e) Fuel burning equipment for open air cooking. | Coke, char, char-
coal, dry wood, or
liquefied petroleum
gas. |
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SCHEDULE—*continued*

“SECOND SCHEDULE

Cls. 5, 5A, 5C

FUEL BURNING EQUIPMENT AUTHORISED UNTIL CLOSE
OF 31ST DAY OF OCTOBER 1988

PART I

*Fuel Burning Equipment**Fuel*

Enclosed fuel burning equipment, 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:

- (a) ‘RAYBURN PRINCE’ models 101 and 301, Boiler/Space Heater, manufactured by Glynwed Foundries Ltd., Great Britain.
- (b) ‘JUNO’ Space Heater, manufactured by Gillies Manufacturing Co. Ltd., Oamaru.
- (c) ‘BOSCA MAJOR’ Solid Fuel Heater, manufactured by The Pot Belly Stove Co. Ltd., Glenfield, Auckland.
- (d) ‘HEATAMATIC’ Domestic coal-fired hot-water boiler, manufactured by Doherty Brothers Ltd., Winton.
- (e) ‘ESSE AUTOVECTOR’ Domestic heating appliance, manufactured by Smith and Wellstood Ltd., Scotland.
- (f) ‘PITHERS STUDIO 2 STOVE’, manufactured by Heating Services Ltd., Hamilton.
- (g) ‘PARKRAY EVERGLOW’ Boiler/Space heater, manufactured by Parkray Ltd., Derby, England.
- (h) ‘ORBIT’ Boiler/Space heater, manufactured by A & T Burt Ltd., Christchurch.
- (i) ‘CLEVELAND AIR HEATER’, manufactured by John Fogarty Ltd., Invercargill.

Coke, char, or charcoal. Coal with a swelling number not greater than 1 and having a sulphur content not exceeding 1 percent (by weight). Size to be, in each case, small domestic grade (nuts generally 20 × 40 mm, peas generally 10 × 20 mm).

SCHEDULE—*continued*“SECOND SCHEDULE—*continued*”

PART II

*Fuel Burning Equipment**Fuel*

Enclosed fuel burning equipment, 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:

Wood with a moisture content not exceeding 25 percent (on wet weight).

- (a) ‘KENT BARKER LOGFIRE’, manufactured by Kent Heating Ltd., Papatoetoe.
- (b) ‘KENT BARKER TILE FIRE’, manufactured by Kent Heating Ltd., Papatoetoe.
- (c) ‘KENT BARKER FORESTER FIRE’, manufactured by Kent Heating Ltd., Papatoetoe.
- (d) ‘KENT BARKER DUO FIRE’, manufactured by Kent Heating Ltd., Papatoetoe.
- (e) ‘WOODSMAN/CANTERBURY LOG BURNER—INBUILT UNIT’, manufactured by W. H. Harris Ltd., Christchurch. (With or without any factory built-in method of water heating.)
- (f) ‘WOODSMAN/CANTERBURY LOG BURNER—CONSOLE UNIT’, manufactured by W. H. Harris Ltd., Christchurch. (With or without any factory built-in method of water heating.)
- (g) ‘SIESTA WOODFYRE—INBUILT UNIT’, manufactured by Triway Engineering Ltd., Invercargill. (With or without any factory built-in method of water heating.)
- (h) ‘SIESTA WOODFYRE—CONSOLE UNIT’, manufactured by Triway Engineering Ltd., Invercargill. (With or without any factory built-in method of water heating.)
- (i) ‘BI WOOD BURNING STOVE’, also known as the ‘UGLY DUCKLING WOOD STOVE’, manufactured by Brugger Industries Ltd., Wainuiomata.
- (j) ‘WARMAIRE REGENCY WOOD BURNER FIRE-PLACE HEATER’, manufactured by Warmaire Industries Ltd., Auckland.
- (k) ‘HOT BOX HEATER’, manufactured by Paraparaumu Heating Centre, Wellington.
- (l) ‘SCHOONER WOOD-FIRE STOVE’, manufactured by The Pot Belly Stove Co. Ltd., Glenfield, Auckland.
- (m) ‘CAVALIER PARLOUR STOVE’, manufactured by The Hawke’s Bay Foundry Ltd., Napier.
- (n) ‘PIONEER STOVE’, manufactured by Taege Engineering Ltd., Sheffield, Canterbury.
- (o) ‘VISTA 640’, manufactured by Stack Manufacturing Co., Ltd., Auckland.

SCHEDULE—*continued*SECOND SCHEDULE—*continued*PART II—*continued**Fuel Burning Equipment**Fuel*

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|---|--|
| (p) 'COMBI 640', manufactured by Stack Manufacturing Co., Ltd., Auckland. | Wood with a moisture content not exceeding 25 percent (on wet weight). |
| (q) 'BELVEDERE WOODSTOVE', manufactured by Masport Ltd., Auckland. | |
| (r) 'PROVINCIAL WOODSTOVE', manufactured by Masport Ltd., Auckland. | |

NOTE: Unless specified for any particular appliance in any Part of this Schedule, the items of fuel burning equipment specified in this Schedule do not include any built-in method of water heating.

"THIRD SCHEDULE

Cls. 5, 5A, 5D

FUEL BURNING EQUIPMENT AUTHORISED UNTIL CLOSE
OF 30TH DAY OF APRIL 1992

*Fuel Burning Equipment**Fuel*

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| (a) Model: "WOODSMAN EYREWELL"
(With or without any factory built-in method of water heating.) | Wood having a moisture content not exceeding 25 percent (on wet weight). |
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Manufacturer: W. H. Harris Ltd., Christchurch.
Clean Air Council Identification number: 8701.

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| (b) Model: "WOODSMAN ASHLEY" (also known as "WOODSMAN BALMORAL")
(With or without any factory built-in method of water heating.) | Wood having a moisture content not exceeding 25 percent (on wet weight). |
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Manufacturer: W. H. Harris Ltd., Christchurch.
Clean Air Council Identification number: 8702.

MARIE SHROFF,
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, which comes into force on 1 June 1988, amends the Order in Council establishing the City of Christchurch clean air zone.

Clause 2 revokes clause 5 of the principal order, and substitutes new clauses 5 to 5G.

The new clause 5, which relates to authorised fuels, is based on subclauses (3) and (4) of the original clause 5. Subclause (1) of the new clause specifically authorises the use in the clean air zone of any of the following fuels:

- (a) Any fuel (being wood or fuel derived from wood) having a moisture content not exceeding 25 percent (on wet weight);
- (b) Any fuel (being coal or fuel derived from coal) having a sulphur content not exceeding 1 percent (by weight);
- (c) Any fuel (being natural gas, liquefied petroleum gas, or any other fuel derived from oil) having a sulphur content not exceeding 1 percent (by weight).

Subclauses (2) to (4) of the new clause 5 follow subclauses (2) to (4) of clause 4 of the Clean Air Zones (Canterbury Region) Order 1984 (as substituted by clause 2 of the Clean Air Zones (Canterbury Region) Order 1984, Amendment No. 1).

The new clause 5A, which relates to prohibited fuels, follows clause 4A of the Clean Air Zones (Canterbury Region) Order 1984 (as inserted by clause 2 of the Clean Air Zones (Canterbury Region) Order 1984, Amendment No. 1).

The new clause 5B, which relates to authorised fuel burning equipment, specifically authorises, subject to the condition specified in clause 5E, the installation and use in the clean air zone of any fuel burning equipment of a kind or class specified in the *First Schedule* to the principal order.

The new clause 5C confers similar authority in relation to the fuel burning equipment specified in the *Second Schedule* to the principal order. Clause 5C differs from clause 5B in that clause 5C and the *Second Schedule* to the principal order expire with the close of 31 October 1988.

The new clause 5D confers similar authority in relation to the fuel burning equipment specified in the *Third Schedule* to the principal order. Clause 5D differs from clause 5B in that clause 5D and the *Third Schedule* to the principal order expire with the close of 30 April 1992.

The new clause 5E provides that the new clauses 5B, 5C, and 5D are each subject to the condition that the only fuel used in any fuel burning equipment of a kind or class specified in the *First Schedule* or the *Second Schedule* or the *Third Schedule* to the principal order is fuel of a kind or class specified in the *First Schedule* or the *Second Schedule* or the *Third Schedule* to the principal order or in a notice under clause 5C of the principal order in relation to that kind or class of fuel burning equipment.

The new clause 5F, which relates to prohibited fuel burning equipment, is based on subclause (1) of the original clause 5. The prohibition contained in the new clause 5F relates to both installation and use. The prohibition contained in subclause (1) of the original clause 5 related only to use.

The new clause 5G follows clause 5 of the Clean Air Zones (Canterbury Region) Order 1984 (as substituted by clause 3 of the Clean Air Zones (Canterbury Region) Order 1984, Amendment No. 1). The new clause 5G provides that the Minister of Health may, by notice in the *Gazette*, given after consultation with the Christchurch City Council,—

- (a) Authorise or prohibit the use in the clean air zone of any class of fuel specified in the notice;
- (b) Authorise or prohibit the installation or use in the clean air zone of any class of fuel burning equipment specified in the notice.

Clause 3 effects a consequential amendment.

Clause 4 inserts a new clause 6A into the principal order. It provides that the principal order shall not apply to a scheduled process on scheduled premises. It follows clause 8 of the Clean Air Zones (Canterbury Region) Order 1984.

Clause 5 revokes the Schedule to the principal order, and substitutes the new *First*, *Second*, and *Third Schedules* set out in the Schedule to this order. The Schedules set out details of the fuel burning equipment authorised by clauses 5, 5A, 5B, 5C, and 5D of the principal order.

Clause 6 effects consequential revocations.

A number of the provisions of the principal order have been made uniform with provisions of the Clean Air Zones (Canterbury Region) Order 1977.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 May 1988.

This order is administered in the Department of Health.