

13 June 2023

Bruce Croucher
Liz Moncrieff
Ministry for the Environment
Via email

Dear Bruce and Liz

Re: Hawkes' Bay Regional Council Submission to OIC on Burning of Cyclone Gabrielle Waste.

Hawke's Bay Regional Council (the Council) welcomes the proposed OIC and thanks the Ministry for the Environment for the opportunity to submit on the policy development of the proposed Order in Council (OIC) permitting the burning of Cyclone Gabrielle waste.

The Council acknowledges the work Ministry for the Environment has undertaken working alongside industry representatives of growers in the region in addition to Council officers to establish these draft principles/ conditions. The Council appreciates that these are in draft only, and this is an opportunity to contribute to suggested wording of the permitted activity conditions.

The Council supports the direction of the draft principles as proposed and supports the intent of OIC's proposal that:

- Reduces volume and types of waste burnt by prior separation.
- Limiting materials to only cyclone debris on rural land. This does not include household items like whiteware and furniture, intermediate bulk containers or any other plastic storage containers and vehicles.
- Limits the overall period for OIC to have effect (until Dec 2023) and not an extended duration.
- Upholds the need to comply with FENZ requirements.

The Council provides the following comments so that they may be used to include clear and certain conditions in the OIC.

The Council submits that the conditions need to be clear so that they can be measurable and implementable. Words such as "so far as is practicable" create uncertainty for both landowner and the Council. **What is determined to be practicable or not and who decides this?**

The Council supports the preparation of a fire management plan. A template for these should be developed to ensure expediency, consistency, and cost efficiency. A template will remove any doubt about the level of complexity or simplicity required for these plans. The Council submits that simplicity will be an enabler for landowners.

The Council's Works Group undertakes permitted burns of untreated timber and prepares an internal permit to work. While this permit to burn is not suitable as a burn plan for this process, we attach it to our submission so that it may be used as a basis on which to further develop into a burn plan. In addition, it is recommended that the following information is provided in a burn plan:

- Landowner/occupier:
- Location – road address:
- Location - Rapid number:

- Person responsible for the burn:
- Planned date(s) of burn:
- Site layout – Plan showing burn site, approximate distances from boundaries and key features (buildings, fuel/chemical storage areas, hazards, access to the burn site etc):
- Content of burn pile:
- All practicable steps taken to separate fenceposts, plastics, hazardous waste containers? Y/N
- No inappropriate materials added? Y/N
- Soil sample taken pre burn? Y/N
- Weather forecast - Anticipated prevailing wind for day of burn: Check Fire weather website <https://fireweather.niwa.co.nz/region/Hawkes%20Bay> Y/N
- Suitable conditions? (to minimise the amount of contaminants released and limit any smoke blowing across neighbouring properties) Y/N
- FENZ, HBRC, TLA, and National Public Health Officer advised? Y/N
- Adjoining neighbours advised? Y/N
- Means of fire suppression:
 - Small fire fed regularly?
 - Water source nearby?
 - Burn site is easily accessible by fire trucks? Y/N
- Soil sample to be taken post burn? Y/N
- Person/Company to remove ash and waste?
- Planned destination of ash and remaining waste?

The Council notes that there is currently no detail on **who receives these fire management plans, and who ensures they are met.**

Council officers understand the proposed provisions for soil testing were developed alongside industry representatives. The Council understands that soil testing before and after burning is a pragmatic approach of ensuring land is not being further contaminated by burning of waste, while not requiring the remediation of the land to that which is greater than the starting position of the land. The Council does seek clarification on **whether the soil testing reports are required to be submitted to the regional council for review or for just record-keeping purposes?**

For the disposal of ash, Hawke's Bay Regional Council has sought advice from Hastings District Council for operational guidelines as the Oamaru landfill. The advice received noted that *typically the waste is required to have sat dormant for at least four weeks (28 days) during this time it should not be heaped in a pile as it could retain heat. While it's not normally an issue with the fire waste the landfill typically gets, there could be problems with ash if it ends up powdery and therefore difficult to transport and unload i.e., if it's a windy day it could become airborne when tipping out.* The Council was also advised that *currently Oamaru tipping areas are at the top of the landfill and more susceptible to wind gusts. While the ash could be dampened down with water, this would add weight and therefore cost to the load and also create potential for leaching on the subject property before being transported.* Further discussion with the territorial authorities of the region¹ would be appropriate on this matter.

¹ In the Hawke's Bay region, those territorial local authorities are Central Hawke's Bay District Council, Hastings District Council, Napier City Council and Wairoa District Council.

HBRC supports the exclusion of burning in the gazetted Napier and Hastings air sheds. While this does affect a small number of rural properties, given the prevalence of inversion layers in the winter months in Hastings and Napier, and the greatest proportion of the population residing within airsheds, this would need careful consideration if it was to be further considered. These affected rural properties can be supported with the funding provided by central government to commercial entities and could be made the priority for assistance with waste removal from Council's Silt and Debris Working Group. If the proposed OIC is extended to include the Hastings and Napier air sheds, the Council seeks the Ministry to include in the proposed OIC a waiver of the National Environmental Standard for Air Quality 2004 for reporting exceedances and subsequent consenting limitations regardless of whether the OIC permits waste burning in N&H airsheds or not. The waiver would apply for remainder of 2023, presuming the permitted burning 'window' would expire in Dec 2023. Given our rural land surrounds the airsheds, prevailing wind conditions may move smoke over and across the airsheds from time to time. This could trigger an NEWAQ exceedance (or at least contribute to higher concentrations at the Marewa Park and St Johns monitoring sites).

Last, the Hawke's Bay Regional Council submits that the proposed OIC for the burning of mixed waste from Cyclone Gabrielle should be applied retrospectively to enable landowners to undertake this work immediately. This will help to expedite the recovery of the productive capacity of their land.

Again, the Hawke's Bay Regional Council thanks the Ministry for enabling a collaborative approach to the proposed guidelines and conditions of this proposed OIC. Should you wish to discuss any of these matters further, you are welcome to contact the writer on the details below.

Kind regards



Katrina Brunton
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Hawke's Bay Regional Council
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Permit to Work – Lighting Fires

TITLE	Lighting Fires	No.:	PTW01
PTW LAST REVIEWED:	April 2021	PTW NEXT REVIEW DUE:	April 2023
APPLICABLE COP	COP000 General Field Worker Operations, COP010 Burning Rubbish Piles, COP055 Use of an Excavator		

Job No.		Location:	
Description of Work:			
Start Date:		End Date:	

High Risk Hazards	Risk Control Measures
1. Restricted Fire Season	Delay burn until removal of ban or obtain Permit
2. Wind speed and direction	Delay burn if unfavourable
3. Combustible materials close by	Cut fire break, ensure adequate firefighting equipment present
4. Smoke Inhalation	Stand upwind
5. Traffic hazard due to smoke	Get approval from TLA, NZTA and Police. Delay if necessary
6. Burns	Do not handle burning material. Stay upwind of fire.

Work Procedures	TICK
1. Go to website http://www.checkitsalright.nz to confirm Fire Season status and obtain permit.	
2. Advise adjoining properties and HBRC Monitoring (Ph: 0800 108 838)	
3. Inform Fire Communications (FENZ) of burn site and burn time at least 30 minutes prior to lighting fire. (Ph: 04 801 08102).	
4. Check susceptible crops within a 1km radius of the burn site. (Eg. Pine forests, dry maize etc.) List susceptible areas overleaf.	
5. Obtain long range weather forecast (focusing on wind direction & strength) and staple to this form.	
6. Adequate firefighting equipment and water supplies are available at the burn site.	
7. If smoke will drift over adjacent roads, obtain approvals from Police, NZTA and Local Authority	
8. Fire patrol (spotter) organised and properly equipped. Communications checked and operational.	
9. Complete hazard ID once on site prior to lighting fire.	

Details of Approvals	Date	Person Contacted
Fire Service NZ		
TLA (If Local Roads affected)		
NZTA (If State Highway affected)		
HBRC Monitoring		

Signature:	Date:	Time:
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