



Restricted fire season

Introduction

A restricted fire season is in place from 11th November 2019 at 8:00am, until revoked or amended, in the following areas:

- All Rural Zones in Hawkes Bay Fire District
 - Public Conservation Land and Bay Forests Zones

This advisory notice outlines what a restricted fire season means for us.

Contents

Section	What it covers
Responsibility for controlling fire in open air	Areas of control for Territorial Authorities, Regional Councils and Fire and Emergency
Fires that may and may not be lit during a restricted fire season	<ul style="list-style-type: none">• When fires may be lit during a restricted fire season• The list of authorised fire types that apply for a restricted fire season
Attending a fire in a restricted fire season	Steps to follow when attending a fire during a restricted fire season
Regional Council requirements	Guidance on regional council requirements in an area(s)
Territorial Authority requirements	Guidance on city/district council requirements in an area(s)

Responsibility for controlling fire in open air

Fire and Emergency New Zealand will exercise fire permitting and enforcement powers in relation to the restricted fire season declared in Central Hawkes Bay Rural Zones including Public Conservation Land from 11th November 2019 at 8:00am.

Regional and city or district councils use bylaws and legislation to regulate fires in their jurisdictions as land owners or controllers, or for various reasons that are unrelated to the risk of outbreak or spread of fire. See the following table for a summary of each entity's area of control:

Entity	Area of control
Territorial Authorities (City and District Councils)	<ul style="list-style-type: none"> • Prevent smoke from fires in open air causing a nuisance (bylaw powers) • Prohibit or restrict fire on reserve land or public places except in a fire place established by the territorial authority (Reserves Act 1977, bylaw powers) • Grant or refuse permission to light a fire in a public place or reserve (Reserves Act 1977) • Control nuisance or conditions injurious to health (Health Act 1956) • Undertake enforcement action relating to non-compliant fires (Health Act 1956 and/or bylaw powers). <p>Members of the public can request permission to light a fire in a public place or reserve.</p>
Regional Councils	<ul style="list-style-type: none"> • Prohibit, or require resource consents for, outdoor burning (Resource Management Act 1991) • Undertake enforcement action relating to non-permitted or unconsented fires (Resource Management Act 1991). <p>Members of the public can:</p> <ul style="list-style-type: none"> • apply for resource consents for non-permitted fires, unless the particular type of burn is classified as ‘prohibited’ for the purposes of the Resource Management Act <p>Note: This is different to a prohibition on fire in open air, or the declaration of a prohibited fire season, under the Fire and Emergency New Zealand Act 2017</p> <ul style="list-style-type: none"> • report smoke from outdoor fires where hazardous material is being burnt, e.g. plastic, treated timber, tyres.
Fire and Emergency	<ul style="list-style-type: none"> • Restrict or prohibit the lighting of fires in open air without a fire permit (Fire and Emergency New Zealand Act 2017 (the Act)) • Grant or refuse a permit based on fire risk conditions and fire control matters (Fire and Emergency New Zealand (Fire Permits) Regulations 2017 (the Regulations)) • Undertake enforcement action relating to breaches of fire control legislation (refer to the Act) • Use emergency powers to extinguish fires, where action is required to protect and preserve life, prevent injury, or avoid damage to property (refer to the Act and see <i>Operational crew decision to extinguish fire</i> in policy: Fire permitting). <p>Members of the public can:</p> <ul style="list-style-type: none"> • apply for a fire permit during a restricted or prohibited fire season, or when fire is prohibited in open air (refer to the Regulations) • report an apparent emergency (111).

Fires that may and may not be lit during a restricted fire season

A fire permit is required to light a fire in open air during a restricted fire season. A fire may be lit in open air during a restricted fire season if:

- the person who lit the fire has an active fire permit, or
- the fire is an authorised fire type in a restricted fire season, as outlined in the section below.

Authorised fire types during restricted fire season

The following list of authorised fire types do not require a fire permit during a restricted fire season. However, the person lighting the fire must comply with the conditions applicable to the authorised fire type.

Fire type	Description and conditions
Gas-operated appliances	<p>Manufactured gas-operated appliances, such as barbeques, outdoor fireplaces and outdoor gas heaters.</p> <p>Find out more about the safe use of barbeques and gas cylinders and outdoor gas-operated appliances.</p>
Charcoal barbeques or grills	<p>Barbeques or grills that use either charcoal briquettes or natural lump charcoal as their fuel source.</p> <p>Condition:</p> <p>Don't use on an apartment balcony, deck, under a roof overhang or within other enclosed areas.</p> <p><i>If you cannot meet this condition, you must apply for a permit.</i></p>
Wood-fire pizza oven	<p>Also known as wood ovens, these are ovens that use wood fuel for cooking.</p> <p>Conditions:</p> <ul style="list-style-type: none"> • Don't light your fire within three metres of any part of a building, hedge, shelter belt or any other combustible material. • In case your fire gets out of control, you must have a suitable way to extinguish it within five metres of your pizza-oven, such as a water hose, mechanical digger, or water sprayer. <p><i>If you cannot meet these conditions, you must apply for a permit.</i></p>
Chimineia	<p>A freestanding front-loading fireplace or oven with a bulbous body, and usually has a vertical smoke vent or chimney.</p> <p>Conditions:</p> <ul style="list-style-type: none"> • Don't light your fire within three metres of any part of a building, hedge, shelter belt or any other combustible material. • In case your fire gets out of control, you must have a suitable way to extinguish it within five metres of your chiminea, such as a water hose, mechanical digger, or water sprayer. <p><i>If you cannot meet these conditions, you must apply for a permit.</i></p>

Fire type	Description and conditions
Cultural fires	<p>Including hāngī, umu, braai and lovo.</p> <p>Conditions:</p> <ul style="list-style-type: none"> • Your fire area must be less than two square metres. • Don't light your fire within three metres of any part of a building, hedge, shelter belt or any other combustible material. • In case your fire gets out of control, you must have a suitable way to extinguish it within five metres of your cultural fire, such as a water hose, mechanical digger, or water sprayer. • Find out more about the safe use of cultural fires. <p><i>If you cannot meet these conditions, you must apply for a permit.</i></p>
Braziers	<p>A container for hot coals – usually an upright standing or hanging metal bowl or box.</p> <p>Conditions:</p> <ul style="list-style-type: none"> • Your fire area must be less than 0.5 square metres. • Don't light your fire within three metres of any part of a building, hedge, shelter belt or any other combustible material. • In case your fire gets out of control, you must have a suitable way to extinguish it within five metres of your brazier, such as a water hose, mechanical digger, or water sprayer. <p><i>If you cannot meet these conditions, you must apply for a permit.</i></p>
Fire pits/bowls	<p>A pit dug in the ground made from stone, brick or metal or a bowl on an upright stand.</p> <p>Conditions:</p> <ul style="list-style-type: none"> • Your fire area must be less than 0.5 square metres. • Don't light your fire within three metres of any part of a building, hedge, shelter belt or any other combustible material. • In case your fire gets out of control, you must have a suitable way to extinguish it within five metres of your fire pit/bowl, such as a water hose, mechanical digger, or water sprayer. <p><i>If you cannot meet these conditions, you must apply for a permit.</i></p>
Open drum incinerator and manufactured incinerators	<p>A drum or container with a mesh or solid lid designed to prevent the escape of hot ash or fire, and designed exclusively for incineration.</p> <p>Conditions:</p> <ul style="list-style-type: none"> • Don't light your fire within five metres of any part of a building, hedge, shelter belt or any other combustible material. • In case your fire gets out of control, you must have a suitable way to extinguish it within five metres of your incinerator, such as a water hose, mechanical digger, or water sprayer. <p><i>If you cannot meet these conditions, you must apply for a permit.</i></p>

Note: These authorised fire types do not apply to public conservation land (PCL). See the separate table below for Authorised fire types for PCL during a restricted fire season.

Authorised fire types on PCL during a restricted fire season

The following list of authorised fire types for public conservation land (PCL) do not require a fire permit during a restricted fire season. However, the person lighting the fire must comply with the conditions applicable to the authorised fire type.

Fire type	Description and conditions
Gas-operated appliances	<p>Manufactured gas-operated appliances, such as barbeques, outdoor fireplaces and outdoor gas heaters.</p> <p>Find out more about the safe use of barbeques and gas cylinders and outdoor gas-operated appliances.</p>
Campfires in a permanent fireplace	<p>Positioned and constructed by the Department of Conservation (DOC) to minimise the threat of fire spread and located within formally established DOC overnight campsites or day time amenity areas.</p>
Cooking and warming fires	<p>Fires lit in the backcountry (over one-hour walking time from the nearest road end) of public conservation land.</p> <p>Conditions:</p> <p>The fire must not be:</p> <ul style="list-style-type: none"> • within three metres of any tree or any place underneath overhanging vegetation; and • within three metres of any log or any dry vegetation; and • lit unless and until the ground surface within three metres of the site of the fire has been cleared of all combustible material; and • lit where notices and advertising are present which specifically prohibit the lighting of fires or specify the lighting of fires only in other types of receptacles or places; and • lit during a prohibited fire season; and • lit in conditions where wind or other factors may cause the fire to spread to surrounding flammable material. <p>Find out more about the safe use of campfires.</p>

Attending a fire in a restricted fire season

Follow these steps when attending a fire within area(s) where there is a restricted fire season:

1. Make a risk-based decision on whether the fire is an immediate danger to life or property. If it is, you must extinguish the fire, using emergency powers.
2. Refer to the authorised fire types in a restricted fire season in the appropriate table above to determine whether the fire requires a fire permit.

If the fire is...	then...
an authorised fire type	no action is required.
not an authorised fire type	<ul style="list-style-type: none"> • a fire permit is required • go to step 3.

3. Confirm whether there is a fire permit for the fire, and that the fire complies with permit conditions.

If there is a restricted fire season and there is...	then...
a fire permit and the conditions are complied with	no action is required.
no fire permit for this fire or there is a breach of fire permit conditions	make a risk-based decision on whether the fire is a danger to life or property – if it is, you must extinguish the fire, using emergency powers.

Regional Council requirements

Hawkes Bay Regional Council 06 835 9200 www.hbrc.govt.nz prohibits the burning of the following materials:

- Rubbish and household waste - including plastic of any sort, polystyrene, coated or covered metal, rubber, paint, waste oil, pitch asphalt, fabric, kitchen waste or large amounts of printed paper synthetic materials like foam or fibreglass or cardboard
- Treated timber - for outdoor use, such as, fencing or decking, outdoor furniture or cladding
- Modified wood - products such as MDF or custom wood, chip board or plywood or other wood that contain glue and binding agents
- Wet or green wood – including plant waste that produce large amounts of smoke
- Motor vehicles or motor vehicle parts
- Asbestos - contained in materials like insulation, roofing material and some rope.

Territorial Authority requirements

Central Hawkes Bay District Council' 06 857 8060 www.chbdc.govt.nz restrictions on burning are:

Smoke Nuisance

Smoke from fires in open air must not cause a nuisance for neighbouring properties. The Central Hawkes Bay District Council responds to complaints relating to smoke nuisance incidences, especially when the smoke is potentially impacting on people's health.

Fires in public places

Under Central Hawkes Bay District Council public places bylaw, the only fire someone can have in the open air in a public place without council permission is a gas barbecue, etc.

Fires in parks and reserves

In the Central Hawkes Bay District Council parks and reserve bylaw the only fire someone can have in the open air in a park or reserve without council permission is a gas barbecue, etc.

Document information

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