

From: [Joe Grayland](#)
To: [Mailroom Mailbox](#)
Cc: [Carmel Rowlands](#); [Greg Wallace](#)
Subject: Environment Canterbury Air Plan_MPGD Submission in support of pCARP385_29June2015
Date: Monday, 29 June 2015 1:00:19 p.m.
Attachments: [Environment Canterbury Air Plan_MPGD Submission in support of pCARP385_29June2015.docx](#)

To whom it may concern:
Master Plumbers Submission on Schedule 7, Part 1 in support of pCARP 385,
Submission by Mr Warwick Kirwan.

Regards
Joe Grayland

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29 June 2015

Carmel Rowlands
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Environment Canterbury
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Per email: mailroom@ecan.govt.nz.
Email cced: Carmel.Rowlands@ecan.govt.nz

To whom it may concern,

Further Submission on the Proposed Canterbury Air Regional Plan in support of the submission:

pCARP- 385, Mr Warwick Kirwan; Oppose; Delete Part 1 of Schedule 7.
Schedule 7: Installation, registration and maintenance of domestic solid fuel burners for the removal of Schedule 7, Part 1, Installation, registration and maintenance of domestic solid fuel burners
and Master Plumbers, Gasfitters and Drainlayers NZ Inc submits its own submission for consideration.

Master Plumbers supports the following submissions:

pCARP 244, Mr Stephen Walders
pCARP 465, Mr Grant Williams
pCARP 916, Ashburton District Council
pCARP 116, Selwyn District Council
pCARP 1650, Waimakariri District Council
pCARP 1882, Kaikoura District Council
pCARP 2796, Mr Brian Martin Anderson
pCARP 2892, Mr Brian Martin Anderson

Master Plumbers opposes the submission pCARP 1364, New Zealand Home Heating Association.

Yours sincerely,

Greg Wallace
Chief Executive Officer,
Master Plumbers, Gasfitters and Drainlayers, NZ. Inc.

Submission, Master Plumbers, Gasfitters and Drainlayers, Nz Inc on Schedule 7: Installation, registration and maintenance of domestic solid fuel burners, Proposed Canterbury Air Regional Plan.

Part 1 - Installation

Domestic solid fuel burners installed after 28 February 2015 are to be installed, or their installation approved, by a person or company accredited as a Solid Fuel Appliance Installation Technician by the New Zealand Home Heating Association.

Part 2 - Registration and maintenance

If located within a Clean Air Zone, the owner of a domestic solid fuel burner must provide the following information to the CRC when an appliance is installed or when ownership of the appliance changes:

1. The full name(s) of the appliance owners;
2. The contact details for the appliance owners;
3. The site address or legal description of the property on which the appliance is installed;
4. The appliance type, make and model.

Contact Customer Services on 0800 324 636

Upon request by a CRC officer, the person responsible for the space heating appliance must provide the following information to the CRC: A record of maintenance of the appliance (can be receipts, photographs or diary entries).

Submission:

Master Plumbers, Gasfitters and Drainlayers, NZ Inc opposes the proposed amendment under the Proposed Canterbury Air Regional Plan, Schedule 7, Part 1 because it proposes that a Plumber or Gasfitter, registered under the Plumbers, Gasfitters and Drainlayers Act, 2006 and deemed to be a Licensed Building Practitioner under the Building Act 2004, for the purposes of Restricted Building Work (Roofing), would be required to become a member of The NZ Home Heating Association, a Trade Association of wood heating manufacturers and retailers established in 1985 that does not have statutory standing in the New Zealand Building/Construction sector.

Master Plumbers would draw attention to the Building Code, Clause E2, External Moisture where the objective is to 'safeguard people from illness or injury that could result from external moisture entering the *building*' [E2.1]; and in the performance of roofs, penetrated by a flue, a roof 'must shed precipitated moisture' [E2.3.1]. Finally, '[r]oofs and exterior walls must prevent the penetration of water that could cause undue dampness, damage to *building elements*, or both.' [E2.3.2] (Clause E2 was substituted, as from 21 June 2007, by regulation 4 Building Amendment Regulations 2007 (SR 2007/124).

Issues concerning the National Environmental Standards for Air Quality (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics, Regulations 2004; Resource Management Act 1991); issues of durability of product (B2 requirements for solid fuel appliances and whether a building consent can be issued in accordance with the provisions of section 113 of the Building Act 2004; AS/NZS 4012: 1999); and issues of installation of flues that pierce the membrane of the building need to be kept in focus. Their interrelationship and their distinctions are well known by qualified and certifying tradespersons. Certifying Plumbers and Gasfitters *already* have the statutory authority and recognised competence to install solid fuel burners in compliance with the various Acts and Regulations. Consequently, an additional requirement under the proposed plan that requires them to hold membership of a third party, trade and manufactures' organisation, is both unreasonable and unnecessary.

The recognised Standard that determines specific installation requirements for an appliance is AS/NZS 2918 Domestic Solid Fuel Burning Appliances. The Standard outlines the means for determining the correct and safe installation of appliances and their associated floor protectors and flue systems, including minimum clearances from heat-sensitive materials. It also sets requirements where flues may discharge in relation to buildings. This Standard does not infer or require that a Certifying Plumber or Gasfitter must be a member of the New Zealand Home Heating Association and complete their two courses (cost approximately \$900.00).

When approving building consents for solid fuel-burning appliances, building consent authorities should consider the requirements of the Building Code, AS/NZS 2918 Domestic Solid Fuel Burning Appliances, the manufacturer's installation instructions and the National Environmental Standards for Air Quality.

When approving building consent applications for the installation solid fuel burners, Territorial Authorities must be certain that the proposed installation complies with the manufacturer's installation instructions, and may not invalidate a manufacturer's warranty through a secondary stipulation, such as that contained in Schedule 7 Part 1.

Master Plumbers is concerned that other provisions for protection of the consumer as to time, price and services provided under the Consumer Guarantees Act 1993 may be negatively impacted through Schedule 7, Part 1 and, as a result, may create greater confusion for consumers, leading to a significant risk of non-compliance with New Zealand's broader Consumer Protection legislation by Environment Canterbury, should the proposal in Schedule 7, Part 1 be enacted.

This is especially true where the appliance is fitted with a Wet-Back water heating system, for which a Plumber, registered under the Plumbers, Gasfitters and Drainlayers Act 2006 is required under New Zealand Law, and any person undertaking this work does so illegally.

Master Plumbers supports the submission made by Mr. Warwick Kirwan in the following specific points

- 1) Though the discharge of combustion from a solid fuel burner is under the control of Environment Canterbury via the Resource Management Act. The installation of the appliance is classed as building work and hence falls under the Building Act 2004. Thus a building consent is required for the installation (building work) of a new or change to an existing solid fuel heater installation.
- 2) The purpose of the Building Act was to ensure uniformity and consistence of building work thought New Zealand. The Building Act 2004 and Plumbers, Gasfitter and Drain layers Act 2006 deal with persons who are licensed to perform building work.
- 3) By invoking part 1 of Schedule 7 Environment Canterbury is regulating an industry to perform building work which is already suitability controlled and regulated.
- 4) Schedule 7 part 1 flies against the face of the entire purpose of the Building Act. I believe is out of Environment Canterbury's remit to regulate who can or cannot install solid fuel heating appliances. Builders and home owners can install solid fuel heaters under New Zealand law.
- 5) Part 1 of Schedule 7 does not take in consideration of those persons or any other who are qualified and/or experienced to perform that work who are not members of the Home Heating Association nor the owner/builder provisions of the Building Act.
- 6) Certifying and licence plumbers are the only persons who are licensed and qualified to do the complete installation of solid fuel burners particularly when there is a wet back

associated with the installation. Part 1 of Schedule 7 does not permit these suitability qualified and licensed persons from performing building work.

Master Plumbers would like to raise the delicate issue of Fair Trading in regard to Environment Canterbury's requirement that installers be members of the Home Heating Association (Schedule 7, Part 1). It appears to us that such a specific stipulation may unfairly advantage The Home Heating Association.

Master Plumbers is also concerned for the safety of Environment Canterbury in respect of the intent of the Fair Trading Act 1986. The Act seeks to protect consumers from representations that are false, misleading or deceptive; the stipulation that only a member of The Home Heating Association may install a solid fuel burner may be shown to false, misleading or deceptive, and we would want to avoid this situation.

Master Plumbers would be concerned if consumers were led to the conclusion by council staff, retailers or installers that only certain retailers, installers and a very limited product range are legally permitted, when the law provides for a greater number of products and installers.

Schedule 7, Part 1 may also give the impression to consumers and the construction industry that Environment Canterbury is operating a preferential installer system, which will potentially create a monopoly in the provision of goods, services and products, and give an unfair commercial advantage to The Home Heating Association.

If Schedule 7, Part 1 were to be adopted, Master Plumbers would request Environment Canterbury to provide evidence to support their belief that being a member of The Home Heating Association will add additional consumer protection value and regulatory strength, without at the same time increasing the costs of regulation or installation to the consumer.

Master Plumbers therefore submits that the provision of Part 1 in Schedule 7 in the Proposed Canterbury Air Regional Plan be removed and replaced with the following:

Part 1 - Installation

Domestic solid fuel burners installed after 28 February 2015 are to be installed, or their installation approved, by a person or company with the competency under the Building Act 2004.

Greg Wallace
Chief Executive Office
29 June 2015