

Frequently Asked Questions

Q: What is a solid fuel burner?

A: Any appliance that is able to burn wood, coal or wooden pellets for fuel. For example: wood burners, coal ranges, cookers, pellet fires, Marshall heaters, chip heaters, multi-fuel burners, coal burners, pot belly stoves, and indoor open fires (including Jetmasters and visors).

Q: How do I know if a solid fuel burner is compliant?

A: Contact Rotorua Lakes Council and ask if they hold a copy of its *Code Compliance Certificate*? It must be an authorised wood burner and the *Code Compliance Certificate* must be dated after 1 September 2005. Note: all coal, multi-fuel, or water heater devices are non-compliant regardless of the date of their *Code Compliance Certificate*.

Q: I'm not selling my property but it has a non-compliant solid fuel burner. Do I need to remove it?

A: It is illegal to use any non-compliant solid fuel burners, including indoor open fires, however, you only need to remove it before you sell your property.

Q: My wood burner was installed after 1 September 2005 and has a Code Compliance Certificate, can I continue to use it?

A: You can use this wood burner, however, if the government amend their National Environmental Standards for Air Quality Council may need to introduce more stringent solid fuel burner rules to meet the new standard.

VENDOR (SELLER) QUESTIONS & ANSWERS

Q. I want to sell a property that has a non-compliant solid fuel burner. What are my obligations under the Point of Sale Rule?

A: Under the Point of Sale Rule it is your responsibility (as the vendor) to remove or replace all non-compliant solid fuel burners in the property. In the case of any indoor open fires you must make them inoperable. You must complete a *Point of Sale Compliance Form*, attach before and after photos and submit the form to Bay of Plenty Regional Council – whether you replace or remove the existing fire. If you opt to “replace” the old fire with a new burner Rotorua Lakes Council need to have issued its Code Compliance Certificate before the property title transfers to the new owner. You must attach a copy of the replacement burner’s *Code Compliance Certificate* to the *Point of Sale Compliance form*. You can apply for a dispensation to leave a non-compliant solid fuel burner in the property, however, there is a \$200 fee and dispensations are only granted for exceptional circumstances. Refer to the Point of Sale section on the www.cleanairrotorua.co.nz

Q: I have purchased a wood burner that has an emission discharge of more than 0.60g/kg. Can I install it in the Rotorua airshed?

A: No, burners with an emission discharge greater than 0.60 g/kg can only be installed outside the airshed. All solid fuel burner installations require a Building Consent from Rotorua Lakes Council.

Q: I am selling a property that doesn't have a solid fuel burner. Do I need to complete a Rotorua Air Quality Control Bylaw Compliance Form?

A: No.

PURCHASER (BUYER) QUESTIONS & ANSWERS

Q: What should I do if the property I am looking at buying has a non-compliant solid fuel burner?

A: Under the Point of Sale rule the legal responsibility to remove (or replace) a non-compliant solid fuel burner lies with the seller/vendor. The vendor is not obliged to replace it but is required to remove it. Whatever the vendor decides to do the work must be completed before the property title transfer. If the vendor replaces a non-compliant burner the replacement burner must have a Code Compliance Certificate dated before settlement (and a copy must be attached to the Point of Sale Compliance form). Make sure you (or your lawyer) requests a copy of the Point of Sale Compliance Form before the property transfers into your name. A purchaser can install replacement heating (electric heating or a gas or pellet fire) after the purchase.