



## THE CLEAN AIR (LICENSING) REGULATIONS 1973

DENIS BLUNDELL, Governor-General

### ORDER IN COUNCIL

At the Government House at Wellington this 17th day of December 1973

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to 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 regulations.

#### ANALYSIS

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#### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Clean Air (Licensing) Regulations 1973.

(2) These regulations shall come into force on the 7th day after the date of their notification in the *Gazette*.

**2. Interpretation**—In these regulations, unless the context otherwise requires,—

“The Act” means the Clean Air Act 1972:

“Part A process”, “Part B process”, and “Part C process” mean respectively, but subject to subsection (2) of section 2 of the Act, a scheduled process specified or described in Part A, Part B, or Part C of the Second Schedule to the Act.

**3. Applications for licences—**(1) Every application for a licence to carry on a scheduled process shall be in writing in form 1 in the Schedule to these regulations.

(2) Subject to subclauses (3) and (4) of this regulation, every such application shall be accompanied by a plan drawn to scale and prepared to the satisfaction of the licensing authority showing—

- (a) The location in the scheduled premises of the process to which the application relates; and
- (b) The location of the principal chimneys associated with that process.

(3) Such a plan shall not be required where those locations are shown on plans and specifications submitted to the licensing authority under section 31 of the Act.

(4) Where the application relates only to a process of the kind mentioned in subclause (4) of regulation 10 of these regulations, the application shall be accompanied by a plan showing the area in which the fire pots are to be used and a plan of the kind described in subclause (2) of this regulation shall not be required.

**4. Applications under section 31 of the Act—**(1) Every application for approval under section 31 of the Act shall be in writing in form 2 in the Schedule to these regulations.

(2) Without limiting the provisions of subsection (4) of section 31 of the Act, subsections (2) to (8) of section 23 of the Act shall apply in respect of any application under the said section 31 as if it were an application for a licence.

**5. Applications for renewal of licences—**Every application for the renewal of a licence to carry on a scheduled process shall be in writing in form 3 in the Schedule to these regulations.

**6. Combined applications—**Subject to the approval of the licensing authority, who or which may require separate applications for each scheduled process, any application under the Act may relate to more than one Part A process, or to more than one Part B process, or to more than one Part C process, carried on or proposed to be carried on at the same premises.

**7. Applications to be in triplicate—**(1) Every application (including accompanying documents) under the Act shall be made in triplicate, but this requirement shall be deemed to be satisfied if one signed document is submitted and accompanied by two copies thereof.

(2) The officer of the local authority or other person receiving an application in respect of a Part A process shall transmit the original of the application and one copy to the Medical Officer of Health.

**8. Licensing authority not obliged to supply forms—**Nothing in these regulations shall oblige a licensing authority to supply forms for the use of applicants.

**9. Form of licence—**Every licence to carry on a scheduled process shall be in form 4 in the Schedule to these regulations.

**10. Fees in respect of licences**—(1) Subject to subclauses (2) to (5) of this regulation,—

- (a) The fee payable for a licence to carry on a Part A process, or in respect of the renewal or transfer of any such licence, shall be \$60:
- (b) The fee payable for a licence to carry on a Part B process, or in respect of the renewal or transfer of any such licence, shall be \$30:
- (c) The fee payable for a licence to carry on a Part C process, or in respect of the renewal or transfer of any such licence, shall be such amount (not exceeding \$15) as the licensing authority may by bylaw or resolution prescribe.

(2) Where more than one Part A process, or more than one Part B process, or more than one Part C process, not being a process to which subclause (4) of this regulation applies, is proposed to be carried on and is capable of being carried on on the same premises by the same person at the date of the application, the fee payable under subclause (1) of this regulation shall be that for one such process.

(3) On the renewal or transfer of a licence to carry on a Part A process or a Part B process or a Part C process, not being a process to which subclause (4) of this regulation applies, no fee shall be payable in respect of more than one process to which the licence relates, or in respect of the contemporaneous renewal or transfer, as the case may require, of another licence to carry on another Part A process or another Part B process or another Part C process at the same premises by the same person:

Provided that if the licence relates to a Part B process and a Part C process the fee payable on renewal or transfer of the licence shall be that prescribed in respect of a Part B process.

(4) The fee payable for a licence to carry on a combustion process in fire pots, with or without a reticulated fuel supply, solely for frost protection, and the fee payable in respect of the renewal or transfer of any such licence, shall be \$5.

(5) No fee shall be payable for a licence to carry on a scheduled process which has been, on or after the 1st day of April 1974, the subject of an application under paragraph (a) or paragraph (b) of subsection (2) of section 31 of the Act:

Provided that this subclause shall not apply to the renewal or transfer of any licence or in respect of any process to which subclause (4) of this regulation applies.

**11. Fees in respect of applications under section 31 of the Act**—

(1) Subject to subclauses (2) and (3) of this regulation, the fee payable on an application made under section 31 of the Act, on or after the 1st day of April 1974, shall, in respect of each subject comprised in the application, be \$60 if the process to which the application relates is a Part A process, \$30 if the process is a Part B process, and such amount (not exceeding \$15) as the licensing authority may by bylaw or resolution prescribe, if the process is a Part C process.

(2) For the purpose of computing the fee payable under subclause (1) of this regulation the number of subjects comprised in an application shall be determined as follows:

- (a) If the application concerns or affects a number of scheduled processes or parts of scheduled processes (whether or not of a like kind or sharing some common equipment or service) each of which is separately controllable in respect of the main effluents discharged, the application shall be deemed to comprise that number of subjects.
  - (b) If the application concerns or affects separately controllable processes as aforesaid, each of which, in the absence of other processes of a like kind, would be a Part B process or a Part C process or a process which is not a scheduled process, but which, considered together, constitute a Part A process or a Part B process or a Part C process, the application shall, in this respect, be deemed to comprise one subject.
  - (c) In every other case the application shall be deemed to comprise one subject notwithstanding the number of matters mentioned in the application as matters on which the approval of the licensing authority is sought.
- (3) If a scheduled process, to which an application under paragraph (a) or paragraph (b) of subsection (2) of section 31 of the Act relates, will be a Part A process by virtue of subsection (2) of section 2 of the Act, the application shall, for the purposes of this regulation, be deemed to relate to a Part A process only.
- (4) Nothing in this regulation shall apply in respect of any process to which subclause (4) of regulation 10 of these regulations applies.

**12. Communications of local authority with Director-General**—All communications from a local authority to the Director-General relating to an application for a licence, or to the renewal or transfer of any licence, or to an application for approval under section 31 of the Act, or to the granting or refusal of any such approval, shall be addressed to the Medical Officer of Health holding office as such within the district of the local authority.

**13. False information**—Every person commits an offence and is liable on summary conviction to a fine not exceeding \$200 who, for the purpose of obtaining, whether for himself or any other person, a licence or any renewal of a licence, or any approval under section 31 of the Act,—

- (a) Makes any statement which to his knowledge is false in any material particular; or
- (b) Utters, produces, or makes use of any document or statement which to his knowledge is false in any material particular; or
- (c) Knowingly utters, produces, or makes use of any document that is not genuine.

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#### SCHEDULE

Reg. 3 (1)

Form 1

APPLICATION FOR LICENCE TO CARRY ON SCHEDULED PROCESS

*Section 23, Clean Air Act 1972*

To [*Insert name and address of local authority within whose district the process is carried on or is proposed to be carried on*].

[Insert full name and address of applicant] hereby applies for a licence under the Clean Air Act 1972 to carry on at [Insert full address of premises at which process is carried on or is proposed to be carried on] (the process described in the Schedule to this form or the process that was the subject of an application under subsection (2) of section 31 of the Act which was approved by the licensing authority on the ..... day of ..... 19.....).

The applicant states as follows:

1. The occupier of the premises is [Insert full name and address], or (The applicant is the occupier of the premises).

2. A plan complying with subclause (2) (or subclause (4)) of regulation 3 of the Clean Air (Licensing) Regulations 1973 is forwarded herewith or is unnecessary because plans and specifications accompanied an application under section 31 of the Act submitted to the licensing authority on [Insert date].

3. The premises (are or are not) situated in a clean air zone.

4. The legal description of the land is as follows:

[Insert description].

5. Licences already held under the Clean Air Act 1972 in respect of scheduled processes carried on at the premises are as follows:

<i>Reference Number of Licence</i>	<i>Name of Licensee</i>
.....	.....

OR

5. No licence under the Clean Air Act 1972 is now held by any person in respect of any process carried on at the premises.

6. The carrying on of the process on the premises does not contravene any provision of the operative district scheme under the Town and Country Planning Act 1953 or any provision of that Act or any condition or requirement imposed by or pursuant to that Act or by or for the purposes of the operative district scheme (as indicated in the application under section 31 of the Act submitted to the licensing authority on [Insert date] or because [Give a full reference to the provision of the Act or the operative district scheme or to the decision under which the process is permissible. Attach 3 copies of any relevant decisions]).

OR

6. Particulars of the steps being taken to obtain permission under the Town and Country Planning Act 1953 to carry on the process on the premises or of any conditions still to be fulfilled before that process may be carried on there (are set out in the application under section 31 of the Act submitted to the licensing authority on [Insert date] or are as follows: [Give full particulars and attach 3 copies of any relevant documents]).

7. All approvals required under section 31 of the Clean Air Act 1972 have been obtained and all conditions imposed by the licensing authority in giving those approvals which must be complied with before the process can begin have been satisfied (except [Give particulars and indicate how long it will take to satisfy the conditions]).

OR

7. Approval under section 31 of the Clean Air Act 1972 is not required.

8. Communications regarding this application should be sent to [Insert name, address, and telephone number of, and position held by, responsible person].

9. The fee of \$..... is forwarded herewith.

Dated at ..... this ..... day of ..... 19.....

.....  
Signature of Applicant.

## Schedule

### *Description of Scheduled Process*

This Schedule (including drawings) comprises [State number] pages.

Details of the scheduled process are set out in full in the Schedule to the application under section 31 of the Act submitted to the licensing authority on [Insert date] or are as follows:

- (a) *Identify process(es) individually by reference to Part A, Part B, or Part C of, and the paragraph number in, the Second Schedule to the Act, supplemented with a description adhering as far as practicable to the terminology used in that Schedule. Show on the plan drawing the location of each process and any chimney. In the case of two or more similar processes give an identifying number or letter which is also shown on the plan.*
- (b) *State the nature and maximum quantity of the materials to be processed and the fuels to be burned averaged over the most appropriate period for evaluating air pollution. Also state the maximum continuous design rating for each process and of heat release or burning rate for each furnace for the specified fuel.*
- (c) *Where not detailed on the plan, give a description, or show on a flow-sheet, the main plant and control equipment components, their interconnection, and the height, capacity, and dimensions of any exit flues, including safety valves, for any air pollutants.*

### NOTES

- (1) This application (and its accompanying documents) are to be in triplicate.
- (2) Inapplicable alternatives are to be omitted.

Reg. 4 (1)

Form 2

### APPLICATION FOR APPROVAL OF LICENSING AUTHORITY

#### *Section 31, Clean Air Act 1972*

To [Insert name and address of local authority within whose district the scheduled process is carried on or is proposed to be carried on].

[Insert full name and address of applicant] hereby applies for the approval of the licensing authority in respect of [Specify subject-matter of application in terms of section 31 of the Clean Air Act 1972].

The applicant states as follows:

1. The premises to which this application relates are situated at [*Insert full address of premises*].
2. The occupier of the premises is [*Insert full name and address*], or (The applicant is the occupier of the premises).
3. The premises (are or are not) situated in a clean air zone.
4. The legal description of the land is as follows: [*Insert description*].
5. Licences already held under the Clean Air Act 1972 in respect of scheduled processes carried on at the premises are as follows:

<i>Reference Number of Licence</i>	<i>Name of Licensee</i>
.....	.....

OR

5. No licence under the Clean Air Act 1972 is now held by any person in respect of any process carried on at the premises.
6. The carrying on of the process on the premises does not contravene any provision of the operative district scheme under the Town and Country Planning Act 1953 or any provision of that Act or any condition or requirement imposed by or pursuant to that Act or by or for the purposes of the operative district scheme because [*Give a full reference to the provision of the Act or the operative district scheme or to the decision under which the process is permissible. Attach copies of any relevant decisions*].

OR

6. Particulars of the steps being taken to obtain permission under the Town and Country Planning Act 1953 to carry on the process on the premises or of any conditions still to be fulfilled before that process may be carried on there are as follows:

[*Give full particulars and attach 3 copies of any relevant documents.*]

7. Communications regarding this application should be sent to [*Insert name, address, and telephone number of, and position held by, responsible person*].

8. The fee of \$..... is forwarded herewith.

Dated at ..... this ..... day of ..... 19 .....

.....  
Signature of Applicant.

—  
Schedule

*Description of Process or Change in Respect of Which Approval  
is Sought*

This Schedule (including drawings) comprises [*State number*] pages.

PART I

NEW PROCESSES

- (a) *Identify process(es) individually by reference to Part A, Part B, or Part C of, and the paragraph number in, the Second Schedule to the Act, supplemented with a description adhering as far as practicable to the terminology used in that Schedule. Show on the plans the location of each process and any*

- chimney. In the case of two or more similar processes give an identifying number or letter which is also shown on the plans.*
- (b) *State the nature and maximum quantity of the materials to be processed and the fuels to be burned averaged over the most appropriate period for evaluating air pollution. Also state the maximum continuous design rating for each process and of heat release or burning rate for each furnace for the specified fuel.*
- (c) *Where not detailed on the plan, give a description, or show on a flow-sheet, the main plant and control equipment components, their interconnection and the height, capacity and dimensions of any exit flues, including safety valves, for any air pollutants. If a chimney is proposed give heights of surrounding buildings, the dimensions and materials of construction and the provision for thermal insulation so far as these are not apparent from the plans and specifications.*

## PART II

### EXISTING PROCESSES

*Describe the proposal with reference to the process described for the purposes of the existing licence, give the reason why change is needed, and state what action is proposed to minimise the amount and effects of any increased air pollution. If a new or altered chimney is proposed give heights of surrounding buildings, the dimensions and materials of construction and the provision for thermal insulation so far as these are not apparent from the plans and specifications.*

### NOTES

(1) This form should be used for applications under section 31 of the Act for approval to establish any new (or additional) scheduled process, or for approval to make changes in an existing scheduled process or, its method of operation, which could increase air pollution or require a new or altered chimney.

(2) In the case of a scheduled process not yet established, this application should be made in terms of paragraph (a) or paragraph (b) of subsection (2) of section 31 of the Clean Air Act 1972, or both of those paragraphs.

(3) In the case of an existing scheduled process, this application should be made in terms of paragraph (a) or paragraph (b) of subsection (1), or paragraph (c) of subsection (2), of section 31 of the Act, or any two or all three of those paragraphs, depending on the matter or matters in respect of which approval is sought.

(4) Every application under subsection (1) of section 31 of the Act must be made by the occupier of the scheduled premises.

(5) Plans and specifications must be submitted together with any application under subsection (2) of section 31 of the Act, that is to say, any application in respect of a scheduled process not yet established or in respect of a new or altered chimney, and may be submitted in other cases. Changes in the location of any plant or chimney should be shown.

(6) This application (and its accompanying documents) are to be in triplicate.

(7) Inapplicable alternatives are to be omitted.



## Form 3

Reg. 5

APPLICATION FOR RENEWAL OF LICENCE TO CARRY ON SCHEDULED  
PROCESS*Section 28 (1), Clean Air Act 1972*

To [Insert name and address of local authority within whose district the process is carried on].

[Insert full name and address of applicant] hereby applies for renewal of licence No. .... issued on [Insert date of issue] under the Clean Air Act 1972 to carry on at [Insert address of scheduled premises] the following scheduled process:

[Insert full particulars identifying individually the processes for which renewal of the licence is required].

The applicant states as follows:

1. The occupier of the premises is [Insert full name and address].  
or (The licensee is the occupier of the premises).
2. The premises (are or are not) situated in a clean air zone.
3. The legal description of the land is as follows: [Insert description].
4. Communications regarding this application should be sent to [Insert name, address, and telephone number of, and position held by, responsible person].
5. The fee of \$..... is forwarded herewith.

Dated at ..... this ..... day of ..... 19.....

## NOTES

- (1) This application is to be in triplicate.
- (2) Inapplicable alternatives are to be omitted.

## Form 4

Reg. 9

Licence Number:.....

## LICENCE TO CARRY ON SCHEDULED PROCESS (or PROCESSES)

*Section 25, Clean Air Act 1972*

Pursuant to the Clean Air Act 1972 [Insert full name of licensee] is hereby licensed by [Insert name of licensing authority] to carry on at [Insert full address of scheduled premises], subject to the conditions endorsed on or attached to this licence, the following scheduled process (or processes).

[Identify the process or processes individually by reference to Part A, Part B, or Part C of, and the paragraph number in, the Second Schedule to the Act, and include a brief description, adhering as far as practicable to the terminology used in that Schedule].

The process (or processes) are more exactly described in an application dated the ..... day of ..... 19.....

This licence expires with the ..... day of ..... 19.....

Dated at ..... this day of ..... 19.....

.....  
for Licensing Authority.

## CONDITIONS OF LICENCE

The conditions are set out on this page and the following [*Insert number*] pages.

(NOTE—These conditions may from time to time be varied, added to, or deleted in accordance with section 26 of the Clean Air Act 1972.)

P. G. MILLEN,  
Clerk of the Executive Council.

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EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

Under section 23 of the Clean Air Act 1972 scheduled processes carried on on any premises, on or after 1 April 1974, are required to be licensed. These regulations prescribe a form of application, a form for licence, and fees.

Section 31 of the Clean Air Act 1972 imposes, in relation to scheduled premises and scheduled processes, restrictions on the alteration of the method of operation or the carrying out of certain work without the approval of the licensing authority. These regulations prescribe a form of application and fees for the purposes of that section.

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Issued under the authority of the Regulations Act 1936.  
Date of notification in *Gazette*: 19 December 1973.  
These regulations are administered in the Department of Health.