



**THE CLEAN AIR (LICENSING) REGULATIONS 1973,
AMENDMENT NO. 1**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 21st day of
March 1983

Present:

THE RIGHT HON. D. MACINTYRE PRESIDING 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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| <p>1. Title and commencement</p> <p>2. New regulations substituted</p> <p> 10. Scheduled process fees in respect of Part A processes</p> <p> 10A. Scheduled process fees in respect of Part B processes</p> <p> 10B. Scheduled process fees in respect of Part C processes</p> | <p>10C. Scheduled process fees in respect of combustion processes in fire pots for frost protection</p> <p>10D. Reductions and refunds of scheduled process fees</p> <p>3. Fees in respect of applications under section 31 of the Act</p> <p>4. Renewal of licences</p> |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Clean Air (Licensing) Regulations 1973, Amendment No. 1, and shall be read together with and deemed part of the Clean Air (Licensing) Regulations 1973* (hereinafter referred to as the principal regulations).

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

2. New regulations substituted—The principal regulations are hereby amended by revoking regulation 10, and substituting the following regulations:

“10. Scheduled process fees in respect of Part A processes—
(1) Subject to regulation 10D of these regulations and to subclauses (2) to (4) of this regulation, the scheduled process fee that is payable under section 25A of the Act shall, where the application or licence relates to a Part A process, be, in respect of each such process to which the application or licence relates, a fee based on the value of the current replacement cost of the buildings, plant, and equipment directly associated with the process, which fee shall be assessed by the licensing authority in accordance with the following scale:

Value of Current Replacement Cost	Amount charged in respect of each Part A process \$
Not exceeding \$1,000,000	150
Exceeding \$1,000,000 but not exceeding \$5,000,000	200
Exceeding \$5,000,000 but not exceeding \$50,000,000	700
Exceeding \$50,000,000 but not exceeding \$100,000,000	1,350
Exceeding \$100,000,000	2,800.

“(2) Where a scheduled process fee is payable under subclause (1) of this regulation in respect of a Part A process, no further amount shall, in respect of that application or that licensing year, be payable under regulation 10A or regulation 10B or regulation 10C of these regulations in relation to any scheduled process which is proposed to be carried on on the same premises by the same person.

“(3) Where the applicant or licensee disputes the assessment of a scheduled process fee assessed under subclause (1) of this regulation, the licensing authority shall obtain from a valuer registered under the Valuers Act 1948 a written valuation of the current replacement cost of the buildings, plant, and equipment directly associated with the process.

“(4) Where a valuation is obtained under subclause (3) of this regulation,—

“(a) The scheduled process fee shall be reassessed by the licensing authority on the basis of the valuation so obtained; and

“(b) The scheduled process fee (as so reassessed) shall be the scheduled process fee payable under section 25A of the Act; and

“(c) The cost of the valuation shall be borne—

“(i) By the applicant or licensee, if the scheduled process fee (as so reassessed) is not less than the scheduled process fee determined by the disputed assessment:

“(ii) By the licensing authority, if the scheduled process fee (as so reassessed) is less than the scheduled process fee determined by the disputed assessment.

“10A. Scheduled process fees in respect of Part B processes—

(1) Subject to regulations 10 (2) and 10D of these regulations and to

subclause (2) of this regulation, the scheduled process fee that is payable under section 25A of the Act shall, where the application or licence relates to a Part B process, be \$100 in respect of each such process to which the application or licence relates.

“(2) Where a scheduled process fee is payable under subclause (1) of this regulation in respect of a Part B process, no further amount shall, in respect of that application or that licensing year, be payable under regulation 10B or regulation 10C of these regulations in relation to any scheduled process which is proposed to be carried on on the same premises by the same person.

“**10B. Scheduled process fees in respect of Part C processes—**(1) Subject to regulations 10 (2), 10A (2), and 10D of these regulations and to subclause (2) of this regulation, the scheduled process fee that is payable under section 25A of the Act shall, where the application or licence relates to a Part C process, be such amount (not exceeding \$50) as the licensing authority may by bylaw or resolution prescribe in respect of each such process to which the application or licence relates.

“(2) Where a scheduled process fee is payable under subclause (1) of this regulation in respect of a Part C process, no further amount shall, in respect of that application or that licensing year, be payable under regulation 10C of these regulations in relation to any scheduled process which is proposed to be carried on on the same premises by the same person.

“**10C. Scheduled process fees in respect of combustion processes in fire pots for frost protection—**Subject to regulations 10 (2), 10A (2), 10B (2), and 10D of these regulations, the scheduled process fee that is payable under section 25A of the Act shall, where the application or licence relates to a combustion process in fire pots, with or without a reticulated fuel supply, solely for frost protection, be such amount (not exceeding \$50) as the licensing authority may by bylaw or resolution decide in respect of each such process to which the application or licence relates.

“**10D. Reductions and refunds of scheduled process fees—**(1) If a licence is granted after the 30th day of April in any year, the scheduled process fee shall be reduced by one-twelfth for every complete month between the date of the grant of the licence and the 31st day of March last preceding that date.

“(2) Where a licence expires at any time before the 1st day of March in any year, there shall be refundable to the person who held the licence the amount of the scheduled process fee paid in respect of that licence reduced by one-twelfth for every month between the preceding 31st day of March and the end of the month in which the licence expired.”

3. Fees in respect of applications under section 31 of the Act—The principal regulations are hereby amended by revoking regulation 11, and substituting the following regulation:

“11. (1) Subject to subclauses (2) to (6) of this regulation, the fee payable on an application made under section 31 of the Act shall be—

“(a) In respect of each subject comprised in the application in respect of a Part A process, a fee based on the value of the work involved in relation to each such subject, which fee shall be assessed by the licensing authority in accordance with the following scale:

Value of Work	Fee \$
Not exceeding \$1,000,000	150
Exceeding \$1,000,000 but not exceeding \$5,000,000	300
Exceeding \$5,000,000 but not exceeding \$50,000,000	1,500
Exceeding \$50,000,000 but not exceeding \$100,000,000	4,000
Exceeding \$100,000,000	10,000:

“(b) In respect of each subject comprised in the application in respect of a Part B process, \$100:

“(c) In respect of each subject comprised in the application in respect of a Part C process, such amount (not exceeding \$50) as the licensing authority may by bylaw or resolution prescribe.

“(2) For the purpose of assessing 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 section 2 (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 regulation 10C of these regulations applies.

“(5) Where the occupier disputes the assessment of a fee assessed under subclause (1) (a) of this regulation as payable in respect of a subject comprised in an application made under section 31 of the Act, the licensing authority shall obtain from a valuer registered under the Valuers Act 1948 a written valuation of the work involved in relation to that subject.

“(6) Where a written valuation is obtained under subclause (5) of this regulation,—

“(a) The fee shall be reassessed by the licensing authority on the basis of the valuation so obtained; and

“(b) The fee (as so reassessed) shall be the fee payable in relation to the subject; and

“(c) The cost of the valuation shall be borne—

“(i) By the occupier, if the fee (as so reassessed) is not less than the fee determined by the disputed assessment:

“(ii) By the licensing authority, if the fee (as so reassessed) is less than the fee determined by the disputed assessment.”

4. Renewal of licences—Form 3 in the Schedule to the principal regulations is hereby amended by omitting the words “5. The fee of \$... is forwarded herewith.”

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

EXPLANATORY NOTE

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

These regulations affect the fees payable under the Clean Air (Licensing) Regulations 1973.

Regulation 2 increases the scheduled process fees and prescribes a new basis for their assessment.

Regulation 3 increases the fees payable in respect of applications under section 31 of the Clean Air Act 1972 and prescribes a new basis for the assessment of those fees.

Regulation 4 affects an amendment that is consequential on the abolition, by section 17 of the Clean Air Amendment Act 1982, of provision for the payment of a fee on the renewal or transfer of a licence.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 24 March 1983.

These regulations are administered in the Department of Health.