



**THE RESOURCE MANAGEMENT (TRANSITIONAL PROVISIONS)
REGULATIONS 1994**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 5th day of September 1994

Present:

THE RIGHT HON. J. B. BOLGER PRESIDING IN COUNCIL

PURSUANT to the Resource Management Act 1991, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Resource Management (Transitional Provisions) Regulations 1994.

(2) These regulations shall come into force on the 1st day of October 1994.

2. Certain existing uses may continue—(1) Section 418 of the Resource Management Act 1991 shall be read as if subsections (1) to (1c) (as substituted by section 200 (1) of the Resource Management Amendment Act 1993) were replaced by the following subsections:

“(1) For the purposes of this Act, section 15 (1) (c) shall not apply in respect of any discharge from an industrial or trade premises that would not have required any licence or authorisation under the Clean Air Act 1972, unless a regional plan provides otherwise.

“(1A) For the purposes of this Act, notwithstanding subsection (1), section 15 (1) (c) shall apply to any use of premises for the storage, transfer, treatment, or disposal of waste materials or other waste-management

purposes, or for composting organic material, commenced after the 1st day of October 1991.

“(1B) For the purposes of this Act, section 15 (1)(d) shall not apply in respect of any activity discharging contaminants on to or into land within a region, which was lawfully being carried out before the 1st day of October 1991 and which did not require any licence or other authorisation to discharge contaminants on to or into land under any of the Acts, regulations, or bylaws, or parts thereof, amended, repealed, or revoked by this Act, until the 1st day of April 1995.

“(1C) For the purposes of this Act, from the 1st day of April 1995, section 15 (1)(d) shall apply in respect of any activity discharging contaminants on to or into land within a region, which was lawfully being carried out before the 1st day of October 1991 and which did not require any licence or other authorisation to discharge contaminants on to or into land under any of the Acts, regulations, or bylaws, or parts thereof, amended, repealed, or revoked by this Act, unless—

“(a) The discharge is expressly allowed by a rule in a proposed regional plan; or

“(b) An application for a permit to discharge the contaminant has been lodged with the regional council.

“(1D) For the purposes of this Act, section 15 (1)(d) shall not apply in respect of any factory farm until the 1st day of April 1995.

“(1E) For the purposes of this Act, from the 1st day of April 1995 section 15 (1)(d) shall apply in respect of any factory farm unless—

“(a) The discharge is expressly allowed by a rule in a proposed regional plan; or

“(b) An application for a permit to discharge the contaminant has been lodged with the regional council.”

(2) Section 418 of the Resource Management Act 1991 shall be read as if subsection (2) was replaced by the following subsection:

“(2) For the purpose of this Act, paragraphs (b) and (c) of section 14 (1) do not apply in respect of any use or taking of geothermal energy for any purpose authorised under section 9 (1)(b) of the Geothermal Energy Act 1953 within a region until the 1st day of October 1996, unless a regional plan sooner provides otherwise.”

(3) Section 418 of the Resource Management Act 1991 shall be read as if the expression “120 (2)(a)” in subsection (6A) was replaced by the expression “12 (2)(a).”

3. Savings as to bylaws—Section 424 of the Resource Management Act 1991 shall be read as if the reference to the expression “3 years” in subsections (2), (3), and (4) was replaced by the expression “5 years”.

4. Expiry—These regulations shall expire with the close of the 30th day of September 1996, and on the 1st day of October 1996 shall be deemed to have been revoked.

MARIE SHROFF,
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, which come into force on 1 October 1994, contain transitional provisions—

- (a) To broaden the range of exemptions from the restrictions on discharges of contaminants into the air, and to extend them to 30 September 1996;
- (b) To extend the exemptions from the restrictions on discharges of contaminants on to or into land to 1 April 1995;
- (c) To extend the period during which the exemptions from the restrictions of the use of geothermal energy apply until 30 September 1996;
- (d) To **extend the savings** period for bylaws under the Harbours Act 1950 for a further **2 years** to 30 September 1996.

The regulations expire on 30 September 1996.

Issued under the authority of the Acts and Regulations Publication Act 1989.
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These regulations are administered in the Ministry for the Environment.