



THE RESOURCE MANAGEMENT (TRANSITIONAL PROVISIONS) REGULATIONS 1994, AMENDMENT NO. 1

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 27th day of March 1995

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL 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, Amendment No. 1, and shall be read together with and deemed part of the Resource Management (Transitional Provisions) Regulations 1994* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of April 1995.

2. Certain existing uses may continue—Regulation 2 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(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) Notwithstanding subsection (1), for the purposes of this Act, 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, 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to discharge contaminants on to or into land under any of the Acts, regulations, or bylaws, or parts thereof, amended, repealed, or revoked by this Act, until the 1st day of October 1996.

'(1c) Notwithstanding subsection (1B), for the purposes of this Act, section 15 (1) (d) shall apply, from the 1st day of April 1995, in respect of any use of premises (commenced before the 1st day of October 1991) for the storage, transfer, treatment, or disposal of waste materials or other waste-management purposes, or for composting organic material, where that use of premises is in the nature of a waste-transfer station, land fill, rubbish dump, or tip, 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) Notwithstanding subsection (1B), for the purposes of this Act, section 15 (1) (d) shall not apply in respect of any factory farm until the 1st day of October 1996.' "

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 April 1995, revoke that part of the principal regulations which replaced section 418 (1) to (1c) of the Resource Management Act 1991, and substitute new transitional provisions—

- (a) To clarify that the exemptions from the restrictions on the discharges into the air apply to everything except the use of premises for the storage, transfer, treatment, or disposal of waste materials, etc., commenced since 1 October 1991:
- (b) To extend the exemptions from the restrictions on discharges of contaminants on to or into land to 1 October 1996 for those activities which were lawfully commenced before 1 October 1991:
- (c) To provide that the exemption, until 1 October 1996, from the restrictions on discharges of contaminants on to or into land does not apply to the use of premises in the nature of waste-transfer stations, land fills, rubbish dumps, and tips, unless the proposed regional plan provides that the discharge is expressly permitted or a resource consent has been applied for:
- (d) To extend the exemption for factory farms (whenever commenced) until 1 October 1996.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 30 March 1995.

These regulations are administered in the Ministry for the Environment.