

7 Administrative procedures

7.1 Introduction

The Resource Management Act provides that regional plans may state:

- the processes to be used to deal with issues which cross local authority boundaries and issues between territorial authorities and between regions (Section 67(2)(f));
- the procedures to be used to monitor the efficiency and effectiveness of the plan's policies and methods (Section 67(2)(e)).

These matters are covered in this section of the plan. The first matter, that of processes to deal with issues which cross local authority boundaries and issues between territorial authorities, is part of the broader issue of achieving integrated air quality management.

7.2 Integrated management and cross-boundary issues

With respect to air quality management, integrated management involves consideration of:

- the effects of the discharge of contaminants to air or of measures to avoid, remedy or mitigate these effects, on **other natural and physical resources** or on other parts of the **environment**, recognising that such effects may occur in different areas or at different times;
- the functions of **other agencies** under the Resource Management Act or other legislation which may promote the sustainable management of natural and physical resources and help achieve the air quality objectives for the region in an efficient and effective way;
- the **social and economic objectives** and interests of the community, recognising that air quality management must be carried out having regard to social, economic and cultural well-being.

Cross-boundary issues may occur when environmental effects on one resource use are felt in another part of the environment (for example, water quality affected as a result of the discharge of contaminants to air). Cross-boundary issues may also exist in relation to air, in that air is a free medium which is not contained within political or administrative boundaries.

Integrated management aims to minimise the effects of cross-boundary issues and promote complementary, efficient and effective management of all natural and physical resources.

7.2.1 Management roles and responsibilities

Integrated management will assist the Taranaki Regional Council to co-ordinate the management of air quality and the effects of the discharge of contaminants to air with:

- the Ministry for the Environment over air quality issues which are best dealt with or co-ordinated at a national level;
- adjoining regional councils and territorial authorities within the Taranaki region concerning Taranaki Regional Council's responsibilities under the Act for the control of the discharge of contaminants to air;
- territorial authorities concerning their responsibilities under the Act for the control of the effects of the use of land and the functions and responsibilities of territorial authorities and public health authorities under other Acts.

7.2.2 The role of the Taranaki Regional Council

The Taranaki Regional Council has prepared this plan in accordance with its functions and responsibilities under section 30 of the Resource Management Act 1991.

These functions and responsibilities include:

- the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the natural and physical resources of the region (section 30(1)(a));
- the control of discharges of contaminants into air (section 30(1)(f)); and
- any other functions specified in the Act (section 30(1)(h)).

Section 15(1) of the Act, dealing with the discharge of contaminants into the environment, states that no person may discharge a contaminant from any industrial or trade premises into air unless the discharge is expressly allowed by a rule in a regional plan, a resource consent or regulations. Section 15(2) of the Act states that no person may discharge any contaminant into the air from any place or other source in a manner that contravenes a rule in a regional plan, unless expressly allowed by a resource consent or regulations or Section 20A of the Act.

Resource consents for such discharges are to be obtained from regional councils. The Taranaki Regional Council decided to prepare this regional air

quality plan to help it carry out its functions under the Act with respect to the discharge of contaminants to air, in order to achieve the purpose of the Act. Ten air quality management issues of significance to Taranaki have been identified in the Plan. These are stated and described in Section 3.0 of the Plan. Objectives, policies and methods of implementation have been prepared to address those issues. These are also set out in Section 3.0 of the Plan. Implementation of the objectives and policies of the Plan will involve integrated management of different functions and responsibilities as noted above. Under this Plan, the Taranaki Regional Council has assumed the primary role and responsibility for the following:

- control of the discharge of contaminants to air (including odour) from all industrial and trade premises within Taranaki (excluding waste management processes)⁴⁶;
- control of the discharge of contaminants to air from industrial or trade premises or other places or sources: waste management processes;
- control of the discharges of contaminants (including dust and odour) to air from site development, earthworks and the application of soil conditioners;
- control of the discharge of contaminants to air (including odour) from aquaculture and intensive farming processes;
- control of the discharge of agrichemicals into the air from production land and from public amenity areas;
- control of the burning of vegetation on production or forested land and burning of tyres and untreated used oil;
- fire training activities or fire safety research or education purposes; and
- responding to complaints relating to discharges of contaminants to air from industrial and trade premises, and other discharges controlled under the Plan.

The extent of these controls are set out in the regional rules contained in Section 4.0 of the Plan. District plans prepared by territorial authorities may also contain provisions relating to the effects of the use of land, which will assist in the implementation of the objectives and policies in the Regional Air Quality Plan (refer to Section 7.2.3 below). However, these provisions must not be inconsistent with the Regional Air Quality Plan.

The Taranaki Regional Council will also monitor and gather information in relation to discharges of contaminants to air and the state of the air resource in Taranaki and will provide information, advice and guidance to the community on air quality issues. These methods are set out in Section 3.0 of the Plan.

⁴⁶ Note: Rules 1 to 7 provide for discharges to air whether from industrial or trade premises or production land.

While the Taranaki Regional Council has primary responsibility under the Resource Management Act for the control of the discharge of contaminants to air through regional rules and resource consents, other methods in place of or in combination with regional rules and consents may better achieve the air quality objectives for the region.

Issues concerning greenhouse gases and climate change and standards for control of highly mobile sources such as motor vehicle emissions are more efficiently and effectively addressed by a co-ordinated strategy at the national level. A number of initiatives may also be taken by territorial authorities at the local level to achieve the air quality objectives in this Plan.

In addition, the Taranaki Regional Council can enter into agreements to transfer any of its functions, powers, or duties, to other public authorities. Transfer of functions, powers or duties can assist in the integrated management of resources especially where there is an appropriate community of interest relating to the exercise of the function or where there will be increased efficiencies from the transfer because of technical knowledge or expertise or because the function being transferred is closely related to other responsibilities of the authority to which the function is to be transferred.

7.2.3 The role of territorial authorities

Territorial authorities are able to contribute to the air quality objectives set out in this Plan through provisions in district plans which control the effects of the use of land. Some discharges to air, particularly odours or smoke, may result in adverse effects, even if controlled to the best practicable levels, if the adjacent land use is sensitive to the discharge. Land use controls through district plans and resource consents can assist in avoiding or mitigating adverse effects of the discharge of contaminants to air by applying controls on the siting of land use activities or applying separation distances or buffer zones around activities discharging to air.

A further means of achieving the air quality objectives of this Plan is for territorial authorities to continue to apply the nuisance provisions of the Health Act 1956 to control minor nuisance or neighbour-to-neighbour effects. Under these provisions, territorial authorities would continue to deal with those minor discharges to air not covered by controls in this Plan, for example, discharges to air from home heating or other domestic sources.

PROCEDURES

The Taranaki Regional Council will use the following procedures in relation to integrated management and cross-boundary issues:

1. **Having regard** under Section 66 of the Act to the **policy statements and plans** (including resource management plans, strategic plans and annual plans) of territorial authorities and neighbouring regional councils and the extent to which this

Plan needs to be consistent with those documents.

2. **Liaising**, as appropriate, with the **Ministry for the Environment** over air quality issues which are best dealt with or co-ordinated at the national level.
3. **Liaising**, as appropriate, with the **Waikato Regional Council** and the **Manawatu-Wanganui Regional Council** on matters of air management that are relevant to more than one region.
4. **Liaising**, as appropriate, with the **New Plymouth District Council, Stratford District Council and South Taranaki District Council** on cross-boundary issues affecting air quality management.
5. **Encouraging** the **New Plymouth District Council, Stratford District Council and South Taranaki District Council** to continue to apply the provisions of the **Health Act 1956** to control minor nuisance effects not addressed by controls in this Plan, particularly those effects associated with spray drift of agrichemicals from residential and other properties not used as production land, and the nuisance effects associated with the discharge to air from domestic sources.
6. Liaising, as appropriate, with the New Plymouth District Council, Stratford District Council, and South Taranaki District Council regarding their functions and responsibilities under the **Forest and Rural Fires Act 1977**.
7. **Liaising**, as appropriate, with other **public health authorities** regarding public health issues that arise in carrying out Taranaki Regional Council's functions under the Act.
8. **Advocating** to the New Plymouth District Council, Stratford District Council and South Taranaki District Council that, where appropriate, provisions be included in **district plans** to avoid, remedy or mitigate the effects on the environment of the discharge of contaminants to air.
9. **Considering** the **transfer of functions** which would be more efficiently, effectively and appropriately carried out by other agencies. Transfers of functions will be considered on the basis of the requirements of Section 33 of the Act including where both authorities agree that the authority to which the transfer is made represents the appropriate community of interest, and where the transfer is desirable on the grounds of efficiency and technical or special capability or expertise.
10. **Preparing other regional plans** that are complementary to and consistent with the Regional Air Quality Plan.
11. **Considering** the effects on other natural and physical resources in making decisions with respect to air quality management and resource consents to discharge contaminants to air.

12. **Making submissions** in respect of documents prepared by other authorities.

7.3 Monitoring

The Taranaki Regional Council is required by Section 35 of the Act to undertake monitoring and keep records. The Taranaki Regional Council must monitor:

- the state of the regional environment (to the extent necessary to carry out the Council's functions under the Act);
- the efficiency and effectiveness of policies, rules, or other methods in this Plan;
- the exercise of any transferred functions, powers or duties; and
- the exercise of discharge to air permits;

and take any action that is appropriate to the circumstances.

PROCEDURES

The monitoring of the efficiency and effectiveness of this Plan's policies and methods will be carried out in conjunction with monitoring of the Regional Policy Statement for Taranaki and other regional plans. The following methods will be used to monitor the effectiveness of this Plan:

1. Establish and maintain a regional ambient air quality monitoring programme appropriate to the needs of the region.
2. **Establish and maintain** a programme that is appropriate to the needs of the region, for monitoring **meteorological conditions**.
3. **Collect**, within 3 years of this Plan becoming operative, **information** on the **nature and extent of discharges** of contaminants to air in Taranaki including the volume and type of discharge from industrial, agricultural, domestic and mobile sources, and continue to gather such information to determine changes in these emissions over time.
4. **Monitor** the **cumulative effects** of contaminants discharged to air, as appropriate to the needs of the region, by:
 - undertaking a **baseline study** of the meteorological state of the atmosphere in Taranaki as it affects dispersion and removal of airborne contaminants;
 - undertaking ongoing **monitoring of ambient air quality** within the Taranaki region;
 - undertaking ongoing assessments of regional air quality management by collating available information on the nature and volume of discharges to air authorised by **resource consents**, technological advances and effects on ambient air quality;
 - undertaking ongoing assessments of regional air quality by collating information on the nature and volume of discharges to air from **sources not**

- **authorised by resource consents** including agricultural, and domestic sources and vehicle emissions;
 - maintaining a **register of complaints** which records the number, frequency, type and nature of discharges to air reported to the Council;
 - undertaking **research** on air quality issues as and when appropriate;
 - seeking **public input** and **comment** on air quality issues through surveys or other means.
5. **Consider** the results of monitoring subsequent to **implementation** of a **regional monitoring strategy**. The strategy will contain methods to monitor the overall state of the environment of the Taranaki region.
 6. **Carry out compliance monitoring** in relation to individual discharge permits. Where appropriate to the nature and scale of effect of an activity, individual consent monitoring programmes will be designed and implemented in conjunction with the consent holder.
 7. Continue **recording** and **evaluating unauthorised discharges** to air along with other unauthorised activities in the region.
 8. Use, when appropriate, monitoring and research programmes carried out by other agencies.
 9. Use, when appropriate, **information** (including requests and complaints) from iwi, territorial authorities, other agencies and the public.
 10. **Keep records** of the numbers of consent applications made for each type of activity regulated by the Plan.

3. A **full review** (within the meaning of Section 79 of the Act) will be commenced no later than 10 years after the date upon which this Plan becomes operative.

The procedures to be used to review the Plan will be determined at that time, and will include (as part of a review programme):

- (i) an assessment of the state of those matters that will be the subject of monitoring in the Regional Monitoring Strategy, and comparison with the relevant objectives of the Plan;
- (ii) internal assessment by officers of the Taranaki Regional Council regarding the efficiency and effectiveness of policies and methods of implementation in achieving the objectives of the Plan;
- (iii) internal assessment by officers of the Taranaki Regional Council regarding the usefulness of the matters required to be included in an application for a discharge permit and of administrative procedures;
- (iv) formal and informal liaison with public authorities and key interest groups regarding the effectiveness of the Plan; and
- (v) analysis and appropriate incorporation of public submissions regarding proposed changes to the plan, or re-notification of the Plan, as required by Section 79 of the Act.

7.4 Review

The Act requires that a full review of this plan commences no later than 10 years from the date upon which it becomes operative. That review will include a review of the plan and all changes to the Plan.

PROCEDURES

The following procedures will be used to review this Plan:

1. A **review** of the relevant parts or provisions of the Plan may be carried out in response to any changes in the **Regional Policy Statement** for Taranaki. This review will be to the extent appropriate to determine and make changes to the Plan so that it is not inconsistent with that policy statement.
2. A **review** of the relevant parts or provisions of the Plan may be carried out if a **new issue** arises, or if regional monitoring or research programmes show that a review would otherwise be appropriate.