

# A3

## administration

### **A3-1 Introduction**

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- A3-1.1 This chapter sets out how this Plan will be administered and the manner in which the provisions are presented.
- A3-1.2 The implementation of these provisions is at all times subject to the requirements of the Resource Management Act 1991 and its subsequent amendments, any National Policy Statements, National Environmental Standards and regulations and subject to any other relevant legislation.

### **A3-2 Plan changes and review**

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- A3-2.1 This Plan may be changed from time to time. Plan changes may be proposed by the Council, either on its own initiative, or at the request of any person or organisation. A request for a plan change must explain the purpose, reasons, and environmental effects of the change. The Council can refuse to consider a request for a change if the matter has been considered in the last two years, if the Plan has been operative for less than two years, and for other reasons set out in the Act (First Schedule).
- A3-2.2 Any proposed change, whether initiated by the Council or an individual, will be open for submission by the public in a similar way as the original plan. The Act should be consulted for full details of the plan change procedures.
- A3-2.3 The Council is required to review this Plan, commencing no later than ten years after the operative date of the Plan. On review, the whole Plan is once again the subject of public scrutiny and submission.

### **A3-3 Issues, objectives, and policies**

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- A3-3.1 Issues, objectives, policies and methods of implementation are required by the Resource Management Act to be stated in plans. This section and the next describe how they are presented in this Plan.
- A3-3.2 Issues are set out in Chapter A4. Objectives, policies, and methods of implementation are set out in Chapter A5.
- A3-3.3 Issues, objectives, policies and methods of implementation are presented in common formats and numbering styles, to assist readers to identify the status of any particular part of the document. The following material illustrates the format in which they appear in the document and incorporates a definition in place of an actual objective, policy or method.
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**A3-3.4****Example:****Objective**

**EG1** An “objective” is the desired result the community is seeking.

**Reasons**

**EG1.i** Reasons for objectives follow the statement of the objective. Further explanation is contained in the discussion of the relevant issues in Chapter A4.

**Policy**

**EG1.1** A “policy” is what needs to be done to attain an objective. Several policies may be related to one objective.

**Policies generally:**

- a) focus on the effect to be managed in order to attain the objective
- b) state how the effect is to be managed
- c) provide guidance for deciding resource consent applications.

**Explanation and Reasons**

**EG1.1.i** Explanation and reasons for policies follow the statement of each policy. Further explanation may be found in the reasons for the relevant objectives.

**A3-4****Methods****A3-4.1****Statements of Methods**

For each policy this Plan indicates the particular methods of implementation that will be used to implement the policy. There are many methods available to implement the policies and these are discussed in A3-4.2 to A3-4.6. Methods are stated after the policies they refer to, as in the following example:

**Methods**

- A3-4.1.i A “method” is the action to be taken to implement the policy.  
 A3-4.1.ii Methods are of various types as described below.

**A3-4.2****Regulatory Methods**

- A3-4.2.i Rules may prohibit, regulate or allow activities. The format and content of rules are discussed in sections A3-6 and in Chapter A6.

**A3-4.3****Tax and Incentives Methods**

- A3-4.3.i The Council has limited powers to impose taxes (rates) for resource management purposes, but can do this if the problem and the target group can be clearly defined.
- A3-4.3.ii The Council can use financial incentives to encourage appropriate behaviour from people with respect to discharges to air. This might, for example, be to encourage a shift or an early shift, away from use of certain solid fuelled appliances or open fires. It might also help remedy or mitigate any adverse effects on households of a certain action in the plan, for example, banning the use of open fires.

A3-4.3.iii Incentives can be in terms of a direct payment to people, or indirect, for example by the Council negotiating bulk deals on certain 'clean' appliances to encourage a shift away from more polluting domestic heating methods.

**A3-4.4 Economic Instruments**

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A3-4.4.i The Council might promote a market in transferable rights and permits.

A3-4.4.ii Financial contributions have a role in internalising the costs of activities to improve resource decision making.

**A3-4.5 Service Delivery Methods**

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A3-4.5.i This involves the Council directly achieving a required outcome by commissioning works or services.

A3-4.5.ii Transferring the responsibility for certain actions and decisions to another organisation by way of a transfer of powers or delegation of functions.

**A3-4.6 Information and Education Methods**

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A3-4.6.i Advocating changes to central government policy and services.

A3-4.6.ii Promoting and recognising industry codes of practice.

A3-4.6.iii Promoting, recognising, and supporting initiatives, such as "self regulation" through certified environmental management systems, which are designed to contribute to achieving sustainable management.

A3-4.6.iv Supporting negotiated agreements between parties to environmental issues.

A3-4.6.v Providing information and helping to raise awareness in the community about environmental issues and the effects of activities.

A3-4.6.vi Undertaking research and monitoring to gain an understanding of air quality and the air resource and the effects of activities on the environment, including the assessment of risks.

A3-4.6.vii Establishing and maintaining inventories with respect to air discharges.

**A3-5 Anticipated environmental results**

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A3-5.1 Anticipated Environmental Results are set out in a table at the end of Chapter A5. They state the practical results that the community could expect to see or experience as the plan is implemented.

A3-5.2 Performance Indicators are key factors to be monitored in order to assess whether or how well policies and methods are achieving the desired objectives. These are also stated in the table of anticipated environmental results.

## A3-6 Relationship of plans and other documents

### A3-6.1 Regional Plans

A3-6.1.i Regional plans address resources that are common to everyone including fresh water, the coast and air quality. Unlike district plans that relate to land use and have certain existing rights, regional plans can override some existing use rights. For air discharges, section 15 of the Resource Management Act sets out the management requirements

*'15. Discharge of contaminants into environment*

- 1) *No person may discharge any —*
  - a) *Contaminant . . .*
  - b) *Contaminant onto . . .*
  - c) *Contaminant from any industrial or trade premises into air; or*
  - d) *Contaminant from any industrial or trade premises onto or into land—*
  - e) *unless the discharge is expressly allowed by a rule in a regional plan and in any relevant proposed regional plan, a resource consent, or regulations.*
- 2) *No person may discharge any contaminant into the air, or into or onto land, from—*
  - a) *Any place; or*
  - b) *Any other source, whether moveable or not,—*
  - c) *in a manner that contravenes a rule in a regional plan or proposed regional plan unless the discharge is expressly allowed by a resource consent, or regulations, or allowed by section 20 (certain existing lawful activities allowed)'.<sup>2</sup>*

A3-6.1.ii Under s15(1) of the RMA any industrial and trade premise that discharges contaminants to air is not permitted unless allowed by resource consent or by a rule in a regional plan. Section 15 (2) permits discharges from non industrial and trade premises (for example the domestic sector) unless they are regulated in a regional plan.

A3-6.1.iii Sections 15A, 15B and 15C of the Act, and the Resource Management (Marine Pollution) Regulations 1998, together regulate discharges to air within the Coastal Marine Area. The Resource Management (Marine Pollution) Regulations prohibit the incineration of waste or other matter in any marine incineration facility in the Coastal Marine Area. The Regulations also allow for the discharge of contaminants that are incidental to or part of the normal operations of a ship or offshore facility. The provisions of the Resource Management (Marine Pollution) Regulations in certain situations will override the provisions in the Air Quality Plan where they relate to activities on the foreshore or structures built over the CMA. In such cases, sections 15A, 15B and 15C of the Act, and the Resource Management (Marine Pollution) Regulations, need to be consulted. Care should be taken to check for any amendments to the Act or Regulations since this Plan was published.

A3-6.1.iv The Plan has effect throughout the Nelson district/region, including those parts of the Coastal Marine Area (CMA) exposed at low tide, and any buildings or structures that extend beyond Mean High Water Springs into and over the Coastal Marine Area. The Coastal Marine Area chapter of the Nelson Resource Management Plan regulates the discharge of agrichemicals to air in the CMA, as do sections 15A, 15B and 15C of the Act, and the Resource Management (Marine Pollution) Regulations 1998, (discussed further in A3-6.1.iii).

### **A3-6.2 Relationship to Nelson Resource Management Plan**

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A3-6.2.i The rules in the Nelson Air Quality Plan take no account of zones. It is assumed that in terms of controlling the location of activities and the associated adverse effects, the primary mechanism is the district land use rules within the Nelson Resource Management Plan.

A3-6.2.ii The Air Quality Plan rules therefore have been established on the proviso that the land use rules will be the primary regulator of where activities locate and what adverse effects are appropriate in various zones.

A3-6.2.ii The fact that the air rules permit discharges from certain activities on a district wide basis does not in any way suggest that land use consent should automatically be granted for such activities when a land use consent is required in a particular zone in the Nelson Resource Management Plan.

A3-6.2.iii For example, the rules in the Air Quality Plan would allow a wide range of discharges to air from industrial and trade premises within the Residential Zone of the Nelson Resource Management Plan. However, the rules that control land use activities in the Residential Zone of the Nelson Resource Management Plan specifically exclude all non-residential activities from that zone, precisely because of the potential adverse effects of industrial and trade premises operating in residential areas.

A3-6.2.iv The establishment of such activities within the Residential Zone, for example, of the Nelson Resource Management Plan can be considered on a case by case basis through the resource consent process under the Nelson Resource Management Plan. While air discharges with certain conditions, for example from dry cleaning, are permitted throughout the district by this Plan, dry cleaning laundries are unlikely to be an appropriate activity within the Residential Zone or other zones of high amenity. Similar arguments can be applied in other zones for other discharge activities.

A3-6.2.v In certain instances the Nelson Resource Management Plan (NRMP) is the better place to address air discharges arising from land use activities such as new roads, earthworks or soil disturbance. For example, rules in most zones of the NRMP require resource consent for the establishment of any new State Highway, Arterial Road or Principal Road, and consideration of air emissions arising from such proposed roads is an assessment matter to be taken into account (see NRMP rules REr.56, ICr.53 etc). In the alternative, this issue is usually considered in the context of notices of requirement where roads are authorised by designation rather than resource consent. For this

reason, such matters are not specifically controlled by rules in the Air Quality Plan.

### **A3-6.3 Land Information Memorandum**

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A Land Information Memorandum (LIM) may be obtained from the Council in respect of any property. It is a means of ascertaining information held by the Council in respect of land and development and can assist in planning the use of a site and preparing resource consent applications. A fee is payable on application for a LIM.

### **A3-6.4 Documents Related to this Plan**

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#### **A3-6.4.i *Nelson City Council Conditions Register***

This contains information about conditions or constraints that apply to specific sites and includes conditions that have been placed on the property as part of any building consent or resource consent. The register is linked to Council's Geographic Information System database on computer, and is used to generate information for Land Information Memoranda. It should be referred to by potential purchasers or developers.

#### **A3-6.4.ii *New Zealand Standards***

The New Zealand Standards Association publishes a variety of documents on a wide range of subjects. These documents may be referred to when assessing any application, imposing conditions of consent, or establishing compliance with the Plan provisions.

#### **A3-6.4.iii *Codes of Practice***

Various industry associations publish Codes of Practice relating to their spheres of interest. Where these documents have wide publication and a measure of support the Council may refer to them when assessing applications and in imposing conditions of consent.

### **A3-6.5 Additional Relevant Documents**

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**A3-6.5.i** The Resource Management Act requires the Council, when preparing or changing a plan, to have regard to various documents (sections 66 and 74). These are as follows:

#### **A3-6.5.ii *Regional Policy Statement***

This document has been produced under the Resource Management Act. It provides an overview of the resource management issues of the region and the policies and methods to achieve integrated management of the natural and physical resources of the region. This Plan may not be inconsistent with the Regional Policy Statement. The Nelson Regional Policy Statement was originally notified in August 1994 and after hearing of submissions, became operative in 1996.

#### **A3-6.5.iii *National Policy Statements***

These may be issued by the Minister for the Environment on matters of national significance that are relevant to achieving the purposes of the Resource Management Act. The exception is the NZ Coastal Policy Statement, which was mandatory, and has been issued by the

Minister of Conservation. Any plans produced by a council under the Act must not be inconsistent with any National Policy Statement.

A3-6.6.iv *National Environmental Standards*

These may be issued by Order in Council. At the time this plan was made operative a National Environmental Standard for air quality existed (see Chapter A2, A2-59A).

A3-6.6.v *Management Plans and Strategies under other Acts*

The Council's Annual Plans and Long Term Council Community Plan are prepared under the Local Government Act, to set the Council's annual and long term financial and management objectives and policies for its entire operations. Although these documents are much wider in scope than resource management, they are relevant to resource management in that they provide for the funding of the administration of the Plan and also define the various works programmes that the Council can undertake to implement resource management policies, such as flood protection and drainage works. As a significant user of natural and physical resources, the Council is able to promote sustainable management in its daily operations.

A3-6.6.vi *Iwi Management Plans*

Planning documents recognised by iwi authorities must be considered. Development towards a joint Iwi Management Plan for five iwi in Nelson has occurred during the same period that the Air Quality Plan was developed. At the time of notification the joint Iwi Management Plan is yet to be finalised. Appendix 2 of the Regional Policy Statement contains a statement of resource management issues as indicated by iwi, and this was taken into account in preparing this plan. Iwi plans will be relevant to future Plan changes.