

## Table of Contents

<b>1.0 INTRODUCTION.....</b>	<b>1</b>
<b>1.1 Purpose of the Plan.....</b>	<b>1</b>
<b>1.2 Geographic Scope.....</b>	<b>1</b>
<b>1.3 Structure of the Plan.....</b>	<b>1</b>
<b>1.4 Consultation .....</b>	<b>2</b>
<b>1.5 Legislative and Policy Framework.....</b>	<b>3</b>
1.5.1 The Resource Management Act 1991 .....	4
<b>1.6 Relationship of the Plan to Other Plans and Legislation.....</b>	<b>5</b>
1.6.1 The Regional Policy Statement .....	5
1.6.2 The Part-Operative Regional Plan for Discharges to Land and Water, Waste Management and Hazardous Substances .....	5
1.6.3 Proposed Regional Coastal Environment Plan for the Gisborne Region .....	5
1.6.4 Part-Operative Combined Regional Land and District Plan for the Gisborne Region.....	5
1.6.5 Other Legislation.....	6
<b>1.7 Integrated Management of Natural and Physical Resources.....</b>	<b>6</b>

## 1.0 INTRODUCTION

### 1.1 Purpose of the Plan

This Regional Air Quality Management Plan for the Gisborne Region (the Plan) has been prepared by the Gisborne District Council in accordance with the Resource Management Act 1991 (the Act).

Section 65 of the Act states that a regional plan may be prepared in respect of any aspect or function for which the regional council is responsible and that council shall consider the desirability of preparing a regional plan whenever the following circumstances arise:

- h) any use of land or water that has actual or potential adverse effects on soil conservation or air quality or water quality;*
- i) any other significant issue relating to any function of the regional council under this Act.*

The purpose of the Regional Air Quality Management Plan is to assist the Gisborne District Council to achieve the purpose of the Act, which is to promote the sustainable management of the air resource of the Gisborne Region.

### 1.2 Geographic Scope

This plan covers the landward side of the line of mean high water springs of the Gisborne Region. Air quality management in the coastal marine area (seaward of this line) is covered by the Proposed Regional Coastal Environment Plan for the Gisborne Region.

### 1.3 Structure of the Plan

The structure of this plan is based upon the requirements for a regional plan as set out in Section 67(1) of the Resource Management Act.

The Plan is divided into the following chapters:

**Chapter 1** introduces the purpose of the plan, geographic scope and the plan preparation and implementation process. It also establishes the policy and legal framework under which the Plan has been prepared.

**Chapter 2** outlines the air quality management issues facing the Gisborne Region.

**Chapters 3, 4 and 5** contain the objectives, policies and methods of implementation (excluding rules). General objectives, policies and methods that encompass all air quality management issues are addressed as well as policies and methods specific to the individual issue sections.

**Chapter 6** details the rules that apply to activities discharging contaminants to air in the Gisborne Region.

**Chapter 7** provides a summary of the environmental results anticipated from implementing the objectives, policies and methods of implementation in the Gisborne Region.

**Chapter 8** sets out the matters relating to resource consents, including assessment of environmental effects and information requirements.

**Chapter 9** outlines procedures for dealing with cross boundary issues and

**Chapter 10** sets out the monitoring programme and matters when the Plan may be reviewed.

**Chapter 11** sets out circumstances in which financial contributions may be required, the method for calculating the maximum amount of that contribution and the general purposes for which the contribution may be used.



## 1.4 Consultation

Considerable consultation was carried out in the development of the Plan and the issues and concerns raised were taken into consideration in the formulation of the Plan.

In July 1993 an air quality discussion document was released to the public which gave a brief outline of the air quality issues that were considered important in the Region.

An issues and options pamphlet was produced in March 1994 and was circulated to interested parties.

Feedback on these documents was gained from submissions and several public resource user group meetings were held to discuss some of the matters raised.

A series of hui were held in March 1994 to canvas issues of concern to Maori. The predominant issues were the effects of dust on the community and water supplies, exhaust fumes and agricultural sprays.

The National Research Bureau was commissioned by Council in May 1994 to carry out a telephone survey of the public's perception of Council services including concern about various air quality issues.

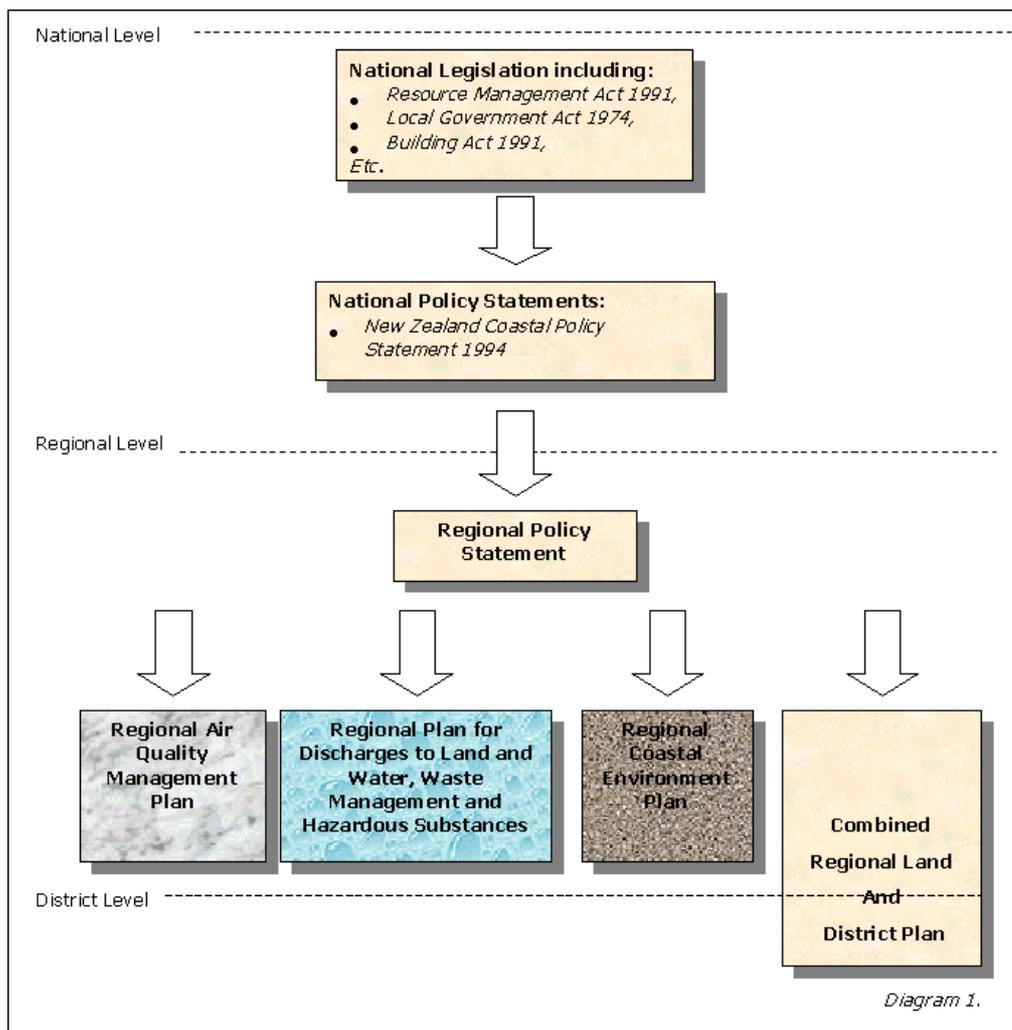
The Proposed Regional Air Quality Management Plan was publicly notified in October 1996. Submissions and further submissions were then received in 1997. The most predominant issue raised was in relation to the application of agrichemicals in the Region. A meeting was held on 8 September 1999, attended by industry groups, land users, environmental groups and rural residents at which revised draft provisions on the management of agrichemicals were presented. Verbal comments were received and recorded at the meeting and written comments following the meeting were also received.

The Plan was redrafted and publicly notified in March 2000 with an opportunity for further feedback on the issues of concern to the community in relation to the management of air quality.

The views expressed during consultation have been taken into account when developing the Plan. This consultation process has resulted in a Plan that reasonably reflects the concerns and aspirations of the Gisborne Region's community with relation to air quality.

### 1.5 Legislative and Policy Framework

The diagram below provides a hierarchy of the resource management framework in relation to the Regional Air Quality Management Plan.



## **1.5.1 The Resource Management Act 1991**

### **1.5.1.1 Purpose and principles of the Resource Management Act**

This Plan has been prepared in accordance with the functions, powers and duties vested in the Gisborne District Council under the Act.

The purpose of the Resource Management Act is to promote the sustainable management of natural and physical resources. Sustainable management, as set out in section 5(2) of the Act, means:

*'...managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while -*

- (a) Sustaining the potential of natural and physical resource (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment*

Council must also be guided by other matters in Part II of the Act including Matters of National Importance (Section 6), Other Matters (Section 7) and the Treaty of Waitangi (Section 8). These sections are explained in detail in section 5 of the Proposed Regional Policy Statement.

### **1.5.1.2 Restrictions under the Act**

The statutory framework for managing the effects of activities that discharge contaminants to air is defined in Section 15 of the Act. Section 30 of the Act allocates regional councils the principal role for controlling the discharge of contaminants into air. Section 15 restricts the discharge of contaminants into the environment, including discharges into air, as follows:

*"15. Discharge of contaminants into environment -*

*(1) No person may discharge any-...*

*(c) Contaminant from any industrial or trade premises into air...*

*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 -*

*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 allowed by Section 20 (certain existing lawful activities allowed)."*

The effect of section 15(1) of the Act is that if the discharge of contaminants to air is from any industrial or trade premises (defined in the Definitions Section of the Plan) then the discharge is allowed only if it is a Permitted Activity in the Plan, granted resource consent or specified in regulations.

Section 15(2) applies the opposite presumption to discharging to air from any source other than from industrial or trade premises. That is, unless there is a relevant rule in a regional plan, discharges from sources other than industrial or trade premises are allowed.

A key function of the Plan is to permit minor discharges to air from industrial or trade premises that are unlikely to have adverse effects on the environment that are more than minor and to regulate discharges from other sources that may have more than minor adverse effects on the environment.

### **1.5.1.3 Prior to the Resource Management Act 1991**

The Clean Air Act 1972 (since repealed) gave specific functions to territorial local authorities and the Ministry of Health to control discharges to air. The Clean Air Act focused on the licensing of listed industrial processes likely to result in air pollution based on the type of industry involved, the nature of the discharge and its likely effects on the environment. The Resource Management Act is a significant move away from how air quality issues were dealt with under this legislation.

## **1.6 Relationship of the Plan to Other Plans and Legislation**

As shown in Diagram 1, there is a hierarchy of plans and legislation within which the Regional Air Quality Management Plan falls. The plan must give effect to the Regional Policy Statement and the relevant national legislation. This section provides a summary of other plans in the Gisborne Region that may also have input into air quality management.

### **1.6.1 The Regional Policy Statement**

The Regional Policy Statement (RPS) for the Gisborne Region has been prepared in accordance with section 60 of the Resource Management Act. It provides an overview of the resource management issues of the Region and sets out policies and methods to achieve integrated management of the Region's natural and physical resources. The RPS recognises air quality management as a significant resource management issue (see Chapter 4 of the RPS). The objectives, policies and methods of this chapter and the other relevant chapters of the RPS have been considered in preparing the Plan to ensure they give effect to the RPS.

### **1.6.2 The Part-Operative Regional Plan for Discharges to Land and Water, Waste Management and Hazardous Substances**

The Proposed Regional Plan for Discharges to Land and Water, Waste Management and Hazardous Substances has been prepared under section 65 of the Act and deals with solid and liquid discharges to land and water, waste management and hazardous substances. This includes objectives, policies and methods (including rules) that deal with solid discharges, hazardous substances, contaminated sites, liquid discharges and unreticulated sewage systems.

There may be activities discharging to air that are also controlled under the Discharges Plan and both plans must be consulted. The Discharges Plan has been considered in preparation of the Air Plan.

### **1.6.3 Proposed Regional Coastal Environment Plan for the Gisborne Region**

The Proposed Regional Coastal Environment Plan for the Gisborne Region has been prepared to assist the Gisborne District Council in promoting the sustainable management of natural and physical resources of the coastal environment in the Gisborne Region. Section 64(1) of the Act states that there shall be at all times one or more regional coastal plans for the coastal marine area of a region. The Proposed Gisborne Coastal Environment Plan incorporates part of the Region that lies adjacent to the coastal marine area as well as the coastal marine area of the Gisborne Region. This Plan contains objectives and policies for discharges to air in the entire coastal environment, but only has methods, including rules, relating to air discharges in the coastal marine area. For the landward part of the coastal environment, policies from both the Regional Air Quality Management Plan and the Regional Coastal Environment Plan will apply.

### **1.6.4 Part-Operative Combined Regional Land and District Plan for the Gisborne Region**

This Plan has been prepared to meet Council's responsibilities under section 78 of the Resource Management Act to prepare a District Plan. The Gisborne District Council has also chosen to incorporate its regional responsibilities under section 30(c) of the act relating to control of land use for the purposes of soil conservation, water quality and quantity, natural hazards and hazardous substances.

Air quality can also be affected by the use of land and by discharges to air or to land from that use. As this is the role of district councils, district plans may contain provisions regulating landuse to manage air quality. Such provisions must give effect to the Air Plan.

### 1.6.5 Other Legislation

Other legislation and regulations have implications for air quality or activities that discharge contaminants to air. These may include:

- Health Act 1956
- Building Act 1991
- Traffic Regulations 1976
- Hazardous Substances and New Organisms Act 1996
- Gisborne District Bylaws
- Rural Fires Act 1977
- Local Government Act 1974
- Ozone Layer Protection Act 1991

The provisions of the Plan do not replace other legislation, bylaws or regulations relating to air quality. The Gisborne District Council has the responsibility of enforcing the provisions of the Health Act, Building Act and Rural Fires Act, as well as District bylaws.

Those responsible for discharge of contaminants to air should ensure their compliance with all other relevant legislation, regulations or bylaws.

## 1.7 Integrated Management of Natural and Physical Resources

Integrated management is a concept identified in the Act. Gisborne District Council has outlined its understanding of integrated management in the Regional Policy Statement, section 5.5.

Integrated management should occur across a range of contexts. Some of these include: (summarised from section 5.5 of the RPS)

An holistic approach to resource management;

Consistency between Gisborne District Council planning documents;

Linkages between resources;

Need for co-operation and co-ordination between agencies;

Having regard to other management plans and strategies prepared under other Acts, relevant planning documents recognised by iwi authorities and affected by the regional plan, and Resource Management Act regulations and the need to achieve consistency with the Regional Policy Statements of adjacent regional councils;

The need for integration between departments within Council; and

Any policy provisions adopted for the integrated management of the Region.

These approaches have been pursued in the preparation of the Plan.

Although the Plan is structured into discrete parts, these parts should not be viewed in isolation as the plan needs to be read as a whole.

The Plan should also be read in conjunction with the Resource Management Act, Regional Policy Statement and any other relevant regional or district plans. To assist in the achievement of an holistic approach to resource management, the Plan uses a system of cross referencing to provide linkage between parts (issues, objectives, policies, methods and rules) and to other relevant Plans. However the cross referencing is not intended to be an exhaustive list of all possibilities only a guide and does not override the section 104 requirements of the Resource Management Act.