

**Reprint  
as at 1 August 2003**



**Resource Management  
(Transitional, Fees, Rents, and  
Royalties) Regulations 1991**  
(SR 1991/206)

Catherine A Tizard, Governor-General

**Order in Council**

At Wellington this 16th day of September 1991

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.

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**These regulations are administered by the Ministry for the Environment.**

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## Regulations

### 1 Title and commencement

- (1) These regulations may be cited as the Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991.
- (2) These regulations shall come into force on 1 October 1991.

### 2 Interpretation

In these regulations, unless the context otherwise requires,—

**the Act** means the Resource Management Act 1991

**commercial activity** means any activity on land of the Crown in the coastal marine area that has, or has the potential to have, as its sole purpose or a related purpose, the production of assessable income

**non-commercial activity** means any activity that is not a commercial activity

**rents and royalties** means any rents or royalties or similar charges that are paid under any resource consent, licence, permit, permission, authorisation, approval, or Order in Council to which these regulations apply, whether granted or made before or after the commencement of the Act.

Expressions defined in the Act have the meanings so defined.

## **Part 1 Fees, etc**

### **3 Fees**

*[Revoked]*

Regulation 3: revoked, on 1 August 2003, by regulation 3 of the Resource Management (Transitional, Fees, Rents, and Royalties) Amendment Regulations (No 2) 2003 (SR 2003/154).

### **4 Goods and services tax**

- (1) The fees prescribed by these regulations are inclusive of goods and services tax under the Goods and Services Tax Act 1984.
- (2) The rents and royalties payable under these regulations are exclusive of goods and services tax under the Goods and Services Tax Act 1984.

### **5 Fees for hearing committee considering application for a restricted coastal activity**

A regional council may, in accordance with section 36 of the Act, fix a charge or require the payment of an additional charge in respect of any application for a resource consent to carry out a restricted coastal activity, to recover the appropriate proportion of its actual and reasonable costs associated with the servicing of a hearing committee set up under section 117 of the Act to consider any such application, including any investigations or reports commissioned by the regional council to ensure adequate information is available to allow the committee to make its recommendation.

### **6 Administrative charges for restricted coastal activities**

A regional council may, in accordance with section 36 of the Act, fix a charge or an additional charge to recover from the holder of a resource consent for a restricted coastal activity the appropriate proportion of the regional council's actual and reasonable costs incurred in connection with any monitoring and supervision of that resource consent by the regional council in carrying out its responsibilities under the Act or in accordance with any conditions to which the resource consent is subject.

## **Part 2**

### **Rents and royalties in coastal marine area**

#### **7 Payment of rents and royalties for existing licences, leases, permits, etc**

- (1) The holder of every—
- (a) licence, permit, approval, or authorisation referred to in section 384(1)(b) or (c) of the Act; and
  - (b) right deemed to be a coastal permit pursuant to section 386(1)(d) of the Act; and
  - (c) licence, permit, or other authorisation issued pursuant to a bylaw referred to in section 424(2) and (4) of the Act—

which provides for or prescribes the rate at which rents or royalties are to be paid, shall continue to pay rents and royalties at the same rates and in the same manner so provided or prescribed.

- (2) The persons or bodies entitled to receive payments of rents and royalties referred to in subclause (1) immediately before the commencement of the Act shall continue to be entitled to receive such payments.

Regulation 7(1): amended, on 5 June 2003, by regulation 3(2) of the Resource Management (Transitional, Fees, Rents, and Royalties) Amendment Regulations 2003 (SR 2003/91).

Regulation 7(1): amended, on 30 September 1996, by regulation 2(1) of the Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991, Amendment No 5 (SR 1996/237).

Regulation 7(1)(a): substituted, on 5 June 2003, by regulation 3(1) of the Resource Management (Transitional, Fees, Rents, and Royalties) Amendment Regulations 2003 (SR 2003/91).

Regulation 7(2): amended, on 30 September 1996, by regulation 2(2) of the Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991, Amendment No 5 (SR 1996/237).

#### **7A Review of charges and fees for occupation of land of the Crown in coastal marine area**

- (1) This regulation applies to every permit, licence, or other authorisation, being—
- (a) a coastal permit; or

- (b) a licence, permit, or other authorisation issued pursuant to a bylaw referred to in section 424(2) or section 424(4) of the Act,—

that enables the holder to occupy, within the meaning of section 12(4) of the Act, any land of the Crown in the coastal marine area.

- (2) Where any permit, licence, or other authorisation to which this regulation applies—

- (a) includes a condition that provides for a review of the rate at which any charge or fee is to be paid; but

- (b) does not specify, in the permit, licence, or other authorisation, the manner in which the review referred to in paragraph (a) is to be carried out,—

the holder of that permit, licence, or other authorisation shall, from the date that the review takes effect, be liable to pay the appropriate rent specified in, or determined in accordance with, Schedule 2 and subclauses (2) to (4) of regulation 8 shall apply in relation to that rent.

Regulation 7A: inserted, on 30 June 1993, by regulation 3 of the Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991, Amendment No 2 (SR 1993/192).

**7B Review of charges and fees for removal of sand, etc, from land of the Crown in coastal marine area**

- (1) This regulation applies to every coastal permit that enables the holder to remove any sand, shingle, shell, or other natural material, within the meaning of section 12(4) of the Act, from any land of the Crown in the coastal marine area.

- (2) Where any permit to which this regulation applies—

- (a) includes a condition that provides for a review of the rate at which any charge or fee is to be paid; but

- (b) does not specify in the permit the manner in which the review referred to in paragraph (a) is to be carried out,—

the holder of that permit shall, from the date that the review takes effect, be liable to pay a royalty of \$1.70 per cubic metre of sand, shingle, shell, or other natural material so removed and subclauses (2) to (4) of regulation 9 shall apply in relation to that royalty.

Regulation 7B: inserted, on 30 June 1993, by regulation 3 of the Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991, Amendment No 2 (SR 1993/192).

### **7C Administrative charges**

Where regulation 7A or regulation 7B applies in relation to the review by a regional council of any charge or fee, the regional council may, in accordance with section 36 of the Act, fix a charge or an additional charge to recover the regional council's actual and reasonable costs for carrying out its functions in relation to the administering, monitoring, and supervision of the permit, licence, or other authorisation.

Regulation 7C: inserted, on 30 June 1993, by regulation 3 of the Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991, Amendment No 2 (SR 1993/192).

### **8 Rent for occupation of Crown land in coastal marine area**

- (1) Where, on an application made or received under any of sections 88, 389, 393, or 397 of the Act or regulation 2 of the Resource Management (Transitional Provisions) Regulations 1991 (SR 1991/174) (as amended by regulation 17 of these regulations), a coastal permit is granted for any commercial or non-commercial activity which enables the holder to occupy, within the meaning of section 12(4) of the Act, any land of the Crown in the coastal marine area, the holder of that permit shall, from the commencement date of that permit, be liable to pay the appropriate rent specified in or determined in accordance with Schedule 2.
- (2) The rent shall be payable in advance—
  - (a) at such intervals as may be specified in the coastal permit; or
  - (b) if no such intervals are so specified, at quarterly intervals.
- (3) Any payment of rent made to a regional council under this regulation shall be the property of the Crown and shall be collected and paid in accordance with section 359 of the Act.
- (4) The Minister for the Environment may refund or remit all or such proportion of any rent, either generally or in any particular case, as the Minister thinks fit.

Regulation 8(4): added, on 30 June 1992, by regulation 3 of the Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991, Amendment No 1 (SR 1992/158).

**9 Royalty for extraction of sand, gravel, etc, from land of the Crown in coastal marine area**

- (1) Where, on an application made or received under any of sections 88, 389, 393, or 397 of the Act or regulation 2 of the Resource Management (Transitional Provisions) Regulations 1991 (SR 1991/174) (as amended by regulation 17 of these regulations), a coastal permit is granted which enables the holder to remove any sand, shingle, or other natural material, within the meaning of section 12(4) of the Act, from any land of the Crown in the coastal marine area, the holder of that permit shall, from the commencement date of that permit, be liable to pay a royalty of \$1.70 per cubic metre of sand, shingle, or other natural material so removed.
- (2) The royalty shall be payable in arrears—
  - (a) at such intervals as may be specified in the coastal permit; or
  - (b) if no such intervals are so specified, at quarterly intervals.
- (3) Any payment of royalty made to a regional council under this regulation shall be the property of the Crown and shall be collected and paid in accordance with section 359 of the Act.
- (4) The Minister for the Environment may refund or remit all or such proportion of any royalty, either generally or in any particular case, as the Minister thinks fit.

Regulation 9(4): added, on 30 June 1992, by regulation 4 of the Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991, Amendment No 1 (SR 1992/158).

**Part 3**  
**Geothermal rentals and royalties**

**10 Application of this Part**

This Part shall apply only in respect of geothermal water having a temperature exceeding 70° Celsius.



**11 Existing licences**

Every holder of a water permit deemed to have been granted under section 387 of the Act authorising the taking, tapping, use, or application of geothermal energy, that is in force immediately before the date of commencement of the Act, shall pay to the appropriate consent authority any rental that is payable under a licence granted under the Geothermal Energy Act 1953 upon the same terms and conditions as may be fixed by the licence or prescribed by regulations made under that Act.

**12 Existing applications**

Every holder of a water permit or coastal permit granted in respect of an application for a licence under the Geothermal Energy Act 1953, by virtue of the operation of section 389 of the Act, shall pay to the appropriate consent authority the rental at the appropriate rate that would have been specified had the Act not been enacted.

**13 Remission of rentals for existing licences**

- (1) Notwithstanding regulations 11 and 12, the Minister for the Environment may refund or remit all or such proportion of any rental, either generally or in any particular case, as the Minister thinks fit.
- (2) All refunds or remissions of any rentals made under regulation 14B(5) of the Geothermal Energy Regulations 1961 shall remain in effect as if the Act had not been enacted.
- (3) During the period commencing on 1 October 1991 and ending with 30 September 1996, section 387(4) of the Act shall be read as if the following paragraph were inserted after paragraph (a):

“(aa) refund or remission of rentals, the Minister:”.

Regulation 13(3): amended, on 30 September 1994, by regulation 3 of the Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991, Amendment No 4 (SR 1994/208).

**14 Geothermal royalties**

- (1) From 1 October 1991, section 10(1)(a) of the Geothermal Energy Act 1953 (as substituted by section 3(1) of the Geothermal Energy Amendment Act 1977) shall continue to apply in

respect of the holder of any coastal permit or water permit granted under Part 6 of the Act involving the use of geothermal energy:

provided that the reference in the said section 10(1)(a) to the Minister of Energy shall be read as a reference to the Minister for the Environment, and the reference to rental shall be read as a reference to royalty.

- (2) The holder of any coastal permit or water permit granted under Part 6 of the Act involving the use of geothermal energy to whom subclause (1) does not apply shall pay a royalty at the appropriate rate specified in Schedule 3.
- (3) The royalty shall be payable in arrears at such intervals as the Minister for the Environment determines from time to time.
- (4) The royalty shall be calculated in accordance with the results of a bore inspection by an Inspector appointed under the Geothermal Energy Act 1953, and those results shall be presumed to be accurate in the absence of proof to the contrary.
- (5) The value of the royalty so calculated shall remain effective until such time as an Inspector reinspects the bore and finds change has occurred, whereupon the royalty shall be amended with effect from the commencement of the then current instalment period.
- (6) The Minister for the Environment may refund or remit all or such proportion of any royalty, either generally or in any particular case, as the Minister thinks fit.

Regulation 14(1): amended, on 30 September 1996, by regulation 3(1) of the Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991, Amendment No 5 (SR 1996/237).

## **15 Payment of rental and royalties**

All payments of rentals and royalties made to a consent authority under this Part shall be the property of the Crown and shall be collected and paid in accordance with section 359 of the Act.

## **Part 4**

### **Transitional regulations**

*[Revoked]*

Part 4: revoked, on 7 July 1993 (but continued in force, by the Resource Management (Revoked Regulations Continuance) Regulations 1993 (SR 1993/387), from 31 December 1993 in respect of any proceedings to which section 230 of the Resource Management Amendment Act 1993 applies), by section 229 of the Resource Management Amendment Act 1993 (1993 No 65).

#### **16 Transfer of water permits**

*[Revoked]*

Regulation 16: revoked, on 7 July 1993 (but continued in force, by the Resource Management (Revoked Regulations Continuance) Regulations 1993 (SR 1993/387), from 31 December 1993 in respect of any proceedings to which section 230 of the Resource Management Amendment Act 1993 applies), by section 229 of the Resource Management Amendment Act 1993 (1993 No 65).

#### **17 Certain applications under Harbours Act 1950 deemed to be permissions**

*[Revoked]*

Regulation 17: revoked, on 7 July 1993 (but continued in force, by the Resource Management (Revoked Regulations Continuance) Regulations 1993 (SR 1993/387), from 31 December 1993 in respect of any proceedings to which section 230 of the Resource Management Amendment Act 1993 applies), by section 229 of the Resource Management Amendment Act 1993 (1993 No 65).

#### **18 Certain applications for Orders in Council to reclaim land and approval for harbour works not to be publicly notified**

*[Revoked]*

Regulation 18: revoked, on 7 July 1993 (but continued in force, by the Resource Management (Revoked Regulations Continuance) Regulations 1993 (SR 1993/387), from 31 December 1993 in respect of any proceedings to which section 230 of the Resource Management Amendment Act 1993 applies), by section 229 of the Resource Management Amendment Act 1993 (1993 No 65).

#### **19 Bylaws made under Lakes District Waterways (Shotover River) Empowering Act 1985**

*[Revoked]*

Regulation 19: revoked, on 7 July 1993 (but continued in force, by the Resource Management (Revoked Regulations Continuance) Regulations 1993 (SR 1993/387), from 31 December 1993 in respect of any proceedings to which sec-

tion 230 of the Resource Management Amendment Act 1993 applies), by section 229 of the Resource Management Amendment Act 1993 (1993 No 65).

## **Part 5**

### **Expiry of regulations**

*[Revoked]*

Part 5: revoked, on 30 September 1996, pursuant to regulation 4(a) of the Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991, Amendment No 5 (SR 1996/237).

## **20 Expiry**

*[Revoked]*

Regulation 20: revoked, on 30 September 1996, by regulation 4(a) of the Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991, Amendment No 5 (SR 1996/237).

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## **Schedule 1**

### **Schedule of fees**

r 3

*[Revoked]*

Schedule 1: revoked, on 1 August 2003, by regulation 3 of the Resource Management (Transitional, Fees, Rents, and Royalties) Amendment Regulations (No 2) 2003 (SR 2003/154).

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## **Schedule 2**

r 8(1)

### **Part 1**

#### **Rent payable for occupation of land of the Crown for commercial activities**

### **1 Structures other than pipelines, submarine or buried cables, boat-storage facilities, moorings, and whitebait jetties**

The annual rent for any structure (other than any pipeline, submarine or buried cable, boat-storage facility, mooring, or whitebait jetty) in respect of any commercial activity (including any marine farm, boat building, boat-repair slipway, or

Part 1—*continued*

other commercial activity), shall be the sum of \$425 per annum.

**2 Boat-storage facilities on water, including marinas, moorings, boat parks, and canal housing**

The annual rent for any boat-storage facility for more than 10 boats shall be the sum of \$425 per annum plus an additional sum per annum for every berth or set of pile moorings, which additional sum shall be calculated at the rate of \$12 per metre length of berth (for pile moorings, measured from the centre of each pile), plus an additional sum for every swing mooring of \$84 per annum.

Part 2

Rent payable for occupation of land of the  
Crown for non-commercial activities

The annual rent for any structure, other than any pipeline, boat-storage facility on water (including any mooring) or whitebait jetty, in respect of any non-commercial activity, shall be as follows:

- (a) for structures up to and including 14 square metres, the sum of \$60 per annum:
- (b) for structures exceeding 14 square metres but less than 28 square metres, the sum of \$115 per annum:
- (c) for structures exceeding 28 square metres but less than 56 square metres, the sum of \$230 per annum:
- (d) for structures exceeding 56 square metres but less than 84 square metres, the sum of \$290 per annum:
- (e) for structures exceeding 84 square metres, the sum of \$425 per annum.

### Part 3

#### Rent payable for occupation of land of the Crown for other activities (whether commercial or non-commercial)

##### **1 Pipelines and submarine or buried cables**

- (1) The annual rent for any pipeline used solely for individual domestic purposes (including stormwater and water-supply purposes) shall be the sum of \$60 per annum.
- (2) The annual rent for any pipeline (other than any pipeline used solely for individual domestic purposes) or submarine or buried cable shall be the sum of \$85 per annum plus an additional sum, where the length of the pipeline or cable occupying land of the Crown in the coastal marine area is equal to or exceeds 30 metres, of \$15 per annum per 30 metre length of the pipeline or cable.

##### **2 Moorings**

- (1) The annual rent for any pile moorings, other than any pile moorings in a boat-storage facility, shall be the sum of—
  - (a) \$60 per annum; or
  - (b) \$12 per annum per metre (measured from the centre of the piles and to the nearest metre)—whichever is the higher sum.
- (2) The annual rent for any swing mooring shall be the sum of \$84 per annum.

##### **3 Whitebait jetties**

- (1) The rent for any whitebait jetty on any river listed in Schedule 2 of the Fisheries (West Coast Whitebait Fishing) Regulations 1985 (SR 1985/211) shall be the sum of \$100 per annum.
- (2) The rent for any whitebait jetty on any other river shall be the sum of \$50 per annum.

Schedule 2 Part 3 clause 3: substituted, on 30 June 1992, by regulation 5 of the Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991, Amendment No 1 (SR 1992/158).

**Schedule 3**  
**Geothermal royalties**

r 14(2)

- 1 The annual royalty payable for each bore (other than bores which tap geothermal energy exclusively by means of a down-hole heat exchanger or through an air lift bore) shall be calculated in accordance with the following formula:

$$\$12,000 + 60 (P - 100)$$

where—

- P is the nominal wellhead pressure of the bore (in a clean condition), expressed in kPa gauge, as determined by an Inspector.
- 2 The annual royalty under clause 1 shall be payable in respect of a bore having a diameter of 100 mm. If the diameter of the bore is more or less than 100 mm, the annual royalty shall be calculated in accordance with the following formula:

$$\frac{r^2}{2\,500} \times \text{annual rental under clause 1 of this schedule}$$

where—

- r is the radius in millimetres of the bore being assessed.
- 3 The annual royalty payable for each bore which taps geothermal energy exclusively by means of a downhole heat exchanger or through an air lift bore shall be \$600.

Diane Wilderspin,  
Acting for Clerk of the Executive Council.

## Contents

- 1 General
  - 2 Status of reprints
  - 3 How reprints are prepared
  - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
  - 5 List of amendments incorporated in this reprint (most recent first)
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## Notes

### 1 *General*

This is a reprint of the Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991. The reprint incorporates all the amendments to the regulations as at 1 August 2003, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

### 2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### 3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not



included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989***

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

## **5** *List of amendments incorporated in this reprint (most recent first)*

Resource Management (Transitional, Fees, Rents, and Royalties) Amendment Regulations (No 2) 2003 (SR 2003/154)

Resource Management (Transitional, Fees, Rents, and Royalties) Amendment Regulations 2003 (SR 2003/91)

Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991, Amendment No 5 (SR 1996/237)

Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991, Amendment No 4 (SR 1994/208)

Resource Management Amendment Act 1993 (1993 No 65): section 229

Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991, Amendment No 2 (SR 1993/192)

Reprinted as at  
1 August 2003

**Resource Management (Transitional, Fees,  
Rents, and Royalties) Regulations 1991**

Notes

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Resource Management (Transitional, Fees, Rents, and Royalties) Regulations  
1991, Amendment No 1 (SR 1992/158)

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