



Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 10th day of April 2006

Present:

Her Excellency the Governor-General in Council

Pursuant to section 360(1) of the Resource Management Act 1991, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal regulations amended	2
4 Prescribed forms for resource consents	2
5 New regulation 10A inserted	2
10A Discretion to require notice to be affixed to site	2
6 New regulation 12A inserted	3
12A Discretion to require notice to be affixed to site	3
7 Proceedings and documents to be lodged with proper office of Environment Court	3
8 Application for interlocutory order	4
9 Prescribed forms for declarations, enforcement orders, and abatement notices	4

10	Schedule 1 amended	4
	Schedule	6
	New form 13 substituted in Schedule 1	

Regulations

1 Title

These regulations are the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006.

2 Commencement

These regulations come into force on 1 June 2006.

3 Principal regulations amended

These regulations amend the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

4 Prescribed forms for resource consents

(1) Regulation 9 is amended by—

- (a) inserting “, 94D” after “94C” in the second column of the first item relating to form 12; and
- (b) inserting “94(1),” before “96” in the second column of the first item relating to form 13; and
- (c) omitting “publicly notified application” from the third column of each item relating to form 13 and substituting in each case “application publicly notified or notice of which served under section 94(1) of the Act”.

(2) Regulation 9 is amended by omitting the last item in each column.

5 New regulation 10A inserted

The following regulation is inserted after regulation 10:

“10A Discretion to require notice to be affixed to site

“(1) This regulation applies if an application for a resource consent must be publicly notified under any of sections 93, 94C, or 94D(1) of the Act.

“(2) A consent authority may require the notice (which must be in the form provided for by form 12) to be affixed in a conspicuous place on or adjacent to the site to which the application relates.”

6 New regulation 12A inserted

The following regulation is inserted after regulation 12:

“12A Discretion to require notice to be affixed to site

- “(1) This regulation applies to the notification of a requirement for a designation or a heritage order under Part 8 of the Act.
- “(2) A territorial authority may require the notice (which must be in the form provided for by form 19, 20, 27, or 28, as appropriate) to be affixed in a conspicuous place on or adjacent to the site to which the notice relates.”

7 Proceedings and documents to be lodged with proper office of Environment Court

Regulation 19(2) is amended by—

- (a) inserting “or regions” after “districts” in the first place where it appears; and
- (b) omitting the table and substituting the following table:

District or region	Office of Environment Court
(a) All South Island districts and the Chatham Islands, but excluding the Marlborough district	Christchurch Environment Court
(b) Marlborough district	Wellington Environment Court
(c) All districts and regions in the North Island except—	Wellington Environment Court
(i) Auckland and the districts and regions north of it; and	
(ii) Hamilton city; and	
(iii) Waikato district; and	
(iv) Waipa district; and	
(v) Waikato region; and	
(vi) Hauraki district; and	
(vii) Thames-Coromandel district; and	
(viii) Bay of Plenty region; and	
(ix) Western Bay of Plenty district; and	
(x) Taupo district	

District or region	Office of Environment Court
(d) All North Island districts and regions listed in item (c)	Auckland Environment Court

8 Application for interlocutory order

Regulation 25 is amended by revoking subclause (2) and substituting the following subclause:

- “(2) A party to the proceedings who wishes to be heard on the interlocutory application must lodge a written notice of the wish to be heard with the Registrar—
- “(a) within 3 working days of being served with the copy of the application; or
- “(b) within any shorter period that an Environment Judge considers appropriate in the circumstances.”

9 Prescribed forms for declarations, enforcement orders, and abatement notices

Regulation 28 is amended by omitting “325(3B)” from the second column of the item relating to form 49 and substituting “325(2)”.

10 Schedule 1 amended

- (1) The list of the forms in Schedule 1 is amended by—
- (a) omitting “publicly notified application” from the second column in relation to form 13 and substituting “application publicly notified or notice of which served under section 94(1)”; and
- (b) omitting “matter of national significance,” from the second column in relation to form 16.
- (2) Forms 3, 5, 6, 15, 21, and 30 of Schedule 1 are amended by inserting “(A signature is not required if you make your submission by electronic means.)” under “Date” in each case.
- (3) Form 6 of Schedule 1 is amended by omitting “I seek the following decision from the local authority:” and substituting “I seek that the whole (*or part [describe part]*) of the submission be allowed (*or disallowed*):”.
- (4) Forms 7, 8, 16, 22, 33, 34, 35, 36, 37, 38, 41, 42, 43, 44, 45, 46, 47, 49, and 50 of Schedule 1 are amended by omitting in each case the heading “**Contact details of Environment**

- Court for lodging documents**” and all the material in the form that follows that heading.
- (5) Forms 9 and 10 of Schedule 1 are amended by omitting “(or regional council, in the case of a coastal permit)” in each case.
 - (6) Form 12 of Schedule 1 is amended by inserting “94D,” after “94C,” in the line under the heading to this form.
 - (7) Schedule 1 is amended by revoking form 13 and substituting the form 13 set out in the Schedule of these regulations.
 - (8) Form 16 of Schedule 1 is amended by—
 - (a) omitting “matter of national significance,” from the heading to this form; and
 - (b) omitting “149(3),” from the line under the heading to this form.
 - (9) Form 24 of Schedule 1 is amended by—
 - (a) omitting “You must lodge the original and 1 copy of this application with the Environment Court within 15 working days of receiving notice of the decision.”; and
 - (b) inserting “or heritage protection authority, as the case may be,” after “requiring authority”.
 - (10) Form 41 of Schedule 1 is amended by omitting “the Minister for the Environment and”.
 - (11) Form 42 of Schedule 1 is amended by—
 - (a) omitting “the Minister for the Environment c/- Ministry for the Environment Wellington” and substituting the words “[names and addresses of persons directly affected]”; and
 - (b) omitting “**And to** [names and addresses of persons directly affected]”.
 - (12) Form 48 of Schedule 1 is amended by adding “and, if possible, the person’s address and date of birth” after “applies”.
 - (13) Form 49 of Schedule 1 is amended by omitting “325(3B)” from the line under the heading to this form and substituting “325(2)”.
-

r 10(7)

Schedule

New form 13 substituted in Schedule 1

Form 13

Submission on application publicly notified or notice of which served under section 94(1) concerning resource consent, water permit, or esplanade strip

Sections 94(1), 96, 127(3), 136(4), and 234(4), Resource Management Act 1991

To [*name of consent authority*]

Name of submitter: [*full name*]

This is a submission on an application from [*name of applicant*] for a resource consent (*or* for a change *or* cancellation of a condition of a resource consent *or* for a transfer of a water permit *or* for a variation *or* cancellation of an instrument creating an esplanade strip).

[*Briefly describe—*

- *if an application for a resource consent, the type, proposed activity, and location of the resource consent:*
- *if an application for a change or cancellation of a condition of a resource consent, the type and location of the resource consent, the relevant condition, and any proposed change:*
- *if an application for a transfer of a water permit, the site for which the water permit has been granted:*
- *if an application for a variation or cancellation of an instrument creating an esplanade strip, a description of the strip and its location and any proposed variation.]*

The specific parts of the application that my submission relates to are—

[*give details*].

My submission is—

[*include—*

- *whether you support or oppose the application or specific parts of it:*
- *whether you are neutral regarding the application or specific parts of it:*
- *the reasons for your views].*

I seek the following decision from the consent authority:

[*give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought*].

Form 13—continued

I wish (or do not wish) to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at the hearing.

*Delete if you would not consider presenting a joint case.

.....

Signature of submitter
(or person authorised to sign
on behalf of submitter)

.....

Date
(A signature is not required if
you make your submission by
electronic means.)

Address for service of submitter:
Telephone:
Fax/email:
Contact person: [*name and designation, if applicable*]

Note to submitter

The closing date for serving submissions on the consent authority is the 20th working day after public notification is given under section 93 or notice is served under section 94(1) of the Resource Management Act 1991.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

Diane Morcom,
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 amend a number of the regulations and forms in the Resource Management (Forms, Fees, and Procedure) Regulations 2003 (“the principal regulations”) and replace form 13. The changes are required to ensure that the principal regulations reflect, and facilitate the implementation of, amendments made to the Resource Management Act 1991 by the Resource Management Amendment Act 2005.

These regulations come into force on 1 June 2006.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 13 April 2006.
These regulations are administered in the Ministry for the Environment.
