



Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 8th day of December 2014

Present:

His Excellency the Governor-General in Council

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

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Regulations

- 1 Title**
These regulations are the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014.
- 2 Commencement**
These regulations come into force on 3 March 2015.
- 3 Principal regulations**
These regulations amend the Resource Management (Forms, Fees, and Procedure) Regulations 2003 (the **principal regulations**).
- 4 Regulation 35 amended (Filing fee)**
 - (1) In regulation 35(1), replace “\$500” with “\$511.11”.
 - (2) In regulation 35(2), replace “\$55” with “\$56.22”.
- 5 Schedule 1, form 7 amended**
 - (1) In Schedule 1, form 7, replace “*These documents must be attached and lodged with the notice in the Environment Court.”

with “*These documents constitute part of this form and, as such, must be attached to both copies of the notice lodged with the Environment Court.”

- (2) In Schedule 1, form 7, under the heading “*How to become party to proceedings*”, replace the first paragraph with:
- “You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.
- “To become a party to the appeal, you must,—
- “• within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
 - “• within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.”

6 Schedule 1, form 8 amended

- (1) In Schedule 1, form 8, replace “*These documents must be attached and lodged with the notice in the Environment Court.” with “*These documents constitute part of this form and, as such, must be attached to both copies of the notice lodged with the Environment Court.”
- (2) In Schedule 1, form 8, under the heading “*How to become party to proceedings*”, replace the first paragraph with:
- “You may be a party to the appeal if you made a submission on the matter of this appeal.
- “To become a party to the appeal, you must,—
- “(a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
 - “(b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.”

7 Schedule 1, forms 9 to 11 replaced

In Schedule 1, replace forms 9 to 11 with the forms 9 to 11 set out in Schedule 1 of these regulations.

8 Schedule 1, form 13 amended

- (1) In Schedule 1, form 13, below “*any proposed variation.*”], insert:

“I am/am not* a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

*Select one.

“*I am/am not† directly affected by an effect of the subject matter of the submission that—

“(a) adversely affects the environment; and

“(b) does not relate to trade competition or the effects of trade competition.

*Delete this paragraph if you are not a trade competitor.

†Select one.

- (2) In Schedule 1, form 13, under the heading “**Note to submitter**”, replace the second and third paragraphs with:

“The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

“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.

“If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.”

9 Schedule 1, form 15 amended

In Schedule 1, form 15, replace “*whether you support or oppose*” with “*whether you support, oppose, or are neutral regarding*”.

10 Schedule 1, form 16 amended

In Schedule 1, form 16, replace “*These documents must be attached and lodged with the notice in the Environment Court.” with “*These documents constitute part of this form and, as such, must be attached to both copies of the notice lodged with the Environment Court.”

11 Schedule 1, form 21 amended

- (1) In Schedule 1, form 21, below “*heritage order applies.*]”, insert:

“*I am/am not† a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

*Delete this paragraph if this is a submission on a heritage order.

†Select one.

“*I am/am not† directly affected by an effect of the subject matter of the submission that—

“(a) adversely affects the environment; and

“(b) does not relate to trade competition or the effects of trade competition.

*Delete this paragraph if this is a submission on a heritage order or you are not a trade competitor.

†Select one.

- (2) In Schedule 1, form 21, replace “*whether you support or oppose*” with “*whether you support, oppose, or are neutral regarding*”.

12 Schedule 1, form 22 amended

- (1) In Schedule 1, form 22, replace “*These documents must be attached and lodged with the notice in the Environment Court.” with “*These documents constitute part of this form and, as such, must be attached to both copies of the notice lodged with the Environment Court.”

- (2) In Schedule 1, form 22, under the heading “**Note to appellant**”, second paragraph, delete “(if it is an appeal under section 174 or section 192(c) of the Resource Management Act 1991)”.

- (3) In Schedule 1, form 22, under the heading “**Note to appellant**”, fourth paragraph, replace the first sentence with “You must serve a copy of this notice on the requiring authority or heritage protection authority within 15 working days of receiving notice of the decision you are appealing.”

13 Schedule 1, form 24 amended

- (1) In Schedule 1, form 24, replace “I attach” with “*I attach”.
- (2) In Schedule 1, form 24, below paragraph (b), insert:

*These documents constitute part of this form and, as such, must be attached to both copies of the application lodged with the Environment Court.
- (3) In Schedule 1, form 24, under the heading “**Note to applicant**”, insert:

“You must lodge the original and 1 copy of this application with the Environment Court.”
- (4) In Schedule 1, form 24, under the heading “**Note to applicant**”, after “serve a copy of this application”, insert “and the affidavit”.

14 Schedule 1, form 31A amended

- (1) In Schedule 1, form 31A, paragraph 3, replace “I attach” with “*I attach”.
- (2) In Schedule 1, form 31A, after paragraph 3, insert:

*These documents constitute part of this form and, as such, must be attached to both copies of the notice lodged with the Environment Court.
- (3) In Schedule 1, form 31A, after note 1, insert:

“1A If this is a notice of motion for proceedings under section 87G, 198E, or 198K of the Resource Management Act 1991, you must lodge this notice with the Environment Court within 15 working days after receiving the report provided under section 87F(5) or 198D(5) of that Act or preparing the report under section 198J(2) of that Act.”

15 Schedule 1, form 34 amended

- (1) In Schedule 1, form 34, replace “*These documents must be attached and lodged with the notice in the Environment Court.” with “*These documents constitute part of this form

and, as such, must be attached to both copies of the notice lodged with the Environment Court.”

- (2) In Schedule 1, form 34, under the heading “*How to become a party to proceedings*”, replace the first paragraph with:
- “If you wish to become a party to the appeal, you must,—
- “(a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- “(b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.”

16 Schedule 1, form 36 amended

- (1) In Schedule 1, form 36, after “*Section 291, Resource Management Act 1991*”, insert “; *Section 23(3), Public Works Act 1981*”.
- (2) In Schedule 1, form 36, replace “I attach” with “*I attach”.
- (3) In Schedule 1, form 36, after paragraph (b), insert:
- *These documents constitute part of this form and, as such, must be attached to both copies of the notice lodged with the Environment Court.
- (4) In Schedule 1, form 36, under the heading “*How to become a party to proceedings*”, replace the paragraph with:
- “If you wish to become a party to the proceedings, you must lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant within 15 working days after—
- “(a) the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- “(b) the decision to hold an inquiry, if the proceedings are an inquiry; or
- “(c) the proceedings are commenced, in any other case.
- “You must serve copies of your notice on all other parties within 5 working days after the period for lodging this notice with the Environment Court ends.

“You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (*see* form 38).

“Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

“How to be heard on this application

“If you wish to be heard on this application, you must lodge a notice (in form 37) with the Environment Court and serve a copy of the notice on the applicant within 15 working days after you were served with this notice.”

17 Schedule 1, form 37 amended

In Schedule 1, form 37, replace “[*list documents that you are attaching*].” with “[*List all documents that you are attaching. These documents must be attached to both copies of the notice lodged with the Environment Court*].”

18 Schedule 1, form 41 amended

In Schedule 1, form 41, replace “*These documents must be attached and lodged with the application in the Environment Court.” with “*These documents constitute part of this form and, as such, must be attached to both copies of the application lodged with the Environment Court.”

19 Schedule 1, form 43 amended

(1) In Schedule 1, form 43, replace “*These documents must be attached and lodged with the application in the Environment Court” with “*These documents constitute part of this form and, as such, must be attached to both copies of the application lodged with the Environment Court”.

(2) In Schedule 1, form 43, under the heading “**Note to applicant**”, replace the fourth paragraph with:

“Within 5 working days after lodging this application, you must lodge an affidavit as to service of this application with

the Registrar of the Environment Court. The affidavit must state—

- “(a) the name and address of each person served; and
- “(b) the date of service on each person; and
- “(c) that all persons directly affected by the application have been served notice of the application.”

20 Schedule 1, form 46 amended

In Schedule 1, form 46, replace “*These documents must be attached and lodged with the Environment Court with the application.” with “*These documents constitute part of this form and, as such, must be attached to both copies of the application lodged with the Environment Court.”

21 Schedule 1, form 49 amended

- (1) In Schedule 1, form 49, replace “I attach” with “*I attach”.
- (2) In Schedule 1, form 49, after paragraph (b), insert:

*These documents constitute part of this form and, as such, must be attached to both copies of the notice lodged with the Environment Court.
- (3) In Schedule 1, form 49, under the heading “*How to become a party to proceedings*”, replace the first paragraph with:

“If you wish to become a party to the appeal, you must,—

 - “(a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
 - “(b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.”

22 Schedule 2 replaced

Replace Schedule 2 with the Schedule 2 set out in Schedule 2 of these regulations.

Schedule 1

r 7

Forms 9 to 11 of Schedule 1 replaced

Form 9

Application for resource consent

*Sections 88 and 145, Resource Management Act 1991***To** *[name of local authority]*/the Environmental Protection Authority*

*Select one.

- 1 I, *[full name, full address]*, apply for the following type(s) of resource consent: *[for any activity in the coastal marine area, state coastal permit. Otherwise, state 1 or more of the following: land use consent, subdivision consent, water permit, or discharge permit]*.
- 2 The activity to which the application relates (the **proposed activity**) is as follows: *[describe the proposed activity]*.
- 3 The site at which the proposed activity is to occur is as follows: *[Describe the site, including—*
 - (a) *its location, as it is commonly known and in a way that will enable it to be easily identified (eg, the street address, the legal description, the name of any relevant stream, river, or other water body to which the application relates, proximity to any well-known landmark, the grid reference (if known)); and*
 - (b) *its natural and physical characteristics and any adjacent uses that may be relevant to the consideration of the application.]*
- 4 *Omit this paragraph if you are the only owner and occupier of the site to which this application relates.*

The full name and address of each owner or occupier (other than the applicant) of the site to which the application relates are as follows: *[list full names and addresses]*.
- 5 *For this paragraph select the statement that applies.*

There are no other activities that are part of the proposal to which this application relates.

or

The other activities that are part of the proposal to which the application relates are as follows:

Form 9—*continued*

[Describe the other activities that are part of the proposal to which the application relates. For any activities that are permitted activities, explain how the activity complies with the requirements, conditions, and permissions for the permitted activity so that a resource consent is not required for that activity under section 87A(1) of the Resource Management Act 1991.]

- 6 *For this paragraph select the statement that applies.*
No additional resource consents are needed for the proposal to which this application relates.

or

The following additional resource consents are needed for the proposal to which this application relates and have/have not* been applied for: *[details]*.

*Select one.

- 7 I attach an assessment of the proposed activity's effect on the environment that—
- (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
 - (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
 - (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.
- 8 I attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.
- 9 I attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.
- 10 *Include this paragraph if the application is affected by section 124 or 165ZH(1)(c) of the Resource Management Act 1991 (which relate to existing resource consents).*
The value of the investment of the existing consent holder is *[specify]*.

Form 9—*continued*

- 11 *Include this paragraph if the proposed activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011.*

I attach an assessment of the proposed activity against the resource management matters set out in [*relevant planning document*].

- 12 *Include this paragraph if the application is for a subdivision consent.*

I attach information that adequately defines the following:

- (a) the position of all new boundaries; and
- *(b) the areas of all new allotments; and
- (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips; and
- (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips; and
- (e) the locations and areas of any parts of the bed of a river or lake to be vested in the territorial authority under section 237A of the Resource Management Act 1991; and
- (f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A of the Resource Management Act 1991); and
- (g) the locations and areas of land to be set aside as new roads.

*Omit this paragraph if the subdivision involves a cross-lease, company lease, or unit plan.

- 13 *Include this paragraph if the application is for a resource consent for reclamation.*

I attach information that shows the area proposed to be reclaimed, including its location, the position of all new boundaries (if practicable), and the portion of the area (if any) to be set aside as an esplanade reserve or esplanade strip.

- 14 I attach the following further information required to be included in this application by the district plan, the regional plan,

Form 9—*continued*

the Resource Management Act 1991, or any regulations made under that Act: [*list all further documents that you are attaching*].

Date:

Signature:

(Applicant/person authorised to sign on behalf of applicant*)

*Select one.

Contact details

Address for service of applicant:

Telephone:

Fax:

Email:

Contact person: [*name and designation, if applicable*]

Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

You may apply for 2 or more resource consents that are needed for the same activity on the same form. If you lodge the application with the Environmental Protection Authority, you must also lodge a notice in form 16A at the same time.

You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991 (if any).

If your application is to the Environmental Protection Agency, you may be required to pay actual and reasonable costs incurred in dealing with this matter (*see* section 149ZD of the Resource Management Act 1991).

Form 10

Application for change or cancellation of
resource consent condition

Sections 127 and 145, Resource Management Act 1991

To [name of local authority]/the Environmental Protection Authority*

*Select one.

- 1 I, [full name, full address], apply for a change/cancellation* of a condition of a resource consent.
*Select one.
- 2 *Omit this paragraph if you are the only owner and occupier of the site to which this application relates.*
The full name and address of each owner or occupier (other than the applicant) of the site to which the application relates are as follows: [list full names and addresses].
- 3 My application relates to the following resource consent: [details of resource consent].
- 4 My application relates to the following specific condition of the resource consent: [details of condition].
- 5 *Omit this paragraph if this is an application to cancel a condition.*
The proposed change is as follows: [details of proposed change].
- 6 The site that the resource consent relates to is as follows:
[Describe the site, including—
 - (a) its location, as it is commonly known and in a way that will enable it to be easily identified (eg, the street address, the legal description, the name of any relevant stream, river, or other water body to which the application relates, proximity to any well-known landmark, the grid reference (if known)); and
 - (b) its natural and physical characteristics and any adjacent uses that may be relevant to the consideration of the application.]
- 7 *For this paragraph select the statement that applies.*
There are no other activities that are part of the proposal to which this application relates.

Form 10—*continued*

or

The other activities that are part of the proposal to which the application relates are as follows:

[Describe the other activities that are part of the proposal to which the application relates. For any activities that are permitted activities, explain how the activity complies with the requirements, conditions, and permissions for the permitted activity so that a resource consent is not required for that activity under section 87A(1) of the Resource Management Act 1991.]

- 8 I attach an assessment of the proposed change's/cancellation's* effect on the environment that—
- (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
 - (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
 - (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.
- *Select one.
- 9 I attach an assessment of the proposed change/cancellation* against the matters set out in Part 2 of the Resource Management Act 1991.
- *Select one.
- 10 I attach an assessment of the proposed change/cancellation* against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.
- *Select one.
- 11 *Include this paragraph if the activity to which the condition relates is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011.*

Form 10—*continued*

I attach an assessment of the proposed change/cancellation* against the resource management matters set out in [*relevant planning document*].

*Select one.

- 12 I attach the following further information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act: [*list all further documents that you are attaching*].

Date:

Signature:

(Applicant/person authorised to sign on behalf of applicant*)

*Select one.

Contact details

Address for service of applicant:

Telephone:

Fax:

Email:

Contact person: [*name and designation, if applicable*]

Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

If you lodge the application with the Environmental Protection Authority, you must also lodge a notice in form 16A at the same time.

You must pay the charge payable to the consent authority for the application to change or cancel a condition of a resource consent under the Resource Management Act 1991 (if any).

If your application is to the Environmental Protection Agency, you may be required to pay actual and reasonable costs incurred in deal-

Form 10—*continued*

ing with this matter (*see* section 149ZD of the Resource Management Act 1991).

Form 11
Application for transfer of water permit or
discharge permit

*Sections 136(2)(b)(ii) and (4)(a), and 137(3)(b) and (5)(a),
Resource Management Act 1991*

To [name of consent authority]

1 For this paragraph select the statement that applies.

I, [full name of holder of water permit or discharge permit],
and I, [full name of transferee], apply to transfer the following
water permit/discharge permit*: [state number and descrip-
tion of permit and describe the site to which it applies as the
site is commonly known and in a way that will enable it to
be easily identified (including the name of the stream, river, or
water body, if applicable). If the application is to transfer only
part of the water permit or discharge permit, clearly describe
which part].

*Select one.

or

I, [full name of holder of water permit or discharge permit],
and I, [full name of transferee], apply to transfer the following
part of a water permit/the following part of a discharge per-
mit*: [state number and description of permit and describe
the site to which it applies as the site is commonly known and
in a way that will enable it to be easily identified (including
the name of the stream, river, or water body, if applicable). If
the application is to transfer only part of the water permit or
discharge permit, clearly describe which part].

*Select one.

2 We attach a copy of the water permit/discharge permit*.

*Select one.

3 The application is to transfer the permit with effect on [date].

4 The proposed site of the transferred permit is:

[Describe the site, including—

(a) its location, as it is commonly known and in a way that
will enable it to be easily identified (including the name
of the stream, river, or water body in the case of an
application to transfer a water permit); and

Form 11—*continued*

(b) *its natural and physical characteristics and any adjacent uses that may be relevant to the consideration of the application.*]

5 *Omit this paragraph if the permit holder and the transferee are the only owners and occupiers of the site to which this application relates.*

The full name and address of each owner or occupier (other than the applicants) of the site to which the application relates are as follows: [*list full names and addresses*].

6 *For this paragraph select the statement that applies.*

There are no other activities that are part of the proposal to which this application relates.

or

The other activities that are part of the proposal to which the application relates are as follows:

[*Describe the other activities that are part of the proposal to which the application relates. For any activities that are permitted activities, explain how the activity complies with the requirements, conditions, and permissions for the permitted activity so that a resource consent is not required for that activity under section 87A(1) of the Resource Management Act 1991.*]

7 We attach an assessment of the proposed activity's effect on the environment that—

- (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
- (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

8 We attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.

9 We attach an assessment of the proposed activity against any relevant provisions of a document referred to in section

Form 11—*continued*

104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.

- 10 We attach the following further information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act: [*list all further documents that you are attaching*].

Date:

Signature:

(Permit holder/person authorised to sign on behalf of permit holder*)

*Select one.

Date:

Signature:

(Transferee/person authorised to sign on behalf of transferee*)

*Select one.

Contact details*Permit holder*

Address for service:

Telephone:

Fax:

Email:

Contact person: [*name and designation, if applicable*]

Transferee

Address for service:

Telephone:

Fax:

Form 11—*continued*

Email:

Contact person: [*name and designation, if applicable*]

Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

You must pay the charge payable to the consent authority for an application to transfer a water permit or discharge permit, as the case may be, under the Resource Management Act 1991 (if any).

Schedule 2 r 22

Schedule 2 replaced

Schedule 2 r 34

Application fees

| Application | Minister responsible | Fee (\$) |
|--|-----------------------------|-----------------|
| To become a requiring authority | Environment | 511.11 |
| To become a heritage protection authority | Environment | 255.56 |
| For a water conservation order | Environment | 1,022.22 |
| For work in a coastal marine area | Transport | 102.22 |
| For marine farming in a coastal marine area (transitional) | Fisheries | 102.22 |

Michael Webster,
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, which come into force on 3 March 2015, amend the Resource Management (Forms, Fees, and Procedure) Regulations 2003. The changes—

- update a number of forms to reflect amendments made to the Resource Management Act 1991 by Parts 2 and 3 of the Resource Management Amendment Act 2013; and
 - update regulation 35 and Schedule 2 to reflect the change to the rate of GST made by section 45 of the Taxation (Budget Measures) Act 2010; and
 - correct some minor errors in forms.
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2014/386

**Resource Management (Forms, Fees, and
Procedure) Amendment Regulations 2014**

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 11 December 2014.

These regulations are administered by the Ministry for the Environment.
