



## Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010

Anand Satyanand, Governor-General

### Order in Council

At Wellington this 30th day of August 2010

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 2010.

### 2 Commencement

These regulations come into force on 1 November 2010.

### 3 Principal regulations amended

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

### 4 Prescribed forms for policy statements

- (1) Regulation 6 is amended by inserting “, 53, 57” after “49”.
- (2) Regulation 6 is amended by omitting “proposal for national” and substituting “proposal concerning national”.
- (3) Regulation 6 is amended by omitting “on proposal for New” and substituting “on proposal concerning New”.
- (4) Regulation 6 is amended by inserting “, change, or variation” after “proposal for policy statement or plan”.
- (5) Regulation 6 is amended by inserting “, change, or variation” after “proposed policy statement or plan” in the first place where it appears.
- (6) Regulation 6 is amended by omitting “proposed policy statement or plan” in the second place where it appears and substituting “proposed plan”.

**5 Prescribed forms for resource consents**

- (1) Regulation 9 is amended by inserting “7A” in the column headed “Form” after “Form”, “87D” in the column headed “Relevant section of Act” after “Relevant section of Act”, and “Request for application relating to resource consent to be determined by Environment Court” in the column headed “Matter” after “Matter”.
- (2) Regulation 9 is amended by inserting “, 145” after “88”.
- (3) Regulation 9 is amended by inserting after “Application for resource consent” “8A” in the column headed “Form”, “95E(3)” in the column headed “Relevant section of the Act” and “Affected person’s written approval to an activity that is the subject of a resource consent application” in the column headed “Matter”.
- (4) Regulation 9 is amended by inserting “, 145” after “127” the first time it appears.
- (5) Regulation 9 is amended by inserting “, 137(3)(b), (5)(a)” after “(4)(a)”.
- (6) Regulation 9 is amended by inserting “or discharge permit” after “water permit” in the first, second, and fourth places where it appears.
- (7) Regulation 9 is amended by omitting “93(2), 94C, 94D” and substituting “95A, 95C”.
- (8) Regulation 9 is amended by omitting “of application for resource consent” and substituting “of application concerning resource consent or esplanade strip”.
- (9) Regulation 9 is amended by inserting “, 137(5)(c)” after “136(4)(b)” in each place where it appears.
- (10) Regulation 9 is amended by omitting “94(1), 96” and substituting “96”.
- (11) Regulation 9 is amended by omitting “publicly notified or notice of which served under section 94(1) of the Act for resource consent” and substituting “concerning resource consent or esplanade strip that is subject to public notification or limited notification by a consent authority”.
- (12) Regulation 9 is amended by omitting “publicly notified or notice of which served under section 94(1) of the Act for change or cancellation of resource consent condition” and substituting “for change or cancellation of resource consent condition that is subject to public notification or limited notification by a consent authority”.
- (13) Regulation 9 is amended by inserting “, 137(5)” after “136(4)”.
- (14) Regulation 9 is amended by omitting “publicly notified or notice of which served under section 94(1) of the Act for transfer of water permit” and substituting “for transfer of water permit or discharge permit that is subject to public notification or limited notification by a consent authority”.
- (15) Regulation 9 is amended by omitting “publicly notified review of resource consent conditions by consent authority” and substituting “review of resource con-

sent conditions by consent authority that is subject to public notification or limited notification”.

- (16) Regulation 9 is amended by omitting “16” the first time it appears, “118(6)”, and “Notice to Environment Court of inquiry on recommendation on application to carry out restricted coastal activity”.
- (17) Regulation 9 is amended by omitting “139(6)” and substituting “139(12)”.

**6 Service of applications for resource consents or for review of conditions**

- (1) Regulation 10(1) is amended by omitting “section 93(2) or section 94C” and substituting “paragraph (b) of the definition of public notification in section 2AA(2)”.
- (2) Regulation 10(1)(b) is amended by omitting “water permit” and substituting “water permit or a discharge permit”.
- (3) Regulation 10(2) is amended by revoking paragraph (a) and substituting the following paragraph:

(a) every person who, in the opinion of the consent authority, is an affected person within the meaning of section 95E in relation to the activity that is the subject of the application or review:

- (4) Regulation 10(3) is revoked.

**7 Discretion to require notice to be affixed to site**

Regulation 10A(1) is amended by omitting “any of sections 93, 94C, or 94D(1)” and substituting “section 95A or 95C”.

**8 New heading and regulation 10B inserted**

The following heading and regulation are inserted after regulation 10A:

*Forms for proposals of national significance*

**10B Prescribed forms for proposals of national significance**

In the following table, the forms listed in the first column must generally be followed for the matters set out in the third column:

<b>Form</b>	<b>Relevant section of Act</b>	<b>Matter</b>
9	88, 145	Application for resource consent lodged with the Environmental Protection Authority
10	127, 145	Application for change or cancellation of resource consent condition lodged with the Environmental Protection Authority

<b>Form</b>	<b>Relevant section of Act</b>	<b>Matter</b>
16A	145	Notice of lodgement of matter under section 145 of the Act
16B	149E, 149ZC	Form for submission to the Environmental Protection Authority
16C	149F, 149O	Form for further submission to the Environmental Protection Authority
18	145, 168, 168A, clause 4 of Schedule 1	Notice of requirement by Minister, local authority, requiring authority, or territorial authority lodged with Environmental Protection Authority
18	145, 181	Notice of requirement by Minister, local authority, requiring authority, or territorial authority for alteration of designation lodged with the Environmental Protection Authority
26	145, 189, 189A	Notice of requirement by heritage protection authority for heritage order lodged with Environmental Protection Authority
26	195A	Notice of requirement by heritage protection authority or territorial authority for alteration of heritage order lodged with the Environmental Protection Authority
31A	149T	Notice of motion to the Environment Court for proceedings commenced under section 149T of the Act

## **9 Prescribed forms for designations and heritage orders**

- (1) Regulation 11 is amended by omitting “168, clause 4 of Schedule 1” and substituting “145, 168, 168A, clause 4 of Schedule 1”.
- (2) Regulation 11 is amended by omitting “or requiring authority” in the first and second places where it appears and substituting in each case “requiring authority, or territorial authority”.
- (3) Regulation 11 is amended by omitting “169” in the first place where it appears and substituting “168A(2), 169”.
- (4) Regulation 11 is amended by omitting “Public notice of territorial” in each place where it appears and substituting in each case “Notice of territorial”.

- (5) Regulation 11 is amended by omitting “publicly notified by territorial authority for designation” and substituting “for designation by a territorial authority that is the subject of public notification or limited notification”.
- (6) Regulation 11 is amended by omitting “publicly notified by Minister, local authority, or requiring authority for designation” and substituting “for designation by a Minister, local authority, or requiring authority that is the subject of public notification or limited notification”.
- (7) Regulation 11 is amended by omitting “publicly notified by Minister, local authority, requiring authority, or territorial authority for alteration of designation” and substituting “for alteration of designation by Minister, local authority, requiring authority, or territorial authority that is the subject of public notification or limited notification”.
- (8) Regulation 11 is amended by inserting, after “Application to Environment Court for order obliging requiring authority to take land” in the first place where it appears, “27A” in the column headed “Form”, “198B” in the column headed “Relevant section of Act”, and “Request for requirement to be determined by Environment Court” in the column headed “Matter”.
- (9) Regulation 11 is amended by inserting “, 145, 189A” after “189”.
- (10) Regulation 11 is amended by omitting “by heritage protection authority for” in the first and second places where it appears and substituting “by heritage protection authority or territorial authority for”.
- (11) Regulation 11 is amended by omitting “by heritage protection authority for” in the third place where it appears and substituting “for”.
- (12) Regulation 11 is amended by omitting “190(2)” and substituting “190(1)”.
- (13) Regulation 11 is amended by omitting “192(f)” in the first, third, fourth, and fifth places where it appears and substituting in each case “195A”.
- (14) Regulation 11 is amended by omitting “192(f)” in the second place where it appears and substituting “190(1), 195A”.
- (15) Regulation 11 is amended by omitting “by heritage protection authority for” in the fourth place where it appears and substituting “for heritage order or” .
- (16) Regulation 11 is amended by omitting “Public notice of territorial authority’s” in each place where it appears and substituting in each case “Notice of territorial authority’s”.
- (17) Regulation 11 is amended by omitting “Submission on requirement publicly notified by territorial authority for heritage order” and substituting “Submission and requirement by territorial authority for heritage order that is the subject of public notification or limited notification”.
- (18) Regulation 11 is amended by omitting “Submission on requirement publicly notified by heritage protection authority for heritage order” and substituting “Submission on requirement by heritage protection authority for heritage order that is the subject of public notification or limited notification”.

- (19) Regulation 11 is amended by omitting “Submission on requirement publicly notified by territorial authority or a heritage protection authority for alteration of heritage order” and substituting “Submission on requirement by territorial authority or heritage protection authority for alteration of heritage order that is the subject of public notification or limited notification”.
- (20) Regulation 11 is amended by inserting, after “Application to Environment Court for order obliging requiring authority to take land” in the second place where it appears, “27A” in the column headed “Form”, “198B” in the column headed “Relevant section of Act”, and “Request for requirement to be determined by Environment Court” in the column headed “Matter”.

**10 Service of notice of requirement**

Regulation 12(1) is amended by omitting “section 93(2)” and substituting “paragraph (b) of the definition of public notification in section 2AA(2)”.

**11 Discretion to require notice to be affixed to site**

Regulation 12A(2) is amended by omitting “19, 20, 27, or 28,” and substituting “19, 20, or 27,”.

**12 Prescribed forms relating to esplanade and access strips**

Regulation 14 is amended by omitting “publicly notified application for variation or cancellation of instrument creating esplanade strip” and substituting “application for variation or cancellation of instrument creating esplanade strip that is subject to public notification or limited notification by a consent authority”.

**13 Service of applications for variation or cancellation of esplanade strips**

Regulation 15(1) is amended by omitting “section 93(2)” and substituting “the definition of public notification in paragraph (b) of section 2AA(2)”.

**14 Prescribed forms for Environment Court**

- (1) Regulation 16 is amended by omitting “35”, “289”, and “Reply to appeal or request for inquiry”.
- (2) The table in regulation 16 is amended by inserting the following item after the heading “Applications”:

<b>Form</b>	<b>Relevant section of Act</b>	<b>Matter</b>
31A	87G, 149T, 198E, 198K	Notice of motion (direct referral or referral to Environment Court under section 147)

**15 Requirements for serving witness summons**

Regulation 21 is amended by inserting “or board of inquiry or any other person with authority to conduct a hearing referred to in section 41 of the Act” after “Court”.

**16 New regulation 24A inserted**

The following regulation is inserted after regulation 24:

**24A Proceedings and documents**

- (1) This regulation applies to an applicant under any of sections 87G, 149T, 198E, and 198K of the Act.
- (2) The applicant must give written notice to the Registrar of the following details as soon as is reasonably practicable after the applicant has served the documents under section 87G(2)(b), 149T(3), 198E(2)(b), or 198K(1)(b) (as the case may be):
  - (a) the name and address of each person required to be served with proceedings and documents by the Act or these regulations; and
  - (b) the date of service on each person, in accordance with section 352 of the Act.

**17 Appellant must notify Registrar of persons served with certain notices of appeal**

- (1) Regulation 26(1) is amended by omitting “118(6),”.
- (2) Regulation 26(1) is amended by inserting “137,” after “136,”.

**18 Filing fee**

- (1) Regulation 35(1) is amended by omitting “118(6),”, “and (3)”, and “and (f)”.
- (2) Regulation 35(1) is amended by omitting “139(6)” and substituting “139(12)”.
- (3) Regulation 35(1) is amended by inserting “195A,” after “195,”.

**19 Schedule 1 amended**

- (1) Schedule 1 is amended as described in Schedule 1 of these regulations.
- (2) Schedule 1 is amended by inserting the forms set out in Schedule 2 of these regulations in their appropriate alphanumerical order.

**20 Schedule 2 amended**

Schedule 2 is amended by omitting the item relating to an application for a coastal permit for a restricted coastal activity.



## Schedule 1

### Amendments to forms

r 19(1)

#### 1 Form 1 amended

- (1) This clause amends form 1.
- (2) The form is amended by omitting “written submission in form 2” and substituting “written or electronic submission in form 3”.

#### 2 Form 2 amended

- (1) This clause amends form 2.
- (2) The form is amended by omitting “written submission in form 2” and substituting “written or electronic submission in form 3”.

#### 3 Form 3 amended

- (1) This clause amends form 3.
- (2) The heading to the form is amended by omitting “for” and substituting “concerning”.
- (3) The form is amended by inserting “, 53,” after “49”.
- (4) The form is amended by inserting “or on a review of or a change to or a revocation of the following national policy statement” after “policy statement (”.
- (5) The form is amended by inserting “or on a review of or a change to or a revocation of the following New Zealand coastal policy statement” after “proposed New Zealand coastal policy statement”.
- (6) The form is amended by inserting “or existing” after “name of proposed”.

#### 4 Form 4 amended

- (1) This clause amends form 4.
- (2) The heading to the form is amended by adding “, change, or variation”.
- (3) The form is amended by omitting “Clause 5” and substituting “Clauses 5, 16A, and 21”.
- (4) The form is amended by omitting “prepared the following” and substituting “prepared or accepted or adopted the following”.
- (5) The form is amended by omitting “a proposed change” and substituting “a change proposed”.
- (6) The form is amended by inserting “, or a variation to the following proposed policy statement or a variation to the following proposed plan or a variation to a change proposed to the following policy statement or plan” after “following policy statement or plan”.

- (7) The form is amended by omitting “*the proposed change*” and substituting “*the change proposed*”.
- (8) The form is amended by omitting “*existing policy statement or plan.*” and substituting “*existing policy statement or plan; or*”.
- (9) The form is amended by inserting the following after the second bullet point:
  - *the variation to the proposed policy statement or the proposed plan or the variation to a change proposed to the existing policy statement or plan.*
- (10) The form is amended by omitting “Any person may make a submission on the proposal.” and substituting the following:

The following persons may make a submission on the proposal:

  - the local authority in its own area may make a submission; and
  - any other person may make a submission but, if the person could gain an advantage in trade competition through the submission, then the person may do so only if the person is directly affected by an effect of the proposal that—
    - adversely affects the environment; and
    - does not relate to trade competition or the effects of trade competition.
- (11) The form is amended by omitting “do so” and substituting “make a submission”.
- (12) The form is amended by inserting “or electronic” after “written”.
- (13) The form is amended by omitting “*for a change to an existing policy statement or plan*” and substituting “*for a change proposed to a policy statement or plan, or a variation to a proposed policy statement or plan, or a variation to a change*”.
- (14) The form is amended by omitting “the submissions and this summary must be publicly notified” and substituting “decisions requested by submitters and give public notice of the availability of this summary and where the summary and submissions can be inspected”.
- (15) The form is amended by inserting “for the following persons” after “opportunity”.
- (16) The form is amended by omitting “made;” and substituting “made:” and inserting the following after “made:”:
  - any person representing a relevant aspect of the public interest;
  - any person who has an interest in the proposal greater than the general public has;
  - the local authority itself;

- (17) The form is amended by omitting “decision on the proposal (including its reasons for accepting or rejecting submissions)” and substituting “decision on the provisions and matters raised in the submissions (including its reasons for accepting or rejecting submissions) and give public notice of its decision within 2 years of notifying the proposal and serve it on every person who made a submission at the same time”.
- (18) The form is amended by omitting “the decision on the proposal to the Environment Court” from the last bullet point and substituting the following:
- against the decision on the proposal to the Environment Court if,—
    - in relation to a provision or matter that is the subject of the appeal, the person referred to the provision or matter in the person’s submission on the proposal; and
    - in the case of a proposal that is a proposed policy statement or plan, the appeal does not seek the withdrawal of the proposal as a whole

**5 Form 5 amended**

- (1) This clause amends form 5.
- (2) The heading to the form is amended by adding “, change or variation”.
- (3) The form is amended by omitting “*or on a proposed change to the following policy statement or plan*” and substituting “*or on a change proposed to the following policy statement or plan or on the following proposed variation to a proposed policy statement or on the following proposed variation to a proposed plan or on the following proposed variation to a change to an existing policy statement or plan*”.
- (4) The form is amended by inserting “*and (where applicable) change or variation*” after “*or existing policy statement or plan*”.
- (5) The form is amended by inserting the following before “The specific provisions”:
- I could/could not\* gain an advantage in trade competition through this submission.
- \*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 entire paragraph if you could not gain an advantage in trade competition through this submission.
- †Select one.
- (6) The form is amended by adding the following:

**Note to person making submission**

If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

**6 Form 6 amended**

- (1) This clause amends form 6.
- (2) The heading to the form is amended by adding “, change or variation”.
- (3) The form is amended by omitting “proposed change” and substituting “change proposed”.
- (4) The form is amended by inserting “, *or* on the following variation to the proposed policy statement *or* a variation to the following proposed plan *or* a variation to a change proposed to the following existing policy statement *or* plan (the **proposal**)” after “following policy statement *or* plan”.
- (5) The form is amended by inserting “*and (where applicable) change or variation*” after “*proposed or existing policy statement or plan*” and then inserting the following:

I am [*state whether you are—*

- *a person representing a relevant aspect of the public interest. In this case, also specify the grounds for saying that you come within this category; or*
- *a person who has an interest in the proposal that is greater than the interest the general public has. In this case, also explain the grounds for saying that you come within this category; or*
- *the local authority for the relevant area.]*

- (6) The form is amended by omitting “making the further submission to” and substituting “it is served on”.
- (7) The form is amended by adding the following:  
If you are making a submission to the Environmental Protection Authority, you should use form 16C.

**7 Form 7 amended**

- (1) This clause amends form 7.
- (2) The heading to the form is amended by adding “or change or variation”.
- (3) The form is amended by omitting “the following policy statement (*or* plan)” and substituting “the following policy statement (*or* plan *or* change *or* variation)”.
- (4) The form is amended by inserting “*or change or variation*” after “*existing policy statement or plan*”.

- (5) The form is amended by omitting “that policy statement (*or plan*)” and substituting “that policy statement (*or plan or change or variation*)”.
- (6) The form is amended by inserting the following before “I received notice”:  
I am/am not\* a trade competitor for the purposes of section 308D of the Resource Management Act 1991.  
\*Select one.  
\*I am/am not† directly affected by an effect of the subject of the appeal that—  
(a) adversely affects the environment; and  
(b) does not relate to trade competition or the effects of trade competition.  
\*Delete entire paragraph if you are not a trade competitor.  
†Select one.
- (7) The form is amended by inserting “*or change or variation*” after “*the policy statement or plan*”.
- (8) The form is amended by inserting the following after the heading “**Note to appellant**”:  
You may appeal only if—  
• you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and  
• in the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.  
Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.  
The Environment Court, when hearing an appeal relating to a matter included in a document under section 55(2B), may consider only the question of law raised.
- (9) The form is amended by omitting “if you made a submission on the matter” and substituting “if you made a submission or a further submission on the matter”.
- (10) The form is amended by omitting “30 working days after this notice was lodged with the Environment Court” and substituting “15 working days after the period for lodging a notice of appeal ends”.
- (11) The form is amended by inserting the following before “You may apply to the Environment Court”:  
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.
- (12) The form is amended by inserting “or service” after “above timing”.
- (13) The form is amended by omitting “Unit of the Ministry of Justice”.

**8 Form 8 amended**

- (1) This clause amends form 8.
- (2) The heading to the form is amended by omitting “policy statement or”.
- (3) The form is amended by omitting “policy statement (*or plan*)” in each place where it appears and substituting in each case “plan”.
- (4) The form is amended by omitting “*policy statement or*” in each place where it appears.
- (5) The form is amended by inserting the following before “I received notice”:  
I am/am not\* a trade competitor for the purposes of section 308D of the Resource Management Act 1991.  
\*Select one.  
\*I am/am not† directly affected by an effect of the subject of the appeal that—
  - (a) adversely affects the environment; and
  - (b) does not relate to trade competition or the effects of trade competition.\*Delete entire paragraph if you are not a trade competitor.  
†Select one.
- (6) The form is amended by inserting the following after the heading “**Note to appellant**”:  
Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.
- (7) The form is amended by inserting “or heritage protection authority” after “notice on the requiring authority”.
- (8) The form is amended by omitting “submission on the provision or matter” and substituting “submission on the requirement”.
- (9) The form is amended by omitting “30 working days after this notice was lodged with the Environment Court” and substituting “15 working days after the period for lodging a notice of appeal ends”.
- (10) The form is amended by inserting the following before “You may apply to the Environment Court”:  
If you are a trade competitor of a party to the proceedings, your right to be a party to the proceedings in the Court may be limited (*see* section 274(1) and Part 11A of the Resource Management Act 1991).
- (11) The form is amended by omitting “Unit of the Ministry of Justice”.

**9 Form 9 amended**

- (1) This clause amends form 9.
- (2) The form is amended by omitting “*Section*” and substituting “*Sections*”.
- (3) The form is amended by inserting “*and 145*” after “88”.

- (4) The form is amended by inserting “*or the Environmental Protection Authority*” after “*authority*”].
- (5) The form is amended by inserting the following after the first paragraph under the heading “**Note to applicant**”:  
If the application is lodged with the Environmental Protection Authority, you must also lodge a form in form 16A at the same time.
- (6) The form is amended by omitting “If the application is for a coastal permit for a restricted coastal activity, you must also pay the application fee stated in Schedule 2 of the Resource Management (Forms, Fees, and Procedure Regulations 2003.” and substituting “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).”

#### **10 Form 10 amended**

- (1) This clause amends form 10.
- (2) The form is amended by omitting “*Section*” and substituting “*Sections*”.
- (3) The form is amended by inserting “*and 145*” after “*127*”.
- (4) The form is amended by inserting “*or the Environmental Protection Authority*” after “*authority*”].
- (5) The form is amended by inserting the following after the heading “**Note to applicant**”:  
If the application is lodged with the Environmental Protection Authority, you must also lodge a form in form 16A at the same time.
- (6) The form is amended by adding the following:  
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).

#### **11 Form 11 amended**

- (1) This clause amends form 11.
- (2) The heading to the form is amended by adding “or discharge permit”.
- (3) The form is amended by omitting “*Section*” and substituting “*Sections*”.
- (4) The form is amended by inserting “*, and 137(3)(b) and (5)(a)*” after “*(4)(a)*”.
- (5) The form is amended by inserting “*or discharge permit*” after “*holder of water permit*”.
- (6) The form is amended by inserting “or discharge permit” after “following water permit”.
- (7) The form is amended by inserting “*or the following part of a discharge permit*” after “part of a water permit”.

- (8) The form is amended by omitting “*description of water permit*” and substituting “*description of permit*”.
- (9) The form is amended by inserting “, *if applicable*” after “*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 first place where it appears.
- (10) The form is amended by inserting “*in the case of an application to transfer a water permit*” after “*site 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 second place where it appears.
- (11) The form is amended by inserting “*or discharge permit*” after “*part of the water permit*”.
- (12) The form is amended by inserting “*or discharge permit*” after “*copy of the water permit*”.
- (13) The form is amended by omitting “*transfer the water permit*” and substituting “*transfer the permit*”.
- (14) The form is amended by omitting “*the transferred water permit*” and substituting “*the transferred permit*”.
- (15) The form is amended by inserting “*or discharge permit, as the case may be,*” after “*transfer a water permit*”.

## 12 Form 12 amended

- (1) This clause amends form 12.
- (2) The heading to the form is amended by omitting “, water permit,”.
- (3) The form is amended by omitting “93(2), 94C, 94D” and substituting “95A, 95C”.
- (4) The form is amended by inserting “137(5)(c)” after “136(4)(b),”.
- (5) The form is amended by inserting “*or for a transfer of a discharge permit*” after “*or for a transfer of a water permit*”.
- (6) The form is amended by inserting “*or a discharge permit*” after “*application for a transfer of a water permit*”.
- (7) The form is amended by omitting “*for which the water permit has been granted*” and substituting “*for which the permit has been granted and, if relevant, the part of the resource consent to be transferred*”.
- (8) The form is amended by inserting the following after “*submission on the application*”:

, but a person who is a trade competitor of the applicant may do so only if that person is directly affected by an effect of the activity to which the application relates that—

  - (a) adversely affects the environment; and
  - (b) does not relate to trade competition or the effects of trade competition.



- (9) The form is amended by omitting “do so” and substituting “make a submission”.
- (10) The form is amended by inserting “or electronic” after “written”.

### **13 Form 13 amended**

- (1) This clause amends form 13.
- (2) The heading to the form is omitted and the following heading substituted: “Submission on application concerning resource consent or esplanade strip that is subject to public notification or limited notification by consent authority”.
- (3) The form is amended by omitting “94(1)” and substituting “95A, 95B, 95C”.
- (4) The form is amended by inserting “137(5)(c),” after “136(4),”.
- (5) The form is amended by inserting “or for a transfer of a discharge permit” after “transfer of a water permit”.
- (6) The form is amended by inserting “or discharge permit” after “application for a transfer of a water permit”.
- (7) The form is amended by omitting “for which the water permit has been granted” and substituting “for which the permit has been granted and, if relevant, the part of the permit proposed to be transferred”.
- (8) The form is amended by inserting the following before the signature:
 

\*Pursuant to section 100A of the Resource Management Act 1991 I request that you delegate your functions, powers, and duties required to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

\*Delete if you do not wish to make a request under section 100A.
- (9) The form is amended by inserting the following after the heading “**Note to submitter**”:
 

If you are making a submission to the Environmental Protection Authority, you should use form 16B.
- (10) The form is amended by omitting “93” and substituting “95A or 95C”.
- (11) The form is amended by omitting “94(1)” and substituting “95B”.
- (12) The form is amended by adding the following:
 

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

### **14 Form 14 amended**

- (1) This clause amends form 14.

- (2) The form is amended by inserting “or 128(2)” after “(ba)”.
- (3) The form is amended by omitting “Any person may make a submission on the review.”
- (4) The form is amended by omitting “do so” and substituting “make a submission”.
- (5) The form is amended by inserting “or electronic” after “written”.
- (6) The form is amended by adding the following:

**Advice**

Any person may make a submission on the review, but a person who is a trade competitor of the consent holder may do so only if that person is directly affected by an effect of the activity to which the review relates that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

**15 Form 15 amended**

- (1) This clause amends form 15.
- (2) The heading to the form is omitted and the following heading substituted: “Submission on review of resource consent conditions by consent authority that is subject to public notification or limited notification”.
- (3) The form is amended by inserting the following after “*the resource consent under review*].”:

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 entire paragraph if you are not a trade competitor.

†Select one.

- (4) The form is amended by inserting “and any new conditions proposed” after “specific parts of the review”.
- (5) The form is amended by adding the following:  
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.

**16 Form 16 amended**

- (1) This clause amends form 16.

- (2) The heading to the form is omitted and the following heading substituted: “Notice to Environment Court of appeal on decision on application concerning resource consent, transfer of water permit or discharge permit, certificate of compliance, or esplanade strip”.
- (3) The form is amended by omitting “118(6),”.
- (4) The form is amended by inserting “137(5)(c),” after “136(4)(b),”.
- (5) The form is amended by omitting “139(6)” and substituting “139(12)”.
- (6) The form is amended by omitting “(or seek an inquiry of a recommendation or part of a recommendation)”.
- (7) The form is amended by omitting “or recommendation” in each place where it appears.
- (8) The form is amended by omitting “(or recommendation)” in each place where it appears.
- (9) The form is amended by inserting “consent” after “name of”.
- (10) The form is amended by omitting “, Minister, or committee”.
- (11) The form is amended by inserting “or, in relation to a certificate of compliance, the Environmental Protection Authority” after “authority”.
- (12) The form is amended by inserting the following before “The decision (or recommendation or”:  
I am/am not\* a trade competitor for the purposes of section 308D of the Resource Management Act 1991.  
\*Select one.  
\*I am/am not† directly affected by an effect of the subject of the appeal that—
  - (a) adversely affects the environment; and
  - (b) does not relate to trade competition or the effects of trade competition.  
\*Delete entire paragraph if you are not a trade competitor.  
†Select one.
- (13) The form is amended by omitting “(or seeking an inquiry of)”.
- (14) The form is amended by omitting “(or inquiry)”.
- (15) The form is amended by omitting “or seeking an inquiry”.
- (16) The form is amended by omitting “or person seeking inquiry” in each place where it appears.
- (17) The form is amended by omitting “or person seeking inquiry”.
- (18) The form is amended by omitting “and to request an inquiry”.
- (19) The form is amended by inserting the following before “You must lodge the original”:  
Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

- (20) The form is amended by omitting “consent authority within” and substituting “authority that made the decision within”.
- (21) The form is amended by omitting “If the notice relates to a recommendation of a hearing committee on a restricted coastal activity, you must also serve a copy of this notice on the Minister of Conservation on the same day as the notice is lodged with the Environment Court.”
- (22) The form is amended by omitting “holder and” and substituting “holder,”.
- (23) The form is amended by omitting “conditions” in the second place where it appears and substituting “conditions, and (if the decision relates to a restricted coastal activity) on the Minister of Conservation”.
- (24) The form is amended by omitting “within 30 working days after this notice was lodged with the Environment Court” and substituting “, and serve copies on the other parties, within 15 working days after the period for lodging a notice of appeal ends. 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”.
- (25) The form is amended by omitting “*or inquiry*”.
- (26) The form is amended by omitting “Unit of the Ministry of Justice”.

#### **17 Form 17 amended**

Form 17 is amended by omitting “(*including examples of the applicant’s business history*)” and substituting “(*for example, by showing what is understood about the financial responsibilities and providing information on the applicant’s experience and expertise*)”.

#### **18 Form 18 amended**

- (1) This clause amends form 18.
- (2) The form is amended by inserting “145,” after “Sections”.
- (3) The form is amended by inserting “, 168A,” after “(2)”.
- (4) The form is amended by inserting “*or the Environmental Protection Authority*” after “*authority*”.
- (5) The form is amended by omitting “proposed restrictions” and substituting “proposed conditions”.
- (6) The form is amended by inserting the following after the heading “**Note to person giving notice**”:

If the notice relates to a requirement for a designation, or an alteration to a designation, under section 168A of the Resource Management Act 1991, you must use—

- this form if the requirement is lodged with the Environmental Protection Authority; or

- form 20 if the requirement is not lodged with the Environmental Protection Authority.

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

- (7) The form is amended by adding “If this notice is to the Environmental Protection Authority, 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).”

### **19 Form 19 amended**

- (1) This clause amends form 19.
- (2) The heading to the form is amended by omitting “Public notice by Minister, local authority, or requiring authority” and substituting “Notice of requirement”.
- (3) The form is amended by omitting “*Sections 169*” and substituting “*Sections 168A(1A), 169*”.
- (4) The form is amended by inserting “*or [name of territorial authority] gives notice of its requirement for a designation (or an alteration to a designation)*” after “*authority giving notice of requirement*”.
- (5) The form is amended by inserting the following after “submission on the notice of requirement”:
  - , but a person who is a trade competitor of the requiring authority may do so only if that person is directly affected by an effect of the activity to which the requirement relates that—
  - (a) adversely affects the environment; and
  - (b) does not relate to trade competition or the effects of trade competition.
- (6) The form is amended by omitting “do so” and substituting “make a submission”.
- (7) The form is amended by inserting “or electronic” after “written”.
- (8) The form is amended by inserting “*unless extended under section 37*” after “*20th working day after this public notice*”.
- (9) The form is amended by inserting “\*” before “You must”.
- (10) The form is amended by inserting the following before the signature:

\*Delete if the notice relates to a requirement for a designation, or alteration to a designation, under section 168A of the Act.

### **20 Form 20 amended**

- (1) This clause amends form 20.
- (2) The heading to the form is amended by omitting “Public notice” and substituting “Notice”.

- (3) The form is amended by omitting “proposed restrictions” and substituting “proposed conditions”.
- (4) The form is amended by inserting the following after “[*give details*].” in the last place where it appears:  
 [*Name of territorial authority*] attaches the following information required to be included in this notice by the district plan, regional plan, or any regulations made under the Resource Management Act 1991.  
 [*List documents that you are attaching.*]
- (5) The form is amended by omitting the final 3 paragraphs before the signature.

## 21 Form 21 amended

- (1) This clause amends form 21.
- (2) The heading to the form is omitted and the following heading substituted: “Submission on requirement for designation or heritage order or alteration of designation or heritage order that is subject to public notification or limited notification by a territorial authority”.
- (3) The form is amended by omitting “192(f)” and substituting “195A”.
- (4) The form is amended by inserting the following after the heading “**Note to submitter**”:  
 If you are making a submission to the Environmental Protection Authority, you should use form 16B.  
 If your submission relates to a notice of requirement for a designation or an alteration to a designation, and you are a trade competitor of the requiring authority, you may make a submission only if you are directly affected by an effect of the activity to which the requirement relates that—
- (a) adversely affects the environment; and
  - (b) does not relate to trade competition or the effects of trade competition.

## 22 Form 22 amended

- (1) This clause amends form 22.
- (2) The form is amended by omitting “and 192(c) and (f)” and substituting “192(c), and 195A”.
- (3) The form is amended by inserting the following after “*heritage protection authority*.”:  
 I am/am not\* a trade competitor for the purposes of section 308D of the Resource Management Act 1991.  
 \*Select one.  
 \*I am/am not† directly affected by an effect of the subject of the appeal that—
- (a) adversely affects the environment; and
  - (b) does not relate to trade competition or the effects of trade competition.

\*Delete entire paragraph if you are not a trade competitor.

†Select one.

- (4) The form is amended by inserting the following after “**Note to appellant**”:  
Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.
- (5) The form is amended by omitting “within 30 working days after this notice was lodged with the Environment Court” and substituting “, and serve copies on the other parties, within 15 working days after the period for lodging a notice of appeal ends. 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”.
- (6) The form is amended by omitting “Unit of the Ministry of Justice”.

### 23 Form 25 amended

Form 25 is amended by omitting “*about the role of a heritage protection authority, and*” and substituting “*about the financial responsibilities and providing*”.

### 24 Form 26 amended

- (1) This clause amends form 26.
- (2) The heading to the form is omitted and the following heading substituted: “Notice of requirement by heritage protection authority or territorial authority for heritage order or alteration of heritage order”.
- (3) The form is amended by omitting “*Sections 189 and 192(f)*” and substituting “*Sections 145, 189, 189A, and 195A*”.
- (4) The form is amended by inserting “*or the Environmental Protection Authority*” after “*authority*”.
- (5) The form is amended by inserting the following after the heading “**Note to heritage protection authority**”:  
If the notice relates to a requirement for a heritage order, or an alteration to a heritage order, under section 189A, you must use—
- this form if the requirement is lodged with the Environmental Protection Authority; or
  - form 28 if the requirement is not lodged with the Environmental Protection Authority.
- If the requirement is lodged with the Environmental Protection Authority,—
- you must also lodge a form in form 16A at the same time; and
  - you must serve the local authority with notice of the matter and of its lodging with the Environmental Protection Authority.
- (6) The form is amended by inserting “, the Environmental Protection Authority, or otherwise” after “territorial authority”.

**25 Form 27 amended**

- (1) This clause amends form 27.
- (2) The heading to the form is amended by omitting “by heritage protection authority”.
- (3) The form is amended by omitting “Sections 190(2) and 192(f)” and substituting “Sections 189A(2), 190(1), and 195A”.
- (4) The form is amended by inserting “or name of territorial authority” after “giving notice of requirement”.
- (5) The form is amended by inserting “or electronic” after “written”.
- (6) The form is amended by inserting “\*” before “You must”.
- (7) The form is amended by inserting the following before the signature:

\*Delete if the notice relates to a requirement for a heritage order, or alteration to a heritage order, under section 189A of the Act.

**26 Form 28 amended**

- (1) This clause amends form 28.
- (2) The heading to the form is amended by omitting “Public notice” and substituting “Notice”.
- (3) The form is amended by omitting “192(f)” and substituting “195A”.
- (4) The form is amended by inserting the following after “of the place and surrounding area].”:

[Full name of heritage protection authority] attaches any information required to be included in this notice by the district plan, regional plan, or any regulations made under the Resource Management Act 1991.

[List the documents attached to this notice.]
- (5) The form is amended by omitting the last 3 paragraphs before the signature.

**27 Form 29 amended**

Form 29 is amended by inserting “or electronic” after “written”.

**28 Form 33 amended**

- (1) This clause amends form 33.
- (2) The form is amended by omitting the following:
  - a person who has an interest in the proceedings that is greater than the public generally. In this case, also explain the grounds for saying that you come within this category; or
  - a person representing a relevant aspect of the public interest. In this case, also explain the grounds for saying that you come within this category; or



- *a person who made a submission in the previous proceedings on the same matter*].

(3) The form is amended by inserting the following after the fourth bullet point:

- *the Attorney-General representing a relevant aspect of the public interest (in this case, also specify the aspect of the public interest); or*
- *a person who has an interest in the proceedings that is greater than the interest that the general public has (in this case, also explain the grounds for saying that you come within this category); or*
- *a person who made a submission about the subject matter of the proceedings.*

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

\*Select one.

\*I am/am not† directly affected by an effect of the subject of the appeal that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

\*Delete entire paragraph if you are not a trade competitor.

†Select one.

(4) The form is amended by omitting “30 working days after the notice of appeal or inquiry was lodged or the other proceedings commenced.” and substituting the following:

15 working days after—

- the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- the decision to hold an inquiry, if the proceedings are an inquiry; or
- the proceedings are commenced, in any other case.

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.

(5) The form is amended by omitting “same 30” and substituting “same 15”.

(6) The form is amended by omitting “Unit of the Ministry of Justice”.

## 29 Form 34 amended

(1) This clause amends form 34.

(2) The form is amended by inserting the following after “[name of decision-maker].”:

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

\*Select one.

\*I am/am not† directly affected by an effect of the subject of the appeal that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

\*Delete entire paragraph if you are not a trade competitor.

†Select one.

- (3) The form is amended by inserting the following after the last paragraph under the heading “**Note to appellant**”:

Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

- (4) The form is amended by omitting “30” and substituting “15”.
- (5) The form is amended by omitting “this notice was lodged with the Environment Court” and substituting “the period for lodging a notice of appeal ends”.
- (6) The form is amended by inserting the following after the last paragraph under the heading “*How to become a party to proceedings*”:  
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.
- (7) The form is amended by omitting “Unit of the Ministry of Justice”.

**30 Form 35 revoked**

Form 35 is revoked.

**31 Form 36 amended**

- (1) This clause amends form 36.
- (2) The form is amended by omitting “respondent” and substituting “applicant”.
- (3) The form is amended by omitting “persons served.” and substituting the following:

persons served and when those persons were served.

This form should be used to object to the taking of an interest in land under section 23 of the Public Works Act 1981.

- (4) The form is amended by omitting “Unit of the Ministry of Justice”.

**32 Form 37 amended**

Form 37 is amended by omitting “Unit of the Ministry of Justice”.

**33 Form 38 amended**

Form 38 is amended by omitting “Unit of the Ministry of Justice”.

**34 Form 41 amended**

- (1) This clause amends form 41.
- (2) The form is amended by omitting “appellant ”and substituting “applicant”.

- (3) The form is amended by omitting “Unit of the Ministry of Justice”.

**35 Form 42 amended**

- (1) This clause amends form 42.
- (2) The form is amended by omitting “notify the Environment Court within 30 days of receiving this notice” and substituting “notify the Environment Court Registrar within 15 working days after the date the application was made”.
- (3) The form is amended by omitting “Unit of the Ministry of Justice” in each place where it appears.

**36 Form 43 amended**

- (1) This clause amends form 43.
- (2) The form is amended by omitting “Environment Court Judge” and substituting “Environment Judge”.
- (3) The form is amended by omitting “District Judge” and substituting “District Court Judge”.
- (4) The form is amended by omitting “Unit of the Ministry of Justice”.

**37 Form 44 amended**

Form 44 is amended by omitting “Unit of the Ministry of Justice” in each place where it appears.

**38 Form 45 amended**

Form 45 is amended by omitting “Unit of the Ministry of Justice” in each place where it appears.

**39 Form 46 amended**

Form 46 is amended by omitting “Unit of the Ministry of Justice”.

**40 Form 47 amended**

Form 47 is amended by omitting “Unit of the Ministry of Justice” in each place where it appears.

**41 Form 49 amended**

- (1) This clause amends form 49.
- (2) The form is amended by omitting “issued this” and substituting “issued the abatement”.
- (3) The form is amended by omitting “if you are appealing under section 325A(7) of that Act” and substituting “if an Environment Judge grants a stay under section 325(3E) of that Act”.
- (4) The form is amended by omitting “30” and substituting “15”.

- (5) The form is amended by omitting “this notice was lodged with the Environment Court” and substituting “the period for lodging a notice of appeal ends”.
- (6) The form is amended by inserting the following before “You may apply”:  
If you are a trade competitor of a party to the proceedings, your right to be a party to the proceedings in the Court may be limited (*see* section 274(1) and Part 11A of the Resource Management Act 1991).
- (7) The form is amended by omitting “Unit of the Ministry of Justice”.

**42 Form 50 amended**

Form 50 is amended by omitting “Unit of the Ministry of Justice”.

## Schedule 2

### New forms inserted

r 19(2)

#### Form 7A

### Request for application relating to resource consent to be determined by Environment Court

*Section 87D, Resource Management Act 1991*

To *[name of consent authority]*

1 I, *[full name of requester]*, request that you allow the following application or notice of requirement lodged by me to be determined by the Environment Court instead of by you:

*Select one of the following.*

- an application for a resource consent.
- an application to change or cancel a condition of a resource consent.

2 *[Briefly describe the application to which the request relates in enough detail to identify the relevant matter, including any number assigned by the consent authority to the application.]*

3 The reasons for the request are as follows: *[set out why you are making the request and the factors you wish the consent authority to consider]*.

Date:

\*Signature of requester or person authorised to sign on behalf of requester:

Address for service of requester:

Telephone:

Fax/email:

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

\*A signature is not required if you make your request by electronic means.

#### **Note to requester**

If the consent authority determines that the application is incomplete, or if it receives the request after it has determined that the application will not be notified, or if it decides not to notify the application, it must return the request.

You may make this request only in the period starting on the day on which the application is made and ending 5 working days after the date on which the period for submissions on the application closes.

## Form 8A

Affected person's written approval to an activity that is the subject of a  
resource consent application*Section 95E(3), Resource Management Act 1991***To** *[name of consent authority]*Name of person giving written approval: *[full name]*\*I am the owner/occupier† of the following property: *[give address of the property]*

\*Delete entire paragraph if not applicable.

†Select one.

I have authority to sign on behalf of all the other owners/occupiers\* of the property.

\*Select one.

This is written approval to the following activity that is the subject of a resource consent application: *[description of proposal]*.I have read the full application for resource consent, the Assessment of Environmental Effects, and any site plans as follows: *[list document names and dates]*.

In signing this written approval, I understand that the consent authority must decide that I am no longer an affected person, and the consent authority must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.

Date:

\*Signature of person giving written approval (or person authorised to sign on behalf of person giving written approval):

Address for service of person giving written approval:

Telephone:

Fax/email:

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

\*A signature is not required if you give your written approval by electronic means.

**Notes to affected person signing written approval**

Conditional written approvals cannot be accepted.

There is no obligation to sign this form, and no reasons need to be given.

If this form is not signed, the application may be notified with an opportunity for submissions.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

## Form 12A

## Request for hearing by commissioner

*Section 100A, Resource Management Act 1991***To** *[name of local authority]*

- 1 I, *[full name of requester]*, request that you delegate your functions, powers, and duties to hear and decide the following matter to 1 or more hearings commissioners who are not members of the local authority:

*Select one of the following.*

- application for resource consent that is notified.
- application for change or cancellation of conditions of consent that is notified.
- notice of requirement for designation that is notified.
- notice of requirement for alteration to designation that is notified.
- notice of requirement for heritage order that is notified.
- notice of requirement for alteration of a heritage order that is notified.

- 2 *[Briefly describe the application or notice of requirement to which the request relates in enough detail to identify the relevant matter, including any number assigned to the matter by the local authority.]*

- 3 I am the applicant/I am the requiring authority/I am the heritage protection authority/I am a person who is making a submission on this matter\*.

\*Select one.

Date:

\*Signature of requester or person authorised to sign on behalf of requester:

Address for service of requester:

Telephone:

Fax/email:

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

\*A signature is not required if you make your request by electronic means.

**Note to requester**

You may make this request only in the period starting on the day on which the matter is lodged and ending 5 working days after the date on which submissions on the matter close.

In making this request, you may incur charges for the hearing and the deciding of the matter over and above the costs for hearing and deciding the matter if the request were not made.



## Form 16A

Notice of lodgement of matter under section 145 of Resource Management Act  
1991*Sections 145, 148, and 149ZB, Resource Management Act 1991***To** the Environmental Protection Authority

- 1 Full name of person lodging matter (the **applicant**):  
Description of proposal (the **proposal**):  
Relevant local authority:
- 2 *For this paragraph select the paragraph(s) that apply.*  
This information accompanies—
- (a) 1 or more of the following applications for a resource consent:
  - (b) 1 or more of the following applications for a change to or cancellation of the conditions of a resource consent:
  - (c) 1 or more of the following requests for the preparation of a regional plan:
  - (d) 1 or more of the following requests for a change to a plan:
  - (e) 1 or more of the following changes to a plan proposed by the local authority:
  - (f) 1 or more of the following variations to a proposed plan:
  - (g) 1 or more of the following notices of requirement for a designation or to alter a designation:
  - (h) 1 or more of the following notices of requirement for a heritage order or to alter a heritage order.
- 3 [*Provide details of the matter or matters*] (the **matter**).
- 4 *Omit this paragraph if it does not apply.*  
The matter—
- consists of 1 or more of the following: an application for a resource consent, or an application to change or cancel the conditions of a resource consent, or a notice of requirement to alter a designation, or a notice of requirement to alter a heritage order; and
  - relates to an activity that is part of a proposal of national significance in relation to which 1 or more matters have already been subject to a direction under section 142(2) or 147(1)(a) or (b).
- 5 The matter relates wholly to the coastal marine area/relates partly to the coastal marine area/does not relate to the coastal marine area\*.  
\*Select one.
- 6 I request that the Minister for the Environment/Minister of Conservation/  
Minister for the Environment and the Minister of Conservation\* makes/make\*

a direction under section 147(1)(a) or (b) to refer the matter to a board of inquiry or to the Environment Court for decision, on the grounds that the matter is/is part of\* a proposal of national significance.

\*Select one.

*It would be helpful to provide the information in paragraphs 7 and 8.*

- 7 The following factors are relevant to this application: *[set out the factors and, in relation to each factor, the reasons in support of your application to have a direction made. Factors that may be relevant include, but are not limited to, whether the matter—*
- has aroused widespread public concern or interest regarding its actual or likely effect on the environment (including the global environment); or*
  - involves or is likely to involve significant use of natural and physical resources; or*
  - affects or is likely to affect a structure, a feature, a place, or an area of national significance; or*
  - affects or is likely to affect or is relevant to New Zealand's international obligations to the global environment; or*
  - results or is likely to result in or contribute to significant or irreversible changes to the environment (including the global environment); or*
  - involves or is likely to involve technology, processes, or methods that are new to New Zealand and that may affect its environment; or*
  - is or is likely to be significant in terms of section 8 of the Resource Management Act 1991; or*
  - will assist the Crown in fulfilling its public health, welfare, security, or safety obligations or functions; or*
  - affects or is likely to affect more than 1 region or district; or*
  - relates to a network utility operation that extends or is proposed to extend to more than 1 district or region].*
- 8 The further views of the applicant are: *[set out the further views of the applicant, including whether the applicant has views on whether the matter should be referred to a board of inquiry or the Environment Court and any other recommendations sought as to the course of action].*

Date:

\*Signature of applicant or person authorised to sign on behalf of requester:

Address for service of applicant:

Telephone:

Fax/email:

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

\*A signature is not required if you make your request by electronic means.

**Note to applicant**

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).

If your request concerns an application for a resource consent or an application for a change to or cancellation of the conditions of a resource consent and the Environmental Protection Authority determines that the application is incomplete, it may return the request.

You must serve the relevant local authority with notice of this matter, together with notice that it has been lodged with the Environmental Protection Authority.

## Form 16B

Submission to Environmental Protection Authority on matter where Minister has made a direction under section 142(2) or 147(1)(a) or (b) of Resource Management Act 1991 and matter has been publicly notified or subject to limited notification

*Sections 149E, 149O, and 149ZC, Resource Management Act 1991*

To the Environmental Protection Authority

- 1 Full name of submitter:
- 2 This is a submission on a matter in relation to which the Minister for the Environment/Minister of Conservation/Minister for the Environment and the Minister of Conservation\* made a direction under section 142(2) or 147(1)(a) or (b) of the Resource Management Act 1991.  
\*Select one.
- 3 The matter is: [*set out the matter and its description from the public notice*].
- 4 I am/am not\* a trade competitor of the applicant.  
\*Select one.
- 5 *Omit this paragraph if you are not a trade competitor.*  
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.  
\*Select one.
- 6 The specific parts of the matter that my submission relates to are: [*specify details*].
- 7 My submission is: [*specify—*  
• *whether you support or oppose the matter or specific parts of it;*  
• *whether you are neutral regarding the matter or specific parts of it;*  
• *the reasons for your view*].
- 8 I seek the following decision from the Environment Court/board of inquiry\*: [*specify precise details, including the general nature of any conditions sought*].  
\*Select one.
- 9 I wish/do not wish\* to be heard in support of my submission.  
\*Select one.
- 10 *Omit this paragraph if you would not consider presenting a joint case.*  
If others make a similar submission, I will consider presenting a joint case with them at the hearing.

Date:

\*Signature of submitter or person authorised to sign on behalf of submitter:

Address for service of submitter:

Telephone:

Fax/email:

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

\*A signature is not required if you make your submission by electronic means.

### **Notes to submitter**

- 1 You may make a submission to the Environmental Protection Authority even if you have already made a submission to the local authority on the matter.
- 2 If you are a trade competitor, your right to make a submission may be limited by section 149E of the Resource Management Act 1991.
- 3 You must serve a copy of your submission on the applicant as soon as practicable after you have served your submission on the Environmental Protection Authority.

## Form 16C

Further submission to Environmental Protection Authority where matter relates to request for preparation of regional plan, request for change to plan, change to plan, or variation to proposed plan where Minister has made a direction under section 142(2) or 147(1)(a) or (b) of the Resource Management Act 1991

*Sections 149F and 149O, Resource Management Act 1991*

To the Environmental Protection Authority

- 1 Full name of person making further submission:
- 2 This is a further submission in support of/in opposition to\* a submission on the following request for the preparation of a regional plan/request for a change to a plan/change to a plan/variation to a proposed plan\* (the **proposal**): [*name of proposed plan or change to plan or variation to a proposed plan*].  
\*Select one.
- 3 I am [*state whether you are—*
  - *a person representing a relevant aspect of the public interest. In this case, also explain the grounds for saying that you come within this category; or*
  - *a person who has an interest in the proposal that is greater than the interest that the general public has. In this case, also explain the grounds for saying that you come within this category; or*
  - *the local authority*].
- 4 I support/oppose\* the submission of [*name and address of original submitter and submission number of original submission if available*].  
\*Select one.
- 5 The particular parts of the submission I support/oppose\* are: [*clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal*].  
\*Select one.
- 6 The reasons for my support/opposition\* are: [*specify reasons*].  
\*Select one.
- 7 I seek that the whole/part [*describe part*]\* of the submission be allowed/disallowed\*: [*specify precise details*].  
\*Select one.
- 8 I wish/do not wish\* to be heard in support of my further submission.  
\*Select one.

9 *Omit this paragraph if you would not consider presenting a joint case.*

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

Date:

\*Signature of person making further submission or person authorised to sign on behalf of person making further submission:

Address for service of submitter:

Telephone:

Fax/email:

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

\*A signature is not required if you make your submission by electronic means.

**Note to person making further submission**

You must serve a copy of your further submission on the applicant and the original submitter no later than 5 working days after the date on which you provide the Environmental Protection Authority with the further submission.

## Form 27A

## Request for requirement to be determined by Environment Court

*Section 198B, Resource Management Act 1991***To** *[name of territorial authority]*

- 1 I, *[full name of requiring authority or of heritage protection authority]*, request that you allow the following requirement by me to be the subject of a decision by the Environment Court instead of a recommendation by you and a decision by me:
- a requirement for a designation under section 168.
  - a requirement for a heritage order under section 189.
  - a requirement under section 181 (other than a notice to which section 181(3) applies) for an alteration to a designation to which section 168 applied.
  - a requirement under section 195A (other than a notice to which section 195A(3) applies) for an alteration to a heritage order to which section 189 applied.
- 2 *[Briefly describe the details of the requirement to which the request relates in enough detail to identify the relevant matter.]*
- 3 The reasons for the request are as follows: *[set out why you are making the request and the factors you wish the territorial authority to consider]*.

Date:

\*Signature of requiring authority or heritage protection authority or person authorised to sign on behalf of authority:

Address for service of requiring authority or heritage protection authority:

Telephone:

Fax/email:

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

\*A signature is not required if you make your submission by electronic means.

**Note to requester**

If the territorial authority receives the request after it has determined that the application will not be notified, or if it decides not to notify the application, it must refuse the request.

You may make this request only in the period starting on the day on which you give notice under section 168 or 189 and ending 5 working days after the date on which the period for submissions closes.



## Form 31A

Notice of motion (for proceedings under section 87G, 149T, 198E, or 198K of  
Resource Management Act 1991)

*Sections 87G, 149T, 198E, and 198K, Resource Management Act 1991*

**To** the Registrar

Environment Court

Auckland, Wellington, and Christchurch

- 1 I, [*full name*], apply under [*relevant section and statute*] for [*nature of order(s) sought*].
- 2 The grounds for the application are: [*specify details*].
- 3 I attach the following documents:
  - (a) an affidavit in support of this application; and
  - (b) a list of names and addresses of persons to be served with a copy of this notice.

Date:

\*Signature of applicant or person authorised to sign on behalf of applicant:

Address for service of applicant:

Telephone:

Fax/email:

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

\*A signature is not required if you make your request by electronic means.

**Notes to applicant**

- 1 You must lodge the original and 1 copy of this notice with the Environment Court. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.
- 2 You must serve copies of this notice and the affidavit on the local authority or consent authority, and on any person who made a submission on the matter, as soon as is reasonably practicable after lodging the notice.
- 3 As soon as is reasonably practicable after you have served the documents, you must advise the Registrar of the names, addresses, and dates of service of the persons served.

**Advice to recipients of copy of notice of motion***How to become party to proceedings*

- 4 You may be heard on this application if you come within section 274(1) of the Resource Management Act 1991. If you are a trade competitor of the applicant, your right to be heard may be limited.
- 5 If you wish to be heard on the application as a party, you must lodge a notice in form 33 with the Environment Court, and serve copies on the other parties, within 15 working days after the application was lodged with the court.

*Advice*

- 6 If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Rebecca Kitteridge,  
Clerk of the Executive Council.

## **Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

The amendments in these regulations take account of changes made by the Resource Management (Simplifying and Streamlining) Amendment Act 2009. The regulations come into force on 1 November 2010.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 2 September 2010.

These regulations are administered by the Ministry for the Environment.