



Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2020

Patsy Reddy, Governor-General

Order in Council

At Wellington this 3rd day of August 2020

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under section 360(1) of the Resource Management Act 1991 on the advice and with the consent of the Executive Council.

Contents

		Page
1	Title	2
2	Commencement	2
3	Principal regulations	2
4	Regulation 6 amended (Prescribed forms for policy statements)	2
5	Regulation 7 amended (Requirements for serving notice of appeal against decision on proposed policy statements or plan)	2
6	Schedule 1AA amended	2
7	Schedule 1 amended	2
	Schedule 1	3
	New Part 2 of Schedule 1AA inserted	
	Schedule 2	4
	Forms in Schedule 1 amended	
	Schedule 3	6
	Form 4A in Schedule 1 replaced	

Schedule 4
Form 7 in Schedule 1 replaced

8

Regulations**1 Title**

These regulations are the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2020.

2 Commencement

These regulations come into force on 3 September 2020.

3 Principal regulations

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

4 Regulation 6 amended (Prescribed forms for policy statements)

(1) In regulation 6, item relating to form 4A:

- (a) replace “Part 4” with “clause 5”; and
- (b) replace “collaborative” with “freshwater”.

(2) In regulation 6, revoke the item relating to form 7B.

5 Regulation 7 amended (Requirements for serving notice of appeal against decision on proposed policy statements or plan)

In regulation 7(1), replace “either form 7 or form 7B (as appropriate)” with “form 7”.

6 Schedule 1AA amended

In Schedule 1AA, after Part 1, insert the Part 2 set out in Schedule 1 of these regulations.

7 Schedule 1 amended

(1) Amend Schedule 1 as set out in Schedule 2 of these regulations.

(2) In Schedule 1, replace form 4A with the form 4A set out in Schedule 3 of these regulations.

(3) In Schedule 1, replace form 7 with the form 7 set out in Schedule 4 of these regulations.

Schedule 1
New Part 2 of Schedule 1AA inserted

r 6

Part 2
Provision relating to Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2020

4 Specified matters subject to transitional arrangements

- (1) An amendment made by the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2020 (the **amendment regulations**) does not apply in respect of a matter specified in subclause (2).
- (2) The specified matters are—
 - (a) a review of conditions of a consent, in relation to which notice has been served on the consent holder before the commencement of the amendment regulations;
 - (b) a plan, a policy statement, a change or variation (including a change to a regional policy statement, a request for a change to a regional policy statement, and a variation to a proposed regional policy statement), or a freshwater planning instrument that has been notified before the commencement of the amendment regulations;
 - (c) a matter that has been lodged with a local authority or the EPA, or called in by the Minister, before the commencement of the amendment regulations;
 - (d) an abatement notice that has been issued before the commencement of the amendment regulations;
 - (e) an appeal that has been lodged with the Environment Court before the commencement of the amendment regulations.

Schedule 2

Forms in Schedule 1 amended

r 7(1)

1 Form 4C amended

- (1) This clause amends form 4C.
- (2) In paragraph 2, delete “and is publicly available in the central public library of [*the relevant region or district*]”.

2 Form 5 amended

- (1) This clause amends form 5.
- (2) Delete the paragraph beginning “*[*If your submission*]” and ending with “[*should be modified*]”.
- (3) Delete the 2 paragraphs beginning “*This paragraph may be deleted” and ending with “collaborative planning process.”.

3 Form 6 amended

- (1) This clause amends form 6.
- (2) Delete the paragraph beginning “*Complete the following*” and ending with “*collaborative planning process*.”.
- (3) Delete “The particular parts of the submission I support (or oppose) are:” in the second place it occurs.
- (4) Delete the paragraph beginning “[*Clearly indicate which*]” and ending with “*and identify any relevant provisions of the proposal*.”.

4 Form 7B revoked

Revoke form 7B.

5 Form 14 amended

- (1) This clause amends form 14.
- (2) Replace:
 - (a) “*consent holder*” with “*consent holder(s)*”; and
 - (b) “*consent holder*” with “*consent holder(s)*” in each place.
- (3) Replace “the following resource consent” with “the following resource consent(s)”.
- (4) Replace “the consent” with “the consent(s)”.
- (5) Replace “The resource consent under review” with “The resource consent(s) under review”.

6 Form 15 amended

- (1) This clause amends form 15.
- (2) Replace “the following resource consent” with “the following resource consent(s)”.
- (3) Replace “the resource consent” with “the resource consent(s)”.
- (4) In the note to submitter, replace “consent holder” with “consent holder(s)”.

7 Form 16 amended

- (1) This clause amends form 16.
- (2) In the note to the appellant, third paragraph, delete “must be related to a matter raised in your submission, and”.

8 Form 16C amended

- (1) This clause amends form 16C.
- (2) In the heading, replace “request for change to plan, change to plan, or variation to proposed plan” with “request for change to plan or regional policy statement, change to plan or regional policy statement, or variation to proposed plan or proposed regional policy statement”.
- (3) In paragraph 2, replace “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*]” with “request for change to plan or regional policy statement/change to plan or regional policy statement/variation to proposed plan or proposed regional policy statement* (the **proposal**): [*name of proposed plan or regional policy statement, change to plan or regional policy statement, or variation to proposed plan or proposed regional policy statement*]”.

9 Form 48 amended

- (1) This clause amends form 48.
- (2) Replace “*under section 38*” with “*under section 38 or 343F*”.

Schedule 3

Form 4A in Schedule 1 replaced

r 7(2)

Form 4A

Public notice of [*name of proposed freshwater planning instrument*] using
freshwater planning process

Section 80A and clause 5 of Schedule 1, Resource Management Act 1991

[*Name of local authority*] has prepared *or* accepted *or* adopted the following fresh-
water planning instrument (the **proposal**):

[*Name of proposed freshwater planning instrument.*]

[*Describe the freshwater planning instrument.*]

[*State—*

- (a) *whether all or part of the instrument is subject to the freshwater planning process; and*
- (b) *if applicable,—*
 - (i) *which part will undergo the freshwater planning process and the reasons why; and*
 - (ii) *which part will undergo the processes in Part 1 of Schedule 1 of the Act and the reasons why.*]

The proposal may be inspected or purchased at [*Internet site address*] or [*place*]. Please contact [*name of person handling queries and contact details*] if you have any questions about the proposal.

The following persons may make a submission on the proposal:

- the local authority, in its own area; and
- any other person, 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.

A person may make a submission on the proposal by sending an electronic or a written submission to [*name of local authority*] at [*email and physical address and other contact details*]. The submission must be in form 5 and must state whether or not the person wishes to be heard on their submission. Copies of this form are available at [*Internet site address*] or [*name of local authority*].

Submissions must be received by [*closing date, which must be at least 40 working days after publication of this notice for a proposed policy statement or plan and at least 20 working days after publication of this notice for a change proposed to a pol-*

icy statement or plan, or a variation to a proposed policy statement or plan, or a variation to a change].

Date:

*Signature *or* [*authorised by*]:

*A signature is not required if a person gives their written notice by electronic means.

Position:

On behalf of:

*Electronic address for service of local authority:

*Telephone:

*Postal address (*or* alternative method of service under section 352 of the Act):

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

*If the address for service and other contact details are the same as those for the submission, a person may just cross-refer to those details.

Note regarding appeals

Following its hearing of submissions on the proposal, a freshwater hearings panel makes recommendations to the regional council. The regional council must accept or reject each recommendation. Appeal rights in relation to the freshwater planning instrument are dependent on whether the regional council accepts or rejects the recommendations of the freshwater hearings panel.

A person who made a submission on a freshwater instrument—

- may appeal to the Environment Court against a rejected recommendation in the specific circumstances outlined in clause 55 of Schedule 1 of the Act:
- may appeal to the High Court on points of law in relation to an accepted recommendation in the specific circumstances outlined in clause 56 of Schedule 1 of the Act.

Note to local authority

This notice must be published in full on a freely accessible Internet site. A short summary of the notice, along with the details of the Internet site where the notice can be accessed, must be published in 1 or more newspapers circulating in the entire area likely to be affected by the matter to which the notice relates.

Schedule 4

Form 7 in Schedule 1 replaced

r 7(3)

Form 7

Notice of appeal to Environment Court against decision on proposed policy statement or plan or change or variation

Clause 14(1) of Schedule 1, Resource Management Act 1991

To the Registrar
Environment Court
Auckland, Wellington, and Christchurch

I, [full name], appeal against a decision (or part of a decision) of [name of local authority] on the following policy statement (or plan or change or variation):

[state the name of the proposed or existing policy statement or plan or change or variation to which the decision relates].

I made a submission on that policy statement (or plan or change or variation).

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

*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.

*Omit paragraph if you are not a trade competitor.

†Select one.

I received notice of the decision on [date].

The decision was made by [name of authority].

The decision (or part of the decision) that I am appealing against is:

[state—

- a summary of the decision or part of the decision; and
- the specific provision or matter that the decision includes in, or excludes from, the policy statement or plan or change or variation (or that the decision proposes to include or exclude)].

The reasons for the appeal are as follows:

[set out why you are appealing against the decision or part of the decision and give reasons for your views].

I seek the following relief:

[give precise details].

I attach the following documents* to this notice:

- (a) a copy of my submission *or* further submission (with a copy of the submission opposed or supported by my further submission):
- (b) a copy of the relevant decision (*or* part of the decision):
- (c) any other documents necessary for an adequate understanding of the appeal:
- (d) a list of names and addresses of persons to be served with a copy of this notice.

*These documents constitute part of this form and, as such, must be attached to both copies of the notice lodged with the Environment Court. The appellant does not need to attach a copy of a regional or district plan or policy statement. In addition, the appellant does not need to attach copies of the submission and decision to the copies of the notice served on other persons if the copy served lists these documents and states that copies may be obtained, on request, from the appellant.

Date:

Signature of appellant:
(*or* person authorised to sign
on behalf of appellant)

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

Note to appellant

Appeals other than in relation to freshwater planning instruments

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.

The Environment Court, when hearing an appeal relating to a matter included in a document under section 55(2B) of the Act, may consider only the question of law raised.

Appeals in relation to freshwater planning instruments

You may appeal only if—

- you addressed in your submission or further submission the provision or matter that is the subject of your appeal; and

- the relevant regional council rejected a recommendation of the freshwater hearings panel and decided an alternative solution which resulted in—
 - (a) the provision or matter being included in the freshwater planning instrument; or
 - (b) the provision or matter being excluded from the freshwater planning instrument.

If a regional council decides to reject a recommendation of the freshwater hearings panel that is outside the scope of submissions, you may appeal to the Environment Court in respect of that decision or the alternative solution proposed by the council if you made a submission.

Notes for all appeals

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

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, you may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (*see* form 38).

Advice to recipients of copy of notice of appeal

How to become party to proceedings

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.

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 Act.

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

**How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not have attached a copy of the appellant's submission and (*or or*) the decision (*or part of the decision*) appealed. These documents may be obtained, on request, from the appellant.

*Delete if these documents are attached to copies of the notice of appeal served on other persons.

Advice

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

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 come into force on 3 September 2020.

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

The amendments are required to give effect to changes enacted by the Resource Management Amendment Act 2020 (the **amendment Act**). The amendments in these regulations update a number of the forms in the principal regulations, remove a redundant form, provide new forms, and amend certain regulations. The relevant changes made by the amendment Act are:

- creating a new freshwater planning process:
- removing the collaborative planning process:
- enabling the review of conditions of multiple resource consents concurrently:
- repealing restrictions on the scope of appeals:
- allowing changes to regional policy statements to be called in by the Minister and directed to a board of inquiry or the Environment Court for a decision:
- making permanent some recent temporary changes to the Resource Management Act 1991 relating to availability of documents during the COVID-19 response.

**Resource Management (Forms, Fees, and Procedure)
Amendment Regulations 2020**

2020/180

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 6 August 2020.

These regulations are administered by the Ministry for the Environment.

Wellington, New Zealand:

Published under the authority of the New Zealand Government—2020