



## **Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2017**

Patsy Reddy, Governor-General

### **Order in Council**

At Wellington this 14th day of August 2017

Present:

Her Excellency the Governor-General 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	3
3	Principal regulations	3
4	Regulation 3 amended (Interpretation)	3
5	New regulation 3A inserted (Transitional, savings, and related provisions)	3
	3A Transitional, savings, and related provisions	3
6	Regulation 6 amended (Prescribed forms for policy statements)	3
7	Regulation 7 amended (Requirements for serving notice of appeal against decision on proposed policy statements or plan)	4
8	Regulation 8 amended (Requirements for serving notices of appeal against decision on requirement in plan or proposed plan)	4
9	Regulation 9 amended (Prescribed forms for resource consents)	4
10	Regulation 10 amended (Service of applications for resource consents or for review of conditions)	4

11	Regulation 10A amended (Discretion to require notice to be affixed to site)	4
12	Regulation 35 replaced (Filing fee)	4
	35 Fees of court	5
	35A Power to waive fees	5
	35B Payment of fee may be postponed pending determination of application for waiver or review	6
	35C Recovery of postponed fee	6
	35D Power to refund fees	6
13	New regulations 36A to 36E inserted	7
	36A Prepayment of scheduling fees and estimated hearing fees	7
	36B Failure to prepay the scheduling fees or estimated hearing fees	7
	36C Payment of balance of hearing fees if hearing exceeds estimated hearing time	7
	36D Refund of prepaid hearing fees if hearing shorter than estimated hearing time	8
	36E Refund of prepaid hearing fees if proceeding settled, discontinued, abandoned, or determined before hearing date	8
14	New Schedule 1AA inserted	8
15	Schedule 1 amended	8
16	New Schedule 3 inserted	8
	<b>Schedule 1</b>	9
	<b>New Schedule 1AA inserted</b>	
	<b>Schedule 2</b>	10
	<b>Forms in Schedule 1 amended</b>	
	<b>Schedule 3</b>	25
	<b>New forms inserted in Schedule 1</b>	
	<b>Schedule 4</b>	40
	<b>New forms inserted in Schedule 1</b>	
	<b>Schedule 5</b>	46
	<b>New Schedule 3 inserted</b>	

## Regulations

- 1 Title**
- These regulations are the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2017.

**2 Commencement**

- (1) Regulations 8 to 11 and 15(1) and (3) and Schedule 2 (except as specified in subclause (2)), and Schedule 4 come into force on 18 October 2017.
- (2) Clauses 1(2), 4(3), 5(3) and (4), 6(3), 12(4), 23(3), 27(3), and 29(3) of Schedule 2 come into force on the 28th day after the date of their notification in the *Gazette*.
- (3) The rest of these regulations come into force on the 28th day after the date of their notification in the *Gazette*.

**3 Principal regulations**

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

**4 Regulation 3 amended (Interpretation)**

In regulation 3, insert in their appropriate alphabetical order:

**estimated hearing fee** means the fee payable under Part 3 of Schedule 3 in respect of the estimated hearing time

**estimated hearing time** means the time allocated for a hearing and notified to the parties by the Registrar when written confirmation of the hearing date is given

**scheduling fee** means the fee (if any) payable under Part 2 of Schedule 3 in respect of an application or proceeding

**5 New regulation 3A inserted (Transitional, savings, and related provisions)**

After regulation 3, insert:

**3A Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

**6 Regulation 6 amended (Prescribed forms for policy statements)**

In regulation 6, insert in their appropriate numerical order:

4A	80A and Part 4 of Schedule 1	Public notice of proposed policy statement or plan or change using the collaborative planning process
4B	80B and 80C and Part 5 of Schedule 1	Public notice of proposed policy statement or plan or change using the streamlined planning process
4C	Clauses 5A, 16A, and 21 of Schedule 1	Notice of proposed change or variation to a policy statement or plan, to persons directly affected
7B	80A, clause 60 and Part 4 of Schedule 1	Notice of appeal by way of rehearing in the Environment Court against decision on proposed policy statement or plan or change or variation made through the collaborative planning process
7C	80B and 80C, and clause 94 of Schedule 1	Notice of appeal to Environment Court against Schedule 1 decision made by requiring or heritage

protection authority through streamlined planning process

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

- (1) In regulation 7(1), after “clause 14(1)”, insert “or 60”.
- (2) In regulation 7(1), replace “form 7” with “either form 7 or form 7B (as appropriate)”.

**8 Regulation 8 amended (Requirements for serving notices of appeal against decision on requirement in plan or proposed plan)**

- (1) In regulation 8(1), after “clause 14(3)”, insert “or 92”.
- (2) In regulation 8(1), replace “form 8” with “either form 7C or 8 (as appropriate)”.

**9 Regulation 9 amended (Prescribed forms for resource consents)**

In regulation 9, insert in their appropriate numerical order:

8B	87BA	Written approval for deemed permitted boundary activity
9A	87BA	Application for deemed permitted boundary activity
9B	87BA	Written notice of deemed permitted boundary activity
9C	87BB	Written notice of deemed permitted marginal or temporary activity

**10 Regulation 10 amended (Service of applications for resource consents or for review of conditions)**

- (1) Replace regulation 10(2)(a) with:
  - (a) every person who the consent authority decides is an affected person under section 95B of the Act in relation to the activity that is the subject of the application or review:
- (2) In regulation 10(2)(d), after “local authorities,”, insert “persons with a relevant statutory acknowledgement,”.

**11 Regulation 10A amended (Discretion to require notice to be affixed to site)**

Replace regulation 10A(2) with:

- (2) A consent authority may require the following to be affixed to a conspicuous place on or adjacent to the site to which the application relates:
  - (a) a short summary of the notice; and
  - (b) details of the Internet site where the full public notice in form 12 can be accessed.

**12 Regulation 35 replaced (Filing fee)**

Replace regulation 35 with:

**35 Fees of court**

- (1) The fees set out in Schedule 3 must be prepaid to the Registrar for the matters set out in that schedule.
- (2) Subclause (1) is subject to regulations 35A to 35D.

**35A Power to waive fees**

- (1) A person (the **applicant**) otherwise responsible for the payment of a fee required in connection with a proceeding or an intended proceeding may apply to a Registrar for a waiver of the fee.
- (2) The Registrar may waive the fee payable by the applicant if satisfied,—
  - (a) on the basis of one of the criteria specified in subclause (3), that the applicant is unable to pay the fee; or
  - (b) that the proceeding,—
    - (i) on the basis of one of the criteria specified in subclause (4), concerns a matter of genuine public interest; and
    - (ii) is unlikely to be commenced or continued unless the fee is waived.
- (3) For the purposes of these regulations, an applicant is unable to pay the fee sought to be waived if the applicant—
  - (a) is dependent for the payment of his or her living expenses on a benefit of a kind specified in any of paragraphs (a) to (e) of the definition of income-tested benefit in section 3(1) of the Social Security Act 1964; or
  - (b) is wholly dependent for the payment of his or her living expenses on New Zealand superannuation under the New Zealand Superannuation and Retirement Income Act 2001 or a veteran's pension under the Veterans' Support Act 2014; or
  - (c) would otherwise suffer undue financial hardship if he or she paid the fee.
- (4) For the purposes of this regulation, a proceeding that concerns a **matter of genuine public interest** is—
  - (a) a proceeding that has been or is intended to be commenced to determine a question of law that is of significant interest to the public or to a substantial section of the public; or
  - (b) a proceeding that—
    - (i) raises issues of significant interest to the public or to a substantial section of the public; and
    - (ii) has been or is intended to be commenced by an organisation that, by its governing enactment, constitution, or rules, is expressly or by necessary implication required to promote matters in the public interest.

- (5) An application under subclause (1) must be made in a form approved for the purpose by the chief executive of the Ministry of Justice unless, in a particular case, the Registrar considers that an application in that form is not necessary.

**35B Payment of fee may be postponed pending determination of application for waiver or review**

- (1) A Registrar may, on application by a person who is awaiting the determination of an application under regulation 35A(1), postpone the payment of the fee to which the application relates until the date on which the person is notified of the determination.
- (2) A Registrar may exercise the power under subclause (1) if satisfied that the person awaiting the determination of his or her application would be prejudiced if the matter to which the fee relates did not proceed before the determination.
- (3) An application under subclause (1) must be made in a form approved for the purpose by the chief executive of the Ministry of Justice unless, in a particular case, the Registrar considers that an application in that form is not necessary.

**35C Recovery of postponed fee**

- (1) This regulation applies to a fee (the **fee**) that has been postponed under regulation 35B.
- (2) If the effect of a determination under regulation 35A is that the fee is not to be waived, the fee—
- (a) must be paid, without delay, to the Registrar; and
  - (b) is recoverable as a debt due to the Crown in any court of competent jurisdiction.
- (3) Following a determination that has the effect referred to in subclause (2), the person responsible for paying the fee may not take any further steps in the proceeding to which the fee relates unless the fee is paid.

**35D Power to refund fees**

- (1) A Registrar may, on application made to him or her, refund a fee that has already been paid if satisfied that—
- (a) no application, under regulation 35A, for a waiver of the fee was made; and
  - (b) the fee would have been waived, in accordance with regulation 35A, had such an application been made; and
  - (c) the criteria that would have justified that waiver still apply at the date of the application for the refund.
- (2) An application under subclause (1) must be made in a form approved for the purpose by the chief executive of the Ministry of Justice unless, in a particular case, the Registrar considers that an application in that form is not necessary.

**13 New regulations 36A to 36E inserted**

After regulation 36, insert:

**36A Prepayment of scheduling fees and estimated hearing fees**

- (1) An initiator of the proceedings must pay a scheduling fee no later than—
  - (a) 15 working days after the date on which the Registrar gives to the parties written confirmation of the date on which the hearing is scheduled to begin (the **scheduled hearing date**); or
  - (b) if the Registrar gives less than 15 working days' notice of the scheduled hearing date, a date specified by the Registrar.
- (2) The initiator of the proceedings must pay an estimated hearing fee,—
  - (a) if the estimated hearing time is 10 days or less, no later than—
    - (i) 30 working days before the scheduled hearing date; or
    - (ii) if the Registrar gives less than 30 working days' notice of the scheduled hearing date, the date specified by the Registrar; or
  - (b) if the estimated hearing time is more than 10 days, no later than—
    - (i) 45 working days before the scheduled hearing date; or
    - (ii) if the Registrar gives less than 45 working days' notice of the scheduled hearing date, the date specified by the Registrar.
- (3) If 2 or more proceedings are to be heard together, the Registrar may direct that a single scheduling fee (if any) and hearing fee must be paid as apportioned between the initiators of proceedings by the Registrar.
- (4) If the Registrar makes no direction under subclause (3), scheduling fees (if any) and hearing fees must be paid in respect of each proceeding.
- (5) For the purpose of subclauses (3) and (4), a proceeding does not constitute 2 or more proceedings by reason only that it involves a number of appeals.
- (6) If the Registrar waives the scheduling or hearing fee (or both) under regulation 35A(2), this clause does not apply.

**36B Failure to prepay the scheduling fees or estimated hearing fees**

- (1) If a scheduling fee or an estimated hearing fee is not paid in accordance with regulation 36A, the Registrar may vacate the hearing.
- (2) If the Registrar vacates a hearing under subclause (1), the Registrar must promptly notify the parties.

**36C Payment of balance of hearing fees if hearing exceeds estimated hearing time**

If the actual hearing time exceeds the estimated hearing time, the initiator of the proceedings must pay, on the final day of the hearing, the balance of the

hearing fee (being the actual hearing fee less any amount that has been prepaid).

**36D Refund of prepaid hearing fees if hearing shorter than estimated hearing time**

If the actual hearing time is less than the estimated hearing time, the Registrar must refund to the initiator of the proceedings the portion of any prepaid hearing fee that relates to the period of hearing time not used.

**36E Refund of prepaid hearing fees if proceeding settled, discontinued, abandoned, or determined before hearing date**

If a proceeding is settled, discontinued, abandoned, or determined before the hearing date, the Registrar must refund any prepaid hearing fee to the initiator of the proceedings.

**14 New Schedule 1AA inserted**

Insert the Schedule 1AA set out in Schedule 1 of these regulations as the first schedule to appear after the last regulation of the principal regulations.

**15 Schedule 1 amended**

- (1) Schedule 1 is amended as set out in Schedule 2 of these regulations.
- (2) Schedule 1 is amended by inserting the forms set out in Schedule 3 in their appropriate numerical order.
- (3) Schedule 1 is further amended by inserting the forms set out in Schedule 4 in their appropriate numerical order.

**16 New Schedule 3 inserted**

After Schedule 2, insert the Schedule 3 set out in Schedule 5 of these regulations.

**Schedule 1**  
**New Schedule 1AA inserted**

r 14

**Schedule 1AA**  
**Transitional, savings, and related provisions**

r 3A

**Part 1**  
**Provisions relating to Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2017**

**1 Specified matters subject to transitional arrangements**

An amendment made by the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2017 (the **amendment regulations**) does not apply in respect of a matter specified in clause 12(2) of Schedule 12 of the Act if, immediately before the commencement of the amendment regulations, the matter—

- (a) has been lodged with a local authority, the EPA, or a Minister, or called in by the Minister; but
- (b) has not proceeded to the stage at which no further appeal is possible.

**2 Proposed policy statements or plans, changes, or variations**

- (1) This clause applies to a proposed policy statement or plan, change, or variation that, immediately before the commencement of a relevant amendment made by the amendment regulations,—

- (a) has been publicly notified under clause 5 or 26(b) of Schedule 1 of the Act; but
- (b) has not proceeded to the stage at which no further appeal is possible.

- (2) The proposed policy statement, plan, change, or variation must be determined as if the amendments made by the amendment regulations had not been made.

**3 Matters before the Environment Court**

- (1) Regulations 35 to 36E and Schedule 3 do not apply to any proceeding lodged with the Environment Court immediately before the commencement of the amendment regulations.
- (2) Regulation 35 continues to apply to proceedings commenced in the Environment Court prior to the commencement of the amendment regulations as if the amendment regulations had not replaced regulation 35.

## Schedule 2

### Forms in Schedule 1 amended

r 15(1)

#### 1 Form 1 amended

- (1) This clause amends form 1.
- (2) Replace “policy statement” with “direction” in each place.
- (3) Replace “The proposal may be inspected or purchased at [place]. Please contact [name of person handling queries and contact phone number] if you have any questions about the proposal.” with “The proposal may be inspected or purchased at [website address] or [place]. If you have any questions about the proposal, please contact [name of person handling queries and contact details].”
- (4) In the signature block, after the item relating to date, insert:  
(A signature is not required if notice is given by electronic means.)

#### 2 Form 2 amended

- (1) This clause amends form 2.
- (2) Replace “The proposal may be inspected or purchased at [place]. Please contact [name of person handling queries and contact phone number] if you have any questions about the proposal.” with “The proposal may be inspected or purchased at [website address] or [place]. If you have any questions about the application, please contact [name of person handling queries and contact details].”
- (3) In the signature block, after the item relating to date, insert:  
(A signature is not required if notice is given by electronic means.)

#### 3 Form 3 amended

- (1) This clause amends form 3.
- (2) Replace “national policy statement” with “direction” in each place.
- (3) Replace “Address for service” with “Electronic address for service”.
- (4) Replace the item relating to fax/email with:  
Postal address (or alternative method of service under section 352 of the Act):

#### 4 Form 4 amended

- (1) This clause amends form 4.
- (2) Replace “The proposal may be inspected or purchased at [place]. Please contact [name of person handling queries and contact phone number] if you have any questions about the proposal.” with “The proposal may be inspected or purchased at [website address] or [place]. If you have any questions about the

application, please contact [*name of person handling queries and contact details*].”

- (3) Replace “Submissions close on [*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 policy statement or plan, or a variation to a proposed policy statement or plan, or a variation to a change*].” with “Submissions close on [*closing date, which must be the 20th working day after this public notice, or, for an application under section 145 of the Act, the 30th working day after this public notice, or the date to which an extension of time is granted by the consent authority*].”
- (4) In the signature block, after the item relating to date, insert:  
(A signature is not required if notice is given by electronic means.)

**Note to local authority**

You must publish this notice 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.

- (5) Replace “Address for service” with “Electronic address for service”.
- (6) Replace the item relating to fax/email with:  
Postal address (*or alternative method of service under section 352 of the Act*):

**5 Form 5 amended**

- (1) This clause amends form 5.
- (2) In the form 5 heading, delete “publicly”.
- (3) After “• *reasons for your views*].”, insert as a new paragraph:  
\**[If your submission relates to a proposed policy statement or plan prepared or changed using the collaborative planning process, you must indicate the following:*
- *whether you consider that the proposed plan or policy statement or change fails to give effect to a consensus position and therefore how it should be modified; or*
  - *in the case that your submission addresses a point on which the collaborative group did not reach a consensus position, how that provision in the plan or policy statement should be modified*].
- \*This paragraph may be deleted if the proposal is not subject to a collaborative planning process.
- \*This paragraph may be deleted if the proposal is not subject to a collaborative planning process.
- (4) Replace “I wish (*or do not wish*) to be heard in support of my submission.” with:

\*I wish/do not wish† to be heard in support of my submission.

\*In the case of a submission made on a proposed planning instrument that is subject to a streamlined planning process, you need only indicate whether you wish to be heard if the direction specifies that a hearing will be held.

†Select one.

- (5) Replace “Address for service” with “Electronic address for service”.
- (6) Replace the item relating to fax/email with:  
Postal address (*or* alternative method of service under section 352 of the Act):
- (7) In the note to person making submission, after “clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.”, insert as a new paragraph:  
Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
  - it is frivolous or vexatious:
  - it discloses no reasonable or relevant case:
  - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
  - it contains offensive language:
  - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

## 6 Form 6 amended

- (1) This clause amends form 6.
- (2) In the form 6 heading, delete “publicly”.
- (3) After “[*clearly indicate which parts of the original submission you support or oppose, together with any relevant provisions of the proposal*].”, insert as new paragraphs:  
*Complete the following if your submission relates to a proposed policy statement or plan or change prepared using the collaborative planning process:*  
The particular parts of the submission I support (or oppose) are:  
[*Clearly indicate which parts of the original submission you support or oppose, and how they relate to the collaborative group consensus positions, and identify any relevant provisions of the proposal.*]
- (4) Replace “Address for service” with “Electronic address for service”.
- (5) Replace the item relating to fax/email with:  
Postal address (*or* alternative method of service under section 352 of the Act):

- (6) In the note to person making further submission, after “A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority.”, insert as a new paragraph:  
Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
- it is frivolous or vexatious:
  - it discloses no reasonable or relevant case:
  - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
  - it contains offensive language:
  - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

**7 Form 7A amended**

- (1) This clause amends form 7A.  
(2) Replace “Address for service” with “Electronic address for service”.  
(3) Replace the item relating to fax/email with:  
Postal address (*or alternative method of service under section 352 of the Act*):

**8 Form 8A amended**

- (1) This clause amends form 8A.  
(2) Replace “Address for service” with “Electronic address for service”.  
(3) Replace the item relating to fax/email with:  
Postal address (*or alternative method of service under section 352 of the Act*):  
(4) After the last line of form 8A, insert:

**Note to local authority**

If the consent authority determines that the activity is a deemed permitted boundary activity under section 87BA of the Act, your written approval cannot be withdrawn if this process is followed instead.

**9 Form 9 amended**

- (1) This clause amends form 9.  
(2) In the form 9 heading, after “resource consent”, insert “or fast-track resource consent”.  
(3) In the authorisation, replace “Sections 88” with “Sections 87AAC, 88”.  
(4) In paragraph 1, after “Otherwise, state 1 or more of the following:”, insert “fast-track resource consent application”.

- (5) After paragraph 1, insert:
- 1A *Omit this paragraph if the application does not qualify as a fast-track application under section 87AAC.*  
I opt out/do not opt out\* of the fast-track consent process.  
\*Select one.
- (6) In the signature block, after “\*Select one”, insert as a new paragraph:  
(A signature is not required if the application is made by electronic means.)
- (7) Replace “Address for service” with “\*Electronic address for service”.
- (8) Replace the item relating to fax with:  
Postal address (*or* alternative method of service under section 352 of the Act):
- (9) Revoke the item relating to email.
- (10) After the item relating to contact person, insert as a new paragraph:  
Note an electronic address for service must be provided if you are applying for a fast-track resource consent application.
- (11) In the note to applicant, replace “Environmental Protection Agency” with “Environmental Protection Authority”.
- (12) In the note to applicant, after the last paragraph, insert:
- Fast-track application**  
Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement.  
A fast-track application may cease to be a fast-track application under section 87AAC(2) of the Act.

**10 Form 10 amended**

- (1) This clause amends form 10.
- (2) In the signature block, after “\*Select one.”, insert as a new paragraph:  
(A signature is not required if the application is made by electronic means.)
- (3) Replace “Address for service” with “Electronic address for service”.
- (4) Replace the item relating to fax with:  
Postal address (*or* alternative method of service under section 352 of the Act):
- (5) Revoke the item relating to email.
- (6) In the note to applicant, replace “Environmental Protection Agency” with “Environmental Protection Authority”.

**11 Form 11 amended**

- (1) This clause amends form 11.
- (2) In each signature block, after “\*Select one.”, insert as a new paragraph:

(A signature is not required if the application is made by electronic means.)

- (3) Replace “Address for service” with “Electronic address for service” in each place.
- (4) Replace each item relating to fax with:  
Postal address (*or* alternative method of service under section 352 of the Act):
- (5) Revoke each item relating to email.

## **12 Form 12 amended**

- (1) This clause amends form 12.
- (2) In the authorisation, after “*Sections*”, insert “*2AB*”.
- (3) Replace “The application may be inspected at [*place*]. Please contact [*name of person handling queries and contact phone number*] if you have any questions about the application.” with “The application may be inspected or purchased at [*website address*] or [*place*]. If you have any questions about the application, please contact [*name of person handling queries and contact details*].”
- (4) Replace “Submissions close on [*closing date, which must be the 20th working day after this public notice or the date to which an extension of time is granted by the consent authority*].” with “Submissions close on [*closing date, which must be the 20th working day after this public notice, or, for an application under section 145 of the Act, the 30th working day after this public notice, or the date to which an extension of time is granted by the consent authority*].”
- (5) In the signature block, after the item relating to date, insert:  
(A signature is not required if the application is made by electronic means.)

### **Note to local authority**

Please note this notice must be clear and concise.

You must publish this notice 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.

## **13 Form 12A amended**

- (1) This clause amends form 12A.
- (2) Replace “Address for service” with “Electronic address for service”.
- (3) Replace the item relating to fax/email with:  
Postal address (*or* alternative method of service under section 352 of the Act):

## **14 Form 13 amended**

- (1) This clause amends form 13.
- (2) In the authorisation, after “*Sections*”, insert “*4ID*”.
- (3) Replace “Address for service” with “Electronic address for service”.

- (4) Replace the paragraph beginning “\*Pursuant to section 100A” with:  
I request/do not request\*, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.  
\*Select one.
- (5) Revoke paragraph “\*Delete if you do not wish to make a request under section 100A.”
- (6) Replace the item relating to fax/email with:  
Postal address (*or* alternative method of service under section 352 of the Act):
- (7) In the note to submitter, insert after the last paragraph:  
Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
- it is frivolous or vexatious:
  - it discloses no reasonable or relevant case:
  - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
  - it contains offensive language:
  - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

## 15 Form 14 amended

- (1) This clause amends form 14.
- (2) In the authorisation, replace “*Section 130*” with “*Sections 2AB and 130*”.
- (3) Replace “The resource consent under review may be inspected at [*place*]. Please contact [*name of person handling queries and contact phone number*] if you have any questions about the review.” with “The resource consent under review may be inspected or purchased at [*website address*] or [*place*]. If you have any questions about the review, please contact [*name of person handling queries and contact details*].”
- (4) In the signature block, after the item relating to date, insert:  
(A signature is not required if notice is given by electronic means.)

### Note to local authority

Please note this notice must be clear and concise.

You must publish this notice 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.

**16 Form 15 amended**

- (1) This clause amends form 15.
- (2) Replace “Address for service” with “Electronic address for service”.
- (3) Replace the item relating to fax/email with:  
Postal address (*or* alternative method of service under section 352 of the Act):
- (4) In the note to submitter, after “You must serve a copy of your submission on the consent holder as soon as reasonably practicable after you have served your submission on the consent authority.”, insert as a new paragraph:  
Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
  - it is frivolous or vexatious:
  - it discloses no reasonable or relevant case:
  - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
  - it contains offensive language:
  - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

**17 Form 16 amended**

- (1) This clause amends form 16.
- (2) Replace the authorisation with:  
*Sections 41D, 120, 121, 127(3), 132(2), 136(4)(b), 137(5)(c), 139(12), 234(4), 267, and 268, Resource Management Act 1991*
- (3) After “The decision was made by [*name of consent authority or, in relation to a certificate of compliance, the Environmental Protection Authority*].”, insert as a new paragraph:  
I have a right to appeal this decision under section 120 of the Resource Management Act 1991. The decision to which this appeal relates is not one of those activities excluded by section 120(1A) or (1B) of that Act.
- (4) In the signature block, after the item relating to date, insert:  
(A signature is not required if notice is given by electronic means.)
- (5) In the note to appellant, after “Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.”, insert as new paragraphs:  
If you are appealing as a submitter on an application for a resource consent, or an application for a change of consent conditions, or on a review of consent conditions, your appeal must be related to a matter raised in your submission,

and must not be related to any submission or part of a submission that has been struck out under section 41A of the Resource Management Act 1991.

The Environment Court may require any parties to the appeal, anyone that intends to join under section 274 of the Resource Management Act, a council, or a Minister to attend a conference. The Environment Court may also ask one of its members, or another person, to conduct an alternative dispute resolution process at any time after the lodgement of proceedings.

### **18 Form 16A amended**

- (1) This clause amends form 16A.
- (2) Replace “Address for service” with “Electronic address for service”.
- (3) Replace the item relating to fax/email with:  
Postal address (*or* alternative method of service under section 352 of the Act):

### **19 Form 16B amended**

- (1) This clause amends form 16B.
- (2) Replace paragraph 4 with:  
4 I would/would not\* gain an advantage in trade competition through this submission.  
\*Select one.
- (3) Replace “Address for service” with “Electronic address for service”.
- (4) Replace the item relating to fax/email with:  
Postal address (*or* alternative method of service under section 352 of the Act):
- (5) In the notes to submitter, after note 3, insert:  
4 Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission or (part of the submission):
  - it is frivolous or vexatious:
  - it discloses no reasonable or relevant case:
  - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
  - it is supported only by evidence that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert evidence on the matter:
  - it contains offensive language.

### **20 Form 16C amended**

- (1) This clause amends form 16C.
- (2) Replace “Address for service” with “Electronic address for service”.

- (3) Replace the item relating to fax/email with:  
Postal address (*or* alternative method of service under section 352 of the Act):
- (4) After the last paragraph of the note to person making further submission, insert:  
Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
- it is frivolous or vexatious:
  - it discloses no reasonable or relevant case:
  - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
  - it contains offensive language:
  - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

**21 Form 17 amended**

- (1) This clause amends form 17.
- (2) In the signature block, after the item relating to date, insert:  
(A signature is not required if the application is made by electronic means.)
- (3) Replace “Address for service” with “Electronic address for service”.
- (4) Replace the item relating to fax/email with:  
Postal address (*or* alternative method of service under section 352 of the Act):

**22 Form 18 amended**

- (1) This clause amends form 18.
- (2) In the signature block, after the item relating to date, insert:  
(A signature is not required if notice is given by electronic means.)

**23 Form 19 amended**

- (1) This clause amends form 19.
- (2) Replace “The notice of requirement may be inspected at [*place*]. Please contact [*name of person handling queries and contact phone number*] if you have any questions about the notice of requirement.” with “The notice of requirement may be inspected or purchased at [*website address*] or [*place*]. If you have any questions about the notice of requirement, please contact [*name of person handling queries and contact details*].”
- (3) Replace “Submissions close on [*closing date, which must be the 20th working day after this public notice unless extended under section 37*].” with “Submissions close on [*closing date, which must be the 20th working day after this*]

*public notice, or, for an application under section 145 of the Act, the 30th working day after this public notice, or the date to which an extension of time is granted by the consent authority].”*

- (4) In the signature block, after the item relating to date, insert:  
(A signature is not required if notice is given by electronic means.)

**Note to local authority**

You must publish this notice 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.

**24 Form 20 amended**

- (1) This clause amends form 20.
- (2) In the signature block, after the item relating to date, insert:  
(A signature is not required if notice is given by electronic means.)

**25 Form 21 amended**

- (1) This clause amends form 21.
- (2) Replace “Address for service” with “Electronic address for service”.
- (3) Replace the item relating to fax/email with:  
Postal address (*or* alternative method of service under section 352 of the Act):
- (4) After the last paragraph of the note to submitter, insert:  
Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
- it is frivolous or vexatious:
  - it discloses no reasonable or relevant case:
  - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
  - it contains offensive language:
  - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

**26 Form 23 amended**

- (1) This clause amends form 23.
- (2) In the signature block, after the item relating to date, insert:  
(A signature is not required if notice is given by electronic means.)
- (3) Replace “Address for service” with “Electronic address for service”.

- (4) Replace the item relating to fax/email with:  
Postal address (or alternative method of service under section 352 of the Act):

**27 Form 25 amended**

- (1) This clause amends form 25.
- (2) In the authorisation, replace “Section 188” with “Sections 188 and 189(1A)”.
- (3) Replace “[describe the place as it is commonly known and in a way that will enable it to be easily identified (eg, the street address or the legal description and any particular feature, structure, or area and include a map or maps)].” with “[describe the place as it is commonly known and in a way that will enable it to be easily identified (eg, the street address or the legal description and any particular feature, structure, or area and include a map or maps). Confirm that the place is public land and not in private ownership].”
- (4) In the signature block, after the item relating to date, insert:  
(A signature is not required if the application is made by electronic means.)
- (5) Replace “Address for service” with “Electronic address for service”.
- (6) Replace the item relating to fax/email with:  
Postal address (or alternative method of service under section 352 of the Act):

**28 Form 26 amended**

- (1) This clause amends form 26.
- (2) In the signature block, after the item relating to date, insert:  
(A signature is not required if notice is given by electronic means.)

**29 Form 27 amended**

- (1) This clause amends form 27.
- (2) Replace “The notice of requirement may be inspected at [place]. Please contact [name of person handling queries and contact phone number] if you have any questions about the notice of requirement.” with “The notice of requirement may be inspected or purchased at [website address] or [place]. If you have any questions about the notice of requirement, please contact [name of person handling queries and contact details].”
- (3) Replace “Submissions close on [closing date, which must be the 20th working day after this public notice].” with “Submissions close on [closing date, which must be the 20th working day after this public notice, or, for an application under section 145 of the Act, the 30th working day after this public notice, or the date to which an extension of time is granted by the consent authority].”
- (4) In the signature block, after the item relating to date, insert:  
(A signature is not required if notice is given by electronic means.)

**Note to local authority**

You must publish this notice 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.

**30 Form 27A amended**

- (1) This clause amends form 27A.
- (2) Replace “Address for service” with “Electronic address for service”.
- (3) Replace the item relating to fax/email with:  
Postal address (*or* alternative method of service under section 352 of the Act):

**31 Form 28 amended**

- (1) This clause amends form 28.
- (2) In the signature block, after the item relating to date, insert:  
(A signature is not required if notice is given by electronic means.)

**32 Form 29 amended**

- (1) This clause amends form 29.
- (2) Replace “The application and any relevant information held by the special tribunal may be inspected at [*place*]. Please contact [*name of person handling queries and contact phone number*] if you have any questions about the application.” with “The application and any relevant information held by the special tribunal may be inspected or purchased at [*website address*] or [*place*]. If you have any questions about the application, please contact [*name of person handling queries and contact details*].”
- (3) Replace “Any person may make a submission on the application. You may do so by sending a written or electronic submission to the special tribunal at [*address and other contact details*]. The submission must be in form 30. Copies of this form are available from the special tribunal.” with “Any person may make a submission on the application. You may do so by sending a written or electronic submission in form 30 to the special tribunal at [*address and other contact details*].”
- (4) After the paragraph starting “\*If you support the order”, insert as a new paragraph:  
\*If you oppose the making of an order, your submission must specify the reasons why you consider the order is not justified under sections 199 and 207 of the Act.
- (5) In the signature block, after the item relating to date, insert:  
(A signature is not required if notice is given by electronic means.)

**Note to local authority**

You must publish this notice 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.

- (6) Replace “Address for service” with “Electronic address for service”.
- (7) Replace the item relating to fax/email with:  
Postal address (*or* alternative method of service under section 352 of the Act):
- (8) In the signature block, after the item relating to contact person, insert:

**Note to submitters**

The special tribunal may, by notice in writing, require any person making a submission to supply any further information about the submission that the special tribunal considers necessary.

**33 Form 30 amended**

- (1) This clause amends form 30.
- (2) Revoke the paragraph “\*Not applicable if your support for the order is unqualified.”
- (3) Replace “I seek the following decision from the special tribunal:” with “I seek the following recommendation from the special tribunal:”.
- (4) Replace “Address for service” with “Electronic address for service”.
- (5) Replace the item relating to fax/email with:  
Postal address (*or* alternative method of service under section 352 of the Act):
- (6) After the last paragraph of the note to submitter, insert:  
Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
  - it is frivolous or vexatious:
  - it discloses no reasonable or relevant case:
  - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
  - it contains offensive language:
  - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

**34 Form 31A amended**

- (1) This clause amends form 31A.

- (2) Replace “Address for service” with “Electronic address for service”.
- (3) Replace the item relating to fax/email with:  
Postal address (*or* alternative method of service under section 352 of the Act):

**35 Form 40 amended**

- (1) This clause amends form 40.
- (2) Replace “District Courts Act 1947” with “District Court Act 2016”.

**36 Form 42 amended**

- (1) This clause amends form 42.
- (2) In the signature block, after the item relating to date, insert:  
(A signature is not required if notice is given by electronic means.)
- (3) Replace “Address for service” with “Electronic address for service”.
- (4) Replace the item relating to fax/email with:  
Postal address (*or* alternative method of service under section 352 of the Act):

**37 Form 44 amended**

- (1) This clause amends form 44.
- (2) In the signature block, after the item relating to date, insert:  
(A signature is not required if notice is given by electronic means.)
- (3) Replace “Address for service” with “Electronic address for service”.
- (4) Replace the item relating to fax/email with:  
Postal address (*or* alternative method of service under section 352 of the Act):

**38 Form 47 amended**

- (1) This clause amends form 47.
- (2) In the signature block, after the item relating to date, insert:  
(A signature is not required if notice is given by electronic means.)
- (3) Replace “Address for service” with “Electronic address for service”.
- (4) Replace the item relating to fax/email with:  
Postal address (*or* alternative method of service under section 352 of the Act):

## Schedule 3

### New forms inserted in Schedule 1

r 15(2)

#### Form 4A

Public notice of *[name of proposed policy statement, plan, or change]* using collaborative planning process

*Section 80A and clause 49 of Schedule 1, Resource Management Act 1991*

1 *[Name of local authority]* has prepared *or* accepted *or* adopted the following proposed policy statement (*or* the following proposed plan *or* a change proposed to the following policy statement *or* plan, *or* a variation to the following proposed policy statement *or* a variation to the following proposed plan prepared in accordance with the collaborative planning process *or* a variation to a change proposed to the following policy statement *or* plan) (the **proposal**):

*[Name of proposed or existing policy statement or plan.]*

*[Describe—*

- *the proposed policy statement or plan; or*
- *the change proposed to the existing policy statement or plan; or*
- *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.]*

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

3 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.

4 You 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 you wish to be heard on your submission. Copies of this form are available at *[website address]* or *[name of local authority]*.

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

- 6 The process for public participation in the consideration of the proposal made using the collaborative planning process is different to the standard process. You can find further detail of the process at [*website address for the notification and collaborative planning process*].
- 7 A collaborative group, an iwi authority, a person who made a submission, and a relevant requiring authority or heritage protection authority that provided comments or a submission in relation to the proposal—
- may appeal the decision by way of rehearing in the Environment Court in the specific circumstances outlined in clause 60 of Schedule 1 of the Resource Management Act 1991 (the Act):
  - may appeal to the Environment Court against the decision on points of law only if there is no right of appeal in relation to that matter under clause 60.

Date:

\*Signature or [*authorised by*]:

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

Position:

On behalf of:

\*Electronic address for service of person giving written approval:

\*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, you may just cross-refer to those details.

### **Note to local authority**

You must publish this notice 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.

Note you must provide a link to an outline of the collaborative planning process when you give electronic public notice of a proposed policy statement, plan, or change using the collaborative planning process.

## Form 4B

Public notice of [*name of proposed policy statement, plan, or change*] using  
streamlined planning process

*Sections 80B and 80C and Part 5 of Schedule 1, Resource Management Act 1991*

- 1 [*Name of local authority*] has prepared *or* accepted *or* adopted the following proposed policy statement (*or* the following proposed plan *or* a change proposed to the following policy statement *or* plan, *or* a variation to the following proposed policy statement *or* a variation to the following proposed plan prepared in accordance with the streamlined planning process *or* a variation to a change proposed to the following policy statement *or* plan) (the **proposed planning instrument**):

[*Name of proposed or existing policy statement or plan.*]

[*Describe clearly and concisely—*

- *the proposed policy statement or plan; or*
- *the change or variation proposed to the existing policy statement or plan.*]

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

- 3 The following persons may make a submission on the proposal:

- a 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.

- 4 You 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. Copies of this form are available at [*website address*] or [*name of local authority*].

- 5 Submissions must be received by [*closing date in accordance with direction given under clause 78 of Schedule 1 of the Resource Management Act 1991 (the Act)*].

- 6 The streamlined planning process being followed in this instance is available at [*website address*]. The territorial authority responsible for the proposed planning instrument or a person who made a submission on a requirement, designation, or heritage order included in the proposed planning instrument may appeal a decision or an action under Part 5 of Schedule 1 of the Act. They may appeal—

- to the Environment Court against any aspect of a decision of a requiring authority or heritage protection authority that rejects the recommendation referred to in clause 85(2) or (3) of Schedule 1 of the Resource Management Act 1991, but only in relation to those aspects of the recommendation that have been rejected; and
- to the High Court on a question of law against any aspect of a decision of a requiring authority or heritage protection authority that accepts the recommendation referred to in clause 85(2) or (3) of Schedule 1 of the Act, on a designation or heritage order.

Date:

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

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

Position:

On behalf of:

\*Electronic address for service of person giving written approval:

\*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, you may just cross-refer to those details.

#### **Note to local authority**

You must publish this notice 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.

You must provide a link to the direction for the streamlined planning process being used for this proposal when you give electronic public notice of a proposed policy statement, plan, or change using the streamlined planning process.

## Form 4C

## Notice of proposed change or variation to policy statement or plan, to persons directly affected

*Clauses 5A, 16A, and 21 of Schedule 1, Resource Management Act 1991*

1 [Name of local authority] has prepared or accepted or adopted the following change to the following policy statement (or plan, or a variation to the following proposed policy statement or plan or a variation to a change proposed to the following policy statement or plan) (the **proposal**):

[Name of proposed or existing policy statement or plan.]

[Describe clearly and concisely—

- the change proposed to the existing policy statement or plan; or
- the variation to a change proposed to the existing policy statement or plan.]

2 The proposal may be inspected or purchased at [website address] or [place] and is publicly available in the central public library of [the relevant region or district]. Please contact [name of person handling queries and contact details] if you have any questions about the change or variation.

3 Only persons who are given limited notification under clause 5A(3) of Schedule 1 of the Resource Management Act 1991 (the **Act**) or who are listed below may make a submission on this proposal:

- the Minister for the Environment:
- for a change to, or a variation of, a regional coastal plan, the Minister of Conservation and the Director-General of Conservation:
- for a change to, or a variation of, a district plan, the regional council and adjacent local authorities:
- tangata whenua of the area, through iwi authorities:
- the local authority in its own area.

4 If a person with a right to make a submission could gain an advantage in trade competition through its 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.

5 You may make a submission by sending an electronic or a written submission to [name of local authority] at [email address and other contact details]. The submission must be in form 5 and must state whether or not you wish to be heard on your submission. Copies of this form are available from [name of local authority].

- 6 Submissions close on [*closing date, which must be at least 20 working days after publication of this notice*].
- Include the following paragraph if the proposal relates to a change or variation prepared in accordance with the streamlined planning process.*
- \*7 The process for public participation in the consideration of the proposal is as outlined in the direction given under clause 78 of Schedule 1 of the Act [*link to direction*]. The territorial authority responsible for the planning instrument or a person who made a submission on a requirement, designation, or heritage order included in the proposal may appeal a decision or an action made under Part 5 of Schedule 1 of the Act. The appeal may be made—
- to the Environment Court against any aspect of a decision of a requiring authority or heritage protection authority that rejects the recommendation referred to in clause 85(2) or (3) of Schedule 1 of the Act on a designation or heritage order; and
  - to the High Court on a question of law against any aspect of a decision of a requiring authority or heritage protection authority that accepts the recommendation referred to in clause 85(2) or (3) of Schedule 1 of the Act on a designation or heritage order.
- Include the following paragraph if the proposal relates to a change or variation prepared under clause 16A or 21 of Schedule 1 of the Act.*
- \*8 The process for participation in the consideration of the proposal under the Act is as follows:
- after the closing date for submission, [*name of local authority*] must prepare a summary of decisions requested by submitters and provide it to all people who were given limited notification under clause 5A(3) and 5A(8) of Schedule 1 of the Act; and
  - there must be an opportunity for the following persons to make a further submission in support of, or in opposition to, the submissions already made:
    - any person given limited notification under clause 5A(3) of Schedule 1 of the Act;
    - any person provided with a copy of the proposed change under clause 5A(8) of that schedule; and
  - if a person making a submission asks to be heard in support of his or her submission, a hearing must be held; and
  - [*name of local authority*] must give its 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; and

- any person who has made a submission has the right to appeal 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.

\*Select one.

[*Include any further information relating to the proposed change or variation you see fit.*]

Date:

\*Signature on behalf of [*name of local authority*]:

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

\*Electronic address for service of person giving written approval:

\*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, you may just cross-refer to those details.

## Form 7B

## Notice of appeal by way of rehearing in Environment Court against decision on proposed policy statement or plan or change or variation made through collaborative planning process

*Section 80A and Part 4 of Schedule 1, Resource Management Act 1991*

To the Registrar

Environment Court

Auckland, Wellington, and Christchurch

- 1 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):  
[Name of the proposed or existing policy statement or plan or change or variation to which the decision relates.]
- 2 I/we\* made a submission (or comment or information to the Panel) on that policy statement (or plan or change or variation) in relation to the provision or matter that is the subject of this appeal.  
\*Select one.
- 3 I am/am not\* a trade competitor for the purposes of section 308D of the Resource Management Act 1991.  
\*Select one.
- 4 \*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 this paragraph if you are not a trade competitor.  
†Select one.
- 5 I received notice of the decision on [date].
- 6 The decision was made by [name of authority].  
The decision (or part of the decision) that I am appealing 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).]
- 7 The reasons for the appeal are as follows:  
[Set out why you are appealing the decision or part of the decision and give reasons for your views.]  
[Select one and state—

- the decision (*or* part of the decision) is inconsistent with the recommendations of the review panel under clause 54 of Schedule 1 of the Resource Management Act 1991 (the **Act**).

[*Give precise details.*]

- The decision (*or* part of the decision) that I am appealing is related to a matter(s) in which the collaborative group did not reach a consensus position and—

- \*• has been included under clause 46(2)(b)(ii) of Schedule 1 of the Act

- \*• was recommended by the review panel but opposed by the collaborative group under clause 54(3)(b) of Schedule 1 of the Act.

\*Select one.

[*Give precise details.*]

- the decision (*or* part of the decision) accepts (*or* rejects) a recommendation of the review panel under clause 54(1) of Schedule 1 of the Act for a provision in the proposed plan in relation to a requirement, designation, or heritage order that the requiring authority or heritage protection authority did not support, or supported with changes under clause 54(4)(b) of Schedule 1 of the Act.

[*Give precise details.*]

8 I seek the following relief:

[*Give precise details.*]

9 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):

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

Telephone:

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

### **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; or
- 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 is limited by clause 60 of Schedule 1 of the Act.

If you are a group or a person specified in clause 60(2) of Schedule 1 of the Act, you may appeal to the Environment Court against a decision of a local authority made under clause 55(1) of that schedule if there is no right of appeal in relation to that matter under clause 60 of that schedule.

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

The Environment Court, when hearing an appeal under clause 61 of Schedule 1 of the Act, may consider only the question of law raised.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days after the local authority publicly notifies the decision being appealed. 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.

You must serve a copy of this notice on the local authority within 30 working days after the local authority publicly notifies the decision, and on the Minister of Conservation (if the appeal is on a regional coastal plan) within 5 working days after the notice of appeal is lodged with the Environment Court.

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 *or* the decision *or* part of the decision<sup>†</sup> appealed. These documents may be obtained, on request, from the appellant.

\*Omit this paragraph if the documents are attached to copies of the notice of appeal served on other persons.

<sup>†</sup> Select one.

*Advice*

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

## Form 7C

## Notice of appeal in Environment Court against decision made by requiring or heritage protection authority through streamlined planning process

*Sections 80B and 80C and Part 5 of Schedule 1, Resource Management Act 1991***To the Registrar**

Environment Court

Auckland, Wellington, and Christchurch

1 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):

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

2 I/We\* made a submission on the requirement, designation, or heritage order that was included in the proposed policy statement (or plan, or change or variation) in relation to the provision or matter that is the subject of this appeal.

\*Select one.

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

\*Select one.

4 \*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 this paragraph if you are not a trade competitor.

†Select one.

5 I received notice of the decision on [date].

6 The decision was made by [name of authority].

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

[State the decision (or part of the decision) of the requiring or heritage protection authority that rejected the approved recommendation of the Minister in relation to a requirement, designation, or heritage order; give precise details.]

7 The reasons for the appeal are as follows:

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

8 I seek the following relief:

[Give precise details.]

9 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):

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

Telephone:

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

### **Note to appellant**

Your right to appeal is limited by clauses 92 and 93 of Schedule 1 of the Act and the trade competition provisions in Part 11A of the Act.

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
- the requiring or heritage protection authority rejected the approved recommendation(s) of the Minister in relation to the requirement, designation, or heritage order that you submitted on.

You may appeal only on the parts of the decisions that rejected the Minister's approved recommendations.

If you are a group or person specified above and there is no right of appeal in relation to that matter, you may lodge an appeal with the High Court on a question of law against any aspect of a decision of a requiring authority or heritage protection authority that accepts the recommendation referred to in clause 85(2) or (3) of Schedule 1 of the Act on a designation or heritage order.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days after the local authority publicly notifies the decision being appealed or after the decision of the requiring authority or heritage protection authority is served. 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.

You must serve a copy of this notice on—

- the territorial authority with responsibility for the relevant planning instrument at the same time this notice is lodged; and
- if the planning instrument includes a designation or heritage order, the requiring authority or heritage protection authority at the same time this notice is lodged; and
- any person who made a submission on the requirement, designation, or heritage order that referred to the matter under appeal no later than 5 working days after the appeal is lodged.

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 Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 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 *or* the decision *or* part of the decision<sup>†</sup> appealed. These documents may be obtained, on request, from the appellant.

\*Omit this paragraph if the documents are attached to copies of the notice of appeal served on other persons.

<sup>†</sup> Select one.

*Advice*

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

## Schedule 4

### New forms inserted in Schedule 1

r 15(3)

#### Form 8B

#### Written approval for deemed permitted boundary activity

*Section 87BA, Resource Management Act 1991*

**To** [*name of consent authority*]

Name of person giving written approval: [*full name*]

\*I am the owner of the following property: [*address of the property*]

\*Omit this paragraph if it does not apply.

I have authority to sign on behalf of all the other owners of the property.

This is written approval for the proposed activity that is the subject of a deemed permitted boundary activity application.

I have read the description of the activity at the following property [*address of the property with the boundary activity*] and seen and signed the site plans attached.

In signing this written approval, I confirm that I understand the proposal and understand that the consent authority will permit the applicant to undertake the activity (provided they have supplied the correct information, including all other written approvals required).

I understand that I may not withdraw my written approval.

Date:

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

Electronic address for service of person giving written approval:

Telephone:

Postal address (*or* alternative method of service under section 352 of the Resource Management Act 1991):

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

\*A signature is not required if you give your written approval by electronic means (note that the plans do need to be signed).

#### **Note to person signing written approval**

You should only sign this form if you fully understand the proposal. You should seek expert or legal advice if you need the proposal or deemed permitted boundary activity process explained to you.

Conditional written approvals cannot be accepted, and written approvals cannot be withdrawn once provided.

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

If you do not sign this form, resource consent may be required for the activity and you may have the opportunity to submit on the application.

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

## Form 9A

## Application for deemed permitted boundary activity

*Section 87BA, Resource Management Act 1991***To** *[name of consent authority]*

I, *[full name, full address]* supply the information required for a deemed permitted boundary activity under section 87BA of the Resource Management Act 1991 (the **Act**) to be undertaken at *[full legal address of the property where the boundary activity is to occur]*. The description of the boundary activity is: *[insert description of the activity in sufficient detail for the consent authority to be satisfied that the activity is a permitted boundary activity under section 87AAB of the Act]*

I attach a plan (drawn to scale) of the site at which the activity is to occur, showing the height, shape, and location on the site of the proposed activity.

The full name and address of each owner (other than the applicant) of the site to which the proposed activity relates are as follows: *[list full names and addresses]*

The full name and address of each owner of an allotment with an infringed boundary to which the proposed activity relates are as follows: *[list full names and addresses]*

I attach written approval and a signed plan from each owner of an allotment with an infringed boundary.

Date:

Signature:

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

\*Select one. A signature is not required if you provide your information by electronic means (note that the plans do need to be signed).

**Contact details**

Electronic address for service of applicant:

Telephone:

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

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

You must include all information required by this form. If all information is not included, the consent authority will return this to you and the correct information must be supplied before a written notice permitting your activity can be provided.

In order to be eligible for a deemed permitted boundary activity, the activity must meet the definition of boundary activity under section 87AAB(1) of the Act.

You must provide written approval from all owners of allotments with infringed boundaries under section 87BA(1) of the Act 1991.

If all of the information required under section 87BA(1) of the Act is provided to the consent authority, the consent authority must notify you of your permitted boundary activity within 10 working days after the date on which it receives the information.

You must pay the charge (if any) payable to the consent authority for the deemed permitted boundary activity under the Act.

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

## Form 9B

## Written notice of deemed permitted boundary activity

*Section 87BA, Resource Management Act 1991***To** *[name of person proposing to undertake boundary activity]***The site and activity***[Describe the location and details of the site at which the activity is to occur.]**[Describe the proposed activity.]**[Provide references of plans that have been signed by the owner/all owners of allotments with infringed boundaries.]***Boundary activity is permitted**

The *[consent authority]* is satisfied that the proposed activity described above meets the requirements of sections 87AAB and 87BA of the Resource Management Act 1991 (the **Act**) and is therefore a permitted activity under section 87BA(1) of the Act.

Date:

\*Signature or *[authorised by]*:

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

Position:

On behalf of:

**Note**

This notice will lapse 5 years after the date it is given unless the activity permitted by this notice is undertaken.

A certificate of compliance (under section 139 of the Act) cannot be applied for in respect of this activity.

This notice is valid only for the activity described above and shown on signed plans referenced. If the activity changes, a resource consent may be required.

## Form 9C

## Written notice of deemed permitted marginal or temporary activity

*Section 87BB, Resource Management Act 1991*To *[name of person proposing to undertake activity]***The site and activity***[Describe the location and details of the site at which the activity is to occur.]**[Describe the proposed activity.]*

The *[consent authority]* has decided that the activity described above is a permitted activity under section 87BB of the Resource Management Act 1991 (the **Act**).

The consent authority's reasons for considering that the activity meets the criteria in section 87BB(1) of the Act are:

*[List reasons].*

The information relied on by the consent authority in making this decision is:

*[List information]:*

Date:

\*Signature or *[authorised by]*:

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

Position:

On behalf of:

**Note**

This notice will lapse 5 years after the date it is given unless the activity permitted by this notice is undertaken.

A certificate of compliance (under section 139 of the Act) cannot be applied for in respect of this activity.

This notice is valid only for the activity described. If the activity changes, a resource consent may be required.

## Schedule 5

### New Schedule 3 inserted

r 16

### Schedule 3

#### Fees payable in respect of proceedings in Environment Court

r 35

#### Part 1

#### Filing fees

Item	Application type or service for which fee is payable	Fee (\$)
1	<p>Filing a notice of appeal for any of the following proceedings under the Act:</p> <p>(a) an appeal against decision on proposed policy statement or plan under Schedule 1 of the Resource Management Act 1991 (the Act), clause 14(1) in form 7:</p> <p>(b) an appeal against decision on proposed policy statement or plan under Schedule 1 of the Act, clause 60 in form 7B:</p> <p>(c) an appeal against decision of a requiring authority or heritage protection authority under Schedule 1 of the Act, clause 14(3) in form 8:</p> <p>(d) an appeal against decision of a requiring authority or heritage protection authority under Schedule 1 of the Act, clause 94 in form 7C:</p> <p>(e) an appeal against a decision referred to in Schedule 1 of the Act, clause 27(1A) in respect of a request for a plan change under Schedule 1 of the Act, clause 21 in form 34:</p> <p>(f) an appeal under section 120 against decision of consent authority on an application for a resource consent, or an application for a change of consent conditions, or on a review of consent conditions in form 16:</p> <p>(g) an appeal under section 120 against decision of consent authority on a review under section 128 in form 16:</p> <p>(h) an appeal under section 120 against decision of consent authority in relation to an application by holder of a water permit to transfer permit under section 136 in form 16:</p> <p>(i) an appeal under section 120 against decision of a consent authority on an application to transfer a discharge permit under section 137 in form 16:</p> <p>(j) an appeal under section 120 against decision of consent authority on a request for a certificate of compliance under section 139 in form 16:</p> <p>(k) an appeal under section 120 against decision of consent authority on a request for an existing use certificate under section 139A(9) in form 16:</p> <p>(l) an appeal under section 174 against decision of requiring authority under section 172 in form 22:</p>	\$600

Item	Application type or service for which fee is payable	Fee (\$)
	(m) an appeal by territorial authority under section 176A against decision by requiring authority not to make changes requested by territorial authority to outline plan in form 34:	
	(n) an appeal under section 179 against decision by requiring authority to refuse consent or to grant consent subject to conditions under section 176, 177, or 178 in form 34:	
	(o) an appeal under section 181 against decision by requiring authority on requirement to alter designation in form 22:	
	(p) an appeal under section 192 against decision concerning a notice of requirement for heritage order by heritage protection authority under section 189 or 189A in form 22:	
	(q) an appeal under section 195 against decision of heritage protection authority in relation to proposal in respect of land subject to heritage protection order in form 22:	
	(r) an appeal under section 195A against decision of heritage protection authority on requirement to alter heritage order in form 22:	
	(s) an appeal under section 358 against decision on an objection under section 357, 357A(1)(a), (d), (f), or (g), or 357B in form 34.	
2	Commencing any other proceeding in the Environment Court; except that no fee is payable for—	\$250
	(a) filing an application for waiver or directions under section 281 in form 38; or	
	(b) giving written notice to the Registrar of a person's desire to be heard on an application under section 291(4) in form 37.	
3	Filing an interlocutory application, including the following:	\$200
	(a) an application under section 116 for consent to commence:	
	(b) an application under section 278(3)(b) for order for production of documents:	
	(c) an application for security for costs:	
	(d) an application under section 279(4) for case to be struck out:	
	(e) an application under section 325 for stay of abatement notice in form 50.	
4	Filing notice of a person's wish to be party to proceedings under section 274 in form 33, except that no fee is payable in respect of proceedings under section 87G, 149T, 198E, or 198K.	\$100

## Part 2

### Scheduling fees

For scheduling the hearing date for an application or a proceeding,—

- (a) in the case of an interlocutory application (*see* Part 1, item 3), there is no fee; and
- (b) in the case of any other application (*see* Part 1, items 1, 2, and 4), the scheduling fee is \$350.

### Part 3 Hearing fees

For the hearing fee,—	\$350
(a) in the case of an interlocutory application ( <i>see</i> Part 1, item 3), for each half-day or part half-day after the second day; and	
(b) in the case of any other application ( <i>see</i> Part 1, items 1, 2, and 4), for each half-day or part half-day after the first half-day.	

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 the 28th day after the date on which they are notified in the *Gazette*, other than those specified as coming into force on 18 October 2017 (the date on which subpart 2 of Part 1 of the Resource Legislation Amendment Act 2017 (the **amendment Act**) comes into force).

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

The amendments are required to give effect to the changes enacted by the amendment Act by updating a number of the forms in the principal regulations and providing new forms, replacing certain regulations to reflect the reforms brought into effect by the amendment Act, and correcting minor errors in forms. The amendments relate to—

- the changes to the fees structure and fees payable, including the waiver of fees, when certain criteria are met:
- requirements to support the operation of the new consenting processes and exemptions introduced by the amendment Act, including a fast track process for “boundary activities”:
- appeal rights in various contexts:
- 2 new planning processes, the collaborative planning process and the streamlined planning process, included by the amendment Act in Schedule 1 of the Resource Management Act 1991:
- a new approach to national direction:
- miscellaneous updating amendments, including those required as a consequence of the enactment of the judiciary modernisation legislation.

**Resource Management (Forms, Fees, and Procedure)  
Amendment Regulations 2017**

---

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 17 August 2017.

These regulations are administered by the Ministry for the Environment.