Version
as at 23 December 2023

Natural and Built Environment (Forms and Fees) Regulations 2023

(SL 2023/259)

Natural and Built Environment (Forms and Fees) Regulations 2023: revoked, on 23 December 2023, by section 5(3) of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Cindy Kiro, Governor-General

Order in Council

At Wellington this 18th day of September 2023

Present:
Her Excellency the Governor-General in Council

These regulations are made under sections 797 and 801 of the Natural and Built Environment Act 2023—

(a) on the advice and with the consent of the Executive Council; and

(b) on the recommendation of the Minister for the Environment made after consulting the affected consent authorities under section 801(3) of that Act.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry for the Environment.

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Schedule 1 3
Transitional, savings, and related provisions

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Forms

Regulations

1 Title

These regulations are the Natural and Built Environment (Forms and Fees) Regulations 2023.

2 Commencement

(1) These regulations come into force on 22 September 2023.

(2) However, the following regulations come into force on 23 November 2023:

(a) regulation 5 (to the extent that it relates to form 1 in Schedule 2):

(b) regulation 6.

3 Interpretation

In these regulations, unless the context otherwise requires, **Act** means the Natural and Built Environment Act 2023.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

5 Forms

The forms set out in Schedule 2 are the forms to be used in respect of the matters under the Act to which those forms relate.

6 Fee for application to become requiring authority

(1) The fee payable for an application under section 513 of the Act is $511.11.

(2) The fee prescribed by this regulation is inclusive of goods and services tax.

Schedule 1
Transitional, savings, and related provisions

r 4

Part 1
Provisions relating to these regulations as made

There are no transitional, savings, or related provisions in these regulations as made.

Schedule 2
Forms

r 5

Form 1
Application to become requiring authority

Section 513, Natural and Built Environment Act 2023

To the Minister for the Environment

c/– Ministry for the Environment

Wellington

[*Full name of applicant*] applies for approval as a requiring authority.

*[*Full name of applicant*] is a network utility operator as defined in section 11 of the Natural and Built Environment Act 2023 because—[*state how the applicant qualifies as a network utility operator, including full details of any legislation under which the applicant is established or of any relevant regulations made for the purposes of paragraph (j) of the definition of network utility operator in section 11 of the Natural and Built Environment Act 2023*].

*Omit this paragraph if it does not apply.

*[*Full name of applicant*] is not a network utility operator.

*Omit this paragraph if it does not apply.

The application relates to the following project or work/the following network utility operation*:

*Select one.

[*Describe the project or work or network utility operation, including its location or locations (with maps). Include the name of the territorial authorities in whose district the project or work or network utility operation will occur.*]

Approval of this application is appropriate for the purposes of carrying out that project or work or network utility operation because—

[*State the applicant's objectives, duties, and responsibilities and how the project or work or network utility operation relates to them. Also state any consequences for the applicant in achieving those objectives, duties, and responsibilities if approval is declined.*]

[*Full name of applicant*] will carry out all the responsibilities (including financial responsibilities) of a requiring authority under the Natural and Built Environment Act 2023, and will give proper regard to the interests of those affected and to the interests of the environment, in the following way:

[*State how the applicant will meet those responsibilities and will give proper regard to those interests (for example, by showing what the applicant understands about the financial responsibilities of a requiring authority and by providing information on the*

applicant's relevant experience and expertise). If available, include a copy of the applicant's latest annual report or other financial statements and any of the applicant's environmental and consultation policies.]

*The criteria for approval in section 514(6) of the Natural and Built Environment Act 2023 are met as follows: [*state how the project or work meets those criteria*].

*Omit this paragraph if the applicant is a network utility operator.

Date:

Signature:

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

*Select one.

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

Electronic address for service of applicant:

Telephone:

Postal address (***or*** details of an alternative method of service under section 742 of the Natural and Built Environment Act 2023):

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

Note to applicant

You must pay the application fee set out in the Natural and Built Environment (Forms and Fees) Regulations 2023 with this application.

Form 2

Notice of application to suspend or revoke resource consent

Section 661, Natural and Built Environment Act 2023

To [*name and address of person directly affected*]

[*Name of relevant NBE regulator*] gives notice that it applied to the Environment Court/District Court* for an order—

*Select one.

*revoking a resource consent in whole/in part† on [*date*].

or

*suspending a resource consent in whole/in part† for [*state the period for which suspension is sought*].

*Select the paragraph that applies.

†Select one.

[*State each of the following:*

- *identifying details of the resource consent that is the subject of the application:*
- *particulars of the location, as specified in the resource consent, of the activity that the resource consent expressly allows:*
- *if only part of the resource consent is sought to be revoked or suspended, particulars of the relevant part:*
- *the full name of the holder of the resource consent:*
- *the reason for the application, including particulars of the non-compliance to which the application relates.*]

Date:

Signature:

(person authorised to sign on behalf of applicant)

(A signature is not required if notice is given by electronic means.)

Electronic address for service of applicant:

Telephone:

Postal address (***or*** details of an alternative method of service under section 742 of the Natural and Built Environment Act 2023):

Contact person: [*name and designation*]

Advice to recipient of notice of application

The court may revoke or suspend the resource consent without a hearing. However, the court may revoke or suspend the resource consent only if the person to whom the order, if made, would apply has been given an opportunity to be heard.

Advice and legal aid

If you are the person to whom the order, if made, would apply, it is recommended that you consult a lawyer without delay. It is not essential for you to have a lawyer for the purpose of these proceedings.

If you want a lawyer but think that you cannot afford one and wish to apply for legal aid, contact the Environment Court/District Court*, a Citizens Advice Bureau, a community law centre, or a lawyer for assistance.

*Select one.

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch/an office of the District Court*.

*Select one.

Rachel Hayward,
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 prescribe—

- the form and fee for an application under section 513 of the Natural and Built Environment Act 2023 (the **Act**) for approval as a requiring authority; and
- the form for the notice that must be served by an NBE regulator (generally, a local authority or the Environmental Protection Authority) on directly affected persons if the NBE regulator applies to the Environment Court or District Court under section 661 of the Act for an order revoking or suspending a resource consent.

These regulations generally come into force on 22 September 2023. However, to the extent that they prescribe the form and fee for an application under section 513 of the Act for approval as a requiring authority, they come into force on 23 November 2023. That date is when section 513 of the Act (and other provisions set out in subpart 1 of Part 9 of the Act) comes into force.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 21 September 2023.

Notes

1 General

This is a consolidation of the Natural and Built Environment (Forms and Fees) Regulations 2023 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 5(3)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2024