Resource Management (Forms, Fees, and Procedure) Regulations 2003 (as at 03 March 2015)

Form 36
Notice of motion (general)\*

[Section 291](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM238240" \l "DLM238240), Resource Management Act 1991; [Section 23(3)](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM45793" \l "DLM45793), Public Works Act 1981

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| \*This form applies to every originating application to the Environment Court for which another form is not prescribed. |

**To** the Registrar

Environment Court

Auckland, Wellington, and Christchurch

I, [*full name*], apply under [*relevant statute and section*] for [*nature of order sought*].

The grounds for the application are:

[*give details*].

\*I attach the following documents:

(a) an affidavit in support of this application; and

(b) a list of names and addresses of persons to be served with a copy of this notice.

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

...........................
Signature of applicant
(*or* person authorised to sign
on behalf of applicant)

...........................
Date

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

**Note to applicant**

You must lodge the original and 1 copy of this notice with the Environment Court. The notice must be signed by you or on your behalf. You must pay the filing fee required by [regulation 35](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM195842#DLM195842) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve copies of this notice and affidavit on the parties to the application (if any) as soon as reasonably practicable after lodging the notice. An Environment Judge may also at any time direct you to serve a copy of this notice and affidavit on any other person. You must advise the Registrar of the persons served and when those persons were served.

This form should be used to object to the taking of an interest in land under [section 23](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM45793#DLM45793) of the Public Works Act 1981.

**Advice to recipients of copy of notice of motion**

*How to become party to proceedings*

If you wish to become a party to the proceedings, you must lodge a notice of your wish to be a party to the proceedings (in [form 33](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM196460#DLM196460)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant within 15 working days after—

(a) the period for lodging a notice of appeal ends, if the proceedings are an appeal; or

(b) the decision to hold an inquiry, if the proceedings are an inquiry; or

(c) the proceedings are commenced, in any other case.

You must serve copies of your notice on all other parties within 5 working days after the period for lodging this notice with the Environment Court ends.

You may apply to the Environment Court under [section 281](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM237795#DLM237795) of the Resource Management Act 1991 for a waiver of the above timing requirements (*see* [form 38](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM196479#DLM196479)).

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in [section 274(1)](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM237755#DLM237755) and [Part 11A](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM2421544#DLM2421544) of the Resource Management Act 1991.

*How to be heard on this application*

If you wish to be heard on this application, you must lodge a notice (in [form 37](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM196476" \l "DLM196476)) with the Environment Court and serve a copy of the notice on the applicant within 15 working days after you were served with this notice.

*Advice*

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

Schedule 1 form 36: amended, on 3 March 2015, by [regulation 16(1)](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM6327675) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 36: amended, on 3 March 2015, by [regulation 16(2)](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM6327675) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 36: amended, on 3 March 2015, by [regulation 16(3)](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM6327675) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 36: amended, on 3 March 2015, by [regulation 16(4)](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM6327675) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 36: amended, on 1 November 2010, by [regulation 19(1)](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM3134127) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 36: amended, on 1 June 2006, by [regulation 10(4)](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM378556) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).