

## Appeals - Decision of consent authority

### Resource Management Act 1991

#### Section 120 - Right to appeal

- 1 Any one or more of the following persons may appeal to the Environment Court in accordance with Section 121 against the whole or any part of a decision of a consent authority except a decision of the Minister of Conservation under Section 119, on an application for a resource consent, or an application for a change of consent conditions, or on a review of consent conditions:
  - a the applicant or consent holder
  - b any person who made a submission on the application or review of consent conditions.
- 2 This section is in addition to the rights provided for in Section 357 (*which provides for objections to the consent authority*).

#### Section 121 – Procedures for appeal

- 1 Notice of an appeal under Section 120 shall be in the prescribed form (*see **Schedule Form 16** attached*) and shall:
  - a state the reasons for the appeal and the relief sought
  - b state any matters required by regulations; and
  - c be lodged with the Environment Court and served on the consent authority whose decision is appealed within 15 working days of notice of the decision being received in accordance with this Act.
- 2 The appellant shall ensure that a copy of the notice of appeal is served on every person referred to in Section 120 (*other than the appellant*) within five (5) working days of the notice being lodged with the Environment Court.

#### Section 274 – Submitter may be Party to Proceedings

If one of the abovementioned persons lodges an appeal to the Environment Court Section 274 of the Resource Management Act 1991 applies. This section states that:

- 1 The following persons may be a party to any proceedings before the Environment Court:
  - a the Minister
  - b a local authority
  - c a person who has an interest in the proceedings that is greater than the public generally
  - d a person representing a relevant aspect of the public interest
  - e a person who made a submission in the previous proceedings on the same matter.
- 2 A person described in subsection (1) may become a party to the proceedings by giving notice to the Environment Court and to all parties within 15 working days after the notice of appeal or notice of inquiry is lodged, or other proceedings are commenced.
- 3 Notice of an appeal under Section 274 shall be in the prescribed form (*see **Schedule Form 33** attached*) and shall state:
  - the proceedings in which the person has an interest
  - whether the person supports or opposes the relief sought and the reasons for the support or opposition
  - if applicable the grounds for seeking representation under section (1)(c) or (d)
  - an address for service.

**‘Working day’** means any day except:

- a A Saturday, a Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign’s Birthday, and Waitangi Day

- b A day in the period commencing with the 20<sup>th</sup> day of December in any year and ending with the 10<sup>th</sup> day of January in the following year.

The addresses for the Environment Court are

The Registrar  
Environment Court  
DX SX 11154  
WELLINGTON  
Phone 04 915 8300  
Fax 04 918 8480

The Registrar  
Environment Court  
DX CX 10086  
AUCKLAND  
Phone 09 916 9091  
Fax 09 916 9090

## Schedule Form 16

### Notice of Appeal or Inquiry under Section 121

#### Resource Management Act 1991

To The Registrar  
Environment Court  
DX CX 10086  
AUCKLAND

#### All appeals shall include

- 1 Name and address of appellant, along with a statement that appellant is the applicant, consent holder, or person who made a submission
- 2 Name of decision-maker or recommendation maker (*the respondent*) e.g. WDC
- 3 Date of decision or recommendation appealed against
- 4 Date on which notice of the decision or recommendation was received by appellant
- 5 Nature of the application on which the decision or recommendation
- 6 The grounds on which the appeal is based
- 7 The relief the appellant seeks.

And should follow a similar format to the following:

'I, (*full name*), appeal a decision (*or part of a decision*) on the following matter (*briefly describe the application to which the appealed decision relates in enough detail to identify the relevant matter*).

I am the applicant (*or consent holder or I made a submission on that application*). I received the notice of decision on (*date*). 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*).

The land affected is (*give brief description*).

The reasons for the appeal are as follows (*set out why you are appealing and give reasons for your views*).

I seek the following relief (*give precise details*). I attach the following documents to this notice:

- (*List all attached documents – refer list of annexures below*)

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

Date \_\_\_\_\_

Address of service for appellant \_\_\_\_\_

Phone number \_\_\_\_\_

Fax number \_\_\_\_\_

Email address \_\_\_\_\_

Contact person \_\_\_\_\_

#### Annexures

- 1 copy of the application or copy of submission on the application
- 2 copy of decision or recommendation of respondent or relevant part thereof
- 3 any other documents necessary to an adequate understanding of the appeal
- 4 name and address of persons to be served with a copy of this notice.

## Notes

You must lodge the original of your appeal and it 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 consent authority within **15** working days of receiving the notice of decision.

You must serve a copy of this notice on the applicant or consent holder and every person who made a submission within **5** working days of lodging it with the Environment Court.

Within **10** days after lodging this notice, you must give written notice to the Environment Court of the names, addresses and date of service for each person serviced with this notice.

## Schedule Form 33

### Notice of person's wish to be a party to proceedings under Section 274

Resource Management Act 1991

To The Registrar  
Environment Court  
DX CX 10086  
AUCKLAND

#### All notices shall include

- 1 name and address of the person wishing to become a party to the proceedings, along with a statement that party is the applicant, consent holder, a person who made a submission, or a party who has an interest that is greater than the general public
- 2 details of the proceedings including any Environment Court reference numbers
- 3 date of the parties to the proceedings and the nature of the proceedings
- 4 details of the part of the proceedings you are interested in
- 5 date on which notice of the decision or recommendation was received by appellant
- 6 whether you support or oppose the relief sought and reasons why
- 7 a statement as to whether or not you are willing to participate in mediation.

Signature of appellant  
(or person authorised to sign on behalf of appellant) \_\_\_\_\_

Date \_\_\_\_\_

Address of service for appellant \_\_\_\_\_

Phone number \_\_\_\_\_

Fax number \_\_\_\_\_

#### Notes

You must lodge the original and one copy of this notice with the Environment Court

This notice must be lodged within **15** working days of the notice of appeal commencing (s274 (2))

The notice must be signed by you or on your behalf