

Form 8
Notice of appeal to Environment Court against decision of requiring authority or heritage protection authority on proposed plan

Clause 14(3) of Schedule 1, Resource Management Act 1991

- To the Registrar
- Environment Court
- Auckland, Wellington, or Christchurch

I, [full name], appeal against a decision (or part of a decision) of [name of local authority or requiring authority or heritage protection authority, as appropriate] on the following plan:

[state the name of the proposed or existing plan to which the decision relates].

I made a submission on that plan.

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

*Select one.

*I am/am not† directly affected by an effect of the subject of the appeal that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

*Delete entire paragraph if you are not a trade competitor.

†Select one.

I received notice of the decision on [date].

The decision was made by [name of authority].

The decision (or part of the decision) that I am appealing 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 plan (or that the decision proposes to include or exclude)].

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].

I seek the following relief:

[give precise details].

I attach the following documents* to this notice:

- (a) a copy of my 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 must be attached and lodged with the notice in 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.

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

.....
Date

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

Note to appellant

Your right to appeal may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by [regulation 35](#) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve a copy of this notice on the requiring authority or heritage protection authority that made the decision and on the territorial authority that made the recommendation within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission on the requirement 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 Resource Management Act 1991 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 on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court within 15 working days after the period for lodging a notice of appeal ends.

If you are a trade competitor of a party to the proceedings, your right to be a party to the proceedings in the court may be limited (see [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 requirements (see [form 38](#)).

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

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

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

Advice

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

- Schedule 1 form 8 heading: amended, on 1 November 2010, by [regulation 19\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).
- Schedule 1 form 8: amended, on 1 November 2010, by [regulation 19\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).
- Schedule 1 form 8: amended, on 1 June 2006, by [regulation 10\(4\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).