Form 16

Notice to Environment Court of appeal on decision on application concerning resource consent, transfer of water permit or discharge permit, certificate of compliance, or esplanade strip

[*Sections 41D,*](http://legislation.govt.nz/pdflink.aspx?id=DLM7471354)[*120,*](http://legislation.govt.nz/pdflink.aspx?id=DLM234891)[*121,*](http://legislation.govt.nz/pdflink.aspx?id=DLM234897)[*127(3),*](http://legislation.govt.nz/pdflink.aspx?id=DLM235220)[*132(2),*](http://legislation.govt.nz/pdflink.aspx?id=DLM235254)[*136(4)(b),*](http://legislation.govt.nz/pdflink.aspx?id=DLM235265)[*137(5))c),*](http://legislation.govt.nz/pdflink.aspx?id=DLM235268)[*139(12),*](http://legislation.govt.nz/pdflink.aspx?id=DLM235278)[*234(4),*](http://legislation.govt.nz/pdflink.aspx?id=DLM237263)[*267,*](http://legislation.govt.nz/pdflink.aspx?id=DLM237730) *and* [*268,*](http://legislation.govt.nz/pdflink.aspx?id=DLM237732)

*Resource Management Act 1991*

**To** the Registrar

Environment Court

Auckland, Wellington, or Christchurch

I, [*full name*], appeal a decision (*or* part of a decision) on the following matter:

[*briefly describe the application or the review of consent conditions to which the appealed decision relates in enough detail to identify the relevant matter*].

I am the applicant (*or* I am the consent holder *or* I made a submission on that applica‐ tion *or* review of consent conditions).

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

The decision was made by [*name of consent authority or, in relation to a certificate of compliance, the Environmental Protection Authority*].

I have a right to appeal this decision under [section 120](http://legislation.govt.nz/pdflink.aspx?id=DLM234891) 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.

I am/am not\* a trade competitor for the purposes of [section 308D](http://legislation.govt.nz/pdflink.aspx?id=DLM2421551) of the Resource Management Act 1991.

\*Select one.

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

1. adversely affects the environment; and
2. does not relate to trade competition or the effects of trade competition.

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

†Select one.

The decision (*or* part of the decision) I am appealing is: [*state a summary of the decision or part of the decision*]. The land (*or* resource) affected is:

[*give 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:

1. a copy of my application (*or* submission *or* further submission (with a copy of the submission opposed or supported by my further submission)):
2. a copy of the relevant decision (*or* part of the decision):
3. any other documents necessary for an adequate understanding of the appeal:
4. 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 submis‐ sion and decision to copies of this notice served on other persons if the copy served lists these docu‐ ments 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

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

Address for service of appellant:

Telephone:

Fax/email:

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

**Note to appellant**

You may use this form to lodge an appeal.

Your right to appeal may be limited by the trade competition provisions in [Part 11A](http://legislation.govt.nz/pdflink.aspx?id=DLM2421544) of the Resource Management Act 1991.

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 not be related to any submission or part of a submission that has been struck out under [section 41A](http://legislation.govt.nz/pdflink.aspx?id=DLM233082) of the Resource Management Act 1991.

The Environment Court may require any parties to the appeal, anyone that intends to join under [section 274](http://legislation.govt.nz/pdflink.aspx?id=DLM237755) 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.

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days of receiving notice of the decision. 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 authority that made the decision within 15 working days of receiving notice of the decision.

You must also serve a copy of this notice on the applicant or consent holder, on every person who made a submission on the application or review of consent conditions, and (if the decision relates to a restricted coastal activity) on the Minister of Conser‐ vation within 5 working days of lodging it 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](http://legislation.govt.nz/pdflink.aspx?id=DLM237795) of the Resource Management Act 1991 for a waiver of the above timing or service requirements (*see* [form 38](#_bookmark0)).

**Advice to recipients of copy of notice** *How to become party to proceedings* You may be a party to the appeal if,—

1. within 15 working days after the period for lodging a notice of appeal ends, you 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
2. within 20 working days after the period for lodging a notice of appeal ends, you 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)](http://legislation.govt.nz/pdflink.aspx?id=DLM237755) and [Part 11A](http://legislation.govt.nz/pdflink.aspx?id=DLM2421544) of the Resource Management Act 1991.

You may apply to the Environment Court under [section 281](http://legislation.govt.nz/pdflink.aspx?id=DLM237795) of the Resource Manage‐ ment Act 1991 for a waiver of the above timing requirements (*see* [form](#_bookmark0) 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 relevant applica‐ tion (*or* submission) and (*or* or) the relevant decision (*or* part of the decision). These documents may be obtained, on request, from the appellant.

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

*Advice*

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

Schedule 1 form 16 heading: amended, on 18 October 2017, by [regulation 15(1)](http://legislation.govt.nz/pdflink.aspx?id=DLM7399142) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2017 (LI 2017/231).

Schedule 1 form 16 heading: amended, on 1 November 2010, by [regulation 19(1)](http://legislation.govt.nz/pdflink.aspx?id=DLM3134127) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 16: amended, on 3 September 2020, by [regulation 7(1)](http://legislation.govt.nz/pdflink.aspx?id=LMS379730) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2020 (LI 2020/180).

Schedule 1 form 16: amended, on 18 October 2017, by [regulation 15(1)](http://legislation.govt.nz/pdflink.aspx?id=DLM7399142) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2017 (LI 2017/231).

Schedule 1 form 16: amended, on 3 March 2015, by [regulation 10](http://legislation.govt.nz/pdflink.aspx?id=DLM6327665) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 16: amended, on 10 October 2013, by [regulation 4](http://legislation.govt.nz/pdflink.aspx?id=DLM5569257) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2013 (SR 2013/385).

Schedule 1 form 16: amended, on 1 November 2010, by [regulation 19(1)](http://legislation.govt.nz/pdflink.aspx?id=DLM3134127) of the Resource Manage‐ ment (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 16: amended, on 1 June 2006, by [regulation 10(4)](http://legislation.govt.nz/pdflink.aspx?id=DLM378556) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).

Schedule 1 form 16: amended, on 1 June 2006, by [regulation 10(8)(b)](http://legislation.govt.nz/pdflink.aspx?id=DLM378556) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).