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

Form 49  
Notice of appeal to Environment Court against abatement notice

[Section 325(2)](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM238569#DLM238569), Resource Management Act 1991

**To** the Registrar

Environment Court

Auckland, Wellington, and Christchurch

I, [*full name*], appeal an abatement notice.

The abatement notice was issued on [*date*] by [*name of relevant authority*].

The requirements of the abatement notice (*or* part of the abatement notice) that I am appealing are:

[*state a summary of the relevant requirements of the abatement notice or part*].

The reasons for the appeal are as follows:

[*set out why you are appealing and give reason for your views*].

I seek the following relief:

[*give precise details*].

\*I attach the following documents to this notice:

(a) a copy of the abatement notice:

(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 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**

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days of the abatement notice being served on you. 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 a copy of this notice on the authority that issued the abatement notice within the same 15 working day period.

However, 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 or service requirements (*see* [form 38](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM196479#DLM196479)).

This notice only operates as a stay of an abatement notice—

(a) if the notice was issued under [section 322(1)(a)(ii)](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM238562" \l "DLM238562) of the Resource Management Act 1991 and you are complying with the Resource Management Act 1991, any regulations made under that Act, a rule in a plan, or a resource consent; or

(b) if an Environment Judge grants a stay under [section 325(3E)](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM238569#DLM238569) of that Act.

In all other circumstances, if you wish to stay the abatement notice, you must apply for the stay in addition to lodging an appeal (*see* [form 50](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM196627" \l "DLM196627)).

**Advice to recipients of copy of notice of appeal**

*How to become a party to proceedings*

If you wish to become a party to the appeal, you must,—

(a) within 15 working days after the period for lodging a notice of appeal ends, 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; and

(b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

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)](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).

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)).

*Advice*

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

Schedule 1 form 49: amended, on 3 March 2015, by [regulation 21(1)](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM6327682) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 49: amended, on 3 March 2015, by [regulation 21(2)](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM6327682) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 49: amended, on 3 March 2015, by [regulation 21(3)](http://www.legislation.govt.nz/regulation/public/2003/0153/latest/link.aspx?id=DLM6327682) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 49 heading: amended, on 1 June 2006, by [regulation 10(13)](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).

Schedule 1 form 49: 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 49: 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).