

**IN THE ENVIRONMENT COURT  
AT WELLINGTON**

**I TE KŌTI TAIAO O AOTEAROA  
KI TE WHANGANUI-A-TARA**

**Decision No. [2024] NZEnvC 006**

IN THE MATTER of an appeal under s 120 of the Resource  
Management Act 1991

BETWEEN ALK PROPERTY LIMITED  
(ENV-2024-WLG-000002)

Appellant/ Applicant

AND WHANGANUI DISTRICT COUNCIL  
Respondent

Court: Judge L J Semple sitting alone under s 279 of the Act  
Hearing: In chambers at Wellington  
Last case event: 18 January 2024  
Date of Decision: 30 January 2024  
(On the papers)  
Date of Issue: 30 January 2024

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**DECISION**

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A: Waiver of time to lodge appeal granted.


**REASONS**

[1] ALK Property Ltd (ALK) filed a Notice of Appeal on 18 January 2024. The decision to which the appeal relates was issued by the Whanganui District Council (Council) on 20 November 2023. The statutory timeframe for lodging an appeal



under s 121(1)(c) of the Act expired on 11 December 2023. The Notice of Appeal was therefore filed some 10 working days late. By way of explanation, ALK advise that it was in discussion with the Council regarding resolution of the matter without the need to appeal.

[2] The Court has discretion under s 281 of the Act to waive the time limit for the filing of an appeal provided it is satisfied that no party to the proceeding will be unduly prejudiced and/or consents to the waiver. In this instance, the Council has consented to the waiver by way of a joint memorandum filed on 18 January 2024. The Registry has made enquiry of the Council regarding whether there were any submitters to the original application. The Council has advised that there were no submitters to the application. I am accordingly satisfied that all parties have consented to the waiver and there is no prejudice in its grant.



**L J Semple**

**Environment Judge**

