



# Objections and appeals

Quality for Life



## Objections

An objection is the way you can formally dispute Greater Wellington's decisions and requirements.

Objections are covered by section 357 of the Resource Management Act 1991 (the RMA).

### What decisions and requirements can you object to?



As an **applicant for a resource consent**, you can object to:

- your application being returned because we consider it incomplete (under section 88 of the RMA)
- a request from us for more information on your application (under section 92 of the RMA)
- additional fees we may charge for processing your application (under section 36(3) of the RMA)
- our decision on and any conditions attached to your application (where it was non-notified, or was notified or limited notified and there were no submissions).



If you **already have a resource consent**, you can object to:

- our decision on your application to extend the lapse date of your resource consent (under section 125 of the RMA)
- our decision on your application to reverse our notice of resource consent cancellation (under section 126 of the RMA)
- additional fees we may charge to check you have complied with your resource consent conditions (under section 36(3) of the RMA).

## How to object

Write a letter with your reasons to The Manager, Consents Management (at our Wellington office), or The Manager, Planning and Resources (at our Masterton office).

**Note that you need to do this no more than 15 working days after you receive our decision or requirement.**

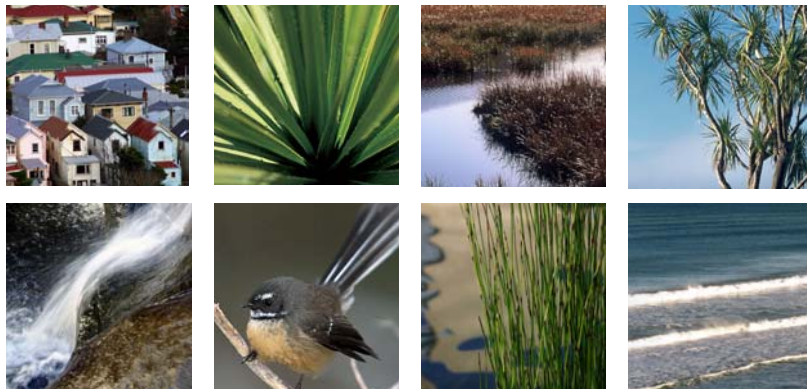
## What happens next?

A specific Greater Wellington Council committee considers and decides on your objection as soon as possible after we receive it. The committee may dismiss, or support, all or parts of your objection.

If you wish, you can present your objection in person to the hearing committee – we'll give you at least five working days' notice of the date, time and place. The committee also considers a report from a Greater Wellington resource advisor. The advisor is not the same person who was involved in processing your application.

Once the committee has made its decision, we send you and any other relevant person a copy of it along with the reasons behind it.

**If you're not happy with the decision, you can 'appeal' to the Environment Court under section 358 of the RMA.**



## Appeals

An appeal is a written request (made under section 121 of the RMA) to the Environment Court to reconsider a Greater Wellington decision on a resource consent application, or a decision on an objection. The Environment Court decides on the matter by re-hearing all the information we used to make our decision.

### What is the Environment Court?

The Environment Court is a specialist court administered by the Ministry of Justice. It is usually made up of one Environment Judge (who is also a District Court Judge) and two Environment Commissioners. The members of the Court have expertise and experience in planning, resource management, local government, environmental science and the Treaty of Waitangi.

### Who can appeal what?

- Applicants and submitters can appeal all or part of hearing committee decisions on a resource consent application.
- Applicants and consent holders can appeal hearing committee decisions about objections.
- Consent holders can appeal Greater Wellington's decisions on consent condition reviews.



Special rules also apply to applications for resource consents for *restricted coastal activities*. This is because Greater Wellington doesn't make the final decisions on these applications – instead, we make a recommendation to the Minister of Conservation. If the applicant or any submitters are unhappy with our recommendation, they can lodge a 'notice of inquiry' with the Environment Court seeking a review. To ask for an inquiry, follow the same procedure as for lodging an appeal.

### What if you don't agree with the decision on notification?



You can't appeal to the Environment Court about our decisions on whether consent applications are notified or non-notified. However, you can seek a judicial review in the High Court.



## Scope of your appeal

If you are an applicant, you may appeal any conditions attached to your consent(s). If your consent is not granted, you can appeal the decision to decline your application.



If you were a submitter, your appeal must relate to matters covered in your submission on the consent application. Similarly, any remedy you are seeking through your appeal is limited by the scope of your original submission.

It's important that you prepare your appeal carefully. We strongly recommend you seek legal or other professional advice before going ahead.



## What you need to include in your appeal

Your notice of appeal must follow the relevant forms (either form 16, 34 or 36) in the Resource Management (Forms, Fees, and Procedures) Regulations 2003 (available from Greater Wellington), and include:



- your full name
- whether you are the applicant, consent holder or submitter
- the name of the decision-maker (Greater Wellington)
- the date of the decision and the date you received it
- what the application was for
- a description of the land or resource affected by the decision
- the reasons for your appeal
- the solution you are seeking (such as for the Environment Court to decline the consent or grant it subject to conditions).

Note that if you're a submitter, your appeal (and the solution you're asking for) should relate directly to your submission.

**For appeals on resource consents, you must also attach:**

- a copy of the resource consent application or your submission
- a copy of the relevant decision or part of the decision you're appealing
- any other documents that will provide a good understanding of your appeal
- the names and addresses of the people who need to know about your appeal (the applicant and everyone who made submission).

If you are appealing a decision on an objection, your appeal should cover the matters raised in your objection.



**Sign and date your notice of appeal and provide an address where documents can be sent, together with a telephone number and fax number (if you have one).**

### **When and where to lodge your appeal**



You must lodge your notice of appeal with the Environment Court no more than 15 working days after you receive Greater Wellington's decision. If you miss this deadline, you can apply to the Environment Court for a waiver of the time limit (provided for by section 281 of the RMA).



**Post your notice of appeal (and an extra copy) to:**

**The Registrar Environment Court  
PO Box 5027  
Lambton Quay  
Wellington**



## Letting other people know

Within five working days after lodging your appeal with the Environment Court, you must:

- make sure everyone involved has a copy of your notice of appeal (the applicant/ consent holder and all submitters)
- give a copy of your notice of appeal to Greater Wellington
- let the Registrar, Environment Court know when you gave each person their notice of appeal.



## What does an appeal cost?

The Environment Court will charge you \$55 (including GST) to make an appeal, and you may need help from a lawyer or other professional. The Environment Court can also order one party to pay costs to another to help with the expenses of a court hearing.



## How to join someone else's appeal

If someone else lodges an appeal with the Environment Court, you may be able to take part by presenting submissions and evidence at the court hearing. This is called 'becoming a party to proceedings'.



You can join an appeal if you:

- made a submission at the consent application stage
- have a greater interest in the proceedings than a member of public generally would – for example, you may be a neighbour, directly affected by the resource or an iwi authority (public interest groups are not eligible)
- represent a relevant aspect of the public interest (such as another public agency).

To become a party to proceedings, you must give notice to the Environment Court and all other parties within 30 working days of the date the notice of appeal was lodged with the Environment Court. Follow the requirements of form 33 of the Resource Management (Forms, Fees, and Procedures) Regulations 2003

**Note that if you join an appeal that is unsuccessful, costs may be awarded against you.**



## Disclaimer

This information sheet is only a guide. We recommend you seek independent advice from a lawyer or resource management professional before going ahead with an appeal. You may also find these Ministry for the Environment publications useful:



*Appeals on Council Decisions*

*Awarding of Costs by the Environment Court*

### OUR CONTACT DETAILS

The Greater Wellington  
Regional Council  
Level 3, 142-146 Wakefield Street  
P O Box 11646  
Wellington  
T 04 384 5708  
F 04 385 6960  
E [www.gw.govt.nz](http://www.gw.govt.nz)

The Greater Wellington  
Regional Council  
34 Chapel Street  
P O Box 41  
Masterton  
T 06 378 2484  
F 04 378 2146  
E [www.gw.govt.nz](http://www.gw.govt.nz)

### FOR MORE INFORMATION

Greater Wellington has a range of other brochures designed to help people with resource consents and the consent application process. Copies are available online at [www.gw.govt.nz](http://www.gw.govt.nz) or at a Greater Wellington office.

Topics include:

- Applying for a resource consent
- Making a submission on a resource consent application
- Resource consent timeframes
- Consulting iwi
- Pre-hearing and hearing meetings
- Resource consent information