

The Environment Court

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Website: www.justice.govt.nz/courts/environment-court

For more information on the Resource Management Act go to
www.rma.govt.nz

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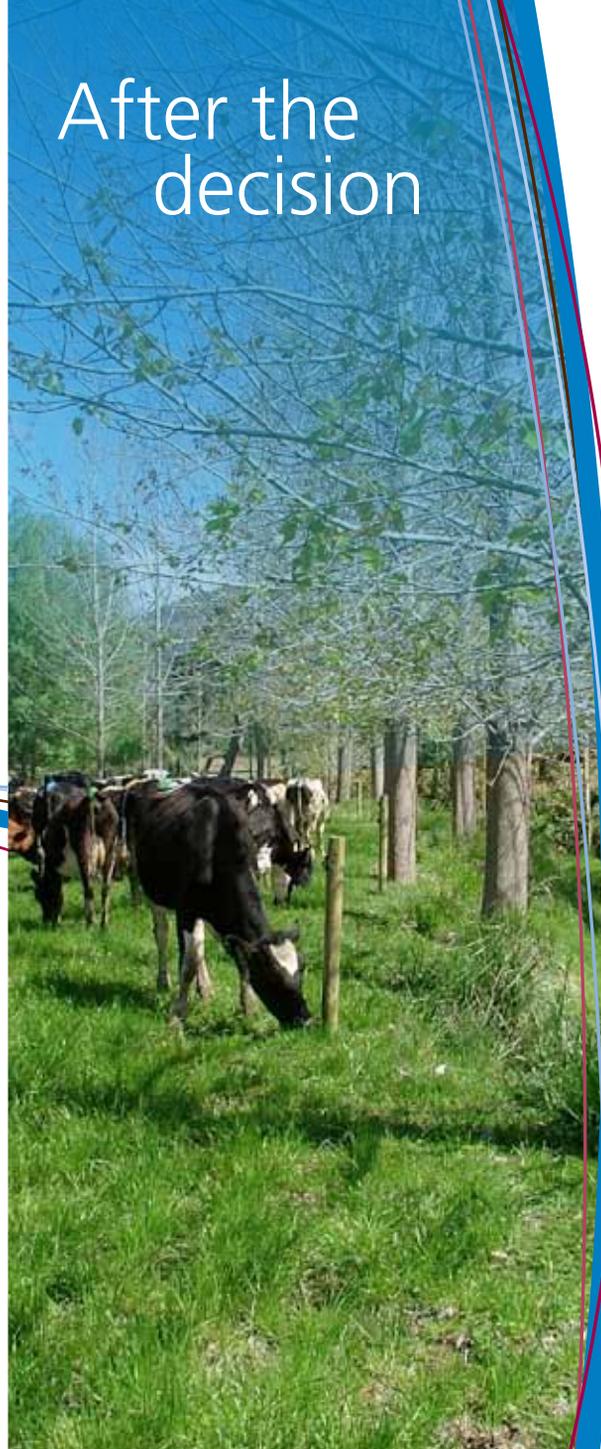
24/7 Environmental Hotline: 0800 504 639

Website: www.nrc.govt.nz

Facebook: www.facebook.com/NorthlandRegionalCouncil

Twitter: www.twitter.com/NRCExpress

After the decision



AFTER THE DECISION



After the Northland Regional Council has made a decision on a resource consent application, a copy of the decision will be posted to the applicant and to all submitters.

When you first receive the decision

it is important that you read and understand it. Please ask regional council staff to clarify any points you do not fully understand.

If you are happy with the decision

If you wish to exercise the resource consent – that is, carry out the activity covered by the consent – within 15 working days of the decision being issued, you should advise the regional council in writing that you are satisfied with the decision and conditions. This can only be done for applications where there have been no submitters.

If there were submitters on your application, then you must wait 15 working days to see whether any appeals are lodged. If there are no appeals, then you may exercise the resource consent.

Contact the regional council if you have any questions when the resource consent commences.

If you are not happy with the decision

If a submitter or applicant is not satisfied with a decision they may be entitled to:

- Lodge an objection with the regional council – only possible if there were no submissions; or
- Lodge an appeal or inquiry with the Environment Court.

You must have legal standing under the Resource Management Act and understand the procedures that need to be followed before you lodge an objection or appeal. If you fail to follow the correct procedures your appeal may be dismissed without giving you the opportunity to present your case.

Regional council staff can help you understand the procedures required to lodge an objection or an appeal. You can also consult a lawyer or suitably qualified Resource Management Consultant.

It is a good idea to get an estimate of the costs you may be faced with before proceeding with an Environment Court hearing or inquiry.

The Environment Court and appeals

The Environment Court is administered by the Justice Department and presided over by a Judge with expertise in planning and resource management issues. The Environment Court can over-ride the decisions of local authorities.

Appealing to the Environment Court

An appeal is usually a full re-hearing of the case by the Environment Court. The court will hear the application over again, but will have regard to the regional council's decision unless issues are negotiated between the parties to the appeal beforehand.

How to lodge an appeal

If you wish to lodge an appeal to the Environment Court, you must do so within 15 working days of receiving the regional council's resource consent decision. There are set procedures and fees involved.

Objections

If a resource consent application is not notified, or if there are no submissions, the applicant may, under circumstances specified in the Resource Management Act, lodge an objection with the regional council.

In such cases you must give a notice of objection in writing to the regional council within 15 working days of receiving the resource consent decision. The notice must set out the reasons for the objection.

The regional council must consider the objection within 20 working days. If a hearing is required you will be given at least five working days notice of the hearing date, time and place. If you are still not satisfied with the regional council's decision on the objection, you may then appeal to the Environment Court.