

Form 7

Notice of appeal to Environment Court against decision on proposed policy statement or plan or change or variation

Clause 14(1) of Schedule 1, Resource Management Act 1991

To the Registrar
Environment Court
Auckland,

I, David Alexander Lourie, appeal against a decision C.1.5.1 of Northland Regional Council on the Northland Regional Plan 2019.

I made a submission on that plan

~~I am~~/am not* a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

*I am directly affected by an effect of the subject of the appeal that—

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

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

†Select one.

I received notice of the decision on 4th May 2019.

The decision was made by Northland Regional Council

The decision (or part of the decision) that I am appealing is:

C.1.5 Dredging, disturbance and disposal

C.1.5.1 Use of vehicles on beaches and other activities that disturb the foreshore and seabed – permitted activity The use of a vehicle on the foreshore or seabed and any associated disturbance of the foreshore and seabed, or the disturbance of the foreshore and seabed by any activity not the subject of any other rule in this Plan, are permitted activities, provided: 1) apart from emergency services vehicles providing an emergency response, there is no disturbance of, or damage to, seagrass meadows within mapped Significant Ecological Areas (refer I Maps|Ngā mahere matawhenua) and outside these areas, there is no destruction of shellfish beds or indigenous vegetation, and

The reasons for the appeal are as follows:

C.1.5.1 does not relate to any purpose or objective.

C.1.5.1 sanctions the means to cause environmental harm.

C.1.5.1 is not supported by a risk assessment.

C.1.5.1 has not been subject to a cost benefit analysis.

C.1.5.1 does not give effect to the New Zealand Coastal Policy Statement.

C.1.5.1 undermines the ability to invoke the RMA to protect beaches from vehicles.
C.1.5.1 creates another layer of permissiveness that translates as an onerous burden for those tasked with protecting the coastal environment.

The reasons are covered in the previously sent attachments.

I seek the following relief:

Relief Sought. C.1.5.1 Use of vehicles on beaches and other activities that disturb the foreshore and seabed – (Delete permitted), (insert non complying) activity.

The use of a vehicle on the foreshore or seabed and any associated disturbance of the foreshore and seabed, or the disturbance of the foreshore and seabed by any activity not the subject of any other rule in this Plan, Are (Delete permitted), (Insert non complying) activities, provided:

I attach the following documents* to this notice:

- (a) a copy of my submission *or* further submission (with a copy of the submission opposed or supported by my further submission): previously sent as attachment with purported appeal
- (b) a copy of the relevant decision (*or* part of the decision): previously sent as attachment with purported
- (c) any other documents necessary for an adequate understanding of the appeal: Previously sent as attachment with purported appeal.
- (d) a list of names and addresses of persons to be served with a copy of this notice. Previously sent as attachment with purported appeal.

*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 submission and decision to the copies of the notice served on other persons if the copy served lists these documents and states that copies may be obtained, on request, from the appellant.

.....*David Alexander Lourie*.....

Signature of appellant
(*or* person authorised to sign
on behalf of appellant)

.....*24/06/2019*.....
Date

Address for service of appellant:

Telephone: *021 028 22330*

Fax/email: *davidalexanderlourie@gmail.com*

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

Note to appellant

You may appeal only if—

- you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and
- in the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

The Environment Court, when hearing an appeal relating to a matter included in a document under section 55(2B), may consider only the question of law raised.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. 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 local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged 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 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (*see* form 38).

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- 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) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, 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) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (*see* form 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 appellant's submission and (*or* or) the decision (*or* part of the decision) appealed. These documents may be obtained, on request, from the appellant.

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

Advice

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

Schedule 1 form 7 heading: amended, on 1 November 2010, by regulation 19(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 7: amended, on 3 March 2015, by regulation 5(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 7: amended, on 3 March 2015, by regulation 5(2) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 7: amended, on 1 November 2010, by regulation 19(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 7: amended, on 1 June 2006, by regulation 10(4) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).