

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, Wellington, and Christchurch

I, Dugald Ian MacTavish, appeal against a decision (**or** part of a decision) of Otago Regional Council on the following policy statement (**or** plan **or** change **or** variation):

Plan Change 6A (Water Quality) to the Regional Plan: Water for Otago .

I made a submission on that policy statement (**or** plan **or** change **or** variation).

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

I received notice of the decision about 20 April 2013.

The decision was made by Otago Regional Council.

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

Because there is sound evidence to suggest that the leaching loading rates adopted as permissible in the plan will not consistently achieve the targets set for minimum surface water quality and need to be reviewed.

Because the discharge intensity permitted in the plan do not adequately account for the unsustainable levels of nutrient already discharged to the wider environment which is contrary to Part 2 of the Act.

The reasons for the appeal are as follows:

I am appealing the plan because it is important that it is demonstrated beyond reasonable doubt that it is reasonable to expect that standards set in the plan are achievable with the permissible loads and because there is no point in a plan that permits development that is not sustainable at all scales.

I seek the following relief:

That standards are set to, as far as practicable, address the above concerns.

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):
- (b) a copy of the relevant decision (**or** part of the decision):
- (c) any other documents necessary for an adequate understanding of the appeal:
- (d) a list of names and addresses of persons to be served with a copy of this notice.

It is my intention to apply for a waiver to serve a copy of this Appeal to all other submitters.

I am attaching my verbal submission which includes my written submission

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

4 June 2013
Date

Address for service of appellant: Dugald MacTavish
Telephone:034394824
Fax/email: dugald@es.co.nz

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 and you lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court within 15 working days after the period for lodging a notice of appeal ends.

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 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).