



Planning Fact Sheets Appealing Against a Planning Permit

If you disagree with Council's decision, you may be able to lodge an appeal with the Resource Management and Planning Appeal Tribunal.

Who can lodge an appeal?

Permitted Development

The applicant can lodge an appeal against any conditions that Council has imposed on a planning permit for a Permitted Use.

Discretionary Use

The applicant and any person who made a representation can lodge an appeal against Council's decision.

How do you lodge an appeal?

You must lodge a Notice of Appeal with the Resource Management and Planning Appeal Tribunal within 14 days of receiving notice of the Council's decision. The fee for lodging an appeal is \$60.50.

The Notice of Appeal should set out the grounds on which you are appealing (for representors, these will be similar to the grounds of your objection).

Joining an Appeal

If the applicant appeals against Council's refusal of their application, any person who made a representation will be entitled to join the appeal.

If you did not make a representation, you may be able to join an appeal initiated by someone else if you have a "proper interest" and a good reason why you did not make a representation.

What happens then?

After receiving an appeal, the Tribunal will hold a *directions hearing* with all the parties and the Registrar of the Tribunal. At the directions hearing, the parties will discuss their grounds for appeal and whether they agree to participate in *mediation*.

If the parties reach an agreement (e.g. everyone agrees that if particular conditions are included, the development can go ahead), the Council will prepare a new permit.

If the matter cannot be resolved through mediation, there will be a full hearing. At the hearing, the parties will be able to make submissions to members of the Tribunal.

After hearing the evidence, the Tribunal can decide to grant the permit (with or without conditions) or to refuse the application.