

## Example of abatement notice under s322(1)(a)(i)

### ABATEMENT NOTICE UNDER SECTION 322 OF THE RESOURCE MANAGEMENT ACT 1991

**TO:** *[Person doing or planning to do the offending action, or on whose behalf it is being planned/done. Include, if possible, the person's address and date of birth]*

**ADDRESS FOR SERVICE:** *[property address/Registered Office if company]*

\_\_\_\_\_ COUNCIL gives notice that you or your agents must:

*[Cease doing something/not undertake something. List the actions to be ceased – note: see commentary on Zdrahal v Wellington CC]*

#### **Location in respect of which this abatement notice applies:**

*[Street address and legal description]*

#### **You must comply with this abatement notice within the following period:**

*[State timeframe – eg, “immediately upon receipt of this notice” or state specific date. Note that the timeframe must be a reasonable one having regard to the circumstances]*

#### **This notice imposes the further following conditions:**

*[Delete if no further conditions imposed]*

This notice is issued by a formally appointed \_\_\_\_\_ Council Enforcement Officer under:

Section 322(1)(a)(i) of the Resource Management Act 1991

*[State any other subsection of section 322 you are relying on, eg, if noxious, dangerous, offensive or objectionable, you would also state section 322(1)(a)(ii) – see Form 3]*

#### **The reason(s) for this notice are:**

*[Give details. Include reference to what is being contravened in the Act, District Plan and/or Resource Consent]*

If you do not comply with this notice, you may be prosecuted under section 338 of the Resource Management Act 1991 (unless you appeal and the notice is stayed as explained below).

You have the right to appeal to the Environment Court against the whole or any part of this notice. If you wish to appeal, you must lodge a notice in form 49 with the Environment Court within 15 working days of being served with this notice.

An appeal does not automatically stay the notice and so you must continue to comply with it unless you also apply for a stay from an Environment Judge under section 325 (3A) of the Resource Management Act 1991 (see form 50). To obtain a stay, you must lodge both an appeal and a stay with the Environment Court.

You also have the right to apply in writing to \_\_\_\_\_ Council to change or cancel this notice in accordance with the section 325A of the Resource Management Act 1991.

\_\_\_\_\_ Council authorised the Enforcement Officer who issued this notice.  
Its address is:

\_\_\_\_\_ Council  
*[Address]*

The Enforcement Officer is acting under the following authorisation:

*[Officer name, warrant number and date]*

.....  
Signature of Enforcement Officer

.....  
Dated: *[Date]*