

Environment Court and predecessor agency records disposal schedule

Record Details							
Class Number	Class Title	Description	Examples	Minimum retention period	Disposal trigger	Disposal Action	Court action
	Appeals						
1.1	Appeals: withdrawn cases	Cases where the appellant, objector, or plaintiff withdraws prior to a hearing taking place	Interlocutory cases where: <ul style="list-style-type: none"> • Mediation leads to withdrawal of case prior to hearing. • Private party talks / negotiations lead to withdrawal of case prior to hearing. • Cases are settled by consent between all parties prior to hearing. • There is a Judge-decided strike-out or refusal to carry out a hearing. 	5 years	Date notice of discontinuance / withdrawal registered in system	Destroy	All records not of archival value will be retained by the Court beyond the minimum retention period
1.2	Appeals: minor cases	Cases where the Environment Court upholds the appealed plan, statement, resource consent etc., or else continues the status quo; OR Cases where the Environment Court requires changes to the appealed plan, statement, resource consent etc that are administrative in scope, or cover routine or low-level procedural or wording issues; OR Cases where the Environment Court requires minor changes to the appealed plan, statement, resource consent etc. that result in minor infrastructure changes (for example, additional road signs).	<ul style="list-style-type: none"> • RMA s120 appeals that result in the Court upholding original Resource Consent approvals given by the Local Authority. • RMA s120 appeals that result in the Court requiring changes to administration processes outlined in resource consents originally approved by a Local Authority. • RMA s120 appeals that result in the Court requiring minor infrastructure amendments (eg, the provision of electricity and telephone services) to resource consents given for subdivisions originally approved by a Local Authority. • Cases that cover objections to land easements for the provision of power, where the Environment Court considers that the memoranda of consent is fair, reflects standard practice, and achieves the objectives of the easement. • Cases that cover objections to road changes, where the Environment Court considers that the works reflects the planning memoranda issued by the Local Authority and suitably addresses issues relating to public safety, traffic management etc. • RMA s120 appeals that result in the Court granting retrospective consent for minor infrastructure work carried out by a Council. • RMA s279 (1) (b) appeals that result in minor wording amendments to Local Authority plans or associated Schedules. • Consent-related appeals under legislation other than the Resource Management Act 1991 that result in wording amendments, changes to administration processes or minor infrastructure amendments, or else maintain the status quo (for example, consent approval to extend fish farming licenses). 	10 years	Hearing closure and all associated administrative responsibilities completed	Destroy	All records not of archival value will be retained by the Court beyond the minimum retention period

1.3	Appeals: significant cases	Cases that: contain a number of linked or related appeals from different parties OR uphold all or a significant proportion of the conditions outlined in the appeal; AND /OR <ul style="list-style-type: none"> The case sets Environment Court precedent in terms of how appeals are conducted, consent orders are made etc.; The case recognises that there is / will be environmental impact that will have adverse effect on people; The case acknowledges environmental impact caused by waste, run-off, chemical use etc. on public, public use or private land; The case addresses variations to, deficiencies in, or non-compliance with, Local Authority plans, statements or resource consents that the Court considers significant; The case documents an appeal against Local Authority plans, statements etc. that the Environment Court considers fundamentally compromises or negates existing resource consents; The case covers the alteration / removal etc. of heritage listed buildings or cultural sites; Any non-withdrawn case involving mining or extraction of rocks, minerals, ores etc.; The case is a direct referral by the Minister of the Environment under RMA s141(b). 	<ul style="list-style-type: none"> Cases that are recognised by the Environment Court as establishing precedent. Cases that cover appeals relating to consents to reclaim land in an area zoned in a restricted coastal activity zone. Cases that cover appeals against development / substantive activity in areas zoned for restricted activity in previous Local Authority plans. Cases where the judge notes significant levels of public interest / debate. Cases that cover appeals to plans, heritage and designation orders relating to Auckland Council Amalgamation under the Local Government (Auckland Transitional Provisions) Act 2010, where the judge notes significant issues / public interest. Consent-related appeals under non-RMA legislation that set precedent, or involves discussion of non-compliance with National Environmental Standards, or identifies major environmental impact etc. Cases that cover appeals against mining consent applications or the variation of conditions outlined in mining licences. Appeals against consents that are perceived to go against conditions outlined in the Pouhere Taonga Heritage Act 2014. 	15 years	Hearing closure and all associated administrative responsibilities completed	Transfer as public archive	Not applicable
	Applications, designations, orders						
2.1	Applications, designations, orders: withdrawn cases	Cases where the appellant, objector, or plaintiff withdraws prior to a hearing taking place.	Interlocutory cases where: <ul style="list-style-type: none"> Mediation leads to withdrawal of case prior to hearing. Private party talks / negotiations lead to withdrawal of case prior to hearing. Cases are settled by consent between all parties prior to hearing. There is a Judge-decided strike-out or refusal to carry out a hearing. 	5 years	Date notice of discontinuance/withdrawal registered in the system.	Destroy	All records not of archival value will be retained by the Court beyond the minimum retention period
2.2	Applications, designations, orders: minor cases	Cases where the Environment Court upholds all the conditions of the original decision or maintains the status quo, except where the application, designation or order is directly referred by the Minister for the Environment (See under Significant cases).	Cases where the Environment Court accepts Special Tribunal Water Conservation Reports without modification.	10 years	Date hearing closed and all associated administrative responsibilities completed.	Destroy	All records not of archival value will be retained by the Court beyond the minimum retention period
2.3	Applications, designations, orders: significant cases	Cases that set Environment Court precedent in terms of how appeals are conducted, consent orders are enforced etc.;	<ul style="list-style-type: none"> Cases that set precedent in terms of how declarations / designations / orders are addressed and responded to by the Environment Court. Cases that cover Environment Court Declarations that discuss non-compliance with National Environmental Standards. Designations directly referred to the Environment Court by the Minister for the Environment. 	15 years	Date hearing closed and all administrative responsibilities completed	Transfer to Archives New Zealand	not applicable

	Enforcement and abatement						
3.1	Enforcement and abatement: withdrawn cases	Cases where the appellant, objector, or plaintiff withdraws prior to a hearing taking place.	<ul style="list-style-type: none"> • Interlocutory cases where: <ul style="list-style-type: none"> • Mediation leads to withdrawal of case prior to hearing. • Private party talks / negotiations lead to withdrawal of case prior to hearing. • Cases are settled by consent between all parties prior to hearing. • There is a Judge-decided strike-out or refusal to carry out a hearing. 	5 years	After date notice of discontinuance/withdrawal registered in system.	Destroy	All records not of archival value will be retained by the Court beyond the minimum retention period
3.2	Enforcement and abatement: minor cases	<p>Cases where the Environment Court upholds all the conditions of the original abatement order;</p> <p>OR</p> <p>Cases where the Environment Court requires changes to an abatement order that are administrative in scope, or cover routine or low-level procedural or wording issues.</p> <p>OR</p> <p>Cases covering requests for enforcement hearings</p>	<ul style="list-style-type: none"> • Individual appeals against abatement notices lodged by Local Authorities, where the Environment Court upholds all conditions of the original abatement notice. • Cases covering requests for hearings to enable interim enforcement orders. • Cases where the Environment Court allows the appellant's waiver application, which results in administrative, procedural or wording changes to original decisions or documentation. 	10 years	Date hearing closed and all associated administrative responsibilities completed.	Destroy	All records not of archival value will be retained by the Court beyond the minimum retention period
3.3	Enforcement and abatement: significant cases	<p>Cases that set Environment Court precedent in terms of Court process to do with enforcement or abatement;</p> <p>OR</p> <p>Cases that gain extensive media coverage and/or public interest, and/or become a political issue.</p> <p>OR</p> <p>Cases that deal with enforcement orders issued against Crown Entities.</p> <p>OR</p> <p>Cases that deal with enforcement orders requested by Crown Entities under relevant legislation.</p>	<ul style="list-style-type: none"> • Cases that contain abatement appeals by serial litigants where the case is not taken to High Court. • Cases that cover enforcement orders requested by Heritage New Zealand Pouhere Taonga under s320 of the Resource Management Act 1991 • Cases that cover enforcement orders relating to mining or extraction of rocks, minerals, ores etc. 	15 years	Date hearing closed and all associated administrative responsibilities completed	Transfer to Archives New Zealand	not applicable
	High Court						
4.1	High Court cases	Environment Court cases taken to the High Court.	Cases taken by serial litigants to the High Court.	5 years	Date of High Court hearing closed and all associated administrative Environment Court responsibilities completed.	Destroy	All records not of archival value will be retained by the Court beyond the minimum retention period