

AFFECTED PERSONS APPROVAL FORM

Under the Resource Management Act 1991



RESOURCE CONSENT APPLICATION DETAILS

Applicant's Full Name/Company:

Resource Consent Reference Number (if known): RM

AFFECTED PERSONS DETAILS

Name(s):

Address:

Postal Address (if different from the above)*:

Tick if postal address is preferred method of correspondence*: ☐

I/we are (tick):

The owner(s) of the above property: ☐

The occupant(s) the above property: ☐

Email address*:

Phone numbers: Day

Mobile

* Our default method of corresponding with you is by email and phone. Alternatively, if you wish to receive correspondence by post (including any decision) please provide a postal address and tick the relevant box above.

DETAILS OF PROPOSAL

I/We hereby give written approval for the proposal to:

Which will be carried out at (address):

DECLARATION

I / We declare the following:

- ☐ I/We have read the attached guidance.
- ☐ I/we understand the proposal and have sighted and signed a copy of each page of the plans and all supporting information.
- ☐ I/we understand that if written approval is given, Council cannot and will not take into account any effects that the activity may have on me/us, when it considers the application.
- ☐ I/We understand that I may withdraw my written approval by giving written notice to the Mackenzie District Council before the hearing, if there is one; or, if there is not, before the application is determined.
- However, if Mackenzie District Council determines that the activity is a deemed permitted boundary activity under section 87BA of the Resource Management Act 1991, the written approval cannot be withdrawn if that process is followed instead.

*Signature(s)**

Date

*If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

* A signature is not required if you give your written approval by electronic means.

If you have any questions please contact a member of Council's Planning Team using the details below.



Mackenzie District Council
PO Box 52
Main Street
Fairlie, 7987

P: 03 685 9010
E: info@mackenzie.govt.nz
www.mackenzie.govt.nz

AFFECTED PERSONS APPROVAL GUIDE



What is a Resource Consent?

The Mackenzie District Plan sets out rules and related information regarding activities within the Mackenzie District. When a person or organisation wishes to undertake an activity which does not comply with the 'permitted activity' rules within the District Plan, permission is required from the Council. This permission is given in the form of a 'resource consent', issued under the [Resource Management Act 1991](#). If the applicant is granted a resource consent for the proposed activity, they are able to undertake the activity in accordance with the resource consent and its conditions.

Applications for resource consent are either:

- Notified (public or limited involvement by other people); or
- Non-notified (may or may not involve neighbours or other people).

Why is your approval being sought by the applicant?

If an application for a resource consent is to be processed as a non-notified application, the Resource Management Act 1991 generally requires that the proposed activity must have adverse effects on the environment that are no more than minor and that written approval must be obtained from every person whom the Council considers may be adversely affected by the proposal. It is the responsibility of the applicant to consult with persons identified as being adversely affected by the proposal.

If you have been asked to give your written approval, it is likely that this is because the Council considers that you may be adversely affected by the proposed activity. This gives you the opportunity to consider the proposed activity and decide for yourself whether you are adversely affected and/or the degree to which you may be adversely affected.

What should you do if you are asked to sign this form?

If you are asked to give your written approval to a proposed activity as part of an application for resource consent, you should do the following:

- 1) Request that the applicant (or their representative) explain the proposal clearly and fully to you, including clarifying if the application is a deemed permitted boundary activity.
- 2) Study the application and associated plans provided by them in order to understand the effects of the proposed activity. If there are no plans available at this stage, you should wait until they are available. Ask for time to consider the documents if you think you need it.
- 3) Decide whether the proposed activity will adversely affect you or your property. You are entitled to ask the applicant for more information in order to better understand the proposal. You may suggest amendments to the proposed activity that you consider would reduce the effects on you. If the proposal is amended by the applicant, then you should only sign the amended version of the proposal. Written approvals obtained will usually be submitted to the

Council by the applicant as part of their application. In other cases, the Council may direct an applicant to obtain certain written approvals after the application has been lodged.

- 4) If you are satisfied that the proposed activity will not adversely affect you and/or the effects are acceptable to you, you may decide to sign the affected person's approval form and a copy of the application and plans that may accompany the application. You should then return the completed and signed form (and application and plans) to the applicant (or their representative). If you are willing to give your approval subject to some other condition being met, this will need to be the subject of a separate side agreement between yourself and the applicant. The Council will not accept "conditional approvals".
- 5) If you change your mind after signing this form, you may withdraw your approval at any time before a decision is made on the application by advising the Council in writing that your approval is withdrawn. **However, this does not apply if the Council determines that the activity is a deemed permitted boundary activity under section 87BA of the Resource Management Act 1991 and that process is followed instead.**
- 6) If you consider that you will be adversely affected by the proposal and do not wish to sign the approval form, you will need to advise the applicant (or their representative).

Please note that if a property is owned by more than one person, all of the joint owners are considered to be "affected persons". If a property is leased or rented, then the Council may deem both owners and occupiers as affected persons.

Important Information

If you do not give your approval and you are considered by the Council to be an adversely affected person, then the application may be notified and you will have a formal right to lodge a submission objecting to the application. Alternatively, the applicant may proceed without the need for a resource consent if they amend their proposal so that it complies with the relevant permitted activity specified in the District Plan, or if they amend their proposal so that it still needs a resource consent but the Council no longer considers that the proposal will adversely affect you.

Please note that the final decision on who is adversely affected or whether the application requires notification is made by the Group Manager Regulations with delegated authority to make these decisions. Even though you may sign the affected person's approval form, the Council must give full consideration to the application in terms of the Resource Management Act.

However, if you give your approval to the application, the Council is not able to have regard to any actual or potential effects the proposed activity may have on you. If a resource consent is granted by the Council, there is no way for either you or the Council to retract it later. You are therefore encouraged to weigh up all the effects of the proposed activity before agreeing to it.

If you have any queries regarding the resource consent process or the role and rights of adversely affected person(s), please contact a member of the Planning Team at Mackenzie District Council, or seek advice from a private planning consultant or legal advisor.