

A guide to Affected Persons

The Resource Management Act 1991 and the Waipa District Plan work to ensure that the rights of the community are protected when an application is made for a resource consent. Therefore, a person seeking resource consent ('an applicant') may need to ask for permission ('written approval') from an owner or occupier of land potentially affected by the application.

What is an affected person?

When the Council considers an application for a resource consent they must decide whether there are any 'affected persons'. An affected person is a person, or group of people, who the Council thinks may be adversely affected by the activity that needs a resource consent.

The Council decides who is an affected person using its discretion and rules in the District Plan for guidance. For example, an affected person could be somebody whose privacy will be reduced by a three storey building on the neighbour's property.

When is written approval required?

An applicant for a resource consent may ask you for your written approval for the activity if the Council has identified you as an affected person. If an applicant gains the written approval of **all** those considered affected, the Council may process the application as 'non-notified'. Non-notified applications processed by the Council involve less time and cost than notified applications.

Whose written approval is required?

The Council's planning staff can indicate who are likely to be affected persons when you discuss your application with them. Once your application has been formally lodged with the Council it will be considered in detail and at this time planning staff will confirm who written approval is required from.

Written approvals are most likely to be required from owners **and** occupiers of land adjoining the site involved, and from those across the road. Where effects of the proposal extend beyond the immediate site boundaries you will be asked to obtain written approval from owners **and** occupiers of these properties.

If the proposal affects certain features you will be requested to consult with, and ask for written approval from, the relevant parties. For example:

- State Highways – New Zealand Transport Agency
- Cultural / Archaeological sites – local Iwi
- Historic buildings – New Zealand Historic Places Trust
- Major public / private facility – facility controller



How do I obtain written approval?

There are two steps to obtaining written approval from affected person(s):

1. Consultation; and
2. Requesting written approval

Consultation

Consultation should involve the following:

- Introduce and explain your proposal to an affected person. Ensure that you have as much information available as possible to clearly explain, and enable the affected person, to understand the proposal.
- Leave a copy of the proposal (including any plans) with people to allow reasonable time for them to consider it. There is no statutory timeframe for people giving written approval.
- Be prepared for issues / concerns to be raised by the affected person. This enables them to effectively participate in the consultation process.
- You may need to change your proposal to address affected persons concerns and potential adverse effects. For example you may agree to site your dwelling further away from the neighbour's boundary to protect their privacy.

Written approval

If an affected person decides to give written approval they will need to **sign and date final versions** of the following:

- The Council's 'Written Approval of Affected Persons' form;
- A copy of the application form which sets out details of the resource consent application;
- A copy of all the application plans i.e. site plan, elevations; and
- A copy of the AEE (Assessment of Environmental Effects) detailing what the environmental effects of the application will be.

You may wish to leave a photocopy of all the signed documentation with the affected person for their information.

Please note written approvals cannot include conditions. Any requests/requirements of the affected person need to be included in the resource consent application, plans and AEE.

Can written approval be withdrawn?

Affected persons have the right to withdraw their written approval at any time up to when a decision is made on the application.

What are the benefits of obtaining written approval?

If you are able to obtain written approval from all parties identified by the Council as affected **and** the environmental effects of the proposal are deemed to be minor **and** no special circumstances exist in relation to your application then the application can be processed on a non-notified basis. This means the application will not be publicly advertised and subject to the public submission process.

What happens if written approval is refused?

An affected person may decide not to give written approval. If this happens Council will then consider whether to process the application as a:

1. **Limited notified** application; or a
2. **Publicly notified** application.

For more information on these processes see Council's Information Sheet 'A Guide to Notification'.

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