



A Guide to Affected Persons & Written Approvals

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 (planning) consent. Therefore, a person seeking resource consent ('an applicant') may need to ask for permission ('written approval') from an owner or occupier of land affected by the application.

What is an Affected Person?

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

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

Whose written approval is required?

Council 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 Council it will be considered in detail and at this time Council 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 – Transit New Zealand
- 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:

- Introducing and explaining 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:

- 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. However, please note applications for Controlled Activities must be approved by Council even if a written approval is refused or submissions in opposition are received.

What are the benefits of obtaining written approval?

If you are able to obtain written approval from all persons identified by 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.

Copies of all the written approval documentation needs to be submitted to Council with your resource consent application. If this is not provided Council will put the application on hold until such information is received. Following receipt of all this information a decision will be issued to you within 20 working days, unless otherwise advised by Council.

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.

Limited Notification

If the effects of the activity on the environment will be **less** than minor and there are no special circumstances that exist Council will serve notice of the application on all affected persons. Affected persons will personally receive a copy of the application. This is known as 'Limited Notification'.

Public Notification

If the effects of the activity on the environment will be **more** than minor or there are special circumstances that exist Council will publicly notify the application. This means a public notice will be placed in the relevant newspaper and notice will be served on those persons identified by Council. This is known as 'Public Notification'.

For both limited and public notification processes persons will have 20 working days from the date of the notice being served on them to lodge a submission on the application. If submissions in opposition are received Council will hold a public hearing (where necessary) and make a decision to either grant or decline the application.

Limited and publicly notified applications cost significantly more than those not requiring notification and can take approximately 3 to 4 months to be processed. This is due to the timeframes required for public submissions and the scheduling of a public hearing (where necessary).

The written approval form

Please use the 'Written Approval of Affected Persons' form provided by Council as it contains important information for those whose approval is being sought.

Copies of the 'Written Approval of Affected Persons' form are available from Council's Customer Services Offices.

Need to know more?

For more detailed information about written approvals, please contact a Planner at your nearest Council office.

Disclaimer

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