

# Information for Persons signing an Affected Person's Approval

## *Section 95E(3) Resource Management Act 1991*

### **What is a Resource Consent?**

When people wish to build or use a property in a way which does not comply with the rules in the Buller District Plan, they require special permission from the Council to do so and this is known as a Resource Consent. If they obtain resource consent they are able to build or use the property in accordance with that consent and do not have to comply with the District Plan. This process is set down in the Resource Management Act 1991. An application for Resource Consent can be considered in one of three ways. Applications are either publicly notified (allowing public involvement by any person), limited notified (allowing involvement by a limited number of directly affected people) or non-notified (often involving written approval from directly affected people).

**If** an application for a Resource Consent is to be processed as a non-notified application, the Resource Management Act requires that written approval must be obtained from every person whom the Council considers may be adversely affected to a minor or more than a minor extent. It is the responsibility of the applicant to consult with persons identified as being affected.

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

**If** you are asked to give your written approval to someone's proposal as part of their application for a Resource Consent, you should do the following:

1. Request that the applicant (or their representative) explain the proposal clearly and fully to you, including the ways it does not comply with the District Plan.
2. Study the application and associated plans of the proposed activity provided by them in order to understand the effects of the proposal. If there are no plans available at this stage, you may wish to wait until they are available. Ask for time to consider the documents if you think you need it.
3. Decide whether the proposal will adversely affect you or your property. You are entitled to ask the applicant for more information, but you should make a decision about whether you will sign the form or not as promptly as is reasonable in the circumstances. You may suggest amendments to the proposal that you consider would reduce the effects of the proposal on you. If you do this you should sign only the amended version of the proposal. Written approvals obtained will usually be submitted to the Council by the applicant as part of their application.
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 on this document and a copy of the associated application including plans. You should then return them to the applicant (or their representative). If you are willing to sign subject to some other condition being met, this will need to be the subject of a civil agreement between yourself and the applicant.
5. If you change your mind after signing the form, you may withdraw your approval at any time before the hearing, if there is one, or otherwise before a decision is made on the application, by advising the Council in writing that your approval is withdrawn.
6. If you consider that you will be adversely affected by the proposal and/or do not wish to sign the approval form, you will need to advise the applicant (or their representative). There is no obligation to sign this form, and no reasons need to be given.

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 rented out, the tenants are also considered to be 'affected persons'.

**If** you do not give your approval and you are considered by the Council to be an adversely affected person, then the application must be publicly notified or processed on a limited notified basis, and you will have a formal right to lodge a submission on the application. Alternatively, the applicant may proceed without the need for Resource Consent if they amend their proposal so that it complies with the Plan, or if they amend their proposal so that it still needs Resource Consent but the Council no longer considers that the proposal will affect you.

**Please note that even though you may sign the affected person's approval form, Council must give full consideration to the application in terms of the Resource Management Act. However, if you give your approval to the application, Council is not able to have regard to any actual or potential effects the proposal may have on you. If 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.**