

Affected Person's Written Approval to an Activity that is the Subject of a Resource Consent Application

Section 95E(3) Resource Management Act 1991

Form 8A - Resource Management (Forms, Fees, and Procedure) Regulations 2003

Deliver your approval to Planning Department, Buller District Council, 6-8 Brougham Street, Westport

Post your approval to Planning Department, Buller District Council, PO Box 21, Westport 7866

Email your approval to planning@bdc.govt.nz

Checklist

- I have read and understand the information provided on page 4 of this form.
 - I have read the full application for resource consent, the Assessment of Environmental Effects, any technical reports and any plans provided by the applicant (detail below) and have signed a copy of each page of the plans.
 - I have attached the signed copy/copies of the plans.
 - I have listed the documents provided to me by the applicant for consideration.
 - I have provided the signature/s of person/s giving written approval (or person authorised to sign on behalf of person giving written approval).
 - I am signing on behalf of an organisation/trust and have provided signed written proof from each person I am signing on behalf of that I have authority to sign this form on their behalf.
-

Notes to affected person signing written approval

- Conditional written approvals cannot be accepted.
- There is no obligation to sign this form, and no reasons need to be given.
- If this form is not signed, the application may be notified with an opportunity for submissions.
- The information to be provided on the Affected Person's Written Approval form is required under legislation:
 - Section 95E(3) Resource Management Act 1991; and
 - Form 8A - Resource Management (Forms, Fees, and Procedure) Regulations 2003If information required under legislation has not been supplied this form may be returned for completion
- For Further Enquiries email planning@bdc.govt.nz or phone 03 788 9603.

Affected Person's Written Approval to an Activity that is the Subject of a Resource Consent Application



Section 95E(3) Resource Management Act 1991
Form 8A - Resource Management (Forms, Fees, and Procedure) Regulations 2003

PLEASE READ the Information for Persons signing an Affected Parties Approval before you sign this form.

1. Affected Person's Details

Full name/s of person/s affected and giving written approval:

.....
.....

I am /We are the Owner(s) Occupier(s) Owner(s) and Occupier(s) Director(s) Trustee(s)

Of the property situated at:.....
(Address of location of the property of the person signing this form)

Contact Person:

2. Resource Consent Application Details

Resource Consent Number:

Full Name of Applicant:

Application Site (Address or location to which the application relates):
.....

The Proposal: Description of the proposed development or activity:
.....
.....

3. Affected Persons Contact Details

Contact Person:

Postal address for service:

Telephone:..... Email:.....

I/we have authority to sign this form on behalf of all the other owners/occupiers (select one) of the property.

(i) Please list the full name/s of any person/s you are signing on behalf of **and** provide signed written proof from each person you are signing on behalf of that you have authority to sign this form on their behalf.

.....
.....
.....
.....

(ii) If you are signing on behalf of a trust or company/organisation, please state your designation/position and provide additional written evidence that you have signing authority.

Trust/Company/Organisation:

Designation:.....

4. Confirmation of Documents Reviewed (mandatory to complete)

I confirm that I/we have read the full application for resource consent, the Assessment of Environmental Effects, any technical reports and any plans provided by the applicant (detail below) and have attached a signed copy of each page of the plans.

Document sighted: Document Dated:

Document sighted: Document Dated:

Document sighted: Document Dated:

Document sighted: Document Dated:

Document sighted: Document Dated:

5. Written Approvals

I/We give written approval to the activity noted above.

- I understand that as I have given written approval, the Council shall not take into account any effects that the proposal may have on me when considering the application.
- All owners and occupiers of this property must sign the approval form, if the property is held in a Trust, all Trustees must sign. Conditional written approvals cannot be accepted.
- Where this form has been signed on behalf of a trust or company, or under a Power of Attorney, please supply the necessary documentation to confirm that you have the signing authority.
- I understand that I may withdraw my written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.

6. Signature/s of person/s giving written approval (or person authorised to sign on behalf of person giving written approval.

- In signing this written approval, I understand that the consent authority must decide that I am no longer an affected person, and the consent authority must not have regard to any adverse effects on me.

Signature: Date:.....

Name of person signing:

Signature: Date:.....

Name of person signing:

Signature: Date:.....

Name of person signing:

Privacy Statement: The personal information that you provide in this form will be held and protected by Buller District Council in accordance with our privacy policy (available at bullerdc.govt.nz/privacy and at council libraries and service centres) and with the Privacy Act 2020. Council's privacy policy explains how we may use and share your personal information in relation to any interaction you have with the council, and how you can access and correct that information. We recommend you familiarise yourself with this policy.

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.