

Written Approval of an Affected Person

Resource Management Act 1991

Consent Application No. (if known):

Application and applicant's details to be completed by the applicant

Applicant(s) Name:

Address and legal description of property to which the application relates:

Full description* of the proposed activity:

***IMPORTANT NOTE TO APPLICANTS:** It is very important that a full and accurate description of the activity is stated. If this description does not cover all aspects of the proposal, the Council may require you to amend this form and re-obtain all the approvals. Please also ensure that a copy of any plans accompanying the application is signed by all persons who sign this form. Please seek advice from a Council Consent Planner if you are unsure whether this part of the form has been filled in correctly.

Affected persons details to be completed by the person giving approval

PLEASE READ THIS IMPORTANT NOTE BEFORE YOU COMPLETE AND SIGN THIS FORM

You should only sign this form if you **support or have no opposition** to the granting of the resource consent for the application referred to above. If you do not understand any part of this process, please contact a Consent Planner at the Tasman District Council, as signing this form will prevent Council from having regard to any effects of the activity on you or your property.

Please complete either question 1 or 2 (and question 3 if you are signing this form on behalf of another person)

1. **I have an interest in the property situated at:**

(insert physical address or legal description)

My interest in the above property is as follows (please tick either box (A) or (B)):

A) **I am the Owner**

(Note: Owner includes all trustees of any trust owning a property and all members of any Body Corporate authorised to manage a property. It will include all members of any partnership or syndicate owning the property. It will also include any person(s) or entity that has entered into an agreement to purchase or lease the property.)

AND (please tick one of the following boxes):

I reside at the property stated above; **OR** **I do not reside at the property stated above**

Please list the full names and contact details of ALL other registered owners:

OR

B) I am an Occupier

Please list the full names of ALL other persons over 18 years of age who live at the property:

2. I do not own or occupy property near the application site but:

I am (or may be) adversely affected by the proposed activity

Name:

Organisation* (if any):

**For instance: Iwi authority; Department of Conservation; Fish & Game NZ; Historic Places Trust etc ...*

3. I have authority to sign this form on behalf of another person(s):

(i) please list the full name(s) of any person(s) you are signing on behalf of; and

(ii) provide signed written proof from each person you are signing on behalf of that you have authority to sign this form on their behalf.

(Note: If you are signing as a person's attorney, a copy of the Power of Attorney signed by that person must be provided.)

Written approval

DECLARATION

I have read and understood the information provided with this form. (Be sure that you have read the notes on page 3).

I have been given details of the full and final proposal, including a copy of the resource consent application form, the assessment of environmental effects and any plans accompanying the application.

I give my approval to the proposal as outlined in the resource consent application, the assessment of environmental effects and any plans.

I have signed a copy of any accompanying plans as shown to me by the Applicant for that purpose.

I understand the Council will not take into account any effects the proposed activity may have on me or my property when considering the application unless notice is given to the Council by me in writing prior to the consent being issued that my approval is withdrawn.

Signature:

Date:

Print Full Name:

Daytime phone number:

Signature:

Date:

Print Full Name:

Daytime phone number:

Written Approval of Person(s) Affected by an Application for Resource Consent Under the Resource Management Act 1991

What is a Resource Consent?

When people wish to undertake an activity (eg, build a house, or use a property, or take water from a river) in a way that does not comply with the “permitted activity” rules in the Tasman Resource Management Plan (often referred to as the “TRMP” or “the Plan”), they require special permission from the Council to do so and this is known as a “resource consent”. If they obtain a resource consent, they are able to undertake the activity in accordance with that consent and its conditions. This process is set down in the Resource Management Act 1991. An application for resource consent can be processed by the Council in one of two ways. Applications are either notified (public or limited involvement by other people), or non-notified (that may or may not involve neighbours or other people).

Why is your written 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 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 activity. 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 someone’s proposed activity 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.
2. Study the application and associated plans (if any) provided by them in order to understand the effects of the proposed activity. 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 proposed activity 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 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”. 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.
5. 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 must 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 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 senior Council Officers 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 Consent Planner at Tasman District Council, or seek advice from private planning consultants or legal advisers.

Feel free to contact us:



Tasman District Council
Email info@tasman.govt.nz
Website www.tasman.govt.nz
24 hour assistance

Richmond
189 Queen Street
Private Bag 4
Richmond 7050
New Zealand
Phone 03 543 8400
Fax 03 543 9524

Murchison
92 Fairfax Street
Murchison 7007
New Zealand
Phone 03 523 1013
Fax 03 523 1012

Motueka
7 Hickmott Place
PO Box 123
Motueka 7143
New Zealand
Phone 03 528 2022
Fax 03 528 9751

Takaka
78 Commercial Street
PO Box 74
Takaka 7142
New Zealand
Phone 03 525 0020
Fax 03 525 9972