

**AFFECTED PERSONS CONSENT FORM  
PURSUANT TO SECTION 94 OF THE  
RESOURCE MANAGEMENT ACT 1991**

**To: The Buller District Council  
PO Box 21  
WESTPORT**

**Affected Persons Details**

Name: \_\_\_\_\_  
*(full name)*

Address: \_\_\_\_\_  
*(full postal address and legal description)*

\_\_\_\_\_

Phone No: \_\_\_\_\_

Fax No: \_\_\_\_\_

I/We are the  owners of the above property. *(please tick the appropriate box)*  
 occupiers

**Applicant/Proposal Details**

Name of Applicant: \_\_\_\_\_

Resource Consent Number: \_\_\_\_\_

Details of Proposal: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Address of Proposal: \_\_\_\_\_  
*(postal address and legal description)*

\_\_\_\_\_

\_\_\_\_\_

*Please Turn Over*



# Affected Persons Approval

## Summarised Explanation

Council decides which persons are considered to be affected when processing applications for resource consent. An affected person may only be potentially adversely affected by the activity.

## What does being an affected person mean?

If you're an affected person, the applicant for resource consent might ask you for your written approval for the activity. If an applicant gains the written approval of *all* affected persons, the council will probably not provide anyone with an opportunity to make a submission on the proposal. The application becomes what is called 'non-notified'. Non-notified applications are faster and cheaper for the applicant.

If an applicant gains written approval from *some* (but not all) affected persons, the council will provide all affected persons with the opportunity to make a submission on the proposal.

Applicants are usually keen to get written approval from affected persons, so the application can be processed more quickly and at less cost.

Remember, if the council believes that the effects of the activity are more than minor, the application will be publicly notified whether or not affected parties give their written approval.

If you're an affected person you:

- may be asked by an applicant to give written approval to an application for a resource consent that affects you
- don't have to give written approval if you are unhappy with what is being proposed
- are entitled to make a written submission to the council on an application if you, or any other affected party, decide not to give your written approval.

## What happens if you do sign?

If you do give your written approval, and all other affected parties also give written approval, the council will probably consider the application without notification to anyone, and approve or decline a resource consent. Giving your written approval doesn't mean that the council will automatically approve the application.

## Can I change my mind?

Yes. You can formally withdraw your approval in writing to the council any time *before* the resource consent is granted.

## What happens if you don't sign

If you (or any other affected person) don't give your written approval, the council will notify the application to all affected persons. This means that you, and any other affected person, can make a **submission** on the application, and the council might hold a public hearing. If you, the applicant or any other submitter wants to be heard, there will be a hearing.

**Today, you're an affected person. Next week, or next month, you might be an applicant needing your neighbour's written approval for an activity. When it's used properly, the affected person approvals process can help resolve issues in communities and neighbourhoods and keep them great places for everyone to live, work and play.**

## Can I ask for changes?

Yes. If you'd be happy to give your approval to the application after some changes, you can ask the applicant to amend the documents and bring them back for you to sign. These amendments might involve, for example, changing the position of a driveway, altering the height of a building extension, or moving a discharge point in a stream.

## Can I give conditional approval?

No. Buller District Council will not accept conditional approvals. Conditional approval means that you write on the plans something like: 'I give my approval on the condition that the driveway is

moved half a metre to the right of the boundary'. The council will probably treat this as non-approval, and will notify the application to all affected persons or ask the applicant to re-obtain your unconditional approval.

Sometimes obtaining a neighbours approval can be very sensitive and often neighbours do not want to tarnish good relationships by giving their approval and later regretting it. We believe it is much better to talk to the applicant and discuss your concerns which may be easy for the applicant to address by amending the application.

### **Can I bargain about other things?**

Discussions over a written approval form may lead you to reach a private agreement, sometimes called a **side agreement**, with the applicant. For example, a side agreement might include:

- a neighbour who wants to build an additional storey on her house. Your agreement will be that she pays for opaque glass to be installed in your bathroom window to protect your privacy
- a neighbour who wants to double the size of a garage on your property boundary. Your agreement will be that he will seal the driveway that you both share
- an applicant who wants to establish a transport depot next door. Your agreement will be that she plants trees on **your** property to absorb the noise of moving trucks.

**Side agreements are private matters between you and the applicant. The Council will not enforce the agreement and will not become involved if you can't reach agreement. We recommend that side agreements should be written, signed and dated by both parties with each party retaining a copy.**