



Clutha District Council

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WRITTEN APPROVAL OF PERSON(S) LIKELY TO BE ADVERSELY AFFECTED

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

All relevant sections of this form must be completed or it may not be accepted by Council as confirmation of Written Approval being provided. If you disagree and feel you are adversely affected, DO NOT COMPLETE THIS FORM.

<p style="text-align: center; color: #0070c0; margin: 0;">RESOURCE CONSENT APPLICATION DETAILS (To be completed by the applicant(s))</p> <p style="text-align: center; color: #0070c0; margin: 0;">NOTE: A copy of the application to be supplied to the Council should be provided to the Affected Persons for their reference</p>	
Resource Consent Number:	
Applicant(s) Name: (Full Legal Name)	
Site Location: (Street Address)	
Legal Description:	
Description of activity(s) applied for:	

<p>AFFECTED PERSON DETAILS (To be completed by the person(s) or organisation giving the approval)</p>			
Full Name(s) of Person or Organisation:			
Owner(s)	<input type="checkbox"/>	Occupier(s)	<input type="checkbox"/>
		Other Affected Person(s)	<input type="checkbox"/>

Both the owner, occupier or other affected person(s) must provide written approval. A separate form may be used if required.

Property Details for Affected Person(s) or Organisation: (Street Address that is affected)	
Legal Description: (of affected site)	

Affected Person(s) Contact Details

Electronic address for Service: (Email)			
Postal Address:			
Phone: (Daytime)		Phone: (Mobile)	
If you are an owner of the property please list the full names and contact details of ALL other registered owners			

OR

If you are an occupier of the property please list the full names and contact details of ALL other occupiers aged over 18 years who live at the property	
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Affected Person(s) Written Approval and Declaration

I confirm

1. I have been given, read and understood the full application for resource consent and have signed or initialled all of the pages and Plans provided, including the **Assessment of Effects on the Environment, Scheme Plan, Site Plans** and the **following documents**:

Document Name:	Date of Document:	Number of Pages of the Document:	Version of the Document (if amended)/Reference Number
Application			
Scheme Plan			
Assessment of Environmental Effects			
Site Plans			
Engineering Plans			

2.	I have read and understood the Notes called <i>Important Information to Applicants/Important Information to Affected Persons</i> that is on page 5 and 6 of this form.
3.	I do not oppose the application (as detailed above) and give written approval in terms of the provisions of the Resource Management Act 1991.
4.	In signing this written approval or returning it by way of my nominated electronic email address for service, 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 (section 104(3)(a)(ii) and 104(4) of the Resource Management Act 1991).
5.	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.	Where I have signed this written approval, I authorise the applicant to give this written approval to the Clutha District Council; and
7.	I have read and understand the information contained in which is detailed below, <i>Important Information to Applicants/Important Information to Affected Persons.</i>

Signed:

Full Name and/or Organisation Name:

OR

Person Authorised to sign on behalf of the Owners/Occupiers of the Property:

Full Name of the Authorised Person:

Date:

A signature is not required if you give your written approval by electronic means

- All parties with an *interest* in the affected property must sign or be signed ***“on behalf of”***
- If you are completing this form on behalf of a Trust or Company you ***must*** provide ***evidence that you have signing authority***

Important Information to Applicants:

It is very important that a full and accurate description of the activity is stated and that the information provided is the information that will be submitted to Council in your application. All Plans must have dimensions on them so it is clear to those providing their written consent what it is they are signing too. 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.**

Further, **if you amend your proposal** during the course of processing **you will be required to seek further written approval from the affected person.** This will be done by way of a further copy of this form with the amended documents clearly identified in the relevant table on page 3 of this form.

Please ensure that a copy of all documents referred to in the table is provided to the affected person.

The affected person is required to initial or sign the copies of the Application and associated Plans provided to them. They are required to sign this form or provide it electronically from their nominated email address for service as evidence they have read and understood those documents and further unconditionally do not oppose your proposal.

Please seek advice from the Council Planning Team if you are unsure whether this part of the form has been filled in correctly.

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 Planner at the Clutha District Council as signing this form will prevent Council from having regard to any effects of the activity on you or your property.

Both the owner and occupier must provide written approval. A separate form may be used.

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.

When signing you must also provide evidence to confirm you have authority to sign on this entity's behalf.

Important Information to Affected Persons

The applicant has sought your written approval as they wish to undertake an activity for which they must have resource consent and they believe you are an affected person. If granted, a resource consent will set limitations as to the scope of the activity and conditions to manage any adverse effects that arise from the activity. Where a proposed activity affects another person they may be deemed a special legal status (affected person) under the Resource Management Act 1991.

An affected person may participate in the resource consent application process by lodging a submission with Council. This action provides them a new legal status (submitter) which enables them to be heard at any hearing and to make their concerns and views known to Council.

In either case, as an affected person or as a submitter, Council must consider the adverse effects upon that person when determining whether to grant the consent and what conditions should be used to monitor and manage the adverse effects.

It is important to note that although the applicant may consider you an affected person, the power to determine

who is an affected person lies with the Planner processing your application. They must determine whether you are or are not an affected person in accordance with the terms and process set out within the Resource Management Act 1991.

An applicant will often seek the written approval of a person to confirm that they ***understand the activity proposed in the resource consent application and that they do not oppose it***. If the affected person provides this approval Council cannot consider any adverse effect upon them when determining whether to grant the consent and what conditions to include. The affected person will also not be involved in the application process from that point and has no right to be heard.

There are two exceptions to the ceasing of any further involvement once a written approval has been provided to Council by an affected person:

- (a) The affected person withdraws their written approval prior to the hearing or determination of the application in which case any adverse effect upon them must be considered by Council when determining the application; or
- (b) If the ***applicant amends the application*** the affected person will be notified of the application, provided a copy of both the original documents and with the amended versions replaced. They will be invited to give written approval again. Effectively it is as if the process starts afresh with their prior written approval no longer being valid.

Upon receiving a request to sign a written approval Council recommends you:

- (a) Read all of the documents provided and ensure they are listed and described correctly on the written approval form (page 3).
- (b) Discuss with the applicant or their agent any concerns or questions you have. You may also call Council to discuss with the Planner your concerns or questions.
- (c) If you are satisfied that either the proposal will ***not*** result in adverse effects for you or your property, or you find those adverse effects acceptable, you may choose to sign the written approval or return it electronically from the email address nominated as your email service address.
- (d) ***If you choose not to sign the form or return it to Council electronically you should inform the applicant or their agent that you do not intend to do so.***

It is important to note that any written approval provided cannot be conditional, that is, you cannot include restrictions, limitations, variations or requests for some action etc in return.

If the consent authority determines that the activity is a deemed permitted boundary activity under section 87BA of the Resource Management Act 1991, your written approval cannot be withdrawn if this process is followed instead.

Lastly, there is no requirement to provide your written approval or give an explanation to anyone, including the applicant or Council, as to why you choose not to.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CLUTHA DISTRICT COUNCIL BY PHONING 03 419 0200 OR EMAILING THE HELP DESK planning@cluthadc.govt.nz