

Written Approval of Affected Persons

pursuant to Section 88 of the Resource Management Act 1991



Please note:

Before completing this form please read the *Information Sheet* on the reverse. If you still have queries you would like answered, please contact the Planning Services Department at Rotorua District Council, phone (07) 348 4199 or fax (07) 346 3143.

For office use only:	
- P/file:	
- Form checked for completeness:	<input type="checkbox"/>
- Plan signed:	<input type="checkbox"/>
- All owners/occupiers	Yes/No
- Checked by:	Date:

Application Details

Applicant's Full Name: _____

Address of proposed activity: _____

Brief description of proposed activity: *(State exactly what has been agreed to, i.e., to erect a garage 1.5m from the side boundary with my property.)*

Affected Person/s

Affected Person's Full Name(s): _____

Postal Address: _____

Phone: _____ Fax: _____

I am / we are the authority to sign on behalf of the OWNER(S) / OCCUPIER(S) of the property located at: _____
(delete one)

[PLEASE NOTE: *In most instances the Council will require the approval of ALL legal owners and the occupiers of the affected property, e.g., consent from BOTH Mr and Mrs Smith is required, or all trustees.]*

Affected Person/s Approval

NOTE: *You should only sign below if you fully understand the proposal, and if you support or have no opposition to the proposal you have been asked to consider. You are under no obligation to sign this form. There is an information sheet on the back of this form for your information. Council will not accept conditional approvals. If you have conditions on your approval, these should be discussed and resolved with the applicant directly.*

- 1 I/We have been given details of the full and final proposal including a copy of the application form, assessment of the environmental effects and plans.
- 2 I/We understand that the aspects of non-compliance with the Rotorua District Plan to which I/we are giving my/our written approval are as follows:
(a) _____
(b) _____
(c) _____
- 3 I/We confirm that we have signed and dated the plans of the proposal and the assessment of environment effects prepared by the Applicant, and have attached the signed documents to this form.
- 4 I/We understand and accept that once I/we give my/our approval the Council cannot take account of any actual or potential effect of the activity and/or proposal upon me/us when considering the application and the fact that any such effect may occur shall not be relevant grounds upon which the Council may refuse to grant the application; and
- 5 Further, I/we understand that at any time before the final decision is made on the application, I/we may give notice in writing to the Council that this approval is withdrawn, under S104(4) of the Resource Management Act 1991.

Signed: _____ Signed: _____

Dated _____

So you are an affected party

What does this mean?

It means your neighbour or someone in your area is undertaking an activity which:

- a) is not permitted as of right under the Rotorua District Plan, and
- b) could potentially have an effect on you.

This could include something like the size of a garage which is proposed to be closer to your shared boundary than permitted under the District Plan, or something larger, such as an outdoor stadium in your neighbourhood which may have noise and traffic impacts.

What is required of the applicant?

Council determines who may be affected by a proposal and it is then the applicant's role to approach each owner or occupier and:

- explain the application and what consent is sought for;
- show you plans of the proposal;
- show you an assessment of the environmental effects of the proposal (explain how the proposal may affect you).

What is required of you?

If you have NO OBJECTIONS to the proposal, then you may sign the documents to show that you consent. You will need to sign the affected parties form, the plans and the assessment of environmental effects.

Do not sign these documents unless you consent to the proposed activity as, if you have signed these forms, Council will not take into account any effect on you.

If you OBJECT to the proposal, then the person proposing the application may:

- withdraw the application
- change the application to meet your concerns
- decide to have the application notified

If the application is notified by Council, it gives you an opportunity to make a formal submission on the proposal and explain the reasons for your objection.

What if you change your mind?

If you decide to support the proposal, then you should contact the person proposing the development or Council as this may save the applicant from costly notification fees and procedures.

If you decide that you no longer support the proposal, you can withdraw your consent, but only up until the date of a hearing or when the consent has been granted by Council. Once the hearing has been held or the Council granted consent, you are not able to challenge Council's decision.

Can you make the consent conditional?

No, you may not make your approval conditional on, for example, a particular roof colour being used. You may, however, make a private arrangement with your neighbour about such matters. Alternatively, they may change the plan or proposal to meet your requests.

What if you have further questions?

If you have any concerns about signing an affected parties form, you should seek independent advice or contact a Council Planner for further clarification.