

| | |
|---------------|--------------------|
| In Doc Number | Date Received |
| File Number | Application Number |

FORM 8B – WRITTEN APPROVAL FOR PERMITTED BOUNDARY ACTIVITY

Section 87BA, Resource Management Act 1991

(Effective from 18 October 2017)

Notes for the affected party

Use this form for a permitted boundary activity where written approval is required to be obtained from your affected neighbour(s). It gives Council your contact information, details about what you are giving your written approval for and a checklist to help you with your decision making.

If you have any questions, email planning@mdc.govt.nz or phone us on 06 323 0000.

Should you choose to provide your written approval, please return this completed form and the signed plans to the applicant.

You should only sign this form if you fully understand the proposal. You should seek expert or legal advice if you need the proposal or permitted activity process explained to you.

1 AFFECTED PERSONS DETAILS

I/We _____

the owner/s of the property situated at _____

have read and understand the information on page two and give my/our approval to the following boundary activity _____

2 THE APPLICANT/PROPOSAL

Full name of applicant/s _____

Address or location of proposed boundary activity _____

This is written approval for the following activity _____

I have read the description of the activity at the above address, and have seen and signed the site plans attached

3 PROPERTY OWNER DECLARATION

In signing this written approval, I confirm that I understand the proposal and understand that the Council will permit the applicant to undertake the activity (provided they have provided the correct information, including all other written approvals required).

I understand that I may not withdraw my written approval.

Contact name _____

Date _____

Email address _____

Phone _____

Signature* _____

I have authority to sign on behalf of all other owners: Yes No

**Please note a signature is not required if this form is completed electronically.*

Privacy Information

The information you provided in this application (including personal information) is official information, this application and any ongoing communication between you and Council will be held at Council's offices and may be accessed upon request by a third party. Access to information held by Council is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. Your information may be disclosed in accordance with the terms of these Acts. If you have any concerns about this, please discuss with a Council officer prior to lodging your application for reconsideration.

APPROVAL OF AFFECTED PERSONS TO AN APPLICATION FOR PERMITTED BOUNDARY ACTIVITIES UNDER THE RESOURCE MANAGEMENT ACT 1991

INTRODUCTION

WHAT IS THE DISTRICT PLAN?

The Manawatu District Plan is a document which guides the way the district of Manawatu is developed and seeks to control any negative effects of development by giving every property in the district a zone. Each zone has different rules about the type of building, subdivision or land use that can occur in that area.

WHAT IS RESOURCE CONSENT?

When people wish to build or use a property in a way which does not comply with the rules in the Manawatu 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 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 people) or non-notified (often involving some input into the process by a limited number of people).

WHY IS YOUR WRITTEN APPROVAL REQUIRED?

If an application for a Resource Consent is to be processed as a non-notified application, the Resource Management Act requires that the proposed activity should have not more than minor effects on the environment and that written approval must be obtained from every person whom the Council considers may be adversely affected.

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. The Council has produced a more comprehensive pamphlet about the role of 'affected persons' in the resource consent process, and this pamphlet is available at all Council offices.

WHAT SHOULD YOU DO IF YOU ARE ASKED TO SIGN AN AFFECTED PERSON'S APPROVAL FORM?

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.
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 the reverse side of this page and a copy of the associated application 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. If you change your mind after signing the form, you are unable to withdraw your approval.

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'.

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 of objection. 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 adversely affect you. Please note that the final decision on who is adversely affected is made by senior Council Officers with delegated authority.

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.

Further written information regarding affected persons' approvals, the Resource Consent process and hearings is available from the Council upon request.