



**WRITTEN
APPROVAL TO A
RESOURCE
CONSENT**

(Please be aware that these details are available to the public)

I (applicant),

of (address).....

am applying to the Waitaki District Council for a Resource Consent to undertake the following activity (see also the attached plans):

.....

Note to the applicant: this form, a copy of the application and plans must be signed by the affected person to be accepted as complete.

The Waitaki District Council considers that the following persons, organisations, property owners could be adversely affected by the granting of the Resource Consent:

.....

If written consent of any of the above persons is received, the Council shall not take account of any actual or potential effect of the activity on those persons (Section 95D(e)) Resource Management Act 1991).

If you, as a potentially affected person, approve of the application being considered without being notified in accordance with the Act, please sign the form below and a copy of the application/AEE and plans (if any).

I (Full name).....

of (address).....

have given my written approval to the consent being considered as a non-notified application.

Signed (owner)
 Signed (joint owner)
 Signed (occupier)
 Date

(if necessary, attach further comments on a separate page)

Neighbours' Consent Explanation

If you are approached to sign a neighbours' consent form, you need to understand the place that consent has in the processing of the application. If the Council decides you may be adversely affected by the proposal, on an adjoining or nearby site, then it is up to the applicant to obtain your written consent to the proposal. If you sign this form, then the Council *is unable to take account of any adverse (negative) effects the proposal may have on you and your property* when it makes a decision on whether to grant or refuse the application.

Identification as an affected neighbour

In deciding whether or not anyone is affected by a proposal, the Council has to consider what the District Plan was trying to achieve. A few examples that may help you understand the process are:

- If your neighbour proposes to build right up to your boundary instead of setting the building back by the amount required in the District Plan, then it is likely only your consent will be required and not other neighbours, as the rule seeks to reduce the visual dominance of the building on your outlook, to enable access to daylight and to provide for a degree of privacy.
- If your neighbour proposes to set up a business in their house, which will attract visitors to the site, then all the adjoining neighbours' consents may be required.
- If you live in the vicinity of a commercial area and a tavern proposes to operate beyond 11pm with a band playing every night, then neighbours' consents might be required from a wide area, possibly a whole block.

The range of neighbours' consents required depends very much on the issue involved and each application has to be considered independently as the circumstances of each application are unique. In most cases, the Council will require the consent of both the owner(s) and the occupier (eg tenants) of a property.

Supporting the approval of the application

You should also remember that you are quite entitled to change your mind after you have signed a neighbours' consent form. If you decide to withdraw your consent, you can do so but you must do this *before* the Council has considered the application otherwise the Council will assume you agree with the application. If you decide to withdraw your consent, you can telephone the planning department but you should also send in a brief letter recording the withdrawal of the consent. The withdrawal of the consent may mean the application has to be notified.

Opposing the application

If you do not support the approval of the proposal, you are quite within your rights not to sign the form. There is no compulsion to give your consent, nor is there a certain time frame in which you must decide whether to give a consent or not. If an applicant gives you a date to respond by, that is usually for their convenience and is not a Council deadline. If you need more time to consider it, then you should say so.

However, you should feel able to discuss with the applicant ways in which they can change their proposal to meet any concerns you may have. It is appropriate to negotiate with your neighbour about such matters when you are discussing things that can be done to reduce the impact of the proposal to you and your property. Two common ways of doing this are either to get the applicant to amend their plans before you sign them *or* to make your consent conditional upon some matter. Council will only accept conditional consents where the condition relates to a relevant Resource Management matter. Council planners are able to give advice on the types of conditions that can be included in conditional consents.

If you decide to withhold your consent and the applicant is not prepared to change the proposal to exclude the effects it has on you, it is likely that the application will have to be notified. This is a significantly more costly and time consuming process and this may be of concern to the applicant. Alternatively, the applicant may decide to withdraw the application.

The Council is aware that in some instances people have had difficult and ongoing disputes with their neighbours as a result of disagreements over neighbours' consents. This is unfortunate but in some situations, this may happen. The potential for such a dispute would hopefully be less where the discussions and negotiations are reasonably related to the effects of the proposal and not some unrelated matter.