

Planning Unit

Written Approval for deemed permitted boundary activity

Section 95E(3), Resource Management Act 1991 – Form 8B

For enquiries phone: (03) 347-2868 or email: planning.info@selwyn.govt.nz

1. Affected Person's Details

Full Name of Person(s):

I am/We are the owner(s) of the following property: *(Address of the property of the person signing this form)*

2. The Application Site *(Address or location of the proposed development or activity)*

3. The Proposal *(Description of the proposed development or activity, including the ways it does not comply with the District Plan)*

4. Written Approval

This is written approval for the proposed activity described above that is the subject of a deemed permitted boundary activity application.

I have read the description of the activity at the property listed above and seen and signed the site plans attached.

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 supplied the correct information, including all other written approvals required).

I understand that I may not withdraw my written approval.

Signature(s): *(of person(s) giving written approval (or person(s) authorised to sign on their behalf – a signature is not required if you give your written approval by electronic means (note that the plans do still need to be signed)).*

Signed: _____

Date: _____

Email address for service of person giving written approval:

Telephone:

Postal address *(or alternative method of service of hard copy documents):*

Contact person: *(Name and designation, if applicable)*

5. Notes to the person signing written approval

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 deemed permitted boundary activity process explained to you.

Conditional written approvals cannot be accepted, and written approvals cannot be withdrawn once provided.

There is no obligation to sign this form, and no reasons need to be given.

If you do not sign this form, resource consent may be required for the activity and you may have the opportunity to submit on the application.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

6. Privacy Information

All the relevant information on this form is required to be provided under the Resource Management Act 1991 for Selwyn District Council to process the application referred to. Under this Act this information can be made available to members of the public, including business organisations. The information produced may be made available to other departments of the Council. You have the right to access the personal information held about you by the Council which can be readily retrieved. You can also request that the Council correct any personal information it holds about you.

Information for persons giving written approval for a deemed permitted activity:

What is the District Plan?

The Selwyn District Plan is a document which guides the way the Selwyn District 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 a deemed permitted activity?

District plan rules control the position or size of a structure in relation to the boundaries of the site where it is located (or proposed to be located). Adverse effects from infringements to these rules are generally localised, and affect the property sharing the boundary where the rule is breached (that is, the neighbour).

Previously any infringement of a district plan rule required a resource consent, even if the only effects of that breach were on a neighbouring property who had given their written approval. The effects on these persons would then be disregarded when considering the application.

The RMA has been amended to require Council to treat boundary activities as permitted if written approval is given by the relevant neighbour(s), and certain information is supplied to the Council.

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 Ministry for the Environment has produced a more comprehensive pamphlet about the role of the 'affected persons' in the resource consent process, and this pamphlet is available at all Council Service Centres and Libraries or on the Ministry website: www.mfe.govt.nz

If you are asked to give your written approval to someone's proposal as part of their application for a deemed permitted activity, you should do the following:

1. Request that the applicant (or their representative) explain the proposal clearly and fully to you, including the ways it does not comply with the District Plan.
2. Study the application and associated plans of the proposed activity provided by them in order to understand the effects of the proposal. 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 this document 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.
5. If you consider that you will be adversely affected by the proposal and/or do not wish to sign the approval form, you will need to advise the applicant (or their representative). There is no obligation to sign this form, and no reasons need to be given.
6. **Written approvals for deemed permitted activities cannot be withdrawn once provided.**

Please note that if a property is owned by more than one person, all of the joint owners are considered to be 'affected persons'.

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 processed as a resource consent, and you will have a formal right to lodge a submission on that application. Alternatively, the applicant may proceed without the need for deemed permitted approval or 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 deemed permitted approval or resource consent but the Council no longer considers that the proposal will affect you.

Please note that 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 deemed permitted approval 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 and the deemed permitted activity process is available from the Council upon request.