

Affected Persons Approvals



WHAT IS AN AFFECTED PERSONS APPROVAL

An Affected Person Approval is a written statement by a person that they do not have any concerns with a proposed activity. By signing an approval form that person confirms that they have seen and also signed:

- The consent application form, and
- A copy of any site plans, and
- Relevant details of the Assessment of Environmental Effects.

A person accepts, by signing an approval, that Council is unable to consider any effects from the proposal on them. This also means that the person cannot object to any effect of the activity.

The Ministry for the Environment provides a useful guidance document, “Your Rights as an Affected Person”, which is available from the Quality Planning website (<http://www.qualityplanning.org.nz>). This site also provides information about Council planning processes.

RESTRICTIONS ON AFFECTED PERSONS APPROVALS

All Affected Person Approvals must:

- Be signed by each person listed as either:
 - An owner, or
 - An occupier, or
 - A person with authority to sign on behalf of other listed owners or occupiers, and
- Not contain any conditions of approval.

If an affected person has any concerns, these must be dealt with by the applicant before the consent application is given to Council.

WITHDRAWAL OF AFFECTED PERSONS APPROVAL

Any person may take back their written approval at any time before a decision is made on a consent application. The application is then notified and any effects on them can be taken into account. The consent may still be granted, but conditions of the consent may vary as a result.

WHAT IS AN EFFECT?

An effect is any impact which an activity has or might have on people or the environment. Effects can be less than minor, minor or more than minor.

An effect which is more than minor cannot include any effect on a person:

- Who has signed an Affected Person Approval, or
- On the same property as where the activity is to be, or
- On adjacent land, which can include land in the same area as the property where the activity is to be.

The effects of a proposal must go beyond the surrounding area for those effects to be more than minor. When effects are more than minor then the proposal must be publicly notified.

NON-NOTIFICATION

If an applicant is able to:

- Provide written approvals from all persons who are possibly affected, and
- The effects of the proposal are no more than minor, and
- There are no special circumstances requiring public notification,

then an application can be processed on a non-notified basis.

This results in a large reduction in both time and costs for processing the application. The consent decision is made by Council staff.

LIMITED NOTIFICATION

If the applicant is not able to provide all of the written approvals, but there are no special circumstances requiring public notification and the effects are minor, then the application may be processed on a limited service notification basis.

Any affected persons who did not provide written approvals can make submissions.

PUBLIC NOTIFICATION

If the effects are more than minor (beyond the surrounding area) then the application must be publicly notified. This involves public advertisements, a public notice at the proposed site and direct notification to any known affected persons or interest groups.

HEARINGS

Any process involving notification takes three to four months to complete, compared with two to three weeks for a non-notified application.

Submissions may be made for up to a month after notification. Pre-hearing meetings will usually be arranged to try to settle concerns without needing to formally hear the application. Pre-hearing meetings are informal but the applicant and submitters must attend. The meetings are usually chaired by Council staff. Where agreement is able to be reached, the application may be amended and the submissions are withdrawn. The consent decision is then made by Council staff.

When that agreement cannot be reached than a formal Consent Hearing is held. These are formal hearings before a Hearings Commissioner. Council has no input except to provide a specialist planning report which is sent before the hearing to everyone involved. In the Stratford District the consent decision on a notified application is made by the independent Hearings Commissioner.

Any appeal against all or a part of any decision must be lodged directly with the Environment Court.