

Written Approval for Deemed Permitted Boundary Activity

Section 87BA, Resource Management Act 1991



MARLBOROUGH DISTRICT COUNCIL

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Application Number

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Application Details [To be completed by the applicant(s)]

Applicant's Name:
[Full Legal Name]

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Description of activity(s) applied for:

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Site location details:
[Street Address]

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[Legal Description]

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Name(s) of Person Giving Written Approval

Please note if the applicant is an unincorporated trust then each of the Trustees details as trustees should be supplied. If the applicant is an incorporated trust, society or company then the name and contact details of the entity should be provided together with the name of the person authorised to make the application. There are other ownership structures (for example Maori owned land), if you are unsure who is the legal owner of the land please review the Certificate of Title which may be obtained from Land Information New Zealand.

I am/we are the owner(s) of the following property:
[Street Address and Legal Description, e.g. Lot and DP number, Certificate of Title number, etc]

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Full Name(s) of all owner(s) of the property:

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Contact details:

Electronic address for service:

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Postal address:

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Phone: [Daytime]

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Phone: [Mobile]

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Authorised Person

Person authorised to sign on behalf if there are multiple owners or the property is owned by a Trust, company, etc. Please complete as authorised person:

Full Name of
authorised person:

I have authority to sign on behalf of all the other owners of the property.

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

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

In signing this written approval, I confirm that I understand the proposal and understand that the consent authority 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.

Note to 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.

Signed:
*[authorised person/
owner of the property]* _____

Date: _____

Boundary activities approved by neighbours on infringed boundaries are permitted activities

- (1) A boundary activity is a permitted activity if—
 - (a) the person proposing to undertake the activity provides to the consent authority—
 - (i) a description of the activity; and
 - (ii) a plan (drawn to scale) of the site at which the activity is to occur, showing the height, shape and location on the site of the proposed activity; and
 - (iii) the full name and address of each owner of the site; and
 - (iv) the full name and address of each owner of an allotment with an infringed boundary; and
 - (b) each owner of an allotment with an infringed boundary—
 - (i) gives written approval for the activity; and
 - (ii) signs the plan referred to in paragraph (a)(ii); and
 - (c) the consent authority notifies the person proposing to undertake the activity that the activity is a permitted activity.
- (2) If a person proposing to undertake an activity provides information to a consent authority under this section, the consent authority must—
 - (a) if subsection (1)(a) and (b) are satisfied, give a notice under subsection (1)(c); or
 - (b) if subsection (1)(a) and (b) are not satisfied, notify the person of that fact and return the information to the person.
- (3) The consent authority must take the appropriate action under subsection (2) within 10 working days after the date on which it receives the information it needs to make a decision under subsection (2)(a) or (b)
- (4) A notice given under this section must be in writing.
- (5) If a person has submitted an application for a resource consent for a boundary activity that is a permitted activity under this section, the application need not be further processed, considered or decided and must be returned to the applicant.
- (6) A notice given under subsection (1)(c) lapses 5 years after the date of the notice unless the activity permitted by the notice is given effect to.

Meaning of boundary activity and related terms

- (1) An activity is a **boundary activity** if—
 - (a) the activity requires a resource consent because of the application of 1 or more boundary rules, but no other district rules, to the activity; and
 - (b) no infringed boundary is a public boundary.
- (2) In this section—

boundary rule means a district rule, or part of a district rule, to the extent that it relates to—

- (a) the distance between a structure and 1 or more boundaries of an allotment; or
- (b) the dimensions of a structure in relation to its distance from 1 or more boundaries of an allotment.

infringed boundary, in relation to a boundary activity—

- (a) means a boundary to which an infringed boundary rule applies;
- (b) if there is an infringement to a boundary rule when measured from the corner point of an allotment (regardless of where the infringement is to be measured from under the district plan), means every allotment boundary that intersects with the point of that corner;
- (c) if there is an infringement to a boundary rule that relates to a boundary that forms part of a private way, means the allotment boundary that is on the opposite side of the private way (regardless of where the infringement is to be measured from under the district plan).

public boundary means a boundary between an allotment and any road, river, lake, coast, esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown.

Owner—

- (a) in relation to any land, means the person who is for the time being entitled to the rack rent of the land or who would be so entitled if the land were let to a tenant at a rack rent; and includes—
 - (i) the owner of the fee simple of the land; and
 - (ii) any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, while the agreement remains in force; and
- (b) in relation to any ship or offshore installation or oil transfer site, has the same meaning as in section 222(2) of the Maritime Transport Act 1994.