

Deemed Permitted Boundary Activity Application

For Office Use

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Lodgement Fee Paid \$ _____

Receipt No. _____

Notice No. _____

Case Officer _____

Date Received: _____

This application is made under Section 87BA of the Resource Management Act 1991

Please read and complete this form thoroughly and provide all details relevant to your proposal. Feel free to discuss any aspect of your proposal, the words used in this form or the application process with Council staff, who are here to help.

1. Applicant Details *(If a trust, list full names of all trustees.)*

Full Name: _____

Company/
Trust Number: _____
(if applicable)

Electronic Address
for Service: _____

Mailing Address: _____
(Including post code)

Phone: _____ Mobile: _____

2. Agent Details

(If your agent is dealing with the application, all communication regarding the application will be sent to the agent.)

Name: _____

Electronic Address
for Service: _____

Mailing Address: _____
(Including post code)

Phone: _____ Mobile: _____

Information required for a deemed permitted boundary activity under Section 87BA of the Resource Management Act 1991.

3. Description of the Boundary Activity

(Insert sufficient detail for Council to be satisfied that the activity is a permitted boundary)

4. Plan and elevations of activity attached?

Yes No

*[Attach 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.]*

5. Property Details

The location to which the application relates is (*address*):

Legal description (*ie, Lot 1 DP 1234*):

Please attach a copy of the Certificate of Title that is less than 3 months old.

The full name and address of each owner of the site:

6. Infringed Boundary Details

The full names and addresses of each owner of an allotment with an infringed boundary to which the proposed activity relates:

7. Written Approval

I attach written approval (and a signed copy of the plan attached in answer to point 6 of this application) from each owner of an allotment with an infringed boundary.

Yes No

8. Fees

1. A one-off processing fee is to be paid at the time of submitting this application. If payment is made into Council's bank account 02-0600-0202861-02, please use the Applicant Name and either Property Number or Boundary Activity as a reference. If you require a GST receipt for a bank payment, please tick

9. Declaration

I (*please print name*) _____
confirm that the information provided in this application and the attachments to it are accurate.

Signature of applicant or authorised agent:

_____ Date: _____

Note to Applicant

You must include all information required by this form. If all information is not included, the consent authority will return this to you and the correct information must be supplied before a written notice permitting your activity can be provided.

In order to be eligible for a deemed permitted boundary activity, the activity must meet the definition of boundary activity under Section 87AAB(1) of the Act.

You must provide written approval from all owners of allotments with infringed boundaries under Section 87BA(1) of the Act.

If all of the information required under Section 87BA(1) of the Act is provided to the consent authority, the consent authority must notify you of its decision within 10 working days after the date on which it received the information. You must pay the charge (if any) payable to the consent authority for the deemed permitted boundary activity under the Act.

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

Privacy Information

The information you have provided on this form is required so that your application can be processed and so that statistics can be collected by Council. The information will be stored on a public register and held by Council.

Details may be made available to the public about consents that have been applied for and issued by Council. If you would like access to or make corrections to your details, please contact Council.

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.