

# Application for deemed permitted boundary activity

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

**Please read and complete this form carefully, providing 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. Phone 03 543 8400 and ask to make an appointment with the Duty Planner. Attached at the rear of this form is a list of information requirements. You must include all this information for your application to be accepted. A fee of \$300 in accordance with the Tasman District Council's schedule of charges is required to be paid with the application. This application will be checked before formal acceptance.

## FOR OFFICE USE ONLY

Fee Paid  \$ \_\_\_\_\_

Receipt No. \_\_\_\_\_

Notice No. \_\_\_\_\_

## 1. Applicant details

(If the site is owned by more than one person, an Unincorporated Trust or a Partnership, then all the owners, trustees or partners must be identified.)

Name: \_\_\_\_\_  
(organisation/individual)

Email address: \_\_\_\_\_

Postal Address: \_\_\_\_\_  
\_\_\_\_\_

Phone (daytime): \_\_\_\_\_

## 2. Name and address for service

(if different from left, or if your agent is dealing with the application)

Name: \_\_\_\_\_  
(organisation/individual)

Email address: \_\_\_\_\_

Postal Address (optional): \_\_\_\_\_  
\_\_\_\_\_

Phone (daytime): \_\_\_\_\_

## 3. Property details

The address or location to which the application relates is: \_\_\_\_\_

Name of owner/s: \_\_\_\_\_

Email address: \_\_\_\_\_

Postal Address (optional): \_\_\_\_\_

Phone (daytime): \_\_\_\_\_ Phone (mobile): \_\_\_\_\_

*Feel free to contact us:*



Tasman District Council  
Email [info@tasman.govt.nz](mailto:info@tasman.govt.nz)  
Website [www.tasman.govt.nz](http://www.tasman.govt.nz)  
24 hour assistance

**Richmond**  
189 Queen Street  
Private Bag 4  
Richmond 7050  
New Zealand  
Phone 03 543 8400  
Fax 03 543 9524

**Murchison**  
92 Fairfax Street  
Murchison 7007  
New Zealand  
Phone 03 523 1013  
Fax 03 523 1012

**Motueka**  
7 Hickmott Place  
PO Box 123  
Motueka 7143  
New Zealand  
Phone 03 528 2022  
Fax 03 528 9751

**Takaka**  
78 Commercial Street  
PO Box 74  
Takaka 7142  
New Zealand  
Phone 03 525 0020  
Fax 03 525 9972

## 4. Full description of the activity

Describe what is to be carried out on the site for example: "To construct a dwelling X metres from the boundary with 1 Smith Street, or to build a garage that does not meet daylighting requirements along the boundary with 2 Smith Street".

---

---

---

---

## 5. Plan

Attach plan(s) for your proposal showing the height, shape and location of the proposed activity on the site. This must include a location plan, site plan and elevation drawings. Your plan(s) must:

- have a North point
- be scaleable when reduced in size
- be clear
- be drawn to scale and scale stated
- show setbacks from boundary in metres
- show dimensions including building height
- show the daylight angle in accordance with the relevant TRMP rule

## 6. Written approval required from person or parties of infringed boundaries.

You must identify any persons or parties of an allotment with an infringed boundary. Please list the full name and address of each owner of an allotment, in the space provided below. Written Approval of Affected Person form/s (see attached) and any relevant plans have been signed by the following people:

(1)	<input type="checkbox"/> Form attached
(2)	<input type="checkbox"/> Form attached
(3)	<input type="checkbox"/> Form attached
(4)	<input type="checkbox"/> Form attached

## 7. Declaration

I (please print name) hereby acknowledge:

- The requirement to provide details of the activity and information required for a deemed permitted boundary activity by the Resource Management Act Section 87BA.
- That the fee is paid prior to processing the application.
- That the information provided in this application and the attachments to it are to the best of my knowledge accurate.

Signature of applicant or authorised agent:

Date:

---

Feel free to contact us:



Tasman District Council  
Email [info@tasman.govt.nz](mailto:info@tasman.govt.nz)  
Website [www.tasman.govt.nz](http://www.tasman.govt.nz)  
24 hour assistance

Richmond  
189 Queen Street  
Private Bag 4  
Richmond 7050  
New Zealand  
Phone 03 543 8400  
Fax 03 543 9524

Murchison  
92 Fairfax Street  
Murchison 7007  
New Zealand  
Phone 03 523 1013  
Fax 03 523 1012

Motueka  
7 Hickmott Place  
PO Box 123  
Motueka 7143  
New Zealand  
Phone 03 528 2022  
Fax 03 528 9751

Takaka  
78 Commercial Street  
PO Box 74  
Takaka 7142  
New Zealand  
Phone 03 525 0020  
Fax 03 525 9972

## Checklist of information that must be submitted with this application

Tick to show you have included all the required information.

For office  
use only

- |                          |   |                          |
|--------------------------|---|--------------------------|
| <input type="checkbox"/> | The necessary fee of \$300 (processing of your application can not begin until the fee is paid)   | <input type="checkbox"/> |
| <input type="checkbox"/> | A full description of the activity (see Section 4)  | <input type="checkbox"/> |
| <input type="checkbox"/> | Plan(s) (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 (see Section 5) | <input type="checkbox"/> |
| <input type="checkbox"/> | The full names and address of each owner of an allotment with an infringed boundary to which the proposed activity relates (see Section 6)                          | <input type="checkbox"/> |
| <input type="checkbox"/> | Signed written approval forms (with an initialled copy of the site plan and any other relevant plan)  | <input type="checkbox"/> |

### Information box – brief guide to deemed permitted boundary activity

For more information see the Ministry for the Environment website at [www.mfe.govt.nz](http://www.mfe.govt.nz)

#### WHAT is a Deemed Permitted Boundary Activity?

To be a deemed permitted boundary activity, a proposed activity must meet the following criteria:

- The proposal must require resource consent due to the infringement of one or more boundary rules in a district plan;
- The proposal must not infringe any other district plan rules;
- The infringement must not relate to public boundaries;
- The owners of all allotments with an infringed boundary have given written approval to the proposal, including signing the site plans.

#### WHAT is a boundary rule?

This means a district rule which refers to the distance between a structure\* and one or more boundaries of an allotment\* or the dimensions of a structure in relation to its distance from one or more boundaries of an allotment. For example, a yard setback, daylight angle, or building length in relation to boundary. A maximum height rule breach is not considered a 'boundary rule'.

\*Both structure and allotment are terms defined in section 2 of the RMA.

#### WHAT is a public boundary?

This 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.

#### WHAT is an infringed boundary and who is written approval required from?

'Infringed boundary' is defined within Section 87AAB of the RMA and means a boundary to which an infringed boundary rule applies.

To avoid having the application returned, please provide all neighbours written approvals with infringed boundaries within the application to Council. Please ensure that a written approval form and a copy of the signed plans are included.

Feel free to contact us:



Tasman District Council  
Email [info@tasman.govt.nz](mailto:info@tasman.govt.nz)  
Website [www.tasman.govt.nz](http://www.tasman.govt.nz)  
24 hour assistance

Richmond  
189 Queen Street  
Private Bag 4  
Richmond 7050  
New Zealand  
Phone 03 543 8400  
Fax 03 543 9524

Murchison  
92 Fairfax Street  
Murchison 7007  
New Zealand  
Phone 03 523 1013  
Fax 03 523 1012

Motueka  
7 Hickmott Place  
PO Box 123  
Motueka 7143  
New Zealand  
Phone 03 528 2022  
Fax 03 528 9751

Takaka  
78 Commercial Street  
PO Box 74  
Takaka 7142  
New Zealand  
Phone 03 525 0020  
Fax 03 525 9972

# Written approval of an affected person for deemed permitted boundary activities

Resource Management Act 1991

Applicant's details to be completed by the applicant

Applicant(s) Name:

---

---

Address and legal description of property to which the application relates:

---

---

---

---

Full description\* of the proposed activity:

---

---

---

---

---

---

---

---

\*IMPORTANT NOTE TO APPLICANTS: It is very important that a full and accurate description of the activity is stated. If this description does not cover all aspects of the proposal, the Council may require you to amend this form and re-obtain all the approvals. Please also ensure that a copy of any plans accompanying the application is signed by all persons who sign this form. Please seek advice from a Council Consent Planner if you are unsure whether this part of the form has been filled in correctly.

## Affected persons details to be completed by the person giving approval

### PLEASE READ THIS IMPORTANT NOTE BEFORE YOU COMPLETE AND SIGN THIS FORM

You should only sign this form if you support or have no opposition to the granting of the boundary activity referred to above. If you do not understand any part of this process, please contact a Consent Planner at the Tasman District Council, as signing this form will prevent Council from having regard to any effects of the activity on you or your property.

PLEASE NOTE When signing written approval for a deemed permitted boundary activity, there is no ability provided in the process for you to withdraw your written approval once given.

## Please complete either Question 1 or Question 2 (if you are signing this form on behalf of another person)

1. I am an owner of the property situated at;

---

---

*(insert physical address or legal description)*

(Note: Owner includes all trustees of any trust owning a property and all members of any Body Corporate authorised to manage a property. It will include all members of any partnership or syndicate owning the property. It will also include any person(s) or entity that has entered into an agreement to purchase or lease the property.)

AND

Please list the full names and contact details of ALL other registered owners:

---

---

---

2. I have authority to sign this form on behalf of another person(s):

- (i) please list the full name(s) of any person(s) you are signing on behalf of; and
- (ii) provide signed written proof from each person you are signing on behalf of that you have authority to sign this form on their behalf.

*(Note: If you are signing as a person's attorney, a copy of the Power of Attorney signed by that person must be provided.)*

---

---

---

## Written approval

### Declaration

I have read and understood the information provided with this form. (Be sure that you have read the notes on the back page of this form).

I have been given details of the full and final proposal, including a copy of the deemed permitted boundary activity form and the plan(s) accompanying the application.

I give my approval to the proposal as outlined in the deemed permitted boundary activity application and the plan(s).

I have signed a copy of any accompanying plans as shown to me by the Applicant for that purpose.

I understand the Council will not take into account any effects the proposed activity may have on me or my property when considering the application and that I cannot withdraw my approval.

Signature:

Date:

---

---

Print Full Name:

Daytime phone number:

---

---

Signature:

Date:

---

---

Print Full Name:

Daytime phone number:

---

---

# Written approval of person(s) affected by an application for a deemed permitted boundary activity under the Resource Management Act 1991

## What is a Deemed Permitted Boundary Activity?

A deemed permitted boundary activity requires consent due to the infringement of one or more boundary rules in a district plan. To be a boundary activity it must not infringe any other district plan rules. A boundary rule means a district rule which refers to the distance between a structure and one or more boundaries of an allotment or the dimensions of a structure in relation to its distance from one or more boundaries of an allotment. For example, a yard setback, daylight angle, or building length in relation to boundary. A maximum height rule breach is not considered a 'boundary rule'.

## What is an infringed boundary and who is written approval required from?

'Infringed boundary' is defined within Section 87AAB of the RMA and means a boundary to which an infringed boundary rule applies.

All neighbours written approvals with infringed boundaries are required to be submitted with a deemed permitted boundary activity application to Council.

## Why is your written approval being sought by the applicant?

If an application for a deemed permitted boundary activity, the Resource Management Act 1991 requires that the applicant must obtain written approval from every person of an infringed boundary. It is the responsibility of the applicant to consult with persons identified having an infringed boundary. This gives you the opportunity to consider the proposed activity and decide for yourself whether you are adversely affected and/or the degree to which you may be adversely affected.

## What should you do if you are asked to sign this form?

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

1. Request that the applicant (or their representative) explain the proposal clearly and fully to you.
2. Study the application and associated plans (if any) provided by them in order to understand the effects of the proposed activity. If there are no plans available at this stage, you may wish to wait until they are available. Ask for time to consider the documents if you think you need it.
3. Decide whether the proposed activity 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 proposed activity that you consider would reduce the effects on you. If the proposal is amended by the applicant, then you should only sign 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 and a copy of the application and plans that will accompany the application. You should then return the completed and signed form (and application and plans) to the applicant (or their representative). If you are willing to give your approval subject to some other condition being met, this will need to be the subject of a separate side agreement between yourself and the applicant. The Council will not accept "conditional approvals". Please note that you cannot withdraw your approval once given as part of this process.
5. If you consider that you will be adversely affected by the proposal and do not wish to sign the approval form, you will need to advise the applicant (or their representative).

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

## Important information

If you do not give your approval and you are considered by the Council to have an infringed boundary, then the application must be processed as a resource consent application. You will have a formal right to lodge a submission objecting to the application. Alternatively, the applicant may proceed without the need for a deemed permitted boundary activity if they amend their proposal so that it complies with the relevant permitted activity specified in the Plan, or if they amend their proposal so that it still needs approval but the Council no longer considers that the proposal will have an infringed boundary to you. Please note that the final decision on what is an infringed boundary or whether the application requires notification under a resource consent application is made by senior Council Officers with delegated authority to make these decisions. However, if you give your approval to the application, the Council is not able to have regard to any actual or potential effects the proposed activity may have on you. If a deemed permitted 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.

**If you have any queries regarding the boundary activity process or the role and rights of adversely affected person(s), please contact a Consent Planner at Tasman District Council, or seek advice from private planning consultants or legal advisers.**

Feel free to contact us:



Tasman District Council  
Email [info@tasman.govt.nz](mailto:info@tasman.govt.nz)  
Website [www.tasman.govt.nz](http://www.tasman.govt.nz)  
24 hour assistance

Richmond  
189 Queen Street  
Private Bag 4  
Richmond 7050  
New Zealand  
Phone 03 543 8400  
Fax 03 543 9524

Murchison  
92 Fairfax Street  
Murchison 7007  
New Zealand  
Phone 03 523 1013  
Fax 03 523 1012

Motueka  
7 Hickmott Place  
PO Box 123  
Motueka 7143  
New Zealand  
Phone 03 528 2022  
Fax 03 528 9751

Takaka  
78 Commercial Street  
PO Box 74  
Takaka 7142  
New Zealand  
Phone 03 525 0020  
Fax 03 525 9972