

# REQUEST FOR DEEMED PERMITTED BOUNDARY ACTIVITY

Under Section 87BA of the Resource Management Act 1991



Kāpiti Coast District Council  
175 Rimu Road, Paraparaumu 5032  
Private Bag 60601, Paraparaumu 5254  
Email: resource.consent@kapiticoast.govt.nz

Request No.: \_\_\_\_\_

**For enquiries:**  
Phone 04 296 4700 or toll free 0800 486 486 and ask for the Duty Planner  
Email: resource.consent@kapiticoast.govt.nz

This request/checklist shows you the information that has to be supplied with your request for a Deemed Permitted Boundary activity. Please attach the original copy of the following information with your completed Request for Deemed Permitted Boundary Activity form.

Please tick each relevant box in the Customer Use column as you attach the information.

**Once you have attached all the required information, please check for completeness. An incomplete request or lack of any supporting information will mean that your request is unlikely to be accepted for processing and will be returned under s87BA(2)(b) as Council has no ability to place the request on hold to ask for further information.**

## PART 1 – DESCRIPTION OF PROPOSAL

What boundary rules are being infringed?

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## PART 2 – DETAILS OF THE APPLICANT(S)

I/We request a written notice be issued in regards to the land use activity and boundary rule infringement(s) described above. I/We note that any application for regional consent(s) must be made to the Regional Council.

Applicant's name: <i>(please write all names in full):</i>	
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Electronic address for service:
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Contact details:	Landline:	Mobile:
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Alternative address for service:
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## DETAILS OF AGENT ACTING FOR APPLICANT (if different from above)

Agent's name:
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Electronic address for service:
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Contact details:	Landline:	Mobile:
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Alternative address for service:
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**DETAILS FOR BILLING (if different from Applicant)**

Name:		
Electronic address for service:		
Contact details:	Landline:	Mobile:
Email:		

**PART 3 – SITE INFORMATION**

The physical site to which this request relates is described as:		
Number:	Street:	Town:
Legal description:		

***Please refer to attached information requirement checklist.***

*If you are unsure about any information requirements, please contact the Council Duty Planner or your independent Planning Advisor before you submit this request. This will help to reduce potential delays in processing.*

**Application Fee (Deposit)**

I/We enclose the fee of \$ \_\_\_\_\_ (as required under Section 36 of the Resource Management Act 1991)

**Privacy Information**

The information you have provided on this form is required so that your application can be processed under the Resource Management Act 1991, and so that statistics can be collected by the Council. The information will be stored on a public register, and held by the Council.

The details may also be made available to the public on the Council's website: [www.kapiticoast.govt.nz](http://www.kapiticoast.govt.nz). These details are collected to inform the general public and community groups about all requests which have been received and issued through the Council. If you would like to request access to, or correction of, your details, please contact the Council on 04 296 4700 or toll free on 0800 486 486 and ask for the Duty Planner.

Once this request is lodged with Council, it becomes public information. If there is any sensitive information in the proposal, you may request that it is withheld and the Processing Officer will contact you regarding this matter.

**Signature(s)**

I/We hereby certify that, to the best of my/our knowledge and belief, the information given in this request is true and correct. I/We undertake to pay all actual and reasonable request costs incurred by the Kāpiti Coast District Council.

Signature of applicant/agent:

Name: (Please Print)

Date:

Customer Use	Checklist	For Office Use Only
✓	<b>GENERAL</b> <b>Complete this section for all applications</b>	
<input type="checkbox"/>	a <b>Record of Title (one copy)</b> A current copy (less than three months old) and any associated easement documents or consent notices.	<input type="checkbox"/>
<input type="checkbox"/>	b <b>Record of Title for the properties where written approval has been provided (one copy)</b> A current copy (less than three months old) to demonstrate the people providing their written approval have the authority to do so. If the signature is on behalf of a trust or a business, supporting documentation demonstrating the person signing has authority to do so will also need to be provided.	<input type="checkbox"/>
<input type="checkbox"/>	c <b>'Infringed boundary' neighbours written approval and signing of applicants plans.</b> <ol style="list-style-type: none"> <li>1. Are the approvals from the correct owners (all registered landowners) of each of the allotments with an infringed boundary?</li> <li>2. Has the written approval form been signed and dated (unless being submitted electronically, in which case no signature is required)?</li> <li>3. Have the plan(s) been signed by all owners with infringed boundaries?</li> <li>4. Are the approvals unconditional?</li> <li>5. If the proposal has been amended, written approval may be required and signatures included for amended plans.</li> </ol> <p>Note: Written approvals cannot be withdrawn.</p>	<input type="checkbox"/>
<input type="checkbox"/>	d <b>A full set of A3 plans, drawn to scale, detailing the proposed boundary activity, that also:</b> <ul style="list-style-type: none"> <li>• Demonstration of compliance with all other relevant District Plan permitted activity standards (this is standard detail shown on plans for building consents).</li> <li>• Demonstrate compliance with any relevant Consent Notice conditions.</li> </ul>	<input type="checkbox"/>
<input type="checkbox"/>	e <b>Payment of appropriate fee</b> - as per section 36 of the Resource Management Act 1991 and Council's fee schedule. Please note that under Section 88H of the Resource Management Act 1991, the consent authority may exclude time periods relating to non-payment of administrative charges starting from the time the payment is due until the date that payment is made.	<input type="checkbox"/>

**For Office Use Only:**

**Planning Officer:** Application Accepted? Yes  / No

Comments:

Written notice/refusal letter sent? Yes  / No

Name:

Date:

Signature:

(under delegated authority)

**BOUNDARY ACTIVITIES:**

The Resource Management Act 1991 (RMA) includes a consent exemption process for activities that would be permitted if they did not breach a boundary rule. The Act provides for a different permission process for 'boundary activities' where the written approval has been provided by neighbours with the infringed boundary.

Under the RMA a consent authority may deem certain proposed activities to be permitted, where an application meets the criteria under sections 87AAB and 87BA. These activities are exempted from a mandatory resource consent process, although District Plan rules are infringed.

Where a rule is breached in relation to a private boundary, such as a setback or height in relation to boundary, an Applicant can apply to Council for a written notice. When a written notice is issued, no resource consent is required. A request form for the non-compliances with the District Plan along with the written approval from all owners of the affected boundary and plans detailing the encroachment must be supplied.

A deemed permitted boundary activity cannot be requested when the non-compliance is along a public boundary, such as a road or reserve. Council does not have to undertake an effects assessment and if all the information is supplied (there is no ability to ask for further information), must issue a written notice deeming the activity to be permitted within 10 working days.

Boundary activity rules can relate, but are not limited, to:

- yard setbacks
- height in relation to boundary
- fence height standards
- retaining wall height
- water tank location

Council must keep records of requests and the written notice lapses within five years unless given effect to prior.

If the proposed structure is changed after a written notice has been issued, a further application for a boundary activity, or resource consent may be required.