



# **MACKENZIE DISTRICT COUNCIL**

## **APPLICATION FOR BOUNDARY ACTIVITY UNDER SECTION 87BA & 87BB OF THE RESOURCE MANAGEMENT ACT 1991**

**PLEASE READ CAREFULLY BEFORE SUBMITTING AN APPLICATION**

### **RESOURCE MANAGEMENT ACT LEGISLATIVE AMENDMENTS 2017**

Before the Resource Management Act (the Act) Legislative Amendments 2017, every activity breaching a rule in a district plan or a National Environmental Standard required resource consent. This was regardless of the extent of the rule breach, level of effect associated with the breach, or if people potentially affected by the activity had provided written approval.

Once the requirement for resource consent was triggered, the Act set out how the application was to be prepared and assessed. For some consents, the requirements were disproportionate to the level of effects and were costly in terms of time, preparation and processing charges.

The 2017 amendments to the Act allowed a new streamlined process for 'boundary activities'. This process is mandatory and must be applied when the definitions of sections 87AAb and 87BA of the Act are met.

Boundary activity exemptions and resource consents have the same function, in allowing an environmental effect that is otherwise not permitted in a District Plan. However, applying for a boundary activity exemption is generally much easier than applying for a resource consent.

Boundary activities are the construction or alteration of structures, where the relationship of the structure with the property boundaries triggers the need for district land use consent. To be deemed permitted, all neighbours with 'infringed boundaries' must provide written approval of the activity.

These changes took effect on 18 October 2017.

## DEFINITIONS AND KEY POINTS

**Boundary Activity** is an activity that requires a resource consent because of the application of one or more boundary rules, but no other district rules, to the activity; and no infringed boundary is a public boundary.

**Boundary Rule** means a district rule, or part of a district rule, to the extent that it relates 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.

**Infringed Boundary** means a boundary to which an infringed boundary rule applies; and/or 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; and/or 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.

To qualify 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 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**.

## PROCESSING OF BOUNDARY ACTIVITY APPLICATION

The Boundary Activity Application takes 10 working days (from date of receipt) to process if the information is received through an application for a deemed permitted boundary activity.

If the applicant has not provided the appropriate information for the Mackenzie District Council to be satisfied the proposal is a boundary activity, the Council will notify the applicant and return the application (under Section 87Ba(2)(b) of the Act).

Council cannot suspend the processing of the Deemed Permitted Boundary Activity Application in order to seek further information or written approvals, as the intention is to allow time and cost savings for both Council and applicants.



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