

For more information see the Ministry for the Environment website at www.mfe.govt.

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'.

Note: 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 the Council. Please ensure that an Affected Persons Approval for Deemed Permitted Boundary Activity form and a copy of the signed plans are included.

CHECKLIST: DEEMED PERMITTED BOUNDARY ACTIVITY

Please complete all sections. Some examples are provided in brackets to help you answer the questions. If you require assistance in completing the application, please feel free to give us a call on (03) 788 9603 or email us at planning@bdc.govt.nz.

- Have you completed and signed the Application form?
- Have you provided a full description of the activity?
- Have you completed the 'Declaration to Accompany Application for Resource Consent' in regard to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)?
- Have you included a site plan? The plan(s) are to be 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.
- Have you provided the full names and address of each owner of an allotment with an infringed boundary to which the proposed activity relates.
- Have you included the required deposit?
Please refer to Council's fees and charges: <https://bullerdc.govt.nz/your-council/fees-and-charges/>
Note that this is a deposit only and Council operates on a full cost recovery system. Therefore if the cost of processing the consent is more than the deposit, you will be charged the additional amount.
- Have you included a copy of the Record of Title (RT). The RT must not be older than 3 months), or
- Do you wish Council to search a copy for you (for a cost of \$40.00 per RT)?
- Have you attached any completed and signed Affected Persons Approval forms AND a copy of the site plan and any other relevant plan signed by the affected person/s.

Affected Persons Approval for Deemed Permitted Boundary Activity forms and information can be found on our website:

<https://bullerdc.govt.nz/property-rates-and-building/planning-and-resource-consent/planning-application-forms/>

Advice Note: Please attach separate sheet(s) if required

APPLICATION FOR: DEEMED PERMITTED BOUNDARY ACTIVITY

Form 9A Resource Management (Forms, Fees and Procedure) Regulations 2003
Section 87BA, Resource Management Act 1991

APPLICANT DETAILS

1. Applicant(s) name(s): (please write all names in full)

2. Postal Address:

3. Applicant is the owner/occupier prospective owner (please tick the appropriate box)

Property owner's name: (if different from above)

Telephone: Business: _____ Facsimile: _____

Private: _____

Email: _____

4. Correspondence to be sent to the following name and address: (if different from applicant)

Telephone: Business: _____ Facsimile: _____

Private: _____

Email: _____

PROPERTY DETAILS

5. Full legal address of the property where the boundary activity is to occur:

6. Valuation Roll Number: (from rates or valuation)

RECORD OF TITLE DETAILS

7. Record of Title Reference: _____

8. Legal Description: _____

DETAILS OF PROPOSAL

9. Provide a detailed description of what is proposed: *(Describe what is to be carried out on the site – for example “To construct a dwelling X metres from the boundary with 1 White Street”, or “to build a garage that does not meet daylight requirements along the boundary with 3 White Street”)*

PLANS

10. 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 drawn to scale and scale stated
- Be clear
- Show setbacks from boundary in metres
- Show dimensions, including building height
- Show the daylight angle in accordance with the relevant rule

WRITTEN APPROVAL REQUIRED FROM PERSON OR PARTIES WHOSE BOUNDARIES WILL BE INFRINGED

11. 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. A Written Approval of Affected Person form/s and any relevant plans have been signed by the following people:

Name: _____

Address: _____

Written approval and signed plan/s attached

Name: _____

Address: _____

Written approval and signed plan/s attached

Name: _____

Address: _____

Written approval and signed plan/s attached

SIGNATURE AND DATE

Dated at _____ this _____ day of _____ 20_____

Signature
(to be signed by or on behalf of applicant)

Name of person signing

The personal information that you provide in this form will be held and protected by Buller District Council in accordance with our privacy policy (available at bullerdc.govt.nz/privacy and at council libraries and service centres) and with the Privacy Act 2020. Council's privacy policy explains how we may use and share your personal information in relation to any interaction you have with the council, and how you can access and correct that information. We recommend you familiarise yourself with this policy.

NES DECLARATION TO ACCOMPANY APPLICATION FOR RESOURCE CONSENT

This Declaration MUST be completed, signed and submitted with your application

The **National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)** applies to particular activities on a piece of land where an activity or industry described in the current edition of the *Hazardous Activities and Industries List (HAIL)* is being undertaken, has been undertaken, or it is more likely than not that it is being or has been undertaken.

The *HAIL* and other useful information about the *NES*, including a *User's Guide on the NES*, can be found on the Ministry for the Environment's website, <http://www.mfe.govt.nz/land/nes-assessing-and-managing-contaminants-soil-protect-human-health/about-nes>. A copy of the current *HAIL* is attached.

To help determine whether or not the NES will apply to your activity please answer the following questions:

Is an activity described on the <i>HAIL</i> currently being undertaken on the piece of land to which this application applies?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has an activity described on the <i>HAIL</i> ever been undertaken on the piece of land to which this application applies?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is it more likely than not that an activity described on the <i>HAIL</i> is being or has been undertaken on the piece of land to which this application applies?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If 'Yes' to ANY of the above, then the NES may apply. Please answer the following questions:

Is the activity you propose to undertake removing or replacing a fuel storage system or parts of it?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is the activity you propose to undertake sampling soil?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is the activity you propose to undertake disturbing soil?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is the activity you propose to undertake subdividing land?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is the activity you propose to undertake changing the use of the land?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If 'Yes' to ANY of the above activities, then the NES is likely to apply.

For further information about the *NES* and what is required please contact Council's Planning Department on (03) 788 9603 or planning@bdc.govt.nz.

I hereby certify that to the best of my knowledge and belief, the information given in this form is true and correct.

Applicant's Signature: (or person authorized to sign on applicant's behalf)

..... **Date:**

Name: (Please Print)

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Hazardous Activities and Industries List (HAIL)

October 2011

A Chemical manufacture, application and bulk storage

1. Agrichemicals including commercial premises used by spray contractors for filling, storing or washing out tanks for agrichemical application
2. Chemical manufacture, formulation or bulk storage
3. Commercial analytical laboratory sites
4. Corrosives including formulation or bulk storage
5. Dry-cleaning plants including dry-cleaning premises or the bulk storage of dry-cleaning solvents
6. Fertiliser manufacture or bulk storage
7. Gasworks including the manufacture of gas from coal or oil feedstocks
8. Livestock dip or spray race operations
9. Paint manufacture or formulation (excluding retail paint stores)
10. Persistent pesticide bulk storage or use including sport turfs, market gardens, orchards, glass houses or spray sheds
11. Pest control including the premises of commercial pest control operators or any authorities that carry out pest control where bulk storage or preparation of pesticide occurs, including preparation of poisoned baits or filling or washing of tanks for pesticide application
12. Pesticide manufacture (including animal poisons, insecticides, fungicides or herbicides) including the commercial manufacturing, blending, mixing or formulating of pesticides
13. Petroleum or petrochemical industries including a petroleum depot, terminal, blending plant or refinery, or facilities for recovery, reprocessing or recycling petroleum-based materials, or bulk storage of petroleum or petrochemicals above or below ground
14. Pharmaceutical manufacture including the commercial manufacture, blending, mixing or formulation of pharmaceuticals, including animal remedies or the manufacturing of illicit drugs with the potential for environmental discharges
15. Printing including commercial printing using metal type, inks, dyes, or solvents (excluding photocopy shops)
16. Skin or wool processing including a tannery or fellmongery, or any other commercial facility for hide curing, drying, scouring or finishing or storing wool or leather products
17. Storage tanks or drums for fuel, chemicals or liquid waste
18. Wood treatment or preservation including the commercial use of anti-sapstain chemicals during milling, or bulk storage of treated timber outside

B Electrical and electronic works, power generation and transmission

1. Batteries including the commercial assembling, disassembling, manufacturing or recycling of batteries (but excluding retail battery stores)
2. Electrical transformers including the manufacturing, repairing or disposing of electrical transformers or other heavy electrical equipment
3. Electronics including the commercial manufacturing, reconditioning or recycling of computers, televisions and other electronic devices
4. Power stations, substations or switchyards

C Explosives and ordnances production, storage and use

1. Explosive or ordnance production, maintenance, dismantling, disposal, bulk storage or re-packaging
2. Gun clubs or rifle ranges, including clay targets clubs that use lead munitions outdoors
3. Training areas set aside exclusively or primarily for the detonation of explosive ammunition



D Metal extraction, refining and reprocessing, storage and use

1. Abrasive blasting including abrasive blast cleaning (excluding cleaning carried out in fully enclosed booths) or the disposal of abrasive blasting material
2. Foundry operations including the commercial production of metal products by injecting or pouring molten metal into moulds
3. Metal treatment or coating including polishing, anodising, galvanising, pickling, electroplating, or heat treatment or finishing using cyanide compounds
4. Metalliferous ore processing including the chemical or physical extraction of metals, including smelting, refining, fusing or refining metals
5. Engineering workshops with metal fabrication

E Mineral extraction, refining and reprocessing, storage and use

1. Asbestos products manufacture or disposal including sites with buildings containing asbestos products known to be in a deteriorated condition
2. Asphalt or bitumen manufacture or bulk storage (excluding single-use sites used by a mobile asphalt plant)
3. Cement or lime manufacture using a kiln including the storage of wastes from the manufacturing process
4. Commercial concrete manufacture or commercial cement storage
5. Coal or coke yards
6. Hydrocarbon exploration or production including well sites or flare pits
7. Mining industries (excluding gravel extraction) including exposure of faces or release of groundwater containing hazardous contaminants, or the storage of hazardous wastes including waste dumps or dam tailings

F Vehicle refuelling, service and repair

1. Airports including fuel storage, workshops, washdown areas, or fire practice areas
2. Brake lining manufacturers, repairers or recyclers
3. Engine reconditioning workshops
4. Motor vehicle workshops
5. Port activities including dry docks or marine vessel maintenance facilities
6. Railway yards including goods-handling yards, workshops, refuelling facilities or maintenance areas
7. Service stations including retail or commercial refuelling facilities
8. Transport depots or yards including areas used for refuelling or the bulk storage of hazardous substances

G Cemeteries and waste recycling, treatment and disposal

1. Cemeteries
2. Drum or tank reconditioning or recycling
3. Landfill sites
4. Scrap yards including automotive dismantling, wrecking or scrap metal yards
5. Waste disposal to land (excluding where biosolids have been used as soil conditioners)
6. Waste recycling or waste or wastewater treatment

H Any land that has been subject to the migration of hazardous substances from adjacent land in sufficient quantity that it could be a risk to human health or the environment

I Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment