

Application for right of way approval

Submit this form online at: onlineservices.ccc.govt.nz; or

Email to: resourceconsentapplications@ccc.govt.nz; or

Deliver to: Resource Consents Unit, Christchurch City Council, 53 Hereford Street, Christchurch; or

Send to: Resource Consents Unit, Christchurch City Council, PO Box 73013, Christchurch Mail Centre, Christchurch, 8154

For enquiries phone: (03) 941 8999 or email DutyPlanner@ccc.govt.nz

About this form

This form is used to apply for a right of way approval under section 348 of the Local Government Act 1974, and any associated land use consent that may be required under the Resource Management Act 1991. It must be accompanied by plans, a Record of Title, and other supporting information.

A deposit is required to be paid before processing will commence (refer to the Resource Management [Fee Schedule](#)). An invoice will be issued when the application has been received.

Applications are checked for completeness prior to acceptance. Please ensure that you have compiled your documents carefully to avoid delays accepting your application. A checklist is included at the end of this form.

Please also refer to the important information contained in Sections 10 and 11 of this form.

1. Pre-application discussions

Have you had a pre-application meeting or discussion with any Council staff about this proposal?

☐ Yes

☐ No

If yes, what was the name of the planner or other staff member(s)?

Date of pre-application meeting (if applicable):

Meeting reference number:

2. Application site

Location of the proposed right of way:

(street or subdivision address):

Legal description of the application site:

(as at the date of application)

3. Applicant details

Please note that the applicant is responsible for the fees associated with this application, unless specified otherwise in Section 5. Where there is an agent, it is the Council's practice to communicate with both the agent and the applicant.

Full name (including middle name):

OR

Registered Company / Trust /

Organisation name:

Contact person / Trustee names:

Landline:

Mobile :

Email:

Postal Address:

The applicant is the: ☐ Owner ☐ Occupier ☐ Lessee ☐ Prospective purchaser of the application site

☐ Other (please specify):

4. Surveyor

Name of Agent:

Name of firm:

Landline:

Mobile :

Email:

Postal Address:

5. Invoicing details

All consent-related invoices are to be made out to:

- ☐ Applicant (Their full details must be provided in section 3 above)

- ☐
- Agent

- ☐
- Existing 'on-account' customer

Account customer name:

- ☐
- Other (specify below)

Name:

Email:

Postal Address:

Note: Any refunds will be paid to the receipted name.

6. Proposal

Describe the proposed right of way (attach plans and other supporting information as outlined in the Checksheet in section 12 of this form):

7. Land use non-compliances and assessment of effects

If land use consent is required under the District Plan and/or National Environmental Standards:

- List the rules or regulations that are breached or triggered; and
- Provide an assessment of effects on the environment in accordance with Schedule 4 of the RMA.

Land use rules / regulations:

The level of detail must correspond with the scale and significance of the likely effects, and the assessment should covers all the relevant matters of discretion or control in the District Plan and/or NES (use additional pages if necessary)

This section relates to the [National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health](#) (NES).

Please answer the following questions to determine whether the NES applies to your proposal.

Is the application site listed on Environment Canterbury's Listed Land Use Register (LLUR)? www.llur.ecan.govt.nz . If YES, please include a copy of the LLUR statement with your application.		☐ Yes	☐ No
If the site is not listed on the LLUR, is an activity described on the Hazardous Substances and Industries List (HAIL) currently being undertaken on the piece of land to which this application relates, or is it more likely than not to have ever been undertaken on the land?		☐ Yes	☐ No
The HAIL list is available at: https://environment.govt.nz/publications/hazardous-activities-and-industries-list-hail/			
Type of HAIL activity:			
If the answer to either of the above questions is YES, then the NES <u>may</u> apply, depending on the proposed activity. Please identify whether the application involves any of the activities below. (If the answer to both of the above questions is NO, you do not need to answer the remaining questions in this section).			
Will the proposed activity involve disturbance of more than 25m ³ of soil (per 500m ² of disturbed area)?		☐ Yes	☐ No
Volume of soil disturbance:			
Will the proposed activity involve removal of more than 5m ³ of soil (per 500m ² of disturbed area) from the site?		☐ Yes	☐ No
Volume of soil removal:			
Does the application involve changing the use of the land to one which, because the land has been subject to a HAIL activity, is reasonably likely to harm human health? (e.g. service station to office, orchard to residential)		☐ Yes	☐ No
Does the application involve removing or replacing a fuel storage system or parts of it?		☐ Yes	☐ No
Does the application involve subdivision of the land?		☐ Yes	☐ No

If the answer to any of the above activity questions is also YES, then the NES will apply.

- Soil disturbance or removal exceeding the specified volumes requires resource consent.
- Changing the land use or subdividing the land will require resource consent if the permitted activity requirements of the NES are not complied with. These include provision of a Preliminary Site Investigation carried out by a suitably qualified and experienced practitioner.
- Removal or replacement of a fuel storage system will require consent if the permitted activity requirements of the NES are not complied with.

Does the proposed activity require resource consent under the NES?

☐ Yes

☐ No

If the answer is YES, an assessment of the application under the NES must be provided as part of your Assessment of Effects on the Environment (refer Section 10 above). A Detailed Site Investigation may be required.

9. Declaration

I have completed all relevant sections of this form (including the checksheet in Section 12), and I understand that my application may be returned as incomplete if it does not include all of the relevant information.

I understand that the fees paid on lodgement are a deposit only, and that the Council will invoice all costs actually and reasonably incurred in processing this application.

All of the information provided with this application is, to the best of my knowledge, true and correct. I understand that all information submitted as part of an application is required to be kept available for public record, therefore the public (including business organisations, media and other units of the Council) may view this application, once submitted. It may also be made available to the public on the Council's website. If there is sensitive information in your application please let us know.

Signature of Applicant (or person authorised to sign on behalf of applicant):

Date

Print name

If you are signing this application on behalf of a company/trust/other entity (the applicant), you are declaring that you are duly authorised to sign on behalf of the applicant to make such an application. Please also ensure the applicant is aware that their personal information is being provided to the Council as part of this application.

Privacy information

The Council is subject to the Privacy Act 2020. For a full privacy statement see: <https://ccc.govt.nz/the-council/how-the-council-works/privacy-statement/>. If you would like to request access to, or correction of, your details, please contact us.

10. Fee information

The required deposit must be paid before processing of the application will start. A further invoice will be issued when processing has been completed if the cost of processing exceeds the deposit paid. If the processing cost is less than the deposit a refund will be issued to the person who paid the fee.

Where the application fee is to be charged to an account holder no deposit is required. Instead the actual fees will be invoiced on completion of processing.

Interim invoices may be issued, including where the applicant is an account holder.

The Resource Management Fees Schedule can be viewed at: <https://ccc.govt.nz/consents-and-licences/resource-consents/resource-management-fees/>

DEBT RECOVERY – Where an invoiced amount has not been paid by the stated due date, the Council may commence debt recovery action. The Council reserves the right to charge interest, payable from the date the debt became due, and recover costs incurred in pursuing recovery to the debt.

MONITORING FEES – Please note that if this application is approved you will be required to meet the costs of monitoring any conditions, pursuant to Section 35 of the Resource Management Act 1991.

11. Additional notes for the applicant

1. As a Section 224 Resource Management Certificate is not required, all conditions of right of way approval must be satisfied before the Title Plan is released.
2. If the proposed right of way requires the removal or pruning of a street tree, Community Board approval may be required before the right of way can be granted. It is the responsibility of the applicant to obtain Community Board approval.
3. If your proposal involves building work you may also require a building consent under the Building Act 2004. This must be applied for separately.
4. The written approval of persons the Council considers may be adversely affected by the proposal may be required as part of the application, if it is to be processed on a non-notified basis. This will be determined after the application has been lodged and assessed, and a site visit carried out.
5. Consultation with neighbours and other affected persons is at the discretion of and is the responsibility of the applicant.
6. The costs incurred in receiving and checking incomplete applications are invoiced to the applicant. To avoid delays and cost please ensure that you submit a complete application.
7. If further information is required after your application is accepted, you will be advised as soon as possible and processing of the application will be suspended until the information is received.
8. Please make sure all of the information supplied is accurate. Inaccurate information can cause difficulties at a later date, such as additional costs, delays and legal proceedings initiated by the Council and/or by other persons.

12. Checklist

This checklist has been produced to assist you in the preparation and lodgement of your application. The provision of correct and accurate information will ensure that delays are kept to a minimum. Please complete all sections using Y where the information is provided, or N where the information is not required.

☐	a	Application site: ☐ Copy of current Record of Title less than 3 months old, including any consent notices, covenants or other encumbrances to which the Council is a party.
☐	b	Plans of the proposed right of way, showing: ☐ Formed and legal width for the full length. ☐ The number of sites that will use or have rights to use the right of way. ☐ Proposed formation, including levels and drainage (refer to the minimum access requirements in Chapters 7 and 8 of the District Plan). ☐ Areas of excavation/fill, volumes and retaining structures, ☐ Vehicle crossing, including identifying whether a new crossing is required. ☐ Street trees, power poles, electricity and telephone pillars in the vicinity of the proposed right of way.
☐	c	Existing rights of way: ☐ Photographs and a description of the current formation, and its compliance with the access requirements in Chapters 7 and 8 of the District Plan. ☐ Any proposed upgrading to comply with the minimum access requirements in Chapters 7 and 8 of the District Plan.
☐	d	Land use non-compliance: ☐ A description of any resulting non-compliance with the land use rules in the District Plan, including an assessment of the effects on the environment.
☐	e	HAIL/contaminated land: ☐ Site investigation information and an assessment under the NES, if the land is HAIL land and the volume of soil disturbance or soil removal will exceed the limits in the NES (refer Section 8 of this form).

☐	f Street tree(s): If the proposed right of way requires the removal or pruning of a street tree, Community Board approval may be required before the right of way can be granted. Please contact the Arborist - Street Trees to confirm this and request approval (if required) before submitting this application, and provide written confirmation of the outcome: ☐ Community Board approval not required; or ☐ Community Board approval obtained.
☐	g Right of Way Name (if proposed): ☐ Provide a selection of names in order of preference. ☐ Brief explanation of background for each submitted name.

Note: This is a preliminary checksheet only. It is general in nature and not all of the information relevant to all types of application. Please check with the Council if you are unsure of the information requirements for your particular application. Please also note that the detailed technical review of your application may reveal the need for you to supply further information, in which case you will be advised as soon as possible.