

Resource Consents Unit

Application for Right of Way Approval

Section 348 of the Local Government Act 1974
Form 9 - Resource Management Act 1991

Submit your application 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

About this form

This form is to be used for an application for 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 Certificate of Title, and other supporting information.

A deposit (minimum application fee) is required to be paid before processing will commence (refer 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 in accepting your application. A checklist is included at the end of this form.

1. Pre-application information

Have you had a pre-application meeting or other discussions with 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 no:

2. Application site

Location of the proposed right of way (street or subdivision address):

Legal description of application site (as at the date of application):

I have provided a Certificate of Title (Computer Register) less than 3 months old, including a copy of any consent notice, covenant or other encumbrance to which the Council is a party. Note: These can be obtained from Land Information New Zealand: <https://apps.linz.govt.nz/survey-titles/order-copy/>.

OR

I request that the Council obtain a copy of the Certificate of Title (Computer Register) and any relevant encumbrances from Land Information New Zealand and on-charge the cost to me.

3. Applicant details

Please note that the **applicant** is responsible for the fees associated with this application, unless specified otherwise in Section 5.

Full name (including middle name):

OR

Registered Company / Trust / Organisation name:

Contact person / Trustee names:

Landline: Mobile:

Email:

Postal Address: Post Code:

The applicant is the:

- Owner Occupier Lessee Prospective purchaser of the application site
- Other (please specify)

4. Surveyor

Name:
Name of firm:
Landline: Mobile:
Email: Surveyor's Ref. No.:
Postal Address: Post Code:

5. Invoicing details

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

- Applicant Agent
- Existing 'on-account' customer (state name of PMO/organisation):
- Other (specify below):

Name:
Email:
Postal Address: Post Code:

(Please note: any refunds will be paid to the receipted name unless written authorisation has been received from the receipted person or company)

6. Proposal

A description of the proposed right of way (*attach plans and other supporting information as outlined in the Checksheet on page 3 of this form*):

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7. Land use non-compliances and Assessment of Effects

If land use consent is required under the District Plan and/or National Environmental Standard, please list the areas of non-compliance with the relevant rules or regulation.

An assessment of effects (Schedule 4 RMA) **must** be completed to a level of detail that corresponds with the **scale** and significance of the effects that the proposed activity may have on the environment. ***The assessment may be attached as a separate document.***

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8. National Environmental Standard (NES)

This section relates to the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health. www.mfe.govt.nz/laws/standards/contaminants-in-soil

The NES includes regulations controlling **soil disturbance, change of use, subdivision, and removal/replacement of fuel storage systems** on properties which have been used either now or in the past for a hazardous activity or industry (known as HAIL) that may have resulted in contamination of the soil.

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 <input type="checkbox"/>	No <input type="checkbox"/>
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? The HAIL list is available at: www.mfe.govt.nz/laws/standards/contaminants-in-soil	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Type of HAIL activity:		
If the answer to either of the previous questions is YES, then the NES will apply. Please identify whether the application involves the activities below. <i>(If the answer to both of the previous questions is NO, you do not need to answer the remaining questions in this section)</i>		
Does the application involve subdivision of the land?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Will the proposed activity involve disturbance of more than 25m ³ of soil (per 500m ² of disturbed area)? Volume of soil disturbance:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Will the proposed activity involve removal of more than 5m ³ of soil (per 500m ² of disturbed area) from the site? Volume of soil removal:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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 <input type="checkbox"/>	No <input type="checkbox"/>
You will need to establish whether the proposed activity complies with the NES.		
<ul style="list-style-type: none"> Subdividing or changing the land use 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. Soil disturbance or removal exceeding the specified volumes requires resource consent. 		
Does the proposed activity require resource consent under the NES? If YES, an assessment of the application under the NES must be provided as part of your Assessment of Effects on the Environment. A Detailed Site Investigation may be required.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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 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 commercially sensitive information in your application please let us know. If you would like to request access to, or correction of, your details, please contact the Council.

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.

10. Fee information

The required deposit (Minimum Application Fee) must be paid before processing of the application will start. A further invoice will be issued when the processing of this application has been completed if the cost of processing it exceeds the deposit paid. If the cost of processing the application 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 on a monthly basis until the issue of the Section 224 Certificate, including where the applicant is an account holder.

The final fee (and any outstanding interim invoices) will be required to be paid before the Section 224 Certificate will be released.

The Resource Management Fees Schedule can be viewed at: <http://www.ccc.govt.nz/consents-and-licences/resource-consents/fees-and-charges/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 of the debt.

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

DEVELOPMENT CONTRIBUTIONS – Your development, if granted, may also incur development contributions under the Local Government Act 2002 in accordance with the Council's Development Contributions Policy. Any development contributions payable will be invoiced to the applicant.

11. Additional notes for the applicant

1. **As a Section 224 Resource Management Certificate is not required, all conditions of 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. The application is in addition to any building consent application required under the Building Act 2004.
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. All applicants are asked to check the accuracy of the information supplied. Inaccuracies in information supplied 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. Checksheet

This checksheet 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 either a ✓ or Y where the information is provided, or X or N where the information is not required.

Customer use		For office use only
<input type="checkbox"/>	a Application site: <input type="checkbox"/> Copy of current Certificate of Title (Computer Register) less than 3 months old, including any consent notices, covenants or other encumbrances to which the Council is a party. <i>(Note: The Council can obtain this from Land Information New Zealand on your behalf).</i>	<input type="checkbox"/>
<input type="checkbox"/>	b Plans of the proposed right of way, showing: <input type="checkbox"/> Formed and legal width for the full length. <input type="checkbox"/> The number of sites that will use or have rights to use the right of way. <input type="checkbox"/> Proposed formation, including levels and drainage (refer to the minimum access requirements in Chapters 7 and 8 of the District Plan). <input type="checkbox"/> Areas of excavation/fill, volumes and retaining structures, <input type="checkbox"/> Vehicle crossing, including identifying whether a new crossing is required. <input type="checkbox"/> Street trees, power poles, electricity and telephone pillars in the vicinity of the proposed right of way.	<input type="checkbox"/>
<input type="checkbox"/>	c Existing rights of way: <input type="checkbox"/> Photographs and a description of the current formation, and its compliance with the access rules in Chapters 7 and 8 of the District Plan. <input type="checkbox"/> Any proposed upgrading to comply with the minimum access requirements in Chapters 7 and 8 of the District Plan.	<input type="checkbox"/>
<input type="checkbox"/>	d Land use non-compliance: <input type="checkbox"/> 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.	<input type="checkbox"/>
<input type="checkbox"/>	e HAIL/contaminated land: <input type="checkbox"/> 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 6 of this form).	<input type="checkbox"/>
<input type="checkbox"/>	f Street tree(s): <p>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:</p> <input type="checkbox"/> Community Board approval not required; or <input type="checkbox"/> Community Board approval obtained.	<input type="checkbox"/>
<input type="checkbox"/>	g Right of Way Name (if proposed): <input type="checkbox"/> Provide a selection of names in order of preference. <input type="checkbox"/> Brief explanation of background for each submitted name.	<input type="checkbox"/>

Note: This is a preliminary checksheet only. It is general in nature and not all of the information is relevant to all types of application. Please check with a planner at 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.