

PLAN IMPLEMENTATION

Application for Right of Way Approval

Pursuant to Section 348 of the Local Government Act 1974

This form is used to apply for a right of way (ROW) 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 (RMA). It must be accompanied by a plan, Record of Title(s), and other supporting information.

A deposit is required to be paid prior to the processing of the application. An invoice for the deposit payable will be issued once the application has been formally received (unless payment is made at the time of lodgement). Additional fees will be invoiced in accordance with Waimakariri District Council's Fees and Charges Schedule.

Applications are checked for completeness prior to acceptance. Please ensure that you have compiled your documents carefully to avoid delays in accepting your application.

Applicant details

NOTE: The applicant is responsible for all fees and costs associated with this application, unless specified otherwise under Invoicing details.

Full name: _____

Company/trust/organisation name: _____

Contact person/trustee names: _____

Postal address: _____

Email address: _____

Mobile: _____

The applicant is the: Owner(s) Occupier(s) Prospective purchaser Director(s) Trustee(s)

Other (please specify below) of the site.

If the applicant is not the only owner and occupier of the site, please provide the full name and address of each owner or occupier (other than the applicant) of the site to which the application relates:

Full Name	Address

Surveyor

Name of agent: _____

Company: _____

Landline: _____ Mobile: _____

Email address: _____

Postal address: _____

Invoicing details

All consent-related invoices to be made out to: Applicant Agent Other (*specify below*):

Name(s): _____

Company (if applicable): _____

Postal address: _____

Email address: _____

Mobile: _____

NOTE: Any refund will only be paid to the receipted name on the invoice.

The location/site

This application relates to the property located at the below location(s):

Street address: _____

Legal description: _____

General description: *

I have provided a Record of Title (Computer Register) less than three (3) months old, INCLUDING a copy of any consent notice, covenant or other encumbrance to which the Council is a party. **

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

* Describe the site including its location, as it is commonly known and in a way that will enable it to be easily identified (e.g. the name of any relevant stream, river or other water body to which the application relates, proximity to any well-known landmark etc.) and its natural and physical characteristics and any adjacent uses that may be relevant to the consideration of the application.

** Notes:

- These documents can be obtained from Land Information New Zealand:
linz.govt.nz/products-services/land-records/land-record-search
- If a Record of Title is not yet available, include details of relevant lot numbers and subdivision consent numbers. If you are purchasing a lot from a new subdivision, please provide a copy of your Sale and Purchase Agreement.

The proposal

Describe the activity:

Existing number of users that are entitled to use the ROW: _____

Total number of end users benefitting from the ROW: _____

This number should include any potential number of users based on the capability of each lot as per District Plan zone standards.

Site visit requirements

Is there a locked gate or security system restricting access by Council staff? Yes No

Is there a dog on the property? Yes No

Land use non-compliances and Assessment of Environmental Effects (AEE)

If land use consent is required under the District Plan and/or National Environmental Standards (NES) as a result of this right of way approval, then please add the following:

- 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 and regulations:

Assessment of effects:

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

Declaration

I/We have completed all relevant sections of this form and understand that my/our application may be returned as incomplete if it does not include all the relevant information.

I/We understand that the fees paid on lodgement are a deposit only (unless charged as a fixed fee as per the Council's Fees and Charges Schedule) 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/our knowledge, true and correct. I/We understand that all information submitted as part of an application is required to be kept for public record, therefore the public (including business organisations and other areas of the Council) may view this application, once submitted. It may also be made available to the public on the Council's website.

Signature of applicant: _____

(or person authorised to sign on behalf of applicant)*

Print name: _____

Date: _____

- * 1. A signature is not required if you submit this form electronically. By entering your name in the box above you are giving your authority for this application to proceed.
- 2. If you are signing this application on behalf of a company/trust/or other entity (the applicant), by signing this form you are declaring that you are duly authorised to sign on behalf of the applicant to make such an application.

Further information for applicants

1. This application is applied for under the Local Government Act 1974. If a District Plan rule is breached, then land use consent will also be required under the Resource Management Act 1991.
2. As a Section 224 Completion Certificate is not required, all conditions of right of way approval must be satisfied before the Title Plan is released.
3. Consultation with neighbours and other affected persons is at the discretion of and is the responsibility of the applicant.
4. 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.
5. If your application is deemed incomplete, it may be returned to you. If additional information is required, you will be advised and processing of the application will be suspended until the information is received. To avoid any delays it is in your best interests to submit a complete application.
6. The required application fee/deposit will be invoiced and emailed (if applicable) upon formal acceptance of the application. Please note that any fee is required to be paid prior to the processing of any application.
7. The Waimakariri District Council Resource Management Fees and Charges Schedule may be viewed at: waimakariri.govt.nz/services/fees-and-charges/resource-management-fees-and-charges

Check list

This checklist is provided to assist with the preparation and submission of the application. The provision of correct and accurate information will assist processing. Please complete all sections.

Application site

Copy of current Record of Title less than three months old, including any consent notices, covenants or other encumbrances to which the Council is a party.

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 relevant chapters in the District Plan or under the Engineering Code of Practice).

Areas of excavation/fill, volumes and retaining structures (if applicable).

Vehicle crossing, including identifying whether a new crossing is required.

Existing rights of way

Photographs of the current formation and its compliance with the access requirements in the District Plan.

Any proposed upgrading to comply with the minimum access requirements in the District Plan.

Land use non-compliance

A description of any resultant non-compliance with the rules in the District Plan, including an assessment of effects.

Hazardous Activities Industrial List (HAIL)/contaminated land

Site investigation details and an assessment, if the land is HAIL land and the volumes of soil disturbed exceed the limits of the NESCS.

Lodgement

Lodgement of your application to either:

Waimakariri District Council
Private Bag 1005
Rangiora 7440

Electronic applications (up to 22MB) may be lodged via email to: RCapplications@wmk.govt.nz

For planning enquiries please phone or email:

Phone: 0800 965 468

Email: duty.planner@wmk.govt.nz