

Planning Unit

## Application for a Right of way approval

Section 348 – Local Government Act 1974

Send or deliver your application to: Selwyn District Council, PO Box 90, Rolleston 7643

For enquiries phone: (03) 347-2800

Email to: [rcapps@selwyn.govt.nz](mailto:rcapps@selwyn.govt.nz)

### 1. Application

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, the relevant Record of Title, and other supporting information.

**Has a copy of the application been submitted electronically, i.e. on a flash drive or disk?**

(Note: Providing an electronic copy can reduce the overall administration costs associated with the application.)

☐ Yes ☐ No

### 2. The Agent

Name of Agent (include the contact persons name if a company, trust or similar):

Landline:

Mobile:

Email:

Postal Address:

### 3. The Applicant

(Note: The Applicant is responsible to the Council for all costs associated with this application)

Full Name:

Landline:

Mobile:

Email:

Postal Address:

**Signature of Applicant** (Or person authorised to sign on behalf of Applicant)

Signature: .....

Date: .....

Name:

### 4. The Site

Location of the proposed activity (street address):

Legal description of application site (state legal description (see the Certificate of Title) as at the date of application and, if titles are not yet available include details of relevant lot numbers and subdivision consent number):

## 5. Proposal

Please describe the right of way (attach plans and other supporting information as required):

Was there any pre-application advice/discussion prior to this application being made? ☐ Yes ☐ No

If Yes, what was the Planner's Name?

## 6. Land use non-compliances and AEE

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 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).

## 7. National Environmental Standard (NES)

Every applicant must answer the questions contained within Table One. For assistance in answering these questions please refer to the attached information sheet (PLG1A).

Please note that any inaccuracies may result in the applicant being in breach of the Resource Management Act 1991 and / or exposed to liability if the site is subsequently found to be contaminated, including being liable for remedial works.

**Table One**

Please identify whether the application involves any of the activities below:		
Does your application involve changing the use of the land? (e.g. erecting a dwelling on an area of land which previously had no dwelling erected upon it)	<input type="checkbox"/> Y	<input type="checkbox"/> N
Does the proposed activity involve disturbance of soil? (more than 25m <sup>3</sup> per 500m <sup>2</sup> of land) or removing soil? (more than 5m <sup>3</sup> per 500m <sup>2</sup> of land) (e.g. foundations, on-site effluent treatment and disposal systems, wells or bores)	<input type="checkbox"/> Y	<input type="checkbox"/> N
Does the application involve removing or replacing a fuel storage system or parts of it?	<input type="checkbox"/> Y	<input type="checkbox"/> N
Does the proposed activity involve sampling soil?	<input type="checkbox"/> Y	<input type="checkbox"/> N
Are you proposing to subdivide the land as part of this application?	<input type="checkbox"/> Y	<input type="checkbox"/> N

If all of the answers to the questions in Table One are **NO** then you may stop here. You must, however, sign and date the bottom of page 2 of this form.

If you answered **YES** to any of the questions in Table One, you must complete Table Two.

## Table Two

Is the land currently being used, has been used in the past, or is likely to have been used for an activity described on the HAIL?	<input type="checkbox"/> Y	<input type="checkbox"/> N
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If the answer to the question in Table Two is **NO** then you may stop here. You must, however, sign and date the bottom of page 2 of this form.

If you answered **YES** to the question in Table Two, you are required to undertake an assessment in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Until such time as a satisfactory NES assessment has been undertaken, no building work will be permitted to commence.

For more information on this process please contact the Duty Planner of (03) 347-2868 or go to the Ministry for the Environment website [www.mfe.govt.nz/laws/standards/contaminants-in-soil/](http://www.mfe.govt.nz/laws/standards/contaminants-in-soil/).

Please complete Table Three.

## Table Three

☐ Assessment under the NES is attached

☐ The assessment work is to be undertaken. Anticipated completion date?

## 8. Declaration

I have completed all relevant sections of this form, and I understand that my application may be returned 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.

## 9. Privacy Information

All the relevant information on this form is required to be provided under the Resource Management Act 1991 for Selwyn District Council to process your application. Under this Act this information has to be made available to members of the public, including business organisations. The information contained in this application may be made available to other departments of the Council. You have the right to access the personal information held about you by the Council which can be readily retrieved. You can also request that the Council correct any personal information it holds about you.

## 10. Information

1. 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.
2. The required **deposit** must be paid before processing of this application will start.
3. This application under the Local Government Act 1974 is in addition to any building consent application required under the Building Act 2004.
4. When this application is lodged with the Selwyn District Council, it becomes public information and is available for public inspection. If there is commercially sensitive information in the proposal, please let us know.
5. **If your application is inadequate, it may be returned to you unprocessed.** If additional information is required, you will be advised and processing of the application will be suspended until the information is received. To avoid delays and cost it is in your best interests to submit a complete application.
6. **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.**
7. Consultation with neighbours and other affected persons is at the discretion of and is the responsibility of the applicant.
8. 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.

## 11. 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.

### 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 relevant chapters in the District Plan).  
☐ Areas of excavation/fill, volumes and retaining structures (if applicable).  
☐ Vehicle crossing, including identifying whether a new crossing is required.

### c. Existing rights of way:

- ☐ Photographs of the current formation, and its compliant with the access requirements in the District Plan.  
☐ Any proposed upgrading to comply with the minimum access requirements in the District Plan.

### d. Land use non-compliance:

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

### e. 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.

#### Office Check

- ☐ Information received and complete      **yes / no**      Resource consent #: \_\_\_\_\_ Date: \_\_\_\_\_  
☐ Receipt #: \_\_\_\_\_