

# Agreement to Occupy a Road

Privately owned structures that encroach on or under Council roads require an Agreement to Occupy



## APPLICATION FORM

If you own any type of improvement that encroaches on a Tasman District Council road (whether formed or unformed) you are required to have an agreement with the Council.

Improvements may be structures that are partially or fully above ground, such as a garage, or they may be partially or fully below ground as infrastructure, such as pipes. If these improvements intrude onto or under the road, they are called encroachments and an Agreement to Occupy is required.

The applicant must supply the Council with details of the extent and nature of the encroachment.

**Application Fee: \$200.00 (incl. GST) is payable with this application.** This fee is non-refundable.

**Other Fees and Rentals:** Further fees are payable if the application proceeds. Annual rent will be payable as part of any agreement.

Refer to the accompanying Information Sheet for further information.

**Please complete this form and return it along with supporting documents to:**

*Programme Leader, Property Transactions*

*Tasman District Council,*

*189 Queen St, Richmond, Nelson*

**or post to:** *Private Bag 4, Richmond, Nelson 7050*

**or scan and email the form to:** *propertyofficers@tasman.govt.nz*

## APPLICANT/S CONTACT DETAILS

Your Name/s:

Your Address:

Home Phone:

Mobile:

Email:

## INFORMATION REQUIRED

**Address or location of the encroachment:**

**Describe the nature of the encroachment and its purpose:**

**Please provide the reasons the encroachment cannot occur within your own land boundaries:**

**Is public access affected by the encroachment?**

**Where the application is for pipes under the road, please indicate the proposed pipe depth and operating pressure of the pipe if pressurised:**

**Consultation with affected parties.** Written consent from affected parties, including adjoining landowners, is desirable if the road on which the encroachment is situated provides legal frontage to other land. **Please comment:**

## EVIDENCE SUPPLIED - checklist

<ul style="list-style-type: none"> <li>• Occupation Plan prepared by a registered surveyor (<i>preferred – see notes 1 and 2 below</i>)</li> <li>• GPS coordinates of the encroachment (<i>preferred – see note 1 below</i>)</li> <li>• Aerial Photos – showing the location of the encroachment</li> <li>• Photos of the site showing, where relevant, continued public access to the site</li> <li>• Record of Title – the applicant confirms they are the legal owner of the property adjoining the land – copy attached</li> <li>• Copies of written consents of affected parties (<i>see note 3 below</i>)</li> <li>• Credit Check – the applicant agrees to the Council undertaking a credit check</li> <li>• Application Fee</li> </ul>	<p>YES/NO</p> <p>YES/NO</p> <p>YES/NO</p> <p>YES/NO</p> <p>YES/NO</p> <p>YES/NO</p> <p>YES/NO</p> <p>YES/NO</p>
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**Notes:**

1. **Applicants must supply evidence of the extent of the encroachment.** If your encroachment is a long term one, the evidence you supply should include an Occupation Plan prepared by a registered surveyor. If the encroachment is underground, GPS coordinates are also required. However, if your application is for a short term occupation agreement, we will accept plans based solely on aerial photographs i.e. without a surveyor's Occupation Plan. If you supply a plan based solely on aerial photography, the Council will not accept liability if the area of the encroachment is later confirmed by a survey to be less than was estimated, or it is not an encroachment onto a legal road.
  
2. If your encroachment is a long term one, an Occupation Plan prepared by a registered surveyor is generally mandatory to enable the registration of the encroachment on the adjacent land title. For short term occupation applications, a surveyor's Occupation Plan may not be necessary.

**3. If there are other landowners/neighbours who may potentially be affected but will not provide consent, please provide an explanation here:**

*All of the information contained in this application is, to the best of my/our knowledge, true and correct.*

**Applicant Signature/s:**

**Applicant Name/s:**

*By signing this application form, the applicant agrees to pay all the costs associated with the Council authorising the encroachment, should the application be successful.*

*Please see the Information Sheet for further explanation of fees and rents.*

**Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_