

PLAN IMPLEMENTATION

Application for Existing Use Certificate

Section 139A Resource Management Act 1991

Application

This form is used to request a certificate under Section 139A of the Resource Management Act 1991 confirming that a particular land use/building has existing use rights pursuant to section 10 of the Resource Management Act.

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

Please 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

Agent/consultant

Name of agent: _____

Company (if applicable): _____

Postal address: _____

Email address: _____

Mobile: _____

Invoicing details

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

Name: _____

Company (if applicable): _____

Postal address: _____

Email address: _____

Mobile: _____

Please 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 (eg 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.

Pre-application discussions

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

If yes, what was the planner's name: _____

Description of the use

Describe in detail the use or building you are seeking existing use rights certification of, and the way(s) in which the use or building contravenes a current rule or rules in the Waimakariri District Plan:

Lawful establishment of the use

Describe in detail how and when the use was lawfully established. Please attach evidence to prove the lawful establishment of the use, including dates and any supporting documents. This may include copies of archived district plans, building consents, correspondence, photographs, or other types of records:

Character, intensity and scale of the use

Describe how the effects of the use, are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified:

Continuity of the use

Please confirm whether the use has been continuous since the time it was established. Please provide evidence of continuity of use where available, for example written correspondence, photos, (including dates). If the activity was discontinued for a period, state the time period during which it ceased:

Reconstruction, alterations or extensions to a building

If reconstruction, alteration or extension to a building is proposed, does the proposed work increase the degree to which the building will not comply with any rule in the District Plan?

Supporting documentation

A current search of the Record of Title (within last three months).

Scaled plans of the activity and/or buildings.

Evidence that demonstrates the lawful establishment and, if relevant, that the activity has continued to be lawful. This may include copies of archived district plans, building consents, correspondence, photographs.

Confirmation that the use has been continuous since the time the activity was established. If the use ceased for a period, this needs to be identified and the period stated.

Any other information required to be included in this application to support your application.

Declaration

I/We have completed all relevant sections of this form and understand that my 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 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: _____

* Notes:

1. Signature not required if lodging form electronically.
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 for certification under the Resource Management Act 1991. When processing the application the Council can only check relevant matters under the Resource Management Act.
2. If your proposal involves building work or change of use of a building, you may also require a building consent under the Building Act 2004. This must be applied for separately. Dependent on the nature of the proposal, other permits, consents or licences may also be required.
3. Under section 88 of the Resource Management Act 1991, 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. 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.
4. 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.
5. Monitoring fees – Please note that if this application is approved you will be required to meet the costs of monitoring undertaken by the Council pursuant to section 35 of the Resource Management Act 1991, in accordance with section 36 of that Act.
6. 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

Lodgement

Lodgement of your application to:

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