

# Application for an existing use certificate

Section 139A Resource Management Act 1991

Submit this form online at: [onlineservices.ccc.govt.nz](https://onlineservices.ccc.govt.nz); or

Email to: [resourceconsentapplications@ccc.govt.nz](mailto: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 or email [DutyPlanner@ccc.govt.nz](mailto:DutyPlanner@ccc.govt.nz)

## About this form

This form is used to request a certificate under section 139A of the Resource Management Act 1991 confirming that a particular land use has existing use rights pursuant to section 10 of the Resource Management Act. It must be accompanied by plans and other supporting information.

A deposit 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 accepting your application.

Please also refer to the important information contained in Sections 12 and 13 of this form.

## 1. Pre-application discussions

Have you had a pre-application meeting or discussions with any Council staff about this request?

☐ 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 number:

## 2. Application site

Street address:

Legal description:

☐ I have provided a Record of Title 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://www.linz.govt.nz/land/land-records/order-copy-land-record/land-record-order-form>

OR

☐ If it is needed for the processing of this application, I request that the Council obtain a copy of the Record of Title and any relevant encumbrances from Land Information New Zealand.

## 3. Applicant

*Please note that the applicant is responsible for the fees associated with this application, unless specified otherwise in Section 5. Where there is an agent, it is the Council's practice to communicate with both the agent and the applicant.*

Full name (including middle name):

OR

Registered Company / Trust /

Organisation name:

Contact person / Trustee names:

Landline:

Mobile :

Email:

Postal Address:

#### 4. Agent details

|                 |  |          |  |
|-----------------|--|----------|--|
| Name of Agent:  |  |          |  |
| Name of firm:   |  |          |  |
| Landline:       |  | Mobile : |  |
| Email:          |  |          |  |
| Postal Address: |  |          |  |

#### 5. Invoicing details

Invoices are to be made out to:

☐ Applicant *(Their full details must be provided in section 3 above)*

☐ Agent

☐ Existing 'on-account' customer      Account customer name:

☐ Other (specify below)

Name:

Email:

Postal Address:

*Note: Any refunds will be paid to the receipted name.*

#### 6. Description of the use

Describe in detail the use you are seeking certification of, and the ways(s) in which the use breaches a current rule or rules in the Christchurch District Plan. Please provide a scaled site plan showing the site layout and buildings/areas used for the activity, and any other plans and supporting information necessary to establish what rules are breached: *(use additional pages if necessary)*

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#### 7. 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), for example extracts from past Council plans, building permits/consents, Council approvals, correspondence, photos, or other types of records: *(use additional pages if necessary)*

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## 8. Character, intensity and scale of the use

Describe in detail the character, intensity and scale of the effects of the use at present, and how these effects are the same or similar in character, intensity or scale to those which existed before the use required consent: *(use additional pages if necessary)*

## 9. Continuity of the use

Please confirm whether or not the use has been continuous since the time it required consent. Provide evidence of continuity of use where available, for example company records, photos, or phone bills (including dates). If the activity has ceased at all during this time, state the period for which it ceased: *(use additional pages if necessary)*

## 10. 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 fails to comply with any rule in the District Plan? (Note: If the answer is yes, existing use rights will not apply and the Council will not be able to issue an Existing Use Certificate)

☐ Not applicable – no alterations, extensions or reconstruction proposed

## 11. Declaration

I have completed all relevant sections of this form and I understand that my application may be returned as incomplete if it does not include all of the necessary 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, media 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.

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. Please also ensure the applicant is aware that their personal information is being provided to the Council as part of this application.

### Privacy information

The Council is subject to the Privacy Act 2020. For a full privacy statement see: <https://ccc.govt.nz/the-council/how-the-council-works/privacy-statement/>. If you would like to request access to, or correction of, your details, please contact us.

## 12. Fee information

The required deposit must be paid before processing of the application will start. A further invoice will be issued when processing has been completed if the cost of processing exceeds the deposit paid. If the processing cost 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, including where the applicant is an account holder.

The Resource Management Fees Schedule can be viewed at: <https://ccc.govt.nz/consents-and-licences/resource-consents/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 to the debt.

## 13. Additional notes for the applicant

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. Please be aware that there may be a range of other matters which could affect your ability to carry out the proposed activity, and it is your responsibility to investigate these.
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. Dependant on the nature of the proposal, other consents or licences may also be required under such legislation as the Health Act 1956 and the Sale of Liquor Act 1989.
3. 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.
4. 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.
5. Please make sure the information supplied is accurate. Inaccurate information can cause difficulties at a later date, such as additional costs, delays and legal proceedings initiated by the Council and/or by other persons. They may also result in revocation of a certificate if the inaccuracies were material to the issuing of the certificate.