

## SECTION 10 RMA - APPLICATION FOR EXISTING USE RIGHTS CERTIFICATE

Prior to, and during, completion of this application form, please refer to the Guidance for Applying for an Existing Use Rights Certificate and Schedule of Fees and Charges – both available on the Council's Resource Consent web page.

### 1. Pre-Lodgement Meeting:

Have you met with a Council Resource Consent representative to discuss this application prior to lodgement?  Yes  No

If yes, please specify who the meeting was with:

### 2. Pre-Application Checklist:

Please complete Part 9 Existing Use Rights Application Checklist

You must include all additional information required on these pages. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

### 3. Applicant Details:

*Provide the full name of the persons, company or society applying for this certificate.*

Name/s:

  


Email Address:

Contact Number:

Postal Address:

(or alternative method of service under section 352 of the Act)

  


Post Code:

### 4. Address for Correspondence:

*Name and address for service and correspondence (if using an Agent, write their details).*

Name/s:

  


Email Address:

Contact Number:

Postal Address:

(or alternative method of service under section 352 of the Act)

  


Post Code:

All correspondence will be sent by email. Please advise us if you would prefer an alternative means of communication.

**5. Application Site Details:** Location and/or Property Street Address for which Existing Use Certificate is sought.

Site Address/  
Location:

Legal Description:  Val Number:

Record of Title:

Please remember to attach a copy of your Record of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 3 months old)

**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

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. This is important to avoid a wasted trip and having to re-arrange a second visit.

**6. Description of Existing Land Use:**

Please provide a brief description of the existing land use.

## 7. Billing Details:

This identifies the person or entity that will be responsible for paying any invoices or receiving any refunds associated with processing this resource consent. Please also refer to Council's Fees and Charges Schedule.

Name/s: (please write all names in full)

Email Address:

Postal Address:

Post Code:

Contact Number:

**Fees Information:** A deposit is required for processing this application and is set out in Councils Fees and Charges. Once the application has been accepted via the s88 vetting process, you will receive a formal acknowledgement and an invoice. Processing will not begin until the deposit invoice has been paid. Please note that if the deposit fee is insufficient to cover the actual and reasonable costs of work undertaken to process the application you will be required to pay any additional costs. Invoiced amounts are payable by the 20th of the month following invoice date. You may also be required to make additional payments if your application requires notification.

**Declaration concerning Payment:** I/we understand that the Council may charge me/us for all costs actually and reasonably incurred in processing this application. Subject to my/our rights under Sections 357B and 358 of the RMA, to object to any costs, I/we undertake to pay all and future processing costs incurred by the Council. Without limiting the Council's legal rights if any steps (including the use of debt collection agencies) are necessary to recover unpaid processing costs I/we agree to pay all costs of recovering those processing costs. If this application is made on behalf of a society (incorporated or unincorporated) or a company in signing this application I/we are binding the society or company to pay all the above costs and guaranteeing to pay all the above costs in my/our personal capacity.

Name:

Signature of bill payer (mandatory - please print and sign):

Date:

## 8. Important Information:

### Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

### Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive information in the proposal. The information you have provided on this form is required so that your application consent pursuant to the Resource Management Act 1991 can be processed under that Act. The information will be stored on a public register and held by the Westland District Council. The details of your application may also be made available to the public on the Council's website, [www.westlanddc.govt.nz](http://www.westlanddc.govt.nz). These details are collected to inform the general public and community groups about all consents which have been issued through the Council.

**Declaration:** The information I have supplied with this application is true and complete to the best of my knowledge.

Name:

Signature:  Date:

(mandatory - please print and sign, or sign digitally)

**9. Existing Use Rights Application Checklist:** (please tick if information is provided)

Section 139A of the Resource Management Act 1991 (RMA).

The following information is required in order for Council to fully assess your application.

**Note to applicant**

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required. Please print clearly and complete all sections.

**General information**

- Current Record/s of Title for the subject site (Search Copy not more than 3 months old, please attach separately). Records of Title may be obtained from Land Information New Zealand. Please ensure that the Record of Title consists of both the cover page and attached pages showing the survey plan.
- Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- Location of property and description of proposal
- Assessment of the relevant Operative and Proposed Te Tai o Poutini Plan rules, objectives and policies
- Reports from technical experts (if required)
- Copies of other relevant consents associated with this application
- Topographical / contour plans
- Locality plan (scale 1:500) or aerial photograph (scale 1:500) – Land Use (Showing the physical location of the subject site in relation to adjoining streets and sites)
- Site Plan – Land Use. Showing the original site and another site plan showing any proposed changes to the use of the site. Please attach two copies at a scale of 1:50, 1:100, 1:200 or 1:500, and one reduced A4 size copy, showing:
  - North point
  - Lot boundaries and dimensions
  - Date the plans were drawn
  - Natural features, incl significant trees, water courses, etc
  - Heritage features, incl buildings, archaeological sites, etc
  - Road frontages
  - Locations and layout of existing and any proposed new buildings and/or land uses
  - Location of buildings and/or land uses on adjacent sites
  - Access and vehicle crossings from road boundaries to parking, loading and manoeuvring areas
  - Position and dimensions of loading spaces
  - Layout of all existing and/or proposed parking spaces
  - Location and dimensions of service area(s)
  - Location and dimensions of living court area(s)
  - Original and proposed future contours of the site with contours at 1m intervals
  - Existing and/or proposed landscaping
  - Existing and/or proposed fencing
  - Site coverage calculation
  - Details of any existing and/or proposed signage (design, dimensions, location)
  - Existing and/or proposed location of utility services (water lines, street lights, etc)
- Floor Plan(s) showing existing and proposed floor levels in buildings (including additions and alterations) on the site. Please attach two copies on a scale of 1:50, 1:100 or 1:200, and one reduced A4 size copy. The plan(s) should show the following:
  - Layout of internal rooms
  - Deck areas and balconies
  - Storage and internal parking areas

**General information (continued)**

- Elevation drawings showing existing and proposed buildings. Please attach two copies on a scale of 1:50, 1:100 or 1:200, and one reduced A4 size, showing the relationship and appearance of buildings, including:
  - The natural ground level, and extent of any earthworks
  - Existing and finished ground levels
  - Max building height and relevant height control plane angle(s)

**Description of the land use**

Please describe in detail the land use for which you are seeking an existing use certificate:

- Proof of establishment date. Please attach as much of the following as possible, showing evidence of the date the land use was lawfully established
  - Business letter (dated)
  - Historical photographs (dated)
  - Letter from owner-operator
  - Account records (dated)
  - Other evidence to Council's satisfaction

- How was the land use lawfully established
  - As a Permitted Activity under relevant district plan(s)
  - Before any district plan in existence
  - Via resource consent or permit

Note: If the existing use of the land was established under an actual or deemed resource consent which has not expired or been cancelled or surrendered, you do not need an existing use certificate.

- Under what regulations/legislation was the land use lawfully established
  - Transitional district plan
  - Operative district plan
  - Proposed district plan
  - Other (please specify below)

**Description of land use (continued)**

Has the land use continued uninterrupted since it was established?

Yes

No (if no, please specify below when it stopped)

Assessment of the effects and scale of the land use

Please fully complete the following table comparing the effects of the lawfully established use to the effects of the proposed use/change.

**Types of Effects**

What is provided and what is the magnitude of the effects of the current established use?

What is proposed and what is the magnitude of the effects of the proposed use?

Will the effects of the proposed use be similar in character, scale and intensity to the current use?

**General Effects**

Lawfully Established Use

Proposed Use

Difference in Effects

Size, number and colour of signs

Size of buildings (m2)

Exterior alterations to buildings

Change to site layout

On-site planting and screening

**Noise Effects**

Lawfully Established Use

Proposed Use

Difference in Effects

Traffic noise

Noise of activity

**Traffic Effects**

Lawfully Established Use

Proposed Use

Difference in Effects

Number of clients / customers

Number of staff

Number of parking spaces

Change in exterior parking layout

Change in vehicular access

Type of goods and services offered

Hours of operation

**Lighting Effects**

Lawfully Established Use

Proposed Use

Difference in Effects

Number, location and type of exterior lights

**Smoke, Fumes and Odour Effects**

Lawfully Established Use

Proposed Use

Difference in Effects

Change in these effects from proposal

Any other effects

**Continuity of the land use**

If the land use would now require resource consent to establish under the district plan, please confirm whether or not the use has been continuous since the date it required consent. Provide evidence of continuity of use, for example company records, photos, phone bills etc. If the land use has ceased during this time, state the period for which it ceased.

**Reconstruction, alterations or extensions to a building or land use**

Not applicable – no alterations, extensions, reconstruction, or expansion proposed.

If considering reconstruction, alteration, or extension to a building, or alteration or expansion of a land use, does this increase the degree to which the building or land use fails to comply with any legally effective rule in the Operative District Plan and Proposed Te Tai o Poutini Plan?

*Please refer to the Council's Operative District Plan or Proposed Te Tai o Poutini Plan for guidance, notes, and further details of the information that must be provided with an application.*

**Please note for copying and scanning purposes, all attached documentation should be no larger than A3 in size.**