

# Application for Certificate of Compliance or Existing Use Certificate

ISO 9001  
Document Number:  
RAF0031-CI2488

This application is made under:

- Section 139 Resource Management 1991 Act (Certificate of Compliance)
- Section 139A Resource Management 1991 Act (Certificate of Existing Use)

Please read and complete this form thoroughly and provide all details relevant to your proposal. If you require additional advice over and above this, please contact Council either by phone (03 520 7400) and ask for the Duty Planner or via the duty planner service email (dutyplanner@marlborough.govt.nz).

This application will be checked before formal acceptance. If further information is required, you will be notified accordingly. If the application is incomplete, it may be returned to you.

## Details of Property and Site Location

Site Address/Location: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Property Number: \_\_\_\_\_

## Applicant Details

Name/s or Company/Trust/Organisation: (please write all names in full):

*Note: Applicant must be a person or legal entity*

\_\_\_\_\_

\_\_\_\_\_

Postal Address (including post code):

\_\_\_\_\_

Phone (daytime): \_\_\_\_\_ (mobile): \_\_\_\_\_

Email: \_\_\_\_\_

## Agent Details (if an agent is dealing with the application, all communication regarding the application will be sent to the agent)

Name: \_\_\_\_\_

Postal Address: \_\_\_\_\_ Postcode: \_\_\_\_\_

Phone (daytime): \_\_\_\_\_ (mobile): \_\_\_\_\_

Email: \_\_\_\_\_

## The applicant is the (please tick)

Owner

Occupier

Lessee

Other

## Owner of the Property Details

Full name: \_\_\_\_\_

Address: \_\_\_\_\_ Postcode: \_\_\_\_\_

**General application details**

I hereby apply to Marlborough District Council for:

- Certificate of Compliance (s139 RMA)
- Existing Use Certificate (s 139A RMA)

**Full description of the proposal:**

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**Application Checklist:**

- Completed application form
- Record of title for the application site/s.
- Lodgement Fee

**For a Certificate of Compliance:**

A full description of the proposed activity - the level of detail depends on the nature of the proposal and the rules you need to comply with.

A description of the site where the activity will be carried out.

A clear explanation of how the proposed activity meets all the provisions of the PMEP or the relevant operative Plan and any relevant National Environmental Standards. You may choose to present this information as a table, listing each provision and how the proposed activity complies.

All necessary plans, details and calculations to be checked against the PMEP or the relevant operative Plan.

**For Existing Use Rights:**

A full description of the activity for which existing use rights are claimed

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

A full description of the character, intensity and scale of the effects of the activity, and how these are the same or like those at the time immediately before the activity most recently required a resource consent, i.e., before the current Plan rule(s) became operative.

Confirmation that the use has been continuous since the time resource consent was required, or if the use has/had ceased for a period, this period should be clearly identified.

All necessary plans.

## Fees

1. The applicable lodgement (base) fee is to be paid at the time of lodging this application. If payment is made into Council's bank account 02-0600-0202861-02, please put Applicant Name and either U-number, property number or consent type as a reference. If you require a GST receipt for a bank payment, please tick.
2. The final cost of processing the application will be based on actual time and costs in accordance with Council's charging policy. If actual costs exceed the lodgement fee an invoice will be issued (if actual costs are less, a refund will be made). Invoices are due for payment on the 20th of the month following invoice date. Council may stop processing an application until an overdue invoice is paid in full. Council charges interest on overdue invoices at 15% per annum from the date of issue to the date of payment. In the event of non-payment, legal and other costs of recovery will also be charged.
3. Please make invoice out to:  Applicant  Agent  
*(If neither is ticked the invoice will be made out to Applicant)*

## Declaration

I (please print name) \_\_\_\_\_

confirm that the information provided in this application and the attachments to it are accurate.

Signature (of applicant or authorised agent) \_\_\_\_\_

Date: \_\_\_\_\_

## Notes to Applicants:

### Existing Use Certificate (sec 139A)

An Existing Use Certificate will confirm that a building or activity has existing use rights.

Section 10(1) of the Resource Management Act 1991 (the Act) addresses existing use rights for land use. Under this section, land may be used in a manner that contravenes a rule in the PMP or relevant operative Plan if both:

- the use was lawfully established before the rule became operative; and
- the effects of the use are the same or similar in character, intensity and scale.

Section 10 of the Act does not apply to activities that have been discontinued for a continuous period of more than 12 months after the new rule became operative.

Existing use rights do not apply to the reconstruction, alteration of, or extension to, any building that increases the degree to which the building fails to comply with any rule in the Plan.

The onus is on the applicant to demonstrate to Council that the building/activity meets the requirements above.

Council will endeavour to issue an Existing Use Certificate within 20 working days.

### Certificate of Compliance (CoC) (sec 139)

A CoC provides confirmation that a building work or activity is permitted. A CoC is not mandatory under the Resource Management Act 1991, but application is recommended if confirmation is required that a proposed building work or activity is permitted under the Plan and any relevant National Environmental Standards is desired (and therefore can be carried out without a resource consent).

A CoC provides certainty before any building work or activity is commenced. It is a legal document that is treated as if it were a resource consent. A CoC lapses in the same way as a resource consent if it is not given effect.

The onus is on the applicant to provide evidence to Council that the activity will be permitted.

A CoC has effect from the date the certificate is applied for.

Council will endeavour to issue a CoC within 20 working days.