

23. APPLICATION FOR EXISTING USE CERTIFICATE

General Manager responsible:	General Manager Regulatory and Democracy, DDI 941-8549
Officer responsible:	Environmental Policy and Approvals Manager
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PURPOSE OF REPORT

1. The purpose of this report is to make a recommendation on whether the Council can issue an Existing Use Certificate pursuant to Section 139A of the Resource Management Act 1991 for a building at 23 Marriner Street as eight apartments and for a retail shop. Section 139A was inserted into the Act in 2005 and there is currently no delegated authority to a Hearings Panel or to an Officer Committee to issue a certificate. This application therefore has to be considered by the Council.

EXECUTIVE SUMMARY

2. Section 139A of the Resource Management Act 1991 allows for a person to request a council to issue a certificate stating that the use of the land is allowed by Section 10 of the Act. In this case the application is accompanied by sufficient evidence to establish that the building has been in use as eight apartments and a retail shop for a continuous period dating back to the period prior to the first District Scheme in 1962. Staff have made a rigorous examination of the evidence and are satisfied that an Existing Use Certificate can be issued.
3. A copy of the certificate to be issued is attached. The associated planning report is tabled.

FINANCIAL AND LEGAL CONSIDERATIONS

4. Nil.

STAFF RECOMMENDATIONS

It is recommended that the Council agree to issue, pursuant to Section 139A of the Resource Management Act 1991, an Existing Use Certificate for the use of the land at 23 Marriner Street (Lot 2 DP 20635) for:

- The continued use of the two storey building with a gross floor area of approximately 490m²;
- The continued use of eight residential apartments with no provision of the 18 required on-site car parks;
- The continued use of a retail activity with a gross floor area of 44m² with no provision of the required two on-site car parks.