

Resource Consents Unit

# Request for discharge of encumbrance: Family flat conversion

Submit this form online at: [onlineservices.ccc.govt.nz](http://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

**Information about this form:**

This form should be used where the owner of a family flat wishes to discharge (remove) an encumbrance because the flat has been converted into a residential unit able to be occupied by anyone, in accordance with permitted activity **Rule 14.4.1.1 P9** of the Christchurch District Plan.

A [fee](#) is payable when this form is submitted. We will send you an invoice with information about payment methods.

Please note that a development contribution for the establishment of a second household unit on the site will usually be required if a building consent or resource consent is needed for the conversion, in accordance with the [Development Contributions Policy](#). Any required development contribution must be paid before the encumbrance is discharged. To check whether a development contribution will be required, and the amount, please contact one of our Development Contributions Assessors on 941 8999.

## Property address

Address of property on which the family flat is located:

Street Address: .....

Legal Description: Lot:..... DP: ..... Title no: .....

I have provided a Record of Title showing the existing encumbrance. Note: This can be obtained from Land Information New Zealand: <https://www.linz.govt.nz/land/land-records/order-copy-land-record/land-record-order-form>.

## District Plan requirements

**Rule 14.4.1.1 P9 Conversion of family flats** allows the conversion of a family flat into a residential unit that can be occupied by anyone, if certain requirements are met. Before the encumbrance can be discharged the Council must be satisfied that the converted flat complies with all of these requirements, or a resource consent has been obtained for any requirements not met.

Please check and confirm that the unit meets all of the requirements listed below, and **attach a site and floor plan showing the details**:

<p>1. The property is located in one of the following zones in the Christchurch District Plan (tick as relevant). You can check this using the <a href="#">District Plan Property Search</a>.</p> <p><input type="checkbox"/> Residential Suburban zone</p> <p><input type="checkbox"/> Residential Suburban Density Transition zone</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>2. The family flat was existing on 6 December 2013 when the rule became operative (i.e. it was constructed and able to be occupied).</p> <p>Comments: .....</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>

<p>3. The new residential unit converted from the family flat must have a minimum gross floor area of 35m<sup>2</sup>, excluding terraces, garages, sundecks and verandahs. <i>Please attach a floor plan.</i></p> <p>Comments: .....</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>4. A total outdoor living space area of at least 90m<sup>2</sup>, with a minimum dimension of 6m, must be provided on the property. The total area can be provided as a single continuous area, or divided into two separate spaces of at least 30m<sup>2</sup> each, with the two spaces readily accessible from the unit they relate to. <i>Please show the outdoor living area(s) on a site plan.</i></p> <p>Comments: .....</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>5. The new unit created from the family flat must have one parking space, and the original residential unit must provide either one or two parking spaces depending on its size (1 space for units less than 150m<sup>2</sup>, 2 spaces for units greater than 150m<sup>2</sup>). <i>Please show the location of parking spaces for both units on a site plan.</i></p> <p>Comments: .....</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If any of the above requirements are not met, a resource consent is needed for the encumbrance to be discharged (either for the original construction / installation of the family flat or for any breach of the above rules):

Resource consent number: .....

Any other comments:  
 .....  
 .....  
 .....

If you have any questions about these rules please contact our Duty Planner at [Duty.Planner@ccc.govt.nz](mailto:Duty.Planner@ccc.govt.nz)

## Building consent requirements

The conversion of the flat may require a building consent for fire rating if the flat is attached to, or located within 2 metres of, the main dwelling. It is recommended that you check with a Building Consent Officer before submitting this form. If a building consent is needed the consent must be obtained and the work completed before the encumbrance is discharged.

Does the conversion require a building consent?       Yes       No

If Yes: Building consent number ..... Date of final inspection: .....

## Request for discharge of encumbrance

Before the Council's solicitors can discharge the encumbrance it is necessary for you to request the Council to instruct our solicitors to do this. Please sign the following clause and provide the details below, and return this form to the Council. The Council's solicitors will then prepare the encumbrance discharge and advise you/your solicitor when the discharge has been registered.

<p><b>The owner(s) has/have read, understood and accept the Council's requirements and ask the Council to instruct its solicitors to prepare the discharge of encumbrance in accordance with the above requirements.</b></p>	
Signed: .....	Signed: .....
Full Name: .....	Full Name: .....
Date: .....	Date: .....
<p><i>Full names of all of the registered owners of the property, including any joint owners.</i></p>	

Owners' names continued. Attach an additional page if necessary.

Signed: .....

Signed: .....

Full Name: .....

Full Name: .....

Date: .....

Date: .....

**Owner's contact details:**

Name: .....

Mailing Address: .....

.....

Phone (Landline): .....

Mobile:.....

Email: .....

**Owner's solicitor:**

Name: .....

Firm Solicitor works for: .....

Address: .....

.....

Phone (Landline): .....

Mobile:.....

Email: .....

Fax: .....

**Invoicing details**

The Invoice for the processing fee is to be made out to:

Owner       Solicitor       Other (specify below):

Name: ..... Email: .....

Postal Address: .....

**Privacy information**

The information on this form is required for the Council to process your request. All information submitted 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 request, once submitted. It may also be made available to the public on the Council's website. If there is sensitive information in your request please let us know.

The Council is subject to the Privacy Act 1993. 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.