



View Instrument Details

Instrument No.	9947138.1
Status	Registered
Date & Time Lodged	30 Jan 2015 08:50
Lodged By	Maginn, Chelsea Anne
Instrument Type	Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Computer Registers	Land District
679087	Otago

Annexure Schedule: Contains 10 Pages.

Signature

Signed by Melissa Jane McFarlane as Territorial Authority Representative on 29/01/2015 02:51 PM

*** End of Report ***

UNDER Section 221 of the Resource Management Act 1991

IN THE MATTER of Lots 52-60, 69-95, 109, 110
Deposited Plan 481348 being a Subdivision of Lot
51 DP 447560

AND

IN THE MATTER of Resource Consent RM140657
(being a variation to RM130758) Queenstown
Lakes District Council

**CONSENT NOTICE PURSUANT TO
SECTION 221 OF THE RESOURCE
MANAGEMENT ACT 1991**

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

CONSENT NOTICE

1. BACKGROUND

- 1.1. An application was made to the Queenstown Lakes District Council pursuant to the Resource Management Act 1991 for resource consent to subdivide and use the property legally described as Lot 51 DP 447560.
- 1.2. Council granted resource consent RM130758 authorising the proposed subdivision and land use subject to certain conditions which are required to be complied with on a continuing basis by the owner of the land. Those conditions are specified in the Operative Part of this Consent Notice.
- 1.3. Resource consent RM130758 has been subsequently varied by RM140657, the Operative Part of this Consent Notice encompasses these variations as they apply to any lot.

2. INTERPRETATION

2.1. Building -

Shall have the same meaning as in the Building Act 2004, but as per the District Plan definitions does not include:

- (a) Fences or walls of 2m in height or less above ground level or retaining walls or 2m in height or less below ground level, not used for a sign or for any purpose other than as a fence, retaining wall or wall.
- (b) Structures less than 5m² in area and in addition less than 2m in height above ground level.
- (c) Radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2m in diameter), less than 2m in height above ground level.
- (d) Masts and poles less than 2m in height above ground level

Building includes the construction, erection, alteration, relocation or placement on a site of a building.

2.2. Ground Level (District Plan Definition as of 2014) --

Ground Level means:

The surface of the ground prior to any earthworks on the site, except that where the surface of the ground has been altered through earthworks carried out as part of a subdivision under the Resource Management Act 1991 or Local Government Act 1974 "ground level" means the finished surface of the ground following completion of works associated with the most recently completed subdivision.

"Earthworks" has the meaning given in the definition of that term in this Plan and includes earthworks carried out at any time in the past.

"Completed subdivision" means a subdivision in respect of which a certificate pursuant to section 224(c) of the Resource Management Act 1991 or a completion certificate under the Local Government Act 1974 has been issued.

"Earthworks carried out as part of a subdivision" does not include earthworks that are authorized under any land use consent for earthworks, separate from earthworks approved as part of a subdivision consent.

Note

1. Ground level interpretations are to be based on credible evidence including existing topographical information, site specific topography, adjoining topography and known site history.
 2. Changes to the surface of the ground as a result of earthworks associated with building activity do not affect the "ground level" of a site.
 3. Subdivision that does not involve earthworks has no effect on "ground level".
- 2.3. Height (District Plan Definition as of 2014) –

In relation to a building means the vertical distance between ground level (as defined) at any point and the highest part of the building immediately above that point. For the purposes of calculating height, account shall not be taken of:

- (a) aerials and/or antennas, mounting fixtures, mast caps, lightning rods or similar appendages for the purpose of telecommunications but not including dish antennae which are attached to a mast or Building, provided that the maximum Height for any Building is not exceeded by more than 2.5metres; and
- (b) Chimneys or finials (not exceeding 1.1 metre in any direction (provided that the maximum Height for any Building is not exceeded by more than 1.5metre.

- 2.4. Kirimoko Design Code –

Means the Kirimoko Design Code established and adopted by the Kirimoko Park Residents' Association Incorporated.

- 2.5. Plan of Subdivision –

Means deposited plan 481348.

- 2.6. Residential Lot –

Means certain lots within Kirimoko Park Plan of Subdivision being Lots numbered 52-60, 69-95, 109 and 110. Any reference to a lot within this Consent Notice corresponds to the same lot on the Plan of Subdivision.

3. OPERATIVE PART

This Consent Notice is to be registered against the certificate of title for the following lots as identified on the Plan of Subdivision:

Lot 52 DP 481348	Lot 53 DP 481348	Lot 54 DP 481348	Lot 55 DP 481348
Lot 56 DP 481348	Lot 57 DP 481348	Lot 58 DP 481348	Lot 59 DP 481348
Lot 60 DP 481348	Lot 69 DP 481348	Lot 70 DP 481348	Lot 71 DP 481348
Lot 72 DP 481348	Lot 73 DP 481348	Lot 74 DP 481348	Lot 75 DP 481348
Lot 76 DP 481348	Lot 77 DP 481348	Lot 78 DP 481348	Lot 79 DP 481348
Lot 80 DP 481348	Lot 81 DP 481348	Lot 82 DP 481348	Lot 83 DP 481348
Lot 84 DP 481348	Lot 85 DP 481348	Lot 86 DP 481348	Lot 87 DP 481348
Lot 88 DP 481348	Lot 89 DP 481348	Lot 90 DP 481348	Lot 91 DP 481348
Lot 92 DP 481348	Lot 93 DP 481348	Lot 94 DP 481348	Lot 95 DP 481348
Lot 109 DP 481348	Lot 110 DP 481348		

3.1. There shall be no further subdivision of any lot other than minor boundary adjustments that do create any additional, separately saleable, residential allotment/s.

3.2. All buildings shall be sited entirely within the building platform as shown on the Title Plan except:

Minor encroachments beyond the building platform which comply with the following:

- (a) The footprint of any building extends no more than 1m outside of the building platform as shown on the Plan of Subdivision; and
- (b) The footprint encroachment does not exceed more than 10% of the building platform area identified on the Residential Lot on the Title Plan; and
- (c) The footprint encroachment is offset elsewhere in the Building design so the buildable area for the residential lot is not increased; and
- (d) Eaves, porches or soffits extend no more than 1m outside of the building platform shown on the plan of subdivision except where they are attached to a footprint encroachment referred to in (a) above in which case eaves, porches or soffits may extend a maximum of 1.6m outside of the building platform; and

- (e) Chimneys extend no more than 600mm beyond the footprint of any building for a length of no more than 1.2m parallel to the elevation; and
- (f) Prior written approval is obtained from the Design Review Board of Kirimoko Park Resident's Association Incorporated.

For the avoidance of doubt the footprint of any building shall be the area defined by the external walls of the building and excluding eaves or overhanging parts of the building.

- 3.3. Any buildings constructed on a building platform shall comply with the maximum buildable areas specified on the schedule approved by Council pursuant to Condition 19(d) of resource consent RM130758 and attached to this consent notice (Appendix One).
- 3.4. No existing native vegetation shall be removed, thinned or otherwise trimmed in a manner detrimental to the health of the plant within the areas defined pursuant to Condition 19(e) of Resource Consent RM130758. The areas defined pursuant to Condition 19(e) of RM130758 are identified as areas CU, CV, CW and CX on DP 481348.
- 3.5. All planting which has been undertaken by the subdivider in accordance with the approved plans and which is located within the Residential Lots shall be maintained according to those plans in perpetuity. Should any plant die or become diseased or damaged it shall be replaced within the next available planting season.
- 3.6. All dwellings shall be constructed in accordance with the Kirimoko Park Design Code and must receive approval from the Design Review Board of the Kirimoko Park Resident's Association Incorporated prior to the commencement of construction. A copy of the approval shall be provided with any building consent application.
- 3.7. The maximum height of any 7m section of any dwelling as specified for the allotment on the Title Plan shall not exceed 7m above the building platform's central survey mark as shown on the Survey Plan or 7m above existing ground level, whichever is lower.
- 3.8. The maximum height of any 4.5m section of any dwelling as specified for the allotment on the Title Plan shall not exceed 4.5m above the building platform's central survey mark as shown on the Survey Plan; except where
 - (a) the proposed dwelling within the 4.5m section does not exceed 5m above the survey mark; and
 - (b) the prior written approval is obtained from the Kirimoko Park Resident's Association Incorporated.
- 3.9. Except where provided for under Condition 3.2 any structures constructed outside of the building platform shall be subject to the relevant rules of the District Plan.
- 3.10. The owners, through the Kirimoko Park Residents Association Incorporated, shall be responsible for the maintenance of all landscaping within the Low Impact Design Stormwater System in road reserves and all other areas.
- 3.11. At the time a dwelling is constructed on a lot that was not provided with a vehicle crossing at the time of subdivision the lot owner shall provide a vehicle crossing to the site in accordance with Council standards.

- 3.12. On becoming the registered proprietor of a Residential Lot in the Kirimoko Park Subdivision the registered proprietor shall:
- (a) Automatically become a member of the Kirimoko Park Residents' Association Incorporated; and
 - (b) Remain a Member of the incorporated society for so long as they are the registered proprietor of that Residential Lot; and
 - (c) To fulfil and to continue to fulfil the obligations of a Member as set out in the Rules of the incorporated society.

3.13. Amalgamation conditions

- (a) Prior to cancellation of the amalgamation condition in relation to Lots 54-59, 69-78, 80, 81, 84, 86-88, 90, 91, 94, 95, 110 and 500 pursuant to section 226/241 of the Act, all land use and subdivision conditions of RM130758 (or subsequent variations) that apply to the lot must be satisfied. If more than three months have passed since the final inspection of services and any necessary infrastructure by Council at the consent holder's expense.
- (b) Prior to cancellation of the amalgamation condition in relation to Lots 54-59, 69-78, 80, 81, 84, 86-88, 90, 91, 94, 95, 110 and 500 pursuant to section 226/241 of the Act, development contributions shall be paid for the relevant Lots. Development contributions shall be paid at the rate calculated for the relevant stage under RM130758. As per the 2012 Development Contributions Policy, all DCN's issued after 1 July 2012 will be valid for 24 months from the date of issue and then recalculated for payment under the policy relevant at the time in order to establish the relevant development contribution payable for the release of that lot.
- (c) If the Council has confirmed in writing that it is satisfied that the conditions of 3.13(a) and (b) above have been complied with then those consent notice conditions along with this condition may be deemed to be expired for the purpose of section 221(5) of the Act.

Dated this

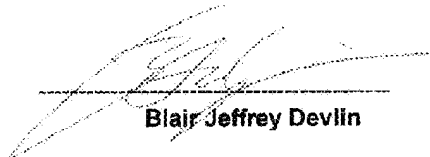
15th

day of

DECEMBER

2014

SIGNED for and on behalf
Of the QUEENSTOWN LAKES
DISTRICT COUNCIL by its
Manager, Resource Consenting


Blair Jeffrey Devlin

Appendix One:**Kirimoko Park Stage 2 – Schedule of Building Platform Areas**

lot number	lot area m2	Platform (single story) area m2	Platform (two story) area m2	platform (Total) area m2	max building area
52	713	BB 124	BA 147	271	260
53	809	BC 139	BD 158	297	260
54	982	-	BE 317	317	315
55	907	-	BF 305	305	300
56	723	BG 162	BH 131	293	270
57	874	BI 127	BJ 209	336	310
58	1122	BK 212	BL 172	384	330
59	1123	-	BM 401	401	330
60	1064	BN 87, BP 126	BO 186	399	330
69	856	BQ 269	-	269	260
70	862	BR 259	-	259	260
71	819	BS 315	-	315	270
72	811	BU 173	BT 149	323	270
73	912	BV 324	-	324	300
74	808	BW 337	-	337	270
75	845	BX 314	-	314	290
76	823	-	BY 283	283	270
77	802	BZ 283	-	283	260
78	734	CA 287	-	287	260
79	746	CB 311	-	311	270
80	664	CC 274	-	274	260
81	631	CD 298	-	298	260
82	633	CE 286	-	286	260
83	825	CF 324	-	324	280
84	901	CG 315	-	315	280
85	963	CH 305	-	305	300
86	920	CI 299	-	299	290
87	730	CJ 305	-	305	260
88	975	-	CK 385	385	300
89	787	CL 308	-	308	270
90	676	CM 274	-	274	260
91	716	CN 286	-	286	260
92	675	CO 268	-	268	260
93	875	CP 319	-	319	280
94	647	CQ 297	-	297	260
95	613	CR 299	-	299	260
109	715	CS 269	-	269	250
110	866	CT 336	-	336	280
Total	30777			11749	10555

**ANNEXURE SCHEDULE
CONSENT FORM¹**

Land Transfer Act 1952 section 238(2)

Person giving consent <i>Surname must be underlined</i>	Capacity and Interest of Person giving consent <i>(eg. Mortgagee under Mortgage no.)</i>
HEARTLAND BANK LIMITED	Mortgagee under Mortgage Nos. 5871423.2, 7871182.3 and 7950791.3

Consent
*Delete words in [] if inconsistent with the consent
 State full details of the matter for which consent is required*

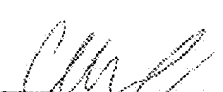
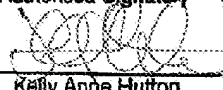
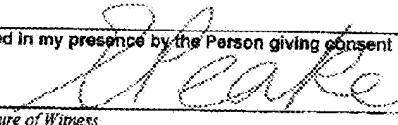
[Without prejudice to the rights and powers existing under the interest of the person giving consent.]

the Person giving consent hereby consents to:

The depositing of Digital Title Plan LT 481348, including all easements, surrenders, extinguishments, covenants and consent notices specified or required in connection herewith, and to the vesting of Lot 302 as Road with the Queenstown Lakes District Council, but without prejudice to the rights of the mortgagee under mortgages 5871423.2, 7871182.3 and 7950791.3.

Dated this 2nd day of December 2014

Attestation

 _____ Craig Winston McGregor Authorised Signatory  _____ Kelly Anne Hutton Authorised Signatory	Signed in my presence by the Person giving consent  _____ <i>Signature of Witness</i> Witness to complete in BLOCK letters (unless legibly printed): Witness name _____ Occupation _____ Address _____
Signature (Common seal) of Person giving consent	

¹ An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

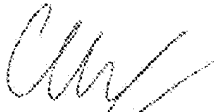
HEARTLAND
BANK

Certificate of Heartland Bank Limited

With effect from 31 January 2013, Heartland Building Society has been converted into a company pursuant to Part 7A of the Building Societies Act 1965. The name of that company is Heartland Bank Limited. By virtue of the conversion of Heartland Building Society into a company, the property, rights and liabilities of Heartland Building Society, including all rights in respect of the security in favour of Heartland Building Society, shall vest in Heartland Bank Limited.

Attached to this certificate is a certified copy of the Certificate of Incorporation of Heartland Bank Limited issued by the Registrar of Companies.

Signed by:



Craig Winston McGregor



Kelly Anne Hutton

By authority of the Board of Directors of Heartland Bank Limited



COMPANIES OFFICE

Certificate of Incorporation

HEARTLAND BANK LIMITED
4255999

This is to certify that HEARTLAND BANK LIMITED was incorporated under the Companies Act 1993 on the 31st day of January 2013.

CERTIFIED to be a true and correct copy of the original document.
DATED at Christchurch
this 31st day
of January 2013
A Solicitor of the High Court of
New Zealand

Dean Andrew Seymour
Solicitor
Christchurch

Neville Harris



Registrar of Companies
31st day of January 2013

For further details relating to this company check
<http://www.business.govt.nz/companies/app/rt/pages/companies/4255999>
Certificate generated 31 January 2013 09:03 AM NZDT