



View Instrument Details

Instrument No. 10263279.3
Status Registered
Date & Time Lodged 07 Dec 2015 08:33
Lodged By Roy, Hannah Louise
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Computer Registers	Land District
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567741	Otago
567742	Otago
717587	Otago
718560	Otago

Annexure Schedule: Contains 10 Pages.

Signature

Signed by Melissa Jane McFarlane as Territorial Authority Representative on 15/12/2015 04:38 PM

***** End of Report *****

UNDER Section 221 of the Resource Management Act 1991

IN THE MATTER of Lots 1-3, 61-68, 96-108, 111-113, 116-129 Deposited Plan 491833 being a Subdivision of Lot 1-3 DP 443395 and Lot 500 DP 481348

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. Ancillary Structures -

Means sheds, decks, spas, swimming pools, carports, pergolas and suchlike structures (but excluding detached garages and sleepouts) which shall be attached to any dwelling erected on the servient tenement and which are of a height not exceeding 3.5 metres above Original Ground Level nor exceeding 2.5 metres above Original Ground Level within 1m of any internal boundary.

2.2. Building -

Shall have the same meaning as in Building Act 2004, but shall not include:

- (a) Fences or walls of 1.2 metres in Height or less above Original Ground Level.
- (b) Structures less than 5m² in area and less than 2m in Height above Original Ground Level.
- (c) Radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2 metres in diameter), less than 2metres in Height above Original Ground Level.
- (d) Masts and Poles less than 2metres in Height above Original Ground Level.

2.3. Height –

Means the vertical distance between existing ground level 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 491833.

2.6. **Residential Lot –**

Means certain lots within Kirimoko Park Plan of Subdivision being Lots numbered 1-3, 61-68, 96-108, 111-113, 116-129. 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 for Deposited Plan 491833:

Lot 1 DP 491833	Lot 2 DP 491833	Lot 3 DP 491833	Lot 61 DP 491833
Lot 62 DP 491833	Lot 63 DP 491833	Lot 64 DP 491833	Lot 65 DP 491833
Lot 66 DP 491833	Lot 67 DP 491833	Lot 68 DP 491833	Lot 96 DP 491833
Lot 97 DP 491833	Lot 98 DP 491833	Lot 99 DP 491833	Lot 100 DP 491833
Lot 101 DP 491833	Lot 102 DP 491833	Lot 103 DP 491833	Lot 104 DP 491833
Lot 105 DP 491833	Lot 106 DP 491833	Lot 107 DP 491833	Lot 108 DP 491833
Lot 111 DP 491833	Lot 112 DP 491833	Lot 113 DP 491833	Lot 116 DP 491833
Lot 117 DP 491833	Lot 118 DP 491833	Lot 119 DP 491833	Lot 120 DP 491833
Lot 121 DP 491833	Lot 122 DP 491833	Lot 123 DP 491833	Lot 124 DP 491833
Lot 125 DP 491833	Lot 126 DP 491833	Lot 127 DP 491833	Lot 128 DP 491833
Lot 129 DP 491833			

- a. Except for Lots 3, 112, 113, 117, 118, 119, 122, 126, 127, 128 or 129 there shall be no further subdivision of any Lot other than minor boundary adjustments that do not create any additional, separately saleable, residential allotments.
- b. All buildings shall be sited entirely within the building platform as shown on the Title Plan (refer to Schedule of Land Covenants for Building Platform areas on DP 491833) except:

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

- i. The footprint of any building extends no more than 1m outside of the building platform as shown on the Plan of Subdivision; and
- ii. The footprint encroachment does not exceed more than 10% of the building platform area identified on the Residential Lot on the Title Plan; and
- iii. The footprint encroachment is offset elsewhere in the Building design so the buildable area for the Residential Lot is not increased; and
- iv. 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
- v. 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
- vi. 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.

- c. 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 (Kirimoko Park Stage 2 – Schedule of Building Platform Areas).
- d. In the event that a single dwelling is constructed on Lots 112, 113, 117, 118, 119, 122, 126, 127, 128 or 129 the dwelling shall not exceed the single dwelling maximum buildable area specified in condition 19(d) of RM130758 and attached to this consent notice and shall be positioned such that it does not preclude the future development of a second dwelling within the building platform.
- e. Lots 112, 113, 117, 118, 119, 122, 126, 127, 128 and 129 are two unit capable; however development contributions have only been paid in respect of the first dwelling on site. Should the lots be further developed or subdivided (whichever comes first) the owner at that time shall pay to the Queenstown Lakes District Council any applicable development contributions as per QLDC's development contributions policy.
- f. 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.

- g. 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.
- h. 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.
- i. The maximum height of any 7m section of any dwelling as specified for the allotment on DP 491833 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.
- j. The maximum height of any 4.5m section of any dwelling as specified for the allotment on DP 491833 shall not exceed 4.5m above the building platform's central survey mark as shown on the Survey Plan; except where
 - i. the proposed dwelling within the 4.5m section does not exceed 5m above the survey mark; and
 - ii. the prior written approval is obtained from the Kirimoko Park Resident's Association Incorporated.
- k. Except where provided for under Condition 3.1 any structures constructed outside of the building platform shall be subject to the relevant rules of the District Plan.
- l. 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.
- m. 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.
- n. On becoming the registered proprietor of a Residential Lot in the Kirimoko Park Subdivision the registered proprietor shall:
 - i. Automatically become a member of the Kirimoko Park Residents' Association Incorporated; and
 - ii. Remain a Member of the incorporated society for so long as they are the registered proprietor of that Residential Lot; and
 - iii. To fulfil and to continue to fulfil the obligations of a Member as set out in the Rules of the incorporated society.

Amalgamation conditions

- o) Prior to cancellation of the amalgamation condition in relation to Lots 1-3, 61-68, 96-108, 111-113 and 116-129 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 relating to the issue of the s224(c) certificate, this then will require the re-inspection of services and any necessary infrastructure by Council at the consent holder's expense.
- p) Prior to cancellation of the amalgamation condition in relation to Lots 1-3, 61-68, 96-108, 111-113 and 116-129 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.

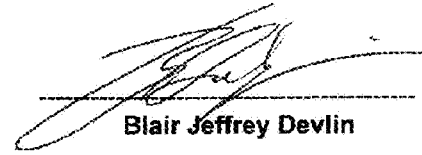
If the Council has confirmed in writing that it is satisfied that the conditions of 3.13(a) and (b) above have been complied with then those consent notice conditions along with this condition may be deemed to be expired for the purpose of section 221(5) of the Act.

Kirimoko Park Stage 2 – Schedule of Building Platform Areas

Lot number	Building platform area within which single storey may be erected (letter represents platform marked on DP 491833)	Building platform area within which double storey may be erected (letter represents platform marked on DP 491833)	Total building platform area	Maximum Buildable Area (m ²)
61	(H) 161	(ZA) 133	294	280
62	(J) 190	(I) 164	354	300
63	(L) 241	(K) 148	389	300
64	(M) 198	(N) 126	324	300
65	(O) 56 (Q) 168	(P) 125	349	305
66	(R) 337	-	337	290
67	(S) 307	-	307	270
68	(T) 344	-	344	290
96	(U) 315	-	315	270
97	(V) 278	-	278	278
98	(W) 295	-	295	260
99	(X) 290	-	290	270
100	(Y) 324	-	324	280
101	(Z) 285	-	285	270
102	(AA) 314	-	314	270
103	(AB) 292	-	292	260
104	(AC) 256	-	256	240
105	(AD) 162	(ZE) 129	291	290
106	(ZF) 95	(AE) 216	311	260
107	(AF) 231	-	231	231
108	(AG) 233	-	233	240
111	(AJ) 109 (AH) 20	(AI) 122	251	230
112	(AL) 168 (AN) 74	(AK) 133 (AM) 122	497	420
113	(AO) 88 (AQ) 50 (AS) 60	(AP) 129 (AR) 150	477	420
116	(AU) 107	(AT) 121	228	230
117	(AV) 107 (AX) 91 (AZ) 80	(AW) 132 (AY) 120	530	500
118	(BA) 160	(BB) 272	432	432
119	(BC) 68 (BE) 82	(BD) 141 (BF) 136	427	427
120	(BH) 100	(BG) 131	231	230
121	(BI) 94 (BK) 50	(BJ) 178	322	300
122	(BL) 100 (BN) 148	(BM) 119 (BO) 128	495	450
123	(BP) 333	-	333	270
124	(BQ) 291	-	291	290
125	(BR) 347	-	347	310
126	(BS) 42 (BT) 109 (BU) 41 (BV) 58	(BX) 234	484	484
127	(BY) 177 (CB) 60	(BZ) 128 (CA) 128	493	460
128	(CC) 37 (CE) 47 (CF) 83 (CG) 63	(CD) 125 (CH) 123	478	460
129	(CI) 38 (CK) 87 (CL) 86 (CM) 44 (CO) 53	(CJ) 121 (CN) 129	558	460

Dated this 24th day of NOVEMBER 2015

SIGNED for and on behalf
Of the QUEENSTOWN LAKES
DISTRICT COUNCIL by its
Manager, Planning Practice



Blair Jeffrey Devlin

**ANNEXURE SCHEDULE
CONSENT FORM¹**

Land Transfer Act 1952 section 238(2)

Person giving consent <i>Surname must be <u>underlined</u></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*

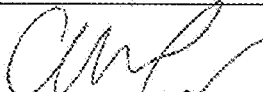


[Without prejudice to the rights and powers existing under the interest of the person giving consent.]

the Person giving consent hereby consents to:

The depositing of Digital Title Plan LT 491833, including all easements, surrenders, extinguishments, covenants, consent notices and cancellations of existing consent notice specified or required in connection herewith, and to the vesting of Lot 300 and 301 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 15th day of October 2015

Attestation

 Craig Winston McGregor Authorised Signatory  Janna Sian Peat Authorised Signatory	<p>Signed in my presence by the Person giving consent</p>  <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



Craig Winston McGregor
Authorised Signatory




Janna Sian Peat
Authorised Signatory

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.

We have previously provided you with a certified copy of the Certificate of Incorporation of Heartland Bank Limited issued by the Registrar of Companies.

Signed by:



Craig Winston McGregor



Janna Sian Peat

By authority of the Board of Directors of Heartland Bank Limited