

APPENDIX D

IN THE MATTER of Section 221 of the
Resource Management Act
1991

AND

IN THE MATTER of an Application for
Subdivision Consent by
Shotover Country Limited

MAX'S WAY
CONSENT NOTICE

BACKGROUND

- A. Shotover Country Limited of Queenstown has applied to the Queenstown Lakes District Council pursuant to provisions of the Resource Management Act 1991 for its consent to subdivide land comprised and described in Computer Freehold Registers 601018, 522183 and 348843 (Otago Registry) ("the land").
- B. Council has granted consent RM120752 ("Resource Consent") to the proposed subdivision subject to certain conditions which are required to be complied with on a continuing basis by the owner of the land from time to time being those conditions specified in the Operative Part of this Consent Notice.

OPERATIVE PART

1.0 LAND

1.1 The following conditions pertaining to this Consent Notice are to be registered against the titles of the following allotments:

Lot 1, 3, 4, 5, 8, 9 and 11 DP 463420

1.2 The Consent Notice conditions apply to those areas named 'Max's Way Consent Notice Area' ("MWCNA") and marked 'K', 'L', 'M', 'N', 'O', 'P' and 'Q' on Deposited Plan 463420. Where the provisions of this Consent Notice conflict with, or do not match, the provisions of any other general consent notice registered on the Computer Freehold Register to a Lot (registered on or about the date of registration of this Consent Notice) then the provisions of this Consent Notice shall prevail.

1.3 In this Consent Notice, the Definitions and Interpretation provisions set out in the Schedule shall apply, unless the context otherwise requires.

2.0 FENCING and VEGETATION

2.1 The existing post and wire fence located within the MWCNA as at the date of registration of this instrument shall be retained and maintained by the Lot Owner.

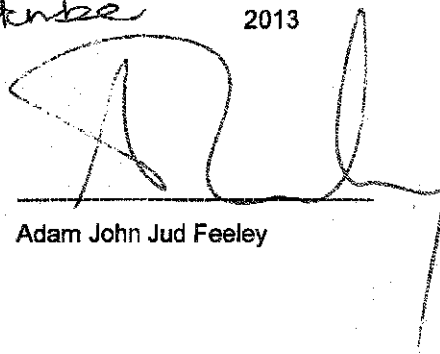
2.2 There shall be no additional Structures located within the MWCNA, except for boundary fencing between Lots 1 and 3, between Lots 3 and 4, between Lots 4 and 5, between Lots 5 and 8, between Lots 8 and 9, and between Lots 9 and 11.

2.3 All vegetation and mounding with the MWCNA shown on the Landscape Plan shall be retained and maintained by the Lot Owner in perpetuity. If any such vegetation dies, is destroyed or become diseased it shall be replaced by the Lot Owner with the same species within the following planting season.

Dated this 16th day of September 2013

SIGNED for and on behalf
Of the QUEENSTOWN LAKES
DISTRICT COUNCIL by its

Chief Executive Officer



Adam John Jud Feeley

SCHEDULE

DEFINITIONS

- Landscape Plan* means the approved landscape plan *Landscape Concept Plan: Rev B, Drawing No. L1B dated 15.2.13* approved by resource consent RM120752.
- Lot Owner* means the registered proprietors(s) of a Lot and any occupier, tenant, lessee, licensee, agent, contractor, visitor or invitee of a Lot Owner.
- Lot* means one of the residential allotments listed at clause 1.1, and any additional or replacement residential lot created from those allotments.
- Structure* means any building, equipment, device or other facility made by people which is fixed to the land.

INTERPRETATION

For the avoidance of doubt:

- a. Words importing the singular number include the plural and vice versa.
- b. A requirement to do something is also a requirement to permit or cause that thing to be done and a requirement not to do something is also a requirement not to permit or cause that thing to be done.
- c. Subject to clause d below, no provision of this Consent Notice shall confer an obligation on any Lot Owner where that Lot Owner has complied with its obligations under this Consent Notice with respect to, or related to, its Lot.
- d. Any breach of this Consent Notice by a tenant, occupier, lessee, licensee, contractor, agent, employee, visitor, invitee (or similar) of the registered proprietor/s shall also be deemed to be a breach of this Consent Notice by that/those registered proprietors.