

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 No. 2
Limited

**HICKS COTTAGE
BUILDING AND SITE CONTROLS**

CONSENT NOTICE

Lot 1205

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 (to be allocated) (Otago Registry) ("the land").
- B. Council has granted consent (RM181296) ("**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 this Consent Notice.

1.0 OPERATIVE PART

- 1.1 The following conditions pertaining to this Consent Notice are to be registered against the Computer Freehold Registers of the following allotments:

Lot 1205 DP (to be allocated)

- 1.2 The Consent Notice conditions apply to Lot 1205 on Deposited Plan (to be allocated). This Consent Notice applies alongside *'Hicks Cottage Consent Notice Lot 1205'* (approved by RM171487). 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.

2.0 BUILDING CONTROLS

- 2.1 There shall be no more than one Residential Unit erected on Lot 1205.
- 2.2 Building height on 1205 is restricted to 4.5 metres from Existing Ground Level.
- 2.3 All buildings and structures within any Lot shall have roof colours in the range of browns, greens, greys and blue greys.
- 2.4 Building coverage is restricted to a maximum of 40% of the net area of the site.
- 2.5 All building development must be located within the approved Residential Building Platform marked as Consent Notice Area 'BB' and must have a Finished Floor level of 316.45m amsl (or above).
- 2.6 The owner of Lot 1205 shall be aware that ground levels within the building platform area 'BB' have been constructed to avoid potential flood hazard. The current building platform level area marked 'BB' shall not be reduced below the current RL 316.45m level excluding trenching for service infrastructure and footings for a dwelling house.
- 2.7 All buildings shall have a gable roof with a 30 - 40 degree pitch to reflect the historic character of Hicks Cottage.
- 2.8 Building materials shall be in naturally recessive colours and restricted to the following materials:
- Corrugate steel
 - Plaster
 - Timber either natural, painted or stained
 - Locally sourced stone
 - Corten Steel
- 2.9 Utility areas shall not be visible from Old School Road and the public walking track. For the purposes of this condition utility areas includes rubbish/recycling bin storage areas, gas cylinders, heat pump/air condition units, washing lines and other similar facilities.
- 2.10 At the time a future dwelling is constructed on Lot 1205 a private domestic sewage pump station shall be installed. This pump station shall be connected to the pressure

pipe and associated boundary kit installed at time of the underlying subdivision. The design of this pump station shall be subject to Council review and acceptance prior to construction. Any ongoing maintenance of this pump station and associated pressure pipe from the boundary kit back into the lot shall be the responsibility of the lot owner.

3.0 ACCESS AND PARKING CONTROLS

- 3.1 In accordance with Prohibited Activity Rule 12.30.3.6 (iv) of the Operative Queenstown Lakes District Plan, there shall be no vehicle access from Old School Road to Lot 1205 Deposited Plan (to be allocated) excluding for emergency rescue and firefighting purposes.
- 3.2 The construction of a single vehicle access over easement area 'H' is restricted to the stripping of topsoil and placement of running course only. No other earthworks are permitted within easement area 'H' and 'I'.
- 3.3 At the time of construction of a Residential Unit on the Lot the Lot Owner shall construct one temporary gravel surface vehicle crossing to that Lot. This requirement only applies if a vehicle crossing has not previously been constructed to the Lot. The Lot Owner shall ensure that all construction traffic, delivery of goods and any other vehicles entering and exiting the Lot are restricted to the use of that vehicle crossing only.
- 3.4 Upon the completion of the Residential Unit on the Lot and prior to a Code of Compliance Certificate being issued by the Council for those building works the Lot Owner shall construct a permanent vehicle crossing to the Lot from the Legal Road in accordance with the requirements of the Council applicable at that time. The vehicle crossing constructed shall be formed of asphalt.
- 3.5 A Lot Owner must not:
- (a) Cause any damage to any part of the Legal Road adjoining or adjacent to that Lot Owner's Lot during or as a consequence of construction of any improvements on the Lot or otherwise.
 - (b) Interfere with or cause any damage to (including by removing, cutting down or trimming) any trees, landscaping, infrastructure, street lighting or similar located on any part of any legal Road or Council Reserve adjoining or adjacent to the Lot Owner's Lot, unless any such action is first approved by Council.
 - (c) In the event of any such damage under this clause 3.4 the Lot Owner shall ensure that the damage is remedied within 30 days of the damage occurring.

4.0 FENCING CONTROLS

- 4.1 A Lot Owner must not erect or construct a fence, wall, barrier or similar structure:
- a) Within a Front Yard that is higher than 1.2 metres above Ground Level.
 - b) Within a Side Yard that is higher than 1.8 metres above Ground Level.
 - c) Within a Front Yard:

SCHEDULE

DEFINITIONS

- Front Yard* means any part of a Lot situated within 3.0 metres of a boundary between that Lot and an adjoining Legal Road including any part of the Lot boundary within that area.
- Ground Level* means the finished surface of the ground following completion of the subdivision works permitted by the Resource Consent.
- Legal Road* means all or any part of land located within the Shotover Country Special Zone vested or dedicated in the Queenstown Lakes District Council as legal road and includes footpaths, roadways, kerbing, channelling, infrastructure, lighting, bollards, street furniture, grassed and landscaped areas situated within or on any such land.
- 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 18 residential lots permitted to be created under the Resource Consent and listed at clause 1.1, and any additional or replacement residential lot created from all or part of that lot.
- Side Yard* means any part of a Lot situated within 1.0 metres of an internal boundary (internal boundary being any boundary other than a boundary adjoining a Legal Road).
- Right of Way* means any vehicular right of access to any Lot that is secured by right of way easement instrument.
- Residential Unit* means a residential activity which consists of a single self-contained household unit, whether of one or more persons, and includes accessory buildings. Where more than one kitchen and/or laundry facility is provided on the Lot (other than in a Residential Flat, as defined below) there will be deemed to be more than one Residential Unit.

*Residential
Flat*

means a residential activity that:

- Consists of no more than one flat in the same ownership as the Residential Unit;
- Is contained within that same Residential Unit; and
- If attached to a detached accessory building does not cover more than 50% of total Gross Floor Area of the building containing both the accessory building and the flat combined; and
- contains no more than one kitchen and one laundry; and
- Does not cover more than 35% of the total Gross Floor Area of the building(s) containing the Residential Unit and the flat (but excluding accessory buildings).

*Gross Floor
Area*

means the sum of the gross area of the several floors of all buildings on a Lot, measured from the exterior faces of the exterior walls, or from the centre lines of walls separating two buildings.

*Subdivide and
Subdivision*

have the meanings given to them under the Resource Management Act 1991 (which for avoidance of doubt includes unit title or cross lease subdivision).

Council

means the Queenstown Lakes District Council.

*Council
Reserve*

means a reserve (as defined by the Reserves Act 1977) held by the Council.

Solid

means anything less than 50% visual permeability.

Visitor

Accommodation means the use of land or buildings for short-term, fee paying, residential accommodation where the length of stay for any visitor/guest is less than 3 months.

INTERPRETATION

For the avoidance of doubt:

- Words importing the singular number include the plural and vice versa.**
- 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.**
- 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.**
- 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.**