

From: Sean McLeod
To: [DP Hearings](#)
Subject: RE: PDP Stream 6 Residential submission - 389 & 391 Body corporate 22362 & McLeod
Date: Wednesday, 26 October 2016 7:21:40 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[Goldfields Supplementary record sheet OT14B-307 with new rules .pdf](#)
[DP_348981_UT.tif](#)
[DP_22362T.tif](#)

Morgan

I believe that the definition of Site in the proposed district plan and the operative district plan are the same in regards to unit titles

4. b) ii in the case of land subdivided under Unit Titles Act 1972 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units and an equal share of common property; and
iii in the case of strata titles, site shall mean the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision.

As Patterson Pitts addressed in there submission this had led to difficulties when addressing site rules in the district plan on a unit after it has been subdivided. As an example see attached DP 348981 which is a fairly standard unit plan. It has Principal units Axillary units and in if Manata Lane is an access lot the it should probably be common property. Each unit is a defined area in space made up of the Principal Unit and Auxiliary Unit. There are rules under the Unit Titles Act 2010 on how you go about making alterations and doing a redevelopment. When the Units were constructed the whole property, Lot 15 DP 23538, was considered a rear site and required two 4.5m yards and the rest 2.0m. The 4.5m were probably the western and southern boundaries and the northern and eastern were probably the 2.0m yards. Under the current definition of site Unit B would be the area of AUB1 and ground under PUB. As the southern boundary is adjoining another unit it doesn't require a yard. But does Unit B comply with the yard requirements as there is only one 4.5m yard? QLDC would address any alteration to unit B as a non-complying activity as it doesn't have two 4.5m yards.

There was also a problem that the Computer Unit Title Register for most if not all units states that it is an "Estate: Stratum in Freehold" using my title for an example. As there is no definition for "strata titles" in the district plan does this mean that it is a strata title as in the above definition or was the writer only meaning one unit on top of the other?

In their evidence Kimberley Banks for QLDC, – Summary of evidence and response to additional submissions on Subdivision provisions, 7 October 2016 Chapter 9 High Density Residential Zone – Hearing Stream 06, proposed a new definition for site being "*site shall mean the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision*".

This is actually a very good rule for most if not all two unit cases within the district, if not most unit developments, and for 7 years Body Corporate 22362 had a consent allowing the very much the same thing. But at that time under the Unit Titles Act 1972 our Body Corporate had rules where we had control over what people could do over their property and where and what can be built similar to the Jacks Point resident and owners association. The Unit Titles Act 2010 came along and with section 79(e) made these rules ultra-viries according to the legal opinion we obtained. Also after about 18 months all existing rules were wiped away by the new legislation anyway.

79 Rights of owners of principal units

(e) subject to section 80(1)(h) and (i), may make any alterations, additions, or improvements to his or her unit so long as these are within the unit boundary and do not materially affect any other unit or common property:

As our development was of bare land and principal and auxiliary units are not defined (see attached DP22362T) and units were/are still being developed to get around this we passed a new rule by special resolution that references the zone and site rules of QLDC district plan. (see supplementary record sheet for DP 22362)

7(b) The works cannot materially affect other units or the Common Property. If the alterations or construction comply with the zone and site rules of the Queenstown Lakes District Council District Plan the Body Corporate will

consider that there are no effects. Otherwise consent in writing of the affected owner or the Body Corporate committee is required before the commencement of any work.

Now that the definition of site could possibly be changing it looks as if we only have to respect the external boundaries of the development being Lot 1 and 2 DP 22030 and we will have problems with anyone wanting to build anywhere within their development with the only thing we could possibly stop is if it had material effect on another unit or the common property. With no base line to does make effects difficult to assess. This is also one of the consequential effects of any changes that Kimberley Banks was referring too and why it was suggested deferment to the definitions stream and why I pointed it out in my submission to be tabled.

When I wrote the previous submission I had not weighed all the pros and cons of the proposed changes to the definition of site but just felt that it was mentioned in one or more of the QLDC submissions and that it would have some effect on us, at first draft I also removed my ramblings some of which are above. This clarification request from the hearings panel has made me look at things closer. Overall I now believe that the suggested change in definition is probably a change for the better for the district plan and that if the definition does change then it is easier for us to change our rules to the fact that we consider our units to be a site under the district plan rather than having DP 22362 an exception. I suggest that when site is looked at in the definition stream the hearings panel considers bare land unit titles of which there are very few within the district with Closburn Alpine Park maybe being the only other.

One other point unit subdivisions are now done under the Unit Titles Act 2010 so definition for site (or wherever the Unit Titles Act 1972 is mention in the district plan) should also cover this Act not just the 1972 Act.

I hope this answers the committees question

Sean McLeod

Chairman Body Corporate 22362

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From: DP Hearings [mailto:DP.Hearings@qldc.govt.nz]

Sent: 26 October, 2016 10:44 AM

To: Sean McLeod <sean.mcleod@ppgroup.co.nz>

Subject: RE: PDP Stream 6 Residential submission - 389 & 391 Body corporate 22362 & McLeod

Hi Sean,

The hearings panel would like you to elaborate on the following highlighted in yellow below from your tabled document:

Definition of Site

There have been submissions and suggestions for changes to the definition of "site" in the district plan. This submission is written based on the current and notified definition. Any changes to the definition of site will have to take into consideration Body Corporate 22362, which is a special case as it was originally the subdivision of bare land by way of a Unit Title subdivision. There are very few bare land unit subdivisions within the district as there was doubt as to the legality, but changes to the Unit Titles Act in 2010 specifically made such subdivisions definitely illegal.

Thank you.

Morgan Sandeman | District Plan Admin Assistant | Planning & Development
Queenstown Lakes District Council



 **QUEENSTOWN
LAKES DISTRICT
COUNCIL**
www.qldc.govt.nz

From: Sean McLeod [<mailto:sean.mcleod@ppgroup.co.nz>]
Sent: Tuesday, 25 October 2016 2:27 PM
To: DP Hearings
Subject: PDP Stream 6 Residential submission - 389 & 391 Body corporate 22362 & McLeod

Morgan

After reading the section 42A reports, including the appendixes of new rules, and as most of the submission from Body Corporate 22362 was in regards to changing the zoning of its land in Goldfields from LDR to MDR, which has been deferred to the rezoning/mapping hearings. I would much rather speak to the panel during that stream and wish to submit the following comments instead. A PDF is attached for you to distribute. Please remove my allotted time tomorrow or allocate it to someone else and give my apologies to the panel.

Regards

Sean McLeod
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3 Woodbury Rise

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Chairman Body Corporate 22362

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Before the Queenstown Lakes District Council

In the matter of the Queenstown Lakes Proposed District Plan Stage 1 Stream 6 - Low, Medium and High Density Residential, Arrowtown Residential Historic Management Zone and Large Lot Residential - Chapters 7,8,9,10 and 11

Submission prepared by Sean McLeod on behalf of submitters:

389 Body Corporate 22362
391 Sean and Jane McLeod

Submitter Number: 389

Submitter: Body Corporate 22362

Contact Name: Sean McLeod Email: sean.mcleod@ppgroup.co.nz

Address: Chairman of Body Corporate 22362 on behalf of the owners of 131 units in the Body Corporate C/O APL, PO Box 1586, Queenstown, New Zealand

Preamble

My name is Sean McLeod and I have been chairperson of Body Corporate for over 10 years. I am also employed as a surveyor at Paterson Pitts and have worked on a number of developments within the district. I have lived and worked in Queenstown for over 30 years and know the district plan reasonably well, however this submission is not made in any professional capacity, it is my and other owners of Body Corporate 22362 view, and as residents and owners within the district. The Section 42A report states that I am the submitter but this is incorrect - it is

actually Body Corporate 22362, and I and my wife have our own separate submission to create a separation of interests.

After reading the section 42A reports, including the appendixes of new rules, and as most of the submission from Body Corporate 22362 was in regard to changing the zoning of its land in Goldfields from low density residential to medium density residential, which has been deferred to the rezoning/mapping hearings. I would much rather speak to the panel during that stream and wish to submit the following comments instead.

General

The submission has been discussed with other owners and at the AGM, and although we have submitted to rezone the Body Corporate to medium density the general consensus is that further intensification of the development is unwanted. To preclude residential flats and further intensification of the development our Body Corporate rules already includes a rule restricting kitchens and laundries to one per unit, although I do know of 5-6 flats which existed before the rule was adopted.

A motion to break up the Body Corporate failed a few years ago and at the last AGM a motion to subdivide two residential units into three also failed. At the AGM a poll was taken on whether the committee should also look at subdividing sites off the common property, leasing common property or constructing residential flats as rentals, for an income stream. The answer was an overwhelming “no” to all intensification and because of the Unit Titles Act 2010 any changes to the development will require a special resolution passed with approval of 75% of the owners, or by court action.

As the rezoning/mapping hearings are not happening until a later date, this submission is written as if Body Corporate 22362 was staying in the LDRZ.

Urban Design

In his Urban Design evidence Garth Falconer stated that:

4.15 Medium density housing is a relatively new form of residential development in New Zealand. The dominance of low density residential development has allowed a relaxed planning approach to design. However, most towns and cities across New Zealand have sought to contain urban sprawl and have encouraged the development of more consolidated forms of residential living. What is referred to as medium density is an area of strong focus within residential design and provision.

5.6 Generally across New Zealand, high density residential development is not a widespread or familiar type of development, and there is usually a lot of reservation in the broader community about the quality of living and effects on neighbourhood character. However in Queenstown there is a long established presence of high density residential apartments, hotels and other forms of visitor accommodation.

I would like to add that although in general New Zealanders are more accustomed to their quarter acre section rather than a medium or high density residential development, Queenstown is not necessarily typical of the rest of New Zealand. There is a large section of the local population who are either from overseas or are New Zealanders who have lived overseas, and are more accustomed to this type of lifestyle. There are the medium term visitors, 1-2 years, who would prefer smaller, cheaper, low maintenance rental accommodation and there are also a large number of holiday home properties which do not require large LDR lots for amenity and outdoor living as they are generally are out participating in activities or dining, and would more likely prefer that to maintaining a property and mowing lawns. I would submit that for a number of reasons Queenstown should be leading the way in medium and high density living.

Definition of Site

There have been submissions and suggestions for changes to the definition of “site” in the district plan. This submission is written based on the current and notified definition. Any changes to the definition of site will have to take into consideration Body Corporate 22362, which is a special case as it was originally the subdivision of bare land by way of a Unit Title subdivision. There are very few bare land unit subdivisions within the district as there was doubt as to the legality, but changes to the Unit Titles Act in 2010 specifically made such subdivisions definitely illegal.

Rule 7.4.9.2

As notified Rule 7.4.9.2 allowed for two residential units to be constructed on site as a permitted activity. With Rule 7.5.6 allowing for a density of one residential unit per 300m² also as a permitted activity, this allowed two residential units to be constructed on a 600m² site. The proposed changes removing Rules 7.4.9.2 and 7.5.6 and

adding 7.4.10.1 as a restricted discretionary activity is a significant change from what was notified. The ethos of the District Plan review and most submissions was to stop urban sprawl across the district and make better use of the land already zoned residential. The changes suggested by Amanda Leith in her revised rules, contained in Appendix 1, bring the permitted rules back in line with the operative District Plan. The new residential areas of Shotover Country and Hanley Downs both allow for greater density as permitted activity than what is now proposed for the LDRZ. Although both use other methods to control the overall density both have areas with no minimum lot size under the subdivision rules. Shotover Country has sites down to 300m² while Hanley has proposed sites in the 350-400m² range. The residential zoning in town should be denser than the residential in the rural areas, not the other way around.

The operative district plan has rule 7.5.5.3.iii in regards to a 450m² site density, but also has the savings clause 7.5.5.3.iii(a) allowing for two residential units to be constructed on a site of between 625m² and 900m², if the site existed as of 10 October 1995 and (b) for comprehensive developments to have a density of 200m² except in the Wanaka LDRZ which allowed 350m². Currently if a 650m² site existed before 1995 it could accommodate 2 units, while a 2000m² comprehensive site 10 units. Under what was notified this would have been 2 and 6 respectively, and what is now proposed 1 and 4 respectively. In reducing the density from 300m² to 450m² in the revised rules contained in Appendix 1, Amanda Leith has totally missed these two existing rules with the overall outcome of the LDRZ actually possibly becoming less dense than it currently is, which is not the desired outcome of the district plan review.

The rule as written also means an existing site under 450m² cannot be built on without consent. As we have a number of sites of under 450m² Body Corporate 22362 is concerned that any alterations or replacement of dwellings on these sites will now require a restricted discretionary consent and we suggest the following changes are more like what was publicly notified:

7.4.9 Residential Unit

7.4.9.1 One (1) per site in Arrowsmith.

7.4.9.2 For all other locations, two (2) or less per site.

7.4.9.3 Development of no greater than one residential unit per 300m² net site area

Note – Additional rates and development contributions may apply for multiple units located on one site.

Being a permitted activity

7.4.10 Residential Unit

7.4.10.1 Two (2) or more per site in Arrowsmith.

7.4.10.2 For all other locations, three (3) or more per site.

7.4.10.3 Development of no greater than one residential unit per 300m² net site area except within the following areas

(a) Sites located within the Air Noise Boundary or located between the Air Noise Boundary and Outer Control Boundary of Queenstown Airport

Control is reserved to the following:

- How the design advances housing diversity and promotes sustainability either through construction methods, design or function*
- Privacy for the subject site and neighbouring residential units*
- In Arrowsmith consistency with Arrowsmith's character, utilising the Arrowsmith Design Guidelines 2016 as a guide*
- Building dominance on neighbouring properties and the public realm*
- Parking and access: safety and efficiency and impacts to onstreet parking and neighbours*
- Design and integration of landscaping*
- Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated.*

Note – Additional rates and development contributions may apply for multiple units located on one site.

Being a restricted discretionary activity

If the above rules are not accepted, we would like a 'savings' clause inserted, to protect the existing rights of owners within Body Corporate 22362 to build and modify their units, however as this will likely affect a large number of existing units in the district, ie any two unit developments under 900m², then the clause should probably be more generic and would suggest :

7.4.9.1 Development of no greater than one residential unit per 450m² net site area, except on existing sites under 450m² where one (1) residential unit can be constructed, extended or altered as of right or if two (2) or more residential units exist on a site with less than a 450m² per unit density then the residential units can be extended or altered as of right.

If the density for the LDRZ stays at 450m² savings clauses in the Operative District Plan 7.5.5.3.iii(a) allowing for two residential units to be constructed on a site of between 625m² and 900m² if the site existed as of 10 October 1995 and (b) for comprehensive developments, should also be written back into the proposed plan. If the LDRZ density is returned to the 300m² only the comprehensive rule requires addition.

Rule 7.5.3 Height Limit

Modified Rule 7.5.3.d states:

d. Items (a) and (b) above do not apply in Queenstown where the site was created in a separate Certificate of Title as at 10 October 1995 and no residential unit has been built on the site (then the maximum height limit shall be 8 metres).

There was an error in the notified rules and this has been carried forward by Amanda Leith in the revised rules contained in Appendix 1. The maximum height in the LDRZ for a sloping site is 7m and a flat site 8m. The 7m height limit should apply to sloping sites on sites existing before 10 October 1995. Rule 7.5.3.d should be rewritten to be :
d. Items (a) and (b) above do not apply in Queenstown where the site was created in a separate Certificate of Title as at 10 October 1995 and no residential unit has been built on the site (then the maximum height limit shall be 8 metres on flat sites or 7 metres on sloping sites).

Rule 7.5.09 Minimum Boundary Setbacks

In my original submission reference to the operative district plan rule 7.5.5.2.iii seems to be missing the last digits. The operative plan has the following site standard. This is the rule I was trying to replace, not 7.5.3.2(i) as in the section 42A report :

7.5.5.2(iii) Setback from Roads

(a) In the Low Density Residential Zone The minimum setback from road boundaries of any building, other than garages, shall be 4.5m.

I would still say that this rule has existed for a number of years. There appears to be few problems with garages within the road setback and by removing it the effects on steep land could be greater. Suggest that it becomes a restricted discretionary rule, with discretion restricted to the controls in rule 7.5.3.2(i)

Rule 7.5.10 Building Separation Within sites

The proposed changes in Appendix 1 include reducing the notified separation between buildings from 6 to 4 metres. We agree with these changes, but disagree with changing the compliance status from restricted discretionary to discretionary. Rules 7.4.11 building length, 7.5.14 Setback of buildings from water bodies and 7.5.16 Height Restrictions along Frankton Road are all similar items which have similar types of effect, and which are all restricted discretionary.

Submitter Number: 391

Submitter: Sean and Jane McLeod

Contact Name: Sean McLeod Email: sam.qtn@ihug.co.nz

Address: 3 Woodbury Rise Queenstown

General

In regards submission 389 Goldfields Body Corporate above, Sean and Jane McLeod have similar concerns and have the same comments as above, further they also have the following additional comments to make.

Visitor Accommodation

QLDC withdrew the provisions of Visitor Accommodation from the Proposed District Plan after it was notified and before submissions closed. If there were submissions on VA then they have been ignored. In the section 42A report Amanda Leith confirmed the withdrawal of the VA provisions and has removed the VA provisions in her revised rules contained in Appendix 1. We understand why the provisions were removed, but would rather have had the rules and policies around VA addressed sooner rather than later. All references to Visitor Accommodation should

be removed from Section 7, 8, 9, 10 & 11 of the proposed district plan.

Rule 7.5.2 Height limit

When first put out for public comment the LDRZ had a height limit of 8 metres for both flat and sloping sites, being the same as the MDRZ. The section 42A report opts to retain the rules as modified although there were a number of submitters asking for changes. I had asked that the height limit be increased to 8m, with others asking for greater. If the effects for the increase are minimal for the MDRZ, then they should be the same in the LDRZ. With a rule change there is not a sudden change, but a gradual increase over a number of years. It is unlikely all of the existing dwellings in the LDTZ will be knocked down and rebuilt a metre taller, but it does allow for a gradual increase over time as houses are replaced.

Rule 7.5.3 Height limit

Our original submission asked for this to be removed in its entirety. We still seek this outcome. Queenstown requires additional rental properties and home ownership and going up is one way of obtaining the desired result without further urban sprawl and the traffic it produces.

Rule 7.5.09 Minimum Boundary Setbacks

There are comments above but going further I would suggest that on steep sites garages within the front yard should be permitted in all residential zones.

Rule 7.4.9.1(a)

My original submission included a submission that any land zoned for large lot residential be changed to low density residential. This is incorrect. What was meant was to refer to the Queenstown Heights Overlay Area. I wish to withdraw this submission in regards to Large Lot residential and replace it with Queenstown Heights Overlay Area and that the reference to the Queenstown Heights Overlay area be removed and the land to be rezoned LDR. The section 42A report questions the steep topography and the geotechnical stability of the land. The overlay area is a large block of land with only approximately half the area covered by the landslide hazard as shown on the QLDC GIS. The land is not as steep as some of the sites already developed within Goldfields, Middleton Road and Larchwood Heights. The geotechnical stability of the land is only an engineering problem and various solutions are available either to hold the land in place or protect it from falling debris. The hazard will exist whether the lots are 1500m² or 600m². Being allowed to create additional sites may make any geotechnical remedial works more economic and the land more likely to be developed. If it is not economic to develop then it is likely to remain the gorse, broom, wilding pine covered hillside it currently is. At a minimum the reference to the Queenstown Heights Overlay should be removed from the area outside of the landside area as shown on the QLDC GIS and move again if a geotechnical report is produced saying that it is stable or that the risk can be mitigated.

09 October 2012



Corinna May Flawn
Galloway Cook Allan
PO Box 143
Dunedin 9054

Client Ref: 304333.2 (Goldfields)

Land Transfer Act 1952: e-dealing Registration Confirmation Statement

The dealing 9161790 submitted on 07/09/2012 has been registered.

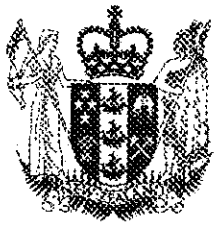
The following Computer Register(s) are affected:

OT14B/307 Otago

Any plans deposited as a result of the registration of this dealing are listed below:

National Manager Survey & Title Operations

Christchurch Survey & Title Operations
112 Tuam St
Private Bag 4721
Christchurch Mail Centre
Christchurch 8140
New Zealand
Tel 0800 ONLINE (665463)
Fax 64-3-366 6422
Internet <http://www.linz.govt.nz>



**SUPPLEMENTARY RECORD SHEET
UNDER UNIT TITLES ACT 1972**

Search Copy

Identifier OT14B/307
Land Registration District Otago
Date Issued 24 January 1992
Plan Number DP 22362

Subdivision of
 Lot 2 Deposited Plan 22030 and Lot 1 Deposited Plan 22030

Prior References
 OT14B/168

Unit Titles Issued

1429	1430	1431	60335
60336	60337	60338	OT14B/239
OT14B/240	OT14B/241	OT14B/242	OT14B/243
OT14B/244	OT14B/245	OT14B/246	OT14B/247
OT14B/249	OT14B/250	OT14B/251	OT14B/252
OT14B/253	OT14B/254	OT14B/255	OT14B/256
OT14B/257	OT14B/258	OT14B/259	OT14B/260
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OT14D/755	OT14D/756	OT14D/95	OT14D/96
OT14D/97	OT14D/979	OT14D/98	OT14D/980
OT14D/99	OT15A/1136	OT15A/1138	OT15A/151
OT15A/152	OT15A/55	OT15A/56	OT15A/58
OT15A/59	OT15A/608	OT15A/609	OT15C/1049
OT15D/701	OT15D/703	OT15D/718	OT15D/719
OT15D/720	OT15D/736	OT15D/737	OT15D/738
OT15D/739	OT15D/740	OT15D/741	OT15D/742
OT15D/743	OT15D/744	OT15D/745	OT15D/746
OT15D/748	OT15D/749	OT15D/750	OT15D/751
OT15D/752	OT15D/753	OT15D/754	OT15D/755
OT15D/759	OT15D/760	OT15D/761	OT15D/762
OT18C/1057	OT18C/1075	OT18C/1076	OT18C/427
OT18C/428	OT18C/429	OT18C/430	

Interests

Identifier**OT14B/307****OWNERSHIP OF COMMON PROPERTY**

Pursuant to Section 47 Unit Titles Act 2010 -

(a) the body corporate owns the common property and

(b) the owners of all the units are beneficially entitled to the common property as tenants in common in shares proportional to the ownership interest (or proposed ownership interest) in respect of their respective units.

The above memorial has been added to Supplementary Record Sheets issued under the Unit Titles Act 1972 to give effect to Section 47 of the Unit Titles Act 2010.

Subject to a right of way (in gross) over (now) part Lot 1 DP 22030 herein marked A on DP 22030 in favour of the Queenstown- Lakes District Council created by Transfer 796528.7 Subject to S.309 (1) (a) Local Government Act 1974 Subject to Part IV A Conservation Act 1987 (Affects Section 119 Block XX herein))

Subject to Section 3 Petroleum Act 1937 (Affects Section 1 SO Plan 23229)

Subject to Section 8 Atomic Energy Act 1954 (Affects Section 1 SO Plan 23229)

Subject to Section 3 Geothermal Energy Act 1953 (Affects Section 1 SO Plan 23229)

Subject to Section 6 and 8 Mining Act 1971 (Affects Section 1 SO Plan 23229)

Subject to Section 261 Coal Mines Act 1979 (Affects Section 1 SO Plan 23229)

Subject to Section 5 Coal Mines Act 1979 (Affects Section 1 SO Plan 23229)

Subject to Section 59 Land Act 1948 (affects part Section 51)

Subject to a right of way, right to drain sewage and water, right to convey electricity, telephone communications and water over part marked K on DP 19615 appurtenant to Lots 40-44 and 49 DP 19615 (CsT OT10C/546-550 and 552) created by Easement Certificate 652544 - 13.3.1986 at 1.43 pm Subject to Section 309(1)(a) Local Government Act 1974

Appurtenant to Lot 48 DP 19615 is a right of way to drain sewage and water, right to convey electricity, telephone communications and water over part Lots 41, 42, 43 and 44 DP 19615 (CsT OT10C/547-550) shown marked G, H, I, J on DP 19615 created by Easement Certificate 652544 - 13.3.1986 at 1.43pm Subject to Section 309 (1) (a) Local Government Act 1974

The land formerly in Lot 48 DP 19615 is subject to a grant of a right (in gross) to drain water and sewage over part marked F and K on DP 19615 in favour of the (now) Queenstown-Lakes District Council created by Transfer 664208.1 - 29.9.1986 at 9.09 am

Appurtenant to the land formerly in Lot 1 DP 20601 is a right to drain sewage over part Lot 2 DP 19880 (CT OT11A/1054) marked A on the said plan created by Easement Certificate 664208.2 - 29.9.1986 at 9.09 am Subject to S.309 (1) (a) Local Government Act 1974

Appurtenant hereto is a right to drain foul sewage and storm water over part marked A on diagram annexed to Transfer created by Transfer 697048 - 25.2.1988 at 1:58 pm

Subject to the rights to convey water, electricity and telephone services and to drain sewage over the part Lot 1 DP 22030 herein marked B on DP 22030 appurtenant to part Section 119 Block XX (CT OT13D/945) created by Transfer 796528.8 Subject to S.309 (1) (a) Local Government Act 1974

796528.11 Change of rules of the Body Corporate - 24.1.1992 at 9.28 am

806250 Change of rules of the Body Corporate - 29.5.1992 at 10.30 am

936706.23 Transfer of part of Units 105-110, 114, 87-89 and 113 UP 22362 to Body Corporate - 18.9.1997 at 12.24 pm

936706.24 Transfer of parts of the common property to Didier Patrick Gralepois, David Phillip Barton, Jacela Holdings Limited and Baycentre Commercial (Goldfields) Limited - 18.9.1997 at 12.24 pm

936706.25 Transfer of part of Units 128 and 129 UP 22362 to Body Corporate 22362 - 18.9.1997 at 12.24 pm

936706.26 Transfer of part Unit 112, 124 and 122 UP 22362 to Body Corporate 22362 - 18.9.1997 at 12.24 pm

936706.27 Transfer of part Units 112, 124 and 122 UP 22362 to Body Corporate 22362 - 18.9.1997 at 12.24 pm

936706.28 Transfer of part Unit 72 UP 22362 to Body Corporate 22362 - 18.9.1997 at 12.24 pm

6685495.1 Change of rules of the Body Corporate - Produced 12.12.2005 at 9:00 am and Entered 11.01.2006 at 3:31 pm

9161790.1 Notice of change of body corporate operational rules pursuant to Section 106 Unit Titles Act 2010 - 7.9.2012 at 12:14 am

Map of Queenstown Heights showing lots, streets, and property boundaries. Includes titles like 'BLK XX', 'BLK XXI', and 'REDEVELOPMENT PLAN'. A large central text reads: 'THIS IS A PLAN OF REDEVELOPMENT FILED IN SUBSTITUTION OF FORMER UP 22362 WHICH IS NOW FILED UNDER REDEVELOPMENT PLAN'. Other text includes 'LOCAL PURPOSE AREA' and 'DP 22362'.

APPROVAL
APPROVED TO SEC 233 OF THIS RESOURCE MANAGEMENT ACT 1976 ON THE 20 DAY OF DECEMBER 1993. (NK. CONDITIONS IMPOSED)
THE COMMON SEAL OF THE CORPORATION OF QUEENSTOWN LAKES DISTRICT COUNCIL
MINOR: *[Signature]*
DISTRICT MANAGER: *[Signature]*
I HEREBY CERTIFY THAT I HAVE ASSESSED THE UNIT ENTITLED TO BE SHOWN HEREON IN COMPLIANCE WITH THE UNIT 1972 ACT DATED THIS 20th DAY OF DECEMBER 1993.
AUTHORIZED OFFICER: *[Signature]*

COMPARISON
Total Area: 8,279.3 sq. m.
Compared in: SEE BELOW

NOTES
1. DONALD RALPH MAOR (Proprietor) has been shown in the map as a registered owner pursuant to section 25 of the Survey Act 1976. He has been made known to me as the person in charge of the land shown on the map and I have been made known to him as the person in charge of the land shown on the map. The map is intended to show the boundaries of the units and the boundaries of the units shown on the map. The map is intended to show the boundaries of the units and the boundaries of the units shown on the map.
FIELD BOOK: S.O. 22362 (25/93)
REFERENCE PLAN: S.O. 22362 (25/93)
LAKES DISTRICT COUNCIL: 1993/12/20
APPROVED BY SURVEY: *[Signature]*
Received this 15th day of September 1993.

REDEVELOPMENT PLAN
REDEVELOPMENT PLAN FILED IN SUBSTITUTION OF FORMER UP 22362 WHICH IS NOW FILED UNDER REDEVELOPMENT PLAN

REDEVELOPMENT PLAN
REDEVELOPMENT PLAN FILED IN SUBSTITUTION OF FORMER UP 22362 WHICH IS NOW FILED UNDER REDEVELOPMENT PLAN

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REDEVELOPMENT PLAN
REDEVELOPMENT PLAN FILED IN SUBSTITUTION OF FORMER UP 22362 WHICH IS NOW FILED UNDER REDEVELOPMENT PLAN

UNIT DESCRIPTION	UNIT AREA (sq. m.)	UNIT NUMBER	UNIT AREA (sq. m.)	UNIT NUMBER	UNIT AREA (sq. m.)	UNIT NUMBER	UNIT AREA (sq. m.)	UNIT NUMBER	UNIT AREA (sq. m.)
1	1.50	101	1.50	201	1.50	301	1.50	401	1.50
2	1.50	102	1.50	202	1.50	302	1.50	402	1.50
3	1.50	103	1.50	203	1.50	303	1.50	403	1.50
4	1.50	104	1.50	204	1.50	304	1.50	404	1.50
5	1.50	105	1.50	205	1.50	305	1.50	405	1.50

NOTE: THIS IS A PLAN OF REDEVELOPMENT FILED IN SUBSTITUTION OF FORMER UP 22362 WHICH IS NOW FILED UNDER REDEVELOPMENT PLAN

TERMINAL AUTHORITY SUBSTITUTES LOCAL DIST. COUNCIL

SURVEYED BY: RALPH MAOR & ASSOCIATES

Scale: 1:1500 Date: NOVEMBER 1993

Revised This 15th day of September 1993

Chief Surveyor: *[Signature]*

DP 22362

RECORD MAP No. 0116

RECORD MAP No. 0116

RECORD MAP No. 0116

RECORD MAP No. 0116

RECORD MAP No. 0116

RECORD MAP No. 0116

RECORD MAP No. 0116

RECORD MAP No. 0116

RECORD MAP No. 0116

RECORD MAP No. 0116

RECORD MAP No. 0116

APPROVED BY: *[Signature]*
 SUPERVISOR OF PLANNING
 GOLDFIELD DISTRICT

APPROVED BY: *[Signature]*
 SUPERVISOR OF PLANNING
 GOLDFIELD DISTRICT

APPROVED BY: *[Signature]*
 SUPERVISOR OF PLANNING
 GOLDFIELD DISTRICT

APPROVED BY: *[Signature]*
 SUPERVISOR OF PLANNING
 GOLDFIELD DISTRICT

APPROVED BY: *[Signature]*
 SUPERVISOR OF PLANNING
 GOLDFIELD DISTRICT

APPROVED BY: *[Signature]*
 SUPERVISOR OF PLANNING
 GOLDFIELD DISTRICT

RESUBMIT TO SEC. 8(1)(6) OR THE UNIT TITLE ACT 1972. I, *[Name]*, REGISTERED PLANNING OFFICER OF THE GOLDEN HILLS DISTRICT COUNCIL, HEREBY CERTIFY THAT THE ABOVE UNIT DEVELOPMENT PLAN HAS BEEN CHECKED AND THE EXPANSION OF THE COMMON PROPERTY TO BE PHYSICALLY MEASURED.

I, *[Name]*, REGISTERED PLANNING OFFICER OF THE GOLDEN HILLS DISTRICT COUNCIL, HEREBY CERTIFY THAT THE ABOVE UNIT DEVELOPMENT PLAN HAS BEEN CHECKED AND THE EXPANSION OF THE COMMON PROPERTY TO BE PHYSICALLY MEASURED.

I, *[Name]*, REGISTERED PLANNING OFFICER OF THE GOLDEN HILLS DISTRICT COUNCIL, HEREBY CERTIFY THAT THE ABOVE UNIT DEVELOPMENT PLAN HAS BEEN CHECKED AND THE EXPANSION OF THE COMMON PROPERTY TO BE PHYSICALLY MEASURED.

LEVELS ARE IN TERMS OF OTASO DATED FROM B.M. 1714 E.L. 448.820

3007 CORPORATE, GOLDFIELD HEIGHTS SUBDIVISION GOLDENHILLS

SUPPLEMENTARY RECORD SHEET

Field No. 8.2.7.88 No. 1

Completed in 1988

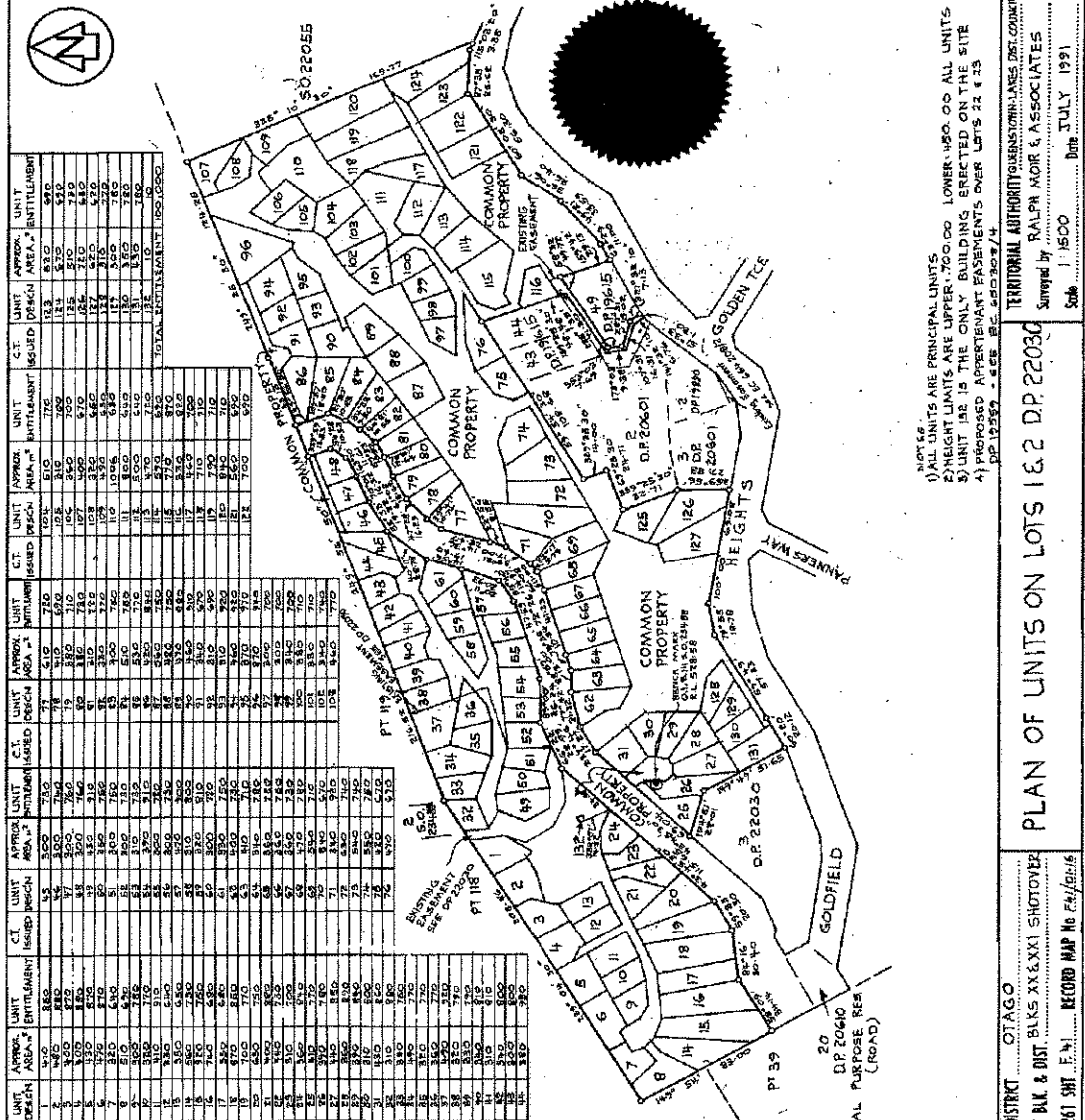
A. DONALD RALPH MOIR
 Registered Professional Engineer
 1000 10th Street, Golden Hills, N.S.W. 2161
 Phone: 852 1111
 Fax: 852 1111

Approved by: *[Signature]*
 Date: 11/1/88
 Appointed by: *[Signature]*
 Date: 1/1/88

Approved by: *[Signature]*
 Date: 11/1/91
 Appointed by: *[Signature]*
 Date: 1/1/88

UP 22307

P. 6/4





View Instrument Details

Instrument No. 9161790.1
Status Registered
Date & Time Lodged 07 Sep 2012 12:14
Lodged By McDonald-Nairn, Amelia Ngaire
Instrument Type Change of Rules/Address of Body Corporate

Toitu te
Land whenua
Information
New Zealand



Affected Computer Registers **Land District**

OT14B/307 Otago

Annexure Schedule: Contains 3 Pages.

Signature

Signed by David James Smillie as Registered Proprietor Representative on 08/10/2012 04:54 PM

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

Notice of change to body corporate operational rules
Section 106, Unit Titles Act 2010

Unit plan: DP 22362

Body Corporate Number: 22362

Supplementary record sheet: OT14B/307

Notice

The Body Corporate 22362 gives notice that all existing body corporate rules are hereby revoked and that the body corporate operational rules are changed as specified in the schedule of amendments below

At the annual general meeting held on the 27th September 2011 the motion that "Under section 221 of the Unit Titles Act 2010 Body Corporate 22362 will adopt sections 105 and 106 of the Unit Titles Act 2010. New Operational Rules that will be voted on at the 2011 AGM and the existing body corporate rules will be revoked and replaced on notice of the new rules to the Register-General of Land by the Body Corporate Chairman" was passed by special resolution.

The operational rules as specified in the schedule of amendments have been made in accordance with an ordinary resolution at the body corporates annual general meeting held on 27th September 2011.

Schedule of amendments

1. An owner, occupier or invitee of a unit must not —
 - (a) Damage or deface the common property.
 - (b) Leave rubbish or recycling material including garden prunings, tree trimmings lawn cuttings or waste on the common property or on land or premises other than that occupied by the owner unless in it is a designated area.
 - (c) Create noise likely to interfere with the use or enjoyment of the unit title development by other owners or occupiers.
 - (d) Park on the common property unless the Body Corporate committee has designated it for car parking, or the Body Corporate committee consents.
 - (e) Interfere with the reasonable use or enjoyment of the common property by other owners or occupiers.
 - (f) Play or have in use any musical instrument, stereo, radio, television, washing machine, clothes dryer, waste master, or any other machine at any time of the day or night in such manner as to disturb, irritate, or annoy any occupant in any other unit or the common property and shall immediately cease to operate the same between the hours of 12.01 am and 7.00 am if requested to do so by the owner or occupier of any unit, any manager employed by the Body Corporate or any member of the Body Corporate committee.
 - (g) Use or store in or upon their unit or the common property except with the approval in writing of the committee any inflammable chemical,

- liquid, or gas or other inflammable material other than a reasonable amount of liquids gases or other materials used or intended to be used for domestic purposes or which are stored as fuel in the fuel tank of a motor vehicle or other internal combustion engine.
- (h) Waste any water or fail to ensure that any water taps in his unit or the common property are properly turned off after use by him.
 - (i) Cut, trim, prune, or damage any lawn, garden, tree, shrub, plant, or flower being part of or situated upon the common property, or use for his own purposes as a garden any portion of the common property without the consent of the Body Corporate committee.
2. An owner, occupier or invitee of a unit must —
- (a) Dispose of rubbish hygienically and tidily, all bins shall have their lids closed properly and not be over filled. All bags for kerb side collection shall be Queenstown Lakes District Council approved bags.
 - (b) Be responsible for keeping the land area of their unit in a tidy condition and free of noxious weeds and wilding pines.
 - (c) When upon common property be adequately clothed and not use language or behave in a manner likely to cause offence or embarrassment to another owner or to any person lawfully using the common property.
 - (d) Exhibit, display or put on any part of the outside or inside of any unit any trade, business, professional or advertising sign or any notice, name board or plate provided that the Body Corporate committee may permit a nameplate of a uniform design and size in respect of each unit.
3. The occupier is to be responsible for any legal costs incurred by the Body Corporate as a result of a breach of the Body Corporate operational rules by themselves or their invitees. The owner is to be responsible for any legal costs incurred by the Body Corporate as a result of a breach of the Body Corporate operational rules by themselves or their invitees.
4. The use of any unit for any purpose other than residential is prohibited without the prior consent of the Body Corporate committee which consent may at any time and from time to time be revoked or varied by the Body Corporate committee provided that such power of revocation or variation shall not be unreasonably or arbitrarily exercised.
5. In addition to the Insurance required by Section 134 of the Unit Titles Act 2010 the Body Corporate shall effect public liability Insurance for the unit title development as a whole along with Office Bearers Liability insurance for the Body Corporate chairman and committee members.
6. All general meetings of the Body Corporate shall be held at some convenient place in Queenstown as shall from time to time be determined by the committee and advised in the notice summoning such meeting.
7. Improvements to Units —
- (a) An owner must notify the Body Corporate of their intention to construct a residential unit or carry out any additions or structural alterations to their unit before the commencement of any work. The Body Corporate committee may require the owner to lodge a bond in a sum not exceeding \$1,000.00 to be applied towards the cost of any repairs or reinstatement which an owner is obliged but has failed to effect.

- (b) The works cannot materially affect other units or the Common Property. If the alterations or construction comply with the zone and site rules of the Queenstown Lakes District Council District plan the Body Corporate will consider that there is no effects. Otherwise consent in writing of the affected owner or of the Body Corporate committee is required before the commencement of any work.
- (c) A Unit shall not have more than one (1) kitchen and/or laundry.
- (d) Until a copy of the code of compliance for the works is supplied to the Body Corporate and the dwelling is included in the Body Corporate insurance the owner shall be required to have House Construction Insurance. A copy of the policy and payment receipt is to be supplied to the Body Corporate.
- (e) In regards to a dwelling sharing a common fire wall with a dwelling on an adjoining unit resulting in a pair of semi-detached dwelling houses then the owner of the second dwelling house constructed shall pay to the owner of the first dwelling house one half of the cost of the party fire wall. Such sum to be assessed by the Body Corporate committee and paid prior to the commencement of the building of the second dwelling house.
- (f) An owner erecting a dwelling house on his unit shall be responsible for the cost of making good any damage to any other unit or the common property caused by the site or construction works that he or his contractor undertakes Where such work has caused damage and its continuation is likely to cause further damage the Body Corporate committee may require that the owner or contractor stops work until it is satisfied that the owner or contractor has taken appropriate steps to prevent or minimize further damage
- (g) An owner may fence his unit but only in accordance with a design approved by the Body Corporate Committee. The fence will be of sound construction and not exceed 2.0 from ground level.
- (h) Unless special dispensation is given by the Body Corporate committee no unit shall have growing upon it any tree or other vegetation which exceeds 4.6m in height measured from the ground level.

B. Pets

- (a) No animals are allowed on the tennis court or other facilities provided for the use of the owners.
- (b) The common property shall be considered as a public place under the Queenstown Lakes District Council Dog Control Bylaw and all dogs are required to be on a lead.
- (c) The owner of any dog that defecates on the Common Property or on land or premises other than that occupied by the Owner shall immediately remove the faeces. All faeces must be suitably wrapped or contained for disposal.

Date: 23 September 2012

Signature of body corporate Chairperson: 

Before me:



Full name of witness: Laurie Kirkham

Address of witness: 4 Nugget Knob
Goldfield Heights
Queenstown

Committee Member & owner of unit 30 of 22362