

22 March 2023

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Ministry for the Environment

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COVID-19 Recovery (Fast-Track Consenting) Act 2020 - Response to request for further information - Holly Lea Village Buildings D and E Project

1 Thank you for your letter dated 21 March 2023 requesting further information on the Holly Lea Village Buildings D and E Project (*the Project*).

2 Our responses to the information requested are set out below.

*Will the Project require any resource consents under the Resource Management (National Environmental Standards for Freshwater) 2020 (NES-FM)?*

3 The Project involves works adjacent to the Waimairi Stream. Accordingly, to inform the application, RM Group carried out an assessment of the Project against the relevant provisions of the NES-FM. These are:

- (a) Part 3: Standards for other activities that relate to freshwater, Subpart 2 – Reclamation of rivers, clause 57. This clause requires resource consent as a discretionary activity to be obtained where reclamation of a river bed is proposed.
- (b) Part 3: Standards for other activities that relate to freshwater, Subpart 3 – Passage of fish affected by structures. This sub-part contains provisions requiring resource consent where structures are proposed to be placed in rivers that do not meet the specified information requirements.

4 With respect to the above provisions, RM Group has confirmed:

- (a) The Project does not propose any reclamation of the Waimairi Stream.
- (b) No structures that would have the potential to affect fish passage are proposed to be placed in the Waimairi Stream as part of the Project.

5 Accordingly, we confirm that the Project does not require any resource consents under the NES-FM.

*Information on the instruments on the records of title for the project site, including comment on whether you anticipate these instruments will impact the applicant's ability to deliver the project.*

- 6 The applicant carried out a review of the instruments on the records of title for the Project site to inform the statement made in the application for the Project that there were no interests that would affect the applicant's ability to develop the Project.
- 7 We have appended the review to this letter as Appendix A.
- 8 Please let us know if you require any further information with respect to the above matters.

Yours faithfully



Amelia Alden  
Associate

**APPENDIX A**





- 2 19 Tui Street, Fendalton, Christchurch - Lot 1 Deposited Plan 504692 (Title: 776082):
- (a) A mortgage to ASB, encumbrance to Covenant Trustee Services Limited in 12566671.3 and mortgage priority instrument are registered on this title, see comments at paragraph 1(a) above.
  - (b) Three easements in instruments 10848293.7, 10848293.8 and 10848293.9 which record (in that order):
    - (i) a right to convey electricity, water, computer media, telecommunications, a right to drain sewage and water and a right of way on foot;
    - (ii) a right to drain water; and
    - (iii) a party wall easement,
 affect this title and 19A Tui Street (below). As these interests only burden and benefit one another, these will become redundant once the development is undertaken and therefore do not affect the applicant's ability to deliver the Project.

3 19A Tui Street, Fendalton, Christchurch – Lot 2 Deposited Plan 504692 (Title: 776083):

- (a) A mortgage to ASB, encumbrance to Covenant Trustee Services Limited in 12566671.3 and mortgage priority instrument are registered on this title, see comments at paragraph 1(a) above.
- (b) Three easements summarised at paragraph 2(b) above.
- (c) Retirement Villages Act 2003 - Notification of Registration of a Retirement Village - s22 summarised at paragraph 1(b) above.
- (d) Building Act 2004 Certificate 12156923.1 Imposing Condition – s 77(4) summarised at paragraph 1(c) above.

4 Tui Street, Fendalton, Christchurch – Lot 14 Deposited Plan 2528 (Title: CB249/191):

- (a) Easement in gross in favour of the Christchurch Drainage Board in Transfer 32438 registered in 1890. This easement runs through the lot, meeting the north-west corner and continues across Tui Street (previously Dreumah Avenue). This runs under the Morven Apartments which have already been developed and is remote in relation to the future Waimairi apartments site, therefore it will not affect the applicant's ability to deliver the Project.



- (b) An easement in favour of Orion New Zealand Limited in instrument 11747979.2. This right to convey electricity easement (path shaded orange on the image below) runs under the existing accessway on this lot and into 123 Fendalton Road. The accessway is fairly rudimentary at present, will be retained and will serve the future Waimairi apartments site. In accordance with the terms of the easement, Holly Lea Village Limited may not place, permit, plant, construct or otherwise allow on the easement area any reinforced concrete, swale, building, structure or improvement, tree, non-dissecting kerb, service pipe or fence. At all times the vehicular and pedestrian access over the area must be maintained in good condition and any necessary repair or reinstatement must be attended to promptly.

The applicant is aware of the terms of this easement and is working with Orion to take these matters into account as part of its planning of the development. Accordingly, this easement will not affect the applicant's ability to deliver the Project.





- (c) An encumbrance to Corporate Trust Limited in instrument 7866840.1 and a mortgage to ASB are registered on this title, though these are different instruments to those noted at paragraph 1(a) above, the same comments apply.
- (d) Building Act 2004 Certificate 11360060.1 Imposing Condition – s 77(4). Similar to the building certificate summarised above, this certificate registered in 2019 records a building consent condition which provides that RTs CB20F/455, CB23F/480, CB20A/1314, CB20A/1315, CB249/191, CB46B/336 and supplementary record sheet CB19K/71 (shown highlighted below) must not be transferred or leased except in conjunction with each other. As this is a continued development of Holly Lea Village Limited and it will not be transferring or leasing any of these lots except in conjunction with the others, this will not affect the applicant's ability to deliver the Project.



- (e) Building Act 2004 Certificate 12156923.1 Imposing Condition – s 77(4) – see comments at paragraph 1(c) above.
- (f) Retirement Villages Act 2003 - Notification of Registration of a Retirement Village - s22 see comments at paragraph 1(b) above.

5 Tui Street, Fendalton, Christchurch:

- (a) Unit A and Accessory Unit A1 Deposited Plan 41792 (Title: CB20A/1314):
  - (i) A mortgage to ASB, encumbrance to Covenant Trustee Services Limited in 12180894.1 and mortgage priority instrument are registered on this title, see comments at paragraph 1(a) above.
  - (ii) Building Act 2004 Certificate 11360060.1 Imposing Condition – s 77(4) see comments at paragraph 4(d) above.
  - (iii) Retirement Villages Act 2003 - Notification of Registration of a Retirement Village - s22 see comments at paragraph 1(b) above.
- (b) Unit B and Accessory Unit B1 Deposited Plan 41792 (Title: CB20A/1315):
  - (i) A mortgage to ASB, encumbrance to Covenant Trustee Services Limited in 12180894.1 and mortgage priority instrument are registered on this title, see comments at paragraph 1(a) above.
  - (ii) Building Act 2004 Certificate 11360060.1 Imposing Condition – s 77(4) see comments at paragraph 4(d) above.
  - (iii) Retirement Villages Act 2003 - Notification of Registration of a Retirement Village - s22 summarised at paragraph 1(b) above.
- (c) Supplementary Record Sheet (Title: CB19K/71):
  - (i) Building Act 2004 Certificate 11360060.1 Imposing Condition – s 77(4) see comments at paragraph 4(d) above.

6 Tui Street, Fendalton, Christchurch – Lot 12 Deposited Plan 2528 (Title: CB23F/480):

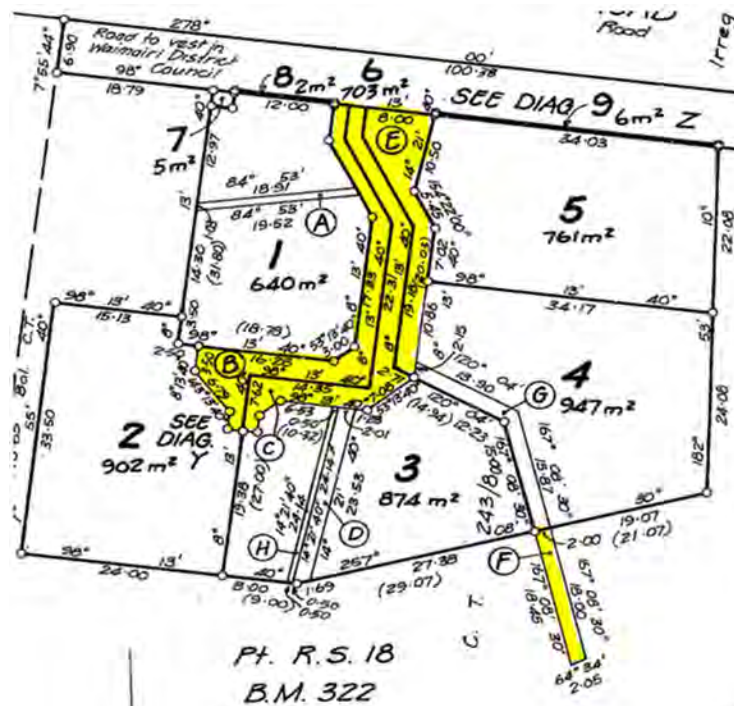
- (a) An encumbrance to Corporate Trust Limited in 7866840.1 and a mortgage to ASB are registered on this title, see comments at paragraph 4(c) above.
- (b) Building Act 2004 Certificate 11360060.1 Imposing Condition – s 77(4) summarised above.
- (c) Retirement Villages Act 2003 - Notification of Registration of a Retirement Village - s22 see comments at paragraph 1(b) above.

7 Tui Street, Fendalton, Christchurch – Part Lot 11 Deposited Plan 2528 (Title: CB20F/455):

- (a) An encumbrance to Corporate Trust Limited in 7866840.1 and a mortgage to ASB are registered on this title, see comments at paragraph 4(c) above.



- (b) Building Act 2004 Certificate 11360060.1 Imposing Condition – s 77(4) see comments at paragraph 4(b) above.
  - (c) Retirement Villages Act 2003 - Notification of Registration of a Retirement Village - s22 see comments at paragraph 1(b) above.
- 8      121 Fendalton Road, Fendalton, Christchurch – Lot 12 and Part Lot 13 Deposited Plan 3864 (Title: CB319/50):
- (a) An encumbrance to Covenant Trustee Services Limited in instrument 12566671.3 and a mortgage to ASB are registered on this title, see comments at paragraph 4(c) above.
  - (b) Part of this title was acquired for road in the 1990s, this has already taken place therefore is not of relevance to the development.
- 9      2 Heathfield Avenue, Fendalton, Christchurch – Lot 14 and Part Lot 13 Deposited Plan 3864 (Title: CB31F/1299):
- (a) An encumbrance to Covenant Trustee Services Limited in 12566671.3 and a mortgage to ASB are registered on this title, see comments at paragraph 4(c) above.
  - (b) As with the title above, part of this title was acquired for road in the 1990s, this has already taken place therefore is not of relevance to the development.
- 10     123 Fendalton Road, Fendalton, Christchurch – Lot 1 Deposited Plan 80748 (Title: CB46B/336):
- (a) Easement in gross in favour of the Christchurch Drainage Board in Transfer 32438 see comments at paragraph 4(a) above.
  - (b) Easement certificate 433859.2 records easements to drain water and convey telecommunications shown below. The easement paths primarily burden this lot and run under the established accessway which already services the rest of the development. The applicant is aware of Orion's maintenance and other rights in respect of the easement as with their other easement summarised above. Accordingly, this easement will not affect the applicant's ability to deliver the Project.



- (c) Easement certificate 553310.4 records an easement to convey telecommunications. This benefits the lot therefore it will not affect the applicant's ability to deliver the Project.
- (d) Easement certificate 577285.1 records an easement to drain sewage. This benefits the lot therefore it will not affect the applicant's ability to deliver the Project.
- (e) Certificate 6411696.1 pursuant to section 37(2) of the Building Act 1991 provides that this lot and 8 Heathfield Avenue may not be transferred or leased except in conjunction with the other. As with the above certificates of this nature, as this is a continued development of Holly Lea Village Limited and they will not be transferring or leasing any of these lots except in conjunction with the others, this will not affect the applicant's ability to deliver the Project.
- (f) An easement in favour of Orion New Zealand Limited in instrument 11747979.2 summarised above at paragraph 4(b).
- (g) An encumbrance to Corporate Trust Limited in 7866840.1 and a mortgage to ASB are registered on this title, see comments at paragraph 4(c) above.
- (h) Retirement Villages Act 2003 - Notification of Registration of a Retirement Village - s22 see comments at paragraph 1(b) above.
- (i) Building Act 2004 Certificate 11360060.1 Imposing Condition - s 77(4) see comments at paragraph 4(b) above.
- (j) Building Act 2004 Certificate 12156923.1 Imposing Condition - s 77(4) - see comments at paragraph 1(c) above.

- (k) An easement in favour of Orion New Zealand Limited in instrument 8392501.2, this is a right to convey electricity easement (path shaded orange on the image below). As with the other easement to Orion summarised above, the applicant is aware of, and is working with Orion to take these matters into account as part of its planning of the development. Accordingly, this easement will not affect the applicant's ability to deliver the Project.



11 8 Heathfield Avenue, Fendalton, Christchurch – Lot 2 Deposited Plan 9117 (Title: CB416/92):

- (a) An easement in favour of Orion New Zealand Limited in instrument 8392501.2, see comments at paragraph 10(k) above.
- (b) An encumbrance to Corporate Trust Limited in 7866840.1 and a mortgage to ASB are registered on this title, see comments at paragraph 4(c) above.
- (c) Retirement Villages Act 2003 - Notification of Registration of a Retirement Village - s22 see comments at paragraph 1(b) above.
- (d) Certificate pursuant to section 37(2) of the Building Act 1991, see comments at paragraph 10(e) above.