

THIS DEED is made the 23rd day of March 1998

BETWEEN THE OTAGO REGIONAL COUNCIL ("the Region") of the one part

AND THE QUEENSTOWN-LAKES DISTRICT COUNCIL ("the District") of the other part.

both being bodies corporate constituted under S.37L of the Local Government Act 1974, the Region being a regional council and the District being a territorial authority.

WHEREAS the regional boundary of the Region includes an area that is also within the boundary of the District ("the Land")

AND WHEREAS pursuant to S.33 of the Resource Management Act 1991 ("the Act") the Region has agreed to transfer in respect of the Land certain of its functions, powers or duties as defined below to the District.

AND WHEREAS the District has agreed to assume such functions, powers or duties on the terms and conditions as are agreed herein the Region and the Council being satisfied that the transfer is desirable on all of the following grounds, namely the District to which the transfer is made represents the appropriate community of interest relating to the exercise or performance of the function, power or duty and efficiency and technical or special capability or expertise

AND WHEREAS the Region duly served notice on the Minister for the Environment

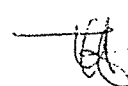
AND WHEREAS the Region has duly completed the special consultative procedure specified in S.716A of the Local Government Act 1974 and no submissions to the proposed transfer have been received

AND WHEREAS the proposed transfer is made expressly on the terms and in accordance with the said S.33 in particular subss (1), (3), (8) and (9) thereof

NOW THEREFORE THIS DEED WITNESSETH

1. THE region DOETH HEREBY TRANSFER to the District in respect of the Land the functions, powers or duties of:

- (a) determining applications for land use consent, consent for which is required to be obtained pursuant to S.13(1)(a) of the Act within the land;




- (b) administering, monitoring and supervising the implementation of consents given by the District pursuant hereto;
- (c) issuing of any consent required under bylaws promulgated under the Harbours Act 1950 in respect of any of the structures mentioned in subclause (a) hereof;
- (d) enforcement as provided in Part XII of the Act and as provided in the Harbours Act 1974 in respect of any of the above structures.

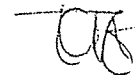
2. THE District HEREBY AGREES TO AND ACCEPTS to undertake these functions, powers and duties subject to the terms of this agreement and the said S.33.

3. ON receipt of land use consent applications in respect of structures which:

- (a) are located or proposed to be located on the bed of rivers; or
- (b) are solid or effectively solid structures (as distinct from open, piled structures); or
- (c) involve excavation of the bed, disturbance of the shoreline or significant disturbance of the lake bed; or
- (d) are owned or proposed by the District

the District will forthwith advise the Region of the receipt and nature of the application and the Region may at its discretion in any particular case resume the functions, powers and duties of processing and determining any application and of administering the consents at any time prior to the commencing of a hearing where such is held prior to determination of an application where no hearing is held.

4. THE District shall have all of the functions, powers and duties given under the Act or Local Government Act 1974 or any other power thereunto enabling to recover all costs incurred by it in the carrying out of the functions, powers and duties hereby transferred but shall have no right to call on a contribution to costs in respect thereof from the Region.





5. THE District shall report to the Region at six monthly intervals in such manner as may be agreed from time to time between the parties on the exercise of the functions, powers and duties hereby transferred.

6. THE District may relinquish the transfer of the functions, powers and duties agreed hereby following consultation with the Region and upon one month's notice following such consultation.

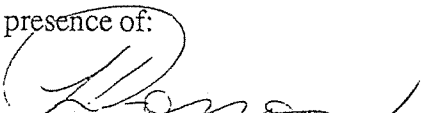
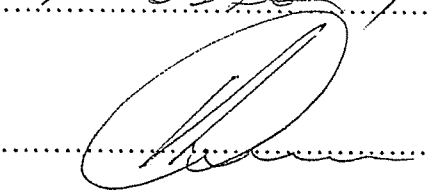
7. THIS agreement may be modified or varied by agreement in writing made between the parties.

8. THE Region may change or revoke the transfer of any function or power transferred hereby at any time by notice in writing to the District.

IN WITNESS WHEREOF the parties have executed this deed the day and year first before written.

THE COMMON SEAL of THE
OTAGO REGIONAL COUNCIL

was hereunto affixed in the
presence of:


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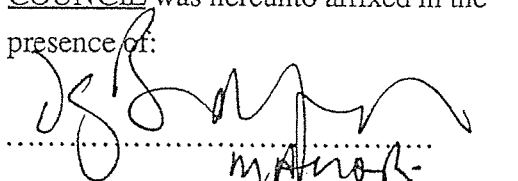
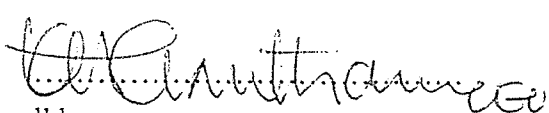


Chairperson

Director Corporate Services

THE COMMON SEAL of THE
QUEENSTOWN-LAKES DISTRICT
COUNCIL was hereunto affixed in the

presence of:


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