

**LOTS 1 - 4 BEING A PROPOSED SUBDIVISION  
OF LOTS 1 AND 2 DP 303793**

MEMORANDUM OF EASEMENTS			
Purpose	Shown	Burdened Land	Benefitted Land
Right of way	A	Lot 3 hereon	Lot 4 hereon

PROPOSED LAND COVENANT AREAS			
Purpose	Shown	Burdened Land	Benefitted Land
Building Platform	BA	Lot 1 hereon	Lot 4 hereon
	BD	Lot 1 hereon	Lot 4 hereon

EXISTING LAND COVENANT AREA		
Purpose	Shown	Burdened Land
Building Platform	BB	Lot 1 hereon
	BC	Lot 3 hereon

**CLARK FORTUNE McDONALD & ASSOCIATES**  
 Licensed Land Surveyors, Civil Engineers, Planning Consultants  
 330 Lower Sholover Road, P.O. Box 353, Otago, Dunedin  
 Tel: (03) 471 1604, Fax: (03) 472 1060, Email: admin@cfma.co.nz  
 Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
 Tel: (03) 471 1593, Fax: (03) 471 1593, Email: admin@cfma.co.nz

Client: KENNEDY  
 Measurements shown are in meters unless shown otherwise.  
 All areas are to be shown as of the date of this plan.  
 Using the best available information, including electronic data, without  
 liability for errors or omissions.  
 Checked: ED Date: 10.05.22  
 Drawn: HK Date: 10.05.22  
 Surveyed: Date: 15.06.21  
 Job No: 15654  
 Drawing No: 02  
 Sheet: 002  
 Scale: 1:1000 @ A1  
 1:2000 @ A3  
 Title: LOTS 1 & 2 DP 303793  
 Project: LINDIS PEAK  
 Rev: A

DAVID MORGAN Att'y .. ELIZABETH MORGAN EMORGAN

Waka Kotahi New Zealand Transport Agency Reference: 2022-1274

7 October 2022

Bernie Kennedy, Grant Ruddenklau & Zita Cleugh  
C/- Morgan Shepherd  
Brown & Company Planning Group  
PO Box 1467  
Queenstown 1467

Sent via: [morgan@brownandcompany.co.nz](mailto:morgan@brownandcompany.co.nz)

Dear Morgan

**Proposed Four Lot Rural Residential Subdivision - Lot 1 & 2 DP303793, Te Awa Road, Hawea– Bernie Kennedy, Grant Ruddenklau & Zita Cleugh**

Thank you for your clients' request for written approval from Waka Kotahi New Zealand Transport Agency (Waka Kotahi) under section 95E of the Resource Management Act 1991. Your clients' proposal has been considered as follows:

**Proposal**

Resource consent is sought for the following activities:

- Proposed subdivision of Lot 1 & 2 DP 303793, Te Awa Road, Hawea to create four lots (two additional lots and a building platform for each proposed lot).
- All vehicle access will be via Te Awa Road, Hawea. No direct access is sought onto State Highway 6 (SH6).

**Assessment**

In assessing the proposed activity, Waka Kotahi notes the following:

- SH6 adjacent to the subject site has been declared a Limited Access Road. All vehicle access for the proposed subdivision is via a legal local road, being Te Awa Road, Hawea.
- The proposed local road accessways (Proposed Lot 1 – 4) comply with the recommended minimum distance requirements of 60m from the intersection of Te Awa Road / SH6 as stated in Table App5B/3 of the Planning and Policy Manual (2007).
- There is insufficient spacing between Te Awa Road and CP 72 to meet minimum access separation distances set out in the Planning and Policy Manual (2007). It is recommended that a consent notice be registered against the title of Proposed Lot 1 restricting any future access onto SH 6. The applicant has volunteered an appropriate condition to this end.
- The building platform for Proposed Lot 1 is located outside of the buffer and effects area identified in *The Management of Effects on Noise Sensitive Land Use Near to the State Highway Network (2015)* document. For more information refer to the following link: [Guide to the management of effects on noise sensitive land use near to the state highway \(nzta.govt.nz\)](#). However, it is recommended that a consent notice be registered against the title of Proposed Lot 1 to address any reserve sensitivity issues that may arise should a subsequent landowner seek to relocate the building platform closer to SH6 at a later stage. The applicant has volunteered an appropriate condition to this end.

Waka Kotahi New Zealand Transport Agency Reference: 2022-1274

### **Limited Access Road (LAR)**

Your clients' site adjoins State Highway 6 which is identified as a limited access road. In this instance, all of the proposed allotments will be accessed via a local road, Te Awa Road. As none of the proposed allotments will directly access SH6, no authorised crossing places are required per Section 91 of the Government Roading Powers Act 1989.

### **Conditions**

In discussion with Waka Kotahi your clients' have agreed to include the following conditions as part of your clients' resource consent application. The legal name of Waka Kotahi is the New Zealand Transport Agency; therefore our full legal name is referred to in the conditions and approval.

1. Prior to the issuing of a certificate pursuant to Section 224(c) of the Resource Management Act 1991, the consent holder shall provide to Council confirmation that the New Zealand Transport Agency has been advised that a consent notice has been registered solely against the title of Proposed Lot 1 restricting any future accessways onto State highway 6.
2. Prior to the issuing of a certificate pursuant to Section 224(c) of the Resource Management Act 1991, the consent holder shall provide to Council confirmation that the New Zealand Transport Agency has been advised that a consent notice has been registered solely against the title of Proposed Lot 1 requiring that any dwelling or other noise sensitive location on the site in or partly within 100m of the edge of the State Highway 6 carriageway must be designed, constructed and maintained to achieve an indoor design noise level of 40 dB LAeq(24hr) inside all habitable spaces.

### **Determination**

On the basis of the above assessment of the proposed activity, and the conditions volunteered by the applicant, the New Zealand Transport Agency provides written approval under section 95E of the Resource Management Act 1991.

### **Expiry of this approval**

Unless resource consent has been obtained this approval will expire two years from the date of this approval letter. This approval will lapse at that date unless prior agreement has been obtained from the New Zealand Transport Agency.

If you have any queries regarding the above or wish to discuss matters further, please feel free to contact Deb Carstens via email at [debs.carstens@nzta.govt.nz](mailto:debs.carstens@nzta.govt.nz) or you can contact the environmental planning team at [environmentalplanning@nzta.govt.nz](mailto:environmentalplanning@nzta.govt.nz).

Yours sincerely



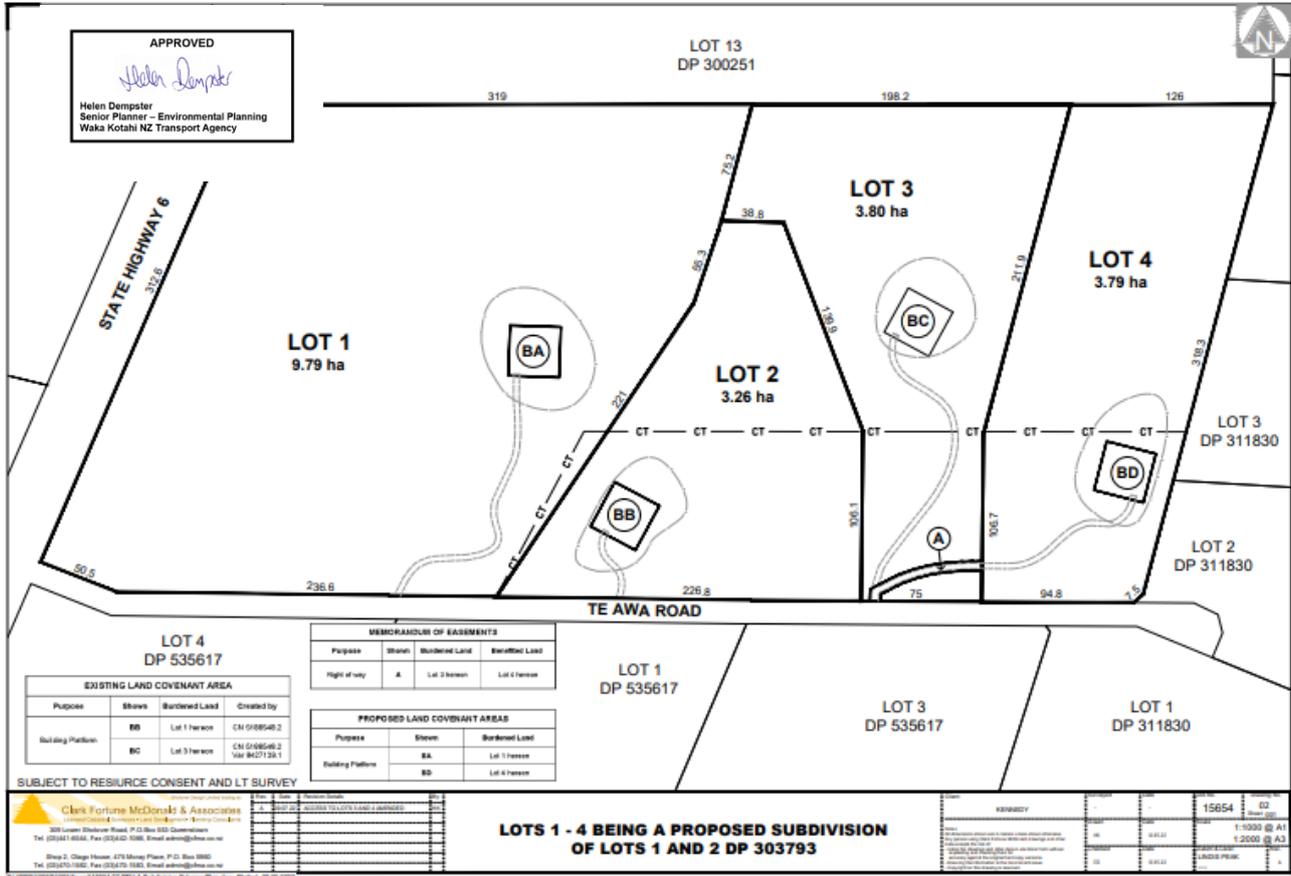
Helen Dempster  
Senior Planner

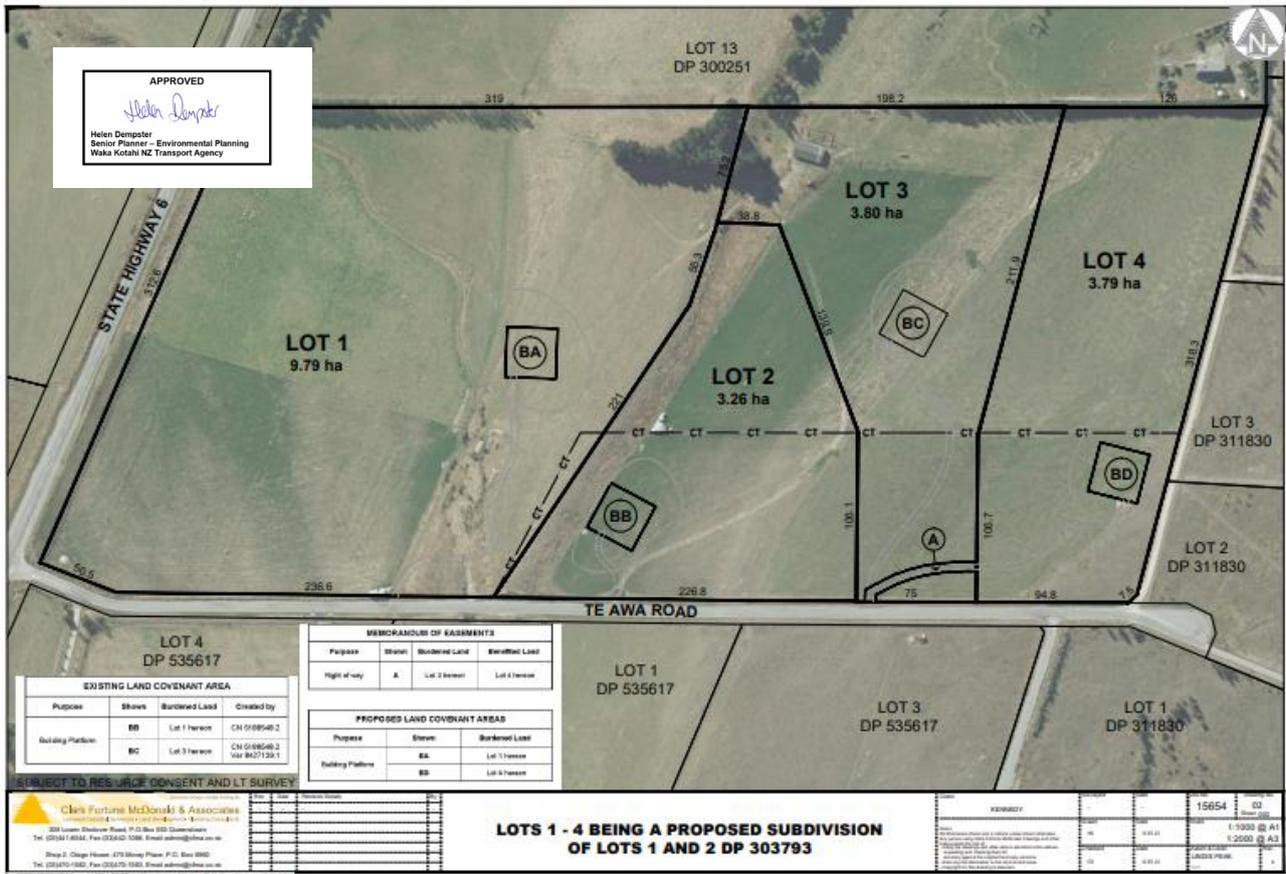
Poutiaki Taiao / Environmental Planning, System Design, on behalf of Waka Kotahi New Zealand Transport Agency.

cc: Queenstown Lakes District Council

Enclosed:

- Attachment 1: Proposed Scheme Plan





APPROVED  
*Helen Dempster*  
 Helen Dempster  
 Senior Planner - Environmental Planning  
 Waka Kotahi NZ Transport Agency

LOT 4 DP 535617

EXISTING LAND COVENANT AREA			
Purpose	Block	Boundary Load	Created by
Building Platform	BB	Lot 1 Person	CN 01 08548-2
	BC	Lot 3 Person	CN 01 08548-2 Via 8427139-1

MEMORANDUM OF EASEMENTS			
Purpose	Block	Boundary Load	Benefitted Land
Right of way	A	Lot 2 Person	Lot 3 Person

PROPOSED LAND COVENANT AREAS			
Purpose	Block	Boundary Load	
Building Platform	BB	Lot 1 Person	
	BD	Lot 4 Person	

SUBJECT TO RES. PRICE CONSENT AND LT SURVEY

**Clark Fortune McDonald & Associates**  
 Chartered Surveyors & Environmental Planners  
 308 Lower Shakerley Road, P.O. Box 502, Dunedin  
 Tel: (03) 477 4044, Fax: (03) 477 1000, Email: admin@cfma.co.nz  
 Shop 2, Clarendon House, 475 Shakerley Place, P.O. Box 890  
 Tel: (03) 477 1180, Fax: (03) 477 1000, Email: admin@cfma.co.nz

**LOTS 1 - 4 BEING A PROPOSED SUBDIVISION OF LOTS 1 AND 2 DP 303793**

Block	Area	Volume	Lot
KENNEDY		15654	03
			02
			01
			04
			05
			06
			07
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**From:** "Debs Carstens" <Debs.Carstens@nzta.govt.nz>  
**Sent:** Fri, 7 Oct 2022 11:09:49 +1300  
**To:** "Morgan Shepherd" <Morgan@brownandcompany.co.nz>  
**Cc:** "Resource Consent" <resourceconsent@qldc.govt.nz>  
**Subject:** 2022-1274 Written Approval Proposed Four Lot Rural Residential Subdivision at Lot 1 & 2 DP 303793, Te Awa Road, Hawea SH 6  
**Attachments:** 2022-1274 Final Written Approval.pdf

Hi Morgan

Please find attached a copy of Waka Kotahi NZ Transport Agency's written approval for the above-mentioned proposal adjacent to State highway 6.

Please feel free to contact me should you have further queries on this matter.

Kind regards

***Deb Carstens /Consultant Planner***

*Consents and Approvals*

**DDI** 64 3 474 0497

***E [Debs.carstens@nzta.govt.nz](mailto:Debs.carstens@nzta.govt.nz) / w [nzta.govt.nz](http://nzta.govt.nz)***

***Dunedin Office / AA Centre, 450 Moray Place,***

***PO Box 5245, Dunedin 9058, New Zealand***

***NOTE: At present I work Tuesday, Wednesday, and Friday (9am to 2.30pm)***

This message, together with any attachments, may contain information that is classified and/or subject to legal privilege. Any classification markings must be adhered to. If you are not the intended recipient, you must not peruse, disclose, disseminate, copy or use the message in any way. If you have received this message in error, please notify us immediately by return email and then destroy the original message. This communication may be accessed or retained by Waka Kotahi NZ Transport Agency for information assurance purposes.

Waka Kotahi New Zealand Transport Agency Reference: 2022-1274

7 October 2022

Bernie Kennedy, Grant Ruddenklau & Zita Cleugh  
C/- Morgan Shepherd  
Brown & Company Planning Group  
PO Box 1467  
Queenstown 1467

Sent via: [morgan@brownandcompany.co.nz](mailto:morgan@brownandcompany.co.nz)

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- All vehicle access will be via Te Awa Road, Hawea. No direct access is sought onto State Highway 6 (SH6).

**Assessment**

In assessing the proposed activity, Waka Kotahi notes the following:

- SH6 adjacent to the subject site has been declared a Limited Access Road. All vehicle access for the proposed subdivision is via a legal local road, being Te Awa Road, Hawea.
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Waka Kotahi New Zealand Transport Agency Reference: 2022-1274

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### **Determination**

On the basis of the above assessment of the proposed activity, and the conditions volunteered by the applicant, the New Zealand Transport Agency provides written approval under section 95E of the Resource Management Act 1991.

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If you have any queries regarding the above or wish to discuss matters further, please feel free to contact Deb Carstens via email at [debs.carstens@nzta.govt.nz](mailto:debs.carstens@nzta.govt.nz) or you can contact the environmental planning team at [environmentalplanning@nzta.govt.nz](mailto:environmentalplanning@nzta.govt.nz).

Yours sincerely



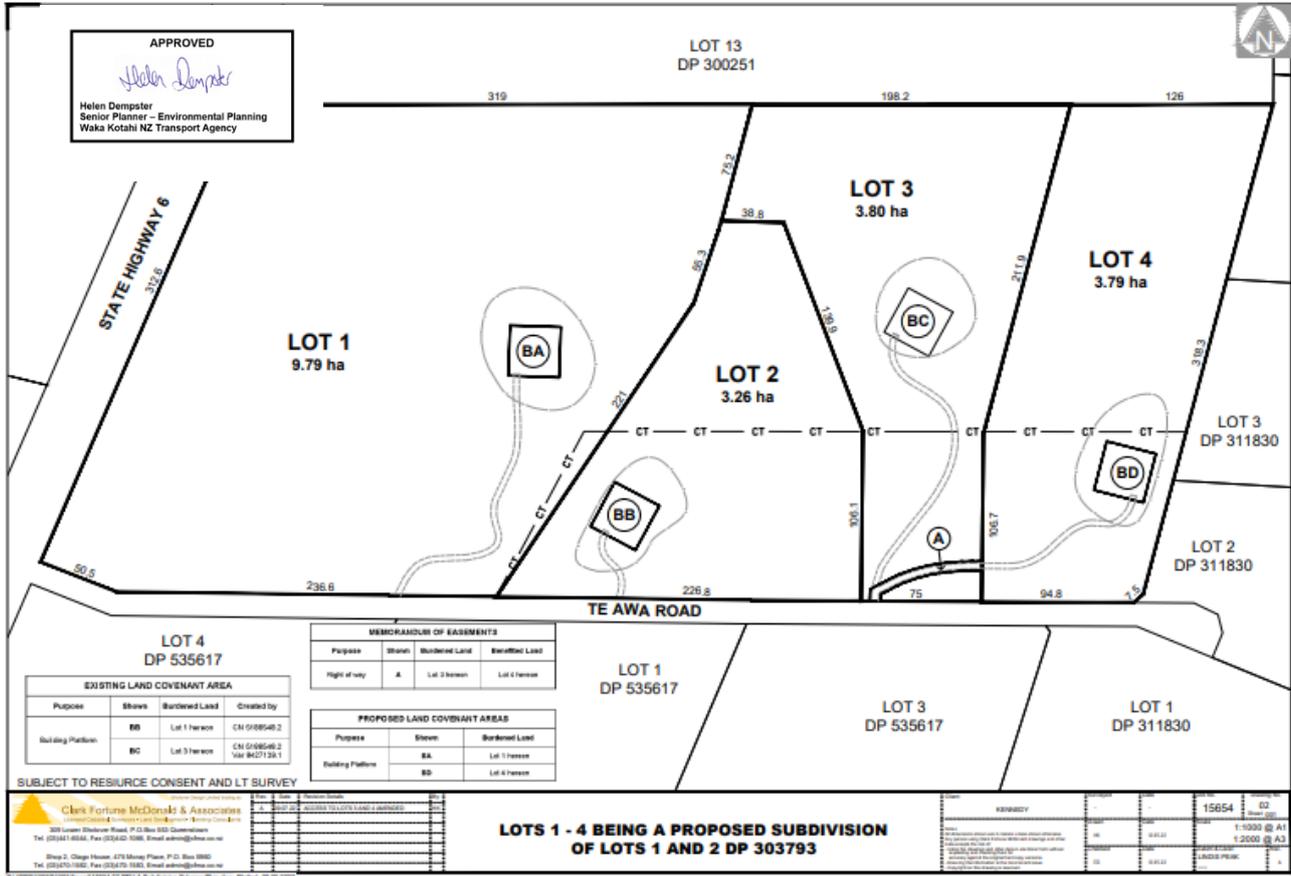
Helen Dempster  
Senior Planner

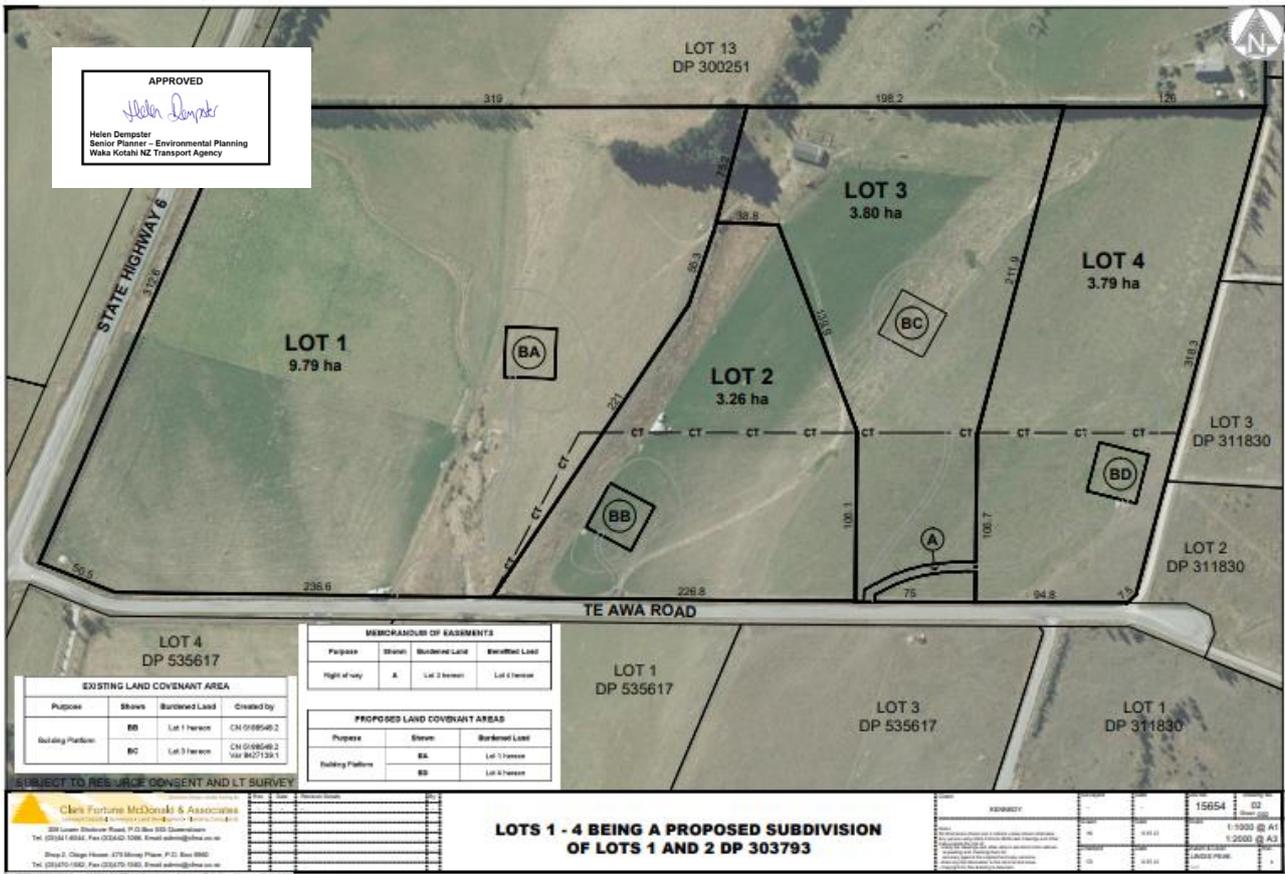
Poutiaki Taiao / Environmental Planning, System Design, on behalf of Waka Kotahi New Zealand Transport Agency.

cc: Queenstown Lakes District Council

Enclosed:

- Attachment 1: Proposed Scheme Plan





APPROVED  
*Helen Dempster*  
 Helen Dempster  
 Senior Planner - Environmental Planning  
 Waka Kotahi NZ Transport Agency

LOT 4 DP 535617

EXISTING LAND COVENANT AREA			
Purpose	Block	Boundary Lot	Created by
Building Platform	BB	Lot 1 hereon	CN 01 08548-2
	BC	Lot 3 hereon	CN 01 08548-2 Via 8427139-1

MEMORANDUM OF EASEMENTS			
Purpose	Block	Boundary Lot	Benefitted Lot
Right of way	A	Lot 2 hereon	Lot 3 hereon

PROPOSED LAND COVENANT AREAS			
Purpose	Block	Boundary Lot	Benefitted Lot
Building Platform	BB	Lot 1 hereon	
	BD	Lot 4 hereon	

SUBJECT TO RES. PRICE CONSENT AND LT SURVEY

**Clark Fortune McDonald & Associates**  
 Chartered Surveyors & Environmental Planners  
 308 Lower Shakerus Road, P.O. Box 502, Dunedin  
 Tel: (03) 477 4542, Fax (03) 477 1588, Email: admin@cfma.co.nz  
 Shop 2, Clough House, 475 Shakerus Place, P.O. Box 890  
 Tel: (03) 477 1182, Fax (03) 477 1682, Email: admin@clough.co.nz

**LOTS 1 - 4 BEING A PROPOSED SUBDIVISION OF LOTS 1 AND 2 DP 303793**

Block	Section	Area	Volume	Plan
KENNEDY		15654	03	
			02	
			01	
			1-10000	01 A1
			1-20000	01 A3
				LADDER PLAN
				1

**NOTICE BY TRANSIT NEW ZEALAND AUTHORISING A  
CROSSING PLACE TO AND FROM A LIMITED ACCESS ROAD  
UNDER SECTIONS 90 AND 91 TRANSIT NEW ZEALAND ACT 1989**

**State Highway No:** 6

**Declared section of Limited Access Road:** Lake Hawea to Mt Iron declared a limited access road in NZ Gazette dated 30/03/2000 at page 729

**Description of the parcel(s) of land to which this Notice refers (described in this Notice as "the Property"):** Lot 12 DP 300251 CT 1930

C91 5046084.3 NOTICE UNDER SECT 1  
CPV-01/01.PG5-002.30/05/01.15:35



DocID: 110210764

**SPECIFICATION OF LOCATION OF CROSSING PLACE(S)**

- 1 Pursuant to sections 90 and 91 of the Transit New Zealand Act 1989, this Notice records that at the crossing place(s) numbered 11A on Plan Number LA/13/006/881/A, vehicles may proceed to and from the Limited Access Road and from and to the property. A copy of the plan is available for inspection at the Transit New Zealand (Transit) Regional Office at Dunedin.
- 2 The crossing place(s) shall be located on the road frontage 705 metres from the eastern boundary of Lot 13 DP 300251 CT 1931.

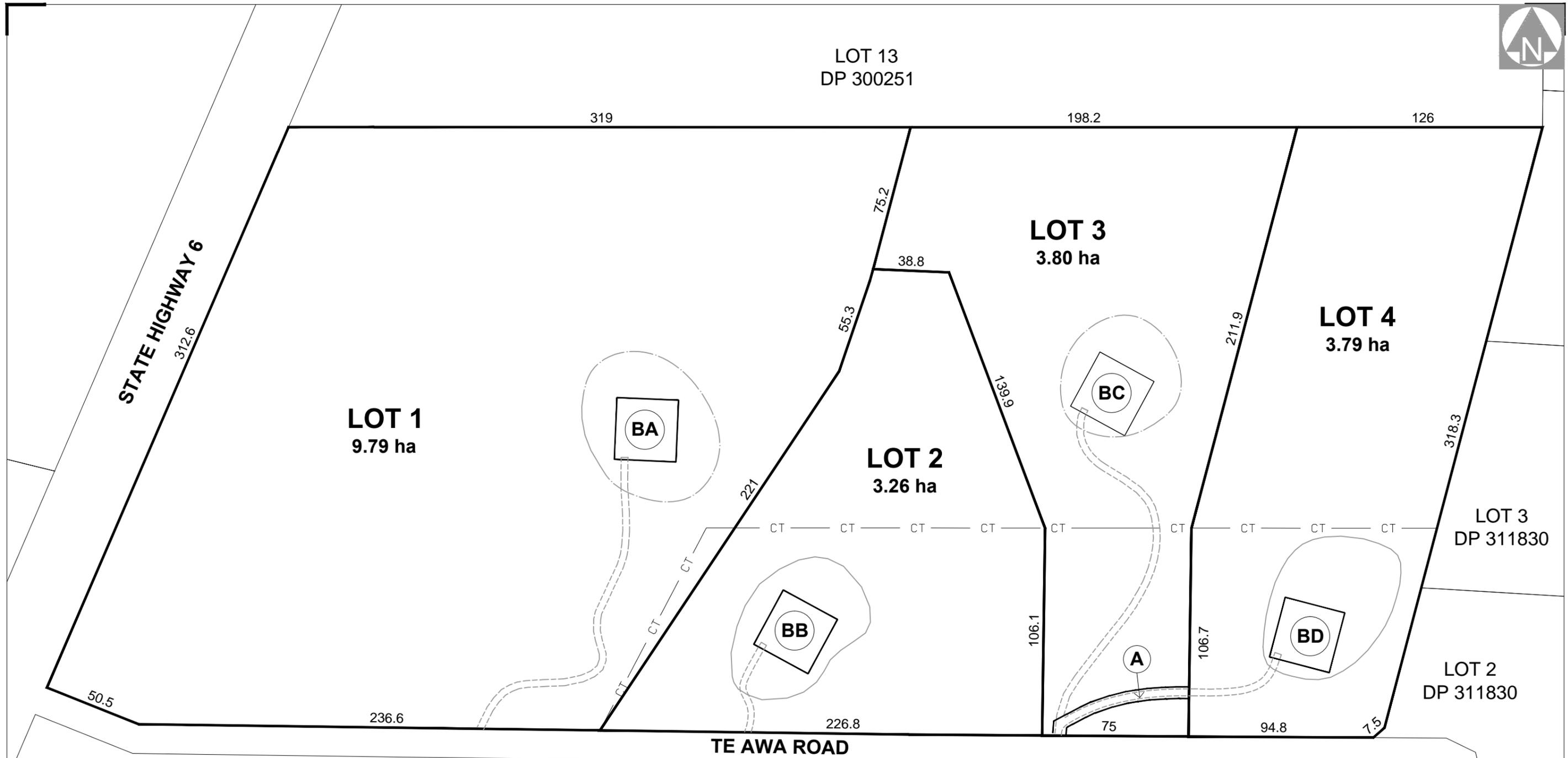
Dated this 24 th day of May 2001

SIGNED for and on behalf of  
TRANSIT NEW ZEALAND

.....  
Maree Faid Regional Planner for  
Regional Manager - Dunedin  
(acting pursuant to delegated authority)

## ADVICE NOTES

- (a) At the time of issue of this notice, the crossing place(s) is used as private.
- (b) If the crossing place(s) was in existence at the time of the declaration of the State highway as a Limited Access Road, this notice does not confirm the acceptability of its safety or standard of design and construction for its current use. If the owner has any concerns in this regard, he/she should contact Transit.
- (c) Transit has standards for the design and construction of crossing places to State highways, and requires the owner to adopt those standards when making any changes to the use, location or design of the crossing place(s).
- (d) A separate written permission from the Regional Manager in accordance with section 51 of the Transit New Zealand Act 1989, is required before any work may be done on the State highway, other than routine maintenance which is to be done by the owner of the Property. This notice does not constitute that written permission.
- (e) Transit wishes to emphasise that section 91 of the Transit New Zealand Act 1989 gives Transit the power to cancel the right to use a crossing place(s). This will only be exercised after the owner has been given the opportunity to discuss the matter with Transit. In summary, Transit's cancellation powers will apply in the following situations:
  - (i) when there is a change to the legal description of the Property; or
  - (ii) when there is a change in the location of the crossing place(s); or
  - (iii) when another crossing place(s) is authorised; or
  - (iv) where access to the Property is available from another road.



**LOT 4  
DP 535617**

EXISTING LAND COVENANT AREA			
Purpose	Shown	Burdened Land	Created by
Building Platform	BB	Lot 1 hereon	CN 5188548.2
	BC	Lot 3 hereon	CN 5188548.2 Var 8427139.1

MEMORANDUM OF EASEMENTS			
Purpose	Shown	Burdened Land	Benefited Land
Right of way	A	Lot 3 hereon	Lot 4 hereon

PROPOSED LAND COVENANT AREAS		
Purpose	Shown	Burdened Land
Building Platform	BA	Lot 1 hereon
	BD	Lot 4 hereon

SUBJECT TO RESURCE CONSENT AND LT SURVEY

**Clark Fortune McDonald & Associates**  
 Licensed Cadastral Surveyors - Land Development - Planning Consultants  
 309 Lower Shotover Road, P.O.Box 553 Queenstown  
 Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz  
 Shop 2, Otago House, 475 Moray Place, P.O. Box 5960  
 Tel. (03)470-1582, Fax (03)470-1583, Email admin@cfma.co.nz

Rev.	Date	Revision Details	By
A	09.07.22	ACCESS TO LOTS 3 AND 4 AMENDED	HK
B	31.10.22	BPs ON LOTS 2 AND 4 AMENDED	HK

**LOTS 1 - 4 BEING A PROPOSED SUBDIVISION  
OF LOTS 1 AND 2 DP 303793**

Client	Surveyed	Date	Job No.	Drawing No.
KENNEDY	-	-	15654	02 Sheet 001
Drawn	HK	12.05.22	Scale	1:1000 @ A1 1:2000 @ A3
Checked	ED	12.05.22	Datum & Level	LINDIS PEAK Rev. B

Notes:  
 - All dimensions shown are in meters unless shown otherwise.  
 - Any person using Clark Fortune McDonald drawings and other data accepts the risk of:  
 - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions.  
 - Ensuring the information is the most recent issue.  
 - Copyright on this drawing is reserved.



## ORC NOTIFICATION RECOMMENDATION REPORT

Document ID: A1643373  
 Objective File No: RM22.228  
 Consent No: RM22.228.01  
 Prepared for: Staff Consents Panel  
 Prepared by: Alexa Harrington, Consents Planner  
 Date: 26 May 2022  
**Subject: Land Use Consent Application RM22.228 by Bernard William Kennedy, Grant Arthur Ruddenklau and Zita Mary Cleugh to construct one bore, Lake Hāwea**

### 1. Purpose

To report and make recommendations under sections 95A-G and sections 104 and 104A of the Resource Management Act 1991 (the Act) on notification and the substantive decision of the above application.

### 2. Application Details

<b>Applicant/s full name/s</b>	Bernard William Kennedy, Grant Arthur Ruddenklau and Zita Mary Cleugh
<b>Location of bore</b>	Lake Hāwea, Approximately 630 metres east from State Highway 6 and Te Awa Road
<b>No of proposed bores:</b>	One
<b>Map reference of location (NZTM 2000)</b>	E1302139 N5051234
<b>Legal description</b>	Lot 1 DP 303793
<b>Proposed depth of bore</b>	27 metres
<b>Proposed rate of take and daily volume</b>	A maximum rate of 25 cubic metres per day at a rate of 1.38 litres per second
<b>Intended use of water</b>	Domestic and stock drinking supply
<b>Location of bore is greater than 100 metres from an inland natural wetland (NES-FW 2020 regulation 54).</b>	Yes
<b>Proposal meets permitted activity rule: 12.2.2.1 of RPW for the proposed rate and volume of take</b>	Yes
<b>Name of aquifer</b>	Hāwea Basin
<b>Status of the application</b>	Controlled activity (Rule 14.1.1.1 of the Regional Plan: Water for Otago (RPW))

### 3. Notification and Written Approvals

The applicant did not request the application be publicly notified and public notification is not required by Section 95C of the Act. Public notification is precluded as the activity is a controlled activity, and no special circumstances exist.

There are no protected customary right groups or customary marine title groups associated with the site and no statutory acknowledgements apply. Limited notification is not precluded.

There were not considered to be any affected parties to the application. The bore is to be constructed on the applicant's land therefore there will be no access issues.

Special circumstances do not exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification.

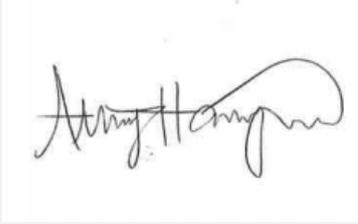
Council was not required to publicly notify or limited notify the application and the application was processed on a non-notified basis.

#### **4. Assessment of Effects on the Environment**

<b>Effects due to construction of the bore</b>	The construction of the bore will have a no more than minor effect on the environment due to the technique of drilling.
<b>Could this bore have a significant adverse effect on any existing water takes from a bore within 100 metres of the proposed bore/s?</b>	No
<b>What is the name of and how far is the nearest surface water body from the bore?</b>	Approximately 330m east is an unnamed modified watercourse that feeds into Hāwea River.
<b>Will the proposed abstraction have any significant adverse effect on the surface water body?</b>	No
<b>Are there any known septic tank/on-site wastewater discharges within 50 m of the site of the proposed bore?</b>	No
<b>Are there any consented wastewater discharges within 500 m of the site of the proposed bore?</b>	No
<b>Are there any known potentially contaminated sites within a 1 kilometre radius of the proposed bore site?</b>	Yes, Approximately 930m east is HAIL.01568.01 the Hawea Wastewater Treatment Plan. The proposed bore location is unlikely to have effects due to the distance and separation of the Hāwea River.
<b>Are there any registered drinking water supplies within a 1 kilometre radius of the proposed bore site?</b>	No

#### **NOTIFICATION RECOMMENDATION:**

In accordance with the notification steps set out above, it is recommended that the application proceed on a non-notified basis.



Name: Alexa Harrington  
Title: Consents Planner  
Date: 26 May 2022

## Decision on notification

### **Sections 95A to 95G of the Resource Management Act 1991**

**Date:** 26 May 2022  
**Application No:** RM22.228  
**Subject:** *Decision on notification of resource consent application under delegated authority*

### Summary of Decision

The Otago Regional Council decides that the application is to be processed on a **non-notified**<sup>1</sup> basis in accordance with sections 95A to 95G of the Resource Management Act 1991.

The above decision adopts the recommendations and reasons outlined in the Notification Report prepared by Alexa Harrington on 26 May 2022 in relation to this application.



Alexandra King  
**Team Leader Consents**

<sup>1</sup> Once all identified affected parties have provided their unconditional written approval to the application. If these approvals are not provided then the application will proceed by limited notification.

**OTAGO REGIONAL COUNCIL  
SECTION 42A REPORT**

**5. Section 104 Evaluation**

Section 104 of the Act sets out the matters to be considered when assessing an application for a resource consent. These matters are subject to Part 2, the purpose and principles, which are set out in Sections 5 to 8 of the Act.

In considering this application, as it is a controlled activity, under section 104A of the Act, the Council may only consider those matters over which it has control in its plan, under Rule 14.1.1.1. The Council must grant the consent. However, the Council may only impose conditions under section 108 for those matters over which it has control in its plan.

**5.1 Relevant Statutory Considerations**

<b>Is granting the consent consistent with Sections 5, 6, 7 and 8 of the Act?</b>	Yes, due to the minor nature of the activity.
<b>Is granting the application consistent with the NPS-FM 202 and NES-FW?</b>	Yes, due to the minor nature of the activity.
<b>Is granting the consent consistent with the relevant policies of the proposed Otago Regional Policy Statement (p-ORPS) and the partially operative Regional Policy Statement (Policies 1.1.1, 1.1.2, 3.1.1)?</b>	Yes, the application is consistent with these policies, specifically the use of the groundwater resource for the enhancement of the needs of Otago's communities.
<b>Is granting the consent consistent with Policies 6.4.10AC, 6.4.10C and 9.4.14 of the Regional Plan: Water for Otago (RPW)?</b>	Yes, the application is consistent with these policies, specifically avoiding aquifer contamination as the bore will be sealed.

There are no other relevant matters in respect to this application.

**6. Section 108 of the Act**

Recommended conditions of consent will ensure that any adverse effects are avoided, remedied or mitigated. The following conditions are recommended in accordance with Section 108 of the Act, in addition to those adopted by the applicant:

- Construction is in accordance with the New Zealand Standard "Environmental Standard for Drilling of Soil and Rock" NZS 4411:2001.
- Sealing and backfilling of the bore when it is no longer being used.
- Facility for groundwater quality testing.

**7. Recommendation**

That the Otago Regional Council grants to Bernard William Kennedy, Grant Arthur Ruddenklau and Zita Mary Cleugh Land Use Consent RM22.228.01, subject to the terms and conditions set out in the consent because:

- (a) The effects of the activity are expected to be minor;
- (b) The activity is consistent with the relevant statutory requirements; and
- (c) The activity is consistent with Part 2 of the Act.

**8. Term**

Once the bore is constructed, the term of the land use consent is unlimited. The bore must be constructed within a period of two years of the commencement of this consent or the land use consent will lapse.



Alexa Harrington  
**Consents Planner**

# Decision on Resource Consent Application

Section 113 of the Resource Management Act 1991

**Date:** 26 May 2022

**Application No:** RM22.228

**Subject:** *Decision on non-notified resource consent application under delegated authority*

## Decision on non-notified resource consent application decided under delegated authority

### Decision and Reasons for Decision

Pursuant to section 104A of the Resource Management Act 1991 ("the RMA"), the Otago Regional Council ("the Council") hereby **grants** resource consent subject to the conditions appended RM22.228.01 to Bernard William Kennedy, Grant Arthur Ruddenklau and Zita Mary Cleugh.

I have considered the information provided, reasons and recommendation in the above report. I agree with those reasons and adopt them.

### Conditions (section 108)

Pursuant to sections 108 and 108AA of the RMA, this consent is issued subject to the attached conditions.

### Decision under delegated authority

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Under delegated authority, this resource consent application is granted by the Otago Regional Council by:



Alexandra King  
**Team Leader Consents**

Our Reference: A1643628

Consent No. RM22.228.01

## LAND USE CONSENT

Pursuant to Section 104A of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Bernard William Kennedy, Grant Arthur Ruddenklau and Zita Mary Cleugh

Address: 118 Rob Roy Lane, Wanaka

To construct a bore  
For the purpose of accessing groundwater

For an unlimited term

Location of consent activity: Lake Hawea, approximately 630 metres east from  
State Highway 6 and Te Awa Road

Legal description of consent location: Lot 1 DP 303793

GPS location: Within a 20 metre radius E 1302139 N 5051234  
of (NZTM 2000)

Bore tag: CA13/0137

### Conditions

#### Specific

1. The activity must be carried out in accordance with the plans and the application dated 19 May 2022. All references to the bore<sup>1</sup> must use the ORC-issued bore consent and/or assigned bore number. The bore[s] must be located and constructed as detailed below:
  - a) NZTM 2000 (+/-20m): Easting 1302139 Northing 5051234
  - b) Depth: 27 metres
  - c) Bore diameter (mm): 150 millimeters
  - d) Legal description of site: Lot 1 DP 303793
  - e) Intended water use: Domestic and stock supply
2. Any bore tag provided to the Consent Holder by the Consent Authority must be attached to the bore in a visible location and be identifiable at all times. Consent holders must notify ORC at [compliance@orc.govt.nz](mailto:compliance@orc.govt.nz) if assigned bore tag numbers are not being used (e.g. if the bore was dry or not drilled).

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<sup>1</sup>i.e. bore completion form, resource consent applications related to the bore. Please avoid using names such as "BH1" or 200m north of the Dunstan/Springvale Road junction

3.
  - a) The bore must be constructed, maintained, tested, and records kept (drilling log), in accordance with NZS 4411:2001 (or later version and/or any other approved and relevant standard).
  - b) All works and structures relating to this resource consent must be designed and constructed to conform to best engineering practices and at all times maintained to a safe and serviceable standard.
  - c) The consent holder must undertake all operations in accordance with any drawings, specifications, statements of intent and other information supplied as part of the application for this resource consent. In the event of (is) a conflict between the information supplied with the application and any consent condition (s), the condition(s) must prevail.
  
4. To minimise the risk of contaminants entering groundwater, the consent holder must:
  - a) Ensure the bore headworks are constructed and maintained to prevent any leakage and/or movement of water or contaminants between the ground surface and groundwater and must ensure that there are no opening through which contaminants might enter the bore. This must include (but not be limited to) ensuring that there are no gaps around any pipework and/or cables at the bore head.
  - b) The top of the bore/well casing must extend at least 300mm above ground level. The top of the casing must be elevated above any potential flood and/or ponding level.
  - c) A concrete seal (apron) is to be placed at ground level around the outside of the casing. The seal must be sufficient to prevent foreign material, surface water, spillage or other leakage entering the space between the casing and the wall of the bore. The seal must have a minimum radius of 500mm around the bore head and a minimum thickness of 100mm. The concrete apron needs to slope away from the bore in order to divert surface water away from the bore head.
  - d) All bores used for groundwater abstraction must have backflow prevention measures. Where there is reticulation back pressure at the bore head, a one-way valve must be fitted for maximum efficiency and in that case, the water sampling point must be on the bore pump side of the one-way valve.
  - e) A filter pack comprising of clean, washing sand (typically 2-4mm) must be placed around the screened interval, as practical. The filter pack must extend at least 200mm above the screened interval while allowing the condition below (i.e. bentonite seal)
  - f) A bentonite seal (typically bentonite pellets) must be placed above the filter to prevent ingress of water via the bore annulus as practical. The bentonite seal must typically extend >2m above the filter pack and extend up to the ground level. The concrete apron is to be located at ground level above the bentonite.
  - g) Where more than one aquifer is encountered during drilling, the bore/well must be constructed so that groundwater is drawn from only one aquifer. Leakage between zones of differing pressure or water quality must be prevented.

Flowing artesian bores/wells must be fitted with headworks to control artesian pressure and avoid the uncontrolled discharge of water
  
5. The construction of the bore must be completed within 30 working days of the commencement of the construction.

## Performance Monitoring

6. The following information must be supplied to the Consent Authority within 10 working days of the completion of drilling of the bore:
- a) Bore number (must be using the ORC-issued bore number)
  - b) Owner's and/or occupier's name
  - c) Driller's name
  - d) Date and method of drilling
  - e) A photograph of the bore with a measuring device to show the bore diameter and/or installer certificate confirming bore diameter
  - f) Clear photographs showing compliance with Condition 3
  - g) An annotated map, or aerial photograph, that accurately and clearly shows site access, the physical location and a photograph of a GPS confirming the bore location and the bore tag
  - h) Fully completed bore log forms providing descriptions of strata encountered and depth at which encountered below ground level or other suitable datum level
  - i) Level of the static water level (that is, stationary water level after the bore is fully developed and when no water has been taken or has flowed from the bore for three (3) hours or more), together with the date and time of measurement and level datum used
  - j) Total Depth of bore
  - k) Length, diameter, thickness, and material of casing
  - l) Type, length, diameter, and mesh/slot size of screen
  - m) Results of a rudimentary pump test including drawdown, rate of pumping, and duration of pumping. Duration of pumping must not be less than one (1) hour
  - n) Copies of the results of groundwater quality analyses in accordance with Condition 3
  - o) Any other relevant information or data as the Council may from time to time require to be kept.

Unsuccessful drilling must still be notified to the Consent Authority and bore log still provided. The bore must be decommissioned according to Condition 7. The Consent Authority should be notified that the bore tag number is not used by email to [compliance@orc.govt.nz](mailto:compliance@orc.govt.nz)

- 7.
- a) The bore's integrity must be maintained for the lifetime of the bore until the bore is decommissioned and compliant with the decommission Conditions 7(b). If a bore is abandoned or no longer required, the bore must be decommissioned immediately without letting it get in disrepair, cut off, sealed or over, built over or forgotten about.
  - b) The bore is to be decommissioned being appropriately sealed/grouted and backfilled, to prevent contaminants from entering the bore or drill hole at any level. Within 10 working days of completing this work, the Consent Holder must provide the Consent Authority the bore tag number and photographs showing that the bore has been sealed/grouted and backfilled. The evidence is to be supplied via email to [compliance@orc.govt.nz](mailto:compliance@orc.govt.nz). The email notification should state the consent and bore tag number.

## General

8. The Consent Holder must prevent the discharge of contaminants (including sediment) to land, groundwater, or any surface waterbody arising from the exercise of this consent.

9. In accordance with Section 125(1)(A) of the Resource Management Act, this consent will lapse after a period of two years after the date of commencement unless it is given effect to or an application is made to extend the lapse period before the consent lapses.

### Notes to Consent Holder

1. *It is the responsibility of the consent holder to ensure that the water abstracted under this resource consent is of suitable quality for its intended use. Where water is to be used for human consumption, the consent holder should have the water tested prior to use and should discuss the water testing and treatment requirements with a representative of the Ministry of Health and should consider the following Drinking Water Standards:  
<https://www.health.govt.nz/system/files/documents/publications/dwsnz-2005-revised-mar2019.docx>*
2. *It is strongly recommended to undertake the following (and other additional relevant) precautions to reduce contamination risk:*
  - a) *Fence a radius of at least 5metres around the bore to prevent animals approaching the bore head.*
  - b) *Avoid storing any chemicals/hazardous materials within at least 10m radius of the bore head*
3. *Any water supply bore should be constructed to ensure that the security of supply is maximised by:*
  - a) *Ensuring that drawdown within the bore is minimised when it is being pumped (e.g. by ensuring appropriate screen design, and well diameter), and*
  - b) *Placing any pump as far below water level as is practicable*
4. *This is not a water take consent. It is a land use consent to drill a bore only. Please contact the consents team to discuss further as a water take consent will need to be obtained for any activity that is not considered permitted.*
5. *This consent is attached to the land and cannot be transferred to another site.*
6. *For the purposes of this consent, an acceptable “suitably qualified and experienced person” is a professional well driller or well engineer (or equivalent), with demonstrable experience in the field of bore head security, design, construction and maintenance.*
7. *In accordance with Section 3A of the Resource Management Act 1991, any person carrying out activities allowed by this consent, either with the explicit or implied permission of the consent holder, must do so as if the resource consent had been granted to that person as well as the holder of the consent. The consent holder is advised to inform those persons of the consent conditions, as any action by or cost to this Council resulting from non-compliance with the consent conditions will be directed to the consent holder.*
  - a) *The permit holder must advise the Stormwater Manager/relevant 3 Waters Infrastructure department of the relevant Territorial Local Authority if the discharge of water or drilling fluids created in the course of exercising this consent, will be made into or onto a road corridor or in circumstances where the discharge may enter a reticulated stormwater system*

- b) A spill management plan and appropriate spill response equipment should be held on the drilling site while drilling occurs to ensure that any spills can be quickly contained and prevented from entering any surface water or groundwater.*

*Fittings required on well headworks such as water metres and backflow preventers require straight lengths of pipe either side in order to function properly and for the accuracy of the water meter.*

8. a) *If there is a discharge of contaminants, including human sewage, onto land within 50 metres of a bore used to supply water for domestic purposes or drinking water for livestock, a resource consent may be required for the discharge under the Regional Plan: Water*
- b) *If there is a discharge of contaminants, including contaminants from offal pits, farm landfills, silage production and greenwaste landfills, onto land within 100 metres of a bore used to supply water for domestic purposes or drinking water for livestock, a resource consent may be required for the discharge under the Regional Plan: Waste*
9. *The granting of this bore permit does not infer or guarantee the water will be available for abstraction once the bore is constructed.*
10. *Where information is required to be provided to the Consent Authority in Conditions 6, and 7 this is provided in writing to [compliance@orc.govt.nz](mailto:compliance@orc.govt.nz), and the email is to reference RM22.228.01 and the condition/s that information relates to.*

Issued at Dunedin this 26<sup>th</sup> day of May 2022.



Alexandra King  
**Team Leader Consents**

**TRANSFER**  
Land Transfer Act 1952



If there is not enough space in any of the panels below, cross-reference to and use the approved Annexure Schedule: no other format will be received.

Land Registration District

**OTAGO**

Certificate of Title No. All or Part? Area and legal description -- *Insert only when part or Stratum, CT*

15437	All	
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DocID: 110388636

Transferor *Sumames* must be underlined or in CAPITALS

**HAWEA TRUST LIMITED AND TLEG LIMITED**

Transferee *Sumames* must be underlined or in CAPITALS

**Donald Andrew SARGINSEN and Nicola Sinclair SARGINSEN**

Estate or Interest or Easement to be created: *Insert e.g. Fee simple; Leasehold in Lease No .....; Right of way etc.*

**SEE ANNEXURE SCHEDULE**

Consideration

**\$1.00**

Operative Clause

For the above consideration (receipt of which is acknowledged) the TRANSFEROR TRANSFERS to the TRANSFEE all the transferor's estate and interest described above in the land in the above Certificate(s) of Title and if an easement is described above such is granted or created.

Dated this 11th day of June 2002

Attestation

	Signed in my presence by the Transferor <b>HAWEA TRUST LIMITED</b> Signature of Witness 
	Witness to complete in <b>BLOCK</b> letters (unless typewritten or legibly stamped) Witness name <b>DAVID J EHLERS</b> Occupation <b>SOLICITOR</b> Address <b>DUNEDIN</b>
Signature, or common seal of Transferor	

Continued on Annexure Schedule

**Certified correct for the purposes of the Land Transfer Act 1952**  
 Certified that no conveyance duty is payable by virtue of Section 24(1) of the Stamp and Cheque Duties Act 1971.  
 (DELETE INAPPLICABLE CERTIFICATE)

Solicitor for the Transferee

**Annexure Schedule**



Insert below  
"Mortgage", "Transfer", "Lease" etc

**Transfer**

Dated **11th June 2002**

Page **2** of **5** Pages

**ESTATE OR INTEREST OR EASEMENT TO BE CREATED:**

The Transferee shall have a Right of Way, Right to Convey, Water and Telecommunications, Right to Drain Foul Sewer, Right to Drain Storm Water and Right to Convey Electricity over that part of the Transferors land being the part marked "L" on DP 303860 to be forever appurtenant to the land contained in Certificates of Title 15146 and 15147.

**1 TERMS, CONDITIONS, COVENANTS OR RESTRICTIONS IN RESPECT OF THE RIGHT OF WAY, RIGHT TO CONVEY WATER AND TELECOMMUNICATIONS, RIGHT TO DRAIN FOUL SEWER, RIGHT TO DRAIN STORMWATER AND RIGHT TO CONVEY ELECTRICITY:**

**(I) Right to Convey Water**

The rights and powers set out are in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952

The full, free, uninterrupted, and unrestricted right, liberty, and privilege for the Transferee and his tenants (in common with the Transferor, his tenants and any other person lawfully entitled so to do) from time to time and at all times:

- (a) To take, convey and lead water in a free and unimpeded flow (except when the flow is halted for any reasonable period necessary for essential repairs) for domestic purposes ancillary to one or more domestic dwellings on each of the dominant tenements and or for the watering of stock depastured on each of the dominant tenements and ancillary purposes consistent with the rights of other persons having the same or similar rights and following the course across the land over which the easement is granted or created, and for the purposes of the easement concerned;
- (b) To connect at any point to the pipeline for the purposes of supplying water to stock troughs or reservoirs and to draw water from the pipeline provided however that all troughs and reservoirs are fitted with efficient floats, valves, stock cocks or other automatic device to ensure that there is no wastage water from some such troughs or reservoirs;
- (c) To use any line of pipes already laid on the stipulated course or pipes in replacement or in substitution for all or any of those pipes;
- (d) Where no such pipes exist, to lay, place, and maintain, or to have laid, placed, or maintained, a line of pipes of a sufficient internal diameter and of suitable material for the purpose under the surface of the land over which the easement is granted or created and along the line defined for the purpose where such a line has been so defined;
- (e) In order to construct or maintain the efficiency of any such pipe line the full, free, uninterrupted, and unrestricted right, liberty and privilege for the grantee, his tenants, servants, agents, and workmen, with any tools, implements, machinery, vehicles, or equipment of whatsoever nature necessary for the purpose, to enter upon the land over which the easement is granted or created (or upon such part of the land of the grantor and by such route as is reasonable in the circumstances) and to remain there for any reasonable time for the purpose of erecting, inspecting, cleansing, repairing, maintaining and renewing the pipe line or any part thereof and of opening up the soil of that land to such extent as may be necessary and reasonable in that regard, subject to the condition that as little disturbance as possible is caused to the surface of the land of the grantor and that the surface is restored as nearly as possible to its original condition and any other damage done by reason of the aforesaid operations is repaired and;
- (f) To the right to a reasonable contribution from other users towards the costs of establishment, maintenance, upkeep and repair of any pump or pumps and/or pipeline to an appropriate standard.

**(II) Right to Drain Foul Sewer**

The rights and powers set out in the Seventh Schedule to the Land Transfer Act 1952.

**If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.**

*[Handwritten signatures and initials]*

Auckland District Law Society  
REF 4120

**Annexure Schedule**



Insert below  
"Mortgage", "Transfer", "Lease" etc

**Transfer**

Dated **11th June 2002**

Page **3** of **5** Pages

**(III) Right to Drain Stormwater**

The following rights are in substitution for those set out in the Seventh Schedule to the Land Transfer Act 1952

The full, free, uninterrupted, and unrestricted right, liberty, and privilege for the Transferee and his tenants (in common with the Transferor, his tenants and any other person lawfully entitled so to do) from time to time and at all times.

- (a) To drain and discharge water (whether rain, tempest, spring, soakage, or seepage water) in any quantities consistent with the right to other persons having the same or similar rights along the stipulated course (where a course is stipulated) across the land over which the easement is granted or created;
- (b) To use any line of pipes already laid on the stipulated course or pipes in replacement or in substitution for all or any of those pipes;
- (c) Where no such pipes exist, to lay, place, and maintain, or to have laid, placed, or maintained, a line of pipes of a sufficient internal diameter and of suitable material for the purpose under the surface of the land over which the easement is granted or created and along the line defined for the purpose where such a line has been so defined and;
- (d) In order to construct or maintain the efficiency of any such pipe line the full, free, uninterrupted, and unrestricted right, liberty and privilege for the grantee, his tenants, servants, agents, and workmen, with any tools, implements, machinery, vehicles, or equipment of whatsoever nature necessary for the purpose, to enter upon the land over which the easement is granted or created (or upon such part of the land of the Transferor and by such route as is reasonable in the circumstances) and to remain there for any reasonable time for the purpose of erecting, inspecting, cleansing, repairing, maintaining and renewing the pipe line or any part thereof and of opening up the soil of that land to such extent as may be necessary and reasonable in that regard, subject to the condition that as little disturbance as possible is caused to the surface of the land of the Transferor and that the surface is restored as nearly as possible to its original condition and any other damage done by reason of the aforesaid operations is repaired.

**(IV) Right of Way**

The rights and powers implied in Easements of Vehicular rights of way by the Ninth Schedule to the Property Law Act 1952 shall be implied in the Rights of Way created by the Transfer in addition to the rights and powers set out in the Seventh Schedule to the Land Transfer Act 1952.

**(V) Right to Convey Electricity**

The full free uninterrupted and unrestricted right liberty and privilege for the Transferee and his tenants (in common with the Transferor and his tenants and any other person lawfully entitled so to do) from time to time and at all times (except where the flow is halted for any reasonable period necessary for essential repairs) to take and convey electric power by means of underground cables and in any quantity consistent with the rights of other persons having the same or similar rights from the source of supply or point of entry across that part of the servient tenement defined in the "Estate or Interest or Easement to be created" hereof.

**(VI) Right to Convey Telephone Communications**

The full free uninterrupted and unrestricted right liberty and privilege for the Transferee and his tenants (in common with the Transferor his tenants and any other person lawfully entitled so to do) form time to time and at all times (except where the flow is halted for any reasonable period necessary for essential repairs) to convey telephone communications by means of underground cables from the point of entry across that part of the servient tenement defined in the "Estate or Interest or Easement to be created" hereof.

**If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.**

Auckland District Law Society  
REF 4120

**Annexure Schedule**



Insert below

"Mortgage", "Transfer", "Lease" etc

**Transfer**

Dated **11th June 2002**

Page **4** of **5** Pages

**(VII) Additional rights attaching to easements of right to convey electricity and telephone communications**

The full free and uninterrupted, and unrestricted right liberty and privilege for the Transferee and his tenants (in common with the Transferor, his tenants, and any other person lawfully entitled so to do) for the purposes of the easement concerned -

- (a) To use any line of pipes wires cables or trenches already laid or excavated on the stipulated course or any pipe or pipes wire or wires, cable or cables or trench or trenches in replacement or substitution for all of or any of those pipes wires cables or trenches:
- (b) Where no such line of pipes wires cables or trench exists, to lay place and maintain, or to have laid, placed and maintained, a line of pipes, wires, cables or trench of a sufficient internal diameter and of a suitable material for the purpose under or over the surface (as the parties decide) of the land over which the easement is granted or created and along the line defined for the purpose where such line has been so defined:
- (c) In order to construct or maintain the efficiency of any such pipe line, wire or cable line or trench, the full free uninterrupted and unrestricted right, liberty and privilege for the Transferee, his tenants, servants, agents and workmen, with any tools, implements, machinery vehicles or equipment of whatsoever nature necessary for the purpose, to enter upon the land over which the easement is granted or created (or, where only the position of the pipe line, wire, or cable line or trench is defined in the easement, upon such part of the land of the Transferor and by such route as is reasonable in the circumstances) and to remain there for any reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining and renewing the pipe line, wire or cable line or trench or any part thereof and of opening up the soil of that land to such extent as may be necessary and reasonable in this regard, subject to the condition that as little disturbance as possible is caused to the surface of the land of the Transferor and that the surface is restored as nearly as possible to its original condition and any other damage done by reason of the aforesaid operations is repaired.

**2 TERMS, CONDITIONS, COVENANTS, OR RESTRICTIONS IN RESPECT OF ANY OF THE ABOVE EASEMENTS:**

- A. All disputes and differences between the parties shall be submitted to the arbitration of single arbitrator if one can be agreed upon or to two arbitrators (one to be appointed by each party) and their umpire (appointed by them prior to their arbitration) such arbitration to be carried out in accordance with the provisions of the Arbitration Act 1996 or any then statutory provisions relating to arbitration.
- B. And it is hereby agreed and declared that the registered owner of the servient tenements hereby covenants with the registered owners of each of the dominant tenements that the rights attached to each of the easements to be created hereby shall be deemed in each case to be a positive covenant for the benefit of the dominant tenement over the servient tenement for the purposes of Section 126 of the Property Law Act 1952 as inserted by Section 4 of the Property Law Amendments Act 1986 and as amended from time to time shall apply thereto.

**If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.**

Auckland District Law Society  
REF 4120

Annexure Schedule



Insert below "Mortgage", "Transfer", "Lease" etc

Transfer

Dated 11th June 2002

Page 5 of 5 Pages

Continuation of Attestation:

Signed in my presence by the Transferor TLEG LIMITED Signature of Witness (Director)

Witness to complete in BLOCK letters Witness Name: M C PULLAR Occupation: Solicitor Address: Dunedin

Signature, or common seal of Transferor

Handwritten signature of Donald Andrew Sarginson

Signed in my presence by the Transferee DONALD ANDREW SARGINSON Signature of Witness

Witness to complete in BLOCK letters

Witness Name: Lynette Sutherland Occupation: Law Clerk to Checketts McKay Address: WANAKA

Signature, or common seal of Transferee

Handwritten signature of Nicola Sinclair Sarginson

Signed in my presence by the Transferee NICOLA SINCLAIR SARGINSON Signature of Witness

Witness to complete in BLOCK letters

Witness Name: Lynette Sutherland Occupation: Law Clerk to Checketts McKay Address: WANAKA

Signature, or common seal of Transferee

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

Handwritten signatures and initials of parties and witnesses.

Approved by Registrar-General  
of Land under No. 1995/1004EF



# TRANSFER

Land Transfer Act 1952

Law Firm Acting
<b>WEBB FARRY SOLICITORS DUNEDIN</b>

Auckland District Law Society  
REF: 4135 /4

**This page is for Land Registry Office use only.**  
(except for "Law Firm Acting")



