

FORM 6

FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO, SUBMISSION ON NOTIFIED PROPOSED POLICY STATEMENT OR PLAN, CHANGE OR VARIATION

Clause 8 of Schedule 1, Resource Management Act 1991

To Mackenzie District Council

Name of person making further submission

Pūkaki Tourism Holdings Ltd Partnership & Pūkaki Village Holdings Ltd

1. This is a further submission in response to submissions on the following change proposed to the following plan (the **proposal**):
Mackenzie District Council - Proposed Plan Change 30
2. Pūkaki Tourism Holdings Ltd Partnership & Pūkaki Village Holdings Ltd has an interest in the proposal that is greater than the interest the general public has, due to its extensive landholdings in the Pūkaki Downs and Pūkaki Village Special Purpose zones.
3. The support or opposition of Pūkaki Tourism Holdings Ltd Partnership & Pūkaki Village Holdings Ltd to the submissions of other parties is detailed in the table attached.
4. The particular parts of the submissions that Pūkaki Tourism Holdings Ltd Partnership & Pūkaki Village Holdings Ltd supports or opposes are detailed in the table attached.
5. Reasons for Pūkaki Tourism Holdings Ltd Partnership & Pūkaki Village Holdings Ltd support or opposition to the submissions of other parties are detailed in the table attached.
6. Pūkaki Tourism Holdings Ltd Partnership & Pūkaki Village Holdings Ltd seeks the relief detailed in the table attached.

7. Pūkaki Tourism Holdings Ltd Partnership & Pūkaki Village Holdings Ltd does wish to be heard in support of its further submission. It would not consider presenting a joint case with other parties.



Signature of person authorised to sign on behalf of person making further submission:

Date: 24 February 2025

Electronic address for service of person making further submission:

steve.tuck@mitchelldaysh.co.nz

Telephone: 027 593 4152

Postal address (or alternative method of service under section 352 of the Act):

Mitchell Daysh Limited
Level 2, 33 Totara Street
Mount Maunganui 3116

Contact person: Steve Tuck, Associate

Note to person making further submission

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- > It is frivolous or vexatious:
- > It discloses no reasonable or relevant case:

- > It would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- > It contains offensive language:
- > It is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

If you are making a submission to the Environmental Protection Authority, you should use form 16C.

Table 1: Further Submission of Pūkaki Tourism Holdings Ltd Partnership & Pūkaki Village Holdings Ltd (PTHL & PVHL)

Submitter Details	Provision	Support/Oppose	Reason for support/opposition	Relief sought by PTHL & PVHL
Pūkaki Downs Special Purpose Zone				
Director-General of Conservation Point 11.09	Pūkaki Downs Special Purpose Zone Structure Plan Figure PDSPZ-1: Structure Plan	Oppose	<p>The submission of the Director-General of Conservation states:</p> <p>There are a number of conservation covenants within the structure plan area (brown cross-hatching shown below), and it appears that at least Built Development Area 3 in the structure plan encroaches into those covenants.</p>  <p>The structure plan would also allow significant built development within a few hundred metres of the Pūkaki Scientific Reserve, with no s32 assessment of potential effects on the Reserve.</p>	<p>Reject, for the reasons below.</p> <p><i>Pūkaki Scientific Reserve</i></p> <p>There is no need to amend the structure plan due to the nearby Pūkaki Scientific Reserve.</p> <p>All Built Development Areas nominated in the PDSPZ are well set back from the reserve.</p> <p>The zone does not facilitate encroachments on the reserve. Rather, buildings and structures must be avoided outside the Built Development Areas (policy PDSPZ-P1).</p> <p>The Outline Development Plan process requires comprehensive consideration of ecological effects, and policy PDSPZ-P4 requires ecological values to be enhanced in all five Land Management Areas.</p> <p>The zone therefore promotes positive ecological outcomes, which presumably will be complementary to the reserve.</p> <p><i>Conservation covenants</i></p>

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			<p>There is also a historic water race protected by a conservation covenant which is partly within the area shown as Land Management Area 1.</p>  <p>Amend the structure plan as required to ensure that identified Built Development Areas and Land Development Areas do not conflict with existing conservation covenants or adversely affect the Pūkaki Scientific Reserve.</p>	<p>The covenanted areas on land in this zone are shown as items “A” to “D”, “J”, “R” and “S” on the title plan for Section 1 SO 19913 (see Appendix 1 to this further submission).</p> <p>None of the Built Development Areas shown on the Structure Plan overlap with the covenanted areas marked as “A”, “D”, “J”, “R” or “S” on SO 19913.</p> <p>For completeness, it is noted that the historic water race is shown as items “J” and “S” on SO 19913. The covenanted water race footprint does not overlap with, and is well south of, the location of Built Development Area 5 shown on the Structure Plan.</p> <p>It is further noted that Built Development Area 4 shown in the Structure Plan does not overlap with (is south of) the covenanted area shown as “D” on SO19913.</p> <p>Built Development Area 3 map overlap with portions of covenanted areas “B” and “C” (tarns). However, this does not preclude the proposed Structure Plan, because the objective of the covenant for these areas is:</p> <p class="list-item-l1">(i) <i>Protecting and enhancing the natural character of the land, with particular regard to maintaining the part of the historic water race, which formerly</i></p>

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			<p><i>supplied water to the Pukaki Downs Homestead, where it crosses State Highway 80 to the Homestead Driveway near its southern extremity, shown marked with the letter "J" and "S" on S.O. 19913.</i></p> <p><i>(ii) Protecting and enhancing the natural character and ecological function of the three principal tarns, shown marked with the letters "C", "C" and "D" on SO 19913".</i></p> <p>Clause B of the covenant further specifies the conditions relating to covenanted areas "B", "C" and "D" as:</p> <p><i>(i) The protection zone of the principal tarns will be the catchments of which will be no less than 50 metres, unless the integrity of the catchment slopes away from the affected tarns.</i></p> <p><i>(ii) The Minister can fence the tarns at his cost if stocking is intensified and the tarns are affected.</i></p> <p><i>(iii) If fencing is required the Minister will provide two water troughs of not less than 1.5 metres in diameter at each site, to provide stock water from the tarns or other alternative site agreed by the parties. There shall be no obligation to provide a better water source than currently exists, and no guarantee to provide water during the</i></p>	

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			<p><i>frozen winter or dry summer conditions. Once installed (at the cost of the Minister of Conservation) ongoing maintenance shall be the responsibility of the Lessee.</i></p> <p><i>(iv) There shall be no top dressing, burning, cultivation or removal of vegetation (except removal of weeds) within the protection zone of the principal tarns.</i></p> <p>Nothing in the Structure Plan or zone provisions proposes a breach of the covenant. The Outline Development Plan approval process obliges the landowner to demonstrate how values associated with the covenanted areas will be protected. The covenant itself provides the ultimate surety about the future management of the covenanted areas.</p>	
Heritage New Zealand Pouhere Taonga Point 08.02	Pūkaki Downs Special Purpose Zone PDSPZ-MD4	Support in part	<p>The submission of HNZPT is:</p> <p>HNZPT is supportive of item (d) which addresses effects of earthworks on historic heritage values. However, we recommend amending the wording to include consultation with HNZPT and the outcome of that consultation if earthworks are anticipated to affect heritage items. Amend:</p> <p><i>PDSPZ-MD4 Earthworks</i></p> <p><i>a. The scale and extent of earthworks.</i></p>	<p>Reject.</p> <p>The amendment to sub-clause (d) to add “<i>and cultural</i>” unnecessarily reiterates considerations that are addressed by sub-clause (e). Under (e), decision makers must consider effects on mana whenua values and the adequacy of any proposed measures to address those effects.</p>

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			<p><i>b. The extent to which the earthworks have been designed to minimise adverse effects on natural landforms, and the character, values and qualities of the surrounding environment.</i></p> <p><i>c. Effects on stability of adjoining land, infrastructure, buildings and structures.</i></p> <p><i>d. Effects on historic and cultural heritage values; whether HNZPT has been consulted and the outcome of that consultation.</i></p> <p><i>e. Whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the mana whenua values associated with the site or area of significance.</i></p>	<p>The amendment to (d) to add “<i>whether HNZPT has been consulted and the outcome of that consultation</i>” is also superfluous.</p> <p>The relief sought by HNZPT prompts consultation with HNZPT for all earthworks proposals. However, HNZPT’s submission indicates that its concern is only in cases “...<i>if</i> earthworks are anticipated to affect heritage items” – not with all earthworks.</p> <p>If earthworks would intersect heritage values protected by the district plan, the effects would need to be addressed by archaeological reporting and resource consenting processes. In these circumstances, HNZPT would be consulted with, or notified under section 95 of the RMA, as appropriate.</p> <p>If proposed earthworks would intersect heritage values that are <i>not</i> subject to District Plan control, the matter would be subject to the archaeological authority application process under section 44 of the Heritage New Zealand Pouhere Taonga Act 2014. The decision to grant an archaeological authority resides with HNZPT.</p> <p>In conclusion, promoting consultation with HNZPT for all earthworks applications in this zone – regardless of</p>

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				effects on historic heritage - is inefficient. Where proposed earthworks would intersect historic heritage values, procedures under resource management and heritage legislation will ensure HNZPT's involvement where necessary.
NZ Transport Agency Waka Kotahi Point 12.06	PDSPZ-P1		<p>The submission of NZTA is:</p> <p>Due to the zone having direct access to State Highway 80, request an amendment to the policy to include specific consideration of state highway access as part of the outline development plan process.</p> <p>Add the following point to PDSPZ-P1:</p> <p><i>Manage development in LMA 1-5 through an Outline Development Plan process to ensure:</i></p> <ol style="list-style-type: none"> 1. <i>the landscape and ecological effects of development are comprehensively assessed in the relevant LMA(s);</i> 2. <i>buildings outside of BDA 1-5 are avoided;</i> 3. <i>the location, scale, density and design of buildings within BDA 1-5 are compatible with the character, amenity values and purpose of the zone;</i> 4. <i>development can be appropriately serviced through provision of infrastructure which avoids remedies or mitigates adverse effects;</i> 5. <i>the effects of earthworks are managed;</i> 	<p>Accept in part.</p> <p>The outcome sought by NZTA can be achieved by a small change to sub-clause (4), rather than adding a whole new sub-clause, as follows:</p> <p>4. <i>development can be appropriately serviced through provision of access and infrastructure which avoids, remedies or mitigates adverse effects;</i></p> <p>This will strengthen the policy link to matter of discretion PDSPZ-MD3 (Access and Infrastructure) which under clause (a) requires consideration of:</p> <p>a. <i>The safe and efficient operation of the road network, and suitability of onsite parking, loading, manoeuvring and access, including the form and location of access off the State Highway</i></p>

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			<p>6. <i>areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected and enhanced;</i></p> <p>7. <i>the location and design of roads, access tracks and associated structures are compatible with the outstanding landscape values of the area and maintain the zone character and amenity values; and</i></p> <p>8. <i>the effects of earthworks are managed;</i></p> <p>x. <i>the effects of development on the effective, efficient and safe operation of State Highway 80 are managed.</i></p>	
NZ Transport Agency Waka Kotahi Point 12.07	PDSPZ-R1	Support	<p>The submission of NZTA is:</p> <p>The location as well as the form (design) of state highway access is important to assess to ensure it has been appropriately designed to accommodate the expected traffic movements from development of the site. As currently drafted the rule only notes the location as being required and not the form.</p> <p>Amend point 1 d. within the rule to ensure the effects of developing the zone on the state highway can be appropriately assessed by providing the form and location of state highway access.</p> <p>Add the following point to PDSPZ-R1:</p> <p><i>LMA 1-5</i></p> <p><i>Activity Status: RDIS</i></p> <p><i>Where:</i></p> <p><i>Any application for the approval of an Outline Development Plan submitted under this rule is accompanied by a</i></p>	Accept. This submission links the rule to matter of discretion PDSPZ-MD3 (Access and Infrastructure), which at sub-clause (a) requires consideration of "...the form and location of access off the State Highway"

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comprehensive land use and subdivision consent application which includes the following:

- a. the size, shape and layout of any sites to be subdivided;*
- b. the location of built form including the identification of building platforms;*
- c. the type, scale and intensity of activities proposed;*
- d. the form and location of any access off State Highway 80, internal roading and accessways, public access, parking and loading areas, and helipads;*

[Remainder of rule not shown here]

Pūkaki Village Special Purpose Zone				
Director-General of Conservation Point 11.11	Pūkaki Village Special Purpose Zone	Oppose	<p>The submission of the Director-General of Conservation states:</p> <p>The proposed Special Purpose Zone location includes significant indigenous vegetation, and is adjacent to the Lake Pūkaki Terminal Moraine Conservation Area. The Boffa Miskell report identifies that the site would qualify as a Significant Natural Area under the Canterbury RPS criteria, and in addition to the reported values the site has additional value due to the critically threatened status of dryland moraines. Those SNA values are contiguous with the adjoining two already-identified SNAs and the Conservation Area.</p> <p>It is difficult to see how those values within and adjoining the site could be maintained while allowing development for up to 1000 people, so there is a risk that the proposed</p>	<p>Reject this submission.</p> <p>The submission misinterprets the notified provisions as securing a specific development and density outcome.</p> <p>To the contrary, the notified provisions do not anticipate a particular level of development (e.g. 1,000 people) as a foregone conclusion.</p> <p>The zone's Introduction, objectives, policies, the outline development plan rule PVSPZ-R1 and assessment matter PVSPZ-MD5 emphasise that development must be design-led and must squarely address the methods</p>

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			<p>zone will not be able to be implemented at the outline development plan stage.</p> <p>Review the proposed approach to ensure that the level of development anticipated by the zone provisions is within the level that can realistically be achieved:</p> <ol style="list-style-type: none"> 1. Through outline development plans; and 2. While maintaining the significant indigenous biodiversity values of the site and its surrounds. 	<p>proposed to identify, restore, protect and enhance ecological values.</p> <p>The Outline Development Plan-led approach is an appropriate method to integrate development with the site's ecological values, in a manner that enhances the latter.</p>
<p>NZ Transport Agency Waka Kotahi Point 12.09</p>	PVSPZ-P1	Support in part	<p>The submission of NZTA is:</p> <p>Due to the zone having direct access to State Highway 8, request that an amendment to the policy to include specific consideration of state highway access as part of the outline development plan process.</p> <p>Add the following point to PVSPZ-P1:</p> <p>PVSPZ-P1 Outline Development Plan Process</p> <p><i>Manage development in LMA 1-3 in the PVSPZ SP through an Outline Development Plan process to ensure:</i></p> <ol style="list-style-type: none"> <i>1. the landscape and ecological effects of development are comprehensively assessed in the relevant LMA(s);</i> <i>2. buildings are appropriately located in areas which are not highly visible from beyond the site;</i> <i>3. buildings in 'no build areas' are avoided;</i> <i>4. built form is of a scale and design that is compatible with the character, amenity values and purpose of the zone;</i> 	<p>Accept in part.</p> <p>The outcome sought by NZTA can be achieved by a small change to sub-clause (4), rather than adding a whole new sub-clause, as follows:</p> <p><i>5. development can be appropriately serviced through provision of <u>access and infrastructure</u> which avoids, remedies or mitigates adverse effects;</i></p> <p>This will strengthen the policy link to matter of discretion PVSPZ-MD3 (Access and Infrastructure) which under clause (a) requires consideration of:</p> <p><i>a. The safe and efficient operation of the road network, and suitability of onsite parking, loading, manoeuvring and access, including the form and location of access off the State Highway</i></p>

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			<p>5. development can be appropriately serviced through provision of infrastructure which avoids, remedies or mitigates adverse effects;</p> <p>6. the effects of earthworks are managed;</p> <p>7. areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected and enhanced;</p> <p>8. the location and design of roads, access tracks and associated structures are compatible with the outstanding landscape values of the area and maintain the zone character and amenity values; and</p> <p>9. public access linkages between the PVSPZ and surrounding public areas are encouraged where consistent with the zone character and amenity values.</p> <p>x. <u>the effects of development on the effective, efficient and safe operation of State Highway 8 are managed.</u></p>	
NZ Transport Agency Waka Kotahi Point 12.10	PVSPZ-R1	Oppose in part	<p>The submission of NZTA is:</p> <p>The location as well as the form (design) of state highway access is important to assess to ensure it has been appropriately designed to accommodate the expected traffic movements from development of the site. As currently drafted the rule only notes the location as being required and not the form.</p> <p>Amend point 1 d. within the rule to ensure the effects of developing the zone on the state highway can be appropriately assessed by providing the form and location of state highway access.</p>	<p>Accept.</p> <p>This submission links the rule to matter of discretion PVSPZ-MD3 (Access and Infrastructure), which at sub-clause (a) requires consideration of "...the form and location of access off the State Highway"</p>

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Add the following point to PVSPZ-R1:

PVSPZ-R1 Approval of Outline Development Plan

LMA 1-3

Activity Status: RDIS

Where:

Any application for the approval of an Outline Development Plan submitted under this rule is accompanied by a comprehensive land use and subdivision consent application which covers the following:

- a. the size, shape and layout of any sites to be subdivided;*
- b. the location of built form including the identification of building platforms;*
- c. the type, scale and intensity of activities provided for;*
- d. the form and location of any access off State Highway 80, internal roading and accessways, public access, parking and loading areas, and helipads;*

[Remainder of rule not shown here]

APPENDIX 1 RECORD OF TITLE SECTION 1 SURVEY OFFICE PLAN 19913



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **CB47B/814**

Land Registration District **Canterbury**

Date Issued 24 December 1999

Prior References

CB46C/221

Estate Fee Simple
Area 1424.3400 hectares more or less
Legal Description Section 1 Survey Office Plan 19913
Registered Owners
Pukaki Tourism Holdings LP

Interests

Subject to Part IV A Conservation Act 1987

Subject to Section 11 Crown Minerals Act 1991

A417271.6 Transfer creating the following easements in gross - 27.7.1999 at 9.00 am

Type	Servient Tenement	Easement Area	Grantee	Statutory Restriction
Right of way	Section 1 Survey Office Plan 19913 - herein	E SO 19913	Her Majesty the Queen for conservation purposes	
Right of way	Section 1 Survey Office Plan 19913 - herein	R SO 19913	Her Majesty the Queen for conservation purposes	
Right of way	Section 1 Survey Office Plan 19913 - herein	U SO 19913	Her Majesty the Queen for conservation purposes	

The right of way created by Transfer A417271.6 is subject to Section 243(a) Resource Management Act 1991

A417271.7 Conservation Covenant pursuant to Section 77 Reserves Act 1977 by The Minister of Conservation - 27.7.1999
at 9.00 am

A417271.10 Encumbrance to Meridian Energy Limited - 27.7.1999 at 9.00 am

A440670.6 Easement Certificate specifying the following easements - 24.12.1999 at 1.02 pm

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Convey electricity	Lot 4 Deposited Plan 81765 - CT CB47B/14	P DP 81765	Section 1 Survey Office Plan 19913 - herein	

The above easement will be subject to Section 243(a) Resource Management Act 1991 when created

A444427.4 Transfer creating the following easements - 3.2.2000 at 1.20 pm

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Convey water	Section 1 Survey Office Plan 19913 - herein	Q DP 81765	Lot 1 Deposited Plan 81765 - CT CB47B/11	

Convey water	Section 1 Survey Office	Q DP 81765	Lot 2 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/12
Convey water	Section 1 Survey Office	S DP 81765	Lot 1 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/11
Convey water	Section 1 Survey Office	S DP 81765	Lot 2 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/12
Convey water	Section 1 Survey Office	T DP 81765	Lot 1 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/11
Convey water	Section 1 Survey Office	T DP 81765	Lot 2 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/12
Convey water	Section 1 Survey Office	U DP 81765	Lot 1 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/11
Convey water	Section 1 Survey Office	U DP 81765	Lot 2 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/12
Convey water	Section 1 Survey Office	V DP 81765	Lot 1 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/11
Convey water	Section 1 Survey Office	V DP 81765	Lot 2 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/12
Convey electricity	Section 1 Survey Office	R DP 81765	Lot 1 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/11
Convey electricity	Section 1 Survey Office	R DP 81765	Lot 2 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/12
Convey electricity	Section 1 Survey Office	S DP 81765	Lot 1 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/11
Convey electricity	Section 1 Survey Office	S DP 81765	Lot 2 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/12
Convey electricity	Section 1 Survey Office	T DP 81765	Lot 1 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/11
Convey electricity	Section 1 Survey Office	T DP 81765	Lot 2 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/12

The above easements in Transfer A444427.4 are subject to Section 243(a) Resource Management Act 1991

A444427.5 Transfer creating the following easements - 3.2.2000 at 1.20 pm

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Convey water	Section 1 Survey Office	Q DP 81765	Lot 3 Deposited Plan	
	Plan 19913 - herein		81765 - CT CB47B/13	
Convey water	Section 1 Survey Office	Q DP 81765	Lot 4 Deposited Plan	
	Plan 19913 - herein		81765 - CT CB47B/14	
Convey water	Section 1 Survey Office	S DP 81765	Lot 3 Deposited Plan	
	Plan 19913 - herein		81765 - CT CB47B/13	
Convey water	Section 1 Survey Office	S DP 81765	Lot 4 Deposited Plan	
	Plan 19913 - herein		81765 - CT CB47B/14	
Convey water	Section 1 Survey Office	T DP 81765	Lot 3 Deposited Plan	
	Plan 19913 - herein		81765 - CT CB47B/13	
Convey water	Section 1 Survey Office	T DP 81765	Lot 4 Deposited Plan	
	Plan 19913 - herein		81765 - CT CB47B/14	
Convey water	Section 1 Survey Office	U DP 81765	Lot 3 Deposited Plan	
	Plan 19913 - herein		81765 - CT CB47B/13	
Convey water	Section 1 Survey Office	U DP 81765	Lot 4 Deposited Plan	
	Plan 19913 - herein		81765 - CT CB47B/14	
Convey water	Section 1 Survey Office	V DP 81765	Lot 3 Deposited Plan	
	Plan 19913 - herein		81765 - CT CB47B/13	

Convey water	Section 1 Survey Office	V DP 81765	Lot 4 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/14
Convey electricity	Section 1 Survey Office	R DP 81765	Lot 3 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/13
Convey electricity	Section 1 Survey Office	R DP 81765	Lot 4 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/14
Convey electricity	Section 1 Survey Office	S DP 81765	Lot 3 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/13
Convey electricity	Section 1 Survey Office	S DP 81765	Lot 4 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/14
Convey electricity	Section 1 Survey Office	T DP 81765	Lot 3 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/13
Convey electricity	Section 1 Survey Office	T DP 81765	Lot 4 Deposited Plan
	Plan 19913 - herein		81765 - CT CB47B/14

The above easements in Transfer A444427.5 are subject to Seaction 243(a) Resource Management Act 1991

Fencing Agreement in Deed 5149071.1 - 5.2.2002 at 9:00 am

8495920.18 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 18.5.2010 at 9:00 am

8706298.22 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - - 28.2.2011 at 7:00 am

8871190.1 Variation of Covenant A417271.7 - 1.12.2011 at 3:20 pm

8936689.1 Forestry Right pursuant to the Forestry Rights Registration Act 1983 to Pukaki Forestry Limited - 8.12.2011 at 7:00 am

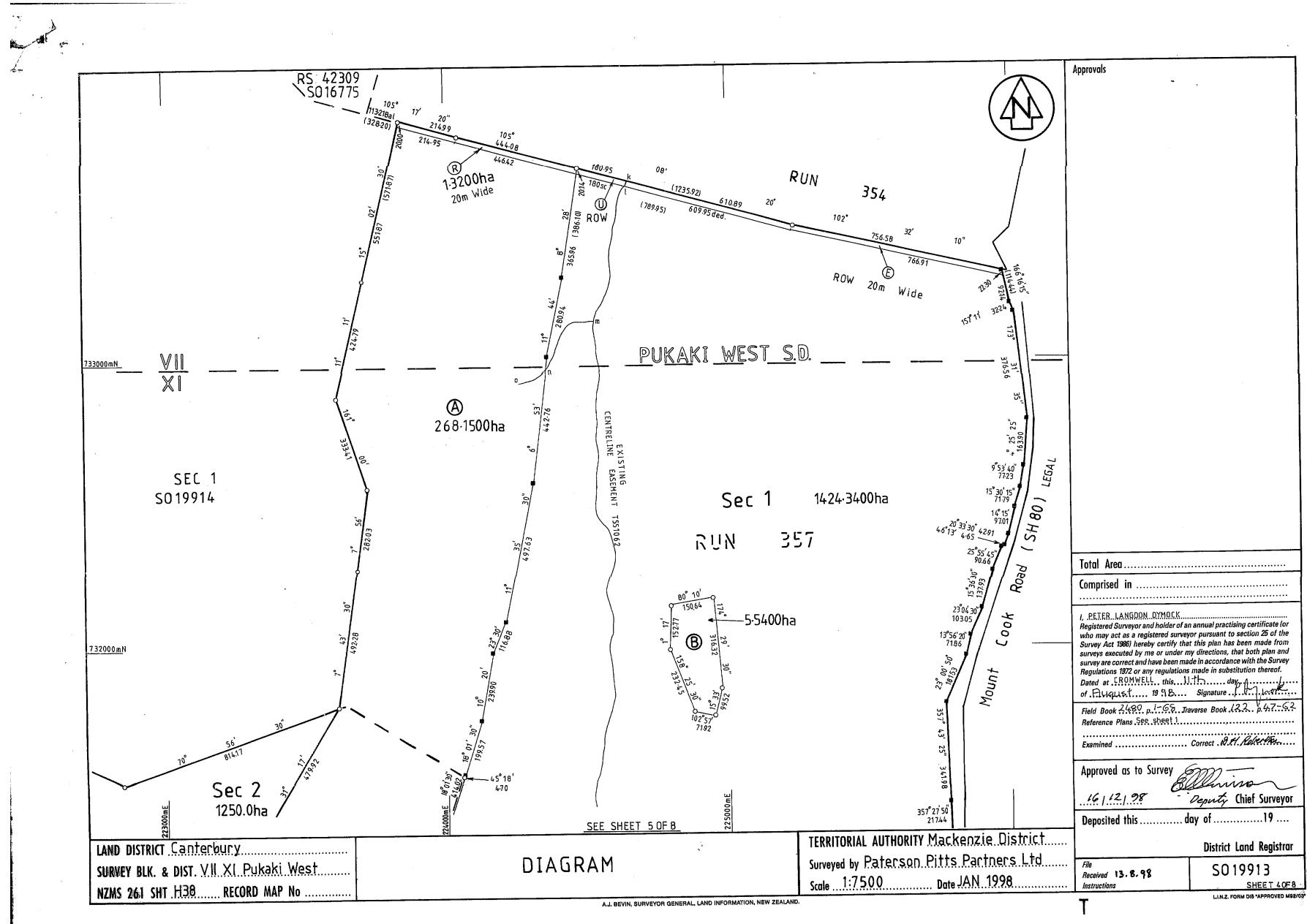
9566302.1 Variation of Encumbrance A417271.10 - 16.10.2014 at 9:31 am

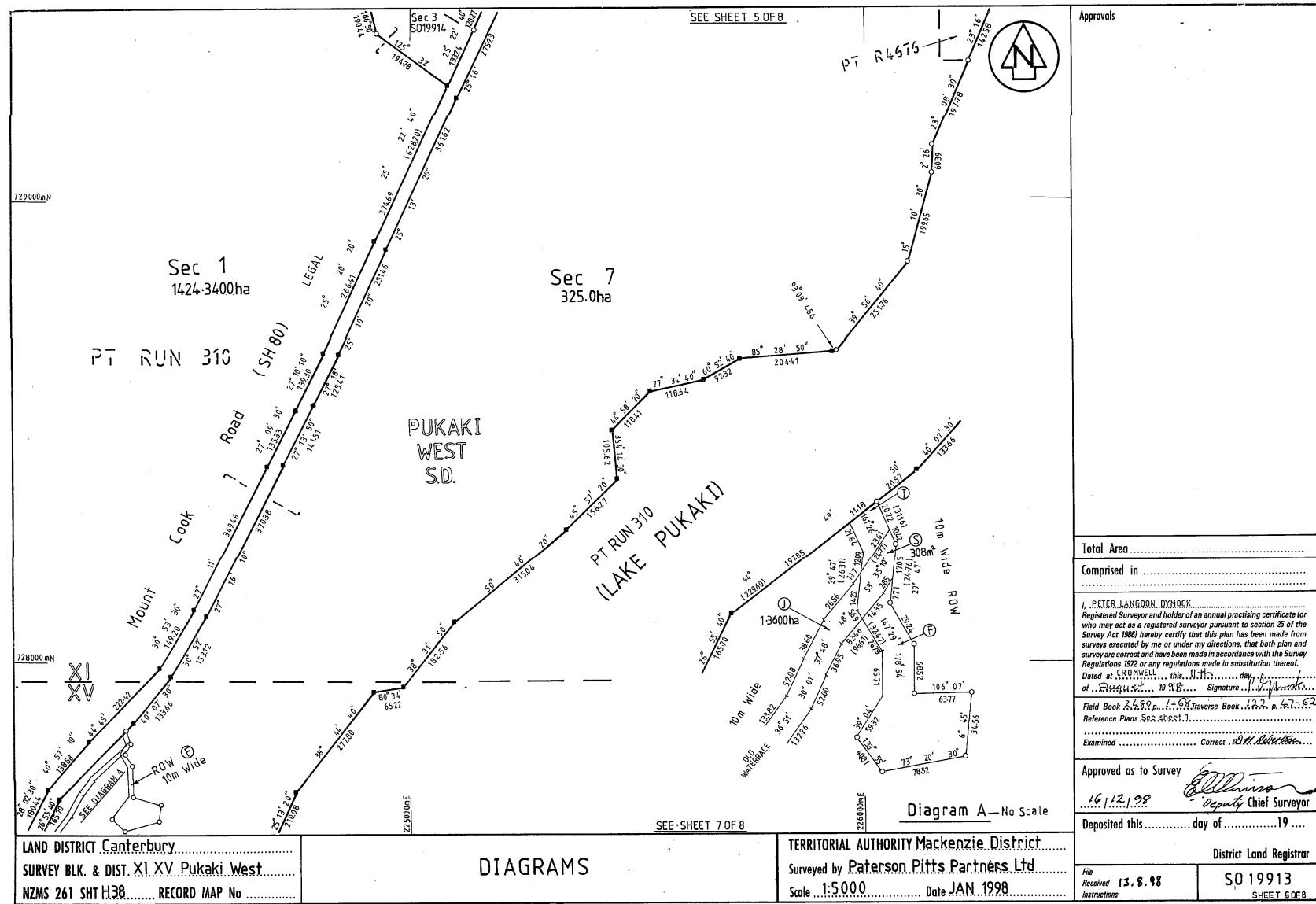
12366664.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 1.2.2022 at 4:19 pm

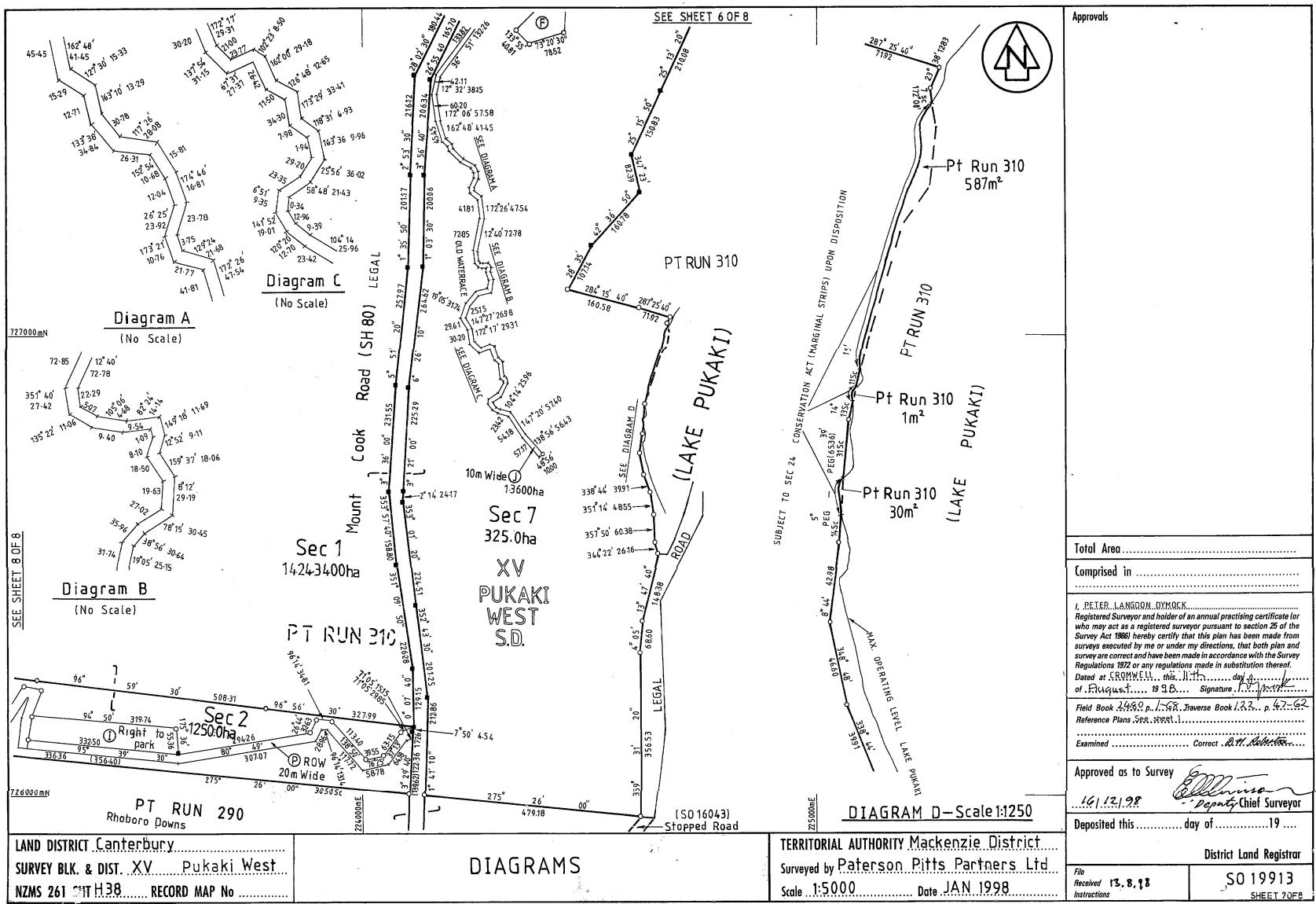
Transaction ID 4924/98
Client Reference steve tuck

Ergonomics in Design 12, 1, 22, 1993

Search Copy Dated 11/02/23 6:32 pm, Page 3 of 11
Register Only









CONSERVATION COVENANT
(Section 77, Reserves Act)

BETWEEN LESTER JOHN BAIKIE and ROBIN ANNE BAIKIE both of Pukaki Downs, Farmers (hereinafter called "The Owner")

AND MINISTER OF CONSERVATION (hereinafter called "the Minister")

WHEREAS:

A Section 77 of the Reserves Act 1977 provides that:

- (i) The Minister may agree with any owner of any private land that all or part of the land should be managed so as to preserve the natural environment or landscape amenity or wildlife or freshwater life or marine life habitat or historical value of the land;
- (ii) The terms of such agreement may be recorded in a Conservation Covenant which is registered against the title to the land so as to bind the land and its owner to the performance of the terms of the agreement, in perpetuity;

B The Owner is registered as proprietor of the land described in the Schedule ("the land") comprising of the farmland of Pukaki Downs

C The land the subject of the covenant to be protected is shown with the letters A, B, C, D, and J, R and S on SO 19913

D The Owner and the Minister have agreed that the land be managed with the following conservation objectives:

- (i) Protecting and enhancing the natural character of the land, with particular regard to maintaining the part of the historic water race, which formerly supplied water to the Pukaki Downs Homestead, where it crosses State Highway 80 to the Homestead Driveway near its southern extremity, shown marked with the letter "J" and "S" on S.O. 19913.
- (ii) Protecting and enhancing the natural character and ecological function of the three principal tarns, shown marked with the letters "B", "C", and "D" on S.O. 19913.

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- (iii) Protecting and enhancing the extensive tussock hill faces of Little Rhoboro Hills east of the skyline, shown marked with the letter "A" and "R" on S.O. 19913.
- (iv) Protecting the land as an area representative of a significant part of the natural ecological character of the Pukaki Ecological District
- (v) Maintaining the landscape amenity values of the land;

NOW THEREFORE THIS DEED WITNESSES that in accordance with Section 77 of the Reserves Act 1977 the Owner and the Minister MUTUALLY COVENANT that the land shall be managed for the purposes and objectives listed in recital D above, and in particular on the following conditions relating to the historical water race in D (i) above:

|| A (i) The owner agrees to protect the integrity of the historic water race and in particular will not modify the line or the form thereof, and will not erect any structure thereon, and further will ensure that all vegetation, in or on it, is vegetation there for the purpose of grazing livestock.

NOW THEREFORE THIS DEED FURTHER WITNESSES that in accordance with Section 77 of the Reserves Act 1977 the Owner and the Minister MUTUALLY COVENANT that the land shall be managed for the purposes and objectives listed in recital D above, and in particular on the following conditions relating to the three principle tarns described in D (ii) above:

B (i) The protection zone of the principal tarns will be the catchments of which will be no less than 50 metres, unless the integrity of the catchment slopes away from the affected tarns.

(ii) The Minister can fence the tarns at his cost if stocking is intensified and the tarns are affected.

(iii) If fencing is required the Minister will provide two water troughs of not less than 1.5 metres in diameter at each site, to provide stock water from the tarns or other alternative site agreed by the parties. There shall be no obligation to provide a better water source than currently exists, and no guarantee to provide water during the frozen winter or dry summer conditions. Once installed (at the cost of the Minister of Conservation) ongoing maintenance shall be the responsibility of the Lessee.

(iv) There shall be no top dressing, burning, cultivation or removal of vegetation (except removal of weeds) within the protection zone of the principal tarns.

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NOW THEREFORE THIS DEED FURTHER WITNESSES that in accordance with Section 77 of the Reserves Act 1977 the Owner and the Minister MUTUALLY COVENANT that the land shall be managed for the purposes and objectives listed in recital D above, and in particular on the following conditions relating to the extensive tussock faces of Little Rhoboro Hills described in D (iii) above:

- C (i) Grazing on the tussock hill faces east of the sky line of the Little Rhoboro Hills is to be carried out in such a manner that maintains the tussock cover.
- (ii) The tussock hill faces east of the sky line of the Little Rhoboro Hills are to be kept free of cone bearing wilding or other trees, so long as the land *administered by the Department* to the north and west is kept free of such trees.
- (iii) No additional tracking (other than minimal clearance for fencing) shall be permitted in the tussock hill faces east of the sky line of the Little Rhoboro Hills, and there shall be no cultivation or removal of vegetation, nor shall there be any burning of vegetation in this area, other than the removal of weeds without the consent in writing of the Minister of Conservation.

NOW THEREFORE THIS DEED FURTHER WITNESSES that in accordance with Section 77 of the Reserves Act 1977 the Owner and the Minister MUTUALLY COVENANT that the land shall be managed for the purposes and objectives listed in recital D above, and in particular on the following conditions relating to the whole of the covenant area:

1. THE Minister, any other officer or duly authorised agent may, at any time, monitor indigenous vegetation on the land in order to determine what trends are occurring in relation to the condition of the indigenous vegetation and will, as soon as practicable, furnish the Owner with a written report of any recorded changes.
2. THE Owner will, so far as is practicable:
 - (a) Keep the land free from gorse, broom, sweet briar, nodding thistle and all other noxious plants and in particular comply with the provisions of, and any notices given under, the Biosecurity Act 1993;
 - (b) Keep the land free from exotic tree species in particular, wilding pines;

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- (c) Keep the land free from rabbits and vermin and in particular comply with the provisions of, and any notices given under the Biosecurity Act 1993;
- (d) Keep the land free from non biodegradable rubbish resulting from their use of the land.
- (e) Maintain all fences and gates on the land and its boundary in a good stock proof condition in order to facilitate proper grazing control.

HOWEVER, the Owner may request assistance from the Minister in meeting these obligations if they impose a substantial burden in excess of the legal obligations that would have applied in the absence of this Deed, or as otherwise agreed under clause 7.

3. (1) THE Owner will not carry out, nor allow to be carried out, without the Minister's prior approval, on the land subject to the covenant:

- (a) The erection of any fence, building, structure or other improvements on the land whether for the Owner's purposes or for other private or public purposes;
- (b) Any burning, chemical spraying, topdressing or the sowing of seed on the land;
- (c) Any prospecting or mining for minerals, coal or other deposit on or under the land;
- (d) Any cultivation, earthworks or other soil disturbance on the land near sites of natural significance.
- (e) Any clearance of indigenous shrubland.
- (f) Any tree planting on the land.

(2) The Minister will have regard to the objectives of this Deed when considering any request for approval under this clause, and will not unreasonably decline approval.

4. THE Owner will permit members of the public access onto the land for purposes consistent with the objectives of this Deed on conditions that the Owner may specify, except where easements provide, as of right, public non-motorised access.

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5. THE Owner grants to the Minister and any officer or duly authorised agent of the Minister, a right of access onto the land for the purposes of examining and recording the condition of the land or for carrying out protection or maintenance work on the land consistent with the objectives set out in this Deed; however in exercising this right, the Minister and officers or agents of the Minister will consult with the Owner in advance and have regard to all reasonable requests.

6. THE Owner will:

- (a) notify the appropriate Fire Authority (District Council or Minister as the case may be - see Section 2 of the Forest and Rural Fires Act 1977) in the event of wildfire upon threatening the land.
- (b) If the Minister is not the appropriate Fire Authority for the land under threat, the Minister will render assistance to the Fire Authority in suppressing the fire if requested to do so, or if a formalised fire agreement under Section 14 of the Forest and Rural Fires Act 1977 is in place between the Minister and the Fire Authority.
- (c) This assistance will be at no cost to the Owner, unless the Owner was responsible for the wildfire through wilful action or negligence, (which includes the case where the wildfire was caused by the escape of a permitted fire due to non-adherence to the conditions of the permit).

7. THE Minister may:

- (a) Provide to the Owner from time to time, and at any time upon request by the Owner, such technical advice or assistance as may be necessary or desirable to assist in meeting the objectives set out in this Deed;
- (b) Change individual conditions of this covenant by mutual agreement with the Owner should there be any change in circumstances in the future.
- (c) Prepare, in consultation with the Owner, a joint plan for the management of the land designed to implement the objectives of this Deed to the mutual satisfaction of the parties.

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8. FOR the avoidance of doubt:

- (a) The covenants contained in this Deed shall bind the Owner and the Owner's heirs, executors, successors and assign in perpetuity.
- (b) The Owner will not be personally liable in damages for any breach of covenant committed after he/she/it has parted with all interest in the land in respect of which such a breach occurs.
- (c) Where there is more than one owner of the fee simple title to the land, the covenants contained in this Deed shall bind each owner jointly and severally.
- (d) Where the Owner is a company the covenants contained in this Deed shall bind a receiver, liquidator, statutory manager or statutory receiver. Where the Owner is a natural person this Deed shall bind the Official Assignee. In either case this Deed binds a mortgagee in possession.
- (e) The reference to any Act in this Deed extends to and includes any amendment to, or re-enactment of that Act.
- (f) Any notice required to be given in terms of this Deed shall be sufficiently given if made in writing and served as provided in Section 152 of the Property Law Act 1952 and shall be sufficiently given if actually received by the party to whom it is addressed or that party's solicitor.
- (g) Any notice required to be given by the Minister shall be sufficiently given if it is signed by the Regional Conservator, Department of Conservation, Christchurch. Any notice required to be served upon the Minister shall be sufficiently served if delivered to the office for the time being of the Regional Conservator, Department of Conservation, Christchurch.
- (h) Any dispute which arises between the Owner and the Minister in any way relating to this Deed may be resolved by referring to the dispute to an agreed third party for decision or by arbitration under the provisions of the Arbitration Act 1996.



J. R. B.

SCHEDULE

All that piece of land containing 3735.34 hectares, more or less being Sections 1, 2, 3, 4, 5, 6, and 7 Survey Office Plan 19913 the land comprised and described in Certificate of Title Volume Folio (Canterbury Registry).

DATED this day of 199

SIGNED by the above-named)
LESTER JOHN BAIKIE and)
ROBIN ANNE BAIKIE in)
the presence of:)

L.J.Baikie
R.A.Baikie

Witness: W. C. Clark

Occupation: Minister

Address: Timaru.

SIGNED by the Regional Conservator)
for the Canterbury Conservancy,)
Department of Conservation acting)
for and on behalf of the Minister)
pursuant to Section 77 of the)
Reserves Act 1977 in the presence)
of:)

Mr. J. Bedford

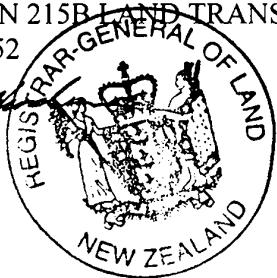
Witness: W. C. Clark

Occupation: Minister

Address: Christchurch.

THIS REPRODUCTION IS
CERTIFIED TO BE A TRUE COPY OF
CONSERVATION COVENANT
A417271.7 FOR THE PURPOSES OF
SECTION 215B LAND TRANSFER
ACT 1952

for RGL



9.00 27 JUL 1999 A417271.7

View Instrument Details



Instrument No 8871190.1
Status Registered
Date & Time Lodged 01 December 2011 15:20
Lodged By Fitchett, David Ian
Instrument Type Variation of Covenant



Affected Computer Registers **Land District**

CB47B/13	Canterbury
CB47B/14	Canterbury
CB47B/15	Canterbury
CB47B/814	Canterbury

Annexure Schedule: Contains 6 Pages.

Signature

Signed by David Ian Fitchett as Grantor/Grantee Representative on 01/12/2011 03:17 PM

*** End of Report ***

Form D**Easement Variation instrument to vary Easement or Profit à prendre or Land Covenant**

(Sections 90C and 90F Land Transfer Act 1952)

Grantor

PUKAKI TOURISM HOLDINGS LP, SOUTHERN SERENITY LIMITED AND RUSSELL JAMES HOUSTON, WENDY PHYLIS HOUSTON AND RAYMOND SULLIVAN TRUST LIMITED

Grantee

MINISTER OF CONSERVATION

Variation of Easement, Profit à prendre or Covenant

The terms, covenants or conditions contained in the easement(s), profit(s) à prendre, or covenant(s) set out in Schedule A are hereby varied, negatived or added to, as set out in Schedule B.

Schedule A*Continue in additional Annexure Schedule, if required*

Purpose of Easement; Profit or Covenant	Creating Instrument number	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Conservation Covenant pursuant to Section 77 Reserves Act 1977	A417271.7	Section 1 SO 19913 (CT CB47B/814) Lot 3 DP 81765 (CT CB47B/13) Lot 4 DP 81765 (CT CB47B/14) Lot 5 DP 81765 (CT CB47B/15)	Nil

Schedule B*Continue in Annexure Schedule, if required*

Continued in Additional Annexure Schedule attached hereto

MBS-636483-8-36-V1

L:\MBS\CORRESPONDENCE\ED15114-D220-4D12-92AF-083E8F402FC8.DOC

Annexure Schedule

Page 2 of 2 pages

Easement Variation Instrument to vary land covenant.

Variation of terms, covenants, or conditions

The Conservation Covenant A417271.7 shall be varied by the deletion of recital C which is to be replaced with the following recital C:

C. The land the subject of the covenant to be protected is shown with the letters "B", "C", "D", "J" and "S" on SO 18913 and the letters "BD" and "BE" on LT 439426.

The Conservation Covenant A417271.7 shall be varied by the deletion of recital D (III) which is to be replaced with the following recital D (III):

D (III) Protecting and enhancing the extensive tussock hill faces of northern Little Rhohoro Hills east of the skyline, shown marked with the letters "BD" and "BE" on LT 439426.

Save as is hereby expressly varied by this instrument the rights, powers and terms expressed or implied by Conservation Covenant A417271.7 shall continue in full force and effect.

A J ff *B* *MB.*

1. Dec. 2011 13:02

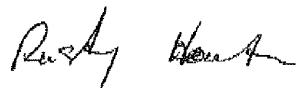
RSM LAW

No. 1992 P. 4

SIGNED by
RUSSELL JAMES HOUSTON and
WENDY PHYLIS HOUSTON
As Grantor
In the presence of:



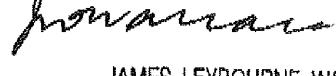
BARRIE VINCENT SUTER
LEGAL EXECUTIVE
TIMARU



SIGNED by
RAYMOND SULLIVAN TRUST LIMITED
As Grantor
By its directors



KENNETH FRANCIS MACKENZIE
James Leybourne Wallace



SIGNED BY
SOUTHERN SERENITY LIMITED
As Creator
By Its Directors

Reilly
Allan E. Reilly

J. Gabriel
JIVANA GABRIEL

RECORDED
PURANI TOURISM HOLDINGS LP
As Creator
By its Directors

Reilly
Anne Reilly

J Gabriel
JIVANA GABRIEL

SIGNED by the Grantee by Michael John Buddingh
exercising his/her powers under section 1176 of the
Reserves Act 1977 as designated Commissioner and
acting for and on behalf of the Minister of Conservation
In the presence of:

MARY-ANNE BAXTER,

Witness: Met Bax.

Address: % D.O.C., 38 ORCHARD ROAD, CHRISTCHURCH,

Occupation HIGH COUNTRY TENURE REVIEWER

M. Budding