

Potential Cancellation of Consent Notices and Variation of Easements

This document has been prepared to address the requirements in Schedule 5 clause 5(f) of the Fast Track Act Approval Act 2024 (FTAA) and outline the variation of consent notices and potential variation of easements that cannot be decided under the FTAA. The site encompasses seven fee simple titles. The legal descriptions of the titles are:

- Lot 2 DP 601937 – 24.7256 ha (RT: 1174254);
- Lot 3 DP 529201 – 2.0584 ha (RT: 857180);
- Lot 5 DP 300661 and Sections 21, 23, 24, 64, 71 in Blocks VIII & IX Shotover SD – 82.6923 ha (RT: 946021);
- Section 22 Block IX Shotover SD – 23.0823 ha (RT: OT406/118);
- Section 23 Block IX Shotover SD – 26.5069 ha (RT: OT7D/1456);
- Sections 1–2 SO 478164, Section 25 Block IX Shotover SD, Lots 3–4 DP 300661 – 45.1025 ha (RT: 946040); and
- Section 1 SO 420327 – 8.5980 ha (RT: 492534).

The particularly relevant title instruments relating to the above titles in relation to the proposed development are outlined in **Table 1** below. The need for modifications to these instruments will be further considered and determined during the detailed design phase of the development. While, there may be various modifications required to consent notices and easements that are registered on titles within the development area, these will be varied separately through section 221(3) and s243 RMA applications following fast-track approval. This is the most efficient way to progress the development and will not materially affect the implementation of the proposed development.

Section 6 of the Substantive AEE outlines all other approvals likely required under the Resource Management Act 1991, the Wildlife Act 1953 and Heritage New Zealand Pouhere Taonga Act 2014 which are sought as part of this FTAA application and are not detailed further in this document.

Table 1: Relevant Title Instruments

Instrument		Relevant Titles	Description	Variation/ Cancellation Required
Consent Notices				
1.	Consent Notice 5073060.1	Lot 4 DP 529201 & Lot 3 DP 529201 held in Record of Title: RT 857180.	This consent notice specifies ongoing water supply testing requirements and minimum water storage capacity.	This consent notice will likely be required to be varied following the approval of the development to reflect the level of servicing approved for the resulting lots.
2.	Consent Notice 11334462.3	Lot 4 DP 529201 Held in Record of Title RT 857180	This notice provides that the following conditions are to be complied with on a continuing basis: i. External lighting shall be located within the curtilage area and be downlighting so as not to create spill beyond the boundaries of the property. ii. Access drives shall be gravel of local Wakatipu stone and exclude concrete kern and channels to maintain the rural character; iii. Entrance gateways off Morven Ferry Road shall be of standard farm gates of timber or steel and no higher than 1.5m; iv. Fencing, including fencing around curtilage areas, shall be standard	This consent notice will likely be required to be varied following the approval of the development to reflect the level of servicing approved for the resulting lots.

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		post and wire (including rabbit proof fencing), deer fencing or timber post and rail consistent with tradition farm fencing; v. Wastewater reticulation - when Council's wastewater reticulation is available, the owner shall cease using any alternative disposal system and connect to the Council system, with the owner responsible for costs of connection and a development fee; vi. Domestic water supply/fire service - there are a number of further conditions for when a dwelling or building is erected on the land relating to domestic water supply and firefighting/fire service requirements.	
Easements			
3.	Transfer 952854.1	OT406/118, OT7D/1456, RT 857180, RT 946021, RT 1174254	This transfer instrument created a number of easements in gross in favour of Fortysouth Group LP (previously Aotearoa Towers Group LP/BellSouth) over parts of the property comprised in records of title OT406/118, OT7D/1456, 857180, 946021, 1174254. The easements provide right of way, access and electricity easements No changes over Easement Areas B, C, G, T, F, U, I, H, K, L, M, N and O, held in records of title, OT406/118, OT7D/1456 and RT 857180 will be required. Easement areas E, D, S, R, D and Q provide right of way, access and electricity easements pursuant to a

Instrument	Relevant Titles	Description	Variation/ Cancellation Required
		pursuant to a lease in favour of Vodafone (Bell South).	lease in gross of Vodafone (Bell South) will likely need to be modified following the approval of the fast-track application. The purpose of the easement will remain unchanged as a result of the development and will be demonstrated to be appropriately provided for during the detailed design of the development. If the easement is no longer required, the Transferee has the right to surrender them under clause 5(a) of 952854.1.
4.	Easement 11334462.5	RT 857180	Subject to a right to take and convey water over the parts marked “K” “L” and “I” and a right to convey water over the part marked “G” shown on DP 529201 in favour of the north western neighbouring properties on Morven Ferry Road (Lot 1 and Lot 2 DP 529201 owned by Louise Hamilton and Ann Hamilton respectively). This easement will likely need to be modified following the approval of the fast-track application. However, the purpose of the easement will remain unchanged as a result of the development and will be demonstrated to be appropriately provided for during the detailed design of the development.
5.	Easements in Transfer 835520	RT 946040, RT 946021 and RT 1174254	This transfer instrument creates a number of easements in gross in favour of Arrow Irrigation Company Limited over the properties comprised in: This easement will likely need to be modified following the approval of the fast-track application as the irrigation pipe is proposed to be undergrounded. The purpose of the

Instrument		Relevant Titles	Description	Variation/ Cancellation Required
			RT 946040 subject to a right to convey water in gross marked “R” and “W” on DP 300661. RT 1174254 subject to a right to convey water in gross marked “N” on DP 601937. RT 946021 subject to a right to convey water marked “K”, “L” and “M” indicatively outlined on DP 300661 and marked “FM” and “FN” on the diagram attached to the instrument.	easement will remain unchanged as a result of the development and will be demonstrated to be appropriately provided for during the detailed design of the development.
6.	Easement 9271861.7	RT 946040	This easement instrument creates a Right of Way (Pedestrian and Cycle Way) (in gross) in favour of Queenstown Lakes District Council (the Grantee) over the property comprised in record of title 946040 shown at “O” on DP 300661 and “M” and “N” on DP 454102 which gives the public a right of access over the easement area (on foot, bicycle or human-powered transport only).	This easement will likely need to be modified following the approval of the fast-track application. The purpose of the easement will remain unchanged as a result of the development and will be demonstrated to be appropriately provided for during the detailed design of the development.
7.	Easement 11729995.3	RT 946040	In favour of Vodafone NZ shown at “A” on SO 478164.	This easement will likely need to be modified following the approval of the fast-track application. However, the intention of this easement instrument is not proposed to be

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				varied by this development. The development will maintain the purpose of the easement.
8.	Easement 11729995.4	RT 946040	Is subject to a Right of Way (Pedestrian and Cycle Way) (in gross) in favour of Queenstown Lakes District Council marked E on SO 478164.	Depending on the final scheme of the development this easement will likely need to be modified following the approval of the fast-track application. The purpose of the easement will remain unchanged as a result of the development and will be demonstrated to be appropriately provided for during the detailed design of the development.
9.	Easement 11729995.6	RT 946040	Subject to a Right to Convey Water (in gross) in favour of Arrow Irrigation Company Limited shown at “B”, “C” and “D” highlighted in blue on SA 478164 (Annexure F).	This easement will likely need to be modified following the approval of the fast-track application as the irrigation pipe is proposed to be undergrounded. The purpose of the easement will remain unchanged as a result of the development and will be demonstrated to be appropriately provided for during the detailed design of the development.
10.	Easement 959443.3	RT 1174254	The property comprised in 1174254 (Lot 2 DP 601937) has the benefit of a right of way.	This easement is proposed to remain largely unaffected by the development. The intent of the easement instrument is not

	Instrument	Relevant Titles	Description	Variation/ Cancellation Required
				expected to change, and the development will continue to maintain its intended purpose.
11.	Easement 5073060.5	RT 857180, RT 946021 and RT 1174254.	Subject to a Right to Convey Water shown at "N" "K" and "L" on DP 529201, "F" on DP 300661 and "O" and "J" shown on DP 529201.	This easement will likely need to be modified following the approval of the fast-track application. The purpose of the easement will remain unchanged as a result of the development and will be demonstrated to be appropriately provided for during the detailed design of the development.