

APPLICATION FOR RESOURCE CONSENT OR FAST TRACK RESOURCE CONSENT FORM 9: SECTION 88 RESOURCE MANAGEMENT ACT 1991

1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

Info@codc.govt.nz
www.codc.govt.nz



Email to: resource.consent@codc.govt.nz

Post to: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340

RECEIVED
13/10/2022
CODC

CONTACT DETAILS OF APPLICATION

Full name(s) and contact details of owner/occupier/applicant: *(name will be issued on the decision)*

Postal Address

Email

Phone

Full name(s) and contact details for service of application *(if different from above)* e.g. Agent:

Postal Address

Email

Phone

DETAILS OF PROPERTY

Street address/rapid number of property to which this application relates:

Legal description of land:

DETAILS OF APPLICATION

Application Type(s) applying for: *(please tick one)*

- Land use consent
- Subdivision consent
- Change/Cancelation of consent or consent notice conditions
- Extension of lapse period of consent (time extension) s125
- Certificate of compliance
- Existing use certificate

Description of proposal:

- No additional resource consents are needed for the proposed activity.

Or

- The following additional resource consents are needed for the proposed activity. *(give details)*
They have / have not been applied for: *(please highlight)*

Under section 87AAC a controlled activity or deemed permitted boundary activity may be eligible for fast-track processing. Please select one:

I opt out / I do not opt out of the fast-track consent process.

PAYMENT DETAILS

I confirm amount and date paid:

Reference used (if applicable):

- Bank Transfer to 020916 0081744 00 (BNZ Alexandra Branch). Please reference: "RC APP" and the applicant's surname in the payment details eg, RC APP SMITH
- Manual payment (can only be made once application lodged and RC reference number issued)

APPLICATION CHECKLIST

The following is attached to this application:

(please tick boxes as appropriate)

- *Non-refundable application fee of the prescribed amount (an additional charge may also be payable where the initial application fee is inadequate to recover Council costs).
- Assessment of the Effects on the Environment (AEE).
- *Copy of current Certificate of Title.
- *A location plan.
- *A site plan which shows the location of any buildings, driveways, parking areas or other significant features in relation to site boundaries. (Please ensure the paper size is either A4 or A3.)
- A building plan including the floor plan of the proposed building and elevations (if appropriate). (Please ensure the paper size is either A4 or A3.)
- Photographs of the site and of any important features relative to the application.
- Any other information required by the District Plan or Act or regulations to be included.

**Items with a star are required for all consent applications.*

Full details relating to the contents of applications are contained in the checklists and guidance notes available on Councils website www.codc.govt.nz or from any Council office.

Note to applicant:

You may apply for two or more resource consents that are needed for the same activity on the same form.

You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991 (if any).

I/We attach, in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

I/We attach any information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under the Act.

(List all documents that you are attaching)

Subdivision consent requirements

As/if this is an application for a subdivision consent, I/We attach information that is sufficient to adequately define: *(delete if this is not an application for a subdivision consent)*

- (a) The position of all new boundaries; and
- (b) the areas of all new allotments; and *(delete if the subdivision involves a cross-lease. Company lease or unit plan)*
- (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips; and
- (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips; and
- (e) the locations and areas of land below mean high water springs of the sea, or of any part of the bed of a river or lake, to be vested in the Crown or local authority under section 237A of the Resource Management Act 1991; and
- (f) the locations and area of land to be set aside as new roads.

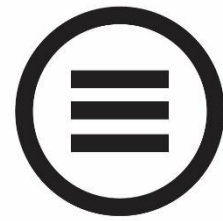
As this is an application for a resource consent for reclamation, I/We attach information to show the area proposed to be reclaimed, including its location, the position of all new boundaries, and the portion of that area (if any) to be set apart as an esplanade reserve or esplanade strip. *(delete if this is not an application for a resource consent for reclamation)*



Signature

Date

(to be signed by applicant or person authorised to sign on behalf of applicant)



TOWNPLANNING
GROUP

Application for Resource Consent to
the Central Otago District Council:

Hawkeswood Mining Limited

*Land use consent to establish and operate a gold
mining activity at 1346-1536 Teviot Road, Millers
Flat.*

8 February 2023

Document prepared by:

Town Planning Group (NZ) Limited

Phone: 0800 22 44 70

Email: office@townplanning.co.nz

Web: www.townplanning.co.nz

Offices in Tāhuna, Wānaka, Ōtautahi & Tāmaki Makaurau



Contents

1	Executive summary	5
2	Site and surrounds	6
2.1	Site details and description	6
2.2	Existing authorisations	9
2.3	Surrounding Environment	9
3	Description of the proposal	13
3.1	Overview	13
3.2	Noise and dust mitigation	14
3.3	Servicing, lighting and access	14
3.4	Temporary buildings	15
3.5	Rehabilitation	15
3.6	Duration	16
4	Statutory provisions	17
4.1	Central Otago District Plan	17
4.2	National Environmental Standards	19
4.3	Consents required from Otago Regional Council	20
5	Assessment of effects	21
5.1	Overview	21
5.2	Written approvals	21
5.3	Visual amenity and landscape character effects	22
5.4	Effects of earthworks	26
5.5	Effects of traffic generation	27
5.6	Effects of scale of activity on rural character	29
5.7	Effects on cultural values	29
5.8	Effects on public access	30
5.9	Positive effects	30
5.10	Conclusion	30
6	Statutory assessment	32
6.1	Section 95, RMA	32
6.2	Section 104(1), RMA	33
6.3	Section 104(1)(c) of RMA	36
6.4	Purpose and Principles of the RMA	37



Figures

Figure 1 Site location (CODC GIS)	7
Figure 2 Extent of application site area generally indicated in red outline (CODC GIS) For details of exclusion area, refer to Figure 7	8
Figure 3 Gravel / greenwaste pit location visible on aerial photograph, eastern part of landparcel indicated by yellow and black outline (CODC GIS).....	8
Figure 4 Approximate path of Clutha Gold Cycle Trail indicated in yellow. Extent of application site area indicated in red outline (CODC GIS)	10
Figure 5 Former landfilling site approximate location indicated by red polygon in centre of image (Provided by CODC staff by email 14-4-2022)	11
Figure 6 Historic aerial imagery from 1973 showing likely stockyards identified within the red circle on Part Section 96 Block VIII Benger SD. Teviot Road is along the top of the image. (Source: EC Otago)	11
Figure 7 Current aerial imagery with location of historic stockyards transposed. Paper road is to the left of the green polygon in the image. Corners of the polygon are defined by NZMG coordinates:.....	12
Figure 8 Representation of container shelter (Source: https://www.containershelters.co.nz)	15
Figure 9 Excerpt from District Plan Map 63 with part of application site area in black outline (CODC)	17
Figure 10 Buildings 1346 Teviot Road when viewed from Teviot Road looking in a westerly direction (Google Maps)	24
Figure 11 Buildings at 1333 Teviot Road, to the west of the site (Google Maps).....	24
Figure 12 CAS analysis area with site location indicated by black star (Waka Kotahi NZTA CAS GIS)	28

Supporting Information

- [A] Application Form 9
- [B] Record of Titles
- [C] Mineral Exploration Permit
- [D] Site Plan
- [E] Noise Report – Hegley Acoustic Consultants
- [F] PSI Report – EC Otago
- [G] Written approvals

1 Executive summary

Hawkeswood Mining Limited (“**the Applicant**”) applies for land use consent to establish and operate an alluvial gold mining operation at 1346 - 1536 Teviot Road, Millers Flat “**the site**”). A 5-year duration is sought.

The Applicant has undertaken exploration of the site in accordance with Exploration Permit 60712 and has applied for a mining permit, which is currently in process.

The site is rurally located and currently in use for pastoral farming activities. Land mined will be rehabilitated back to pastoral farmland on completion of the project. The Applicant has access arrangements in place all but one landowner within the proposed mine footprint. The remaining landowner access arrangement is still under negotiation but is close to resolution.

A fundamental premise of this application is that adverse effects on significant environmental values and risks will be avoided or appropriately mitigated by design of the mining activity. To this end, the mine footprint avoids waterways and HAIL sites, with appropriate setbacks from key features, along with a suite of operational controls to mitigate adverse effects.

The site is zoned partly Rural Resource Area and partly Rural Residential under the Central Otago District Plan (“**District Plan**”). Overall, resource consent is required for a **Discretionary Activity** under the District Plan.

This Assessment of Environmental Effects (“**AEE**”) report, supported by technical assessments, has considered the adverse effects of the proposal on the environment and concluded that these will be less than minor for a number of reasons. The proposed mine will be suitably distanced and screened from nearby residential units, Teviot Road, and Clutha Gold Cycle Trail. Strategically placed bunds mitigate noise effects and effects on visual amenity and landscape values from public places and residential activities. The proposed mine will add up to 20 jobs and economic value to the district.

For the reasons outlined in this AEE, the proposal is consistent with the relevant objectives and policies of the District Plan. Further, the proposal achieves the purpose and principles of the Resource Management Act (“**RMA**”) and accords with the definition of sustainable management under Part 2.



2 Site and surrounds

2.1 Site details and description

The site is located at 1346 – 1536 Teviot Road, Millers Flat. **Table 1** details the site legal descriptions and Record of Titles. The Record of Titles and relevant Instruments are appended as **Attachment [B]**. There are no relevant instruments that impede the proposed land use. The location of the site is shown in **Figure 1** and **Figure 2** below.

Table 1 Site legal descriptions

Site Address	Legal Description	Record of Title	Ownership	Written Approval? ¹
	Section 3 SO 24438	OT18C/235	Alan Thomas Parker	Yes
1426D Teviot Road, Millers Flat	Section 102 Block VIII Benger SD	OT380/99	Jacks Ridge Limited	Yes
1426C Teviot Road, Millers Flat	Section 84 Block VIII Benger SD	OT360/183	Jacks Ridge Limited	Yes
1484 Teviot Road, Millers Flat	Section 110, 118 Block VIII Benger Survey District	241193	Alan Thomas Parker	Yes
1534 Teviot Road, Millers Flat	Part Section 96 Block VIII Benger Survey District	OT12C/430	Matthew Ross Hunter, Georgia Rose Parker	Yes
	Section 92 Block VIII Benger Survey District	OT230/94	Central Otago District Council	No - Awaiting outcome
	Section 90 Block VIII Benger Survey District	OT374/110	Jacks Ridge Limited	Yes
1426A Teviot Road, Millers Flat	Section 91 Block VIII Benger Survey District	OT360/184	Jacks Ridge Limited	Yes
1426E Teviot Road, Millers Flat	Section 106 Block VIII Benger Survey District	OT12C/572	Donna May Parker, Joanne Helen Parker	Yes
	Lot 2-3 Deposited Plan 375668	304420	Gabrielle Claire Campbell-Lloyd, Gareth David Wilson	Yes
1406 Teviot Road, Millers Flat	Lot 4 Deposited Plan 375668	04421	Gabrielle Claire Campbell-Lloyd, Gareth David Wilson	Yes
	Section 93 Block VIII Benger SD	OT374/111	Laurie Allan Crawford, Pamela Fay Crawford	Yes
	Section 97 Block VIII Benger Survey District	OT270/85	Laurie Allan Crawford, Pamela Fay Crawford	Yes
	Section 40 Block VIII Benger Survey District	OT117/72	Laurie Allan Crawford, Pamela Fay Crawford	Yes
1346 Teviot Road, Millers Flat	Part Section 89 Block VIII Benger Survey District	OTB1/707	Laurie Allan Crawford, Pamela Fay Crawford	Yes

¹ Refer Attachment [G]



The site extent also includes road reserve within the boundary indicated in **Figure 2** below. The site extent does not intrude on the Clutha River / Mata-Au marginal strip.



Figure 1 Site location (CODC GIS)

The site is located on gently rolling terrain, on a plateau above the Clutha River / Mata-Au to the South and West. Teviot Road forms the north-eastern site boundary, and is a rural road used predominantly by local traffic with most through traffic using State Highway 8 on the opposite side of the Clutha River / Mata-Au.

Most of the site is currently used for pastoral farming activities. The Tima Burn intersects the site near the eastern end.

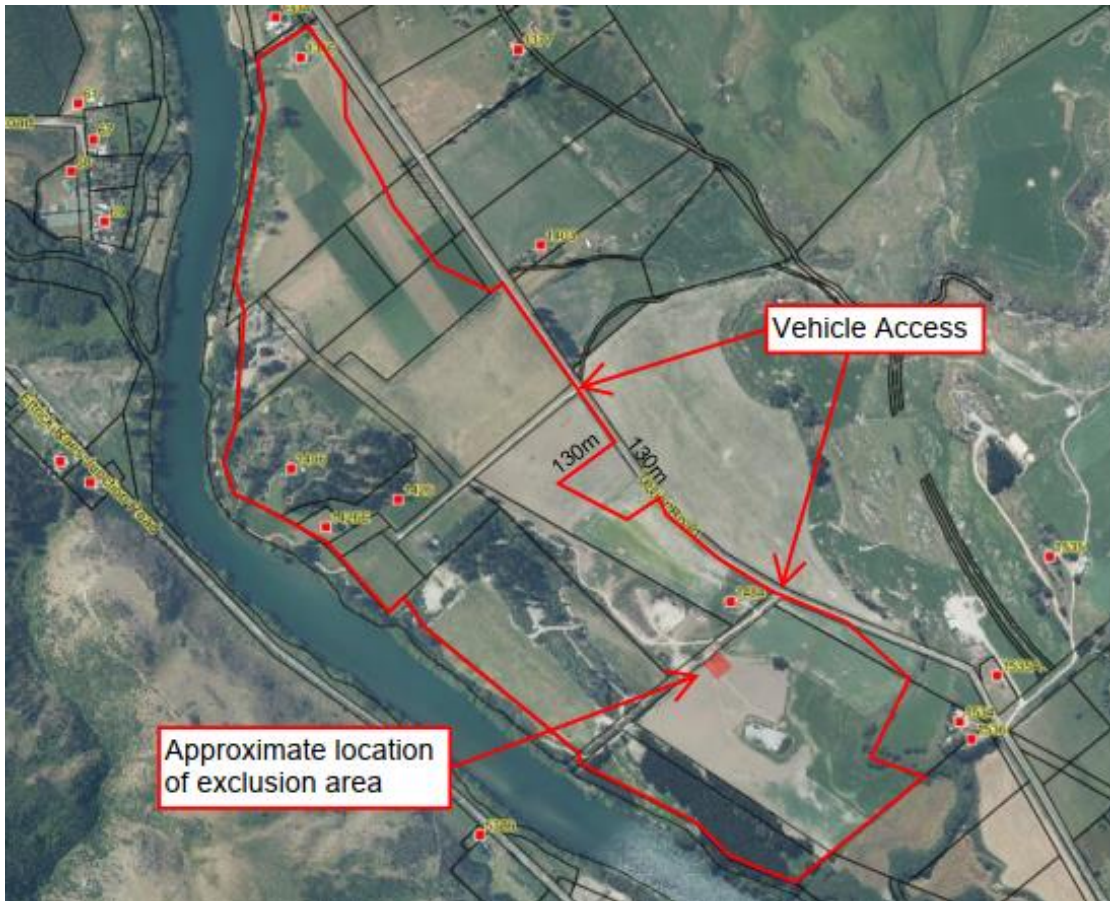


Figure 2 Extent of application site area generally indicated in red outline (CODC GIS) For details of exclusion area, refer to **Figure 7**

We understand that part of the site (Sec 92 Blk VIII Benger SD) indicated in **Figure 3** below, is a former gravel pit used by the local community as a greenwaste disposal area (the “**greenwaste pit**”). We understand that the Council own this land, and tipping at this site is authorised but not controlled by the Council.



Figure 3 Gravel / greenwaste pit location visible on aerial photograph, eastern part of landparcel indicated by yellow and black outline (CODC GIS)

Vehicle access to the site is via two existing formed gravel vehicle access ways, indicated on **Figure 2** above. The northern vehicle access is on private property and an agreement with the property owner is in place. This agreement also covers relocation of power and telephone infrastructure located along this access.

The southern-most vehicle access is Council owned paper road, only providing formed vehicle access from Teviot Road to the green-waste pit indicated in **Figure 3** above. This paper road also provides pedestrian and cyclist access to the Clutha River / Mata-Au and facilitates the Clutha Gold Cycle Trail.

The Applicant advises that the site has a history of mining, though there are no recorded Heritage or Archaeological sites in either the District Plan or Heritage New Zealand Pouhere Taonga List.

2.2 Existing authorisations

The following permits have been granted for the site.

- Minerals Exploration Permit 60712 granted by New Zealand Petroleum & Minerals on 19 October 2021 approving exclusive right to explore for gold on the site until 19 October 2024. 60712 is appended as **Attachment [C]**.

2.3 Surrounding Environment

The surrounding area is rural with land predominantly used for pastoral farming activities.

The township of Millers Flat is located approximately 700m to the southeast at the closest point. The township of Ettrick is located approximately 800m northwest of the site at the closest point.

The Clutha River / Mata-Au is located to the west and southwest of the site. The river is a Statutory Acknowledgement Area and has a range of intrinsic, cultural, recreational and aesthetic values, and is used by the general public for fishing, boating and other recreational uses.

The Clutha Gold Cycle Trail (the “**cycle trail**”) is a compacted gravel track, running between Roxburgh and Lawrence, and linking to other cycle trails in Central Otago. The cycle trail runs along the Clutha River / Mata-Au to the west and south-west of the site, before cutting through the site via the paper road, to then travel along Teviot Road toward Millers Flat.



Figure 4 Approximate path of Clutha Gold Cycle Trail indicated in yellow. Extent of application site area indicated in red outline (CODC GIS)

An area adjacent to the site is known as a former landfill, located as shown in **Figure 5** below. This area is excluded from the application site area. Definition of this area has been undertaken by EC Otago in their Preliminary Site Investigation Report (“PSI”), included as **Attachment [F]**. The EC Otago report sets out a conservative boundary to the old landfill, verified by site investigations, to ensure that the mine site does not intersect with the former landfill.

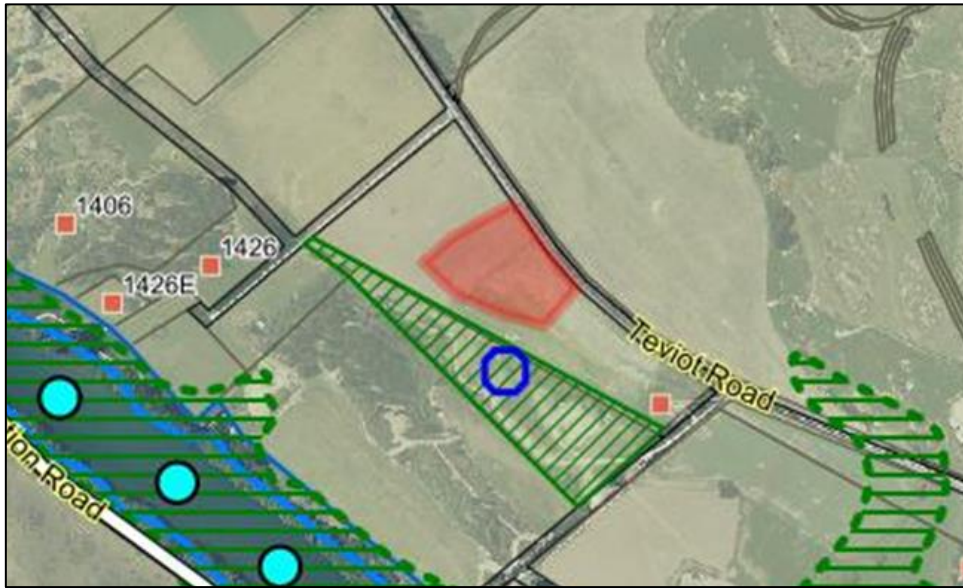


Figure 5 Former landfilling site approximate location indicated by red polygon in centre of image (Provided by CODC staff by email 14-4-2022)

Additionally, an historic stockyard has been identified by EC Otago's aerial photograph review. **Figure 6** below shows the stockyards, which EC Otago advised are visible in 1973-74, but not in 1983. **Figure 7** shows the stockyard extent identified by the red circle in **Figure 6** transposed onto a current aerial photograph. The Applicant also proposes to exclude the stockyard area from the proposed mine area, as defined by a polygon defined by map coordinates, shown in **Figure 7** below.



Figure 6 Historic aerial imagery from 1973 showing likely stockyards identified within the red circle on Part Section 96 Block VIII Bengers SD. Teviot Road is along the top of the image. (Source: EC Otago)



Figure 7 Current aerial imagery with location of historic stockyards transposed. Paper road is to the left of the green polygon in the image. Corners of the polygon are defined by NZMG coordinates:

North corner E:1319064 N:4938520; West corner E:1319046 N:4938504; South corner E:1319085 N:4938500; East corner E:1319100 N:4938516 (Source: EC Otago)

3 Description of the proposal

3.1 Overview

The Applicant proposes to establish an alluvial gold mine on the site, including on-site processing and stockpiling of overburden, which will operate Monday to Friday 7am – 7pm and Saturday 7am – 1pm with no work occurring on Sundays or public holidays.

Overburden will be removed with excavators and dump trucks and stockpiled on site. Some overburden will be used to construct bunds as detailed below. At least 80,000m³ of overburden is expected to be stockpiled within bunds at any one time during the operational phase of mining. The maximum height of bunds along the site boundaries will be 4m and will be vegetated with grass. Soil stockpiles internal to the site may be up to 4m above ground level and may not be vegetated due to their temporary and transient nature. Topsoil will be stockpiled separately for rehabilitation purposes and grassed to prevent erosion.

Up to 20 staff will be employed on the project, including machinery operators, mechanics and engineers.

The depth of excavation varies across the site, with the base of the gold bearing wash layer being located approximately 8m to 15m below ground level. At the northern end of the site, the Applicant proposes to maintain a dry working area, above natural ground level. As the mine pit moves southward, the Applicant expects to encounter groundwater and proposes to establish a floating dredge.

The gold bearing wash will be processed on site. The Gold Recovery Plant (“**GRP**”) will be located on land near the active mine pit, or on the floating dredge, depending on the stage of the mine pit and groundwater levels. The estimated processing rate will be approximately 55m³/hour.

Gold will be processed on site using gravity separation methods. Tailings comprising non-gold bearing on-site material (e.g. rock, silts etc.) will be replaced in the mine pit.

Areas where the gold bearing wash has been removed will be backfilled with overburden from progressive stages. As such, the maximum area of mine pit open at a time is expected to be approximately 2 hectares. A small terminal void may remain at the completion of the project, though all overburden removed will be placed back in the mine pit and any bunds will be deconstructed on completion of the project.

An accidental discovery protocol condition will be followed in case of unexpected accidental discovery of archaeological or cultural material.

Access will continue to be provided for users of the Clutha Gold cycle trail, albeit it will be diverted around the work site along Teviot Road as necessary.

The Site Plan is appended as **Attachment [D]**.



3.2 Noise and dust mitigation

Bunds will be constructed as recommended by Hegley Acoustics as detailed within their Noise Report appended as **Attachment [E]**.

- A 4m high bund will be constructed across the northern side of the mining and nominally 300m down the western side of the site and 700m down the eastern side of the site.
- A 3m high bund, 300m long, will be constructed opposite the dwelling at 5386 Ettrick-Raes Junction Road.

Dust will be controlled on site in accordance with good industry practise, including use of water carts and establishing vegetation on the bunds so as to minimise any dust nuisance to surrounding properties.

3.3 Servicing, lighting and access

Temporary on-site services will be provided appropriate to staffing levels at each stage of the operation. Drinking water will be sourced from an existing on-site private scheme and wastewater will be removed from site by a contractor.

Lighting will be required around the processing and site office areas, and at the active work area within the mine pit, particularly in winter. These lights will be directed at the work areas, and are sufficiently distanced from roads and residential dwellings such that lighting can be installed so as to comply with the lightspill standards in the District Plan. This is proposed to be measured and verified by a lighting specialist.

During the mobilisation phase of the project, machinery will be brought to the site. Subsequently, an average of two heavy vehicle movements per day are expected, such as fuel trucks and deliveries. Staff vehicles will also travel to the site.

Up to 10,000L of diesel storage will occur on site to fuel the machinery. Diesel will be stored on the site in a containment facility compliant with Health and Safety at Work (Hazardous Substances) Regulations 2017.

No amendments are proposed to the existing compacted gravel vehicles accesses, which are a minimum of 6m wide. Vehicles will travel at slow speeds and dust control measures will be used on the access roads as necessary.

A parking area for staff and visiting vehicles will be provided, though the exact location is yet to be determined. The surface of the parking area will be compacted gravel and managed so as not to create a dust nuisance. There will be sufficient manoeuvring space in the parking area such that vehicles do not need to reverse off site. A minimum 6m queuing space will be provided between the car parking area and the road boundary.



Public access to the paper roads and gravel access roads will be temporarily prevented when mining is occurring in proximity. Separate permission from Council is being sought for works affecting legal road within the project area.

The site will be fenced so as to prevent public access for health and safety reasons.

3.4 Temporary buildings

A number of temporary buildings will be required for the duration of the project to provide a site office, storage and a machinery workshop area.

A portacom will be used as a temporary site office. While the exact building has not yet been selected, the Applicant anticipates the size to be approximately 15m long x 4m wide x 3m high. The portacom will be a neutral, light brown / cream colour.

Six 40ft containers will be required on site for storage, with these measuring approximately 12.2m long x 2.4m wide x 2.6m high. These are dark blue painted steel. A container shelter will be installed over two of the containers to form the workshop area, formed of white PVC and up to 6 metres high. An indication of the container shelter appearance is shown in **Figure 8** below.

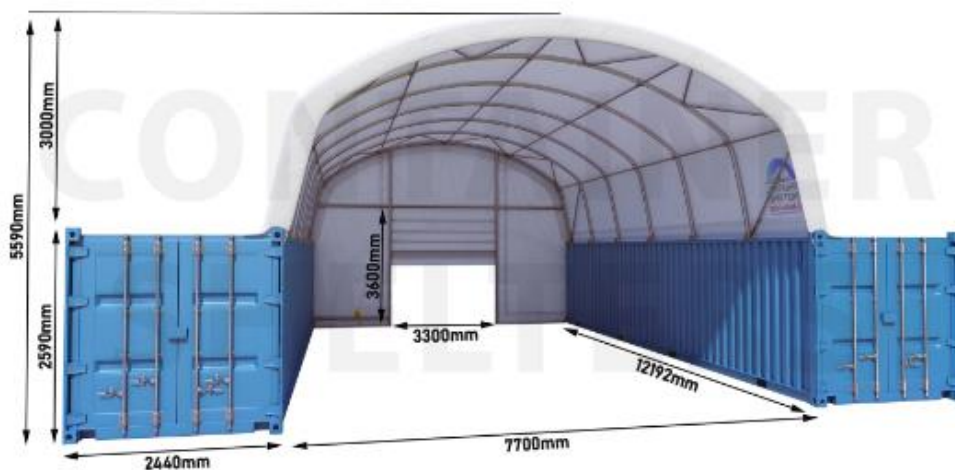


Figure 8 Representation of container shelter (Source: <https://www.containershelters.co.nz>)

3.5 Rehabilitation

The site will be rehabilitated in accordance with landowner agreements, to the same or better standard of farmland as currently exists. The Applicant will remove all bunds, restore the land contour to the pre-existing as closely as possible (with the exception of a terminal void) and establish grass over the disturbed land. Rehabilitation will be undertaken progressively as overburden from the next stage is used to fill in the mine pit from the previous stage.

3.6 Duration

A 5-year consent duration is requested for the required suite of consents.



4 Statutory provisions

4.1 Central Otago District Plan

The site is located within the **Rural Resource Area Zone** under the District Plan as shown in **Figure 9** below, and is subject to a number of notations as follows:

- Designation 236 – The designation purpose is “Greenwaste Refuse Management Purposes” and the requiring authority is Central Otago District Council. Land affected is Section 92 Block VIII Benger SD.
- Scheduled Activity 75 - Gravel Pit - Millers Flat Landfill (Sec 92 Blk VIII Benger SD)
- Flood prone land – applicable to parts of the application site near the Clutha River / Mata-Au and Tima Burn.
- Teviot Road is identified in Schedule 19.7 as an Arterial Road.

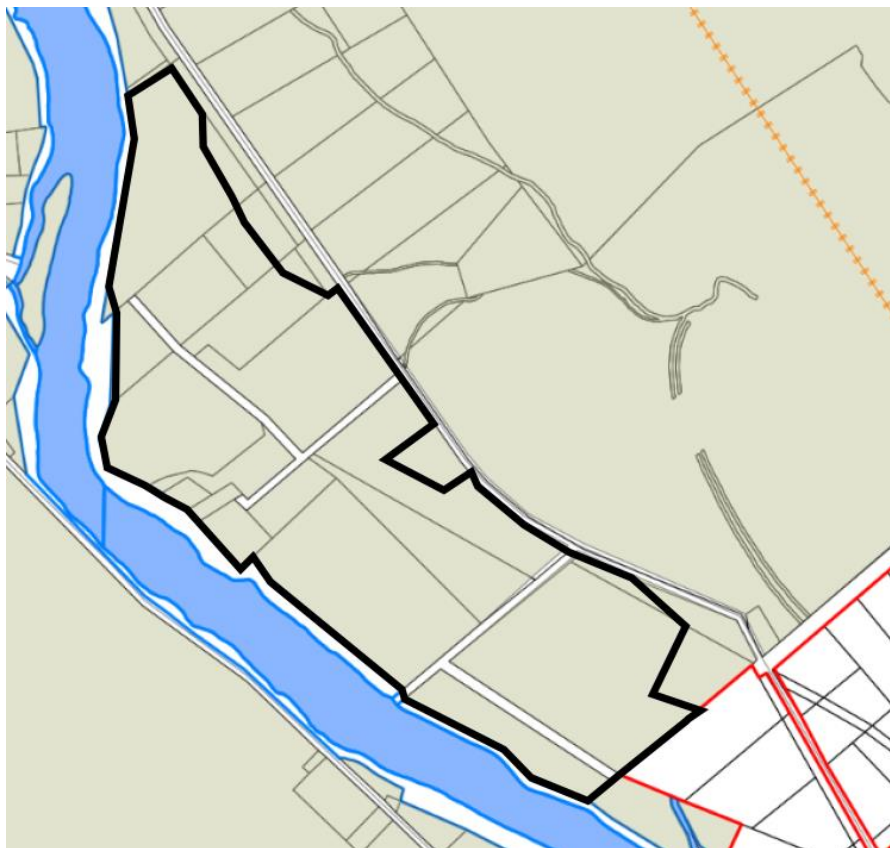


Figure 9 Excerpt from District Plan Map 63 with part of application site area in black outline (CODC)

There are no District Plan overlays identifying specific landscape or ecological values within the site.

4.1.1 Compliances

The proposal will comply with the following District Plan provisions:

- Standard 4.7.6A – buildings, storage areas and stockpiles shall be set back a minimum of 20 metres from waterbodies (limb (c)), shall not exceed 10m height (limb (f)), nor be located within 15m of a legal road intersection (limb (h)).
- Standard 4.7.6D – Given the position of the temporary buildings set back from the edge of the terrace and screened by bunds and vegetation, it is considered that the buildings will not protrude onto a skyline or above a terrace edge when viewed from public spaces, in compliance with part (c) of the standard.
- Standard 4.7.6E – the activity will comply with the noise standard, as assessed by the Hegley Acoustics report (**Attachment [E]**).
- Standard 4.7.6G – the Applicant will provide sufficient temporary services on site to meet staff requirements. Parking, access and manoeuvring will be provided in accordance with the District Plan Chapter 12 requirements, except where noted below.
- Standard 4.7.6H – a sign not exceeding 3m² at the site access will comply with the provisions of this standard.
- Standard 4.7.6I – no works will be undertaken within 10m of the Tima Burn or Clutha River / Mata-Au .
- Rule 12.7.1 (Access Standards from Roads) – the existing accesses comply with the provisions in part (i) (Construction and Maintenance) and part (ii) (Sight Distances).
- Standard 12.7.2 – vehicle parking will be provided on site and in accordance with this rule.
- Standard 12.7.6 – lighting will be installed so as to comply with this standard.
- For clarity, the activity will comply with all other relevant provisions of section 12.7, including those relating to loading spaces, noise, signage

4.1.2 Non-compliances

Resource consent is required under the District Plan for the following:

- **Restricted Discretionary Activity** under Rule 4.7.3(iii) – the portacom (site office), containers and workshop ancillary to the proposed mining operation will not comply with the finish and colour requirements of Standard 4.7.6D.
- **Restricted Discretionary Activity** under Rule 4.7.3(i) – storage areas and stockpiles will only be partially screened from all public viewpoints, and may be visible from Teviot Road, the paper road and/or the Clutha River / Mata-Au at



various stages of the proposed operation (non-compliance with Standard 4.7.6F).

- **Restricted Discretionary Activity** under Rule 4.7.3(vi) - the proposed tracks may not comply with Rule 4.7.6J as the tracks are intended to be only temporary and for limited vehicle access. As such, cut or fill batters on ramps within the mine pit may exceed 2m in height.
- **Discretionary Activity** under Rule 4.7.4(i) – the proposed operation will involve more than three persons and will not comply with Standard 4.7.6B(b), both parts (i) and (ii) (Traffic Generation and Characteristics of Activities).
- **Discretionary Activity** under Rule 4.7.4(i) – the proposal will involve greater than 2000m² and 3000m³ of earthworks and will not comply with Standard 4.7.6J(b) (Earthworks for Access Tracks and Extraction Activities).
- **Restricted Discretionary Activity** under Rule 12.7.1 (iii) – the existing accesses to Teviot Road are not sealed. Discretion is restricted to the matters in 12.7.1(viii).

Overall, the proposal is to be treated as a **Discretionary Activity** under the District Plan.

4.2 National Environmental Standards

In terms of compliance or otherwise with National Environmental Standards (“NES”), there are two NES’s that are of potential relevance to this proposal with these being:

- the NES for Assessing and Managing Contaminants in Soil to Protect Human Health (“**NESCS**”); and
- The NES for Freshwater (“**NESFW**”).

4.2.1 NES for Assessing and Managing Contaminants in Soil to Protect Human Health

As described in section 2 above, there is a known historic landfill near the site. The Applicant has engaged EC Otago to assist with defining the boundaries of the historic landfill, and determine an appropriate setback distance, so as to avoid any soil disturbance near the historic landfill. A set of historic stockyards were also identified in the property review by EC Otago and these have also been excluded from the mine area. Their report is attached as **Attachment [F]**.

The project area has been designed so as to avoid any potential HAIL sites. In consideration of the abovementioned, the regulations of the NESCS do not apply as the site is not defined as a ‘piece of land’ captured under clause (5) of the NESCS.



4.2.2 NES for Freshwater

The NESFW applies to works within freshwater bodies inclusive of rivers and wetlands. The site is near to both the Tima Burn and the Clutha River / Mata-Au. However, no works are proposed within 10m of any permanently flowing watercourse and there are no known wetlands to consider. For these reasons, no requirements under the NPSFW will be triggered.

4.3 Consents required from Otago Regional Council

The Applicant has identified that resource consent will also be required from Otago Regional Council. An application is currently being compiled and will be lodged in due course.

5 Assessment of effects

5.1 Overview

In accordance with Section 88 and Schedule 4 of the RMA an assessment of any actual or potential effects on the environment that may arise from the proposal is required with any details of how any adverse effects may be avoided, remedied or mitigated. Accordingly, the below is an assessment of effects relative to the scale and significance of the proposed activity.

This assessment is addressed under the following headings:

- Written approvals
- Visual amenity and landscape character effects
- Effects of earthworks
 - Dust effects
 - Noise effects
 - Effects on land stability
 - Effects on waterbodies
- Effects of traffic generation
- Effects of scale of activity on rural character
- Effects on cultural values
- Effects on public access
- Positive effects

5.2 Written approvals

Written approvals have been obtained from the following with these appended as **Attachment [G]**.

- Jacks Ridge Limited - 1426A-D Teviot Road
- L.A. & P.F. Crawford – 1346 Teviot Road
- Donna May Parker – 1426E Teviot Road
- Georgia Parker – 1534 Teviot Road
- Alan Thomas Parker – 1534-1536 Teviot Road
- G.C. Campbell-Lloyd – 1406 Teviot Road



5.3 Visual amenity and landscape character effects

5.3.1 Mining Activity

The site is located on a terrace above the Clutha River / Mata-Au, between Teviot Road and the river. Public views of the site will be available from Teviot Road, the river and marginal strip, the Clutha Gold cycle trail, State Highway 8 and some public roads in Ettrick. Views of the site will also be available from some private properties in Ettrick and some rural residential properties on the northern end of Miller's Flat.

Bunding is proposed along the northern site boundary and part of the Teviot Road frontage as shown on the Site Plan. Temporary bunding is also proposed along the south-western part of the site located opposite 5386 Ettrick-Raes Junction Road as shown in the Hegley Noise Report².

Much of the mining operation will be below ground level once the bunds and mine pit are established and will be difficult to see from public spaces and neighbouring properties.

As mentioned, the owners and / or occupiers of the residential properties located on the site have provided written approval for this proposal.

Users of the cycle trail will not be able to view the site from the north, as views are firstly restricted by the bunding, and then the cycle trail drops down closer to the Clutha River / Mata-Au, below the terrace on which the site will be located. The cycle trail then follows the paper road located between 1484 and 1534 Teviot Road, ascending from the riverside to the top of the terrace. Views of the site from this part of the trail will likely be possible for a stretch of the paper road and along Teviot Road until users of the trail round the bend in Teviot Road opposite 1535A Teviot Road, estimated to be approximately 400 metres. Once the mine is established and the cycle trail diverted around the site, views of the site from the cycle trail will be possible along Teviot Road, between the end of the bund and until users round the bend in Teviot Road, a stretch of approximately 450 metres.

Effects on users of the cycle trail are considered to be less than minor for several reasons. Firstly, the area has a rich history of gold exploration, and a working gold mine forms a modern part of that story. Secondly, the trail is approximately 73 kilometres³, and the site is visible from a very small stretch (<500m) in the overall context of the trail. In addition, the site operation will not impede users of the trail and will not remove the long range views of mountains that users of the trail may enjoy.

The bunding will restrict visibility of the site when viewed by southbound road users along Teviot Road. Northbound road users will have clear sight of the activity for a limited stretch of Teviot Road. Given the geometry of Teviot Road adjacent to the site,

² Attachment [E], Figure 19, page 18

³ Reference: <https://www.cluthagold.co.nz/clutha-gold-trail>



akin to a dog leg, northbound road users attention is highly likely to be focussed on the road ahead, with any views of the temporary buildings being fleeting.

Views of the site from State Highway 8 and public spaces in Ettrick are likely to be very restricted due to the presence of roadside and riverside vegetation, and separation distance.

Views of the site from the Clutha River / Mata-Au will be difficult due to the differing land levels, the site being on a terrace above the river.

Views of the site from surrounding residential properties will be limited due to the separation distance, topography, and bunding. Views from northern and north-eastern properties will be very limited due to the bunding. Properties on the southern side of the Clutha River / Mata-Au near Ettrick will have restricted views due to the screening effect of vegetation around the river, and distance. Land to the east of Teviot Road is primarily pastoral land use with residences set back from the road, and well-established, tall, trees planted along both sides of Teviot Road will also provide some screening of the site from neighbouring properties. Overall, views of the site from surrounding residential properties will be limited, but not completely restricted.

Once the mine is established, much of the activity will move underground and will be less visible. The initial mining activity is shallow or above ground, however the resource is shallowest at the northern end of the site where the mitigation afforded by the proposed bunds is most effective. Toward the southern end of the site, where no bunding is proposed, most of the activity will be underground. Given the position and scale of the proposed activities, the proposal will not impede long distance views of mountains, nor views of the Clutha River / Mata-Au (where available). The method of operation means that overall views of the surrounding landscape will be unaffected.

The Applicant proposes to operate the mine as a moving cell, meaning that as mining is completed over parts of the site, areas will be progressively rehabilitated. Full rehabilitation of the site will occur on completion of mining.

On the basis of the above assessment, and considering the working rural character of the existing landscape, any adverse effects on visual amenity and landscape values arising from the proposal will be less than minor.

5.3.2 Temporary buildings

The following assessment relates to the temporary buildings (site office, workshop and containers), which will not comply with the District Plan Standard 4.7.6D.

The site and locality comprises a number of working farms with a long history of human activity, with evidence of such activity visible across the existing landscape, inclusive of tracks, fences, dwellings, farm buildings, pastoral land use and physical evidence of previous mining of the land, such as tailings deposits. Buildings located on the site, at 1346 Teviot Road, and within the locality are depicted in **Figure 10** and **Figure 11** below.





Figure 10 Buildings 1346 Teviot Road when viewed from Teviot Road looking in a westerly direction (Google Maps)



Figure 11 Buildings at 1333 Teviot Road, to the west of the site (Google Maps)

The temporary buildings will be located on the site for the duration of the mining and rehabilitation works and will be removed at the conclusion of the project. The location of the temporary buildings is depicted on the Site Plan appended as **Attachment [D]**, positioned near the bund along Teviot Road and the northern vehicle access.

Portacoms (site office) are commonly clad with EPS, corrugate iron, euroclad selecta, or similar and coloured from a brown palette. The cladding and colouring of the temporary portacom is likely to be consistent with the existing buildings on the site, and within the surrounding environment.

The containers will be a dark blue and will be recessive in the landscape given the colour is darker than many other elements in the landscape.

Both the portacom and containers will not be visually prominent in public view of any skyline due to the low height, position near to the bunds which are higher, and small scale in comparison to the vast natural features and scale of the local landscape. The portacom and containers are unlikely to be visible from Teviot Road, except as a fleeting glimpse through a break in the bund, such as for vehicle access.

The container shelter will be visible due to its 6m height and white colour. The container shelter is also located near to the 4m high bunds along Teviot Road, and so views of this from the east will be partially obscured by the bunds. Motorists travelling along Teviot Road will have a fleeting view of the container shelter above the bund as they drive past at open road speeds. Views of the container shelter from the Clutha River /



Mata-Au and its marginal strips will be limited by the position of the temporary building on the terrace above the river, established riverside vegetation and separation distance. The container shelter may be visible from locations to the west of the Clutha River / Mata-Au, however these views will also be limited by separation distance and established vegetation. The container shelter will not protrude above the skyline due to the mountainous topography in the background of views from these locations.

The temporary buildings will be partially visible in the undulating, green rural landscape background in which they are set. However, this is not expected to create any more than minor adverse effects due to the limited visibility of the buildings as outlined above and considering the buildings will not appear out of character due to the presence of other buildings in the locality of similar colour and scale.

5.3.3 Unscreened storage areas and stockpiles

Any storage area or stockpiles are required to be screened from the view of any public road, reserve, other public land or any other adjacent site boundary or resource area boundary. Such screening should be erected or planted to a suitable height and density so as to mitigate adverse visual effects and dust effects and shall not impede visibility on adjacent roads.

Unscreened views of stockpiles and storage areas will be available during the establishment phase of the mining activity, until the bunds are established.

As previously mentioned, the site comprises a number of working farms with a long history of human activity with physical evidence of previous mining of the land, such as tailings deposits.

Approximately 80,000m³ of stockpiling will occur on the site for the duration of the mining and rehabilitation work with the location depicted on the Site Plan appended as **Attachment [D]**. Most of this material will be used to form bunds, however some temporary stockpiles may be required. Storage areas for materials and machinery will also be located on site for the duration of the works. Prior to the establishment of the bunding, some stockpiles and storage areas will likely be visible from public spaces and roads. The stockpiles and storage areas will be partially screened from all public viewpoints by the bunding, once established, and may be visible from Teviot Road, the paper road and/or the Clutha River / Mata-Au at various stages of the proposed operation.

Visibility of the stockpiles and storage areas due to the separation distance, topography, and bunding, in accordance with the assessment in the section above. Bunds and any long term stockpiles will be vegetated with grass.

Overall, public views of the stockpiles and storage areas will be limited, and the Applicant proposes full rehabilitation of the site on completion of mining. For these reasons, and considering the working rural character of the existing landscape, any adverse effects of unscreened stockpiles and storage areas on amenity values and landscape character will be less than minor.



5.4 Effects of earthworks

Standard 4.7.6J(b) states that the extraction of material from any site shall not exceed a 2,000m² area and 3,000m³ volume. The reason for these requires is that earthworks for mining and the formation of tracks can have significant adverse effects on landscape values, water quality, soil structure and quality, and land stability. This proposal will involve earthworks greater than 2000m² in area and 3000m³ in volume. An assessment is provided below regarding the matters usually considered in associated with consents for earthworks.

5.4.1 Dust effects

The adverse dust effects of this proposal on the surrounding environment will be mitigated to be less than minor through the measures proposed as detailed within section 3 above. Specifically, dust will be controlled on site in accordance with good industry practise, including use of water carts as necessary, slow vehicle speeds on unsealed roads and establishing vegetation on the bunds. A moving mine cell method of operation will ensure progressive rehabilitation of the site and limit the open mine pit area to approximately 2ha at a time.

5.4.2 Noise effects

The Hegley Acoustic Consultants have assessed the noise effects of this proposal with their recommendations and conclusions detailed within the Noise Report appended as **Attachment [E]**. Their key conclusion is that the bunds will ensure that sound from the mining activities will comply with the District Plan daytime noise provisions, provided bunds as specified are constructed. The Applicant agrees to construct the bunds recommended in the noise report. Noise effects will be less than minor.

5.4.3 Effects on land stability

The earthworks design will focus on avoiding steep slopes and areas of instability which will enable works to occur with minimal disruption at all times of year and little impact on slope stability. No earthworks will occur during high rainfall events and any areas that suffer damage from storm events will be restabilised so as to avoid further damage. Mine pit detailed design will be undertaken informed by geotechnical expertise as necessary to maintain pit stability.

5.4.4 Effects on waterbodies

No earthworks will be undertaken within 10m of flowing watercourses to protect water quality. As such, any adverse effects on water quality and freshwater ecological values will be avoided.



5.5 Effects of traffic generation

The site has frontage to Teviot Road, two un-named public gravel access roads and paper road as indicated in **Figure 2**. Vehicle access to the site will be provided from Teviot Road only, via an existing formed gravel access road.

Teviot Road is a two-way, two-lane, sealed road with a north-westerly to south-easterly alignment and is classified as an Arterial Road under the District Plan. Teviot Road is signposted with a 100km per hour speed limit with no cyclist or pedestrian infrastructure, and no on-road parking.

There are no traffic counts of Teviot Road identified on Abley Traffic Counts website (<http://www.trafficcounts.co.nz/>), although there are traffic counts available for Ettrick Raes Junction Road / SH8 which provides data to assist with understanding traffic volumes along Teviot Road. Notably, traffic volumes are highly likely to be greater along Ettrick Raes Junction Road / SH8 than Teviot Road, given through traffic is encouraged by signage to use the State Highway. Traffic counts of Ettrick Raes Junction Road / SH8, south of Millers Flat Bridge, were undertaken over a seven-day period annually between 2010 to 2015 with the data indicating that approximately 1,846 to 1,984 vehicles travel along this road per day. This data indicates that Ettrick Raes Junction Road / SH8 experiences a low volume of traffic. In light of this, traffic volumes along Teviot Road are likely to be very low with motorists anticipated to be local persons familiar with the road and traffic.

A search of the Waka Kotahi NZTA Crash Analysis System ("**CAS**") indicates that seven crashes have occurred on Teviot Road between 2004 to 2022 with the area analysed depicted in **Figure 12**. There have been two serious crashes, one minor crash, and four non-injury crashes. Of these seven crashes, only one occurred directly adjacent to the site with that being a serious crash in 2014 by a northbound motorcycle at a bend along Teviot Road, approximately 606m north of Oven Hill Road, during a bright sunny, fine day. No other vehicles were involved in this serious crash. While the reason for this serious crash is not detailed within CAS, there is no ongoing history of crashes which may suggest that Teviot Road has characteristics which make it an inherently hazardous section of road. The location of the vehicle access will be approximately 374 north-west of the bend at which this crash occurred.

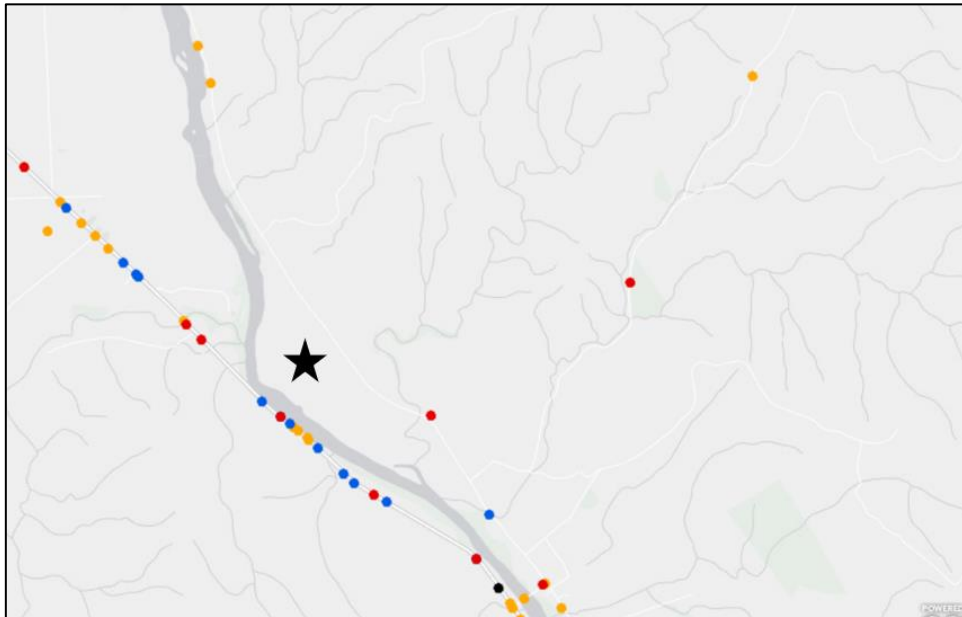


Figure 12 CAS analysis area with site location indicated by black star (Waka Kotahi NZTA CAS GIS)

As previously mentioned, the mine will operate on Monday to Friday 7am – 7pm and Saturday 7am – 1pm with up to 20 staff. The staff are anticipated to arrive in a steady manner during morning hours with departures at various times throughout the afternoon and early evening on weekday, and early afternoon on Saturdays. Staff will enter the site from Teviot Road, through the existing vehicle access, along the queuing space, and to the parking area and vice versa. The parking area will provide a sufficient number of bays on the site meaning that no staff will need to park along the road side, and sufficient manoeuvring room to ensure that vehicles can turn around on site and exit the site in a forward gear.

The vehicle accesses are gravel surfaced, and the Applicant will be responsible for maintaining these to a standard appropriate for the volume of traffic using them. Vehicles will be advised to drive at slow speeds along the vehicle accesses to avoid dust generation and excessive wear to the gravel access surfacing.

The geometry of Teviot Road in proximity to the existing vehicle access is straight approximately 170m in a westerly direction and 364m in an easterly direction. This means that vehicles entering / egressing will have sufficient time to sight road users and respond accordingly to avoid any conflict.

In light of the abovementioned, the additional up to 17 staff vehicle movements (beyond that permitted, three staff) and the timing of those vehicle movements, will be indiscernible to less than minor against the existing traffic volumes experienced along Teviot Road. In addition, the extra 17 staff vehicle movements will maintain the safe and efficient operation of the adjacent transport network due to the formation of Teviot Road, location of the existing vehicle access, and very low traffic volumes.

Overall, the effects of the proposal on traffic generation will be less than minor.

5.6 Effects of scale of activity on rural character

Standard 4.7.6B(b) states that no more than 3 persons shall be engaged in any activity of a commercial, industrial, or manufacturing nature within the Rural Resource Area, and no person shall be engaged in any activity of a commercial, industrial, or manufacturing nature within the Rural Residential Zone. A reason for these requirements is that commercial, industrial, or manufacturing natured activities have the potential to significantly compromise the character of the rural environment.

The mine will operate on Monday to Friday 7am – 7pm and Saturday 7am – 1pm with up to 20 staff. The staff activities will be spread across the large site with a focus of activity around the site office, workshop and storage areas which will be largely screened by the bunds or undertaken underground.

Vehicle movements will be concentrated at the start and finish of the day as staff arrive and depart the site in cars. Staff will be based in the surrounding towns, and it is likely that a car-pooling arrangement will be made for travel to the site. Even in a conservative assessment scenario where all staff travel to site in a car, the number of vehicle movements is not considered to be disruptive to the character of the rural environment.

The Applicant estimates an average of two heavy vehicle movements per day once the mine is established. The number of heavy vehicle movements is not considered to be noticeably greater than that which could normally occur in the surrounding environment, given stock trucks, machinery and other heavy vehicles are a normal part of the rural environment.

The existing rural character of the locality will be maintained with the activities undertaken on the site being largely screened or underground, bunding mitigating noise effects, appropriate hours of operation and the moving mine cell method of operation being of comparatively small scale within the context of the larger site.

Overall, the adverse effects on the rural character of the surrounding environment will be less than minor.

5.7 Effects on cultural values

The Kāi Tahu Ki Otago Natural Resource Management Plan 2005 (“**NRMP**”) Section 5.4.6 sets out considerations for mining applications, which are set out in further detail in **Section 6.3.1** below.

The Applicant has designed the mining operations to avoid any known features that may have significant cultural values, by including setbacks from the Tima Burn and Clutha River.

There are no know sites of cultural or archaeological significance within the project area, though the Applicant is open to an Accidental Discovery Protocol forming a condition of consent.

Mined land will be rehabilitated to the same or better standard, and the proposal avoids any known potentially contaminated sites to avoid any potential hazardous substances.

Overall, no adverse effects are anticipated in relation to cultural values.

5.8 Effects on public access

The proposal will have the effect of restricting public access to paper roads within the site, one of which provides access to the Clutha River / Mata-Au. The work will also impact the Clutha Gold cycle trail.

The northern paper road provides access to private properties, and the owners of these have all provided written approval to the application.

The southern paper road provides access to private properties, and the Clutha River / Mata-Au. The owners of the properties accessed from this paper road have also provided written approval to the application.

Various people use this southern paper road for access to the Clutha River / Mata-Au for recreational purposes, fishing access, and also the Clutha cycle trail traverses part of this paper road. The Applicant is separately seeking permission from Council's property section in order to allow the mining of the land under the paper road. It is the Applicant's intention to provide a separate temporary river access for the general public over a rehabilitated part of the work site to the north of the existing river access, or over unmined land to the south, when the mine reaches a stage of impacting on this paper road. The Applicant will erect signage to inform the public of the duration of the closure of the paper road, and the location of the alternative access.

The Applicant has discussed the proposal extensively with the Clutha Gold Charitable Trust, who are responsible for the operation of the Clutha Gold cycle trail. A temporary alternative alignment of the cycle trail has been agreed in principle with the Trust. The general public will remain able to use the cycle trail, albeit it will be diverted around the mine site along Teviot Road at certain times.

The Applicant has undertaken to operate the mine in a manner which will provide for a similar level of local public access, and this is reflected in the written approvals that have been provided. The effects of the proposal on public access will be less than minor.

5.9 Positive effects

The proposed works will have positive effects, providing employment to approximately 20 people and with flow on social and economic benefits to the wider community.

5.10 Conclusion

In consideration of the abovementioned matters, it is considered that there are no persons that will be adversely affected by the proposed development. Any potential for

adverse effects can be appropriately avoided, remedied, or mitigated, and will be less than minor in the context of the receiving environment.



6 Statutory assessment

6.1 Section 95, RMA

6.1.1 Section 95A assessment

Section 95A of the RMA considers the need for public notification and sets out four steps in a specific order to be considered in determining whether to publicly notify.

In terms of Step (1), public notification is not requested, Section 95C pertaining to notification in the event that further information is not provided under Section 92 is not applicable, and the application is not being made jointly with an application to exchange recreation reserve land under Section 15AA of the Reserves Act 1977.

In terms of Step (2), there are no rules or national environmental standards that preclude public notification, and the activity is not a boundary activity.

Moving to Step (3), notification is not required by a rule in a Plan or a NES, and as demonstrated in section 5 of this AEE, the adverse effects on the environment are considered to be less than minor.

Lastly, in terms of Step (4) as no special circumstances are considered to apply public notification is not required under any of the pathways in Section 95A.

6.1.2 Section 95B assessment

While public notification is not necessary, any effects of the proposal on the local environment and upon particular parties must still be considered. This is addressed through Section 95B of the RMA, which has four steps similar to Section 95A.

In terms of Step (1), there are no affected protected customary rights or customary marine title groups in terms of Subclause (2). The proposed activity is located on land adjacent to the Clutha River / Mata-Au Statutory Acknowledgement Area made in accordance with the Ngāi Tahu Claims Settlement Act 1998. Therefore, in accordance with Subclause (3)(b) it must be determined whether the person to whom the statutory acknowledgement is made is an affected person under section 95E. In consideration that the effects of the proposal do not extend beyond the site boundaries, do not affect the waters of the Clutha River / Mata-Au, nor the riparian margins, we conclude that the person to whom the statutory acknowledgement is made is not an affected person under section 95E.

In terms of Step (2), there are no rules or national environmental standards that preclude limited notification. We therefore move to Step (3).

Step (3) requires the consent authority to determine, in accordance with Section 95E, whether there are any affected parties as a result of this proposal. Section 95E states that a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than



minor). The persons listed in section 5.2 have provided their written approval, and are not affected persons in accordance with section 95E(3). For completeness, the Applicant is seeking written approval from the Council as a landowner, though the Council is non-resident on the subject land and access to the land will be subject of an access agreement.

There are not considered to be any affected persons in this instance for the reasons given in the above assessment of effects.

In terms of Step (4), no special circumstances exist therefore the application may be processed on a non-notified basis.

With respect to the above, in consideration of the conclusions of the AEE, it is concluded that the proposal will result in less than minor adverse effects on the environment, and there are no other circumstances requiring or warranting public or limited notification.

6.2 Section 104(1), RMA

Section 104 (1) of the RMA requires that the consent authority must, subject to Part 2, have regard to a range of matters when considering an application.

Section 5 of this AEE addresses the matters contained in Section 104 (1) (a) and (ab).

Section 104(1)(b) of the RMA requires that the provisions of any national policy statement, the Operative Plan, or any other matter the consent authority considers relevant and reasonably necessary, to be considered when assessing an application. Therefore, the Otago Regional Policy Statement, Proposed Otago Regional Policy Statement and District Plan require consideration. No National Environmental Standards are considered relevant to this application. The key objectives and policies outlined in the abovementioned document are set out below.

6.2.1 Otago Regional Policy Statement (2019)

The Otago Regional Policy Statement is a higher order planning document intended to provide guidance and focus to lower order planning documents, identifying issues across the Region, with the objectives and policies providing greater clarity and direction as to how issues are to be addressed. Those policies of most relevance to the proposal are identified as follows.

Objective 3.1 seeks to recognise, maintain, and enhance where degraded, the intrinsic values of ecosystems and natural resources. **Policy 3.1.7** safeguards the life-supporting capacity of soil and requires that production soil fertility is maintained or enhanced. The application site is currently production land and will be returned to pastoral production on completion of mining, with the topsoil being stockpiled for future re-use. **Policy 3.1.8** seeks to minimise soil erosion, which will be achieved by vegetating soil stockpiles and undertaking progressive rehabilitation.



Objective 5.1 states that public access to areas of value to the community is to be maintained or enhanced. **Policy 5.1.1** requires that public access to the natural environment, including rivers, is maintained unless restricting access is necessary for nominated reasons in the policy, including the protection of public health and safety. Public access to the Clutha River / Mata-Au will be maintained by providing alternative access to the general public, when mining reaches a stage such that temporary closure of the existing public access is necessary. The existing public access will be reinstated as part of the rehabilitation programme. For these reasons, the proposal is considered to achieve this objective.

Objective 5.3 seeks to ensure that sufficient land is managed and protected for economic production. **Policy 5.3.1** seeks to manage activities in rural areas, to support the region's economy and communities, by providing for mineral exploration, extraction and processing (clause (b)). **Policy 5.3.4** further recognises "*the functional needs of mineral exploration, extraction and processing activities to locate where the resource exists*". Policy 5.3.4 is thereby critical to the proposal as the subject site has been specifically selected based on the potential mineral value present, thereby voiding the possibility of alternative site selection. The proposal seeks, where possible to avoid and mitigate potential adverse effects of the proposed works in a manner that still enables mineral extraction and processing to occur.

Objective 5.4 seeks to minimise addresses adverse effects of using and enjoying Otago's natural and physical resources. **Policy 5.4.8** sets out a management regime specific to mineral extraction and processing, giving preference to avoiding location such activity in specified, high-value areas. This activity is not located in any of the high-value areas identified in clause (a) of the policy. Clause (c) of the policy further requires that mineral extraction activities avoid effects on the health and safety of the community. This proposal achieves this by isolating the work site from the public, mitigating effects of dust, and meeting appropriate transport requirements. The proposal includes progressive rehabilitation of the site in accordance with clause (f) of the policy.

Overall, the proposal is deemed to be consistent with the objectives and policies of the RPS.

6.2.2 Proposed Regional Policy Statement (pRPS)

The pRPS 2021 was notified on 26 June 2021. Significant resource management issue 10 (SRMR-I10) identifies:

"Agriculture, fishing and minerals extraction support employment and economic well-being but also change landscapes and habitats."

The site is located within the Clutha River / Mata-Au FMU, and Roxburgh rohe. **Objective LF-VM-O2** identifies a vision that the Clutha River / Mata-Au FMA is recognised as a single connected system.

Objective LF-LS-O11 requires that soil resources are safeguarded and the capacity of highly productive land is maintained. In the case of this proposal, topsoil will be



separately stockpiled, and the land returned to pastoral use on rehabilitation of the mine.

Objective LF-LS-P22 provides for public access along lakes and rivers, and only restricting access where necessary for health and safety (and other) reasons. As outlined above, public access will be maintained by providing an alternative public access during mining.

Submissions on the pRPS 2021 closed on 3 September 2021. A minute from the Chief Freshwater Commissioner, Judge Laurie Newhook, on 27 July 2022, confirmed that based on the recent High Court declaration, the pRPS hearings process is at an end and a new panel will need to be convened⁴. No decisions have been made on submissions and therefore the pRPS can be afforded limited weight at this time. The policy direction in respect of this application is generally consistent with the pRPS.

6.2.3 District Plan

The objectives and policies in the District Plan that are of direct relevance to this Application are identified below.

Chapter 4 of the District Plan is specific to the Rural Resource Area. **Objective 4.3.1** outlines the need to enable communities to provide for their social, economic and cultural wellbeing whilst also ensuring environmental quality is maintained. It is considered that the proposal will add to the economic and social wellbeing of local people and businesses, while maintaining environmental quality.

Objective 4.3.3 discusses the need to protect the rural amenity values of the district created by open space, landscape, natural character and built environment values. Supporting **Policy 4.4.2** seeks to manage effects through a number of measures. Relevant to this proposal is that the proposed temporary buildings and works will be appropriately located considering the locally flat natural topography provides for limited visibility of the site from public spaces, and views of the site from nearby public spaces will be mitigated by bunds. No permanent structures are proposed, and the land will be recontoured to its former state thereby maintaining the quality of the environment and protecting the openness of the landscape. The proposed development is compatible with the surrounding environment, as the assessment above demonstrates that effects on the amenity values of adjoining properties, including noise, dust, traffic and activity, will be appropriately avoided, remedied or mitigated.

Policy 4.4.8 relates to the potential for effects to be observed from neighbouring properties. Effects of noise, dust, traffic generation have been assessed in section 5 above, and appropriately mitigated. The privacy of neighbours will not be affected due to the separation distances between the rural properties. The safe and efficient operation of the roading network will be maintained considering the small number of additional vehicles that will arise as a result of the proposal.

⁴ <https://www.orc.govt.nz/media/12670/chief-freshwater-commissioner-minute-27-july-2022-pdf.pdf>

Objective 4.3.4 seeks to maintain and enhance public access to recreation resources. **Policy 4.4.13** promotes the provision of public access opportunities to significant natural features, including for recreational purposes. The Application provides alternative access while the existing public river access is unavailable due to mining.

Objective 4.3.6 requires the preservation of the natural character of water body margins, and this proposal will achieve that with separation distance between the mining operation and waterbodies.

Objective 4.3.7 relates to the maintenance of soil resources. **Policy 4.4.6** is specific to protecting soil resources seeking to ensure that erosion, instability and loss of soil resources will not occur. All areas of exposed soil will be battered, and topsoil will be stockpiled separately for rehabilitation.

Chapter 12 of the District Plan addresses District Wide matters. **Objective 12.3.1** promotes the safe and efficient operation of the District's roading network. Supporting **Policy 12.4.1** requires safe and efficient access points to the roading network, and off-street parking, loading and manoeuvring space. It is considered that the proposal achieves these matters given the small increase in traffic anticipated which will utilise existing vehicle access points, and the provision of on-site parking and manoeuvring space.

Overall, the proposal is considered to be consistent with the objectives and policies of the District Plan.

6.3 Section 104(1)(c) of RMA

6.3.1 Kāi Tahu Ki Otago Natural Resource Management Plan 2005

The Kāi Tahu Ki Otago Natural Resource Management Plan 2005 ("NRMP") is the relevant iwi management plan to the application site area.

Chapter 5 sets out issues, objectives and policies. Impacts on water will be addressed through the groundwater study currently in process (that will form part of the application to ORC). There are no known wāhi tapu sites in the application site area, though the Applicant accepts an accidental discovery protocol condition.

Section 5.4.6 notes that mining is to be discouraged within landscapes of cultural significance or highly visible landscapes. The application site area is not considered to be highly visible, and setbacks from known culturally important features, namely the Clutha River / Mata-Au have been proposed.

Section 5.4.6 (17) further states that all applications for mining should include the following:

- i. site rehabilitation plans that include the planting of indigenous species and address long term concerns; and*
- ii. requirement for screening off of the work site; and*

- iii. *prevention or reduction of vibration, dust, noise, soil and water contamination; and*
- iv. *restriction of the hours during which explosives may be used;*
- v. *provision for the containment of all waste discharges from mining operation.*

The Applicant proposes to rehabilitate the site to its current state (as farmland), which does not include any planting of indigenous species. The remediation proposed is considered appropriate considering the ongoing use of the land. The work site will be screened, and effects of noise and dust appropriately managed, as described through this application. No explosives are proposed to be used, and any waste from the operation will be natural material that will be replaced in the pit.

Section 5.4.6 (19) requires that earthworks mitigate effects on landform, soil instability and other adverse effects. These matters have been addressed in the application, and appropriate mitigation for the effects have been proposed. There will be no impacts on significant natural landforms or areas of indigenous vegetation.

Overall, it is considered that this application appropriately addresses the key matters identified by the NRMP.

6.4 Purpose and Principles of the RMA

The purpose of the RMA, as set out under Section 5 (2) is to promote the sustainable management of natural and physical resources. The relevant matters in Sections 6, 7 and 8 of the RMA also require consideration. Section 6 identifies matters of national importance under that need to be recognised and provided for in this application:

- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*

This proposal provides for alternative public access to the Clutha River / Mata-Au while the existing public access is disrupted due to mining activity.

The RMA specifies that particular regard shall be had to the relevant other matters listed in Section 7 including:

- (b) *the efficient use and development of natural and physical resources:*
- (c) *the maintenance and enhancement of amenity values:*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*

Overall, this proposal will result in the efficient use of land resources in a manner that will protect and maintain amenity values and the quality of the natural environment, whilst also recognising the finite nature of natural and physical resources. All land will be rehabilitated upon completion of works. This proposed activity will create further social and economic benefits to the region.

In giving effect to the principles of the Treaty of Waitangi, this application has assessed effects of the Clutha River / Mata-Au Statutory Acknowledgement Area, and proposed



mitigation in the form of setbacks in order to protect values associated with the river. Assessment of the proposal against the NRMP has been undertaken and the Applicant has provided a copy of this application to Aukaha for their feedback. It is considered that the provisions of Section 8 have been taken into account appropriately considering the nature of the proposal.

As has been demonstrated throughout this AEE, the proposed development is not expected to result in any significant adverse effects on the receiving environment. Any potential adverse effects have been largely avoided, remedied or mitigated. The proposal aligns with the relevant Objectives and Policies of the Regional and District Plans.

For the reasons outlined in this report, the proposal is consistent with the purpose and principles under Section 5, and the associated matters under Part 2 of the RMA. The proposal represents an efficient use of natural and physical resources, and will be undertaken in a manner which avoids, remedies and mitigates potential adverse effects on the environment. It is considered that the proposal is consistent with the purpose and principles of the RMA and accords with the definition of sustainable management.



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier 241193
Land Registration District Otago
Date Issued 08 September 2005

Prior References
OT8C/1327

Estate Fee Simple
Area 9.7036 hectares more or less
Legal Description Section 110, 118 Block VIII Benger Survey
District

Registered Owners
Alan Thomas Parker

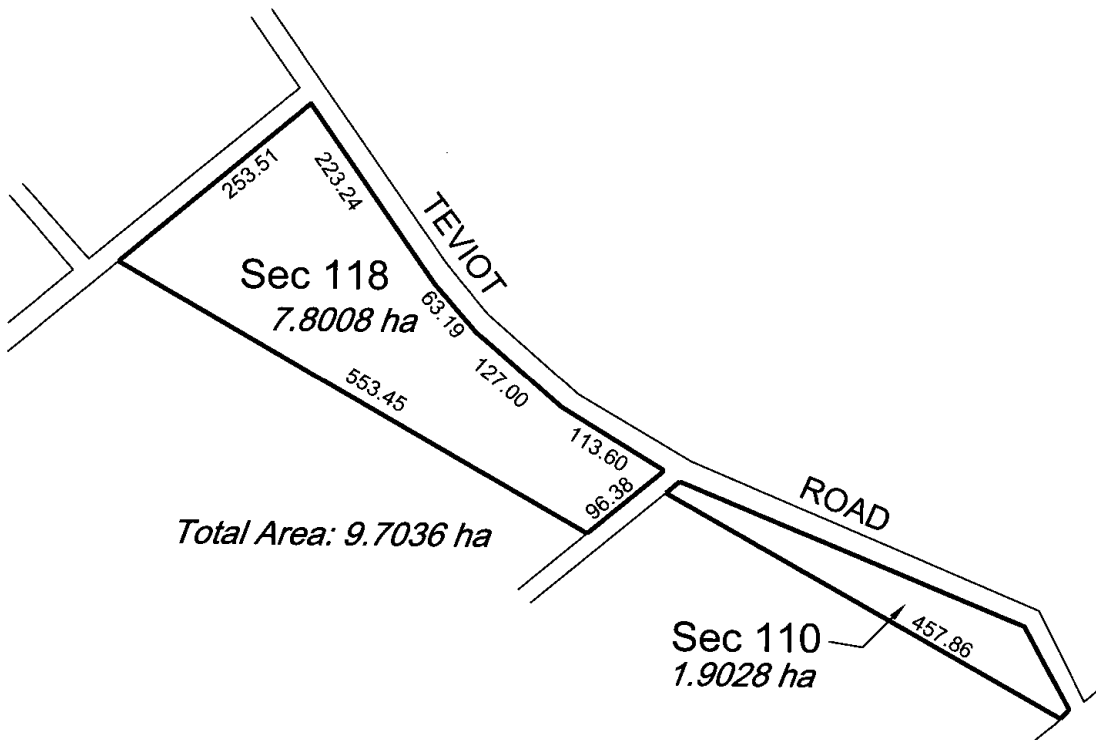
Interests
Subject to Section 59 Land Act 1948
Subject to Section 241(2) Resource Management Act 1991 (affects DP 356314)
10132653.2 Mortgage to Heartland Bank Limited - 30.7.2015 at 11:54 am

Title Diagram CT 341193

Cpy - 01/01.Pgs - 001.09/09/06,09:53



DncID 110664964





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

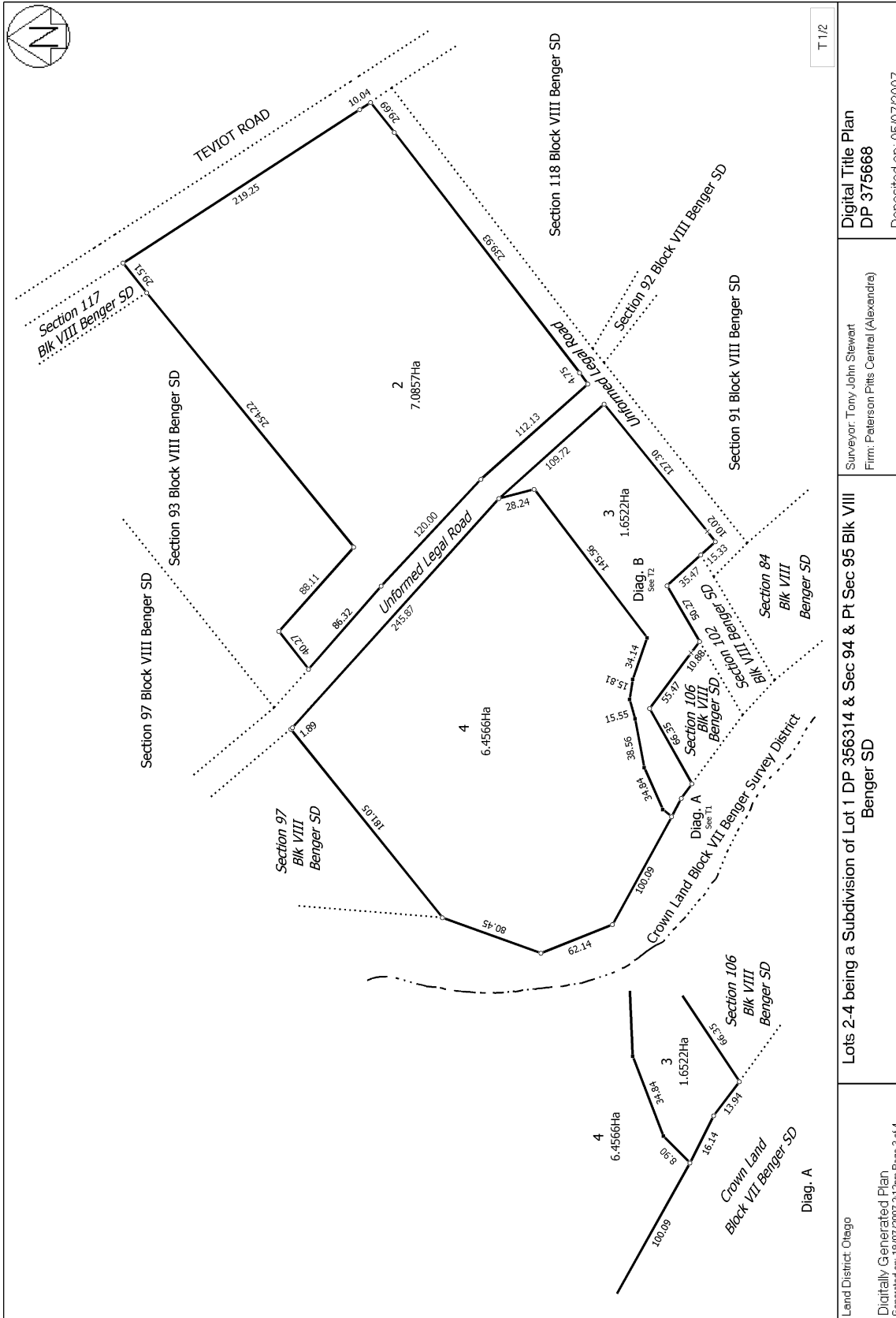
Identifier 304420
Land Registration District Otago
Date Issued 05 July 2007

Prior References
229533

Estate Fee Simple
Area 8.7379 hectares more or less
Legal Description Lot 2-3 Deposited Plan 375668
Registered Owners
Gareth David Wilson and Gabrielle Claire Campbell-Lloyd

Interests

Subject to Part IV A Conservation Act 1987 (affects parts formerly Section 94 and Part Section 95)
Subject to Section 11 Crown Minerals Act 1991(affects parts formerly Section 94 and Part Section 95)
Subject to Section 59 Land Act 1948 (affects part formerly Lot 1 DP 356314)
Subject to a right of way over part marked B on DP 375668 created by Easement Instrument 6982721.1 - 10.8.2006 at 9:00 am (affects Lot 3 DP 375668)
Subject to Section 241(2) Resource Management Act 1991 (affects DP 375668)
7449112.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 5.7.2007 at 9:00 am
Subject to a right of way over part marked A on DP 375668 created by Easement Instrument 7449112.5 - 5.7.2007 at 9:00 am (affects Lot 2 DP 375668)
The easements created by Easement Instrument 7449112.5 are subject to Section 243 (a) Resource Management Act 1991
7991225.3 Mortgage to Westpac New Zealand Limited - 28.11.2008 at 1:18 pm



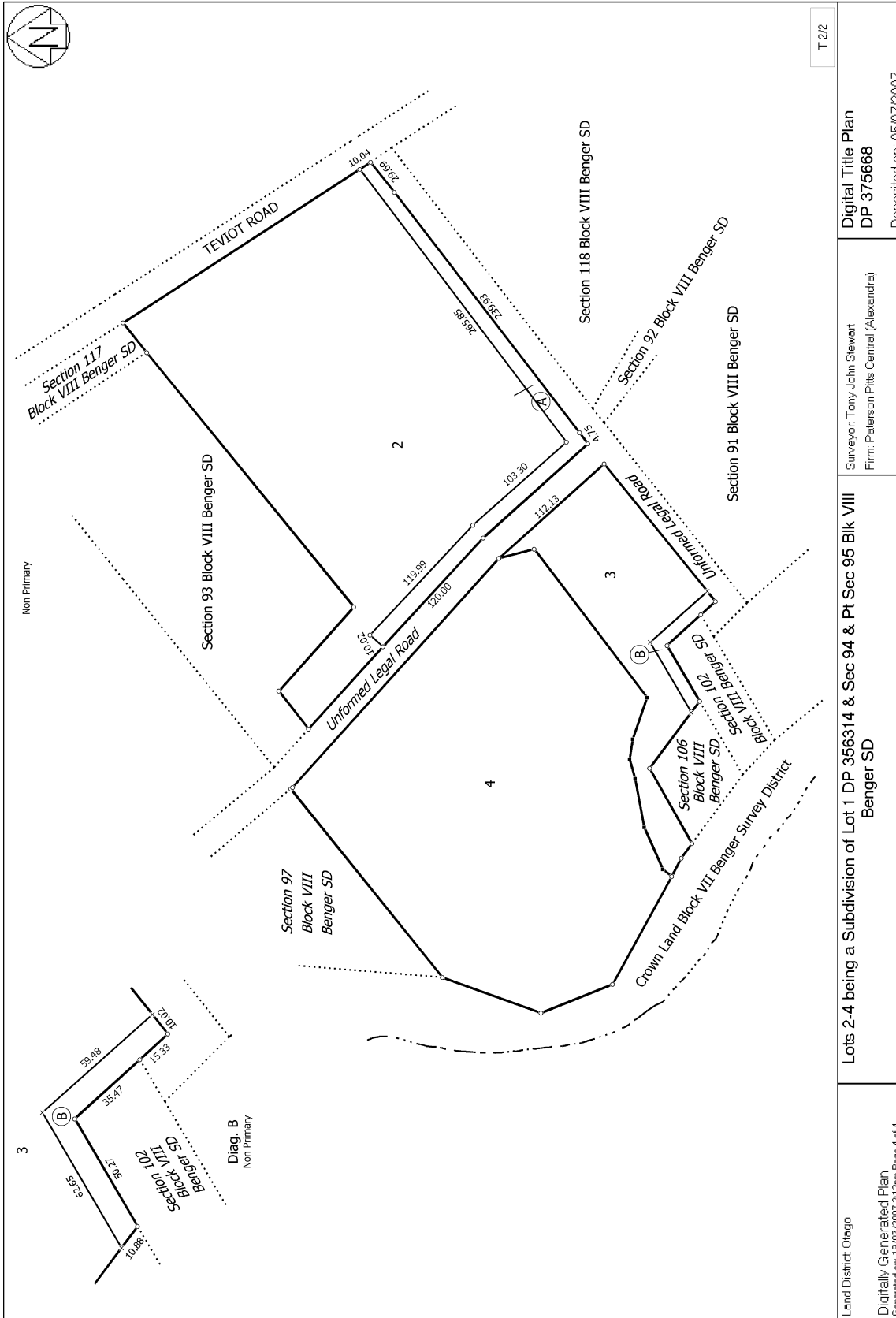
T.1/2

Digital Title Plan
DP 375668
Deposited on: 05/07/2007

Surveyor: Tony John Stewart
Firm: Paterson Pitts Central (Alexandra)

Lots 2-4 being a Subdivision of Lot 1 DP 356314 & Sec 94 & Pt Sec 95 Blk VIII Benger SD

Land District: Otago
Digitally Generated Plan
Generated on: 19/07/2007 2:12pm Page 3 of 4



Easement instrument to grant easement or profit à prendre or create land covenant
 Sections 90A and 90F, Land Transfer Act 1952

2003/6180EF
 Approved
 Registrar-General of Land

Land registration district

OTAGO

EI 6982721.1 Easement
 Cpy - 01/03, Pgs - 007, 09/08/06, 10:43

 DocID: 110792147

Grantor

Surname(s) must be underlined or in CAPITALS.

GO REAL LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.


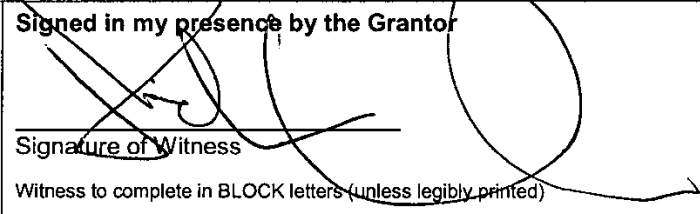

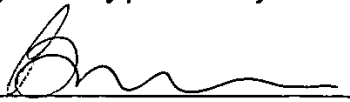
Donna May PARKER and Joanne Helen PARKER

Grant* of easement or profit à prendre or creation or covenant


The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

DATED this 18th day of May 2006

Attestation

 Signature [Common Seal] of Grantor	<p>Signed in my presence by the Grantor</p>  Signature of Witness Witness to complete in BLOCK letters (unless legibly printed) Witness name: Occupation: MICHAEL VAN AART SOLICITOR DUNEDIN. Address:
 Signature [Common Seal] of Grantee	<p>Signed in my presence by the Grantee</p>  Signature of Witness Witness to complete in BLOCK letters (unless legibly printed) Witness name: Paul Bardwell Occupation: father Address: 63 Dunns Rd RD9 Invercargill

Certified correct for the purposes of the Land Transfer Act 1952


 [Solicitor for] the Grantee

* If the consent of any person is required for the grant, the specified consent form must be used.

Annexure Schedule 1

2003/6180EF
Approved
Registrar-General of Land

Easement instrument

Dated 18 May 2006

Page 2 of 5 pages

Schedule A

Continue in additional Annexure Schedule if required.

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right of Way	A on DP354096	OT229533	OT12C/572

Easements or profits à prendre rights and powers (including terms, covenants, and conditions)

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

Unless otherwise provided below, the rights and powers provided in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

The implied rights and powers are [varied] ~~[negative]~~ ~~[added to]~~ or ~~[substituted]~~ by:

~~[Memorandum number , registered under section 155A of the Land Transfer Act 1952].~~

[The provisions set out in Annexure Schedule 2].

Covenant provisions

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number , registered under section 155A of the Land Transfer Act 1952].~~

[The provisions set out in Annexure Schedule 2].

All signing parties and either their witnesses or solicitors must sign or initial in this box.

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

Annexure Schedule 1

2003/5038EF
Approved
Registrar-General of Land

*Easement

Dated 18 May 2006

Page 3 of 5 pages

* Insert type of instrument.

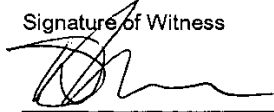
Continue in additional Annexure Schedule if required.

Continuation of "Attestation Clause"

Signed in my presence by the Grantee

Joanne Helen PARKER

Signature of Witness



Witness to complete in BLOCK letters

(unless typewritten or legibly stamped)

Witness name WYNTON LAWSON

Occupation ALUMINIUM TECHNICIAN

Address 143 LAYARD ST
INVIERCARGILL



Signature of Grantee

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule 1

2003/5038EF
Approved
Registrar-General of Land

*Easement

Dated 18 May 2006

Page 4 of 5 pages

* Insert type of instrument.

Continue in additional Annexure Schedule if required.

The provisions of Schedule 4 of the Land Transfer Regulations 2002 are modified as follows:

1. Clause 6(3)(a) is deleted and replaced as follows:

6(3) A right of way includes:

- (a) The right of the Grantee's to form and maintain a driveway, at the cost of the Grantees, provided that the formed driveway will be no wider than 6 metres and will be located within the easement facility along the south-western and south-eastern boundary of the easement facility adjacent to Section 102, Block VIII Benger Survey District.

2. The addition of the following clauses 6(4) and (5):

6(4) The Grantee's rights detailed in clauses 6(1), (2) and (3) only apply to the 6 metre wide strip within the easement facility referred to in clause 6(3)(a) and no restrictions are placed on the Grantor's use and enjoyment of the balance of the Grantor's land in the easement facility, being the 4 metre strip more or less along the north-western and north-eastern boundary of the easement facility, where the Grantees have no right to form, maintain or use a driveway.

6(5) Notwithstanding anything else contained herein, or in Schedule 4 to the Land Transfer Regulations 2002, the Grantor shall at no stage be responsible for contributing to the formation, maintenance or repair of the Easement facility or driveway which forms the Right of Way.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule – Consent Form
Land Transfer Act 1952 section 238(2)

Insert type of instrument
"Caveat", "Mortgage" etc

Easement Instrument

Page **5** of **5** pages

Consentor
Surname must be underlined

Capacity and Interest of Consentor
(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

ANZ NATIONAL BANK LIMITED	Mortgagee under mortgage no. 6598826.3
---------------------------	--

Consent
Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.
Delete words in [] if inconsistent with the consent.
State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952] section 147 of the Land Transfer Act 1952

[section of the Act]

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

the registration of Easement Instrument creating a Right of Way

Dated this 18th day of May 2006

Attestation

<p>ANZ National Bank Limited by its Attorney</p> <p><u>Chandra Rekha Prasad</u> Signature of Consentor</p>	<p>Signed in my presence by the Consentor</p> <p><u>[Signature]</u> Signature of Witness</p> <p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p>Witness name SATH DEO Occupation BANK OFFICER AUCKLAND Address</p>
--	---

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.



The National Bank of New Zealand

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, **Chandra Rekha Prasad**, Manager Lending Services of Auckland in New Zealand certifies that:

1. By Deed dated 28 June 1996 deposited in the Land Registry Offices situated at:

Auckland	as No.	D.016180	Hokitika	as No.	105147
Blenheim	as No.	186002	Invercargill	as No.	242542.1
Christchurch	as No.	A.256503.1	Napier	as No.	644654.1
Dunedin	as No.	911369	Nelson	as No.	359781
Gisborne	as No.	G.210991	New Plymouth	as No.	433509
Hamilton	as No.	B.355185	Wellington	as No.	B.530013.1

The National Bank of New Zealand Limited appointed me its attorney with the powers and authorities specified in that Deed.

2. On 26th June 2004 The National Bank of New Zealand Limited was amalgamated with ANZ Banking Group (New Zealand) Limited to become ANZ National Bank Limited and the property being dealt with pursuant to the Deed has become the property of ANZ National Bank Limited (as the amalgamated company) under Part XIII of the Companies Act 1993.
3. At the date of this certificate, I am the Manager Lending Services, Auckland Lending Services Centre of The National Bank of New Zealand, part of the ANZ National Bank Limited.
4. At the date of this certificate, I have not received any notice or information of the revocation of that appointment by the winding-up or dissolution of the ANZ National Bank Limited or otherwise.

DATED at Auckland this 18th day of May 2006.



Landoline User ID: checkettsma

LOGGING FIRM: Checketts McKay

Address: P O Box 41

Alexandra

Uniting Box Number: 12

ASSOCIATED FIRM:

Client Code / Ref: 40078 Parker JGR/CB

HEREBINT:

Survey Plan (S)

Title Plan (T)

Traverse Sheets (V)

Field Notes (F)

Calc Sheets (C)

Survey Report

Dealing / SUP Number: (LINZ Use only)

Property Measurement Stamp (LINZ use only)

Plan Number Pre-Allocated or to be Dealt:

Rejected Dealing Number:

Other (State)

FOR DEPOSIT ONLY
09/08/2006 10:07 000000#1268 0001
CHECKUE \$52.00

Priority Order	CT Ref	Type of Instrument	Name of Parties	DOCUMENT OR SURVEY FEES	MULTI-TITLE FEES	NOTICES	ADVERTISING	NEW TITLES	OTHER	REGISTRATION & PROBATE FEE	FEES & GST INCLUSIVE
1	229593	E	GO REAL LIMITED to D M Parker & J H PARKER	50.00	1						\$52.00
2											
3											
4											
5											
6											

Land Information New Zealand Landward Form

AMOUNTS: LINZ USE ONLY

Please Receipt and Tax Invoices

QST Registered Number 17-027-896

LINZ Form 5005

LINZ Form P005 - PDF

Original Signature? *Pe Dea*

Less Fees paid on Dealing #

Cash/Cheque enclosed for

Subtotal (for this page) \$52.00

Total for this dealing \$52.00

\$52.00



IN THE MATTER of Lots 2- 4 DP 375668 being a subdivision of Lot1 DP 356314 and Section 94 and Part Section 95 Block VIII Benger Survey District being C'sT 304420 and 304421.

AND

IN THE MATTER of resource consent RC 060145 from the Central Otago District Council to subdivide the above land.

CONSENT NOTICE PURSUANT
TO SECTION 221 OF THE
RESOURCE MANAGEMENT ACT 1991

PATERSON PITTS PARTNERS LTD
REGISTERED SURVEYORS
P O Box 103
ALEXANDRA

In accordance with the conditions of resource consent RC 060145 of the Central Otago District Council, granted pursuant to Section 105 of the Resource Management Act 1991 dated 4 August 2006, the following conditions are to be imposed on an ongoing basis by a consent notice to be registered against the certificates of title for Lots 2-4 DP 375668.

Access

1. Apart from the upgraded access required in terms of condition 4 of RC 060145, no other vehicular access shall be achieved to Teviot Road from Lot 2.

Building Platform

2. Any dwelling on Lot 4 is to be located on in situ material within the building platform shown on plan A3656 entitled "Matershev-Levels-Millers Flat" dated 21 December 2005.
3. The building floor level for the dwelling on Lot 4 shall have a minimum elevation of 75.22m in terms of Dunedin Vertical Datum 1958.
4. Any dwelling on Lot 4 shall be located so as to maintain a minimum clearance of 5 metres from tailings banks to avoid any risk of bank collapse.

Wastewater

Wastewater

5. At the time of construction of a dwelling on Lot 4 or Lots 2/3, an on site wastewater disposal system that complies with the requirements of AS/NZS 1547:2000 "On-site Domestic Wastewater Management" shall be designed by a suitably qualified professional.
6. A copy of the design and designer producer statement shall be supplied to the Chief Executive. The dwelling shall not be constructed until the design and producer statement have been supplied to the Chief Executive.
7. The designer shall supervise the installation and construction of the system and shall provide a construction producer statement to the Chief Executive.

8. An operation and maintenance manual shall be provided to the owner of the system by the designer and a copy supplied to the Chief Executive. This manual shall include a maintenance schedule and an as-built plan of the system dimensioned in relation to the legal property boundaries. A code of compliance certificate for the dwelling and/or disposal system shall not be issued until the construction producer statement and a copy of the owner's maintenance and operating manual have been supplied to the Chief Executive. The maintenance and operating manual shall be transferred to each subsequent owner of the disposal system.
9. Disposal areas shall be located such that the maximum separation (in all instances greater than 50m) is obtained from any water course or any water supply bore.

Water

10. Prior to the construction of a dwelling on Lot 4 or Lots2/3 an adequate domestic water supply is to be made available to the dwelling and any such source shall be tested by a suitably qualified laboratory with the scope of analysis being to the satisfaction of the Chief Executive having regard to the contents of the submission by Public Health South dated 13 June 2006.
11. At the time a dwelling is erected on Lot 4 or Lots2/3, domestic water and fire fighting storage is to be provided by a standard 30,000 litre tank. Of this total capacity, a minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve. Alternatively an 11,000 litre fire fighting reserve is to be made available for each dwelling in association with a domestic sprinkler system installed in each dwelling to an approved standard. A fire fighting connection is to be located within 90 metres of any proposed dwelling on the site. In order to ensure that connections are compatible with New Zealand Fire Service equipment the fittings are to comply with the following standards:
 - (a) Either: 70mm Instantaneous Couplings (Female) NZS 4505, or 100mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling e.g. 100mm coupling has 100mm hose tail) provided that the consent holder shall provide written confirmation from the NZ Fire Service to the Chief Executive to confirm that the couplings are appropriate for fire fighting services.
 - (b) The connection shall have a hardstand area adjacent to it to allow a New Zealand Fire Service appliance to park on it. Access shall be maintained at all times to the hardstand area.

12. Fire fighting water supply may be provided by means other than the above if the written approval of the New Zealand Fire Service is obtained for the proposed method.


Electricity and Telecommunications

13. It shall be the responsibility of the consent holder or successor to meet the costs associated with the installation and upgrading of the electricity and telecommunication reticulation if necessary to meet the needs of the subdivision, and any such new reticulation shall be located underground.

DATED this.....*8th*.....day of *June*.....2007

SIGNED for and on behalf of the

CENTRAL OTAGO DISTRICT COUNCIL

fr by its Chief Executive.....

L.A. van der Voort
(Pursuant to delegated authority)

Approved by Registrar-General of Land under No. 2002/6055
Easement instrument to grant easement or *profit à prendre*, or create land covenant
 Sections 90A and 90F, Land Transfer Act 1952

Land registration district

OTAGO



EI 7449112.5 Easement I

Cpy - 01/01, Pgs - 006, 04/07/07, 13:20



DocID: 212019138

Grantor

Surname(s) must k

GO REAL LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.

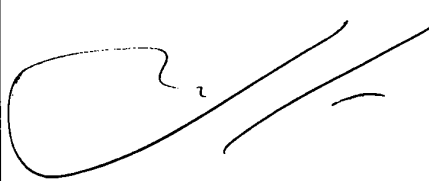
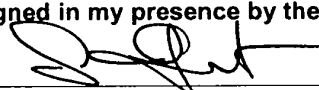
GO REAL LIMITED


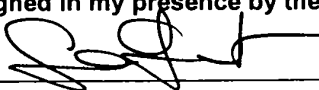
Grant* of easement or *profit à prendre* or creation or covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

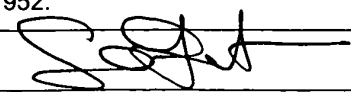
Dated this 12th day of April 2007

Attestation

	Signed in my presence by the Grantor 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation SAMUEL GUEST SOLICITOR DUNEDIN Address
Signature [common seal] of Grantor	

	Signed in my presence by the Grantee 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation SAMUEL GUEST SOLICITOR DUNEDIN Address
Signature [common seal] of Grantee	

Certified correct for the purposes of the Land Transfer Act 1952.



[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

Annexure Schedule 1



Easement instrument

Dated

12 April 2007

Page

1

of

2

pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right of Way	A on DP 375668	304420	304421

Easements or profits à prendre rights and powers (including terms, covenants, and conditions)

*Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.*

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

The implied rights and powers are **[varied]** ~~[negated]~~ ~~[added to]~~ or ~~[substituted]~~ by:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].~~

~~[the provisions set out in Annexure Schedule 2].~~

Covenant provisions

*Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.*

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].~~

~~[Annexure Schedule 2].~~

All signing parties and either their witnesses or solicitors must sign or initial in this box

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

EasementEasement

Dated 12 April 2007

Page 2 of 2 Pages

(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 2

Clause 11(ii) of the Schedule 4 of the Land Transfer Regulations 2002 is modified to the extent that the following proviso is inserted at the end of Clause 11 (ii):

Provided however where the need for maintenance, repair or replacement of the Easement facility is directly attributable to the act or omission of the Grantor or the Grantee, the costs shall be borne solely by the party to whom the act or omission is attributed, or in such proportion as relates to the act or omission.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

A handwritten signature in black ink, appearing to be "JWG".

A handwritten signature in black ink, appearing to be "JWG".

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Easement

Page **1** of **1** pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

ANZ National Bank Limited

Mortgage no. 6598826.3

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to ~~section 238(2) of the Land Transfer Act 1952~~

~~section~~ of the ~~Act~~ Act

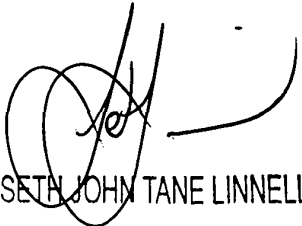
[Without prejudice to the rights and powers existing under the interest of the Consentor]


the Consentor hereby consents to:

the registration of the within Easement.

Dated this **13 APR 2007** day of **2007**

Attestation


SETH JOHN TANE LINNELL
Signature of Consentor

Signed in my presence by the Consentor

Signature of Witness
Witness to complete in BLOCK letters (unless legibly printed)
Witness name
Occupation **Latasha Elizabeth Koloni**
Bank Officer
Address **Auckland**

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

ANZ NATIONAL BANK LIMITED
CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, **Seth John Tane Linnell** Manager Lending Services of Auckland in New Zealand, certify that:

1. By Deed dated 28 June 1996 deposited in the Land Registry Offices situated at:

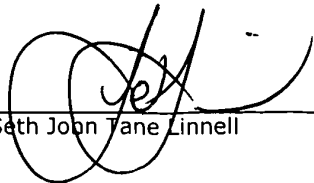
Auckland	as No.	D.016180 Hokitika	as No.	105147
Blenheim	as No.	186002 Invercargill	as No.	242542.1
Christchurch	as No.	A.256503.1 Napier	as No.	644654.1
Dunedin	as No.	911369 Nelson	as No.	359781
Gisborne	as No.	G.210991 New Plymouth	as No.	433509
Hamilton	as No.	B.355185 Wellington	as No.	B.530013.1

The National Bank of New Zealand Limited appointed me its attorney with the powers and authorities specified in that Deed.

2. On 26 June 2004 The National Bank of New Zealand Limited was amalgamated with ANZ Banking Group (New Zealand) Limited to become ANZ National Bank Limited and the rights, powers and property covered by the Deed have become the rights, powers and property of ANZ National Bank Limited (as the amalgamated company) under Part XIII of the Companies Act 1993.
3. On 18 August 2006 Arawata Investments Limited and Philodendron Investments Limited (Amalgamating Companies) among other companies, amalgamated with ANZ National Bank Limited to become ANZ National Bank Limited. Accordingly, on that date ANZ National Bank Limited (as the amalgamated company) succeeded to all the property, rights, powers, privileges, liabilities and obligations of each of the Amalgamating Companies under Part XIII of the Companies Act 1993.
4. At the date of this certificate, I am a Manager Lending Services, Auckland Lending Services Centre of The National Bank of New Zealand, part of the ANZ National Bank Limited.
5. At the date of this certificate, I have not received any notice of the revocation of that appointment by the winding-up or dissolution of the ANZ National Bank Limited or otherwise.

SIGNED by the abovenamed
Attorney at Auckland on this
13th day of **April**

2007

)
)

Seth John Tane Linnell



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier 304421
Land Registration District Otago
Date Issued 05 July 2007

Prior References
229533

Estate Fee Simple
Area 6.4566 hectares more or less
Legal Description Lot 4 Deposited Plan 375668

Registered Owners
Gareth David Wilson and Gabrielle Claire Campbell-Lloyd

Interests

Subject to Section 11 Crown Minerals Act 1991

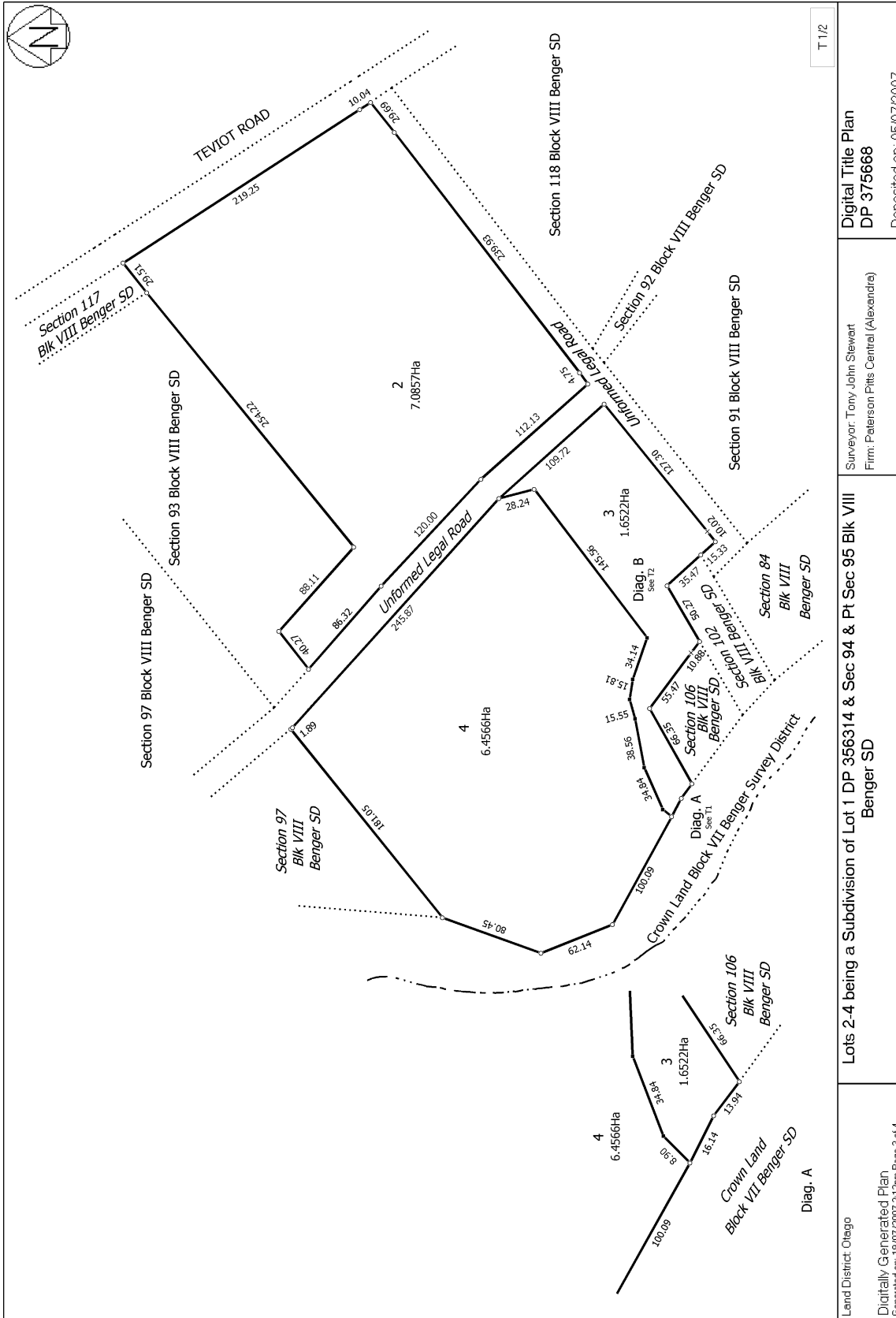
Subject to Part IV A Conservation Act 1987

7449112.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 5.7.2007 at 9:00 am

Appurtenant hereto is a right of way created by Easement Instrument 7449112.5 - 5.7.2007 at 9:00 am

The easements created by Easement Instrument 7449112.5 are subject to Section 243 (a) Resource Management Act 1991

7991225.3 Mortgage to Westpac New Zealand Limited - 28.11.2008 at 1:18 pm



T.1/2

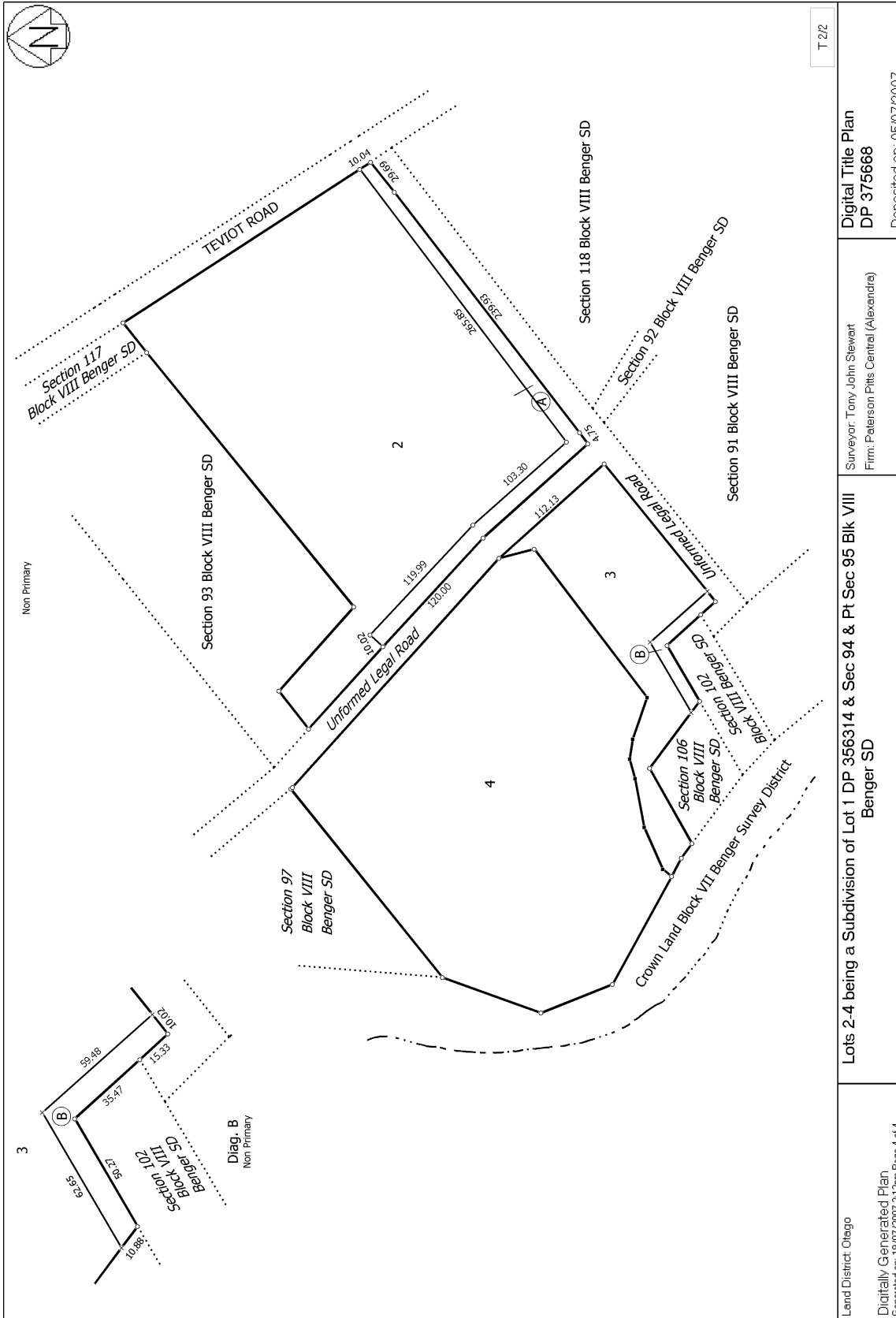
Digital Title Plan
DP 375668

Surveyor: Tony John Stewart
Firm: Paterson Pitts Central (Alexandra)

Lots 2-4 being a Subdivision of Lot 1 DP 356314 & Sec 94 & Pt Sec 95 Blk VIII Benger SD

Land District: Otago
Digitally Generated Plan
Generated on: 19/07/2007 2:12pm Page 3 of 4

Deposited on: 05/07/2007





IN THE MATTER of Lots 2- 4 DP 375668 being a subdivision of Lot1 DP 356314 and Section 94 and Part Section 95 Block VIII Benger Survey District being C'sT 304420 and 304421.

AND

IN THE MATTER of resource consent RC 060145 from the Central Otago District Council to subdivide the above land.

CONSENT NOTICE PURSUANT
TO SECTION 221 OF THE
RESOURCE MANAGEMENT ACT 1991

PATERSON PITTS PARTNERS LTD
REGISTERED SURVEYORS
P O Box 103
ALEXANDRA

In accordance with the conditions of resource consent RC 060145 of the Central Otago District Council, granted pursuant to Section 105 of the Resource Management Act 1991 dated 4 August 2006, the following conditions are to be imposed on an ongoing basis by a consent notice to be registered against the certificates of title for Lots 2-4 DP 375668.

Access

1. Apart from the upgraded access required in terms of condition 4 of RC 060145, no other vehicular access shall be achieved to Teviot Road from Lot 2.

Building Platform

2. Any dwelling on Lot 4 is to be located on in situ material within the building platform shown on plan A3656 entitled "Matershev-Levels-Millers Flat" dated 21 December 2005.
3. The building floor level for the dwelling on Lot 4 shall have a minimum elevation of 75.22m in terms of Dunedin Vertical Datum 1958.
4. Any dwelling on Lot 4 shall be located so as to maintain a minimum clearance of 5 metres from tailings banks to avoid any risk of bank collapse.

Wastewater

Wastewater

5. At the time of construction of a dwelling on Lot 4 or Lots 2/3, an on site wastewater disposal system that complies with the requirements of AS/NZS 1547:2000 "On-site Domestic Wastewater Management" shall be designed by a suitably qualified professional.
6. A copy of the design and designer producer statement shall be supplied to the Chief Executive. The dwelling shall not be constructed until the design and producer statement have been supplied to the Chief Executive.
7. The designer shall supervise the installation and construction of the system and shall provide a construction producer statement to the Chief Executive.

8. An operation and maintenance manual shall be provided to the owner of the system by the designer and a copy supplied to the Chief Executive. This manual shall include a maintenance schedule and an as-built plan of the system dimensioned in relation to the legal property boundaries. A code of compliance certificate for the dwelling and/or disposal system shall not be issued until the construction producer statement and a copy of the owner's maintenance and operating manual have been supplied to the Chief Executive. The maintenance and operating manual shall be transferred to each subsequent owner of the disposal system.
9. Disposal areas shall be located such that the maximum separation (in all instances greater than 50m) is obtained from any water course or any water supply bore.

Water

10. Prior to the construction of a dwelling on Lot 4 or Lots2/3 an adequate domestic water supply is to be made available to the dwelling and any such source shall be tested by a suitably qualified laboratory with the scope of analysis being to the satisfaction of the Chief Executive having regard to the contents of the submission by Public Health South dated 13 June 2006.
11. At the time a dwelling is erected on Lot 4 or Lots2/3, domestic water and fire fighting storage is to be provided by a standard 30,000 litre tank. Of this total capacity, a minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve. Alternatively an 11,000 litre fire fighting reserve is to be made available for each dwelling in association with a domestic sprinkler system installed in each dwelling to an approved standard. A fire fighting connection is to be located within 90 metres of any proposed dwelling on the site. In order to ensure that connections are compatible with New Zealand Fire Service equipment the fittings are to comply with the following standards:
 - (a) Either: 70mm Instantaneous Couplings (Female) NZS 4505, or 100mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling e.g. 100mm coupling has 100mm hose tail) provided that the consent holder shall provide written confirmation from the NZ Fire Service to the Chief Executive to confirm that the couplings are appropriate for fire fighting services.
 - (b) The connection shall have a hardstand area adjacent to it to allow a New Zealand Fire Service appliance to park on it. Access shall be maintained at all times to the hardstand area.

12. Fire fighting water supply may be provided by means other than the above if the written approval of the New Zealand Fire Service is obtained for the proposed method.

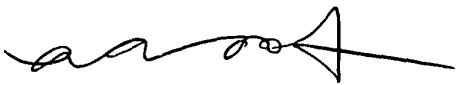
Electricity and Telecommunications

13. It shall be the responsibility of the consent holder or successor to meet the costs associated with the installation and upgrading of the electricity and telecommunication reticulation if necessary to meet the needs of the subdivision, and any such new reticulation shall be located underground.

DATED this.....8th.....day of June.....2007

SIGNED for and on behalf of the

CENTRAL OTAGO DISTRICT COUNCIL


by its Chief Executive.....

L.A. van der Voort
(Pursuant to delegated authority)

Approved by Registrar-General of Land under No. 2002/6055
Easement instrument to grant easement or profit à prendre, or create land covenant
 Sections 90A and 90F, Land Transfer Act 1952

Land registration district

OTAGO



EI 7449112.5 Easement I

Cpy - 01/01, Pgs - 006, 04/07/07, 13:20



DocID: 212019138

Grantor

Surname(s) must k

GO REAL LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.

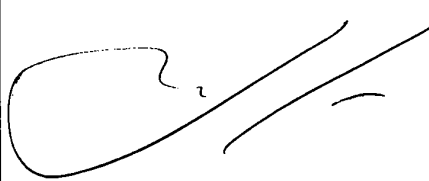
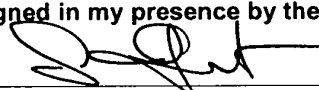
GO REAL LIMITED


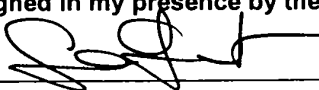
Grant* of easement or profit à prendre or creation or covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

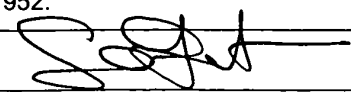
Dated this 12th day of April 2007

Attestation

	Signed in my presence by the Grantor 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation SAMUEL GUEST SOLICITOR DUNEDIN Address
Signature [common seal] of Grantor	

	Signed in my presence by the Grantee 
	Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation SAMUEL GUEST SOLICITOR DUNEDIN Address
Signature [common seal] of Grantee	

Certified correct for the purposes of the Land Transfer Act 1952.



[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

Annexure Schedule 1



Easement instrument

Dated

12 April 2007

Page

1

of

2

pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right of Way	A on DP 375668	304420	304421

Easements or profits à prendre rights and powers (including terms, covenants, and conditions)

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

The implied rights and powers are **[varied]** ~~[negated]~~ ~~[added to]~~ or ~~[substituted]~~ by:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].~~

~~[the provisions set out in Annexure Schedule 2].~~

Covenant provisions

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].~~

~~[Annexure Schedule 2].~~

All signing parties and either their witnesses or solicitors must sign or initial in this box

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

EasementEasement

Dated 12 April 2007

Page 2 of 2 Pages

(Continue in additional Annexure Schedule, if required.)

ANNEXURE SCHEDULE 2

Clause 11(ii) of the Schedule 4 of the Land Transfer Regulations 2002 is modified to the extent that the following proviso is inserted at the end of Clause 11 (ii):

Provided however where the need for maintenance, repair or replacement of the Easement facility is directly attributable to the act or omission of the Grantor or the Grantee, the costs shall be borne solely by the party to whom the act or omission is attributed, or in such proportion as relates to the act or omission.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

A handwritten signature in black ink, appearing to be "JWG".

A handwritten signature in black ink, appearing to be "JWG".

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Easement

Page **1** of **1** pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

ANZ National Bank Limited

Mortgage no. 6598826.3

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to ~~section 238(2) of the Land Transfer Act 1952~~

~~section~~ of the ~~Act~~ Act

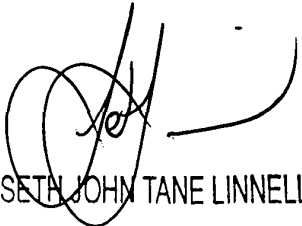
[Without prejudice to the rights and powers existing under the interest of the Consentor]


the Consentor hereby consents to:

the registration of the within Easement.

Dated this **13 APR 2007** day of **2007**

Attestation


SETH JOHN TANE LINNELL
Signature of Consentor

Signed in my presence by the Consentor

Signature of Witness
Witness to complete in BLOCK letters (unless legibly printed)
Witness name
Occupation **Latasha Elizabeth Koloni**
Bank Officer
Address **Auckland**

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

ANZ NATIONAL BANK LIMITED
CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, **Seth John Tane Linnell** Manager Lending Services of Auckland in New Zealand, certify that:

1. By Deed dated 28 June 1996 deposited in the Land Registry Offices situated at:

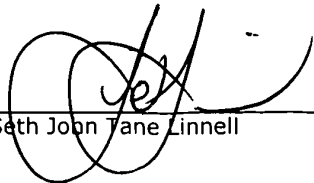
Auckland	as No.	D.016180 Hokitika	as No.	105147
Blenheim	as No.	186002 Invercargill	as No.	242542.1
Christchurch	as No.	A.256503.1 Napier	as No.	644654.1
Dunedin	as No.	911369 Nelson	as No.	359781
Gisborne	as No.	G.210991 New Plymouth	as No.	433509
Hamilton	as No.	B.355185 Wellington	as No.	B.530013.1

The National Bank of New Zealand Limited appointed me its attorney with the powers and authorities specified in that Deed.

2. On 26 June 2004 The National Bank of New Zealand Limited was amalgamated with ANZ Banking Group (New Zealand) Limited to become ANZ National Bank Limited and the rights, powers and property covered by the Deed have become the rights, powers and property of ANZ National Bank Limited (as the amalgamated company) under Part XIII of the Companies Act 1993.
3. On 18 August 2006 Arawata Investments Limited and Philodendron Investments Limited (Amalgamating Companies) among other companies, amalgamated with ANZ National Bank Limited to become ANZ National Bank Limited. Accordingly, on that date ANZ National Bank Limited (as the amalgamated company) succeeded to all the property, rights, powers, privileges, liabilities and obligations of each of the Amalgamating Companies under Part XIII of the Companies Act 1993.
4. At the date of this certificate, I am a Manager Lending Services, Auckland Lending Services Centre of The National Bank of New Zealand, part of the ANZ National Bank Limited.
5. At the date of this certificate, I have not received any notice of the revocation of that appointment by the winding-up or dissolution of the ANZ National Bank Limited or otherwise.

SIGNED by the abovenamed
Attorney at Auckland on this
13th day of **April**

2007

)
)

Seth John Tane Linnell



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Limited as to Parcels
Search Copy**




R.W. Muir
Registrar-General
of Land

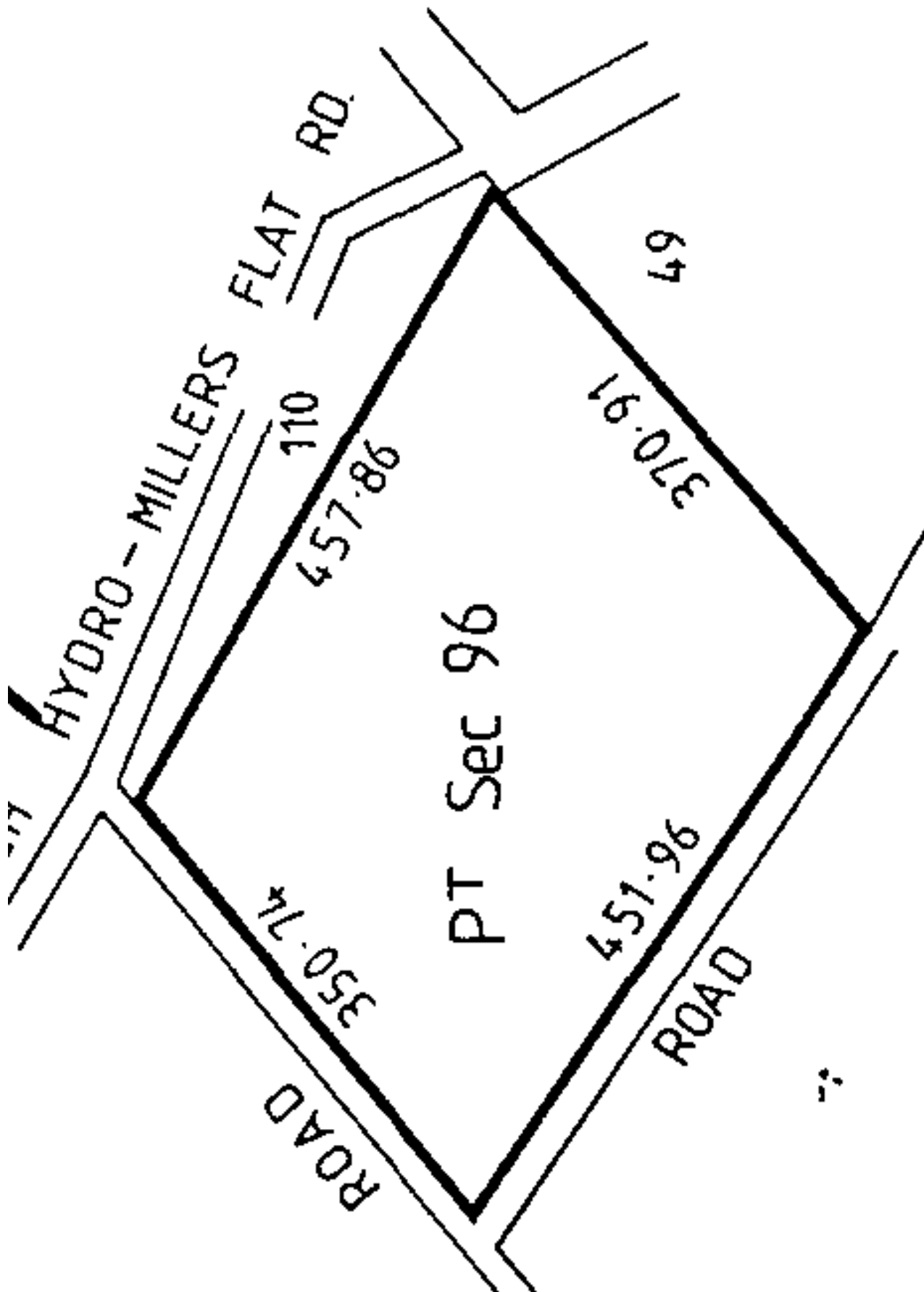
Identifier OT12C/430
Land Registration District Otago
Date Issued 30 March 1989

Prior References
OT304/59

Estate Fee Simple
Area 15.5602 hectares more or less
Legal Description Part Section 96 Block VIII Benger Survey
District

Registered Owners
Georgia Rose Parker and Matthew Ross Hunter

Interests
12255482.3 Mortgage to ANZ Bank New Zealand Limited - 8.11.2021 at 3:40 pm





RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Limited as to Parcels
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **OT12C/572**
Land Registration District **Otago**
Date Issued 21 March 1989

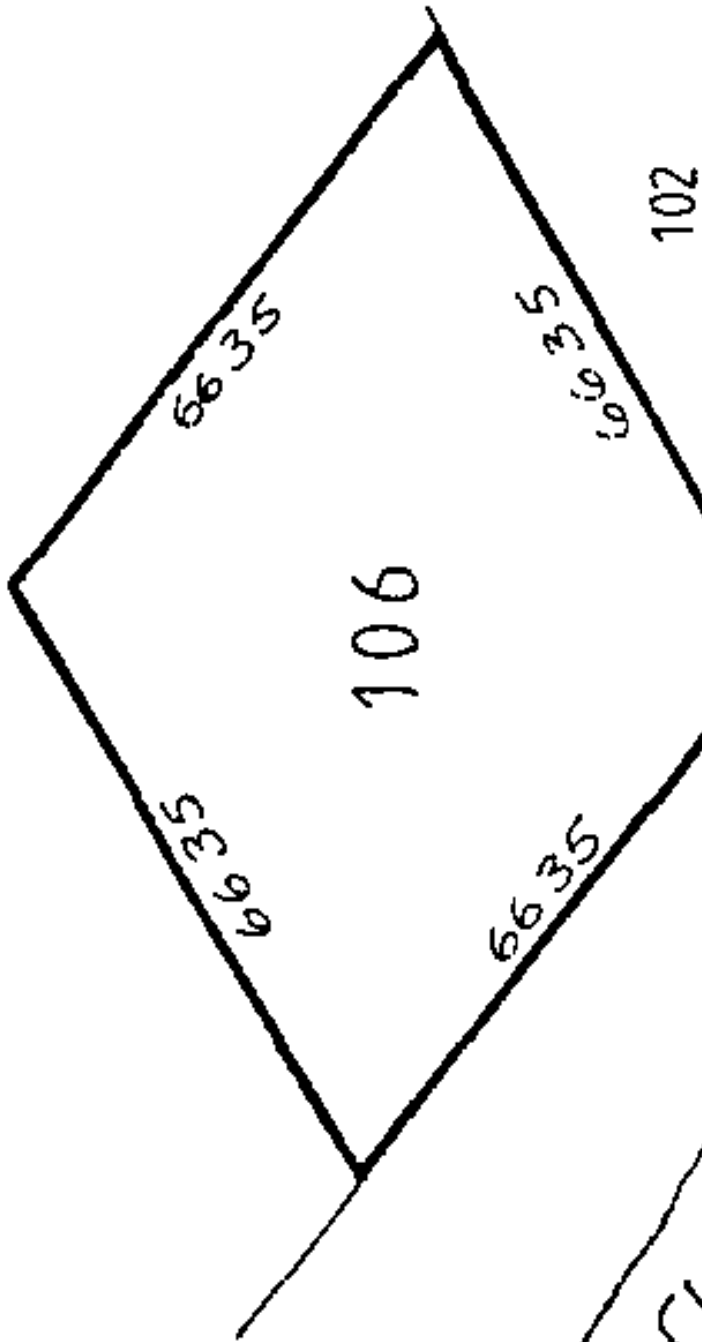
Prior References
OT1D/1456

Estate Fee Simple
Area 4047 square metres more or less
Legal Description Section 106 Block VIII Benger Survey
District

Registered Owners
Donna May Parker as to a 1/2 share
Joanne Helen Parker as to a 1/2 share

Interests
Subject to Section 8 Mining Act 1971
Subject to Section 5 Coal Mines Act 1979
Appurtenant hereto is a right of way created by Easement Instrument 6982721.1 - 10.8.2006 at 9:00 am

PT 95



SO 15961

Area 1.01



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier **OT18B/927**

Land Registration District **Otago**

Date Issued 31 July 1997

Prior References

OT18B/512 OT7D/1351

Estate Fee Simple
Area 4.5312 hectares more or less
Legal Description Section 1 Survey Office Plan 24419 and
Section 49 Block VIII Bengier Survey
District

Registered Owners

Minzion Station Limited

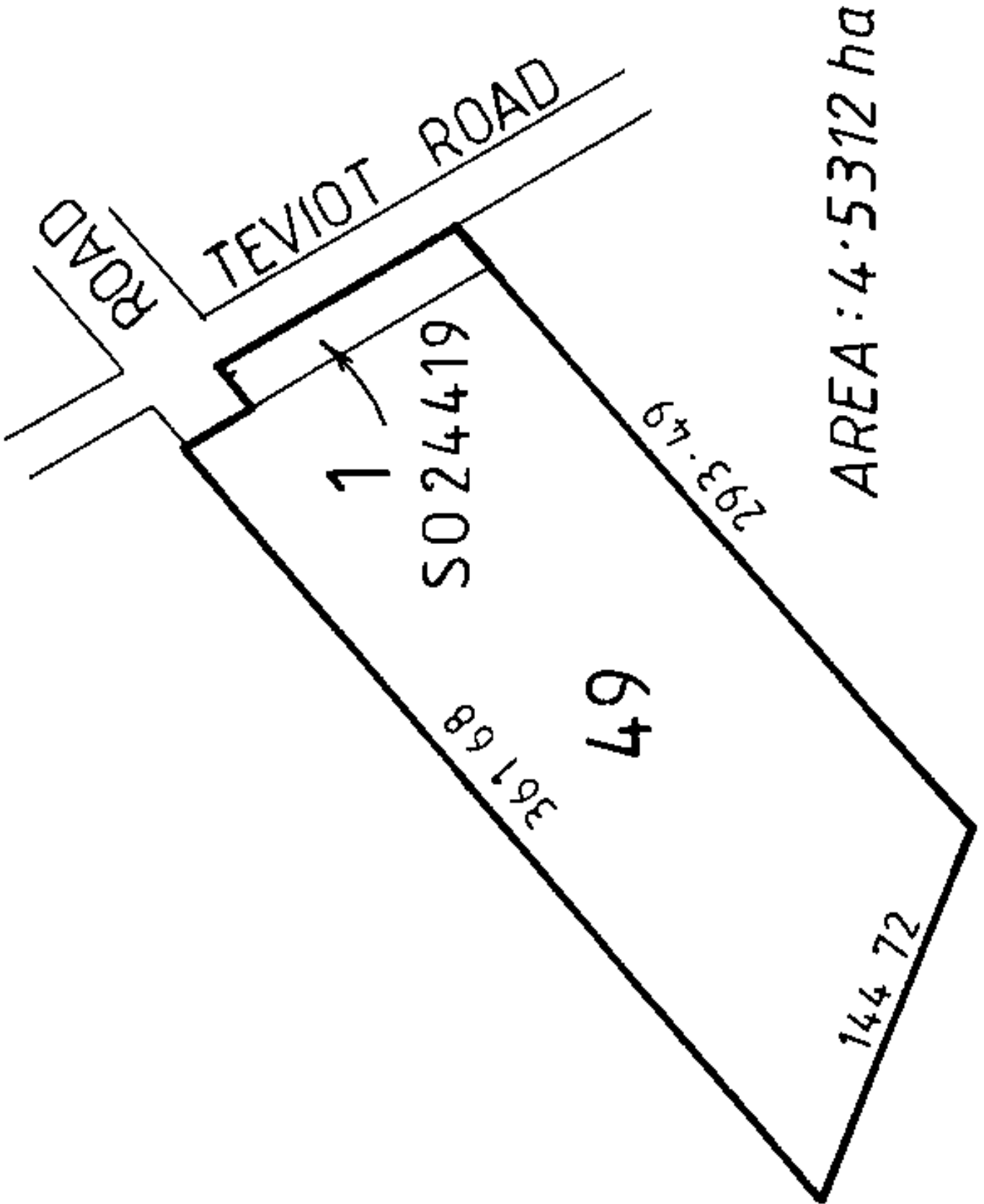
Interests

Subject to a right (in gross) to convey electricity over part Section 49 Block VIII Bengier Survey District marked O, P and Y on DP 392883 and Section 1 SO 24419 marked Z on DP 392883 and to transform electricity over part Section 49 Block VIII Bengier Survey District marked P on DP 392883 in favour of Aurora Energy Limited created by Easement Instrument 9553404.4 - 29.7.2015 at 4:57 pm

10395275.2 Mortgage to Westpac New Zealand Limited - 31.5.2016 at 2:24 pm

11771234.1 CAVEAT BY AURORA ENERGY LIMITED - 9.7.2020 at 4:08 pm

12395534.1 Variation of Mortgage 10395275.2 - 9.3.2022 at 9:23 am



View Instrument Details



Instrument No 9553404.4
Status Registered
Date & Time Lodged 29 July 2015 16:57
Lodged By Barlow, Cheryl May
Instrument Type Easement Instrument



Affected Computer Registers **Land District**

OT18B/927	Otago
OT18B/928	Otago
OT18C/234	Otago

Annexure Schedule: Contains 8 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Grant Edwin Dowland as Grantor Representative on 13/05/2015 01:54 PM

Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by David James Smillie as Grantee Representative on 19/05/2015 12:37 PM

*** End of Report ***

Form B

Easement instrument to grant easement or *profit à prendre*, or create land covenant

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

Grantor

Contact Energy Limited

Grantee

AURORA ENERGY LIMITED

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, **or creates** the covenant(s) **set out** in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right to Convey Electricity	"O", "P", "Y" and "Z"	OT18B/927	in gross
	"N"	OT18B/928	in gross
	"M" and "Q"	OT18C/234	in gross
Right to Transform Electricity	"P"	OT18B/927	in gross
	"Q"	OT18C/234	in gross
	All shown on DP 392883		

Form B - continued

Easements or profits à prendre rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

All rights and powers and the implied rights and powers are hereby ~~varied~~ ~~negated~~ ~~added to~~ and or ~~substituted~~ by:

[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]

[the provisions set out in Annexure Schedule 2]

Covenant provisions

Delete phrases in [] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

~~The provisions applying to the specified covenants are those set out in:~~

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule]~~

Annexure Schedule 2

CONTINUATION OF "EASEMENTS TO BE CREATED OR PROFITS A PRENDRE RIGHTS AND POWERS (INCLUDING TERMS, COVENANTS AND CONDITIONS)"

The Grantee shall have as easements in gross forever in favour of the Grantee the following rights

- (a) To erect overhead power lines and ancillary equipment on, and convey electricity across that part of the Servient Tenement marked "M", "N", "O", "P", "Q", "Y" and "Z" on Deposited Plan 392883 (hereafter referred to as "overhead lines easement");
- (b) To install and maintain underground cables and ancillary equipment on, and convey electricity under and through the soil of that part of the Servient Tenement marked "M", "N", "O", "P", "Q", "Y" and "Z" on Deposited Plan 392883 (hereinafter referred to as "underground cables easement"); and
- (c) To establish and maintain on that part of the Servient Tenement marked "P" and "Q" on Deposited Plan 392883 (hereinafter referred to as the "substation site").

TERMS, CONDITIONS, COVENANTS OR RESTRICTIONS

1. Underground Cables Easement and Overhead Lines Easement

The Grantee shall have the right

- (a) To lead and convey electricity and electric impulses without interruption or impediment (except during any periods of necessary renewal or repair) by means of conduits, cables, pipes and ancillary equipment laid or to be laid under the surface of and through the soil of the underground cables easement;
- (b) To lay, place, erect, suspend, inspect, repair, maintain, renew and replace under the surface of and through the soil of the underground cables easement such conduits, cables, pipes and ancillary equipment as may be necessary to convey such electricity of electrical impulses by means of the said conduits, cables, pipes and ancillary equipment;
- (c) To lead and convey electricity and electric impulses without interruption or impediment (except during any periods of necessary renewal or repair) by means of overhead transmission lines erected or to be erected across the overhead lines easement; and
- (d) To erect and place, lay, suspend, inspect, repair, maintain, renew and replace such poles and ancillary equipment and to suspend such line or lines from the said poles and ancillary equipment as may be necessary to convey such electricity and electric impulses by means of the said overhead transmission lines across the overhead lines easement.

2. Substation Site Easement

The Grantee shall have the right to construct, install, place, inspect, repair, maintain, renew and replace on the substation site an electricity substation and ancillary equipment.

3. Statutory Provisions

Subject to the amendments and Additional Covenants, Rights and Powers described below, the relevant provisions of Schedule Four of the Land Transfer Regulations 2002 are implied into the underground cables easement, the overhead lines easement and the substation site easement. The amendments are as follows and apply to both easements:

- (a) Regulation 7 is not implied in this Instrument;
- (b) Regulation 10(3) is not implied in this Instrument;
- (c) Regulation 11(3) is deleted and substituted with the following:

“If the easement is in gross, the grantee bears the cost of all its own installation, maintenance and upgrade work done outside the servient land”;

- (d) Regulation 12(1)(a) is deleted and substituted with the following:

“enter upon the servient land by a reasonable route across the parts of the Grantor’s land marked “M”, “N”, “O”, “P”, “Q”, “Y” and “Z” on Deposited Plan 392883 and with all necessary tools, vehicles, and equipment; and”

- (e) Regulation 12(1)(b) is deleted and substituted with the following:

“remain on the Grantor’s land for a reasonable time for the sole purpose of completing the necessary work; and”

- (f) Regulation 13 is not implied in this Instrument.

4. Additional Covenants, Rights and Powers

- 4.1. In addition to the relevant rights and powers prescribed by Schedule Four to the Land Transfer Regulations 2002 (as amended in this Instrument), the covenants, rights and powers described in clauses 5 to 12 (inclusive) of this Instrument shall apply to the easements.

5. The Grantor Covenants with the Grantee:

- 5.1. Not to unreasonably obstruct any easements created by this Instrument by placing any building or other structure or planting any tree or shrub on the Servient Tenement without the prior written consent of the Grantee (not to be unreasonably withheld).
- 5.2. To take all reasonable steps to ensure that its tenants, agents and workmen do not do any wilful or negligent act or thing whereby the said conduits, cables, pipes and ancillary equipment and the electricity substation and ancillary equipment shall be damaged or destroyed. If it is established that the damage was caused by the negligent or wilful act of the Grantor or its tenants, agents or workmen then the Grantor shall be responsible for the repair and/or replacement required. Any work so required shall be carried out by a Contractor selected by the Grantee.
- 5.3. Subject to the terms of this Instrument, not at any time permit or suffer any act or thing whereby the rights, powers, liberties, licences and easements hereby granted to the Grantee may be interfered with or affected.

6. The Grantee covenants with the Grantor:

- 6.1. The Grantee shall when exercising its rights under this Instrument:
- (a) Subject to regulation 12 of Schedule Four of the Land Transfer Regulations 2002, remain within the Servient Tenement.
 - (b) Leave any gates as they were found.
 - (c) Take all reasonable precautions for guarding against any danger (including but without limitation, fire, physical damage or transmission of disease or spread of contaminants), and in particular shall (but without limiting the general obligation to take full and proper precautions pursuant to this clause 6.1(c) comply with all reasonable conditions that may be imposed from time to time by the Grantor or any lawful authority.
 - (d) Ensure that as little damage or disturbance is caused to the surface of the Servient Tenement and that the surface is restored as nearly as possible to its former condition prior to the Grantee's use pursuant to this Instrument and any other damage done by reason of the activities permitted on the Servient Tenement by this Instrument is similarly restored.
 - (e) The Grantee shall, at its costs, repair to the reasonable satisfaction of the Grantor any part of the Grantor's land, including the tracks, fences, gates, drains, buildings or other structures, which is damaged directly or indirectly by the Grantee.
- 6.2. The Grantee covenants that when it exercises its rights under this Instrument it shall do so at all times in a manner so as not to obstruct or hamper the Grantor, any lessee of the Grantor's land, or any agents, employees and contractors of the Grantor or any lessee of all or part of the Grantor's land, in their normal or reasonable use of the Grantor's land.
- 6.3. The Grantee shall not at any time carry out on the Grantor's land any activity which is not provided for under clauses 1 and 2 of this Instrument, or do any other thing which would affect the ability of the Grantor and/or any lessee of the Grantor's land to use the Grantor's land.
- 6.4. The Grantee covenants to ensure compliance at its own cost at all time with all statutes and regulations, ordinances and by-laws, and covenants to obtain all approvals, consents and authorisations at its own costs as are necessary for the Grantee to lawfully conduct the activities permitted by this Instrument, including compliance by the Grantee's servants, employees and invitees entering upon the Servient Tenement from time to time.
- 6.5. The Grantee shall:
- (a) Promptly upon the written request of the Grantor provide to, and/or have any third party with rights in respect of the easements created by this Instrument provide to, the Grantor at the reasonable cost of the Grantor, a reasonable degree of support, cooperation and/or assistance in respect of any resource consent applications and any other statutory or regulatory consent applications made by the Grantor to enable it to use its land, property and resources in connection with the generation and supply of electricity. The Grantee will in particular provide, and have any aforementioned third parties

provide, written submissions in support and/or will make available a representative of the Grantee to speak in support of such applications at any hearing of the applications fi requested to do so by the Grantor.

- (b) The Grantee agrees that it will not, and will ensure that any third parties with rights in respect of the easements created by this Instrument do not, do anything whereby the ability for the Grantor to obtain and comply with any consent/s it requires to enable it to use its land, property and resources in connection with the generation and supply of electricity shall be frustrated, hindered or interfered with, including directly or indirectly requesting the Central Otago District Council and/or Otago Regional Council to change a district plan or a regional plan as applicable and/or making a submission in relation to a change to a district plan or a regional plan that would adversely affect the Grantor's use of its land, property and resources.
- (c) In the event that the Grantee, or any third party with rights in respect of the easements created by this Instrument does not comply with the obligations under this clause 6.5 the Grantor shall be entitled to give the Grantee 15 business days notice in writing requesting the Grantee to remedy the non-compliance and unless the Grantee shall remedy the non-compliance to the reasonable satisfaction of the Grantor within those 15 business days, then without prejudice to its other rights and remedies, the Grantor may terminate all or any of the easements created by this instrument.

7. Costs

- 7.1. Each party shall bear their own costs in relation to the negotiation, preparation and execution of, and matters associated with this Instrument, including clause 8, and the enforcement of any provisions of this instrument.
- 7.2. The Grantee shall be solely responsible for the registration (if any) of this Instrument and any associated costs.

8. Indemnity and Exclusion of Liability

- 8.1. The Grantee shall indemnify the Grantor and any lessee of all or part of the Grantor's land from time to time against any loss, claim, damage, expense or liability suffered by the Grantor and/or any lessee of all or part of the Grantor's land from time to time resulting from any breach of the Grantee's obligations under this Instrument.
- 8.2. The Grantee acknowledges that this Instrument is granted on the basis that the Grantee and any of its invitees when they enter and/or use the Grantor's land by virtue of this Instrument, do so strictly at their own risk **AND** the Grantee shall indemnify the Grantor from and against any action or claim made by any person it permits to enter into and upon the Grantor's land.
- 8.3. Subject to clause 4 herein, under no circumstances will the Grantee seek to claim against the Grantor or any lessee of the Servient Tenement from time to time in contract, tort, or otherwise for any expense, costs, loss, injury, or damage whether consequential or otherwise, arising directly or indirectly from this Instrument or any activity undertaken by the Grantor or any lessee of the Servient Tenement from time to time on the Servient Tenement, whether the expense, cost, loss, injury or damage is the direct or indirect result of negligence or otherwise.

9. Use of the Grantor's land for Hydro Development Purposes

- 9.1. The Grantee acknowledges that the Grantor may in the future use all or part of the Grantor's land directly or indirectly for hydro development purposes and those purposes may, following the giving of three (3) months written notice to the Grantee, require the location of the easements created by this Instrument to be moved or terminated.
- 9.2. If the Grantor gives written notice that it requires the easements created by this Instrument to be moved because of hydro development purposes, the Grantor will use all reasonable endeavours to make available to the Grantee another part of the Grantor's land, or other land, which is in the Grantor's judgement reasonably suitable for the Grantee's use as an alternative to the Servient Tenement.
- 9.3. If the parties are able to agree on land to serve as a suitable alternative to the Servient Tenement, the Grantee will obtain all required approvals and consents, complete a new survey, a new easement Instrument on terms no more favourable than this Instrument and a surrender of this Instrument. The Grantor will use reasonable endeavours to cooperate in the obtaining of approvals and consents, and the completion of documents, including executing documents and producing certificates of title.
- 9.4. The Grantor agrees to use reasonable endeavours and to negotiate in good faith to agree on a route to serve as a suitable alternative to the Grantor's land. However, the Grantor shall be under no obligation to provide such alternative land and if in the Grantor's reasonable opinion it is not possible to accommodate the Grantee's easements on the Servient Tenement or other land, the easements created by this Instrument will terminate one (1) month after the Grantor gives the Grantee notice to this effect and otherwise in accordance with clause 10.

10. Grantor's Right to Terminate

- 10.1. If there is any breach of the Grantee's obligations under this Instrument, and the breach remains unrectified following written notice to the Grantee specifying the breach and seeking rectification within 14 days or such other time provided the parties agree (time being of the essence), the Grantor may terminate all or any of the easements created by this Instrument by giving the Grantee a further 14 days notice in writing.
- 10.2. The Servient Tenement is currently leased by Douglas Peter MacDougall (the "Lessee"). The Lessee has requested the granting of this easement to enable the supply of electricity to a water pump installed at the Grantor's Land to supply potable water for use on the Servient Tenement. In the event that the use of the water pump is permanently discontinued or the easements are not used for the purpose stated above, the Grantee shall, at the Grantor's written request, surrender the easement rights and the easement shall terminate.
- 10.3. Upon termination (for whatever reason) of the grant of easement/s evidenced by this Instrument all applicable rights of the Grantee shall immediately cease but the Grantee shall not be released from any liability to pay consideration of other moneys up to the date of termination, **AND** the Grantee shall forthwith at its cost decommission and remove all fixtures and works placed by it upon the Servient Tenement and reinstate the Servient Tenement.

10.4. If the Grantee fails to comply with its reinstatement obligations under clause 10.3, the Grantor shall be entitled to carry out all necessary rights at the expense of the Grantee.

10.5. Upon termination the Grantee shall formerly surrender all of the applicable rights under this Instrument and surrender all of the applicable grant of easement/s.

11. Severability

11.1. If any part of this Instrument is held by any court or administration body of competent jurisdiction to be illegal, void, or unenforceable, such determination shall not impair the enforceability of the remaining parts of this Instrument which shall remain in full force.

12. Interpretation

- (a) References to the "Grantor" and the "Grantee" include those parties' respective tenants, agents, invitees, employees, successors and transferees.
- (b) A reference to the "Grantor" in Schedule Four of the Land Transfer Regulations 2002 means the Grantor and registered proprietor for the time being of the lands contained in Certificates of Title OT18B/927, OT18B/928 and OT18C/234
- (c) A reference to the "Grantee" in Schedule Four of the Land Transfer Regulations 2002 means the Grantee.
- (d) "Grantor's land" means the land in Certificates of Title OT18B/927, OT18B/928 and OT18C/234.
- (e) Where there is a conflict between the provisions of Schedule Four of the Land Transfer Regulations 2002 and the modifications in this Instrument, the modifications must prevail.



View Instrument Details

Instrument Type Caveat against dealings with land under Section 138 Land Transfer Act 2017
Instrument No 11771234.1
Status Registered
Date & Time Lodged 09 July 2020 16:08
Lodged By Adamson, Annette Jean

Affected Records of Title **Land District**
OT18B/927 Otago

Registered Owner
Minzion Station Limited

Caveator
Aurora Energy Limited

Estate or Interest claimed
Pursuant to an Agreement to Grant an Easement dated 28 April 2020 between the registered owner Minzion Station Limited as Grantor and Aurora Energy Limited as Grantee

Notice
Take notice that the Caveator forbids the registration of any instrument, or the recording of any matter in the register that transfers, charges, or prejudicially affects the estate or interest protected by this caveat until this caveat is withdrawn by the Caveator, removed by order of the High Court, or until the same has lapsed under the provisions of section 143 of the Land Transfer Act 2017.

Address for Service of Caveator
Aurora Energy Limited
C/- Gallway Cook Allan - Bridget Irving
PO Box 143
Dunedin
New Zealand
9054

Address for Registered Owner
Minzion Station Limited
C/- Smith Wood & Woods - Paul Gray
PO Box 18
Gore
New Zealand
9740

Caveator Certifications



View Instrument Details

Caveator Certifications

I certify that I have the authority to act for the Caveator and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Rosemary Erin Clark as Caveator Representative on 09/07/2020 03:23 PM

*** End of Report ***



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier **OT18B/928**

Land Registration District **Otago**

Date Issued 31 July 1997

Prior References

OT18B/513 OT276/202

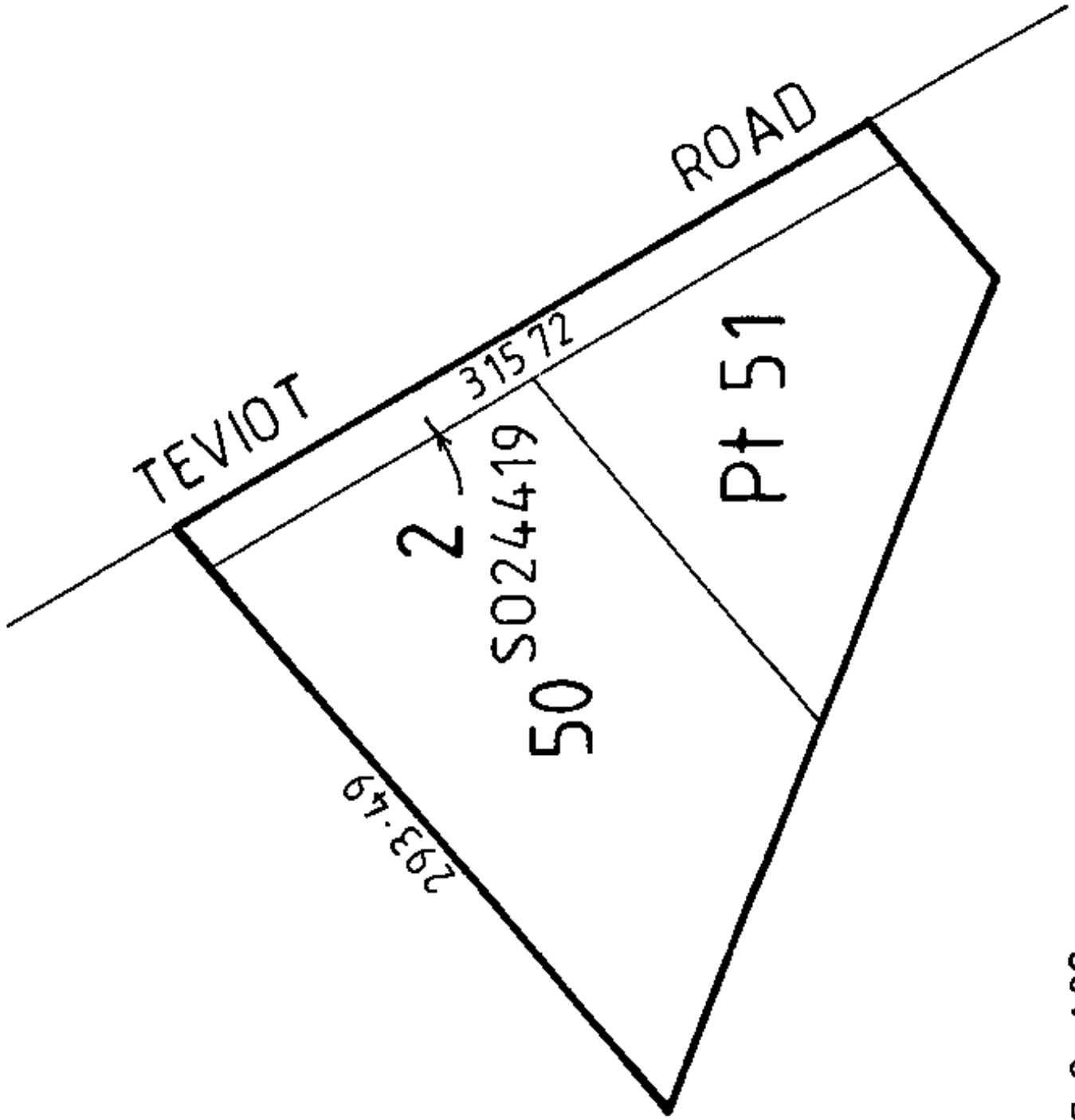
Estate Fee Simple
Area 5.7948 hectares more or less
Legal Description Section 2 Survey Office Plan 24419 and
Section 50 Block VIII Benger Survey
District and Part Section 51 Block VIII
Benger Survey District

Registered Owners

Minzion Station Limited

Interests

Subject to a right to convey water over part Section 2 SO 24419 marked J on DP 392883 and over part Section 50 Block VIII Benger Survey District marked K on DP 392883 created by Easement Instrument 9752911.1 - 13.8.2014 at 10:19 am
Subject to a right (in gross) to convey electricity over part Section 50 Block VIII Benger Survey District marked N on DP 392883 in favour of Aurora Energy Limited created by Easement Instrument 9553404.4 - 29.7.2015 at 4:57 pm
10395275.2 Mortgage to Westpac New Zealand Limited - 31.5.2016 at 2:24 pm
12395534.1 Variation of Mortgage 10395275.2 - 9.3.2022 at 9:23 am



S N 187

View Instrument Details



Instrument No 9553404.4
Status Registered
Date & Time Lodged 29 July 2015 16:57
Lodged By Barlow, Cheryl May
Instrument Type Easement Instrument



Affected Computer Registers **Land District**

OT18B/927	Otago
OT18B/928	Otago
OT18C/234	Otago

Annexure Schedule: Contains 8 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Grant Edwin Dowland as Grantor Representative on 13/05/2015 01:54 PM

Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by David James Smillie as Grantee Representative on 19/05/2015 12:37 PM

*** End of Report ***

Form B

Easement instrument to grant easement or *profit à prendre*, or create land covenant

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

Grantor

Contact Energy Limited

Grantee

AURORA ENERGY LIMITED

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right to Convey Electricity	"O", "P", "Y" and "Z"	OT18B/927	in gross
	"N"	OT18B/928	in gross
	"M" and "Q"	OT18C/234	in gross
Right to Transform Electricity	"P"	OT18B/927	in gross
	"Q"	OT18C/234	in gross
	All shown on DP 392883		

Form B - continued

Easements or profits à prendre rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

All rights and powers and the implied rights and powers are hereby ~~varied~~ ~~negated~~ ~~added to~~ and or ~~substituted~~ by:

[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]

[the provisions set out in Annexure Schedule 2]

Covenant provisions

Delete phrases in [] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

~~The provisions applying to the specified covenants are those set out in:~~

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule]~~

Annexure Schedule 2

CONTINUATION OF "EASEMENTS TO BE CREATED OR PROFITS A PRENDRE RIGHTS AND POWERS (INCLUDING TERMS, COVENANTS AND CONDITIONS)"

The Grantee shall have as easements in gross forever in favour of the Grantee the following rights

- (a) To erect overhead power lines and ancillary equipment on, and convey electricity across that part of the Servient Tenement marked "M", "N", "O", "P", "Q", "Y" and "Z" on Deposited Plan 392883 (hereafter referred to as "overhead lines easement");
- (b) To install and maintain underground cables and ancillary equipment on, and convey electricity under and through the soil of that part of the Servient Tenement marked "M", "N", "O", "P", "Q", "Y" and "Z" on Deposited Plan 392883 (hereinafter referred to as "underground cables easement"); and
- (c) To establish and maintain on that part of the Servient Tenement marked "P" and "Q" on Deposited Plan 392883 (hereinafter referred to as the "substation site").

TERMS, CONDITIONS, COVENANTS OR RESTRICTIONS

1. Underground Cables Easement and Overhead Lines Easement

The Grantee shall have the right

- (a) To lead and convey electricity and electric impulses without interruption or impediment (except during any periods of necessary renewal or repair) by means of conduits, cables, pipes and ancillary equipment laid or to be laid under the surface of and through the soil of the underground cables easement;
- (b) To lay, place, erect, suspend, inspect, repair, maintain, renew and replace under the surface of and through the soil of the underground cables easement such conduits, cables, pipes and ancillary equipment as may be necessary to convey such electricity of electrical impulses by means of the said conduits, cables, pipes and ancillary equipment;
- (c) To lead and convey electricity and electric impulses without interruption or impediment (except during any periods of necessary renewal or repair) by means of overhead transmission lines erected or to be erected across the overhead lines easement; and
- (d) To erect and place, lay, suspend, inspect, repair, maintain, renew and replace such poles and ancillary equipment and to suspend such line or lines from the said poles and ancillary equipment as may be necessary to convey such electricity and electric impulses by means of the said overhead transmission lines across the overhead lines easement.

2. Substation Site Easement

The Grantee shall have the right to construct, install, place, inspect, repair, maintain, renew and replace on the substation site an electricity substation and ancillary equipment.

3. Statutory Provisions

Subject to the amendments and Additional Covenants, Rights and Powers described below, the relevant provisions of Schedule Four of the Land Transfer Regulations 2002 are implied into the underground cables easement, the overhead lines easement and the substation site easement. The amendments are as follows and apply to both easements:

- (a) Regulation 7 is not implied in this Instrument;
- (b) Regulation 10(3) is not implied in this Instrument;
- (c) Regulation 11(3) is deleted and substituted with the following:

“If the easement is in gross, the grantee bears the cost of all its own installation, maintenance and upgrade work done outside the servient land”;

- (d) Regulation 12(1)(a) is deleted and substituted with the following:

“enter upon the servient land by a reasonable route across the parts of the Grantor’s land marked “M”, “N”, “O”, “P”, “Q”, “Y” and “Z” on Deposited Plan 392883 and with all necessary tools, vehicles, and equipment; and”

- (e) Regulation 12(1)(b) is deleted and substituted with the following:

“remain on the Grantor’s land for a reasonable time for the sole purpose of completing the necessary work; and”

- (f) Regulation 13 is not implied in this Instrument.

4. Additional Covenants, Rights and Powers

- 4.1. In addition to the relevant rights and powers prescribed by Schedule Four to the Land Transfer Regulations 2002 (as amended in this Instrument), the covenants, rights and powers described in clauses 5 to 12 (inclusive) of this Instrument shall apply to the easements.

5. The Grantor Covenants with the Grantee:

- 5.1. Not to unreasonably obstruct any easements created by this Instrument by placing any building or other structure or planting any tree or shrub on the Servient Tenement without the prior written consent of the Grantee (not to be unreasonably withheld).
- 5.2. To take all reasonable steps to ensure that its tenants, agents and workmen do not do any wilful or negligent act or thing whereby the said conduits, cables, pipes and ancillary equipment and the electricity substation and ancillary equipment shall be damaged or destroyed. If it is established that the damage was caused by the negligent or wilful act of the Grantor or its tenants, agents or workmen then the Grantor shall be responsible for the repair and/or replacement required. Any work so required shall be carried out by a Contractor selected by the Grantee.
- 5.3. Subject to the terms of this Instrument, not at any time permit or suffer any act or thing whereby the rights, powers, liberties, licences and easements hereby granted to the Grantee may be interfered with or affected.

6. The Grantee covenants with the Grantor:

- 6.1. The Grantee shall when exercising its rights under this Instrument:
- (a) Subject to regulation 12 of Schedule Four of the Land Transfer Regulations 2002, remain within the Servient Tenement.
 - (b) Leave any gates as they were found.
 - (c) Take all reasonable precautions for guarding against any danger (including but without limitation, fire, physical damage or transmission of disease or spread of contaminants), and in particular shall (but without limiting the general obligation to take full and proper precautions pursuant to this clause 6.1(c) comply with all reasonable conditions that may be imposed from time to time by the Grantor or any lawful authority.
 - (d) Ensure that as little damage or disturbance is caused to the surface of the Servient Tenement and that the surface is restored as nearly as possible to its former condition prior to the Grantee's use pursuant to this Instrument and any other damage done by reason of the activities permitted on the Servient Tenement by this Instrument is similarly restored.
 - (e) The Grantee shall, at its costs, repair to the reasonable satisfaction of the Grantor any part of the Grantor's land, including the tracks, fences, gates, drains, buildings or other structures, which is damaged directly or indirectly by the Grantee.
- 6.2. The Grantee covenants that when it exercises its rights under this Instrument it shall do so at all times in a manner so as not to obstruct or hamper the Grantor, any lessee of the Grantor's land, or any agents, employees and contractors of the Grantor or any lessee of all or part of the Grantor's land, in their normal or reasonable use of the Grantor's land.
- 6.3. The Grantee shall not at any time carry out on the Grantor's land any activity which is not provided for under clauses 1 and 2 of this Instrument, or do any other thing which would affect the ability of the Grantor and/or any lessee of the Grantor's land to use the Grantor's land.
- 6.4. The Grantee covenants to ensure compliance at its own cost at all time with all statutes and regulations, ordinances and by-laws, and covenants to obtain all approvals, consents and authorisations at its own costs as are necessary for the Grantee to lawfully conduct the activities permitted by this Instrument, including compliance by the Grantee's servants, employees and invitees entering upon the Servient Tenement from time to time.
- 6.5. The Grantee shall:
- (a) Promptly upon the written request of the Grantor provide to, and/or have any third party with rights in respect of the easements created by this Instrument provide to, the Grantor at the reasonable cost of the Grantor, a reasonable degree of support, cooperation and/or assistance in respect of any resource consent applications and any other statutory or regulatory consent applications made by the Grantor to enable it to use its land, property and resources in connection with the generation and supply of electricity. The Grantee will in particular provide, and have any aforementioned third parties

provide, written submissions in support and/or will make available a representative of the Grantee to speak in support of such applications at any hearing of the applications fi requested to do so by the Grantor.

- (b) The Grantee agrees that it will not, and will ensure that any third parties with rights in respect of the easements created by this Instrument do not, do anything whereby the ability for the Grantor to obtain and comply with any consent/s it requires to enable it to use its land, property and resources in connection with the generation and supply of electricity shall be frustrated, hindered or interfered with, including directly or indirectly requesting the Central Otago District Council and/or Otago Regional Council to change a district plan or a regional plan as applicable and/or making a submission in relation to a change to a district plan or a regional plan that would adversely affect the Grantor's use of its land, property and resources.
- (c) In the event that the Grantee, or any third party with rights in respect of the easements created by this Instrument does not comply with the obligations under this clause 6.5 the Grantor shall be entitled to give the Grantee 15 business days notice in writing requesting the Grantee to remedy the non-compliance and unless the Grantee shall remedy the non-compliance to the reasonable satisfaction of the Grantor within those 15 business days, then without prejudice to its other rights and remedies, the Grantor may terminate all or any of the easements created by this instrument.

7. Costs

- 7.1. Each party shall bear their own costs in relation to the negotiation, preparation and execution of, and matters associated with this Instrument, including clause 8, and the enforcement of any provisions of this instrument.
- 7.2. The Grantee shall be solely responsible for the registration (if any) of this Instrument and any associated costs.

8. Indemnity and Exclusion of Liability

- 8.1. The Grantee shall indemnify the Grantor and any lessee of all or part of the Grantor's land from time to time against any loss, claim, damage, expense or liability suffered by the Grantor and/or any lessee of all or part of the Grantor's land from time to time resulting from any breach of the Grantee's obligations under this Instrument.
- 8.2. The Grantee acknowledges that this Instrument is granted on the basis that the Grantee and any of its invitees when they enter and/or use the Grantor's land by virtue of this Instrument, do so strictly at their own risk **AND** the Grantee shall indemnify the Grantor from and against any action or claim made by any person it permits to enter into and upon the Grantor's land.
- 8.3. Subject to clause 4 herein, under no circumstances will the Grantee seek to claim against the Grantor or any lessee of the Servient Tenement from time to time in contract, tort, or otherwise for any expense, costs, loss, injury, or damage whether consequential or otherwise, arising directly or indirectly from this Instrument or any activity undertaken by the Grantor or any lessee of the Servient Tenement from time to time on the Servient Tenement, whether the expense, cost, loss, injury or damage is the direct or indirect result of negligence or otherwise.

9. Use of the Grantor's land for Hydro Development Purposes

- 9.1. The Grantee acknowledges that the Grantor may in the future use all or part of the Grantor's land directly or indirectly for hydro development purposes and those purposes may, following the giving of three (3) months written notice to the Grantee, require the location of the easements created by this Instrument to be moved or terminated.
- 9.2. If the Grantor gives written notice that it requires the easements created by this Instrument to be moved because of hydro development purposes, the Grantor will use all reasonable endeavours to make available to the Grantee another part of the Grantor's land, or other land, which is in the Grantor's judgement reasonably suitable for the Grantee's use as an alternative to the Servient Tenement.
- 9.3. If the parties are able to agree on land to serve as a suitable alternative to the Servient Tenement, the Grantee will obtain all required approvals and consents, complete a new survey, a new easement Instrument on terms no more favourable than this Instrument and a surrender of this Instrument. The Grantor will use reasonable endeavours to cooperate in the obtaining of approvals and consents, and the completion of documents, including executing documents and producing certificates of title.
- 9.4. The Grantor agrees to use reasonable endeavours and to negotiate in good faith to agree on a route to serve as a suitable alternative to the Grantor's land. However, the Grantor shall be under no obligation to provide such alternative land and if in the Grantor's reasonable opinion it is not possible to accommodate the Grantee's easements on the Servient Tenement or other land, the easements created by this Instrument will terminate one (1) month after the Grantor gives the Grantee notice to this effect and otherwise in accordance with clause 10.

10. Grantor's Right to Terminate

- 10.1. If there is any breach of the Grantee's obligations under this Instrument, and the breach remains unrectified following written notice to the Grantee specifying the breach and seeking rectification within 14 days or such other time provided the parties agree (time being of the essence), the Grantor may terminate all or any of the easements created by this Instrument by giving the Grantee a further 14 days notice in writing.
- 10.2. The Servient Tenement is currently leased by Douglas Peter MacDougall (the "Lessee"). The Lessee has requested the granting of this easement to enable the supply of electricity to a water pump installed at the Grantor's Land to supply potable water for use on the Servient Tenement. In the event that the use of the water pump is permanently discontinued or the easements are not used for the purpose stated above, the Grantee shall, at the Grantor's written request, surrender the easement rights and the easement shall terminate.
- 10.3. Upon termination (for whatever reason) of the grant of easement/s evidenced by this Instrument all applicable rights of the Grantee shall immediately cease but the Grantee shall not be released from any liability to pay consideration of other moneys up to the date of termination, **AND** the Grantee shall forthwith at its cost decommission and remove all fixtures and works placed by it upon the Servient Tenement and reinstate the Servient Tenement.

10.4. If the Grantee fails to comply with its reinstatement obligations under clause 10.3, the Grantor shall be entitled to carry out all necessary rights at the expense of the Grantee.

10.5. Upon termination the Grantee shall formerly surrender all of the applicable rights under this Instrument and surrender all of the applicable grant of easement/s.

11. Severability

11.1. If any part of this Instrument is held by any court or administration body of competent jurisdiction to be illegal, void, or unenforceable, such determination shall not impair the enforceability of the remaining parts of this Instrument which shall remain in full force.

12. Interpretation

- (a) References to the "Grantor" and the "Grantee" include those parties' respective tenants, agents, invitees, employees, successors and transferees.
- (b) A reference to the "Grantor" in Schedule Four of the Land Transfer Regulations 2002 means the Grantor and registered proprietor for the time being of the lands contained in Certificates of Title OT18B/927, OT18B/928 and OT18C/234
- (c) A reference to the "Grantee" in Schedule Four of the Land Transfer Regulations 2002 means the Grantee.
- (d) "Grantor's land" means the land in Certificates of Title OT18B/927, OT18B/928 and OT18C/234.
- (e) Where there is a conflict between the provisions of Schedule Four of the Land Transfer Regulations 2002 and the modifications in this Instrument, the modifications must prevail.

View Instrument Details



Instrument No 9752911.1
Status Registered
Date & Time Lodged 13 August 2014 10:19
Lodged By Greenwood, Bronwyn Audrey
Instrument Type Easement Instrument



Affected Computer Registers **Land District**

OT109/66	Otago
OT17C/347	Otago
OT18B/928	Otago
OT18C/234	Otago

Annexure Schedule: Contains 3 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Edward George McGimpsey as Grantor Representative on 04/08/2014 01:29 PM

Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Kirsten Mary Knights as Grantee Representative on 12/08/2014 05:45 PM

*** End of Report ***

Form B

Easement instrument to grant easement or *profit à prendre*, or create land covenant

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

Grantor

Contact Energy Limited

Grantee

Alan Laughton Tong, Janet Audrey Tong and Peter John Hook as to a half share and Alan Laughton Tong, Janet Audrey Tong and Peter John Hook as to a half share

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, **or creates** the covenant(s) **set out** in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right to Convey Water	"J" and "K"	OT18B/928	OT17C/347 and OT109/66
Right to Convey Water	"L" and "M"	OT18C/234	OT17C/347 and OT109/66
Right to convey water and electricity	"Q", "R", "S" "T" and "X"	OT18C/234	OT17C/347 and OT109/66
Right to pump water	"S"	OT18C/234	OT17C/347 and OT109/66
	All shown on DP 392883		

Form B - continued

Easements or profits à prendre rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby ~~varied~~ ~~negatived~~ **added to** or ~~substituted~~ by:

[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]

[the provisions set out in Annexure Schedule **1**]

Covenant provisions

Delete phrases in [] and insert Memorandum number as require; continue in additional Annexure Schedule, if required.

The provisions applying to the specified covenants are those set out in:

[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]

[Annexure Schedule _____]

Form L

Annexure Schedule

Page 2 of 2 Pages

Insert instrument type

Easement Instrument

Continue in additional Annexure Schedule, if required

Easement Rights and Powers

These rights are in addition to those set out in Schedule 4 of the Land Transfer Regulations 2002.

1. The "*right to pump water*" means the right for the Grantee to situate, maintain, repair, replace and use the pump, pump works housing, associated pumping plant, pipes, controls, wiring, switch gear and associated fittings (together with such accessories as may be reasonably required for the purposes of the easement) and to pump, take and convey water through them at the stipulated position of the land over which the easement is granted or created.



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier **OT18C/235**
Land Registration District **Otago**
Date Issued 10 October 1997

Estate Fee Simple
Area 3.7620 hectares more or less
Legal Description Section 3 Survey Office Plan 24438
Registered Owners
Alan Thomas Parker

Interests

Subject to Section 8 Mining Act 1971
Subject to Section 5 Coal Mines Act 1979
Subject to Part IV A Conservation Act 1987
10132653.2 Mortgage to Heartland Bank Limited - 30.7.2015 at 11:54 am

Approved as to layout
Murray Robert Mackenzie
R.O. Checketts

9600 S.

Pt. Sec. 96
C.T. 12C/430 TM

Sec. 3
3.7620 ha.

Crown Land
No Title

Sec. 49

S.O. 24335

9900 S.

Approved as to Survey
Murray Robert Mackenzie
Deputy Chief Surveyor

Deposited this day of 19

Field Book p. Traverse Book p.

Reference Plans
Examined 20/6/97 Correct

Approved as to Survey
23/6/97
Deputy Chief Surveyor

Approved in Section 223 of the Resource Management Act 1991 on the day of 1995
(NO CONDITIONS IMPOSED)
The Common Seal of the Central Otago District Council is hereto affixed in the presence of
[Signature] Mayor
[Signature] General Manager

Total Area 3.7620 ha
Comprised in Crown Land No. Title

I, *George Robertson Elder*, Registered Surveyor and holder of an annual practicing certificate for who may act as a registered surveyor pursuant to section 25 of the Survey Act 1976, do hereby certify that the boundaries shown on this survey are correct and have been made in accordance with the Survey Regulations 1976 or any regulations made in substitution thereof. Dated at Alexandra this 26th day of July 1996. Signature *[Signature]*

File 3237
Received 15/8/96
District Land Registrar
SO 24438

LAND DISTRICT Otago
SURVEY BLK. & DIST. VIII. Benger S.D.
NZMS 261 SHT C.43 & 44 RECORD MAP No. 644/20.01

TERRITORIAL AUTHORITY Central Otago Dist.
Surveyed by M.S. George & Elder
Scale 1:1500 Date July 1996

Sec. 3 being
a Subdivision of Crown Land

W.A. ROBERTSON, SURVEYOR GENERAL, DEPARTMENT OF SURVEY AND LAND INFORMATION, NEW ZEALAND

Simplified Land Apportionment



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

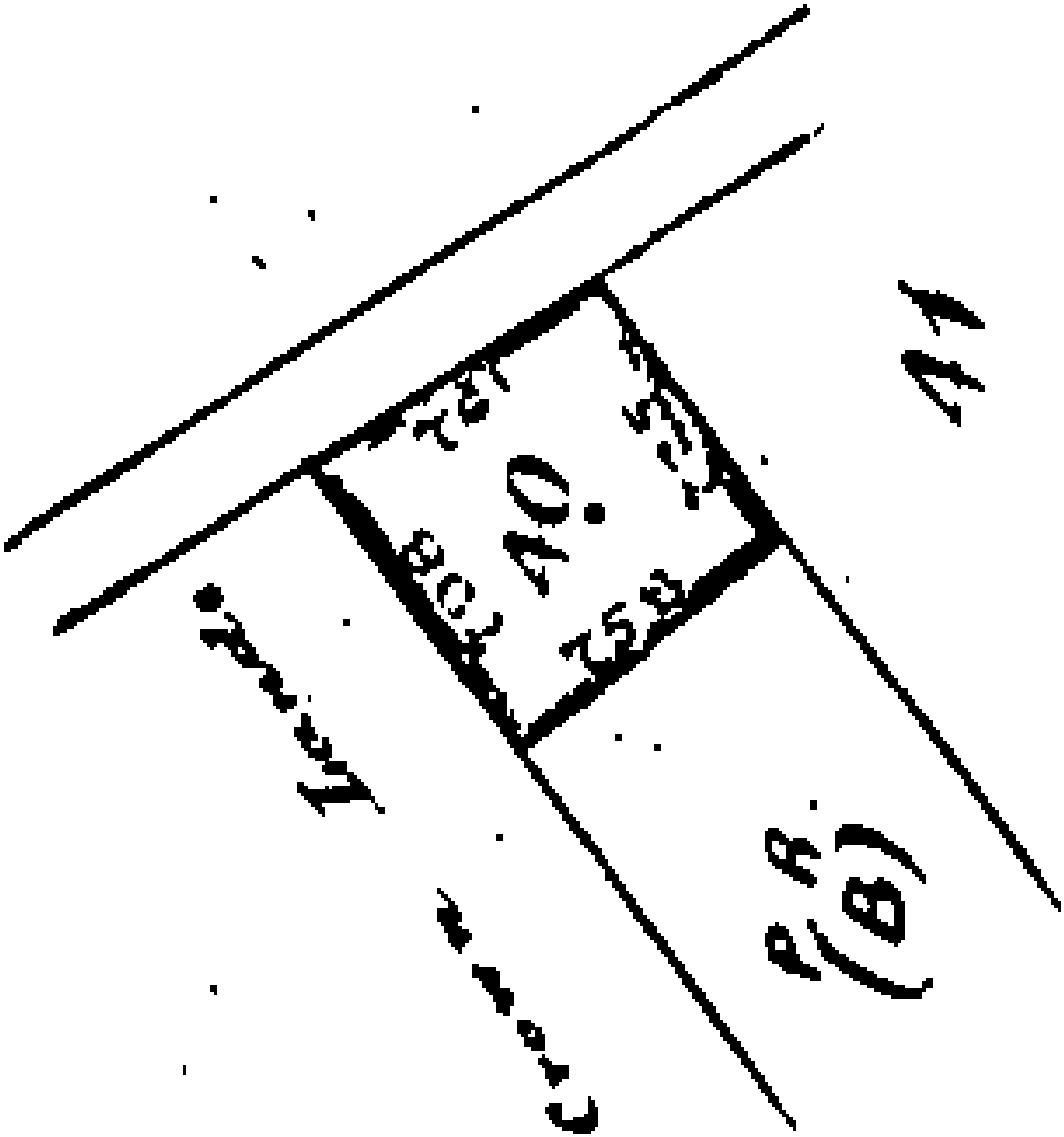
Identifier OT117/72
Land Registration District Otago
Date Issued 06 September 1897

Prior References
WA 3/38

Estate Fee Simple
Area 2.3371 hectares more or less
Legal Description Section 40 Block VIII Benger Survey
District

Registered Owners
Laurie Allan Crawford and Pamela Fay Crawford

Interests
463568 Electricity Agreement pursuant to Section 50 Electricity Act 1968 - 10.8.1976 at 12:27 pm
5008390.1 Mortgage to (now) Westpac New Zealand Limited - 6.9.2000 at 9:00 am
6751681.1 Variation of Mortgage 5008390.1 - 14.2.2006 at 9:00 am





RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

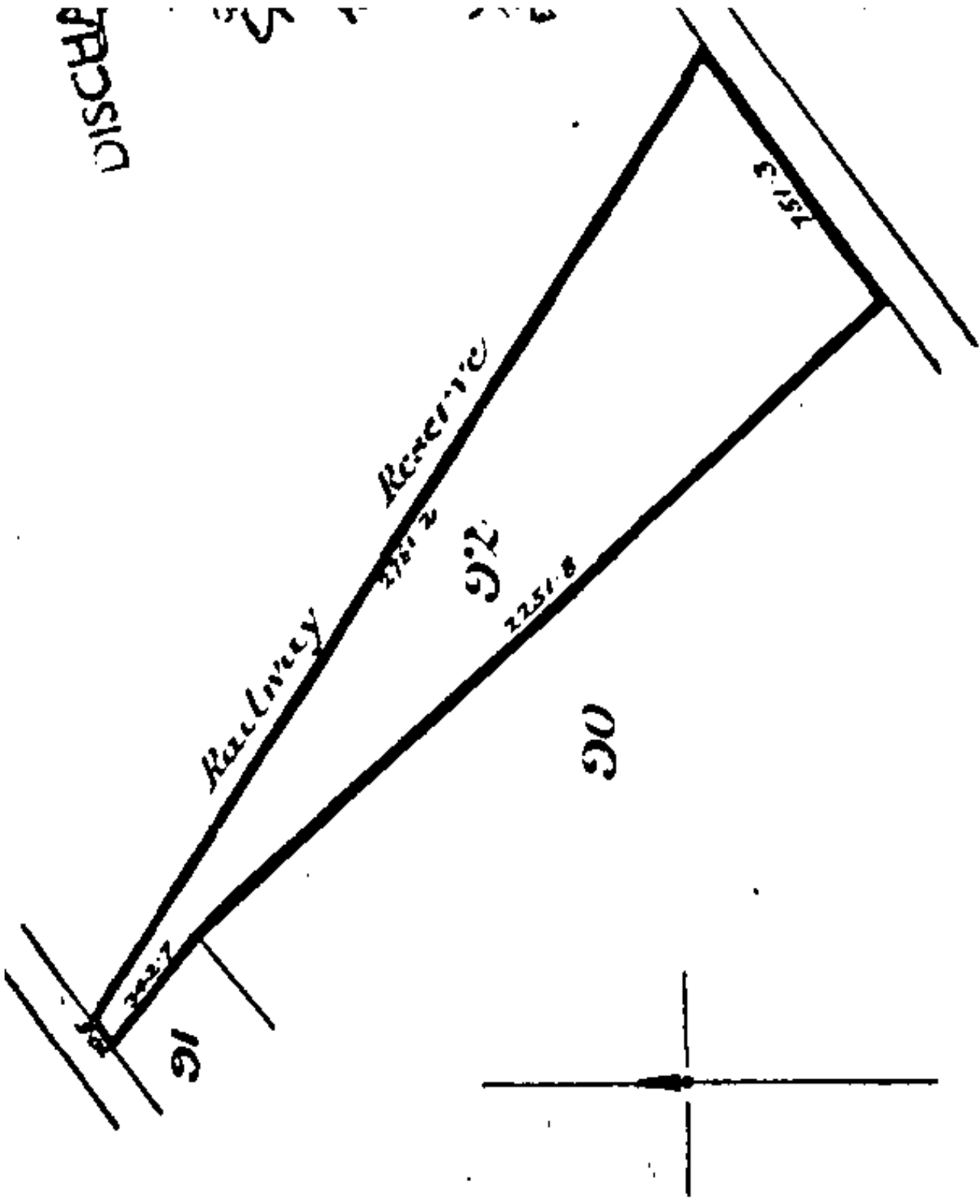
Identifier OT230/94
Land Registration District Otago
Date Issued 07 August 1928

Prior References
OTPR20/73 WA 5/61

Estate Fee Simple
Area 4.0646 hectares more or less
Legal Description Section 92 Block VIII Benger Survey
District

Registered Owners
Central Otago District Council

Interests





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Limited as to Parcels
Search Copy**




R.W. Muir
Registrar-General
of Land

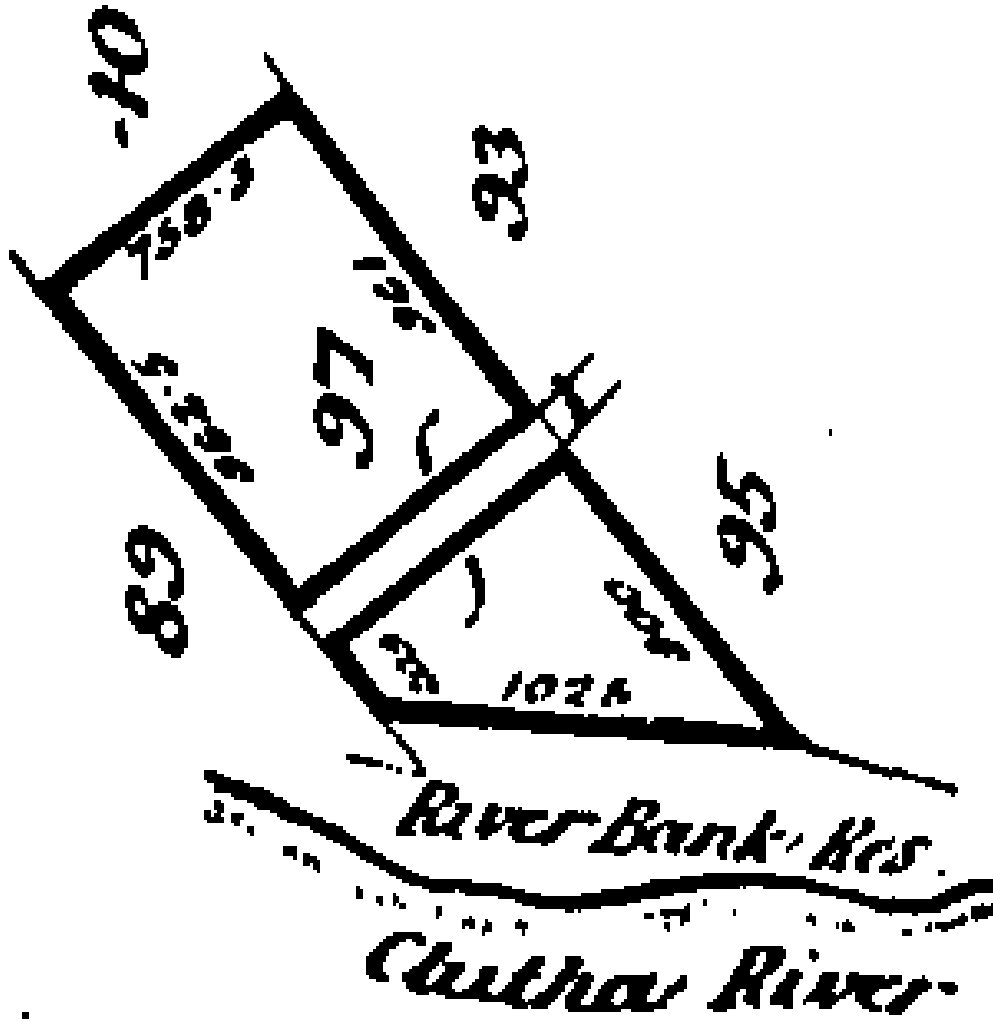
Identifier OT270/85
Land Registration District Otago
Date Issued 21 September 1935

Prior References
DI T674

Estate Fee Simple
Area 4.6539 hectares more or less
Legal Description Section 97 Block VIII Benger Survey
District

Registered Owners
Laurie Allan Crawford and Pamela Fay Crawford

Interests
463568 Electricity Agreement pursuant to Section 50 Electricity Act 1968 - 10.8.1976 at 12:27 pm
5008390.1 Mortgage to (now) Westpac New Zealand Limited - 6.9.2000 at 9:00 am
6751681.1 Variation of Mortgage 5008390.1 - 14.2.2006 at 9:00 am





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier OT360/183
Land Registration District Otago
Date Issued 08 October 1952

Prior References
OTPR24/1

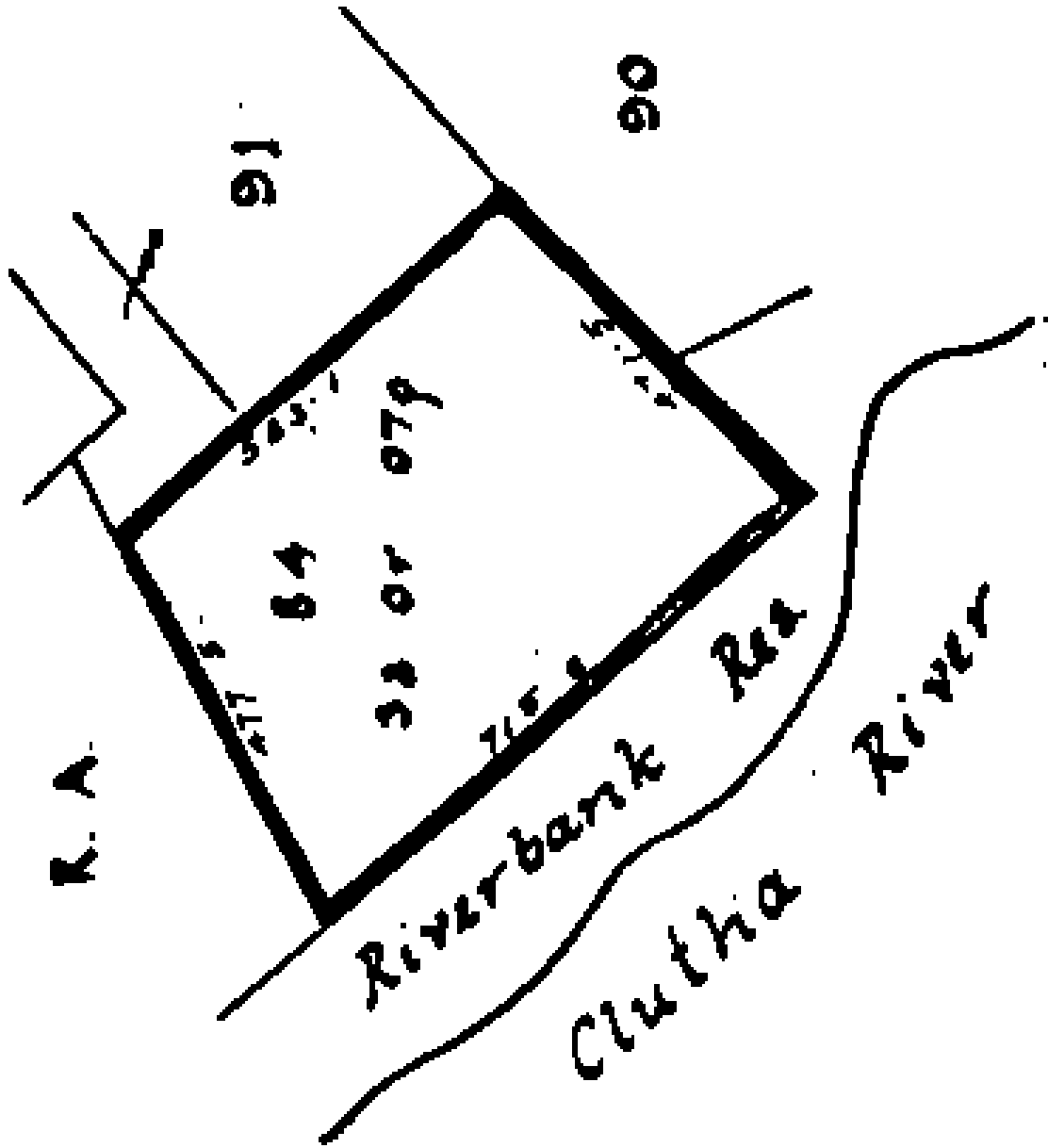
Estate Fee Simple
Area 1.2318 hectares more or less
Legal Description Section 84 Block VIII Benger Survey
District

Registered Owners
Jacks Ridge Limited

Interests

Saving and excepting all minerals within the meaning of the Land Act 1924 on or under the land and reserving always to Her Majesty the Queen and all persons lawfully entitled to work the said minerals a right of ingress egress and regress over the said land

Subject to Section 315 Land Act 1924





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier OT360/184
Land Registration District Otago
Date Issued 08 October 1952

Prior References
OTPR24/2

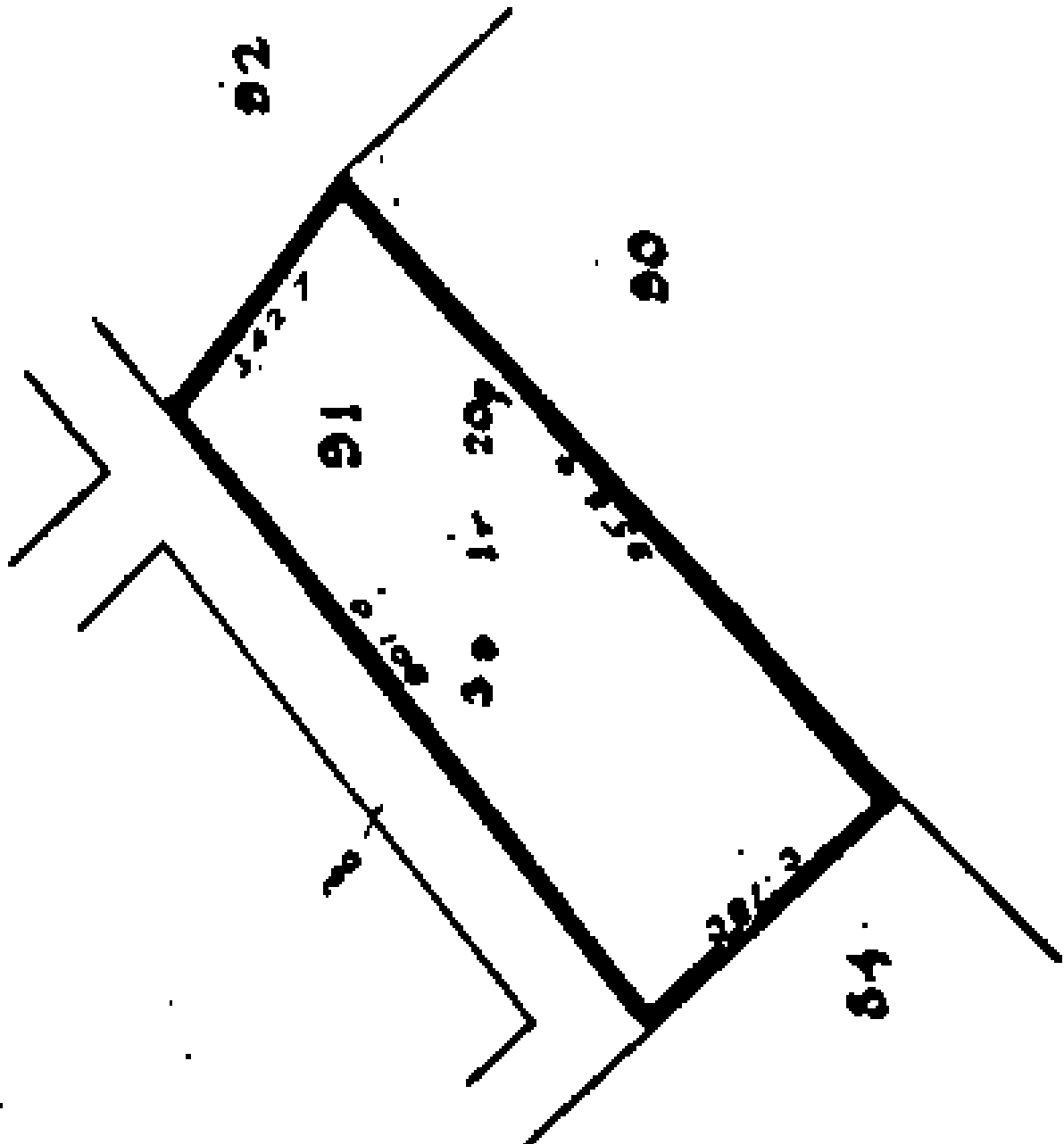
Estate Fee Simple
Area 1.3658 hectares more or less
Legal Description Section 91 Block VIII Benger Survey
District

Registered Owners
Jacks Ridge Limited

Interests

Saving and excepting all minerals within the meaning of the Land Act 1924 on or under the land and reserving always to Her Majesty the Queen and all persons lawfully entitled to work the said minerals a right of ingress egress and regress over the said land

Subject to Section 315 Land Act 1924





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier OT374/110
Land Registration District Otago
Date Issued 07 October 1954

Prior References
OTPR25/69

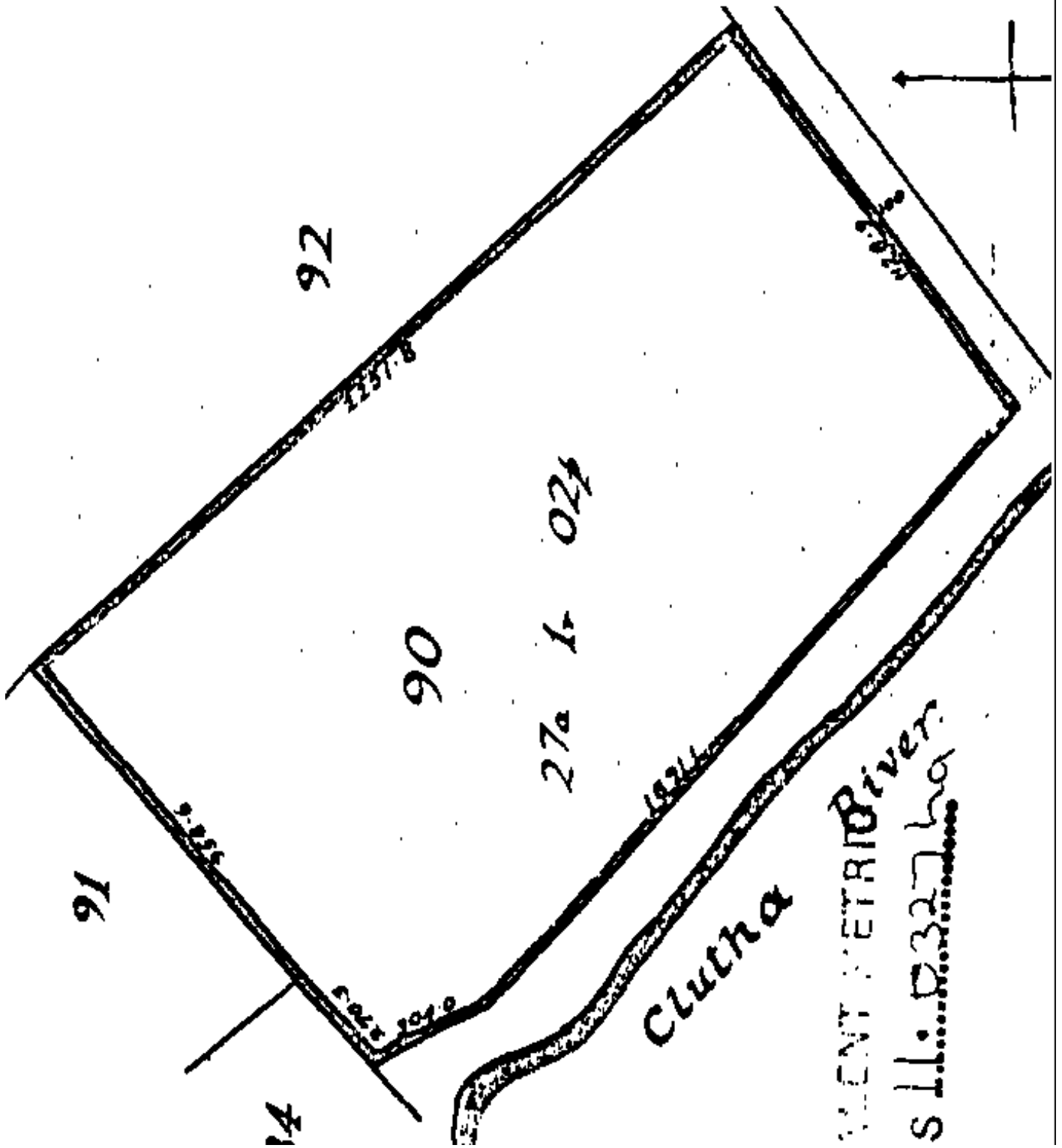
Estate Fee Simple
Area 11.0327 hectares more or less
Legal Description Section 90 Block VIII Benger Survey
District

Registered Owners
Jacks Ridge Limited

Interests

Saving and excepting all minerals within the meaning of the Land Act 1924 on or under the land and reserving always to Her Majesty the Queen and all persons lawfully entitled to work the said minerals a right of ingress egress and regress over the said land

Subject to Section 315 Land Act 1924





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

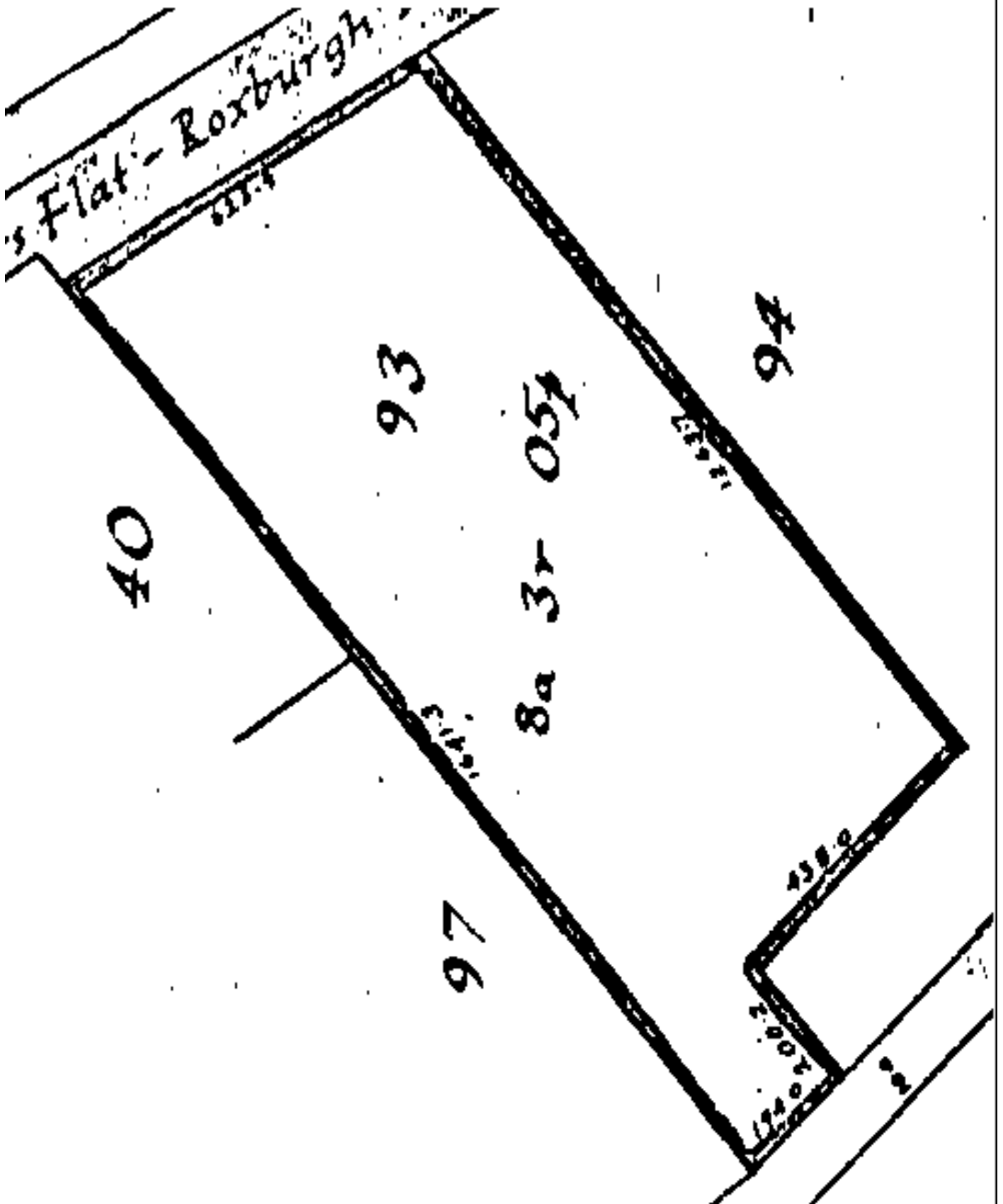
Identifier OT374/111
Land Registration District Otago
Date Issued 07 October 1954

Prior References
OTPR/25/70

Estate Fee Simple
Area 3.5536 hectares more or less
Legal Description Section 93 Block VIII Bengier Survey
District

Registered Owners
Laurie Allan Crawford and Pamela Fay Crawford

Interests
Subject to Section 59 Land Act 1948
463568 Electricity Agreement pursuant to Section 50 Electricity Act 1968 - 10.8.1976 at 12.27 pm
5008390.1 Mortgage to (now) Westpac New Zealand Limited - 6.9.2000 at 9:00 am
6751681.1 Variation of Mortgage 5008390.1 - 14.2.2006 at 9:00 am





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier OT380/99

Land Registration District Otago

Date Issued 07 July 1955

Prior References

OTPR25/245

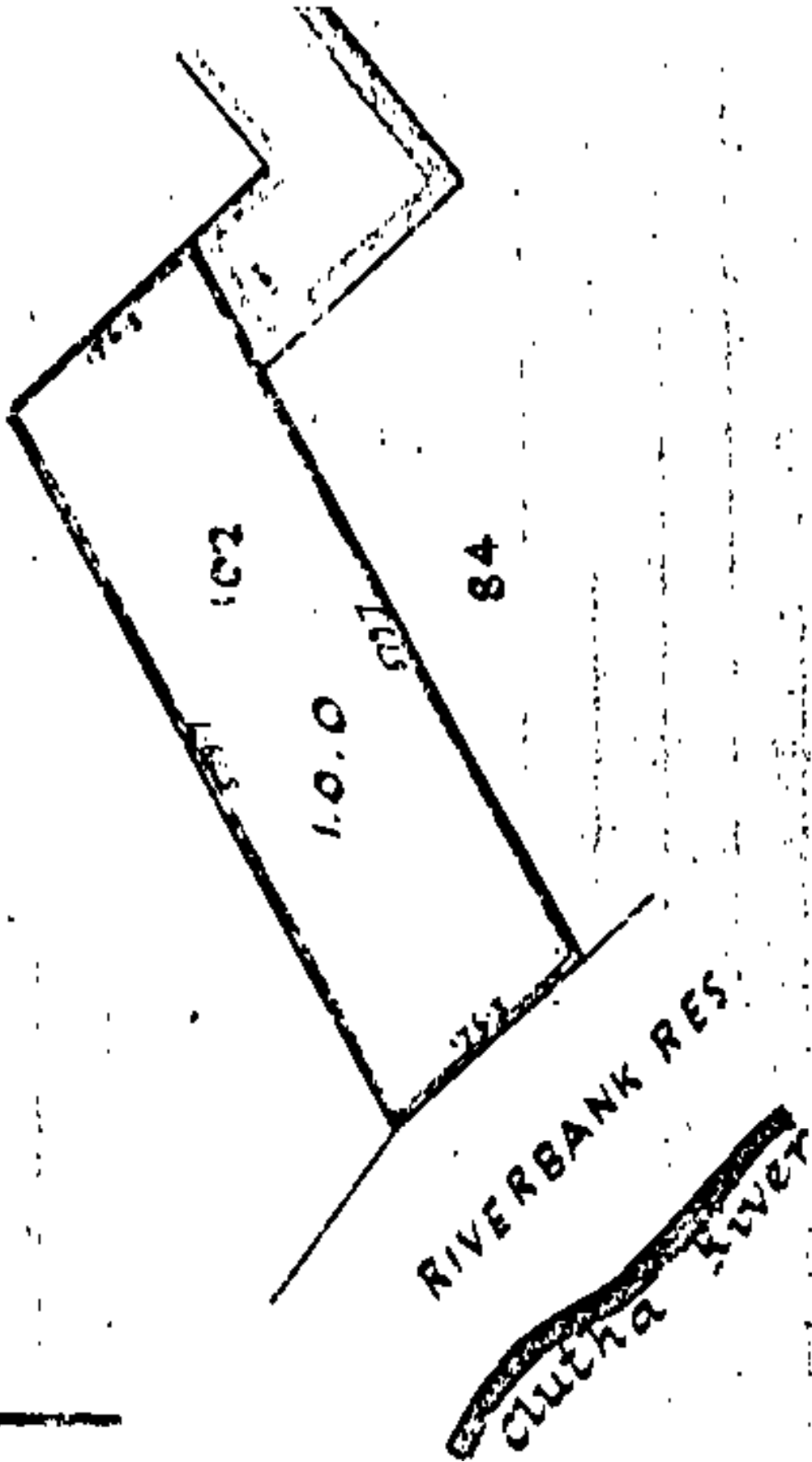
Estate Fee Simple
Area 4047 square metres more or less
Legal Description Section 102 Block VIII Benger Survey
District

Registered Owners

Jacks Ridge Limited

Interests

Subject to Section 59 Land Act 1948





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier OTB1/707

Land Registration District Otago

Date Issued 18 July 1962

Prior References

OT204/281

Estate Fee Simple
Area 9.0624 hectares more or less
Legal Description Part Section 89 Block VIII Benger Survey
District

Registered Owners

Laurie Allan Crawford and Pamela Fay Crawford

Interests

Subject to Section 29 of The Land Laws Amendment Act 1913

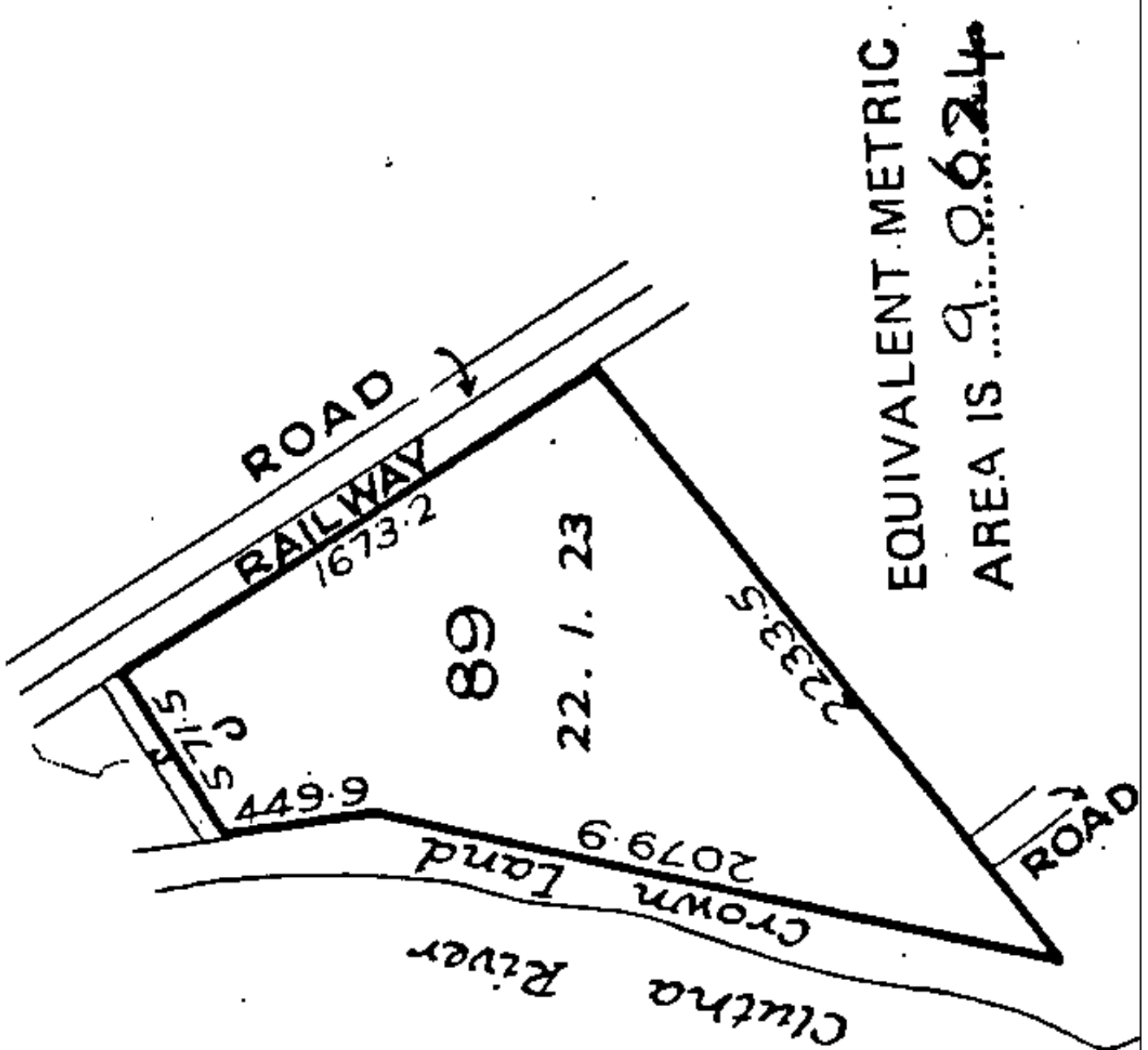
Excepting any metals, precious stones, minerals, coal and oil on and under the said land.

463568 Electricity Agreement pursuant to Section 50 Electricity Act 1968 - 10.8.1976 at 12:27 pm

5008390.1 Mortgage to (now) Westpac New Zealand Limited - 6.9.2000 at 9:00 am

6751681.1 Variation of Mortgage 5008390.1 - 14.2.2006 at 9:00 am

Subject to a right (in gross) to convey electricity over part marked A on DP 430607 in favour of Talla Burn Generation Limited created by Easement Instrument 8685658.1 - 28.1.2011 at 2:08 pm





View Instrument Details

Instrument No 8685658.1
Status Registered
Date & Time Lodged 28 January 2011 14:08
Lodged By Blackie, Sarah Anna
Instrument Type Easement Certificate



Affected Computer Registers **Land District**
OTB1/707 Otago

Annexure Schedule: Contains 5 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period
- I certify that the Mortgagee under Mortgage 5008390.1 has consented to this transaction and I hold that consent

Signature

Signed by Evan Richard Moore as Grantor Representative on 28/01/2011 01:06 PM

Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Evan Richard Moore as Grantee Representative on 28/01/2011 01:07 PM

***** End of Report *****

Approved by Registrar-General of Land under No. 2003/6150
Annexure Schedule - Consent Form
Land Transfer Act 1952 section 238(2)



Insert type of instrument
 "Caveat", "Mortgage" etc

Easement

Page of pages

Consentor
 Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor
 (eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

<u>WESTPAC NEW ZEALAND LIMITED</u>	Mortgagee under Mortgage no 5008390.1
------------------------------------	---------------------------------------

Consent
 Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.
 Delete words in [] if inconsistent with the consent.
 State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]
 [section of the Act]
 [Without prejudice to the rights and powers existing under the interest of the Consentor]
 the Consentor hereby consents to:
Registration of Easement.

Dated this 13 day of December 2010

Attestation

<p>Signed by <u>Westpac New Zealand Ltd</u> By its Attorney: In the presence of:</p> <p>Gretchen Joanne Earl</p> <p></p> <p>Signature of Consentor</p>	<p>Signed in my presence by the Consentor</p> <p><u>Anita Mora</u></p> <p>Signature of Witness</p> <p><i>Witness to complete in BLOCK letters (unless legibly printed)</i></p> <p>Witness name Anita Mora</p> <p>Occupation Bank Officer</p> <p>Address Westpac Christchurch</p>
--	---

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

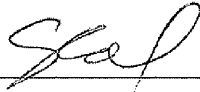
CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, Gretchen Joanne Earl, of Christchurch in New Zealand, Bank Officer

HEREBY CERTIFY -

1. **THAT** by Deed dated 6 September 2006 a copy of which is deposited with Land Information New Zealand and numbered 7032934.1, **WESTPAC NEW ZEALAND LIMITED**, incorporated in New Zealand and having its principal place of business at 188 Quay Street, Auckland appointed me its attorney on the terms and subject to the conditions set out in that Deed.
2. **THAT** at the date hereof I am a Tier Three Attorney for Westpac New Zealand Limited.
3. **THAT** at the date of this certificate I have not received any notice or information of the revocation of that appointment by the winding up or dissolution of **Westpac New Zealand Limited** or otherwise.

Signed at Christchurch



Gretchen Joanne Earl

this 13 December 2010

Easement instrument to grant easement or *profit à prendre*, or create land covenant
 (Sections 90A and 90F Land Transfer Act 1952)

2009/6229EF
 APPROVED
 Registrar-General of Land

Grantor

Laurie Allan CRAWFORD and Pamela Fay CRAWFORD

Grantee

TALLA BURN GENERATION LIMITED

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right to Convey Electricity	A on DP 430607	OTB1/707	In Gross

LAC *MLC*

Easements or profits à prendre rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby ~~[varied]~~ ~~[negative]~~ ~~[added to]~~ or ~~[substituted]~~ by:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[the provisions set out in Annexure Schedule 2]~~

Covenant provisions

Delete phrases in [] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]~~

~~[Annexure Schedule _____]~~

L.A.C. *[Signature]*

Annexure Schedule 2

1. The Grantee shall have the right to test, inspect, maintain, clean, repair, replace and relay the easement facilities and to construct, lay, place and maintain additional easement facilities along the stipulated course.
2. The Grantor covenants with the Grantee not to place any building or structure or plant any tree or shrub on the stipulated area without the prior written consent of the Grantee.
3. The Grantee shall pay to the Grantor an annual payment of \$200 plus GST (if any) per pole located on the Easement Land or \$200 plus GST (if any) per annum in total where conductors and or insulators are within the Easement Land, but no pole is located on the Easement Land (i.e. where there is only aerial trespass). This annual payment is to be adjusted either up or down after every thirty-six (36) months from successful commissioning of the power line. The adjustment is to be by the change in the Statistics New Zealand's Producer Price Index for the nearest 12 month period to the month in which the annual payment is to be made.

W. R. M. J. C.

Crown Minerals Act 1991

Sections 25 and 29A

Minerals Exploration Permit 60712

I, SUSAN CATHERINE BAAS, National Manager Petroleum and Minerals, Energy and Resource Markets, acting pursuant to sections 25 and 29A of the Crown Minerals Act 1991 and acting pursuant to delegated authority under schedule 6, clause 2 of the Public Service Act 2020, grant to:

HAWKESWOOD MINING LIMITED (Permit Operator)

the exclusive right to explore for gold in the land described in Schedule 2.

This minerals exploration permit is granted for a term of 3 years commencing on 19 October 2021.

This permit is a Tier 2 permit unless and until a change to the tier status of the permit takes effect in accordance with section 2B or 2D of the Crown Minerals Act 1991.

This permit is granted subject to the Crown Minerals Act 1991 and all regulations made under that Act, and the conditions of the permit.

DATED this 19th day of October 2021



SUSAN CATHERINE BAAS

Schedule 1

General Conditions

RIGHTS GRANTED BY THIS PERMIT

- 1 The permit holder has the right to prospect for the specified minerals, in the permit area.
- 2 The permit holder has the right to explore for the specified Crown-owned minerals in the permit area.

GOOD INDUSTRY PRACTICE

- 3 The permit holder must make all reasonable efforts to explore and delineate the mineral resource potential of the land to which the permit relates in a proactive and efficient manner in accordance with this permit and good industry practice.

COMPLIANCE AND CONSENTS

- 4 In carrying out activities under this permit, the permit holder must:
 - (a) comply with the Crown Minerals Act 1991 (Act) and all other relevant legislative requirements;
 - (b) obtain any consents and approvals required under the Resource Management Act 1991, the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 and any other applicable Acts; and
 - (c) in accordance with section 33A of the Act, obtain confirmation from the chief executive that WorkSafe has given its approval or consent before carrying out an activity under the permit that requires the approval or consent of WorkSafe (in respect of the requirements of the Health and Safety at Work Act 2015 or regulations made under that Act).

WORK PROGRAMME CONDITIONS

- 5 Where the permit holder is required to commit to work pursuant to the permit, the permit holder must satisfy the chief executive that the permit holder can fulfil that commitment.

RELINQUISHMENT OBLIGATIONS

- 6 In addition to any other relinquishment requirement imposed in accordance with the Act, the permit holder must (where required) relinquish an area of the permit determined in accordance with the Act and the Minerals Programme if an extension of duration is granted.
- 7 Where the permit holder is required to relinquish part of the permit area, the permit holder must submit to the chief executive a map of the proposed relinquishment area not later than 28 days before the relinquishment obligation is due.

SUBCONTRACTING

- 8 The permit holder is not discharged from any obligation arising under this permit by contracting a third party to perform the relevant obligation.

FEES

- 9 The permit holder must pay annual fees and any other applicable fees relating to this permit, in accordance with the relevant regulations.

ROYALTIES

- 10 In the event that minerals are produced from the permit area, the permit holder must notify the chief executive as soon as practicable.
- 11 The permit holder will be liable for payment of a royalty to the Crown calculated in accordance with the Crown Minerals (Royalties for Minerals Other than Petroleum) Regulations 2013.
- 12 In the event that royalties become payable under the permit, the Minister will determine the points of valuation for royalty calculation following consultation with the permit holder.
- 13 The permit holder must report and pay any royalties due in accordance with the relevant regulations.

REPORTING

- 14 The permit holder must submit reports to the chief executive in accordance with the relevant regulations.

ACTIVITIES OF OTHER OPERATORS IN THE PERMIT AREA

- 15 The permit holder must not unreasonably interfere with the activities of any other persons lawfully operating in the permit area.

RESTORATION

- 16 On completion of activities in the permit area, the permit holder must carry out restoration of the permit area in accordance with all regulatory requirements, consents and good industry practice.

Schedule 2

The Land to Which the Permit Relates

Land Area: 289.22 hectares
Regional Council: Otago Region
Territorial Authority: Central Otago District



Description of Land Area:

All that area of land as shown in the attached map and more particularly identified in the spatial database held by the chief executive.





EP 60712

Date: 28/09/2020	Projection: NZTM Datum: NZGD2000	 1:25,000		Area = 289.22 ha Central Otago District
------------------	-------------------------------------	--	---	--

Schedule 3

Minimum Work Programme

- 1 Within 36 months of the commencement date of the permit, the permit holder shall (to the satisfaction of the chief executive):
 - (a) complete a literature review and compile all available geological data into a GIS database;
 - (b) complete a programme of detailed geological mapping;
 - (c) complete a programme of bulk sampling for a minimum of 10 test pits;
 - (d) complete a programme of infill drilling for a minimum of 50 drill holes;
 - (e) complete a programme of step-out drilling for a minimum of 50 drill holes to determine the extent of the mineral resource;
 - (f) prepare a geological model;
 - (g) complete an updated mineral resource estimate;
 - (h) complete a mine feasibility study; and
 - (i) prepare a technical report detailing all work completed during this stage of the work programme, including the the submission of digital data in accordance with the regulations with sufficient quality assurance information to demonstrate the precision and accuracy of the data.



Key

- Borehole Name
- Wash Thickness
- Basement Depth
- Mg/BCM
- Stockpile
- Porta Coms and Workshop
- 100mg Resource Estimate Outline

Mg/BCM Scale

- No Recorded Value
- 0 - 200
- 200 - 400
- 400 - 600
- 600+

Processing: 200m³ / Hr
Plant Water: 300m³ / Hr
Stockpile: 80,000m³



File Ref:
Prepared For:

Hawkeswood Civil


No.	Amendments	Drawn	Date

Site Plan

Millers Flat

Project No.:	Surveyed:
Scale:	Designed:
Date:	Drawn:
Sheet:	Checked:





PROPOSED ALLUVIAL MINING

MILLERS FLAT

ASSESSMENT OF NOISE EFFECTS

Report No 22048

Prepared for:

*Hawkeswood Civil
Auckland
16 May 2022*

Prepared by:



Nevil Hegley

CONTENTS

1	INTRODUCTION	3
2	DISTRICT PLAN REQUIREMENTS	4
3	THE PROPOSAL	5
4	PREDICTED NOISE LEVELS	12
5	CONCLUSION	24
	APPENDIX A	25

1 INTRODUCTION

It is proposed to mine an alluvial deposit at 1346 Teviot Road, Roxburgh which is located approximately 3km north of Millers Flat township as shown on Figure 1. This report considers the noise¹ aspects of the proposal and how the project will be managed to control the noise to within a reasonable level for the rural neighbours.



Figure 1. Location of the Site

¹ See Appendix A for a Glossary of Noise Terms used in this report.

2 DISTRICT PLAN REQUIREMENTS

The proposed mining area and all the closer neighbours are located in a Rural Resource Area in the Central Otago District Plan. Rule 4.7.6 E. Noise of the District Plan requires:

- (a) *All activities shall be conducted so as to ensure the following noise limits are not exceeded at any point within the notional boundary of any dwelling, rest home or hospital, or at any point within any Residential Resource Area or any Rural Settlements Resource Area:*

<i>On any day 7:00am to 10:00pm</i>	<i>55dBA L₁₀</i>
<i>10:00pm to 7:00am the following day</i>	<i>40dBA L₁₀</i>
	<i>70dBA L_{max}</i>

Rule 12.7.4(i) of the District Plan requires the noise to be measured in accordance with the provisions of NZS 6801:1991 Measurement of Sound and assessed in accordance with the provisions of NZS 6802:1991 Assessment of Environmental Sound.

Rule 12.7.4(ii) sets the limits for construction noise at:

Construction noise within the district which is ancillary to the principal use of the site shall not exceed the recommended limits in and shall be measured and assessed in accordance with the provisions of NZS 6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance, and Demolition Work. Discretionary adjustments provided in Clause 6.1 shall be mandatory within the district.

Table 1 of NZS 6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance, and Demolition Work referred to in Rule 12.7.4(ii), sets the following construction noise levels that must be complied with at a point 1m from any residential building where the construction noise is present for more than 15 days but less than 18 weeks (which is the case for this project).

Time	Weekdays			Saturdays		
	L ₁₀	L ₉₅	L _{max}	L ₁₀	L ₉₅	L _{max}
0630-0730	60	45	70	-	-	-
0730-1800	75	60	90	75	60	90
1800-2000	70	55	85	-	-	-

For all periods not specified NZS6802 shall apply. This means a level of 45dBA L₁₀ should be adopted.

3 THE PROPOSAL

It is proposed to mine the alluvial material using a conventional gold recovery plant that will be either land based or on a floating dredge and hydraulic excavator between 7:00am – 7:00pm Monday to Friday plus 7:00am – 1:00pm on Saturdays. The first stage of the works will be to remove the silt and then excavate the gravel to form a pond area where the barge will operate. The silt will be removed with a Cat 330 excavator or similar such as shown on Figure 2. A noise trace of the excavator operating is shown on Figure 3.



Figure 2. Cat 330D Excavator

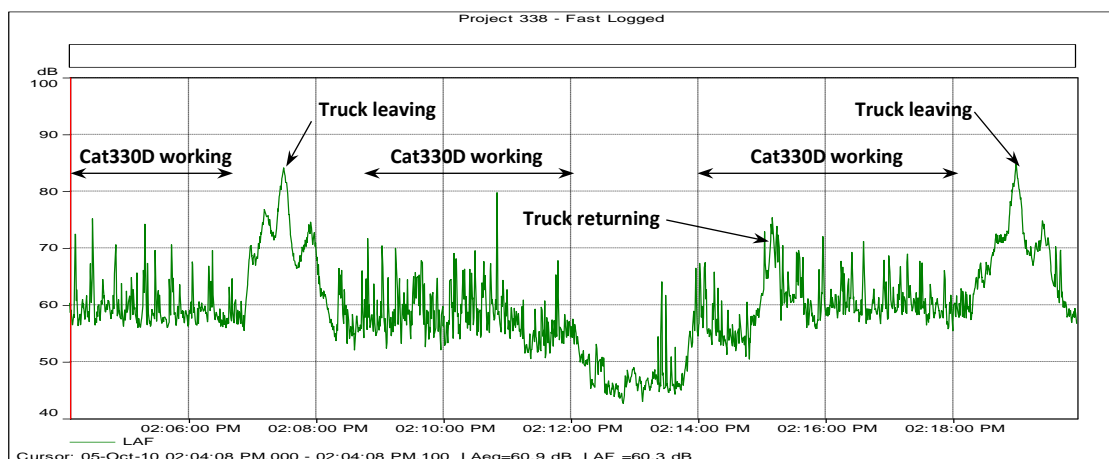


Figure 3. Sound Trace of Cat 330D Excavator at 80m

The excavated silt material will be transported to an adjacent dump site using an articulated truck such as a Volvo A40E shown on Figure 4. These trucks have been measured at 68dBA L_{10} at 50m as shown on Figure 5.



Figure 4. Volvo A40E Dump Truck

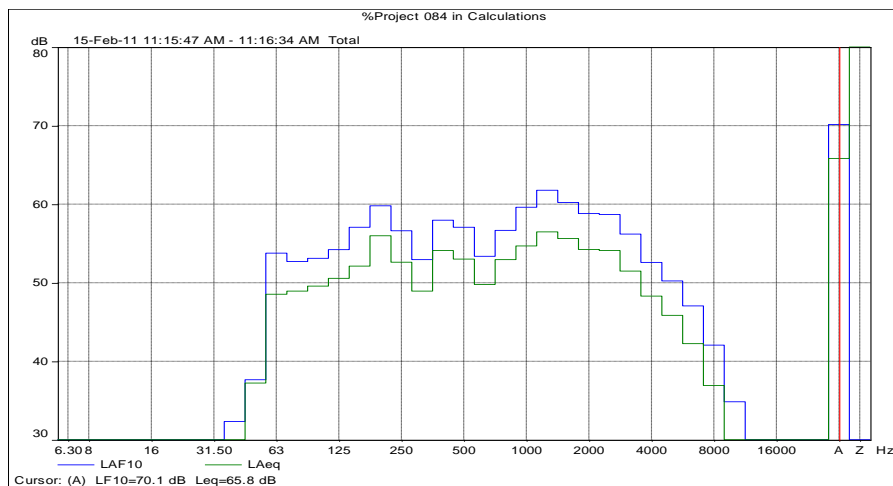


Figure 5. Volvo A40E Dump Truck Spectrum at 65m

Once below the silt the pond will be excavated using 2 x Komatsu PC1000 excavators or similar such as shown on Figure 6. The noise level from this excavator operating at 25m from the measurement position was 75dBA L₁₀ as shown on Figure 7.



Figure 6. Komatsu PC1000

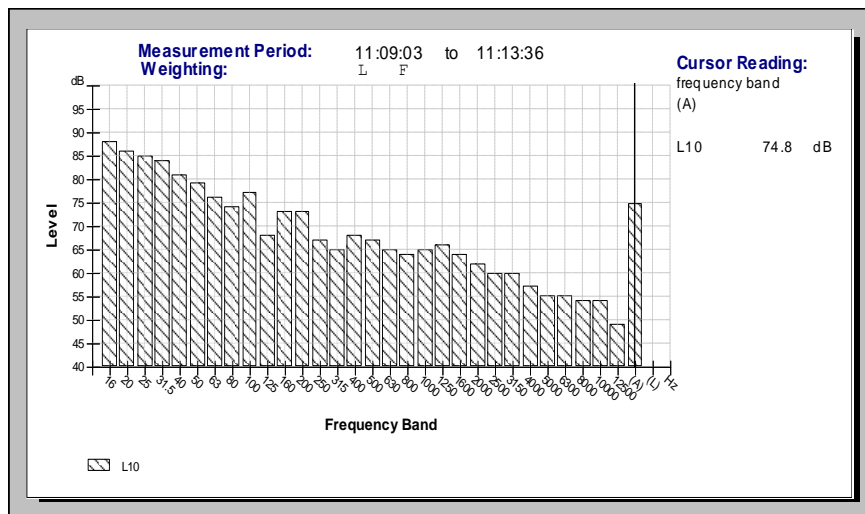


Figure 7. Komatsu PC1000 Sound Spectrum at 25m

These excavators will load dump trucks, such as a Cat 777 as shown on Figure 8. The trucks will transport the gravel around the pond to the previously mined area to rehabilitate the land. The noise of the dump trucks transporting overburden has been measured as the trucks passed within 10m of the measurement point. The result of this measurement is shown on Figure 9.



Figure 8. Cat 777 Dump Truck

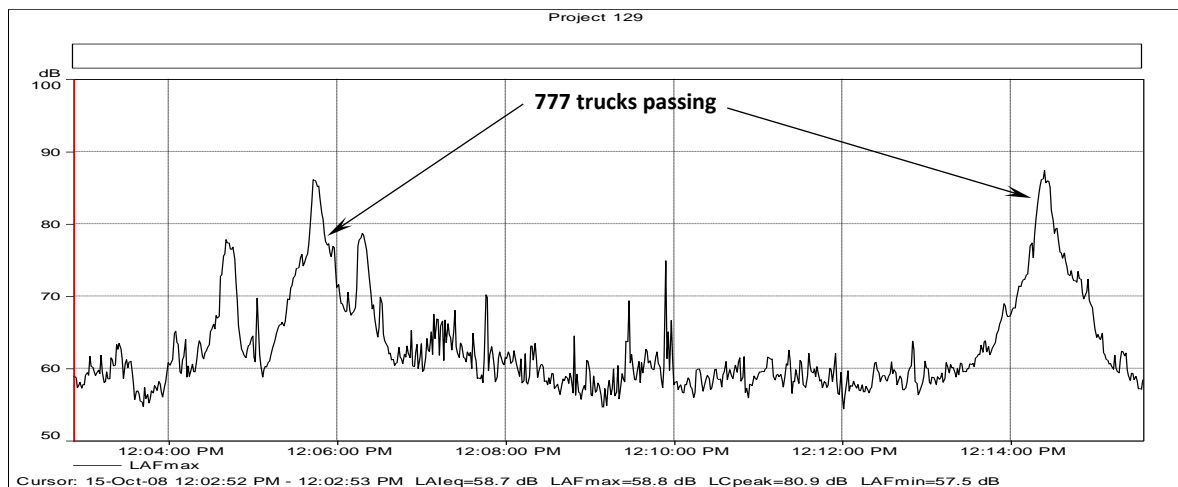


Figure 9. Cat 777 Dump Truck Noise

The gravel will be tipped in the rehabilitation area and managed using a Cat D10 bulldozer or similar. A Cat D10 bulldozer is shown on Figure 10 and the sound spectrum of this bulldozer operating is shown on Figure 11.



Figure 10. Cat D10 Bulldozer

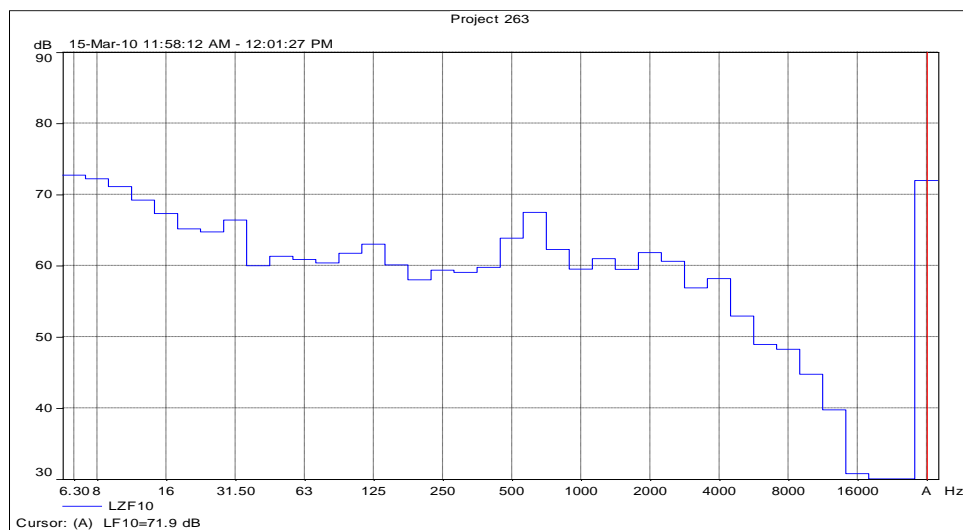


Figure 11. Cat D10 Bulldozer at 80m

The other significant noise source on site will be the mining recovery plant that will be either land based or located on a floating dredge in the pond. Figure 12 shows a land based recovery plant. The only significant difference with the proposed plant is that it is on a barge floating in a purpose-built pond typically 5m below the natural ground level. The noise level as measured at 60m from the processing plant operating with clear line of sight to the plant is shown on Figure 13. The predictions assume the mining recovery plant is land based. If floating within a pond, there will be additional screening by the edge of the pond to the neighbours and hence slightly lower noise levels than predicted below.



Figure 12. Recovery Plant

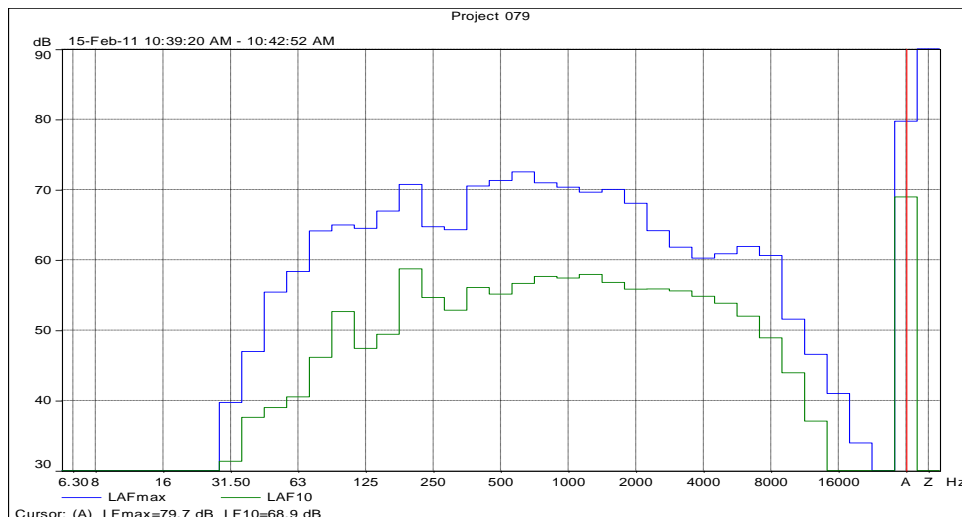


Figure 13. Sound Spectrum of Recovery Plant operating at 60m

Mining will take place over a five to seven year period commencing at the northern end of the area to be mined and working south as shown on Figure 14. The mine path will advance steadily over the programmed five to seven year mining period with the width of the mine path varying between 50 – 400m.

Secondary potential noise sources on site will include a grader operating on the haul roads and dewatering pumps. The grader is significantly quieter than the Cat 777 dump trucks so will not have any cumulative noise effects. The dewatering pumps will be located within the mine area where they will be well screened by the pit edge. As these pumps will operate at night time they will need to be within the 40dBA L_{10} and 70dBA L_{max} limit of the District Plan. A preliminary analysis of similar size pumps shows the noise from these pumps will be within the lower night time limit of 40dBA L_{10} and 70dBA L_{max} without any additional noise control treatment.

4 PREDICTED NOISE LEVELS

The construction of bunds is the only construction noise that is proposed for this project. The closest that the plant constructing the noise control bunds will come to a dwelling is 35m. Assuming the construction plant will be a D6 dozer, articulated trucks and an excavator, the noise at 35m will be within the 75dBA L_{10} and 90dBA L_{max} design limits, as set out above, at the closest dwelling to any bund. By complying with the noise level during the bund construction at the closest dwelling, the construction noise will comply at all dwellings.

The noise from mining has been predicted using the Brüel & Kjær Predictor programme v2022.11. This is a powerful environmental noise calculation software package that uses a digital terrain model with each of the noise sources modelled at the various locations on the ground. Calculations are undertaken in accordance with the requirements of ISO 9613-1/2 Acoustics – Attenuation of Sound during Propagation Outdoors. As the ground contours are not available for the area it has been assumed the ground is flat. This will result in higher noise levels being predicted. Any screening effects of the ground contour will provide a factor of safety with the assessment. However, for the majority of the area the ground is relatively flat, so the results will be representative for the site. For this project, a grid varying from 5m to 25m has been adopted to calculate the noise contours. The noise from each item of plant operating has been calculated at each grid point and the noise contours have been drawn based on these levels. All calculations have been undertaken assuming a slightly positive meteorological effect at the receiver position with a ground absorption of 0.7 and a receiver height of 1.5m.

The analysis assumes a busy day with all plant operating. To predict the noise from the proposed mining all of the above noise sources have been located at various points on the dredge path. The mining activities have been evaluated at locations 1 – 7 as shown on Figure 14 with each location being close to dwellings along the route so they represent the highest noise level for each dwelling.

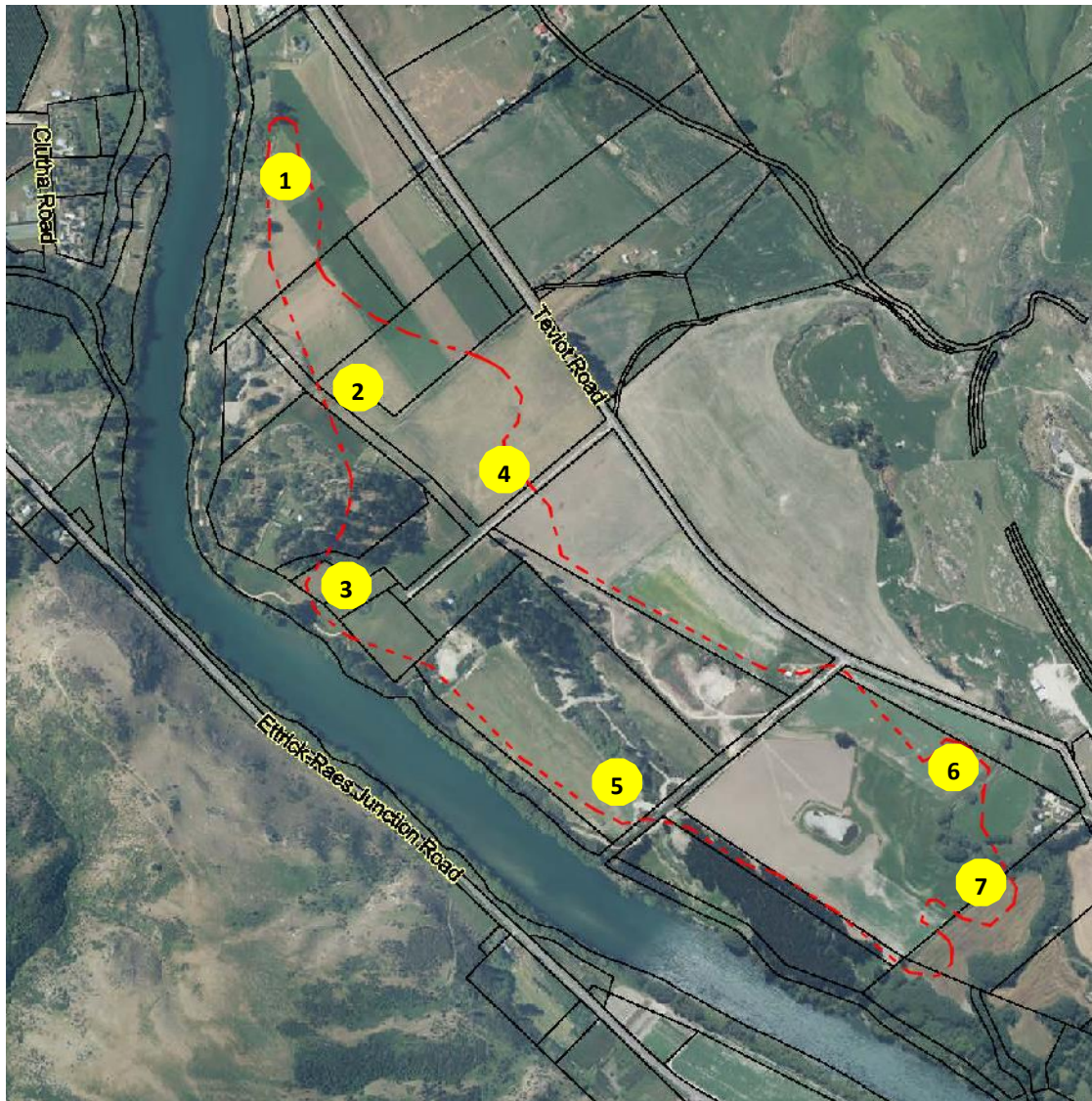


Figure 14. Positions of Dredging Stages Evaluated

At each of the selected dredging locations 1 – 7 as shown on Figure 14, the noise contours have been predicted based on the plant operating between 7:00am – 7:00pm Monday to Friday plus 7:00am – 1:00pm on Saturdays. That is, during the period when the 50dBA L_{10} noise limit in the District Plan is applicable.

The assessment assumes a minimum of a 4m high bund will be constructed across the northern side of the mining and nominally 300m down the western side of the site and 700m down the eastern side of the site plus a 3m high bund nominally 300m long to screen the dwelling at 5386 Ettrick-Raes Junction Road.

Figure 15 shows the noise contours for the initial stages of the mining at the northern end of the site.

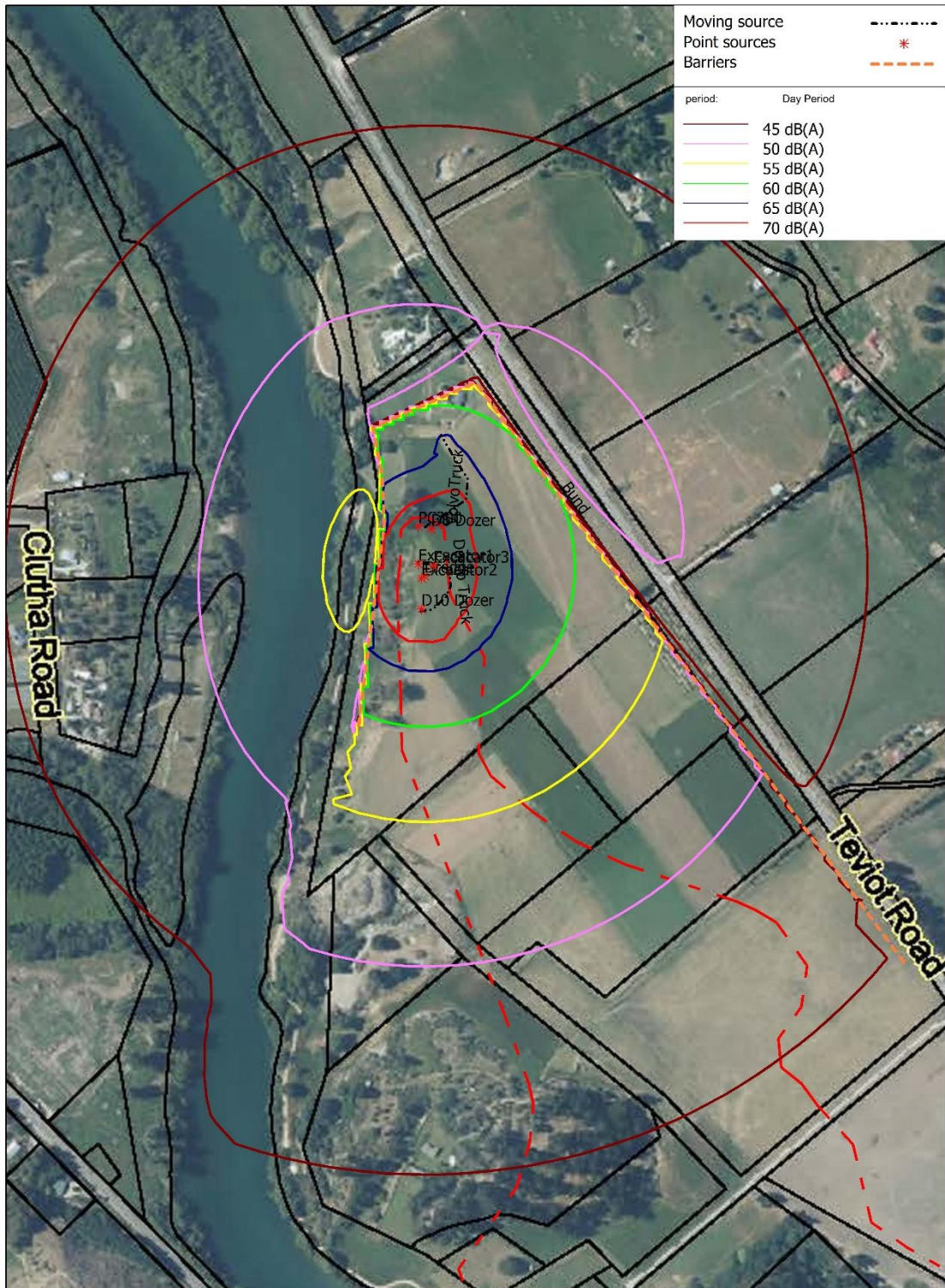


Figure 15. Mining at the northern end of the site

Figure 16 shows the noise contours when mining at location 2 (Figure 14) opposite 5280 Ettrick-Raes Junction Road.

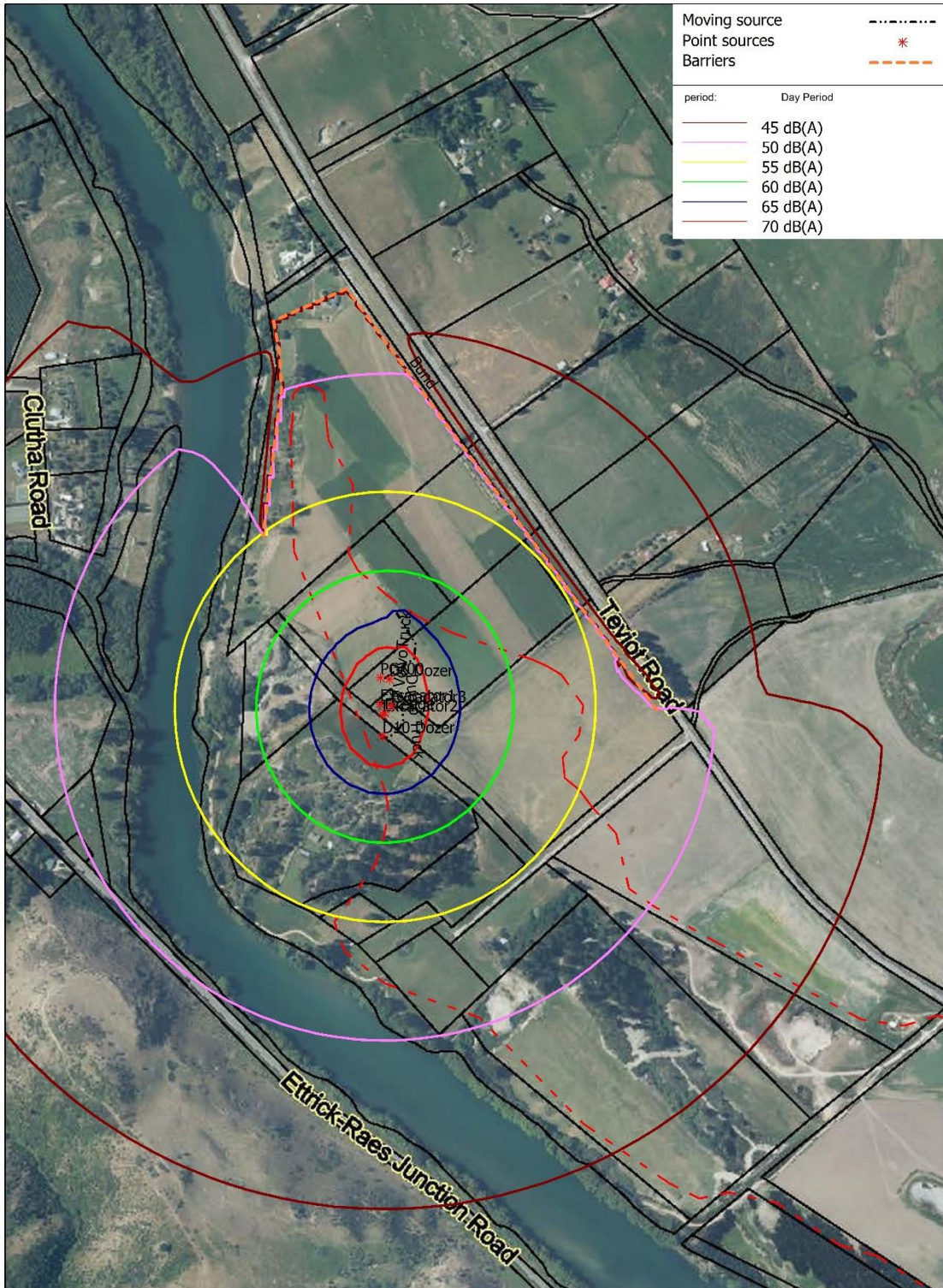


Figure 16. Mining at the location 2, (Figure 14)

Figure 17 shows the noise contours when mining at location 3 (Figure 14) halfway along the mining path on the western side of the site.

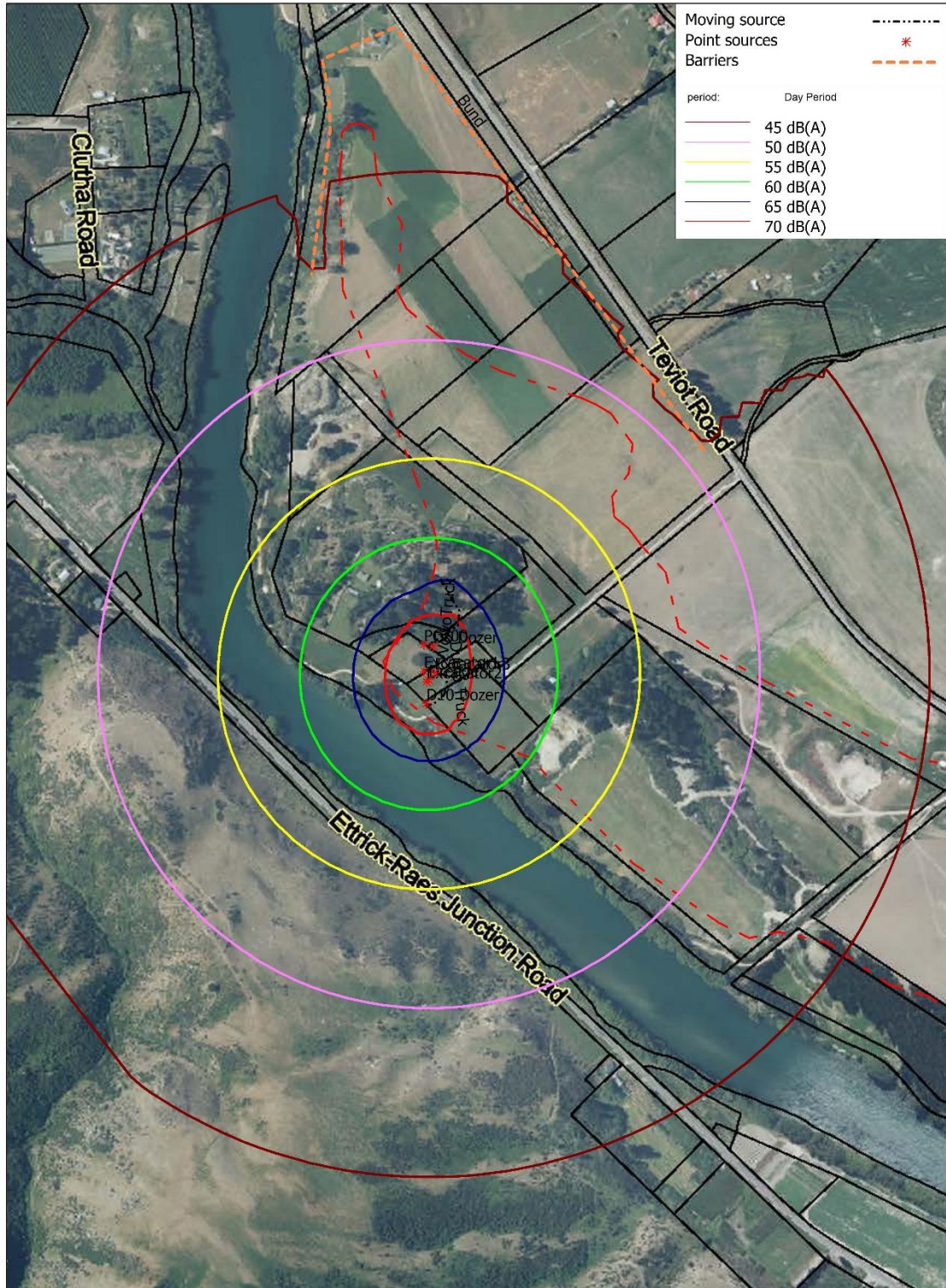


Figure 17. Mining at location 3, (Figure 14)

Figure 18 shows the noise contours when mining at location 4 (Figure 14) opposite 1403 Teviot Road.

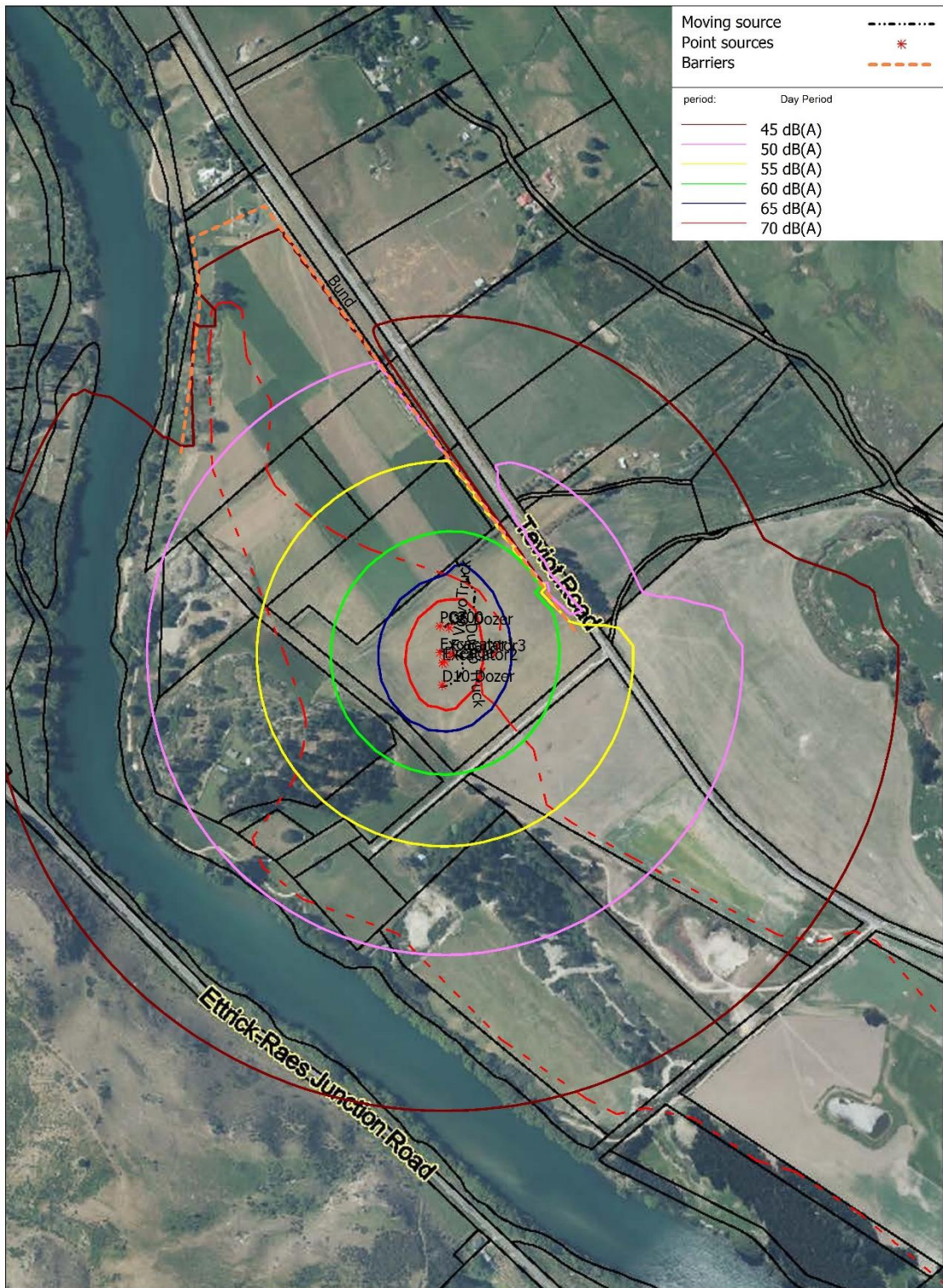


Figure 18. Mining at location 4, (Figure 14)

Figure 19 shows the noise contours when mining at location 5 (Figure 14) opposite 5386 Ettrick-Raes Junction Road.

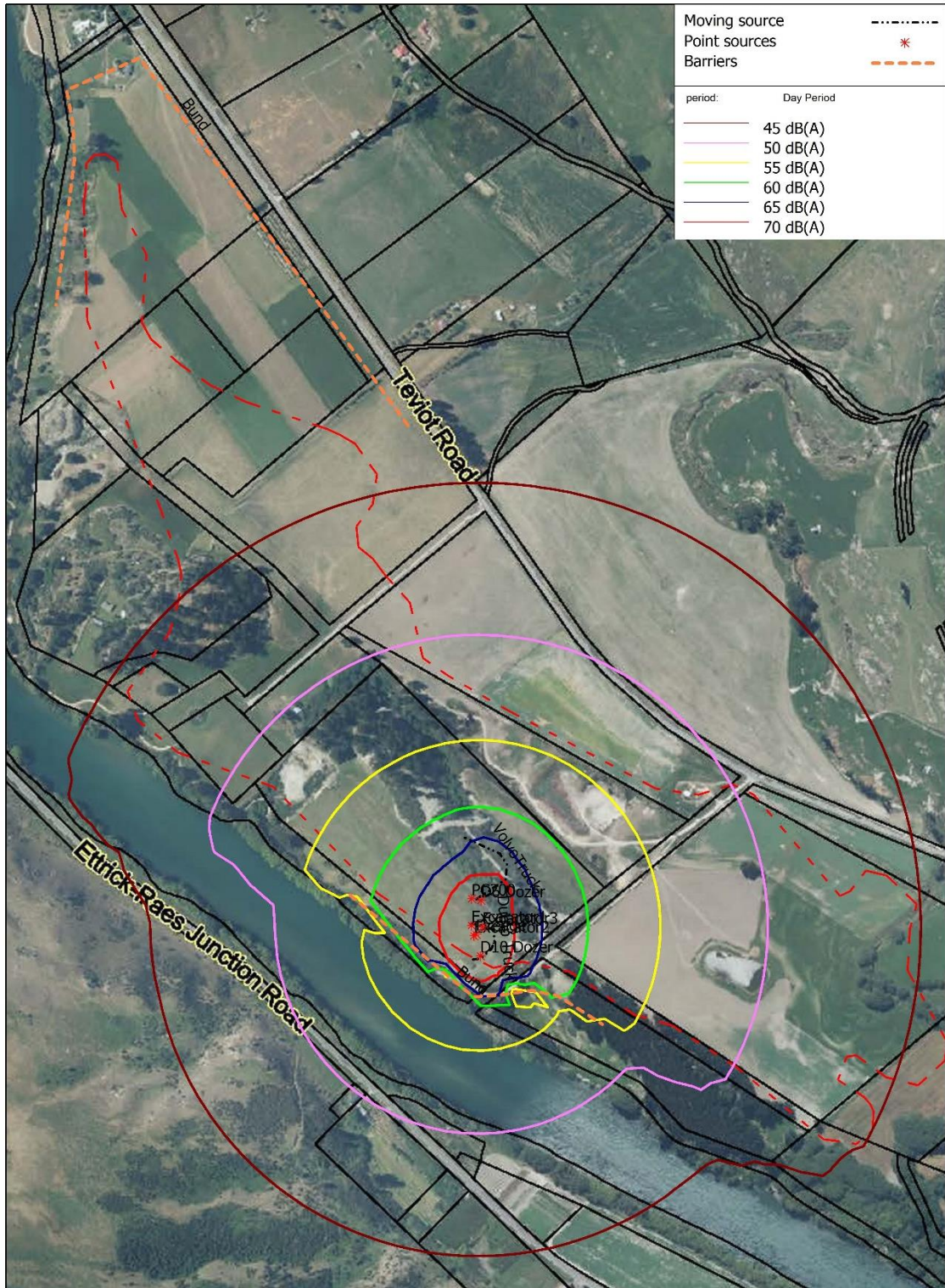


Figure 19. Mining at location 5, (Figure 14)

Figure 20 shows the noise contours when mining at location 6 (Figure 14) opposite 1537 Teviot Road.

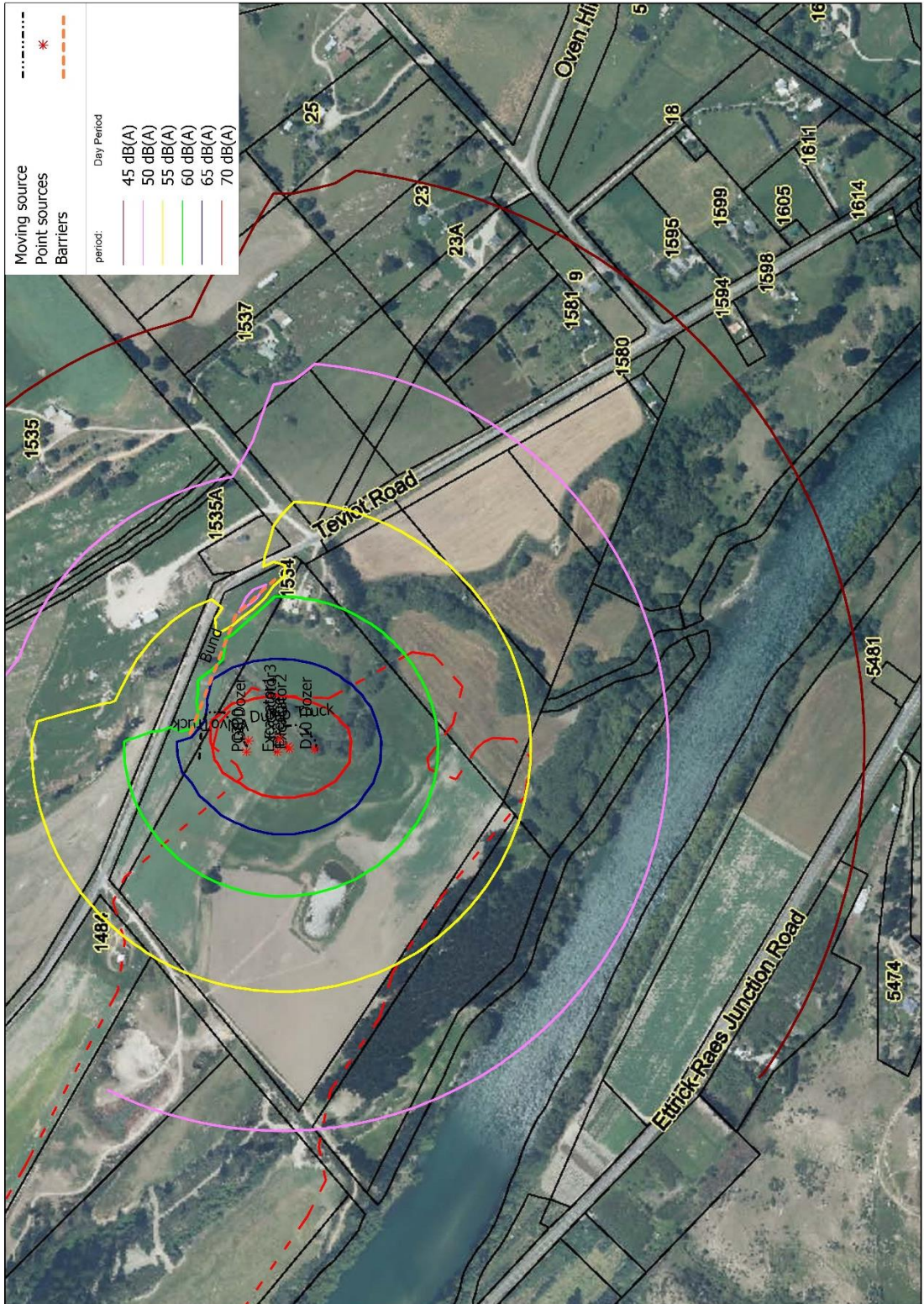


Figure 20. Mining at location 6, (Figure 14)

Figure 21 shows the noise contours when mining at location 7 (Figure 14) at the southern end of the mine area.

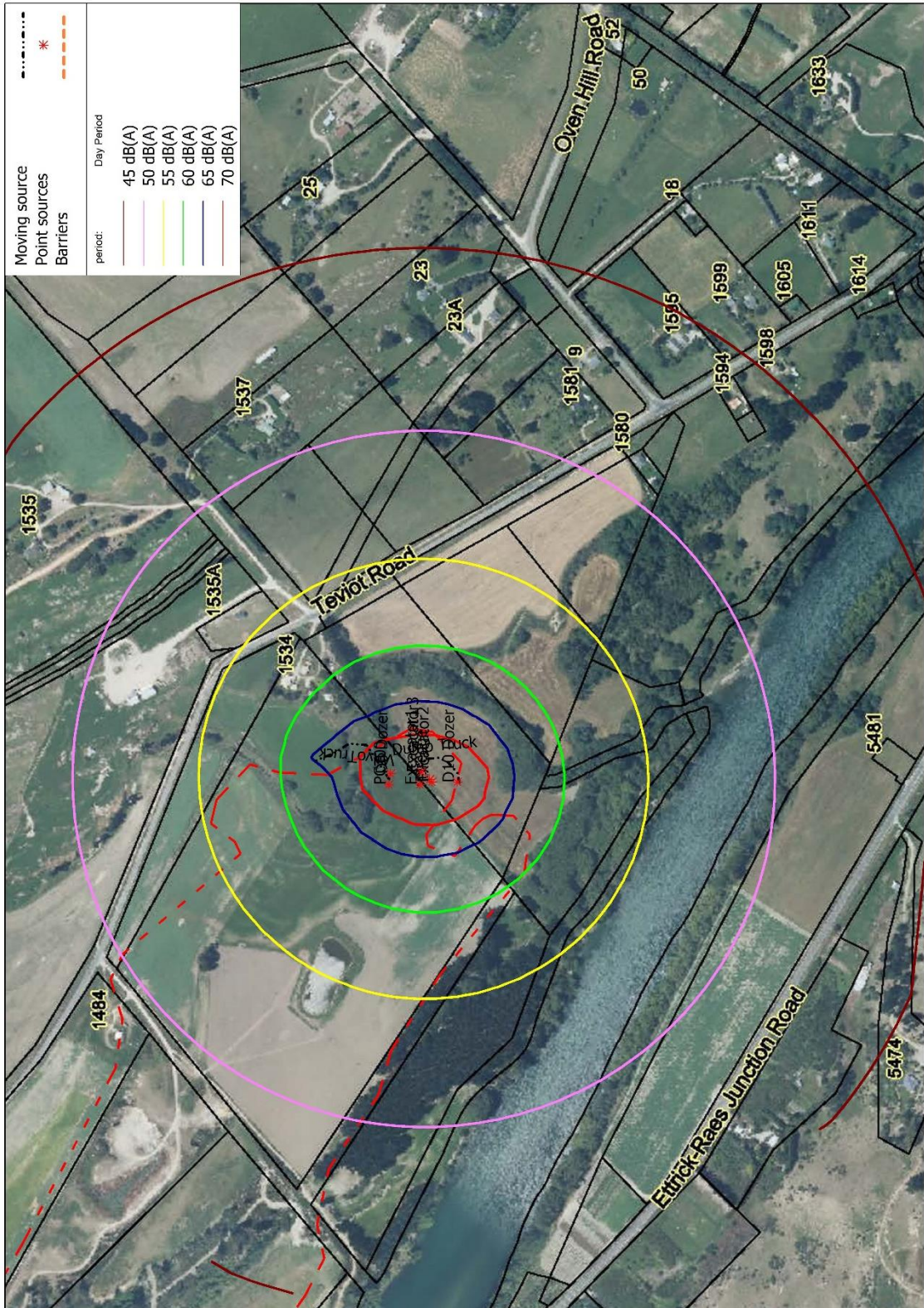


Figure 21. Mining at location 7, (Figure 14)

In addition to the noise contouring, the noise level at the most exposed notional boundary of the closer dwellings around the mine, as shown on Figures 22 and 23 have been predicted.

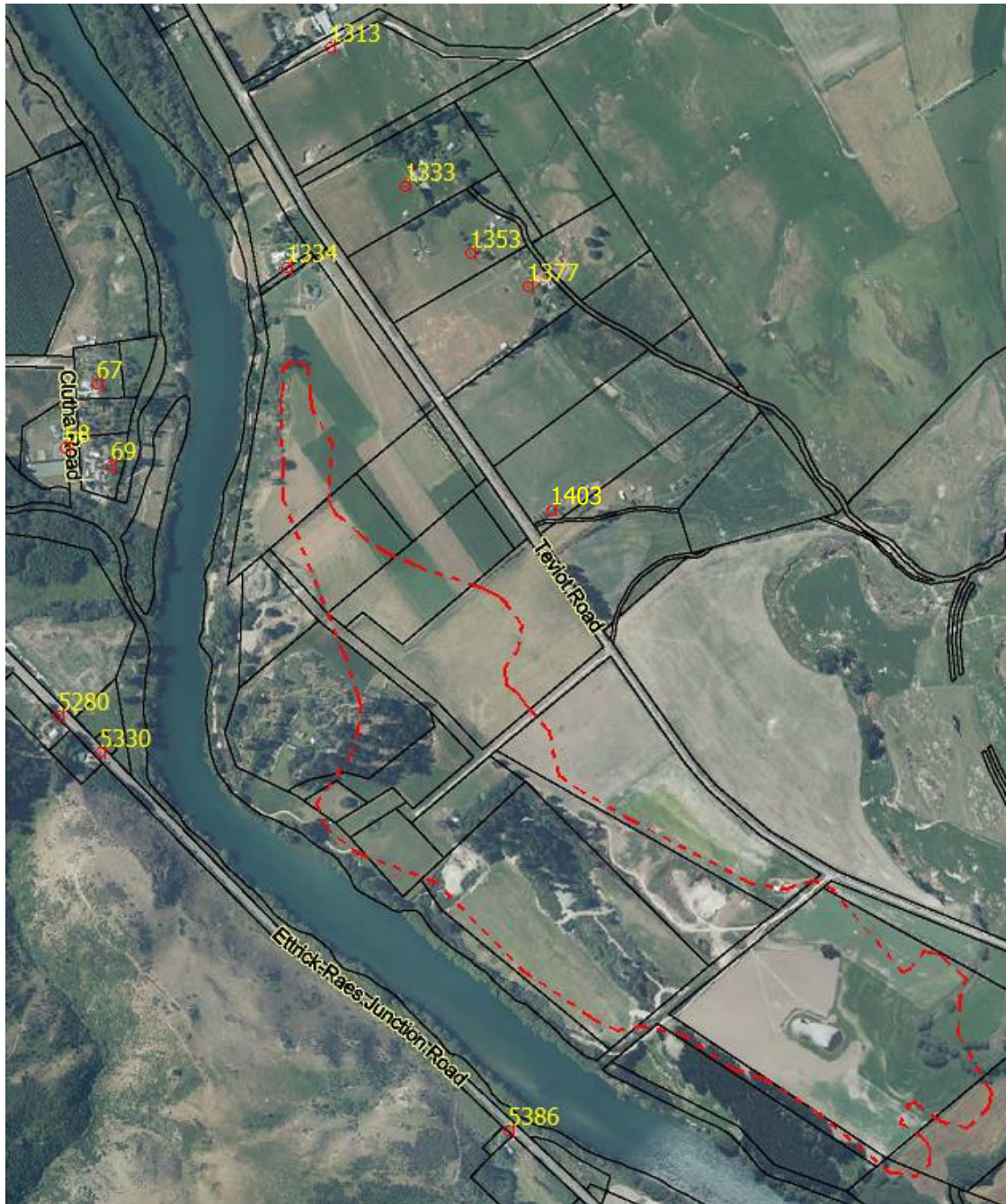


Figure 22. Location of dwellings to the north and west of mine

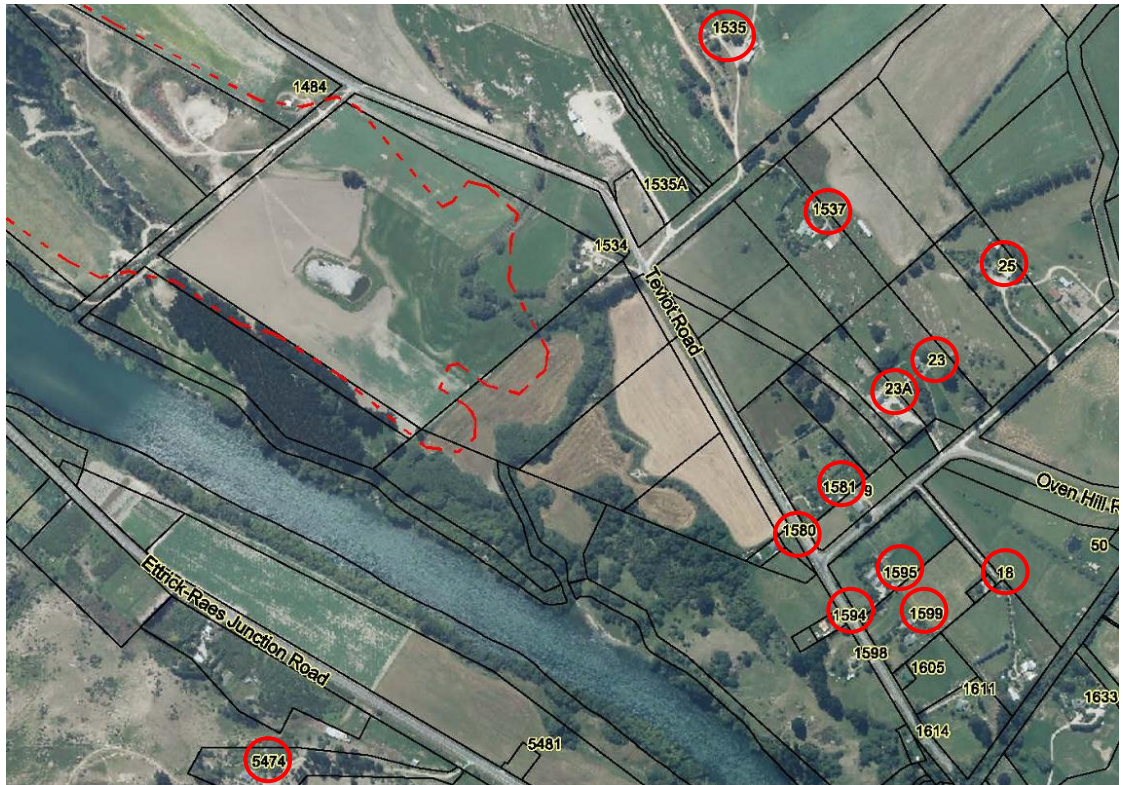


Figure 23. Location of dwellings to the east of mine

The predicted noise levels at the notional boundary of the closer dwellings for each of the dredging locations are shown in Table 1.

Table 1. Predicted Noise Levels (dBA L₁₀)

Dwelling	Site 1*	Site 2	Site 3	Site 4	Site 5	Site 6	Site 7
67 Clutha Road	47	47	43	42	35	33	30
68 Clutha Road	45	47	43	43	35	33	31
69 Clutha Road	47	49	45	44	36	34	31
5280 Ettrick-Raes Junct	40	48	48	44	38	34	32
5330 Ettrick-Raes Junct	40	49	50	45	40	35	33
5386 Ettrick-Raes Junct	35	42	47	42	50	44	43
5434 Ettrick-Raes Junct	31	37	40	37	43	46	47
5474 Ettrick-Raes Junct	30	35	37	35	39	44	45
1313 Teviot Road	42	38	34	36	29	32	29
1333 Teviot Road	46	41	37	39	31	34	31
1334 Teviot Road	50	43	38	40	32	31	28
1353 Teviot Road	47	42	38	41	33	35	32

1377 Teviot Road	45	43	38	42	36	36	33
1403 Teviot Road	44	48	43	50	41	40	37
1535 Teviot Road	29	36	36	37	40	47	48
1537 Teviot Road	28	34	35	35	39	49	49
1580 Teviot Road	28	33	34	33	38	47	49
1581 Teviot Road	28	33	34	33	38	47	49
1594 Teviot Road	28	32	33	32	37	44	46
1595 Teviot Road	28	32	33	32	36	44	46
1599 Teviot Road	27	31	32	31	36	43	45
18 Oven Hill Road	26	31	32	31	35	42	43
23 Oven Hill Road	26	33	34	33	37	46	47
23 Oven Hill Road	27	33	34	33	37	47	48
25 Oven Hill Road	26	32	33	33	36	44	44

* Site locations are shown on Figure 14

5 CONCLUSION

Based on field measurements of the type of plant that will be used on site the noise from the various mining activities has been predicted for the dredge operating at the closer points to existing dwellings to reflect the upper level of noise likely to be experienced by the neighbours. For much of the time the equipment will be further from the residents and hence there will be less noise at the receiver positions. However, to ensure there will be compliance with the predicted noise levels the noisiest scenarios have been modelled.

When mining near the closer houses it will be necessary to include a minimum of a 4m high bund at the northern end of the site and a 3m bund opposite 5386 Ettrick-Raes Junction Road to provide screening of the closer houses. This will enable the daytime limit of 50dBA L₁₀ to be achieved. No night time work is proposed.

When considering the above and the requirements of the Resource Management Act, the proposed landfill expansion can be managed so the noise effects will be less than minor.

* * *

APPENDIX A

Guide to Noise Terms

The following sets out an explanation of the acoustic terms that will be referred to throughout this report. The aim is not to necessarily provide technical definitions, but to enable a basic understanding of what is meant.

The setting of specific noise levels to control any adverse effects does not necessarily mean that noise will not be heard. Audibility depends on the level of a sound, the loudness of the background sound and any special frequency composition or characteristics that a sound may have.

Research suggests that a small number of people (approximately 10%) will find any noise not of their own making unacceptable. Conversely, there are approximately 25% of the population that are essentially immune to any noise. Neither of these two extremes is normally designed for. In establishing the appropriate noise levels the aim is to try and represent the typical expected community reaction, this will generally be approximately 90% of the people.

In order to reflect community response to noise it is necessary to establish a measure that reflects our attitude to the sounds that we hear. Due to the variability of many sounds (level, tone, duration, intrusiveness above the existing sound, etc) no single descriptor will totally describe the potential community reaction to a sound. For this reason there are a number of terms that need to be understood.

dBA

The basic unit to quantify a sound is the decibel. The A-weighted sound level, or dBA, is a good environmental noise descriptor because of the similarity between A-weighting and the frequency response of the human ear at moderate sound levels. It can also be measured easily. However, it provides no indication of tonal

frequency components or unusual frequency distributions of sound that may be the cause of annoyance. Where appropriate, this must be assessed separately.

We can hear a change in sound pressure that varies from 1 (taken as the threshold of hearing) through to 1,000,000,000,000 (taken as the threshold of pain). In order to bring these numbers to a more manageable size a logarithmic scale is normally adopted. This reduces the above values to 0 and 12 respectively. The decibel is then described as 10 times the logarithm of the ratio of the pressure level of interest, to a reference pressure level. Thus, the scale becomes 0 to 120dBA.

Some typical subjective changes in noise levels are:

- A change of 3dBA is just perceptible
- A change of 5dBA is clearly perceptible
- A change of 10dBA is twice (or half) as loud

Because we use a logarithmic scale care must be taken when adding sound levels. Two equal noise sources raises the level of one source by 3dBA. It takes 10 equal noise sources to raise the level of one source by 10dBA. ie $60\text{dBA} + 60\text{dBA} = 63\text{dBA}$ and $60\text{dBA} \times 10 = 70\text{dBA}$.

Maximum Sound Level (L_{max})

This unit equates to the highest (maximum) sound level for a defined measurement period. It is adopted in NZS6802:1991 Assessment of Environmental Sound, mainly as a method of protecting sleep.

L_{10}

The sound level which is equalled or exceeded for 10% of the measurement time. This level is adopted in NZS6802:1991 Assessment of Environmental Sound to measure intrusive sound. This level may be considered as the average maximum sound level.

Background Sound L_{95}

The sound level which is equalled or exceeded for 95% of the measurement time. This level is adopted in NZS6802:1991 Assessment of Environmental Sound to measure the background sound. This level may be considered as the average minimum sound level and is the component of sound that subjectively is perceived as continuously present.

Equivalent Sound Level (L_{Aeq})

The L_{Aeq} may be considered as the continuous steady noise level that would have the same total A-weighted acoustic energy as a fluctuating noise over the same time period.

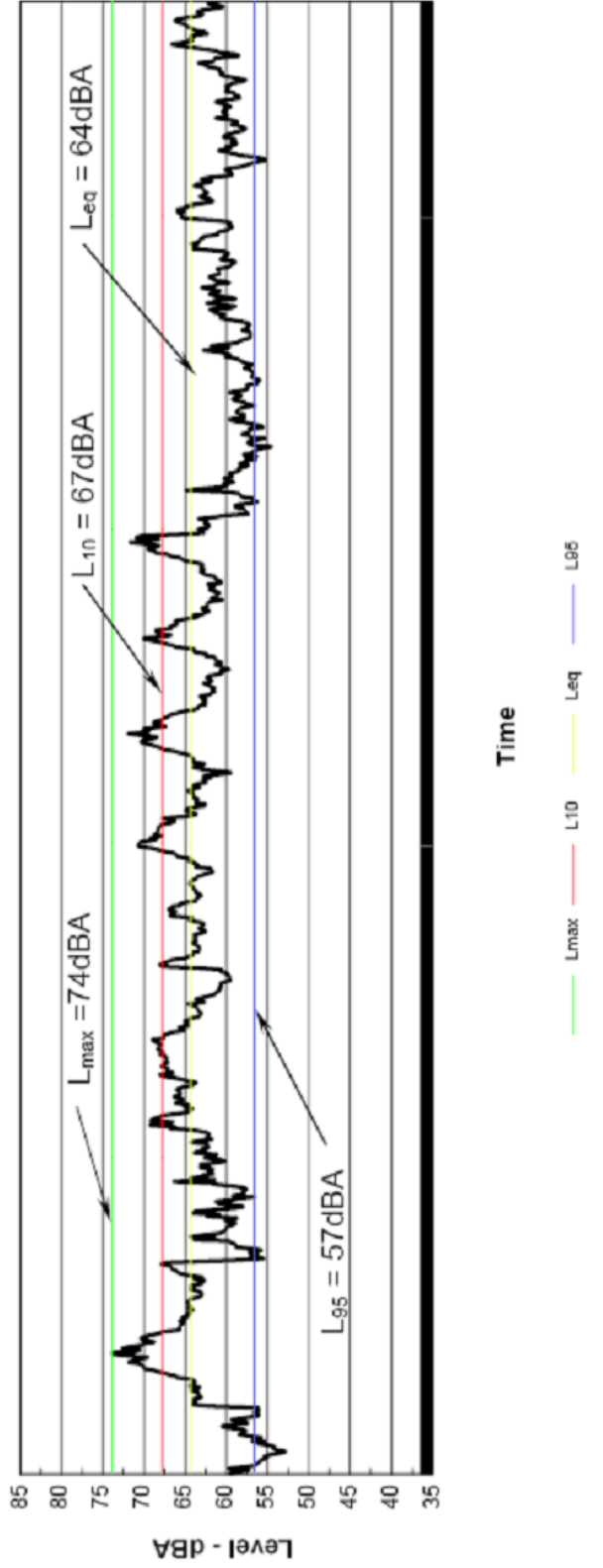
Ambient Sound

The ambient sound is normally used to describe the total noise environment. The ambient sound is often measured as the 24 hour L_{eq} , which is an average value over the 24 hour period. Shorter times are often used, such as the daytime period

Notional Boundary

The notional boundary is defined as a line 20 metres from the facade of any rural dwelling or the legal boundary where this is closer to the dwelling.

Figure A1 shows a noise trace with the relationship of L_{max} , L_{10} , L_{95} and L_{eq} values when including all events over the 15 minute measurement period and Figure A2 some typical noise levels.



L_{max} is the maximum noise level
 L_{10} is the noise level that is equaled or exceeded for 10% of the measurement period
 L_{95} is the noise level that is equaled or exceeded for 95% of the measurement period
 L_{eq} is the noise level that contains the same energy as the time varying noise

Figure A1



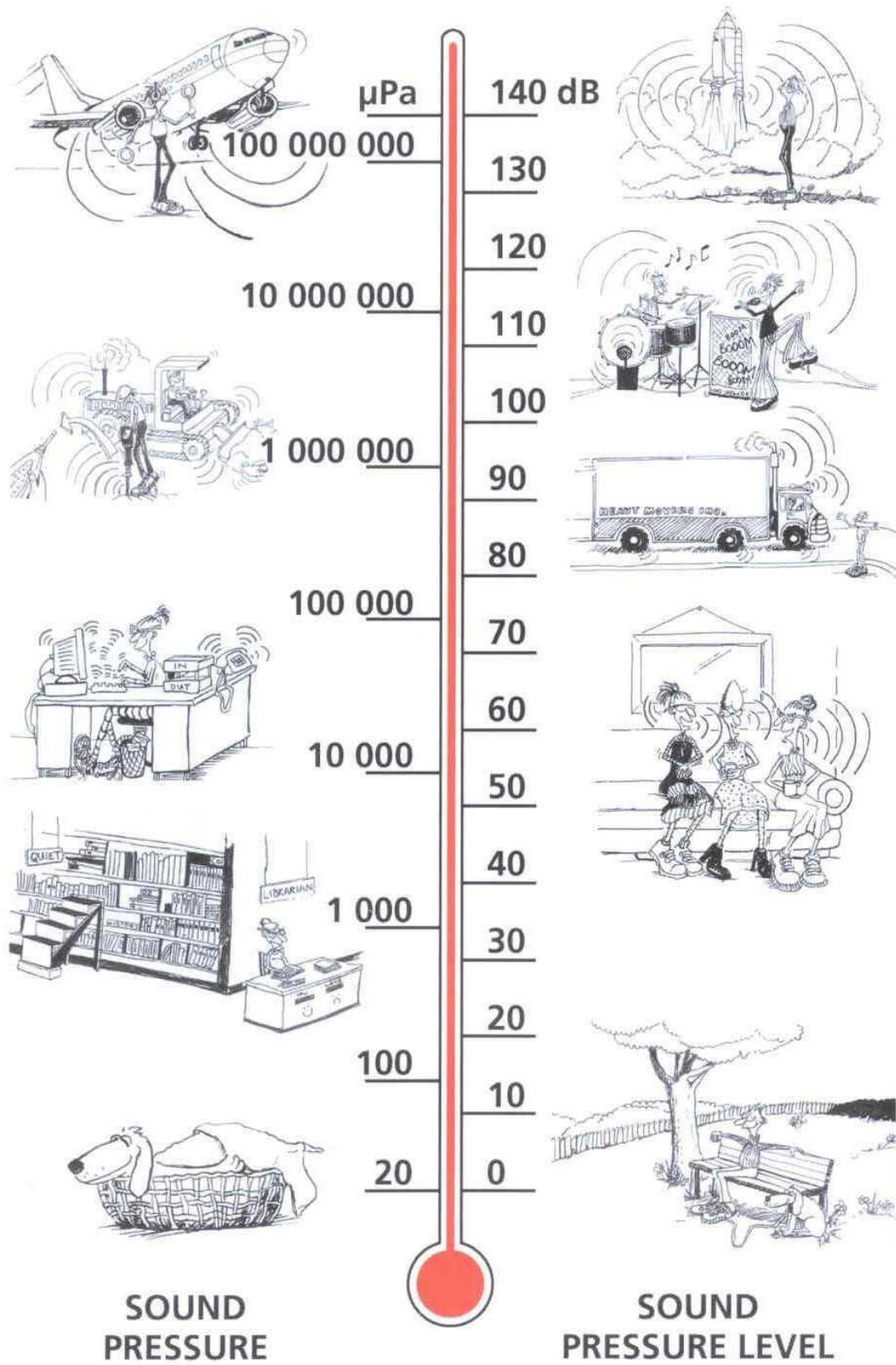


Figure A2







Environmental Consultants Otago Ltd

Preliminary Site Investigation

**1484 Teviot Road
Millers Flat**

**for
Hawkeswood Civil Limited**

June 2022

Task	Responsibility	Signature
Project Manager:	Ciaran Keogh, MBA, MRRP	
Prepared By:	Ciaran Keogh, MBA, MRRP	
Reviewed By:	Bernice Chapman, CEnvP, PhD, MEIANZ	
Approved For Issue By:	Ciaran Keogh, MBA, MRRP	

Prepared By:
Environmental Consultants Otago Ltd

Client: Hawkeswood Civil Ltd
Job Ref.: 361-22 Millers Flat
Date: 28 June 2021

PO Box 6
Hampden 9442
www.ecotago.co.nz
Email: ciaran@ecotago.co.nz

© Environmental Consultants Otago Ltd

The information contained in this document is intended solely for the use of the client named for the purpose for which it has been prepared, and no representation is made or is to be implied as being made to any third party. Other than for the exclusive use of the named client, no part of this report may be reproduced, stored in a retrieval system or transmitted in any form or by any means.

Executive Summary

Environmental Consultants Otago Limited (EC Otago) was commissioned by Hawkeswood Civil Limited to undertake a Preliminary Site Investigation (PSI) over part of the property at 1484 Teviot Road Millers Flat, in accordance with the *Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011* (NES). Part of the property, defined as the site, is proposed to be mined for alluvial gold. A section of the site was used for historical landfilling activity (Millers Flat Landfill). The purpose of this report is ascertain whether any Hazardous Activities and Industries List (HAIL) activity other than the one identified has occurred within the site, to determine the extent of the HAIL activity, and if contamination is present within the site.

The property consists of 9.7036 ha that is presently used for pasture and cropping. The site consists of 8.02 ha, part of which historically has been quarried for gravel with part subsequently used as a landfill which is now closed. The purpose of this PSI is to identify the extent of the HAIL activities within the site so that this area may be excluded from the proposed mining activity.

The information reviewed, and the sampling undertaken, confirmed that HAIL Category G3 (*Landfill Sites*) applies to part of the land. No other HAIL activities were identified within the site. The investigation has identified a mining perimeter, the boundary of which was shown to be unaffected by the HAIL activity with contaminant levels at or below background concentrations. As a result, the provisions of the NES do not apply to the part of the site outside the mining perimeter. The mining perimeter has been determined to ensure that the landfill contents are not disturbed during the proposed mining activity.

The investigation indicates it is highly unlikely that the soils outside the mining perimeter present a risk to human health or the environment in its current state or during the proposed mining operations, based on the preliminary sampling undertaken.

Based on this investigation, EC Otago finds the following:

- Based on the information examined during this investigation, no evidence was found that HAIL activities have historically been, or are currently being, undertaken on the part of the site outside of the identified mining perimeter. Consequently, the provisions of the NES do not apply to these parts of the site.
- Soil sampling and analysis did not identify any contaminants that exceed the natural background levels along the mining perimeter.
- There is highly unlikely to be a risk to human health or the environment from soil contamination due to past historical activities outside the mining perimeter.
- If waste materials, or other visual or olfactory indicators of potential contamination are observed during earthworks, a Contaminated Land Advisor must be consulted, and further sampling and analysis is required.
- The NES does apply to the former landfill site, contained within the mining perimeter (HAIL.00338.01). Any proposed disturbance of this land, contained within the mining perimeter, will require a full site investigation and consents to disturb a HAIL site / contaminated land from both Central Otago District Council and Otago Regional Council.

Table of Contents

EXECUTIVE SUMMARY	I
TABLE OF CONTENTS	II
ABBREVIATIONS	III
1 INTRODUCTION	1
1.1 BACKGROUND AND OBJECTIVES	1
1.2 SCOPE OF WORK	1
2 SITE ENVIRONMENT	2
2.1 SITE IDENTIFICATION	2
2.2 TOPOGRAPHY	3
2.3 SITE ACCESS	3
2.4 GEOLOGY	3
2.5 HYDROLOGY	4
2.5.1 <i>Surface Water</i>	4
2.5.2 <i>Groundwater</i>	4
3 SITE HISTORY	4
3.1 SITE OWNERSHIP	4
3.2 SITE USE HISTORY	5
3.3 REGULATORY MATTERS	9
3.3.1 <i>District Council Records, Consents and Licenses</i>	9
3.3.2 <i>Regional Consent Records</i>	10
3.3.3 <i>HAIL/Contaminated Land Databases</i>	10
3.4 USE OF LAND ADJACENT TO SITE	11
3.5 PREVIOUS INVESTIGATIONS	11
4 SITE CONDITION AND SURROUNDING ENVIRONMENT	12
4.1 SITE INSPECTION	12
4.2 CONDITIONS AT SITE BOUNDARIES	13
4.3 SIGNS OF CONTAMINATION	13
5 SOIL SAMPLING AND ANALYSIS FOR CONTAMINATION	13
5.1 OVERVIEW	13
5.2 SAMPLING AND ANALYSIS PLAN	13
5.3 SAMPLING METHODS	15
6 RESULTS FROM SAMPLING AND ANALYSIS	16
6.1 SOIL ACCEPTANCE CRITERIA	16
6.2 RESULTS OF ANALYSIS	16
7 SITE CHARACTERISATION	17
7.1 TYPE AND EXTENT OF ENVIRONMENTAL CONTAMINATION	17
7.2 HAIL ACTIVITIES	18
7.3 CONCEPTUAL SITE MODEL	18
7.4 INTEGRITY ASSESSMENT	18
8 CONCLUSIONS AND RECOMMENDATIONS	18
9 REFERENCES	20
10 LIMITATIONS	20
APPENDIX A - EC OTAGO STATEMENT OF EXPERIENCE	21
APPENDIX B – CODC LANDFILL CLOSURE PLAN (EXTRACTS)	22
APPENDIX C - HILL LABORATORIES ANALYSIS REPORT	22

Abbreviations

CODC	Central Otago District Council
HAIL	Hazardous Activities and Industries List
NES	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
OCP	Organochlorine Pesticides
ORC	Otago Regional Council
PAH	Polycyclic Aromatic Hydrocarbons
PSI	Preliminary Site Investigation
SCS	Soil Contaminant Standards
SGV	Soil Guideline Values

1 Introduction

Environmental Consultants Otago Limited (EC Otago) was commissioned by Hawkeswood Civil Limited to undertake a Preliminary Site Investigation (PSI), with limited soil sampling and analysis for contamination, at 1484 Teviot Road, Millers Flat. Investigation is required to facilitate assessment of the extent of past activities, to provide information as to the property's contamination status outside of the known landfill activity, and to ascertain suitability of the bulk of the land for the proposed mining activity. This PSI was undertaken in accordance with the proposal submitted by EC Otago on 10 May 2022. A statement of EC Otago's experience is attached as Appendix A.

1.1 Background and Objectives

If an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) is being, has been or is more likely than not to have been undertaken on a property, then the *Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011* (NES)¹ apply when five specific activities (including soil disturbance, subdivision or change of use) take place on the property. The HAIL is a compilation of activities and industries that are considered to have the potential to cause land contamination as a result of hazardous substance use, storage or disposal. The presence of such activities on a property does not automatically mean contamination is actually present on the property.

A specific trigger for this PSI is the known historical landfilling activity (Millers Flat Landfill) that occurred on a part of the property. The proposed future development of the property comprises the excavation to bedrock of the alluvial gravel deposits for screening for the removal of gold and subsequent reinstatement of the gravels, requiring soil disturbance. The purpose of this study is to define a boundary between the HAIL site and the proposed mining activity, and to review the site history to ascertain whether any HAIL activity other than the one identified has occurred within the site.

The main objectives of a PSI are to gather information about a designated land area in order to determine whether it may potentially be contaminated, to assess the suitability of the land for its current or intended future land use, and to determine whether a detailed site investigation is required. This PSI has been undertaken in order to establish what current and historic activities have occurred at the property, the extent of the activity, and the potential for these activities to have resulted in contamination.

1.2 Scope of Work

Consistent with the Ministry for the Environment guidelines² for reporting on contaminated land, the following scope of work was undertaken:

- Source and review of all available relevant information, including any previous reports. Sources as follows:
 - Central Otago District Council (CODC) property files.
 - Otago Regional Council (ORC) HAIL database and property records.

¹ Ministry for the Environment, 2012. *Users' Guide - National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health*.

² Ministry for the Environment, 2011. *Contaminated Land Management Guidelines No. 1 - Reporting on Contaminated Sites in New Zealand (Revised 2011)*.

- Historical and recent photographs.
- Other sources of information as cited herein.
- Carry out a walkover to verify site conditions and inspect for indicators of potential contamination.
- Excavation of auger holes to 2.5 metres with soil sampling from selected auger holes. Analyse soil samples for heavy metals, pesticides and hydrocarbon contaminants.
- Prepare this report, which summarises our findings and assesses the following:
 - Whether previous and/or current on-site activities or adjoining land uses had or have the potential to cause contamination.
 - The likely nature of any contamination.
 - The risks to future users from any contamination.
 - The disposition of the property with respect to the NES.
 - The requirement for further investigations to define the degree or extent of any contamination.
 - Any conclusions and/or recommendations specifically pertinent to the objectives of this investigation.

2 Site Environment

2.1 Site Identification

The general location is shown in Figure 1, and the relevant property details are given in Table 1. The extent of the property is shown shaded lilac in Figure 2. The property has a total area of 9.7036 ha of which approximately 2.4 ha is identified as a Verified HAIL site (HAIL.00338.01). The ORC site records note that the location and extent of the identified HAIL site on the ORC database may not be accurate. The identified HAIL site is shown outlined in Figure 2 in turquoise.

The title includes two blocks of land separated by an accessway as shown in Figure 2. The larger of the two blocks (Sec 118 BLK VIII BENDER SD), outlined in yellow, is defined as the site for the purposes of this investigation. It consists of 8.02 ha that is proposed to be subject to mining. The smaller block (Sec 110 BLK VIII BENDER SD) is excluded from the mining area.

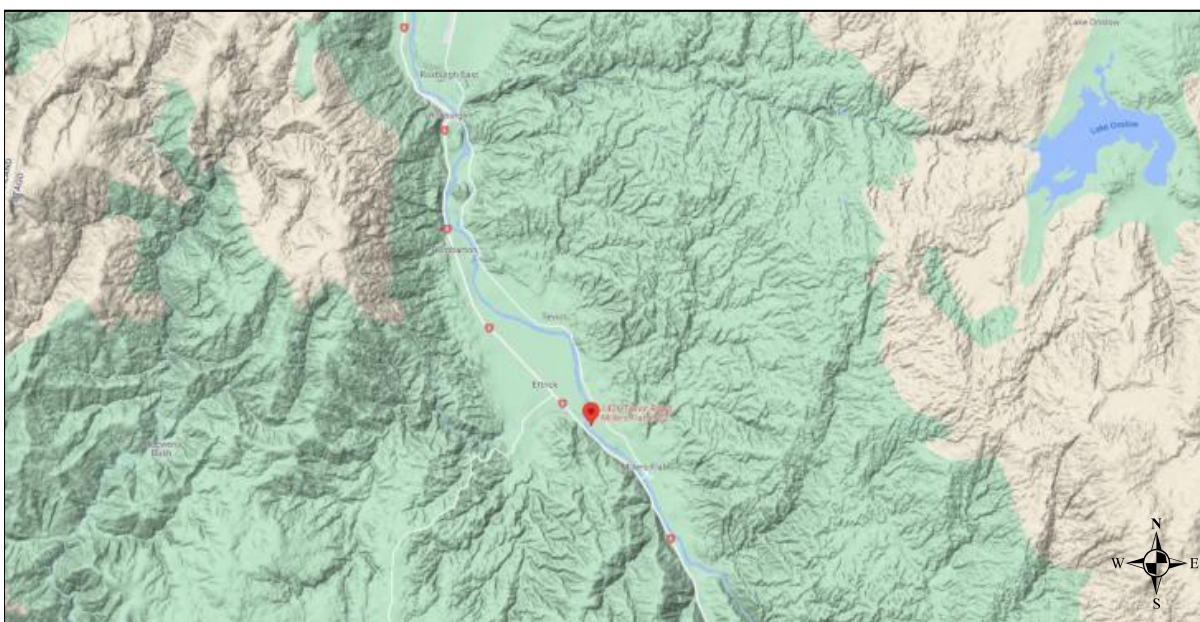


Figure 1: General location of the property, shown with a red tag (Map Data ©2022; Google Terrain).

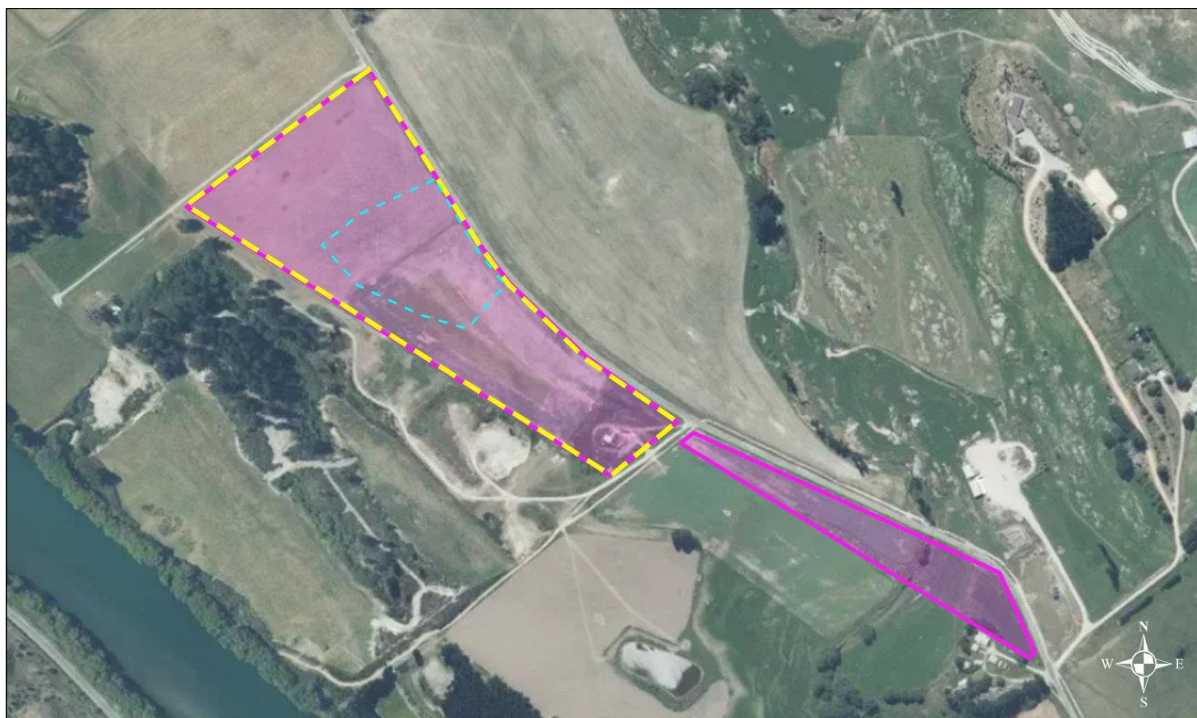


Figure 2: The extent of the property shaded lilac with the site outlined in yellow and the land identified on the ORC HAIL database as a Verified HAIL site outlined in turquoise (Central Otago District Council Geographic Information System, CC BY 4.0 NZ).

Table 1: Property details.

Owner	Alan Thomas Parker
Address	1484 Teviot Road
Legal description	SECS 110 118 BLK VIII BENDER SD
Certificate of Title	241193
Area	9.7036 ha
District Plan / zoning	Rural

2.2 Topography

The property is located on a terrace adjacent to the left bank of the Clutha River, 2.3 Kilometres upstream (to the northwest of) the township of Millers Flat. The property is generally flat to gently rolling sloping to the south and west. Elevation is around 70 m above sea level and the land is between five and ten metres above the Clutha River which lies between 400 and 500 metres to the west and south of the property.

2.3 Site Access

Teviot Road is located at the north-eastern boundary of the site with access from a formed driveway at the site southern boundary.

2.4 Geology

The site is formed of late Pleistocene river deposits bedded, locally derived, unweathered to slightly weathered sandy gravel in low terraces in non-glaciated catchments overlying undifferentiated Caples terrane schist³. The shallow geology is characterised in more detail by the bore log from the monitoring well (G43/0112) within the property as set out in Table 2.

³ <https://data.gns.cri.nz/geology/>

Table 2: Bore log well G43/0112

Depth (m)	Description
0.00-4.00	Loose Sandy Gravels
4.00-8.00	Boulders
8.00-10.00	Loose Sandy Gravels
10.00-12.00	Sandy Gravels Wet
12.00-14.00	Sand Wet

The site is described by the ORC Hazards Database⁴ as having has a low to no liquefaction potential (Domain A) being predominantly underlain by rock or firm sediments with Ground Class D (Deep or Soft Soil).

2.5 Hydrology

2.5.1 Surface Water

No surface water was visible on the site at the time of the inspection, and review of the ORC Hazards Database indicates that the site is not at risk of flooding. Tima Burn runs through the eastern part of the property and the ORC Hazards Database identifies a flood risk in this part of the property associated with the Clutha River. The CODC District Plan identifies this portion of the property as flood prone.

2.5.2 Groundwater

No groundwater was encountered during excavation of auger holes and the site is not located over any identified aquifer; however it lies approximately 650 m to the southeast of the Ettrick Basin Aquifer⁵. The bore records held by the ORC⁶ identify one bore located on the site for groundwater investigation purposes. While the depth to groundwater is not reported on the database, a Landfill Monitoring Report⁷ shows depth to groundwater during six annual inspections between September 2016 and November 2021 was within a range of 10.8 and 11.62 m.

One bore used for domestic water supply is located within 0.5 km of the centre of the site as shown in Table 3.

Table 3: Bore locations within a 0.5km radius of the centre of the property.

Well Number	Distance/Direction	Owner	Usage	Depth to Water
G43/0112	-	CODC	Groundwater Investigation	-
G43/0142	470 m NW	Liyawarachahi G	Domestic	-

3 Site History

3.1 Site Ownership

Three historical certificates of titles have been found for the site. The earliest of these, dated 10th March 1970 (OTA 5A/514, formerly Lands and Survey DPF 382), records Stanley N Parker (school teacher) as the License Holder pending sale of the land by the Crown. DPF Record 382 was not accessible but relates to Crown Ownership of the land formerly part of the Roxburgh railway line.

⁴ <https://maps.orc.govt.nz/portal/apps/MapSeries/index.html?appid=b24672e379394bb79a32c9977460d4c2>

⁵ <https://data.mfe.govt.nz/layer/52675-location-and-extent-of-nzs-aquifers-2015/>

⁶ <https://maps.orc.govt.nz/portal/apps/MapSeries/index.html?appid=052ba04547d74dc4bf070e8d97fd6819>

⁷ ENGEO Limited, 2021. *Annual Report Closed Landfills, Central Otago*.

Title OT8C/1327, issued 19th February 1981, notes transfer of the land to Miriam Helen Parker (widow) and Russell Douglas Checketts (solicitor) as Executors on the 24th April 1996. This title was cancelled and CT 241193 issued on 8th September 2005 with ownership transferred to the present owner Alan T Parker.

The titles note that the property is subject to Section 59 Land Act 1948 and a number of now expired mining exploration permits have been registered against the site.

3.2 Site Use History

The site history is well represented by the historical photographic record with the earliest image from 1903 and aerial images covering the site dating 1944, 1959, 1963, 1968, 1969, 1974, 1975, 1980 and 1983 from the Retrolens website, from 1951, from the VC Browne collection, and images from 2005 to 2020 from Google Earth, from 2008 and 2012 from Google Maps Street view, and undated more recent photography from the CODC GIS.

The earliest image of the property, in Figure 3, shows the site in 1903. At this date the site is in pasture. This image is one of a four-part panorama with the adjacent photo (not shown) showing gold dredging of the gravel deposits adjacent to the Clutha River occurring to the northwest of the property.



Figure 3: The property located in the centre of the image, and its surrounds in 1903 (Source Hocken Collections, Uare Taoka o Hākena, University of Otago; Title: CLUTHA RIVER - Goldmining Dredging c1903 (left) from near Ettrick to (right) Miller's Flat [Part 3 of 4 part panorama]).

The former Roxburgh Railway line was located along the road boundary of the site. Historical records relating to the construction indicate that the section of the line between Millers Flat and Roxburgh was constructed between 1925 and 1928⁸.

“The Roxburgh Branch railway used to pass through the town; it was opened to Millers Flat in 1925 and was the terminus for approximately two and a half years, until the section to Roxburgh was

⁸ https://en.wikipedia.org/wiki/Roxburgh_Branch

opened. The line was closed in 1968, though the town's station platform and some of the railway formation still exist"⁹.

Gravel was quarried from within the site during construction of the railway with the gravel quarry forming a long trench adjacent to the north-eastern site boundary. This long, curved trench has the appearance of an access road that terminated in a quarried area extending roughly three quarters of the way across the site. The quarry and trench are visible in the image in Figure 4 showing the site in 1951. In this image the majority of the site remains bare of distinctive features and the disused quarry appears undisturbed from the earlier image in 1944 (not shown) with no evidence of landfilling or vehicle access being evident. The railway is present along the road boundary of the property.



Figure 4: The property in 1951, with the approximate property boundary outlined in yellow and the HAIL site outlined in turquoise (V.C. Browne and Son NZ Aerial Photograph Collection).

The image from 1963 (Figure 5) shows the site and the HAIL site in considerable detail. There is no evidence of significant landfilling at this date. A substantial gravel pit has been excavated adjacent to (outside of) the site southwestern boundary.

The next image of the site from 1980 in Figure 6 shows active landfilling occurring at the head of the former quarry closer to Teviot Road with the western part of the quarry already filled and covered over. The landfill area is served by a short access track. The railway formation remains present but appears less well defined. A further image from 1983 (not shown) show no change within the site from the 1980 image.

There is an interval of 22 years between the 1983 image and the first Google Earth Image of the site from 2005 shown in Figure 7. By this date the landfill area is no longer in use and appears to have been covered over and the railway formation is no longer visible. The entire head of the quarry has been filled and all that remains of the old quarry appears as a long narrow pit adjacent to the road boundary of the site. This remnant part of the quarry otherwise appears largely unchanged from the earliest image. By 2011 (Figure 8) the pit appears to have been "recontoured". The reshaping

⁹ https://en.wikipedia.org/wiki/Millers_Flat

appears to have involved trimming and shaping the upper edges of the pit with the material derived from that being placed in the bottom of the pit as the contour of the pit reduced to a broad swale enabling the land to be integrated into the irrigated cropping regime presently occurring on the site. At present the site appears unchanged from the 2011 image.



Figure 5: The site in 1963, with the HAIL site boundary outlined in turquoise and the property outlined in yellow (Sourced from <http://retrolens.nz> and licensed by LINZ CC-BY 3.0).

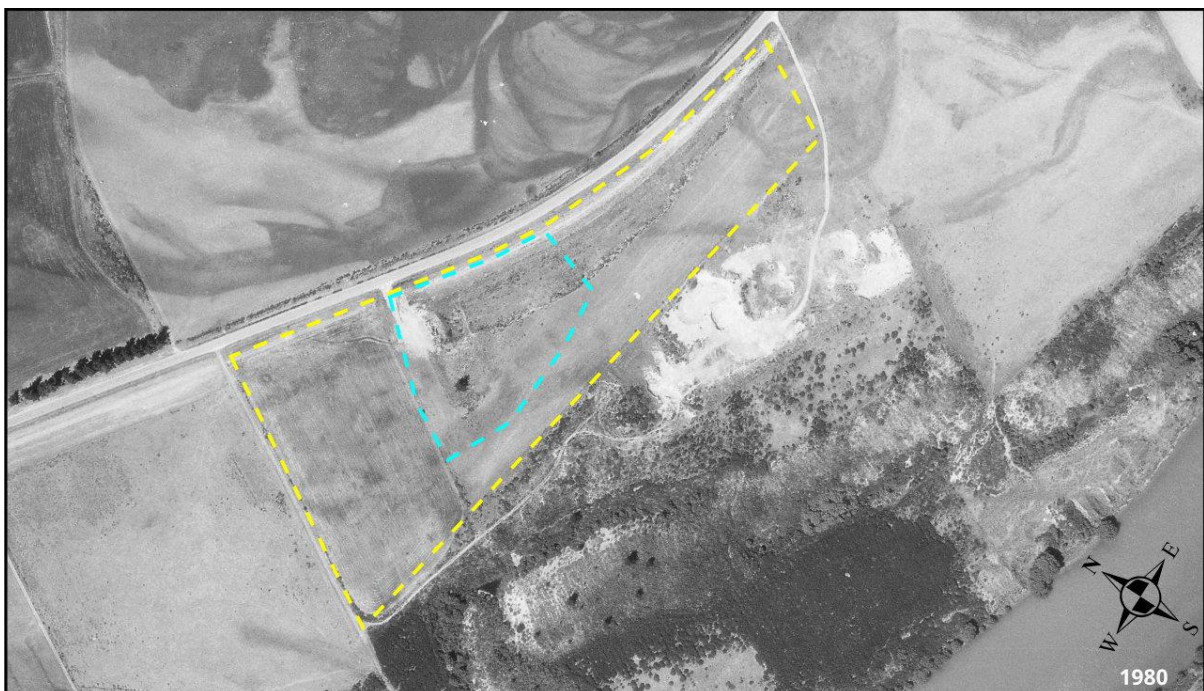


Figure 6: The site in 1980, with the HAIL site boundary outlined in turquoise. The landfilling activity is clearly present at this date with a short access track from Teviot Road. The western part of the gravel quarry appears to have been filled (Sourced from <http://retrolens.nz> and licensed by LINZ CC-BY 3.0).

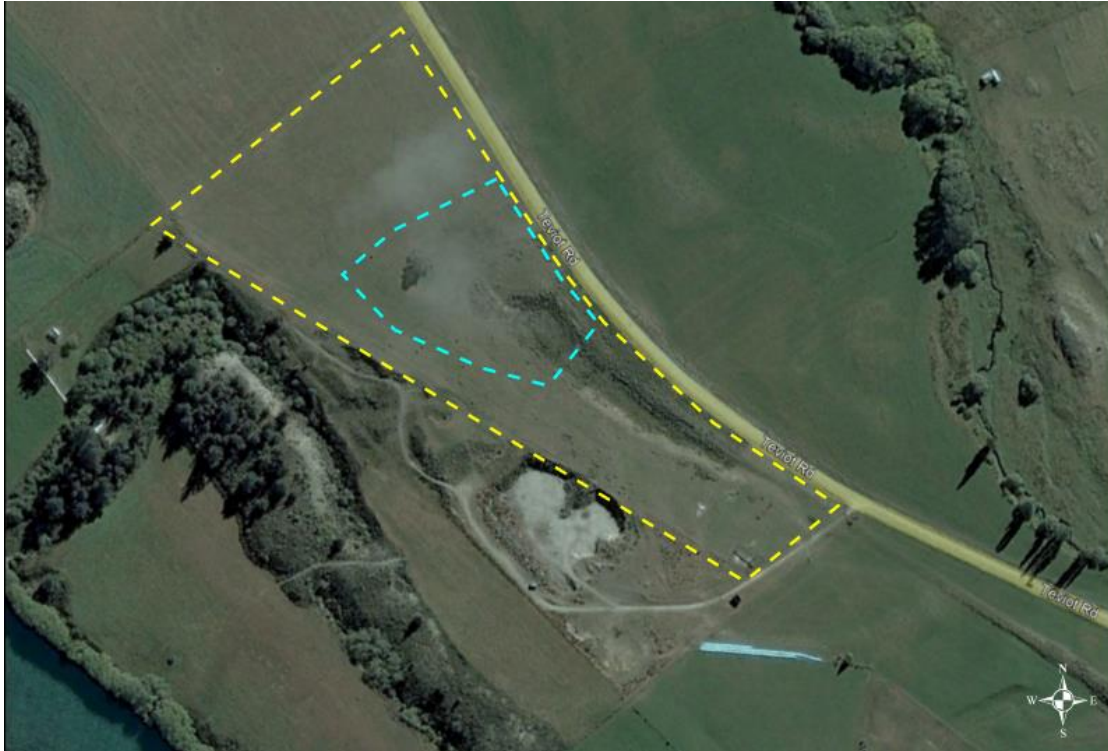


Figure 7: The site in 2005, outlined in yellow and the landfill site outlined in turquoise. The landfilling activity evident in the image from 1980 is no longer occurring and the landfill access road has been removed. The parts of the former gravel quarry not used for landfilling remain otherwise unchanged (Image @ 2022 Maxar Technologies, Google Earth).



Figure 8: The site in 2011 showing the area formerly occupied by the quarry has been recontoured to remove the abrupt edges to the pit and to raise the lower parts such that the feature now forms a gentle swale in the paddock (Image @ 2022 Maxar Technologies, Google Earth).

3.3 Regulatory Matters

3.3.1 District Council Records, Consents and Licenses

The CODC provided a copy of the council's records relating to the site. The records all relate to the closed landfill (Millers Flat Landfill) and include excerpts from the site closure plan, 2021 Annual Report on Closed Landfills, Central Otago; 2022 Compliance Monitoring Report (by the ORC); Discharge Permit 95233 (discharge of leachate to land, expiring 2026); Discharge Permit 95234 (discharge of landfill gas, odour and dust to air, expiring 2026); and an ORC File Note on the HAIL extent for the Millers Flat Closed Landfill.

The records include note that a resource consent application by Duffill Watts & King Limited in February 1997 states that it is unknown exactly how long the landfill had been operating, but it is expected to be greater than 10 years. It estimates that waste filling occurred over an area of 10,000 m² in a long narrow pit that was created when gravel was taken for the construction of the local rail line.

The closure plan was prepared by Montgomery Watson in November 2000. The excerpts contain minimal information on the landfill but note that filling occurred over an area of approximately 10,000 m², that the nature of the waste was not recorded however is likely to comprise domestic waste with components of commercial and agricultural waste, and that the landfill was closed and covered in June 1997. A contour plan shows the possible landfill extent, monitoring well location and extent of the tip face.

The 2022 Compliance Monitoring Report by the ORC dated 1 June 2022 notes that there is moderate non-compliance with the conditions of the discharge consents:

“During the 2022 audit it was found that most of the site was covered in green crop for overwintering cattle. Furthermore, under section 2.3 ‘Future Use’ the plan states that future uses of a closed landfill ‘may include use for grazing (by owner or leased to adjacent land owners). This would be limited to grazing sheep to prevent damage to the landfill cap.’ The Millers flat site is therefore not managed in accordance with this plan. There was no damage to the cap noted in the 2021 site inspections conducted by ENGEO nor during the ORC 2022 audit. However, the accumulative impact of using the Millers flat closed landfill for agricultural purposes has not been assessed. The carrying capacity for the site it not know and nor are the chemical interactions that are taking place at this site. Groundwater sample results were the highest they have ever been for Nitrate which was reported above the NPS value for freshwater in November 2021. This indicates that the agricultural use on this closed landfill site may be influencing groundwater quality.”

The compliance report conclusions are as follows

- *There is a risk to the cap & groundwater by allowing overwintering of cattle on a closed landfill.*
- *Grazing cattle is also not in accordance with the closed landfill management plan.*
- *The accumulative impact of using the Millers flat closed landfill for agricultural purposes has not been assessed. The carrying capacity for the site it not known and nor are the chemical interactions that are taking place at this site.*
- *Groundwater sample results were the highest they have ever been for Nitrate which was reported above the NPS value for freshwater in November 2021.*
- **Consents 95233 & 95234 will both expire in 2026.**
- *The 2019 annual report was submitted over 6 months late.*

- *There is no closed landfill sign for this site.*
- *Nitrate was reported above the NPS value for freshwater in 2021. It has been high historically too.*

The compliance report also notes an updated closed landfill management plan will be required for consent renewal.

The ORC Consent Decision Report observed

The small amounts of landfill gas produced will permeate through the cap and disperse into the air. The surface of the closed landfill is such that no dust should be generated from it and unless the waste is disturbed no odour should be produced¹⁰. Interaction with groundwater is not evident from the limited information contained in the ORC consent compliance monitoring report¹¹. The base of the fill material also appears, from the bore monitoring data, to be isolated from groundwater as the depth to water measures indicate that ground water level is more than 6 metres below the base of the fill.

The CODC GIS also notes a 2005 S224c Certification for a subdivision boundary adjustment and a 2009 Code of Compliance Certificate for a new shed.

The land where the site is located is zoned Rural Resource Area in the CODC District Plan. The present land use (pasture) is consistent with the zone provisions and the proposed use is a discretionary activity under rule 4.7.4 and 4.7.6.

3.3.2 Regional Consent Records

The ORC database notes Discharge Permit 95233 (discharge of 1,020 m³ per year of landfill leachate to land, expiring 2026) and Discharge Permit 95234 (discharge of landfill gas, odour, and dust to air, expiring 2026) in addition to Discharge Permit 95232 (discharge of contaminants to land resulting from the operation of the Millers Flat Landfill) and Consent 96420 (bore construction consent, expiring 1998).

3.2.3 HAIL/Contaminated Land Databases

The ORC HAIL database identifies a part of the site as a Verified HAIL site (HAIL.00338.01) due to HAIL activity G3 (Landfill Sites) noting that the site is managed through CODC consents (Figure 9).

¹⁰ ORC Report No: 2002/366 Decision on Applications 95233 and 95234 s5.4

¹¹ ORC CONSENT AUDIT REPORT Inspection # 593722 & 593723 for consents 95233 and 95234 01 June 2022

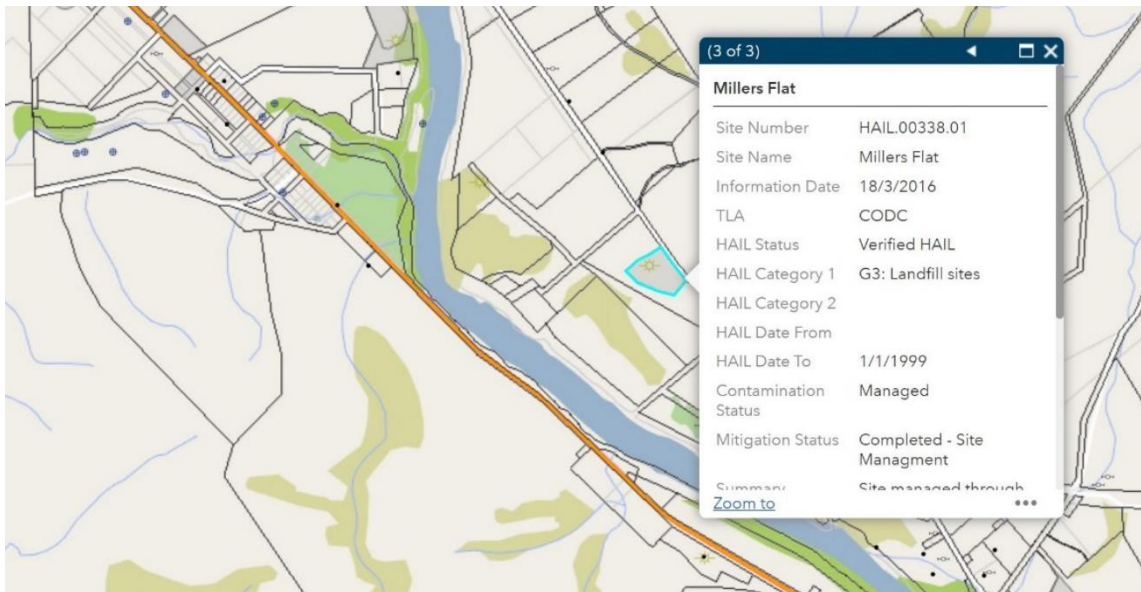


Figure 9: Extract from ORC Contaminated Land Database showing the recorded location of verified HAIL site HAIL.00338.01 recorded as being a managed site.

3.4 Use of Land Adjacent to Site

The site is bordered by rural land used for grazing and cropping. A now closed green waste landfill is located in a disused gravel quarry adjacent to the site’s southwestern boundary. The photographic record of the site from 1903 to the present show that the surrounding areas to the west and south have been in pasture with dredging of alluvial gravels for gold occurring between the site and the Clutha River in the late 1800’s through to the early 1900’s. The Teviot Road runs along the site north-eastern boundary and from the mid 1920’s the Millers Flat - Roxburgh rail line occupied the north-eastern site boundary until it was removed in the 1968.

3.5 Previous Investigations

No previous investigations on the site were found. However several reports are available for the landfill. The landfill closure plan encompasses 12 CODC landfills closed following the opening of the Victoria Flats landfill. The site plan contained within the landfill closure plan noted the presence of one monitoring bore located to the south of the landfill site. The closure plan notes that an estimated 1,020 m³ of leachate will be generated per year (2.8 m³ per day) however this discharge will be substantially influenced by weather events. The closure plan does not record any investigations relating to gaseous discharge but the ORC Staff recommending report¹² makes a general statement that *“Gases arising from the decomposition of solid waste, such as methane and carbon dioxide, will migrate through the soil matrix to the surface and be dissipated in the atmosphere. The soil matrix will act as a natural ‘biofilter’ and remove much of the odour. Quantities of gases are expected not to be significant from these landfills. In addition, the high porosity of the soils will defuse the gases evenly dissipating them to the atmosphere without concentrating them.”*

The 2021 annual report¹³ on annual monitoring of groundwater nitrate, chloride, pH and conductivity from 2016-2021. The 2022 ORC Compliance Monitoring Report notes the nitrate levels are elevated and highly variable and the agricultural activity on the land may be impacting

¹² ORC File No: 95233 and 95234 Report No: 2002/366

¹³ ENGEO Limited, 2021. *Annual Report Closed Landfills, Central Otago.*

groundwater quality rather than the residual impacts from the landfill. Current and Proposed Future Use

The site is currently operated as a farm and the land is planted in winter feed crops. The proposed mining activity will be undertaken progressively over the site as a temporary activity with the land being restored to pasture on completion of the mining activity. The mining will comprise the progressive excavation of the alluvial gravels over the entire river terrace excluding the landfill area, for processing for extraction of gold with the excavated material being reinstated following processing.

4 Site Condition and Surrounding Environment

4.1 Site Inspection

A site inspection with soil sampling was undertaken by an EC Otago Senior Environmental Consultant on 20th May 2022. The site inspection included a walk-over and the excavation of thirteen auger holes outside the perimeter of the closed landfill, with collection of six soil samples for analysis.

The site is in open pasture with brassica crops for winter feed over the parts outside of the closed landfill. Part of the landfill area is sown in grass, but the bulk of the former landfill is covered with a winter turnip and kale crop.

The HAIL site is shown in Figure 10. The landfill occupies the lower lying parts of the land in the central and more distant parts of the land shown in this image. The landfill monitoring bore G43/0112 is visible in the foreground at lower left in the image. A farm fence crosses the HAIL site and irrigation sprinklers on pipe upstands are spread across the site in lines parallel with the Teviot Road boundary.



Figure 10: The site looking north with landfill area occupying the area from the depression at upper left of image to Teviot Road at right. The ground water monitoring bore is within the wooden structure at lower left (20 May 2022).

4.2 Conditions at Site Boundaries

The HAIL site boundaries are not distinctly identifiable within the site. The site is flat to slightly undulating with cropping occurring across both the site and the surrounding farmland. No erosion or instability is evident within or adjacent to the site.

4.3 Signs of Contamination

The site showed no indication of potential sources of contamination. There were no visible signs of spills or leaks, surface or soil staining or areas where the surface vegetation appeared to be damaged by gas emissions or toxic soil conditions. There were no visible or olfactory indicators of contamination evident during the augering.

5 Soil Sampling and Analysis for Contamination

5.1 Overview

According to the Ministry for the Environment's guidelines for contaminated land investigations, sampling and analysis are optional in a PSI, with information on this to be provided "as available". Ultimately, however, the disposition of any contamination can only be confirmed with results from field sampling and analysis for contaminants. The primary purpose of this site investigation was to establish a mining perimeter by confirming the absence of landfill in the land surrounding the landfill, effectively defining the boundary of the HAIL site. The mining perimeter is to be established as a margin to the mining operation where it is proximate to the landfill such that the mining activity can be assured of being able to be conducted without disturbance to the landfill and its contents

5.2 Sampling and Analysis Plan

The approximate landfill extent was established by measuring distances on Google Earth from fence lines and roads that were present when the landfill was in operation and that remain on site now. The perimeter has been based on establishing a minimum of 10 m separation between the landfill as indicated by the maximum extent of the gravel quarry in the 1963 aerial view in Figure 5 and recent Google Earth imagery with the fill area as shown in the closure plan overlaid as a guide (Figure 12). The boundaries forming the approximated perimeter were located in the field using a hand-held GPS unit with an accuracy to 2-5 m. Thirteen holes were augered to a depth of 2.5 metres along the identified perimeter as shown in Figure 11, to confirm that undisturbed ground was present at each location and that no visible or olfactory evidence of landfilling was observed. The site plan contained within the Landfill Closure plan showing the full extent of the landfill is overlain on this image so that the relationship with the sampling points to the surveyed location of the landfill can be seen. The location of the auger holes were recorded with a handheld Garmin InReach GPS with an accuracy of 2-5 m.



Figure 11: Location and dimensions of the HAIL site as measured on 2020 Google Earth imagery and with landfill extent as documented in the CODC Landfill Closure Plan overlaid with auger holes as recorded with handheld GPS (Image © 2022 CNES/Airbus, Google Earth).

Clothing and a plastic bag were brought to the surface from a depth of more than 1 m at the first auger hole as shown on Figure 12. While these items did not appear to be associated with other landfill material, the location was closer to the toe of the landfill and the perimeter holes at this end of the fill area were moved 15 metres to the south.

Four holes were augered along the south-eastern end of the HAIL site and a further eight holes were located along the western and northern sides. Soil samples were collected by hand selection from the soil extracted with the auger at six locations as shown in Figure 12 to determine the contamination status of the soil at each location.

The sampling plan was developed to provide an indication of the contaminant levels along the identified mining perimeter in the areas surrounding the landfill. The sampling plan is shown in Figure 14. A total of six samples were collected labelled MF1-MF6. Two samples (MF1, MF2) were collected from the auger holes across the down slope margin within the former quarry trench and four samples were collected on the upslope end of the fill area. The samples were analysed as two composites consisting of three subsamples each. Samples were not collected from auger holes 10-13 as these were all in undisturbed natural soils and are represented by samples MF4-6.

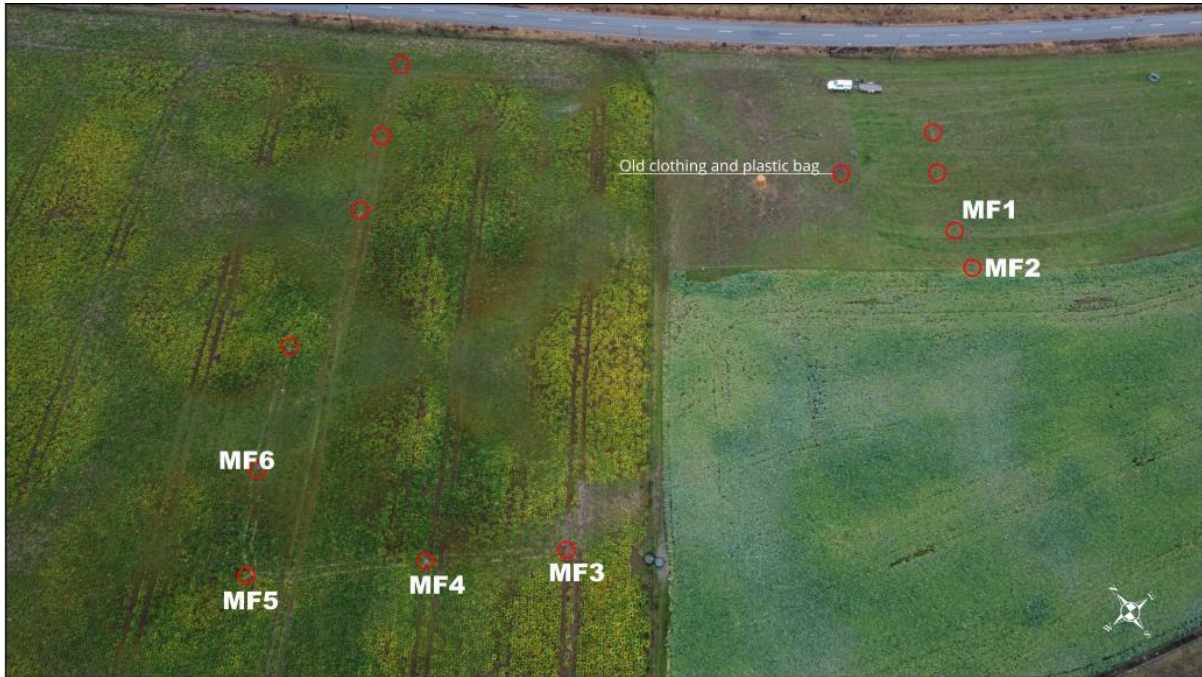


Figure 12: Aerial drone image showing auger locations circled in red and sample locations annotated MF1-MF3 and MF4-MF6. The first auger hole encountered some items of clothing and a plastic supermarket bag as shown. All of the remaining auger holes were observed to be in undisturbed or unmodified natural material (20 May 2022).

5.3 Sampling Methods

Samples from the auger holes were collected by hand selection of material representative of the full 2.5 m depth of each hole, using freshly gloved hands.

Samples were transferred into clean, contaminant-free containers provided by the testing laboratory and placed into a chilly bin cooled with icepacks. During sampling, the date and time of collection was recorded, and the location was recorded. Containers were labelled with sample name, date and time on both label and lid as the samples were taken, and the location was recorded with a handheld Garmin InReach GPS unit with a locational accuracy of ± 5 m. The chain of custody form was completed during field operations, and samples were immediately dispatched to the analytical laboratory by courier. The samples were received and analysed by RJ Hill Laboratories Limited, an International Accreditation New Zealand (IANZ) accredited laboratory.

6 Results from Sampling and Analysis

6.1 Soil Acceptance Criteria

As part of the process of determining the risk to human health from potential contaminants, results from analysis must be compared to Soil Contaminant Standards (SCSs) which reflect acceptable risk levels of contamination in soil for the appropriate use scenarios¹⁴. For some analytes, the Ministry for the Environment has not established SCSs, in this case, Soil Guideline Values (SGVs) from other sources may be used according to an established hierarchy¹⁵. For contaminants without an SCS in the NES, the Australian National Environment Protection (Assessment of Site Contamination) Measure (NEPM)¹⁶ were applied.

The soils are also compared to the Canadian Council of Ministers of the Environment (CCME) Soil Guidelines for the Protection of Environmental and Human Health¹⁷ as an indication of the environmental risk from potential contaminants.

The land where the site is located is zoned Rural in the District Plan. The nature of the proposed activity is commercial, however for assessment purposes the *Rural residential SCS/SGV* are shown as a conservative assessment.

6.2 Results of Analysis

The full analysis report is provided in Appendix C and the results are summarised in Table 4.

The results show that contaminant concentrations across the site are consistent with the predicted background concentrations based on the underlying geology for heavy metals. Results for organochlorine pesticides and polycyclic aromatic hydrocarbons were below the laboratory limits of detection.

The results confirm that the perimeter identified has not been affected by landfill activity and the contaminant levels are at or below background concentrations.

¹⁴ Ministry for the Environment, 2011. *Methodology for Deriving Standards for Contaminants in Soil to Protect Human Health*.

¹⁵ Ministry for the Environment, 2011. *Contaminated Land Management Guidelines No. 2: Hierarchy and application in New Zealand of environmental guideline values (revised 2011)*.

¹⁶ National Environment Protection Council (Australia), 2013. *National Environment Protection (Assessment of Site Contamination) Measure 1999*.

¹⁷ Canadian Council of Ministers of the Environment, 2021. *Canadian Soil Quality Guidelines for the Protection of Environmental and Human Health*.

Table 4: Summary results of soil analysis.

Sample ^A	Arsenic	Cadmium	Chromium	Copper	Lead	Nickel	Zinc	DDT ^B	BAP _{eq} ^C
MF1, MF2 & MF3	6	< 0.10	7	15	19.7	6	32	< 0.07	< 0.03
MF4, MF5 & MF6	4	< 0.10	4	6	16.6	4	18	< 0.07	< 0.03
<i>Average</i>	5	< 0.10	6	11	18	5	25	< 0.07	< 0.03
Soil Acceptance Criteria (Human Health) – Rural residential									
NES ^C SCS	17	0.8	290	>10,000	160	-	-	45	6
NEPM ^D SGV	-	-	-	-	-	400	7,400	-	-
Soil Quality Guidelines (Environmental Health)									
CCME ^E	17	3.8	64	63	70	45	250	0.7	20
Predicted Background ^F									
Median	2.38	0.065	11.76	11.23	7.11	6.24	23.61	0.024	0.052
95 th Quantile	9.97	0.33	56.88	48.14	25.83	35.15	97.97	0.245	0.64
Landfill Screening Acceptance Criteria ^G									
Class A	100	20	100	100	100	200	200	500	300
Class B	10	2	10	10	10	20	20	50	30
Burnside	100	20	400	400	400	200	800	500	300

^A Results for total concentration analysis, average, 95% upper confidence limit (UCL) and SCSs/SGVs in mg/kg dry weight; relative standard deviation (RSD) in %. Sample numbers are as marked in Figure 17. Cells highlighted yellow exceed the predicted background concentration and red cells exceed the Soil Acceptance Criteria for Human Health.

^B The total DDT isomers is reported.

^C The benzo(a)pyrene equivalent (BAP_{eq}) is calculated as the sum of each of the detected concentrations of nine carcinogenic PAHs (benzo(a)anthracene, benzo(b)fluoranthene, benzo(j)fluoranthene, benzo(k)fluoranthene, benzo(a)pyrene, chrysene, dibenzo(a,h)anthracene, fluoranthene and indeno(1,2,3-cd) pyrene), multiplied by their respective potency equivalency factors from Table 40 in the *Methodology for Deriving Standards for Contaminants in Soil to Protect Human Health* (Ministry for the Environment, 2011. Wellington).

^D Ministry for the Environment, 2012. *Users' Guide, National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health*. Wellington. Cr SCS is reported as Cr(VI). Rural residential scenario applied.

^E National Environment Protection Council (Australia), 2013. *National Environment Protection (Assessment of Site Contamination) Measure 1999*. The values applied represent a Health Investigation Level (HIL) for Low Density Residential land use (HIL A).

^F Canadian Council of Ministers of the Environment, 2021. *Canadian Soil Quality Guidelines for the Protection of Environmental and Human Health*. Soil quality guideline for environmental health for agricultural land use quoted. Orange cells indicate the site average exceeds the guideline.

^G Landcare Research, 2015. *Background soil concentrations of selected trace elements and organic contaminants in New Zealand*. Predicted median and 95th Quantile reported for the site (Chemical4 Factor: mudstone Pakihi). Also refer: <https://iris.scinfo.org.nz/layer/48470-pbc-predicted-background-soil-concentrations-new-zealand/>. BAP_{eq} and DDT for provincial land applied.

^H Ministry for the Environment, 2004. *Module 2: Hazardous Waste Guidelines - Landfill Waste Acceptance Criteria and Landfill Classification*. And Burnside Landfill in Dunedin (RM17.198.01.V2). Blue cells indicate Landfill Acceptance Criteria that are exceeded by the average.

7 Site Characterisation

7.1 Type and Extent of Environmental Contamination

The limited sampling described above found contaminant levels along the established perimeter are at or below background concentrations. The results for polycyclic aromatic hydrocarbons and organochlorine pesticides were found to be below the levels of detection.

Based on these results, it is highly unlikely that the part of the site beyond the perimeter (outside of the defined HAIL site) presents a risk to human health or the environment in its current state or during development works.

The GPS coordinates of the perimeter are given in Table 5.

Table 5: GPS Coordinates of Perimeter

GPS Location	Latitude	Longitude
3	45.647511	169.392919
5	45.647729	169.392594
6	45.647431	169.391360
8	45.647127	169.390958
13	45.646570	169.392198

7.2 HAIL Activities

The information reviewed during this PSI and the site inspection have confirmed that HAIL Category G3 (*Landfill Sites*) applies to part of the land. No other HAIL activities were identified within the site. The investigation has identified a mining perimeter, the boundary of which was shown to be unaffected by the HAIL activity with contaminant levels at or below background concentrations.

Any proposed disturbance of the land within the mining perimeter will require a full site investigation and consents to disturb a HAIL site / contaminated land from both CODC and ORC.

7.3 Conceptual Site Model

Based on the results of the soil sampling presented in this report, it is highly unlikely that there will be a risk to human health from the proposed mining of the land surrounding the landfill and there are no contaminants upon which to base a conceptual site model.

7.4 Integrity Assessment

The site historical record spans a period of almost 120 years and is fairly continuous from 1944. The proposed mining area (excluding the site of the quarry and subsequent landfill) has been rural land for the duration of the historical record.

Based on the continuity and amount of evidence, the information available provides a reasonable record of activity at the site, which reflects data integrity. Whether all activities at the site have been discovered cannot be answered with confidence.

A preliminary programme of investigative sampling and analysis was undertaken as a part of this PSI. Sampling and analysis provide a reliable indicator of the presence of contamination that might arise from prior and/or present land use. This provides an evidentiary basis from which to assess the site’s status with respect to the HAIL and associated potential risks for human exposure.

8 Conclusions and Recommendations

EC Otago has undertaken a PSI on the site at 1484 Teviot Road, Millers Flat. The PSI included undertaking historical research, a site inspection and preliminary soil sampling. During this investigation, 6 soil samples were collected and analysed for heavy metals, organochlorine pesticides and polycyclic aromatic hydrocarbons. Twelve auger holes were excavated to a depth of 2.5 metres along the identified mining perimeter to confirm the absence of landfill material.

The information reviewed, and the investigation undertaken, confirmed that HAIL Category G3 (*Landfill Sites*) applies to part of the land. No other HAIL activities were identified within the site. The investigation has identified a mining perimeter, the boundary of which was shown to be unaffected by the HAIL activity with contaminant levels at or below background concentrations. As a result, the provisions of the NES do not apply to the part of the site outside the mining perimeter.

The investigation indicates it is highly unlikely that the soils outside the mining perimeter present a risk to human health or the environment in their current state or during the proposed mining works, based on the preliminary sampling undertaken.

Based on this investigation, EC Otago finds the following:

- Based on the information examined during this investigation, no evidence was found that HAIL activities have historically been, or are currently being, undertaken on the part of the site outside the mining perimeter. Consequently, the provisions of the NES do not apply to these parts of the site.
- Soil sampling and analysis did not identify any contaminants that exceed the predicted natural background levels along the mining perimeter.
- There is highly unlikely to be a risk to human health or the environment from soil contamination due to past historical activities outside the mining perimeter.
- If waste materials, or other visual or olfactory indicators of potential contamination are observed during earthworks, a Contaminated Land Advisor must be consulted, and further sampling and analysis is required.
- The NES does apply to the former landfill site, contained within the mining perimeter (HAIL.00338.01). Any proposed disturbance of this land, contained within the mining perimeter, will require a full site investigation and consents to disturb a HAIL site / contaminated land from both CODC and ORC.

9 References

ENGEO Limited, 2021. *Annual Report Closed Landfills, Central Otago*. Project Number #13716.000.005.

Landcare Research, 2015. *Background soil concentrations of selected trace elements and organic contaminants in New Zealand*. Landcare Research Contract Report: LC2440.

Ministry for the Environment, 2012. *Users' Guide - National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health*. Publication number: ME 1092; ISBN 978-0-478-37281-6 (print); 978-0-478-37282-3 (electronic).

Ministry for the Environment, 2011. *Contaminated Land Management Guidelines No. 1 - Reporting on Contaminated Sites in New Zealand (Revised 2011)*. Publication number: ME 1071; ISBN 978-0-478-37258-8.

Ministry for the Environment, 2011. *Contaminated Land Management Guidelines No. 2 – Hierarchy and Application in New Zealand of Environmental Guideline Values (Revised 2011)*. Publication number: ME 1072; ISBN 978-0-478-37259-5.

Ministry for the Environment, 2011. *Methodology for Deriving Standards for Contaminants in Soil to Protect Human Health*. Publication number: ME 1055; ISBN 978-0-478-37237-3.

National Environment Protection Council (Australia), 2013. *National Environment Protection (Assessment of Site Contamination) Measure 1999 (April 2013)*. (<https://www.legislation.gov.au/Details/F2013C00288>).

10 Limitations

Services for this project have been performed in accordance with current professional standards for environmental site assessments. No guarantees are either expressed or implied. This report meets the requirements of the NES as it has been undertaken in accordance with the *Contaminated Land Management Guidelines (No. 1 and No. 5)* and is certified by a suitably qualified and experienced practitioner. A statement of EC Otago's experience is attached as Appendix A. This report does not attempt to fulfil the requirements of legal due diligence.

There is no investigation that is thorough enough to preclude the presence of materials at the site that presently, or in the future, may be considered hazardous. As regulatory criteria are subject to change, a status with respect to contamination that is presently considered to be acceptable may, in the future, become subject to different regulatory standards that cause the site to become unacceptable for existing or proposed land use activities. Any recommendations, opinions or findings stated in this report are based on circumstances, facts and assessment criteria as they existed at the time that we performed the work and on data obtained from the investigations and site observations as detailed in this report.

Opinions and judgments expressed in this report, which are based on an understanding and interpretation of assessment standards, should not be construed as legal opinions. This report and the information it contains have been prepared solely for the use of Hawkswood Civil Limited. Any reliance on this report by other parties shall be at such party's own risk without prior agreement to the contrary.

Appendix A - EC Otago Statement of Experience

Environmental Consultants Otago Limited (EC Otago) was established in Dunedin in 2014 when the principal, Ciaran Keogh, recognized the need for a dedicated environmental consultancy in the region. The company is particularly focused on contaminated land issues. EC Otago undertakes the preparation of Preliminary and Detailed Site Investigation Reports, Assessments of Environmental Effects, Site Remedial Action Plans, Soil Disposition Reports and Site Validation Reports, working together with other environmental consultancies when a broader range of experience is required.

Ciaran Keogh - Principal and Senior Environmental Consultant

Master of Regional and Resource Planning, Master of Business Administration.

Ciaran has over 11 years' experience focussing specifically on contaminated land investigations in Otago with more than 200 site investigations completed, and over 30 years' experience in environmental and RMA planning, and executive management in regional and local government. His experience includes feasibility, planning and visual assessments, site rehabilitation projects for landfills, mines and transmission lines and switchyards, and management of the preparation of regional and district plans and the supporting policy.

Ciaran has previously worked as the Director of Planning with Taupo District Council, CEO of Clutha District Council, General Manager of Wakool Shire Council (Australia) and CEO of Environment Southland.

Bernice Chapman - Senior Contaminated Land Consultant

CEnvP, PhD in Biochemistry, Member of the Environment Institute of Australia and New Zealand.

Berni is a Certified Environmental Practitioner (Certification Number 1376) who has worked in small consultancy firms for 20 years in the waste management, waste-to-energy and contaminated land sectors. She has a strong ethos of waste minimisation, containment and management, the effective operation of existing resources with beneficial reuse where possible, protection of the environment and overall sustainability coupled with a pragmatic approach from direct involvement in day-to-day operations. Her experience includes preliminary and detailed site investigations, sampling and analysis, site remediation, feasibility studies, problem solving and process design. This work includes the management of a range of environmentally polluting industrial effluents, contaminated land investigations and site remediation.

Berni has previously worked as Laboratory Manager for Waste Solutions Ltd, an Associate for CPG New Zealand Ltd, and a Wastewater Treatment Specialist for ADI Systems.

Aleasha King – Contaminated Land Consultant

Graduate diploma in Geology, Master in Geophysics.

Aleasha is a Contaminated Land Consultant with a background in geology and geophysics and a strong commitment to the environment. Her experience in contaminated land investigations includes preliminary and detailed site investigations, sampling, data analysis and site remediation.

Aleasha has previously worked in Engineering Geology with experience in site soils investigations and bearing capacity assessments. For her master's degree, she studied the structure of the Alpine Fault at a formerly unmapped location on the West Coast of New Zealand.

Appendix B – CODC Landfill Closure Plan (Extracts)

Appendix C - Hill Laboratories Analysis Report

2.6 Millers Flat

2.6.1 Location and Ownership

The Millers Flat site is located on the south side of Roxburgh Hydro Milers Flat Road, approximately 1.5 kilometres east of Millers Flat.

Grid Reference: NZMS G43 287 006
Legal Description: Section 118, Block VIII, Benger Survey District

The site is owned by [REDACTED]

Access to the site is via the Roxburgh Hydro-Millers Flat Road.



MONTGOMERY WATSON

**Central Otago District Council
Closed Landfills
Landfill Closure Plans**

2.6.2 Site Description

The Millers Flat site is located on a river terrace on the true left bank of the Clutha River. The river terrace containing the landfill site extends approximately 700m from the edge of the Clutha River to the toe of hills which rise above the river. Waste filling occurred over an area of approximately 10,000m² in a long narrow pit running parallel with Roxburgh Hydro- Millers Flat Road.

The surrounding land is rural.



MONTGOMERY WATSON

**Central Otago District Council
Closed Landfills
Landfill Closure Plans**

3. Waste Present at the Sites

No records of the nature of waste at the site have been kept for any of the closed landfills. However the surrounding waste catchments suggest that waste will primarily comprise domestic waste with components of commercial and agricultural waste.

Generally exposed refuse at the former tip faces comprised domestic waste, plastic, scrap metal, car components, corrugated iron, glass and garden waste.

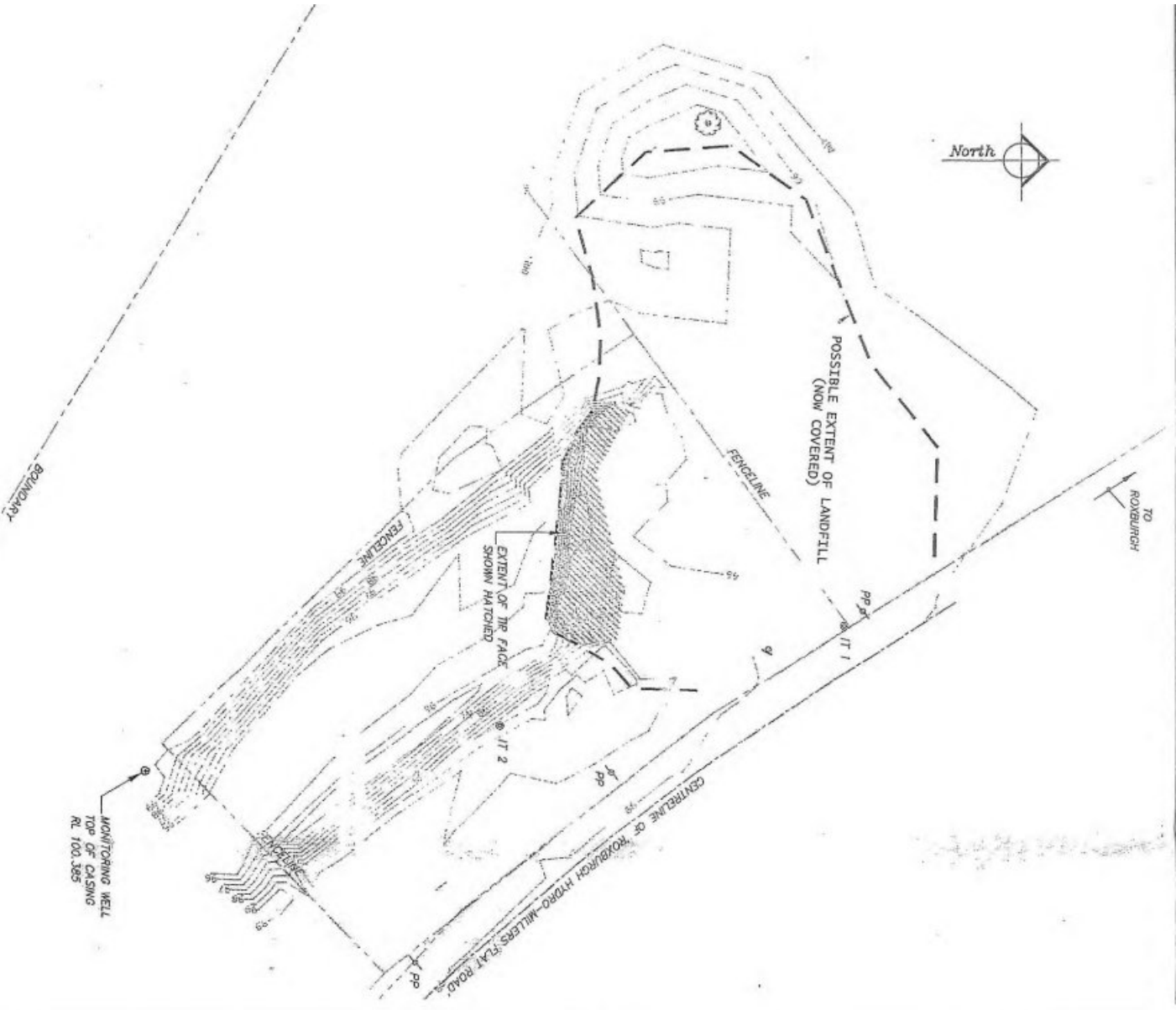
1.6 Millers Flat

This landfill was closed and covered in June 1997. It now has pasture established on it.

Millers Flat Closed Landfill – After Covering



MILLERS FLAT LANDFILL





Certificate of Analysis

Page 1 of 3

Client:	Environmental Consultants Otago Limited	Lab No:	2994809	SPV1
Contact:	Ciaran Keogh C/- Environmental Consultants Otago Limited PO Box 5522 Dunedin 9058	Date Received:	23-May-2022	
		Date Reported:	26-May-2022	
		Quote No:	86979	
		Order No:		
		Client Reference:	1426Teviot	
		Submitted By:	Bernice Chapman	

Sample Type: Soil

Sample Name:		Composite of MF1, MF2 & MF3	Composite of MF4, MF5 & MF6			
Lab Number:		2994809.7	2994809.8			
Individual Tests						
Dry Matter	g/100g as rcvd	95	93	-	-	-
Heavy Metals, Screen Level						
Total Recoverable Arsenic	mg/kg dry wt	6	4	-	-	-
Total Recoverable Cadmium	mg/kg dry wt	< 0.10	< 0.10	-	-	-
Total Recoverable Chromium	mg/kg dry wt	7	4	-	-	-
Total Recoverable Copper	mg/kg dry wt	15	6	-	-	-
Total Recoverable Lead	mg/kg dry wt	19.7	16.6	-	-	-
Total Recoverable Nickel	mg/kg dry wt	6	4	-	-	-
Total Recoverable Zinc	mg/kg dry wt	32	18	-	-	-
Organochlorine Pesticides Screening in Soil						
Aldrin	mg/kg dry wt	< 0.011	< 0.011	-	-	-
alpha-BHC	mg/kg dry wt	< 0.011	< 0.011	-	-	-
beta-BHC	mg/kg dry wt	< 0.011	< 0.011	-	-	-
delta-BHC	mg/kg dry wt	< 0.011	< 0.011	-	-	-
gamma-BHC (Lindane)	mg/kg dry wt	< 0.011	< 0.011	-	-	-
cis-Chlordane	mg/kg dry wt	< 0.011	< 0.011	-	-	-
trans-Chlordane	mg/kg dry wt	< 0.011	< 0.011	-	-	-
2,4'-DDD	mg/kg dry wt	< 0.011	< 0.011	-	-	-
4,4'-DDD	mg/kg dry wt	< 0.011	< 0.011	-	-	-
2,4'-DDE	mg/kg dry wt	< 0.011	< 0.011	-	-	-
4,4'-DDE	mg/kg dry wt	< 0.011	< 0.011	-	-	-
2,4'-DDT	mg/kg dry wt	< 0.011	< 0.011	-	-	-
4,4'-DDT	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Total DDT Isomers	mg/kg dry wt	< 0.07	< 0.07	-	-	-
Dieldrin	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Endosulfan I	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Endosulfan II	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Endosulfan sulphate	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Endrin	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Endrin aldehyde	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Endrin ketone	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Heptachlor	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Heptachlor epoxide	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Hexachlorobenzene	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Methoxychlor	mg/kg dry wt	< 0.011	< 0.011	-	-	-



This Laboratory is accredited by International Accreditation New Zealand (IANZ), which represents New Zealand in the International Laboratory Accreditation Cooperation (ILAC). Through the ILAC Mutual Recognition Arrangement (ILAC-MRA) this accreditation is internationally recognised.

The tests reported herein have been performed in accordance with the terms of accreditation, with the exception of tests marked * or any comments and interpretations, which are not accredited.

Sample Type: Soil						
Sample Name:		Composite of MF1, MF2 & MF3	Composite of MF4, MF5 & MF6			
Lab Number:		2994809.7	2994809.8			
Polycyclic Aromatic Hydrocarbons Screening in Soil*						
Total of Reported PAHs in Soil	mg/kg dry wt	< 0.3	< 0.3	-	-	-
1-Methylnaphthalene	mg/kg dry wt	< 0.011	< 0.011	-	-	-
2-Methylnaphthalene	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Acenaphthylene	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Acenaphthene	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Anthracene	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Benzo[a]anthracene	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Benzo[a]pyrene (BAP)	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Benzo[a]pyrene Potency Equivalency Factor (PEF) NES*	mg/kg dry wt	< 0.03	< 0.03	-	-	-
Benzo[a]pyrene Toxic Equivalence (TEF)*	mg/kg dry wt	< 0.03	< 0.03	-	-	-
Benzo[b]fluoranthene + Benzo[j]fluoranthene	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Benzo[e]pyrene	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Benzo[g,h,i]perylene	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Benzo[k]fluoranthene	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Chrysene	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Dibenzo[a,h]anthracene	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Fluoranthene	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Fluorene	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Indeno(1,2,3-c,d)pyrene	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Naphthalene	mg/kg dry wt	< 0.06	< 0.06	-	-	-
Perylene	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Phenanthrene	mg/kg dry wt	< 0.011	< 0.011	-	-	-
Pyrene	mg/kg dry wt	< 0.011	< 0.011	-	-	-

Summary of Methods

The following table(s) gives a brief description of the methods used to conduct the analyses for this job. The detection limits given below are those attainable in a relatively simple matrix. Detection limits may be higher for individual samples should insufficient sample be available, or if the matrix requires that dilutions be performed during analysis. A detection limit range indicates the lowest and highest detection limits in the associated suite of analytes. A full listing of compounds and detection limits are available from the laboratory upon request. Unless otherwise indicated, analyses were performed at Hill Laboratories, 28 Duke Street, Frankton, Hamilton 3204.

Sample Type: Soil			
Test	Method Description	Default Detection Limit	Sample No
Environmental Solids Sample Drying*	Air dried at 35°C Used for sample preparation. May contain a residual moisture content of 2-5%.	-	7-8
Total of Reported PAHs in Soil	Sonication extraction, GC-MS analysis. In-house based on US EPA 8270.	0.03 mg/kg dry wt	7-8
Heavy Metals, Screen Level	Dried sample, < 2mm fraction. Nitric/Hydrochloric acid digestion US EPA 200.2. Complies with NES Regulations. ICP-MS screen level, interference removal by Kinetic Energy Discrimination if required.	0.10 - 4 mg/kg dry wt	7-8
Organochlorine Pesticides Screening in Soil	Sonication extraction, GC-ECD analysis. Tested on as received sample. In-house based on US EPA 8081.	0.010 - 0.06 mg/kg dry wt	7-8
Polycyclic Aromatic Hydrocarbons Screening in Soil*	Sonication extraction, GC-MS analysis. Tested on as received sample. In-house based on US EPA 8270.	0.002 - 0.05 mg/kg dry wt	7-8
Dry Matter (Env)	Dried at 103°C for 4-22hr (removes 3-5% more water than air dry) , gravimetry. (Free water removed before analysis, non-soil objects such as sticks, leaves, grass and stones also removed). US EPA 3550.	0.10 g/100g as rcvd	7-8
Benzo[a]pyrene Potency Equivalency Factor (PEF) NES*	BaP Potency Equivalence calculated from; Benzo(a)anthracene x 0.1 + Benzo(b)fluoranthene x 0.1 + Benzo(j)fluoranthene x 0.1 + Benzo(k)fluoranthene x 0.1 + Benzo(a)pyrene x 1.0 + Chrysene x 0.01 + Dibenzo(a,h)anthracene x 1.0 + Fluoranthene x 0.01 + Indeno(1,2,3-c,d)pyrene x 0.1. Ministry for the Environment. 2011. Methodology for Deriving Standards for Contaminants in Soil to Protect Human Health. Wellington: Ministry for the Environment.	0.002 mg/kg dry wt	7-8

Sample Type: Soil			
Test	Method Description	Default Detection Limit	Sample No
Benzo[a]pyrene Toxic Equivalence (TEF)*	Benzo[a]pyrene Toxic Equivalence (TEF) calculated from; Benzo[a]pyrene x 1.0 + Benzo(a)anthracene x 0.1 + Benzo(b)fluoranthene x 0.1 + Benzo(k)fluoranthene x 0.1 + Chrysene x 0.01 + Dibenzo(a,h)anthracene x 1.0 + Indeno(1,2,3-c,d)pyrene x 0.1. Guidelines for assessing and managing contaminated gasworks sites in New Zealand (GMG) (MfE, 1997).	0.002 mg/kg dry wt	7-8

These samples were collected by yourselves (or your agent) and analysed as received at the laboratory.

Testing was completed between 25-May-2022 and 26-May-2022. For completion dates of individual analyses please contact the laboratory.

Samples are held at the laboratory after reporting for a length of time based on the stability of the samples and analytes being tested (considering any preservation used), and the storage space available. Once the storage period is completed, the samples are discarded unless otherwise agreed with the customer. Extended storage times may incur additional charges.

This certificate of analysis must not be reproduced, except in full, without the written consent of the signatory.

Ara Heron BSc (Tech)
Client Services Manager - Environmental



Affected Persons Approval

To: The Manager, Planning and Environment
Central Otago District Council
PO Box 122
Alexandra 9340

TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL

Applicant(s): Hawkeswood Civil Limited

Type of resource consent: Land use consent

Proposed activity: Establish and operate a gold mining activity

Location of site: 1346-1536 Teviout Road, Millers Flat

I have sighted all the attached plans and supporting information for the above activity.

I hereby give unconditional approval for the application to be processed without public notification.

I understand that, by giving approval, the Council will not take into account any effects that the proposed activity may have on me, when considering whether this application should be notified (Section 95E of the Resource Management Act 1991) and whether the application should be granted (Section 104(3) of the Resource Management Act 1991).

TO BE COMPLETED BY THE PERSON(S) GIVING THEIR APPROVAL

Name: Andrew Hawkeswood

Organisation: JACKS ROCK LTD

Address: _____

[Signature]
Signature

11/10/2022
Date

Name: _____

Organisation: _____

Address: _____

Signature

Date

Checklist:		
<input checked="" type="checkbox"/> Signature of all legal owners	<input checked="" type="checkbox"/> Site and/or subdivision plan with all required signatures	<input type="checkbox"/> Elevations with all required signatures (if applicable)



Key

- Borehole Name
- Wash Thickness
- Basement Depth
- Mg/BCM
- Stockpile
- Porta Coms and Workshop
- 100mg Resource Estimate Outline

Mg/BCM Scale

- No Recorded Value
- 0 - 200
- 200 - 400
- 400 - 600
- 600+

Processing: 200m² / Hr
 Plant Water: 300m³ / Hr
 Stockpile: 80,000m³

Direction of Mining
 Generally North to South



[Handwritten signature]
 11/10/2022



File Ref:
 Prepared For:

Hawkeswood Civil

No	Amendments	Drawn	Date

Site Plan
 Millers Flat

Project No.:	Survived:
Scale: 1:5000	JR
Date: 25/03/22	Drawn: JR
Sheet: 1	Checked: JR



Affected Persons Approval



To: The Manager, Planning and Environment
Central Otago District Council
PO Box 122
Alexandra 9340

TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL

Applicant(s): Hawkeswood Civil Limited

Type of resource consent: Land use consent

Proposed activity: Establish and operate a gold mining activity

Location of site: 1346-1536 Teviout Road, Millers Flat

I have sighted all the attached plans and supporting information for the above activity.

I hereby give unconditional approval for the application to be processed without public notification.

I understand that, by giving approval, the Council will not take into account any effects that the proposed activity may have on me, when considering whether this application should be notified (Section 95E of the Resource Management Act 1991) and whether the application should be granted (Section 104(3) of the Resource Management Act 1991).

TO BE COMPLETED BY THE PERSON(S) GIVING THEIR APPROVAL

Name: HA & PF Crawford

Organisation: Partnership

Address: 1346 Teviot Road RD2 Roxburgh

H.A. Crawford
Signature

4/7/22
Date

Name: _____

Organisation: _____

Address: _____

Signature

Date

Checklist:

Signature of all legal owners

Site and/or subdivision plan with all required signatures

Elevations with all required signatures (if applicable)

Affected Persons Approval



To: The Manager, Planning and Environment
Central Otago District Council
PO Box 122
Alexandra 9340

TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL

Applicant(s): Hawkeswood Civil Limited

Type of resource consent: Land use consent

Proposed activity: Establish and operate a gold mining activity

Location of site: 1346-1536 Teviout Road, Millers Flat

I have sighted all the attached plans and supporting information for the above activity.

I hereby give unconditional approval for the application to be processed without public notification.

I understand that, by giving approval, the Council will not take into account any effects that the proposed activity may have on me, when considering whether this application should be notified (Section 95E of the Resource Management Act 1991) and whether the application should be granted (Section 104(3) of the Resource Management Act 1991).

TO BE COMPLETED BY THE PERSON(S) GIVING THEIR APPROVAL

Name: Donna May Parker

Organisation: _____

Address: 14B FOXS TERRACE, Arrowtown

[Signature]
Signature

22/6/22
Date

Name: _____

Organisation: _____

Address: _____

Signature

Date

Checklist:		
<input type="checkbox"/> Signature of all legal owners	<input type="checkbox"/> Site and/or subdivision plan with all required signatures	<input type="checkbox"/> Elevations with all required signatures (if applicable)

Affected Persons Approval



To: The Manager, Planning and Environment
Central Otago District Council
PO Box 122
Alexandra 9340

TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL

Applicant(s): Hawkeswood Civil Limited

Type of resource consent: Land use consent

Proposed activity: Establish and operate a gold mining activity

Location of site: 1346-1536 Teviout Road, Millers Flat

I have sighted all the attached plans and supporting information for the above activity.

I hereby give unconditional approval for the application to be processed without public notification.

I understand that, by giving approval, the Council will not take into account any effects that the proposed activity may have on me, when considering whether this application should be notified (Section 95E of the Resource Management Act 1991) and whether the application should be granted (Section 104(3) of the Resource Management Act 1991).

TO BE COMPLETED BY THE PERSON(S) GIVING THEIR APPROVAL

Name: Georgia Parker

Organisation: Hunter Contracting

Address: 1534 Teviot Road, Millers Flat

[Signature]
Signature

14/6/22
Date

Name: Matt Hunter

Organisation: Hunter Contracting

Address: 1534 Teviot Road, Millers Flat

[Signature]
Signature

14.6.22
Date

Checklist:

Signature of all legal owners

Site and/or subdivision plan with all required signatures

Elevations with all required signatures (if applicable)



Affected Persons Approval

To: The Manager, Planning and Environment
Central Otago District Council
PO Box 122
Alexandra 9340

TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL

Applicant(s): Hawkeswood Civil Limited

Type of resource consent: Land use consent

Proposed activity: Establish and operate a gold mining activity

Location of site: 1346-1536 Teviout Road, Millers Flat

I have sighted all the attached plans and supporting information for the above activity.

I hereby give unconditional approval for the application to be processed without public notification.

I understand that, by giving approval, the Council will not take into account any effects that the proposed activity may have on me, when considering whether this application should be notified (Section 95E of the Resource Management Act 1991) and whether the application should be granted (Section 104(3) of the Resource Management Act 1991).

TO BE COMPLETED BY THE PERSON(S) GIVING THEIR APPROVAL

Name: ALAN THOMAS PARKER

Organisation: _____

Address: 1534 1536 Teviot Rd Millers Flat

Alan Thomas Parker
Signature

14/6/2022
Date

Name: _____

Organisation: _____

Address: _____

Signature

Date

Checklist:

Signature of all legal owners

Site and/or subdivision plan with all required signatures

Elevations with all required signatures (if applicable)

Affected Persons Approval



To: The Manager, Planning and Environment
Central Otago District Council
PO Box 122
Alexandra 9340

TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL

Applicant(s): Hawkeswood Civil Limited

Type of resource consent: Land use consent

Proposed activity: Establish and operate a gold mining activity

Location of site: 1346-1536 Teviout Road, Millers Flat

Teviot

I have sighted all the attached plans and supporting information for the above activity.

I hereby give unconditional approval for the application to be processed without public notification.

I understand that, by giving approval, the Council will not take into account any effects that the proposed activity may have on me, when considering whether this application should be notified (Section 95E of the Resource Management Act 1991) and whether the application should be granted (Section 104(3) of the Resource Management Act 1991).

TO BE COMPLETED BY THE PERSON(S) GIVING THEIR APPROVAL

Name: G. E. Campbell-Lloyd

Organisation: _____

Address: 1406 TEVIOT ROAD, RD 2, ROXBURGH, OTAGO 91572

G. E. Campbell-Lloyd
Signature

01/09/2022
Date

Name: David Wilson

Organisation: _____

Address: As above

David Wilson
Signature

1/9/2022
Date

Checklist:

Signature of all legal owners

Site and/or subdivision plan with all required signatures

Elevations with all required signatures (if applicable)