



Order Paper for a meeting of the

QUEENSTOWN LAKES DISTRICT COUNCIL

HEARING OF SUBMISSIONS:

**BRIDESDALE FARM DEVELOPMENTS LTD:
APPLICATION FOR RIGHT-OF-WAY EASEMENT**

to be held on

Tuesday, 3 May 2022

commencing at 10.00am

Via Zoom

9.12 ITEMS OF BUSINESS NOT ON THE AGENDA WHICH CANNOT BE DELAYED

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with the item and the Chairperson provides the following information during the public part of the meeting:

- (a) the reason the item is not on the agenda; and
- (b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

s. 46A (7), LGOIMA

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 DISCUSSION OF MINOR MATTERS NOT ON THE AGENDA

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

REFERENCE:

Queenstown Lakes District Council Standing Orders adopted on 15 December 2016.

Queenstown Lakes District Council

Hearing of submissions: Bridesdale Farm Developments Ltd

Application for Right-of-way Easement

Panel to hear submissions

Councillor C Ferguson

Councillor G Lewers

Councillor C MacLeod

Councillor E Whitehead

Hearing of Submissions**Bridesdale Farm Developments Ltd: Application for Right-of-way Easement****3 May 2022**

Agenda for a hearing of submissions on Bridesdale Developments Ltd Application for Right-of-way Easement to be held via Zoom on Tuesday 3 May 2022 commencing at 10.00am

| Item | Page | Report Title |
|-------------|-------------|--|
| | | Election of Chairperson |
| | | Declaration of Conflicts of Interest |
| | | Confirmation of Agenda |
| 1 | | Hearing of submissions |
| | | Application for Right-of-way Easement |
| | 5 | Officer covering report |
| | 11 | Attachment A: Proposed ROW easements |
| | 12 | Attachment B: Submission from Bridesdale Farm Developments Limited |

Hearing Panel: Bridesdale Right-of-way Easement Application
3 May 2022

Report for Agenda Item | Rīpoata moto e Rāraki take : 1

Department: Community Services

Title | Taitara Hearing of Submissions on the notified Right of Way easement over reserve land to Bridesdale Farm Developments Limited.

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

The purpose of this report is to hear submissions on the notified Right of Way easement over reserve land to Bridesdale Farm Developments Limited.

RECOMMENDATION | NGĀ TŪTOHUNGA

That the Hearing Panel:

1. **Note** the contents of this report;
2. **Consider** the submission received on the proposed intention to grant an easement to Bridesdale Farm Limited, as detailed in the plans prepared by Clark Fortune McDonald and Associates Ltd and dated 15 May 2020;
3. **Determine** the extent to which the submission will be accepted or disallowed;
4. **Determine** whether or not the easement is to be granted and make a recommendation to Council on that basis.

Prepared by:



Jeannie Galavazi
Senior Parks and Reserves
Planner

26/04/2022

Reviewed and Authorised by:



Thunes Cloete
General Manager Community
Services

26/04/2022

CONTEXT | HOROPAKI

- 1 Bridesdale Farm Developments Ltd (hereafter referred to as ‘the applicant’ or ‘BFDL’), was approved as a Special Housing Area developer in 2016. The development resulted in the subdivision of 147 lots, referred to in this report as ‘Bridesdale’. As part of the development, the applicant provided garden allotments on adjacent low-level farmland that were linked to the main property title for each subdivided lot.
- 2 Lot 404 is currently a vacant balance lot, zoned Rural and used (currently) for farming. Lot 404 surrounds the individual ‘garden allotments’ and extends down to the Kawarau River.
- 3 The applicant originally intended to provide access to the garden allotments and Lot 404 via a piece of land that was to be vested in Council as legal road (Lot 205 DP 505513).
- 4 However, the Council did not accept the legal road as it is situated in a flood zone, and Lot 205 was vested as recreation reserve land. As a consequence, at the time of subdivision approval, while Lot 404 and the garden lots were confirmed to have “legal access” via Alec Robins Road, they had no practical formed access.
- 5 The recreation reserve was vested in Council as part of the subdivision and provides a public connection from the development through to the river trails with legal description Lot 205 DP 505513.
- 6 The applicant has previously sought resource consent for activities on Lot 404 (the land adjacent to the garden lots), such as for a private Tennis Academy. This application was declined. Through an appeal on the Proposed District Plan Open Space and Recreation Zone Chapter, the applicant is also seeking to rezone the land from Rural to Open Space and Recreation.
- 7 Under the Reserves Act 1977, Ministerial consent is required before an easement can be granted over a Reserve. This power is now delegated to Council and must be granted prior to the easement being lodged with LINZ. Section 48 ‘Grants of rights of way and other easements’ (Reserves Act 1977), allows for the consideration of proposed easements. The intention to grant the Right of Way (ROW) easement was publicly notified on 13 January 2022, in accordance with Section 48 (2) of the Reserves Act with the following conditions:
 - a. *Use to be restricted to light vehicle and pedestrian access for the current farming use and to enable access to the garden allotments.*
 - b. *Final alignment of the easement to be agreed with Council.*
 - c. *QLDC Parks and Reserves and Infrastructure departments to be consulted prior to any works commencing.*
 - d. *Final conditions of the easement to be agreed between Council and Bridesdale Farm Developments Limited that must include:*
 - i. *A mechanism to ensure ongoing legal access for the garden allotment owners;*

- ii. Safe and unimpeded public access to the remainder of the reserve;*
 - iii. Enable Council to relocate the access in the event that Council develops an alternative access to the reserve land through Widgeon Place at Bridesdale Farm Developments Limited's cost.*
 - iv. Prevent Bridesdale Farm Developments Limited from objecting to future uses of the reserve land for other purposes that do not prevent Bridesdale Farm Developments from accessing their farm lots.*
 - v. Bridesdale Farm Development Limited will pay for all ongoing maintenance costs associated with the easement.*
- e. Ability to register the easement limited to a period of 3 years from the date of full Council approval.*
- f. Bridesdale Farm Developments Limited will meet all of Council's reasonable costs associated with the easement.*
- 8 One submission was received during the notification period, from the applicant BDFL, who wishes to be heard.
- 9 Council officers understand that Bridesdale SHA properties, including those with garden allotments, have 'no objection' clauses on their title covenants.
- 10 This report has been prepared to assist the Hearing Panel for the BDFL application, for the ROW easement over recreation reserve (Lot 205 DP 505513), in favour of Lots 404 and 405 DP 505513.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 11 Currently the owners of Bridesdale properties do not have a formal legal access route to the garden allotments, an issue that the applicant is trying to resolve. Informal access is currently via the track that will be subject to the easement. It should be noted that the proposed easement will not be in favour of the garden allotments, but the adjoining farm land (Lots 404 and 405). This is deemed most practical by the applicant, given the number of owners with lots that would require legal conveyancing if the easement was to be registered to their Certificate of Title. However, access to the garden lots will be preserved.
- 12 The applicant has previously sought resource consent for activities on Lot 404 (the land adjacent to the garden lots), such as for a private Tennis Academy. This application was declined. Through an appeal on the Proposed District Plan Open Space and Recreation Zone Chapter, the applicant is also seeking to rezone the land from Rural to Open Space and Recreation. Parks staff have not previously supported Open Space and Recreation zoning of private land and do consider Lot 404 to be a unique parcel of land where this should occur.

- 13 The reserve parcel (Lot 205) has a formed access track upon it which leads down to a riverside car park. This road is gravelled and not formed to roading standards. Current access to the garden allotments is via this gravel road over the reserve.
- 14 Directly to the south of Lot 205 is Widgeon Place Recreation Reserve, which comprises 3 large parcels of land. The parcel immediately adjacent to Lot 205 is currently under a grazing licence, which expires in 2025. The Lake Hayes Estate Shotover Country Bridesdale Reserve Management Plan has recently been adopted by Council which includes Widgeon Place and Lot 205. Relevant policies for these parcels of land are:
- 4.4.12 a. Complete a development plan that considers access, trails, new recreation opportunities and the natural form and character of the land, including adjacent reserve land and trails.
- b. Review grazing lease at expiration to consider recreation opportunities and ensure trail connection over the reserve between Bridesdale and Lake Hayes Estate.
- c. Consider new permits and licences where they do not conflict with existing uses and are consistent with the character of the site.
- 15 The Reserves Act 1977 requires that easements be notified unless it can be shown that the easement will not have a permanent effect on the reserve or the public's ability to enjoy to reserve. The proposed access is intended to be permanent so will have a permanent effect on the reserve, and therefore must be notified calling for submissions.
- 16 Whilst there is an effect on the landscape amenity of the reserve, it should be noted that there is already formed access running the length of the reserve, which provides access to the Kawarau River.
- 17 The proposal would result in both a private benefit (access to the farmland owned by the developer) and a public benefit with access to the garden lots.
- 18 Options for alternative access to the garden lots has been investigated with no other suitable immediate options being found.
- 19 The applicant has prepared a plan showing the proposed ROW easements (**Attachment A**) and the lots that it will service.

Submissions

- 20 One submission was received within the notification period from BDFL (**Attachment B**).
- 21 The submitter supports the intention of the notice to grant a ROW easement but objects to three of the conditions and seeks the following amendments to the terms (amendments shown in underline and deletions shown in strike-through):
- 22 Condition (a): "Use to be restricted to light vehicle and pedestrian access for the current farming use and to enable access to the garden allotments, and /or any other use of [Lot 404] that may be permitted by relevant zoning or consents from time to time".

- 23 Condition (d)(iii): "Enable Council to relocate the access in the event that Council develops an alternative access to the reserve land through Widgeon Place at the cost of the Council.", ~~at Bridesdale Farm Development Limited's cost~~
- 24 Condition d(v): "~~Bridesdale Farm Development Limited will pay for~~ All ongoing maintenance costs associated with the easement shall be split equally between the parties to the easement in accordance with Schedule 5 of the Land Transfer Regulations 2018".

Advice

- 25 Council's Parks and Reserves staff have been consulted on the ROW proposal and have provided their support to a ROW that is limited to 'light vehicle and pedestrian access for the current farming use.' Council officers believe this is appropriate to protect the recreation use of the access track, which is heavily used by the Bridesdale, Lake Hayes Estate and Shotover Country residents for walking, biking and accessing the river trails. Current farming use does not generate high vehicle movements, nor is it used regularly by large vehicles. It is also appropriate to protect the adjoining Widgeon Place Reserve, which will be developed more for informal recreation in future, with greater public use and access.
- 26 The applicant seeks in their submission that the terms of the easement expressly contemplate possible future changes in the use of the land but does provide any specific information on what the future use of Lot 404 may be. Effects of a ROW easement on the reserve or reserve users cannot be adequately assessed.
- 27 Should the applicant be successful in the rezoning appeal or future resource consent application, then a new easement should be negotiated at this time, once the effects on the reserve are understood.
- 28 The applicant also seeks that in the event that Council develops an alternative access to the reserve land through Widgeon Place (a neighbouring road that provides access to the reserve through Lake Hayes Estate), that this is at the cost of Council rather than BDFL.
- 29 Condition d. iii states: *Enable Council to relocate the access in the event that Council develops an alternative access to the reserve land through Widgeon Place at Bridesdale Farm Developments Limited's cost.* To clarify, the intention of this condition is to ensure that Council can relocate the access to Widgeon Place Reserve as the reserve is developed in future and can realign the current access track should it decide this results in better outcomes for the reserve. In this event BDFL must connect Lots 404 and 405 DP 505513 to this access location and meet the cost of this connection. Therefore, Council officers accept this submission point in part and the condition could be reworded as follows:

Condition d. iii: *Enable Council to relocate the access in the event that Council develops an alternative access to the reserve land through Widgeon Place, and if a new connection to the new access from Lots 404 and 405 DP 505513 is required, this is at Bridesdale Farm Developments Limited's cost.*

- 30 Finally, the applicant seeks that maintenance of the access road once developed is shared between the Council and the user/grantee of the easement. In this instance it is recommended that the applicant agrees to pay for all maintenance associated with the easement for the same reason as above. The access road is currently maintained by Council as a gravel access track anticipating limited levels of reserve use only.
- 31 Having regard to the submissions, and the reasonable opportunity of the persons involved to appear at this hearing afforded under the Reserves Act 1977, the Hearing Panel are to give full consideration to the submissions received and determine the extent to which the submissions will be accepted or disallowed. A recommendation can be then made to Council of the Hearing Panel’s findings and position.

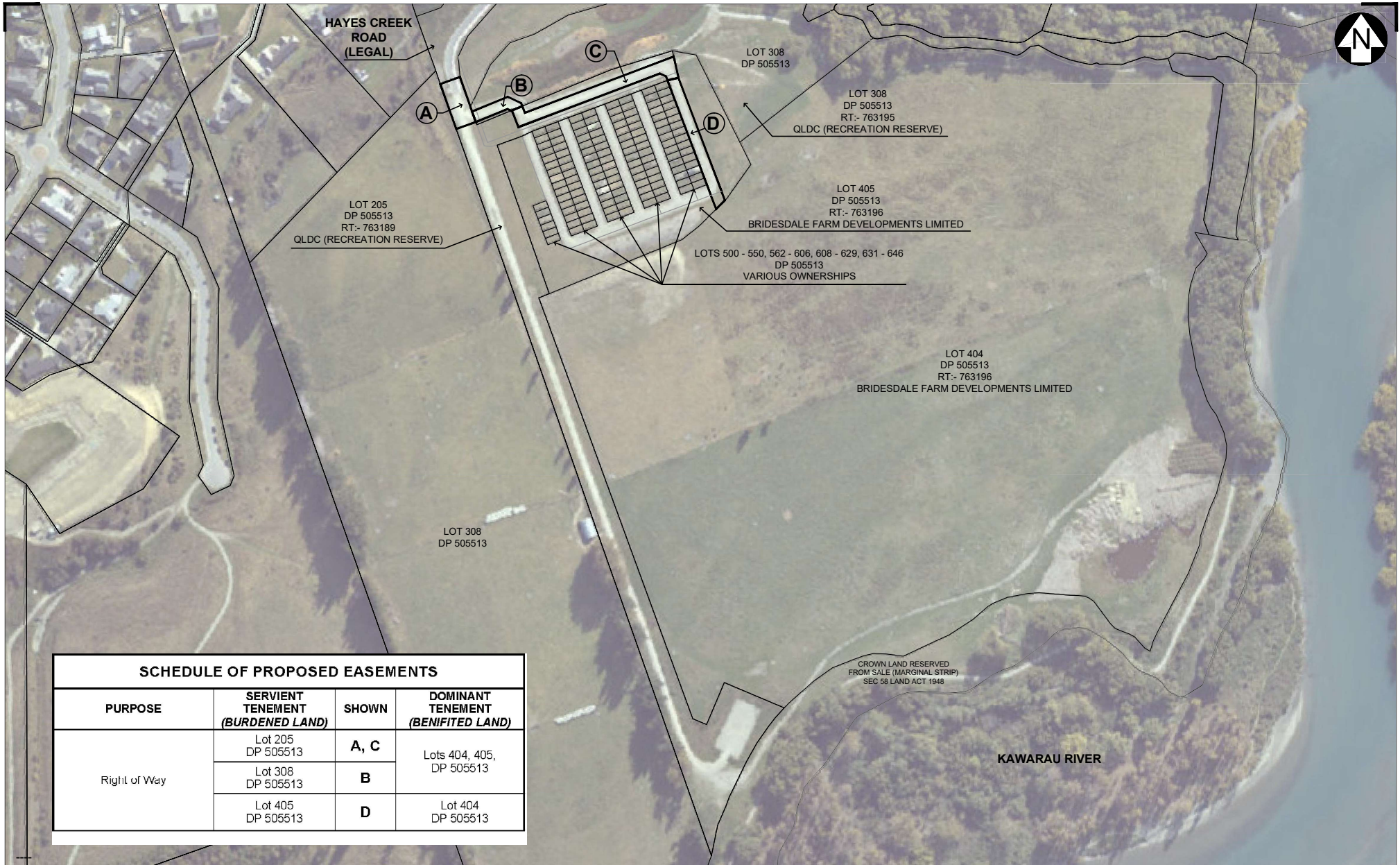
LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KĀ TAKOHAKA WAETURE

- 32 We note that Council has received a letter from BFDL that advises BFDL intend to take legal action against the Council in order to secure a practical legal access to Lot 404. While it is not yet clear whether this will eventuate, or what form the legal action will take, the recommended option is considered to be a reasonable offer to facilitate access to the site in the circumstances.
- 33 Under the Reserves Act 1977, Ministerial consent is required before an easement can be granted over a Reserve. This consent is now delegated to Council and must be granted prior to the easement being lodged with LINZ. Section 48 ‘Grants of rights of way and other easements’ (Reserves Act 1977), allows for the consideration of proposed easements.

ATTACHMENTS | NGĀ TĀPIRIHANGA

| | |
|---|--|
| A | Proposed ROW easements |
| B | Submission from Bridesdale Farm Developments Limited |

Attachment A: Proposed ROW Easements



| SCHEDULE OF PROPOSED EASEMENTS | | | |
|--------------------------------|-----------------------------------|-------|------------------------------------|
| PURPOSE | SERVIENT TENEMENT (BURDENED LAND) | SHOWN | DOMINANT TENEMENT (BENEFITED LAND) |
| Right of Way | Lot 205 DP 505513 | A, C | Lots 404, 405, DP 505513 |
| | Lot 308 DP 505513 | B | |
| | Lot 405 DP 505513 | D | Lot 404 DP 505513 |

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

| Rev. | Date | Revision Details | By |
|------|----------|------------------|----|
| A | 15.05.20 | ROW AMENDED | HK |

**PROPOSED EASEMENTS OVER LOTS 205, 308 AND 405
 DP 205513**

| | | | | | | |
|--------|---|----------|----------------------------|----------------|--------|-----------------|
| Client | BFDL | Surveyed | Date | Checked | Job No | Drawing No |
| | | HK | 02.12.19 | HK | 11670 | 18 Sheet 001 |
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| Drawn | Date | Checked | Scale | Datum & Level | Rev. | |
| HK | 02.12.19 | HK | 1:1250 @ A1 1:2500 @ A3 | NZGD2000 / MSL | A | |

S:\OBS\11600\11670\acad\11670_18_REV_A_Lot 205 Right of Way.dwg Plotted: 15.05.2020

SUBMISSION ON NOTICE OF INTENTION TO GRANT A RIGHT OF WAY EASEMENT UNDER SECTION 48 OF THE RESERVES ACT 1977

TO: Queenstown Lakes District Council ("**QLDC**")

SUBMITTER: Bridesdale Farm Developments Limited ("**BFDL**")

SUBMISSION ON: Notice of intention to grant a right of way easement over an area of the Greater Widgeon Place Recreation Reserve, for the benefit of farm access and gardening lots associated with the Bridesdale Development, pursuant to section 48 of the Reserves Act 1977 ("**Notice**")

Introduction and background

1. BFDL is the developer of the 138-lot Special Housing Area ("**SHA**") subdivision in Lake Hayes Estate known as Bridesdale Farm. At the Southern end of Bridesdale Farm are two lots legally described as Lot 404 and 405 DP 505513 ("**Lot 404**" and "**Lot 405**" respectively). Lot 404 is currently a vacant balance lot, zoned and used (currently) for farming. Lot 405 surrounds a number of individual "garden allotments" which are linked to each of the 138 principal lots within the Bridesdale Farm subdivision.
2. Neither Lot 404 nor Lot 405 have legal access to the road network, but both adjoin a road located within Lot 205 DP 505513 ("**Lot 205**"), which since the subdivision of Bridesdale Farm in 2017 has been used to access Lot 404 and Lot 405. Lot 205 is a recreation reserve administered by QLDC. Adjoining near the top of Lot 205 is another lot which is a Council recreation reserve, Lot 308 DP 505513 ("**Lot 308**").
3. BFDL owned Lot 205 until completion of the Bridesdale Farm subdivision in 2017. Prior to the subdivision of Bridesdale Farm, there was no road on this land. BFDL proposed a road on Lot 205 as part of its SHA application, intending that the road would provide access to the Kawarau River, as well as to the adjoining land at Lot 404, Lot 405 and the garden allotments.
4. As part of the implementation of the Bridesdale Farm subdivision, BFDL vested Lot 205 in QLDC. As is typical in these sorts of arrangements, QLDC was not asked to provide any consideration for the vesting (i.e. it was vested at no cost to QLDC). BFDL also paid for and constructed the road and public carpark within Lot 205.
5. Initially, BFDL intended that Lot 205 would be vested in QLDC as a road reserve, as shown on the subdivision planning documents lodged with QLDC. As noted above, the intent was that the road to be constructed on Lot 205 would provide public access to the Kawarau River, as well as providing access to Lot 405 (for the owner of that Lot and for the residents of the Bridesdale Farm subdivision to access their garden allotments) and to Lot 404. However, at QLDC's request, Lot 205 was ultimately vested in QLDC as a recreation reserve. From BFDL's perspective, this change in status was not intended to reflect any modification of the planned routes for public access to the Kawarau River and to Lot 405, and access to Lot 404. However, the change to recreation reserve status unfortunately had the unintended (and, at that time, unanticipated and unforeseen) result of restricting legal access to, and infrastructure service provision for, Lot 404 and Lot 405. As Lot 405 provides

access to the garden allotments, the change to recreation reserve status for Lot 205 also means that the 138 owners of these allotments do not have legal access to their land.

6. When this issue was discovered (after the subdivision was implemented), BFDL requested that QLDC grant a right-of-way easement to use the road on Lot 205 as the legal means of vehicle and pedestrian access to Lot 404 and Lot 405. This was consistent with the original intention, and indeed would simply have formalised the established position on the ground with respect to Lot 205. After some protracted discussions with QLDC, however, BFDL ultimately agreed to seek approval of a compromise position, and amended its request for a right-of-way easement to a revised proposal to use a small portion of Lot 205 and Lot 308 to provide access to Lot 404 and Lot 405. This proposal is the subject of the Notice and this submission.

Nature of submission

7. BFDL supports the intention of the Notice to grant a right of way easement over Lot 205 and Lot 308 in favour of Lot 404 and Lot 405. With the exception of the matters outlined below, BFDL considers the conditions proposed by QLDC as set out in the Notice are appropriate and it supports the granting of the right of way easement on such terms. BFDL wishes to be heard in this regard if there is any opposition to the granting of the right of way easement, or proposed conditions (other than those outlined below, which are discussed separately), from any other submitter on the Notice.
8. BFDL objects to three of the conditions proposed by QLDC as detailed in paragraph 9 and seeks the amendments set out in paragraph 10.
9. BFDL objects to the following conditions proposed by QLDC as set out in the Notice:
 - (a) Condition (a) states "Use to be restricted to light vehicle and pedestrian access for the current farming use and to enable access to the garden allotments". BFDL is comfortable that the proposed wording reflects the current use of Lot 404 and Lot 405. However, Lot 404 may be the subject of future rezoning and / or planning applications for a change in use. BFDL is concerned to ensure that the easement is adequately "future-proofed" by having the terms of the easement expressly contemplate possible future changes in use of the land so as to avoid the need for a further process under the Reserves Act (or further negotiation and/or debate between QLDC and the landowner), which would unnecessarily take up valuable time and resources. Future-proofing the easement in this manner would also avoid the possible "catch-22" of any rezoning of or granting of resource consent in respect of Lot 404 being impacted by the lack of legal access to those Lots for such use.

Any change in use of Lot 404 (and, therefore, the uses to which the right of way easement could be put) would, of course, be subject to normal planning processes (i.e. approval of rezoning or granting of resource consent) so in BFDL's submission there can be no prejudice to QLDC or the public in crafting the permitted use description in the easement to encompass such approved future uses.
 - (b) Condition (d)(iii) requires that the final terms of the easement contain conditions enabling "Council to relocate the access in the event that Council develops an alternative access to the reserve land through Widgeon Place at Bridesdale Farm Development Limited's cost". BFDL has significant concerns with this requirement:

- (i) Firstly, while (subject to the below) BFDL is open to the necessity of changing the access to accommodate QLDC's future plans for the reserve land, the justification for requiring BFDL (or the registered owner of Lot 404 and Lot 405) to bear the costs of relocation is not at all clear, fair or reasonable. The distance between Widgeon Place and Lot 404 and Lot 405 is substantial, and the cost of forming a road over that distance would be significant. Had Lot 205 vested as road reserve as part of the subdivision (as was originally intended), there could be no suggestion of QLDC having the ability to impose the cost of relocating the QLDC road on BFDL. It is not appropriate, equitable or reasonable that, due simply to accident of circumstance, BFDL has been put in the position of having to seek the grant of this new right of way easement and is proposed to be saddled with the cost of decisions that QLDC might make at its discretion at any time in the future.

It is particularly unreasonable given that the compromise position proposed by BFDL that is the subject of this Notice is for an easement only over a very small portion of Lot 205 and Lot 308. This proposed easement area is directly adjacent to a legal road and flows in a direct line to the garden allotments via Lot 405, and then down to Lot 404. In practical terms, while QLDC may seek to remove the formed road from the bulk of Lot 205, it is not clear to BFDL why the access over the very small portion of Lot 205 and the even smaller portion of Lot 308 would need to be removed. Constructing a much longer road from Widgeon Place would take up much more space of QLDC's recreation reserve (the plan attached as an Appendix shows the small size of the proposed easement for ease of reference). Not only does this seem illogical in replacing a small access route with a much lengthier one, it also would be entirely impractical for the access of the owners of the garden allotments who instead of having a direct route from the Bridesdale Farm subdivision, where they live, to their respective allotments (which are intended to be easily accessed), each garden allotment owner would be forced to travel a circuitous route around the subdivision to access their respective garden.

- (ii) Secondly, the condition would pose an unreasonable financial burden on any future owners of the land for the reasons set out above. The condition as drafted is expressed as falling on "Bridesdale Farm Developments Limited"; however the easement needs to contemplate that Lot 404 and 405 may be owned by other parties in the future. The costs of relocation could be significant and it is unreasonable for this financial burden to be placed on either BFDL (which may in the future not own Lot 404 and 405) or on a future owner of Lot 404 and 405 who may be a single rural landowner.

- (c) Finally, condition d(v) states that "Bridesdale Farm Development Limited will pay for all ongoing maintenance costs associated with the easement". We make the same point as above about the condition expressly referring to "Bridesdale Farm Development Limited". The reference should be to the registered owner of Lot 404 and Lot 405. QLDC has communicated to BFDL that this condition has been imposed as the sole purpose of the easement will be to access BFDL's land. That is incorrect, as the easement will also allow access by the above referred garden allotment owners. As already noted, such users are far greater in number and will likely use the right of way more frequently than BFDL. In other words, the

proposed right of way easement is intended to provide benefit to a number of parties. QLDC also currently bears the maintenance costs of access to the garden allotments and Lot 405 in its capacity as owner of Lots 205 and 308. Given these factors, and the historical circumstances that require this easement to now be put in place, it would be inequitable and unreasonable to require BFDL to bear 100% of the costs to maintain the easement. Going forward, a split between the parties as set out in the easement terms in Schedule 5 of the Land Transfer Regulations 2018 is appropriate.

Relief sought

10. BFDL seeks the following amendments to the proposed terms of the right of way easement (amendments shown in underline and deletions shown in strike-through):
 - (a) Condition (a): "Use to be restricted to light vehicle and pedestrian access for the current farming use and to enable access to the garden allotments, and/or any other use of [Lot 404] that may be permitted by relevant zoning or consents from time to time".
 - (b) Condition (d)(iii): "Enable Council to relocate the access in the event that Council develops an alternative access to the reserve land through Widgeon Place at the cost of the Council.", ~~at Bridesdale Farm Development Limited's cost~~
 - (c) Condition d(v): "~~Bridesdale Farm Development Limited will pay for~~ All ongoing maintenance costs associated with the easement shall be split equally between the parties to the easement in accordance with Schedule 5 of the Land Transfer Regulations 2018".
11. BFDL wishes to be heard and have the opportunity to call evidence in support of its submission.

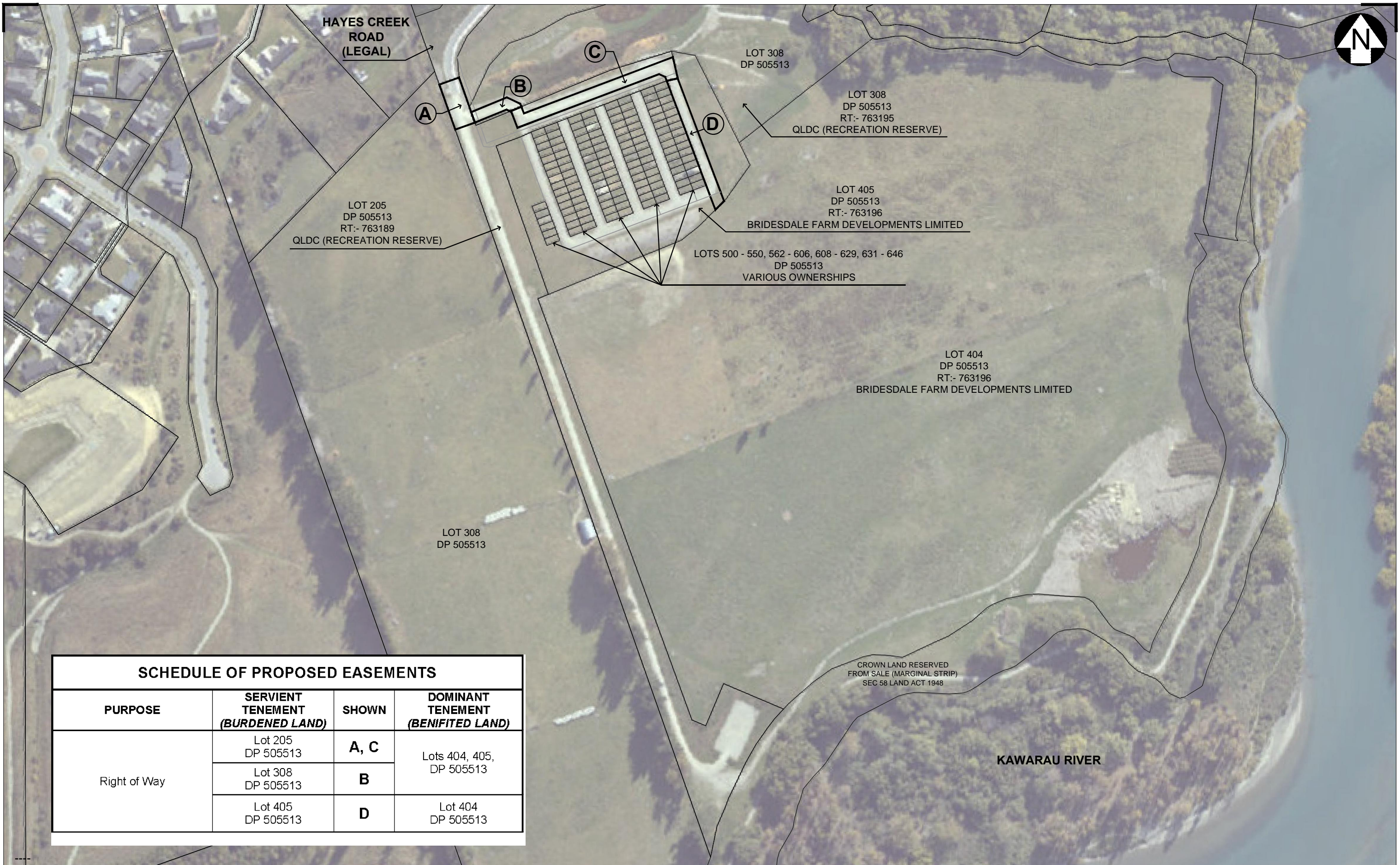
BRIDESDALE FARM DEVELOPMENTS LIMITED



Signature:

Date: 14.02.22

Address for Service: lauren.christie@winton.nz, PO Box 2962, Wakatipu, Queenstown, 9300



SCHEDULE OF PROPOSED EASEMENTS

| PURPOSE | SERVIENT TENEMENT (BURDENED LAND) | SHOWN | DOMINANT TENEMENT (BENEFITED LAND) |
|--------------|-----------------------------------|-------------|------------------------------------|
| Right of Way | Lot 205 DP 505513 | A, C | Lots 404, 405, DP 505513 |
| | Lot 308 DP 505513 | B | |
| | Lot 405 DP 505513 | D | Lot 404 DP 505513 |


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

| Rev. | Date | Revision Details | By |
|------|----------|------------------|----|
| A | 15.05.20 | RsOW AMENDED | HK |

**PROPOSED EASEMENTS OVER LOTS 205, 308 AND 405
DP 205513**

| | | | | | | |
|--------|------|----------|----------|---------|----------------|-------------|
| Client | BFDL | Surveyed | Date | Checked | Job No. | Drawing No. |
| | | | | HK | 11670 | 18 |
| | | Drawn | Date | Checked | Scale | Sheet |
| | | HK | 02.12.19 | HK | 1:1250 @ A1 | 001 |
| | | Designed | Date | Checked | Datum & Level | Rev. |
| | | | | HK | NZGD2000 / MSL | A |

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