

**Schedule for Resource Consent on Applications 3839, 3840 and 4139**

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# COUNTERPART

BY THIS BOND dated this 21 day of *Sept* 1994

THE DUNEDIN CITY COUNCIL, a territorial authority under the Local Government Act 1974 (with each of its respective successors, administrators and assigns) ("the Owner") acknowledges that subject to the provisions below it is bound to pay to THE OTAGO REGIONAL COUNCIL, a regional authority under the Local Government Act 1974 ("the Council") the sum of one million dollars (\$1,000,000).

WHEREAS:

- A. The Owner is the registered proprietor of an estate in fee simple in the pieces of land described in the schedule hereto ("the land").
- B. The Owner applied to the Council for Resource Consents in respect of the land for the Green Island landfill, under applications 3839, 3840, and 4139.
- C. The Council granted the said Resource Consents on condition that the Owner shall enter into this bond to be effective in the event that the land is to be transferred by the Owner to private ownership.

THIS BOND shall be void:

1. While the Owner is the owner of the land; or
2. If the Owner or any subsequent owner of the land
  - (a) Complies with the special conditions of the Resource Consents granted by the Council on applications 3839, 3840, and 4139 ("the obligations"); and
  - (b) Indemnifies the Council against all costs (including costs as between solicitor and client) damages and expenses, claims, actions and proceedings of or

against the Council in consequence of or arising out of any fault, neglect, or sufferance of the owner, its servants, agents or contractors in respect of complying with the obligations and/or the exercise by the Council of its servants, agents or contractors of any of its rights, powers and remedies available under this bond.

IT IS DECLARED that:

1. If the Owner or any subsequent owner fails to fulfil the obligations the owner shall on demand by the Council pay to the Council the sum of one million dollars (\$1,000,000) or such portion as may be demanded by the Council provided that, in the latter case the Council may from time to time thereafter demand and the owner shall whenever demand is made on it pay the balance or any portion of the said sum of one million dollars (\$1,000,000) until the full amount thereof if required by the Council has been paid by the owner to the Council.
2. THE Council may at any time and from time to time enter on the land and take such steps and carry out such work as may be necessary to fulfil the obligations.
3. ALL expenses incurred by the Council under the last preceding clause or arising therefrom shall constitute a debt due to the Council by the Owner and may be recovered by the Council from the Owner.
4. WHERE the cost of any work done by the Council under the last preceding clause exceeds the amount recovered by the Council, the amount of the excess shall constitute a debt due to the Council by the Owner and shall be a charge on the land.

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5. THIS bond may be varied or cancelled or renewed at any time by agreement between the Owner and the Council.

6. THE liability of the Owner hereunder shall not be released varied or affected in any way by any delay, extension of time or other indulgence granted to the Owner suffered by the Council or by any delay, failure or neglect of the Council to enforce its rights hereunder or any obligation of the Owner hereunder.

7. THE powers and remedies hereby given to the Council are in addition to all other powers and remedies conferred on it by the Resource Management Act 1991 or by any other Act and the exercise by the Council of any power or remedy under this bond or any such Act shall not prejudice its authority to exercise any other such power or remedy.

8. THIS bond shall be registered under the Land Transfer Act 1952 against the land pursuant to section 109 of the Resource Management Act 1991.

9. IT is the intention of the parties that this bond is deemed to be a covenant running with the bonded land.

THE COMMON SEAL of  
THE DUNEDIN CITY COUNCIL

was hereunto affixed in  
the presence of: *[Signature]*  
*[Signature]*  
Admin Manager



THE COMMON SEAL of  
THE OTAGO REGIONAL COUNCIL

was hereunto affixed in  
the presence of: *[Signature]*  
Chairperson



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Director -  
Corporate  
Services *[Signature]*

## SCHEDULE TO BOND

1. 4.2766 hectares more or less being Lot 1 Deposited Plan 20582 and being part Sections 41, 42 and 43 Green Island Bush District and part Section 64 Block VII Dunedin and East Taieri District and being all the land comprised and described in Certificate of Title 12C/262 subject to the reservations, covenants, restrictions and conditions as set out in the Certificate of Title.
2. 49.0242 hectares more or less being parts Sections 45, 46 and 47 Green Island Bush District and Sections 54, 55, 63, 65 and 119 Block VII Dunedin and East Taieri District and being all the land comprised and described in Certificate of Title 11B/1241 subject to the reservations, covenants, restrictions and conditions as set out in the Certificate of Title.
3. 1.0841 hectares more or less being parts Sections 45, 46 and 47 Green Island Bush District and being all the land comprised and described in Certificate of Title 368/19 subject to order in Council 3714 as to the reservations, covenants, restrictions and conditions as set out in the Certificate of Title.
4. 6.36.96 hectares more or less being Section 103 and part Sections 85, 86, 87, 98, 99, 100, 101, and 102 Block V Lower Kaikorai District and being all the land comprised and described in Certificate of Title 13A/566 (Otago Registry) subject to reservations, covenants, restrictions and conditions as set out in the Certificate of Title.
5. 6.0424 hectares more or less being Section 120 and part Section 53 Block VII Dunedin and East Taieri District and closed road intersecting Sections 86, 87, 98, 102 and 103 Block V Lower Kaikorai District and being all the land comprised and described in Certificate of Title 11C/1275 (Otago Registry) subject to reservations, covenants,

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restrictions and conditions as set out in the Certificate of Title.

6. 8.2303 hectares more or less being part Sections 38, 39, 40, 44 and 156 Green Island Bush District and being all the land comprised and described in Certificate of Title 7C/934 (Otago Registry) subject to reservations, covenants, restrictions and conditions as set out in the Certificate of Title.