

Crown Pastoral Land Tenure Review

Lease name: BOG ROY

Lease number: PO 310

Due diligence report (including status report) - Pt 3

This report and attachments results from a pre tenure review assessment of the pastoral lease for the purpose of confirming land available for tenure review and any issues, rights or obligations attaching to it. The information is gathered from files and other sources available to the LINZ contractor.

Part of the information relates to research on the status of the land, resulting in a status report that is signed off by a LINZ approving officer. The remainder of the information is not analysed for relevancy or possible action until required, and LINZ does not guarantee its accuracy or completeness as presented.

The report attached is released under the Official Information Act 1982.

January

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APPENDIX 8 COSTING AND SPECIFICATIONS

1. Management Fence - Otematata Hill

Post @ 20 m approx, waratah @ 5 m, dropper in between, 6 wire plus top barb, strainers, stays as required:

Cost/km excl GST

Item	No	Unit Cost	Total
Strainers Stays Posts (6") Waratahs Ties Droppers Wire (2.5 mm) No 9 Barb Wire strns Staples (kg) Gates etc Cartage etc	3 5 50 150 50 200 10 ½ 4 14 10	18.00 11.00 7.50 6.70 6.70 1.00 55.00 60.00 75.00 2.60 4.00 120.00	54.00 55.00 375.00 1005.00 335 200.00 550.00 30.00 36.40 40.00 120.00 100.00 3200.40 or 3.20/m
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2. Management Fence - Ridge

Post @ 20m, waratah at 3m, 6 wire plus top barb etc

Item	No	Unit Cost	Total
Strainers Stays Posts (6") Waratahs Ties Wire (2.5 mm) No 9 Barb Wire stms Staples (kg) Gates etc Cartage etc	3 5 50 250 25 10 ½ 4 14 10 1	18.00 11.00 7.50 6.70 6.70 55.00 60.00 75.00 2.60 4.00 120.00	54.00 55.00 375.00 1675.00 167.50 550.00 30.00 36.40 40.00 120.00 100.00 3502.90
			say 3500.00

PENDIX 9 LAND USE CAPABILITY AND DEPLETION

This information is taken from the Waitaki Catchment Commission SWCP for this property. Figures exclude Reserve Block

Land Use Capability

Class	1	II	m	IV	V	VI	VII	VIII	Total
Area (ha)			55	248	29	1927	601		2860
%			2	9	1	67	21		100%
Depletion									
				Area	(ha)		%		
Nil - Slight Moderate	er.		1 2	1375 730			48 26		
Severe Very Severe			2 3 4	736 19	5	•	26		
Extreme Total			5	2860	<u>)</u>		<u>100</u>		

Erosion

General types and extent:

Severe sheet erosion and depletion on sunny steeplands and hills related to former high populations of rabbits and lack of grazing control. some gully erosion of steeplands. River and streambank erosion of Corbies and Otamatapaio Stream channels. Wind erosion hazard high on all cultivated soils.

Note: Block worksheets Appendix 2 indicate land within the Back Block has bare ground (depletion) ratings of 40-60%. This is level 4 - very severe on the WCC scale. This would indicate either this block has become more depleted over the last 10-15 years or one of the descriptions is incorrect.

Monitoring through line transect may help classify this land.

3. Netting Fence

Material	No/Km	Unit Cost	Cost Per Kn (Excl Gst)	n Cost Per M
Waratahs (inc ties)	75	5.00	375.00	
Wire - 4mm coil Netting coil Gate sill Clip Fasteners Cartage and transpo	1	50.00 85.00 20.00	12.50 1,700.00 20.00 60.00 70.00	
			2,237.50	2.24
Labour			800.00	<u>.80</u>
V			\$ <u>3,037.50</u>	\$ <u>3.04</u>
4. Cultivation	on			
		\$/kg	\$/ha	
5 kg Waira 4 kg Whea 150 kg Mo Cartage Cultivation	tgrass S (bagged)	10.00 10.00 40.50 4.50	50.00 40.00 40.50 4.50 <u>150.00</u> \$285.00	(\$270/t) (\$30/t) say \$300/ha

5. Fertiliser Application Trial

Fertiliser (bagged at ½ t bags)

\$/ha

75 kg h/a	\$22.80	(\$304/t inc transport)
Helicopter	<u>11.25</u>	(\$600/hr at 4 t/hr @ 0.07 t/hr)
	\$33.85 sav	\$34/ha

plus exclosure fence say \$500

38 ha @ \$34 = \$1,292 Plus fence 500

\$1,792 say \$1800

Note: Strip on area to be left without fertiliser as control.

6. Soil Testing

Soil Test @ \$75/test (Basic test + organic S + S)

Ridge Block 1 test

Translator 1 test sunny, 1 test shady

Repeat at 1 year

Total tests 5 @ \$75 = \$375

Note: also maintenance of Ridge Block by soil test.

FUTURE COST OF RABBIT CONTROL APPENDIX 7

Based on past poison history and proposed follow up (Secondary Control) objectives:

Costs

Primary Rabbit Control

Current cycle 2-4 years, best estimate for future pest control, poison at lower population levels.

Back Block 5 year cycle - Aerial Carrot 630 ha @ \$18/ha = \$11,340 or Remainder north SH 83 8 year cycle - Aerial Carrot 1210 ha @ \$15/ha = \$18,150 South SH83 8 year cycle - Aerial Carrot 1100 @ \$12/ha = \$13,2000	\$2,268/y r \$2,269/y r \$ <u>1.650</u> /yr
	\$6,187

Secondary Rabbit Control

Requirement of secondary control roughly similar to current levels	
50 man days per year at \$150/day 50 ha patch poison at \$20/ha	\$7,500 \$ <u>1.000</u>
	\$8,500
Maintenance of rabbit netting fences 1/2 share	
11,500 m at say 1 man day per month 12 day/yr at \$150	\$ <u>1.800</u>
Total	\$16,487

This is \$5.61/ha \$4.16/su

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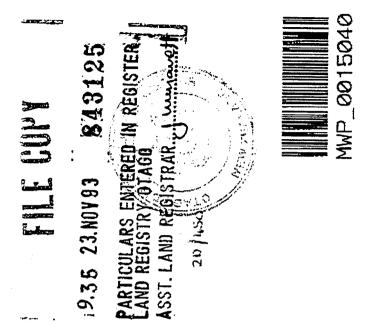
APPENDIX 10 ASSESSED GRAZING CAPACITY BACK BLOCK

This assessment has been updated using LUC data from the WCC maps for Bog Roy. Grazing assessment for each LUC class is based on current land conditions.

Back Block - 630 ha

LUC Unit	Area	Assessed Carrying Capacity	Stock Units
VIe16 VIe19 VIe21 VIe22	2 18.6 219.4 <u>9.8</u> 249.8	0.6 0.25 0.4 0.35	1 5 88 3
VIIe3 VIIe6 VIIc2	40% 5.3 104.4 <u>270.5</u> 380.2 60%	0.4 0.2 0.2	2 21 <u>54</u> 174 su
	<u>630</u> ha		0.28 su/ha





S. adule E - DP 27135

Our Ref: Po310 (A9256)



8 September 1999

LAND RESOURCES DIVISION

K J, S R & D K Anderson C/- Mr K J Anderson Bog Roy Station Private Bag OMARAMA Knight Frank House 41 - 43 Tarbert Street, Alexandra Telephone: (03) 448 6935 Facsimile: (03) 448 9099

Dear Mr Anderson

RE: MERIDIAN ENERGY - APPLICATION TO COMMISSIONER OF CROWN LANDS FOR GRANT OF EASEMENT

We advise that we act as agent for the Commissioner of Crown Lands with respect to the above matter.

Meridian Energy New Zealand Limited has applied to the Commissioner for the grant of an easement pursuant to Section 60 1) of the Land Act 1948 and the Commissioner is considering whether to grant the easement.

The Commissioner's action in deciding whether to grant an easement is a discretionary action by the Commissioner pursuant to Section 18 (3) of the Crown Pastoral Land Act 1998. Before taking a discretionary action the Commissioner may consult you.

Furthermore, in taking the action the Commissioner must comply with Section 18 (2) of the Crown Pastoral Land Act and take into account:

- (a) The desirability of protecting the inherent values of the land concerned (other than attributes and characteristics of a recreational value only), and in particular the inherent values of indigenous plants and animals, and natural ecosystems and landscapes; and
- (b) The desirability of making it easier to use the land concerned for farming purposes.

We are delegated by the Commissioner to initiate certain elements of the consultation process.

We now advise that we wish to consult with you regarding the action of the Commissioner in determining whether to grant an easement pursuant to Section 60 (1) of the Land Act 1948. To assist you in the consultation process, we enclose a copy of the application.

Corporate Office	:5
Auckland	
Wellington	
Christchurch	

13 Offices Nationwide

Germany

International

Monaco



We wish to meet with you or receive from you your views and thoughts relating to the Commissioner's action. The Commissioner is interested in your views regarding the impact of the proposals on the matters the Commissioner must take into account:

- The desirability of protecting the inherent values of the land.
- The desirability of making it easier to use the land concerned for farming purposes.

You may wish to comment on any other matters you think appropriate.

Would you please provide your views and advice to Ken Taylor in the Alexandra Office of Knight Frank within 20 working days of 8 September 1999 ie by 6 October 1999. The Commissioner is also obliged to consult with the Director-General of Conservation in considering the application for easement. The timeframe of 20 working days is the standard consultation period agreed to between the Commissioner and the Department of Conservation. If you consider this does not provide you with sufficient time please advise and we will ask the Commissioner whether in your case the consultation period should be extended. You will need to ask for an extension before 22 September 1999.

Any payment proposed to be made by the applicant to you as part of any agreement with you regarding a possible grant of easement by the Commissioner will be taken into account by the Commissioner in any subsequent assessment of compensation under Section 177 of the Land Act 1948.

If you have not responded to this letter by 6 October 1999 or by any extended period agreed to by the Commissioner, we are instructed to proceed to prepare and present a submission to the Commissioner regarding the application for an easement, and that submission will note that no response was received from you within the stated timeframe.

Upon receipt of your advice we will convey such advice to the Commissioner for consideration in accordance with the Crown Pastoral Land Act.

We thank you for your assistance.

Yours faithfully KNIGHT FRANK (NZ) LIMITED

PP &

K R Taylor Manager, Alexandra

. a ...

Post

Trust Account

Pembroke House, Dunmore Street, Wanaka P.O. Box 253, Wanaka, New Zealand (03) 443 3716 (03) 443 3621 03) 2029:6 0007575 00 30-317-355

Please ask for

Grant Fyfe

3 September 1999

Knight Frank PO Box 27 ALEXANDRA

FOR: KR Taylor

KNIGHT FRANK
ALEXANDRA

- 6 SEP 1999
H 84-36
RECEIVED

Dear Sir

Paul Have

RE: ECNZ - FIBRE OPTIC CABLE - BOGROY STATION

Please find enclosed:

- 1 Copy CT 2D/450
- 2 Copy computed plan
- 3 Terms of easement required by Commissioner of Crown Lands
- 4 Appendix B application form for easement pursuant to section 60(1) of the Land Act 1948
- Our trust cheque for \$84.38

Yours faithfully

CHECKETTS McKAY

I G Fyfe BA / LLB

Partner SAS-03/09-2

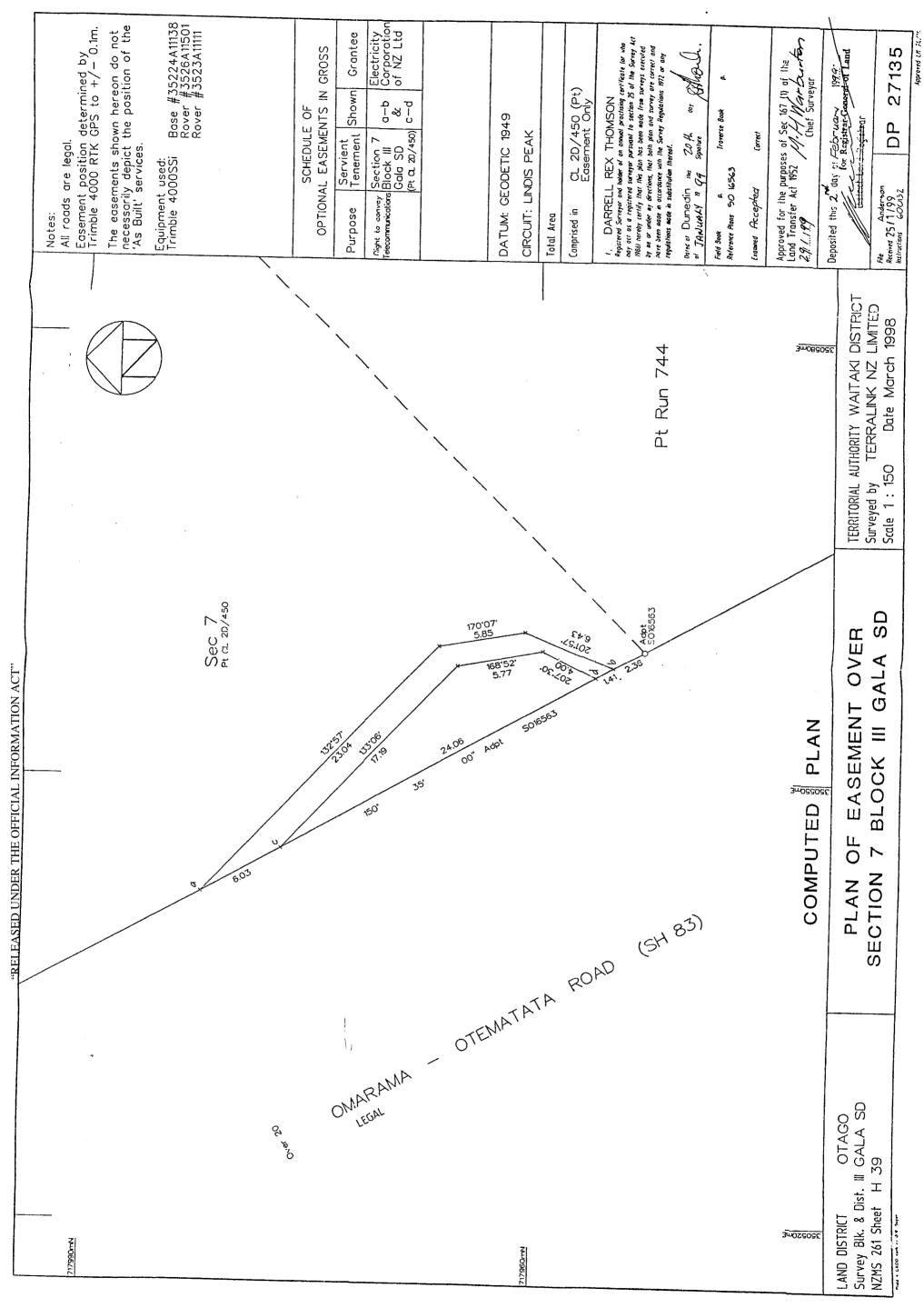
ranners:

R. D. Checketts, LL.B. A. B. McKay, LL.B. J. A. Williamson, LL.B. J. G. Rayner, LL.B. J. G. Fyfe, B.A. LL.B.

Associate: K. E. Tohill, LL.B.

Offices At-

Boyhirah Alexandra Cromwell Wanaka



The Grantor hereby grants to the Grantee the right to lay and operate a telecommunications fibre optic cable hereinafter called (TFOC) in the position into the levels approved by the Grantor and approximately as marked on the attached plans a-b and c-d and the right to operate such TFOC for the term of 25 years commencing on the first day of August 1999 until determined under any provisions herein contained.

4 Consideration

10 Cents

5 Payment of compensation to lessee

The Grantee has entered into an agreement with the Lessee recording receipt by the Lessee of a payment from the Grantee, which amount acknowledges by the Lessee to be paid in lieu of the payment of any compensation by the Grantor pursuant to section 60(1) of the Land Act 1948, and the agreement records the Lessee's waiver of their right to any compensation from the Grantor in respect of the grant of easements in this Deed.

6 Obligations of the Grantee

- (i) The Grantee shall:
 - (a) cause as little damage, disturbance, inconvenience and interruption to the property and to use the property as is reasonable necessary
 - (b) forthwith make good any damage done to the property and to the occupier of the property
 - shall ensure the TFOC shall be placed as described on the attached plan and at a dept to ensure a cover of not less than 1000 mm (millimetres) and in such a manner that the disturbance of the property is a minimal to the satisfaction of the Grantor and the Grantee and that upon 24 hours notice given at any time to the Grantee by the Grantor the TFOC at the expense of the Grantee in all things be lowered to and covered to a depth to be specified in such notice with minimum disturbance to the Property
 - the Grantee will effectually indemnify the Grantor from and against all costs actions demands suits damages and proceedings of any kind for and in respect of any loss or damage that might result to or be suffered ... by any property of any person or any agency of the Crown directly or indirectly by reason of the grant or exercise of the rights hereby conferred
 - the Grantee will during the continuance of the rights hereby conferred keep in proper order the condition of the TFOC with as little interference as possible to the property above the TFOC will make good to the satisfaction of the Grantor at the Grantee's own cost any damage done to the property within the boundaries of the legal property during the carrying out of the work which is authorised under the provisions of this grant

- the Grantee will be liable to the Grantor for the cost of or repairing any damage which may occur to the property from the installation of the TFOC
- (g) the Grantee shall ensure that vehicles prohibited by the Grantor are not used
- (h) the Grantor will ensure the gates are kept locked
- the Grantee shall take reasonable precautions to guard against danger on the Grantor's land
- (j) the Grantee shall have an obligation to compensate if damage is caused to stock on the Grantor's land
- (k) the Grantee shall not obstruct the Grantor or his agents employees and contractors
- (l) the Grantee is prohibited from carrying out any activity other than those permitted by this deed
- (m) the Grantee shall comply with all statutes and regulations

7 Ownership of structures

If the Grantee does not remove the TFOC installed for the purpose of this easement at the end of the term of this easement the Grantor may remove the TFOC and restore land to pre-easement conditions and recover costs incurred from the Grantee.

8 Costs

The Grantee bears all costs for preparation and registration of deed and installation of structures required for purposes of rights created by easement.

9 Indemnity

An indemnity incorporating the following terms:

The Grantee hereby indemnifies the Grantor against any loss, claim, damage, costs, expense, liability or proceeding suffered or incurred at any time by the Grantor in connection with this Deed or as a direct result of the exercise by the Grantee of its rights under this Deed, or any breach by the Grantee of its obligations, undertakings or warrantees contained or implied by this Deed.

10 Exclusion of Grantor's Liability

No liability for the Grantor in contract, tort, or otherwise in relation to any aspect of this Deed, (extending to consequential loss, anything arising directly or indirectly from the Deed, any activity of the Grantor on the Grantor's land).

11 Termination

(a) The Grantor may bring the Deed to any end on notice (period of notice to be fixed by Grantor). On termination, Grantee to remove structures and restore Grantor's land to pre-easement conditions).

(b) Failure to restore by Grantee, Grantor may restore land, remove structures and recover costs from Grantee.

12 Registration

The Deed, or a Memorandum of Transfer incorporating the terms of the Deed may be registered and both parties will do all things necessary to enable registration.

13 Grantor's rights of delegation

All rights, benefits and obligations of the Grantor arising under this Deed may be exercised by any person duly appointed by the Grantor PROVIDED THAT the exercise of any such rights, benefits or obligations by that person shall not limit the liability of the Grantor in the performance or observance of the provisions of this Deed.

14 Disputes

A suitable disputes resolution clause incorporating reference to the over riding application of section 17, Land Act 1948.

15 Notices

A suitable notices provision.

16 Severability

A clause to the effect that, where any part of the Deed of Easement is held to be illegal, void, or unenforceable, such determination shall not impair the enforceability of the remaining parts of this Deed which shall remain in full force.

17 Any other clauses

Any other clauses required by the Commissioner if appropriate with regard to the land and the activity to be undertaken

SIGNED by the COMMISSIONER OF CROWN LANDS in the presence of:)
SIGNED by MERIDIAN ENERGY)
NEW ZEALAND LIMITED)
in the presence of:)

APPENDIX B APPLICATION FORM FOR EASEMENT PURSUANT TO SECTION 60(1) OF THE LAND ACT 1948

Name & description of Lease/Licence:

Being P.306 pastoral lease and P.309 pastoral lease of pastoral land under the Land Act 1948 in the Otago Land Registry

Applicant:

Meridian Energy New Zealand Limited

Details for Applicant:

C/- Checketts McKay PO Box 263 WANAKA

Phone: 03 443 8716 Fax: 03 443 8621

Comprehensive statement of easement right proposed including activity proposed, structures and equipment required to carry out activity:

The Grantee requires an easement for it's new fibre optic cable buried no less than one metre underground as indicated on plans attached hereto.

This fibre optic cable is in replacement of the current overhead line that is currently being removed.

The fibre optic cable is for controlling the dam structures operated by the Grantee in the Waitaki Valley.

Term (in years) of easement proposed:

25 years

Location of easement:

See attached plan

Have you entered into any discussions with the lesee/licensee regarding the proposed easement:

Yes see attached Deed of Grant for laying a telecommunications fibre optic cable

Describe the impact of the rights:

Not applicable

Describe any possible adverse effects:

Not known

If a decision is made by the Commissioner to grant an easement, will you seek to register it:

Yes

Is there any other information that you wish to provide in support of the application: The fibre optic cable replaces an existing overhead line. The new underground fibre optic cable which is aesthetically and environmentally more desirable as the new cable is buried to at least a metre deep there is considered no adverse effect or likely repercussions resulting from the creation of this easement.

Our Ref: Po310 (A9256)



LAND RESOURCES DIVISION

8 September 1999

Knight Frank House 41 43 Tarbert Street, Alexandra Telephone: (03) 448 6935 Facsimile: (03) 448 9099

Meridian Energy New Zealand Limited c/- Checketts McKay P O Box 263 **WANAKA**

ATTENTION: I G FYFE

Dear Sir

RE: REQUEST FOR EASEMENT - BOG ROY STATION, OTEMATATA.

Thank you for your request dated 3 September 1999, which is a request for the consent of the Commissioner of Crown Lands to an easement over Bog Roy Pastoral Lease.

Your request will be considered by the Commissioner in terms of Section 60(1) of the Land Act 1948 and Section 18 of the Crown Pastoral Land Act 1998.

If we require additional information or wish to inspect the area concerned, I will contact you in the near future.

Please contact me if you wish to discuss any aspect of the proposal.

Yours faithfully KNIGHT FRANK (NZ) LIMITED

K R Taylor

Manager, Alexandra

Australia

Belgium

Botswana

Monaco

Sc 3dule F - SO 22802

CROWN COPYRIGHT RESERVED REPRODUCTION PROHIBITED WIThout permission of the Chief Surveyor. BTTE ON MAJA JAIRBA 2 Feb 1988 SURVEY AND LAND INFORMATION
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TO SURVEY AND LAND INFORMATION 1987 1801/10 Dougles CONSTRUCTION AT 31 DECEMBER 1987 Designation Chief Surveyor ELCTRUIY CORPURATION OF NEW KEYLAND LANGED TRANSMISSION LINES EXISTING OR UNDER OF NEW ZEALAND LIMITED ELECTRICITY CORPORATION OF NEW ZEALAND LIMITED ELECTRICITY CORPORATION S Represents Termination Structure. noitizog AJWOT 🛛 O POLE position (AINO IISOO) Approved as to the addition to 50 plan numbers for all enlarge sheets within 200 metres either side of the transmission lines.

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