

Crown Pastoral Land Tenure Review

Lease name : Mt NICHOLAS STATION

Lease number : PS 046

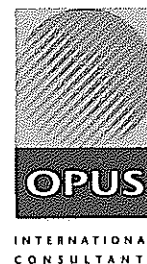
Due Diligence Report (including Status Report) - Part 1

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.

June 09



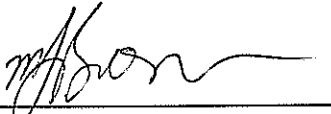
DUE DILIGENCE REPORT
CPL PRE TENURE REVIEW ASSESSMENT STANDARD 6:
MOUNT NICHOLAS PASTORAL LEASE

File Ref: CON/50269/09/12420/A-ZNO Report No: DN0175 Report Date: 10/07/2002
Office of Agent: Dunedin LINZ Case No: TFC03/51 Date sent to LINZ: 15/07/2002

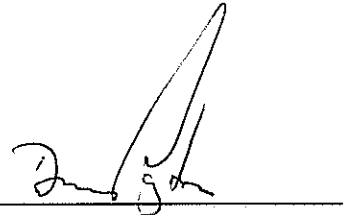
RECOMMENDATIONS

1. That the Commissioner of Crown Lands or his delegate **note** this Due Diligence Report which has been prepared in accordance with the Pre Tenure Review Assessment Standard;
2. That the Commissioner of Crown Lands or his delegate **note** the following;
 - File records indicate Telecom New Zealand Limited has a telecommunication station on the Lease. It appears that the lessees consented to the installation, and a draft agreement prepared, however there is no indication that this document has been formally executed.
 - This lease has not been converted into Landonline.
 - Document 249038 records the redefinition of boundaries between Mt Nicholas (contained in SL206/47) and Elfin Bay Station (then contained in SL B3/614). This boundary definition is in variance with the boundary of part Run 630 (SO 11859) and plans referred to in the Deed of Settlement for the Ngai Tahu Claim (HC 513 & HC514) as defined on SO 12351. The conflicts between these two boundary definitions have created a residue of unallocated Crown Land. This land was part of the Elfin Bay Station that was transferred to Her Majesty the Queen (Transfer 201555.9) and surrendered from the lease (Surrender 258221.1) as part of the Ngai Tahu Claim. The digital cadastral database shows this area as being part of Part Run 630. No documentary or graphical evidence has been found to support the incorporation of this land into Mt Nicholas.

Signed by Opus:

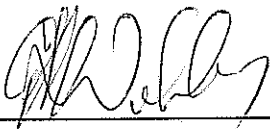


M Brown
Property Consultant



D Payton
Contract Manager

Approved/~~Declined~~ (pursuant to a delegation from the Commissioner of Crown Lands)
by:



Name: GRANT KASPER WEBLEY
Date of decision: 22 / 7 / 02

1. Details of lease:

Lease Name: Mount Nicholas
Location: On the western shores of Lake Wakatipu, 100 kilometres by road north of Lumsden on the Lake Mavora Von Road
Lessee: Robert William Butson, Linda Kathleen Butson & Russell Bell
Tenure: Pastoral Lease under the Land Act 1948 - Ps046
Term: 33 years from 1 July 1992
Annual Rent: \$27,000.00
Rental Value: \$1,800,000
Date of Next Review: 30 June 2003
Land Registry Folio Ref: SL206/47
Legal Description: Part Run 630 situated in Eyre North, Blackhill, Mavora, Von and Mid Wakatipu Survey Districts, Section 1 Block XV Mavora Survey District, Section 1 Block VII Von Survey District, Sections 1 and 2 Block VIII Von Survey District and Sections 4, 5, 6 & & Block XV, Mid Wakatipu Survey District.
Area: 36,219.1377 hectares

2. File Search

Files held by DTZ New Zealand Limited on behalf of LINZ:

File Reference	Volume	From	To
RPo/092-SDN	1	5/07/2001	Date
RPo/013-SDN-01 - 03	1 - 3	11/07/1986	Date
RPo/016-SDN-01 - 04	1 - 4	16/02/1989	1/12/2001
Con/50213/09/12420/A-ZNO	1	30/06/2000	Date
Ps/046-SIN-06	6	30/09/1992	30/06/2000
Ps/046-SIN-05	5	15/05/1984	30/09/1992

Files held by Opus International Consultants Limited on behalf of LINZ:

File Reference	Volume	From	To
CON/50269/09/12420/A-ZNO	1	14/02/2002	Date

Other relevant files held by LINZ:

File Reference	Volume	From	To
Ps/046-SIN-04	4	3/11/1977	15/05/1984
Ps/046-SIN-03	3	1/09/1971	3/11/1977
Ps/046-SIN-02	2	3/10/1962	1/09/1971
Ps/046-SIN-01	1	7/04/1949	3/10/1962

3. Summary of lease document:

Terms of lease

Stock Limitation in lease

16500 sheep and 330 cattle

Commencement Date

1 July 1992

Special Provisions

There are no special provisions in the lease.

Area adjustments

Document 249038 records the redefinition of boundaries between Mt Nicholas (contained in SL206/47) and Elfin Bay Station (then contained in SL B3/614). This boundary definition is in variance with the boundary of part Run 630 (SO 11859) and plans referred to in the Deed of Settlement for the Ngai Tahu Claim (HC 513 & HC514) as defined on SO 12351. The conflicts between these two boundary definitions have created a residue of unallocated Crown Land. This land was part of the Elfin Bay Station that was transferred to Her Majesty the Queen (Transfer 201555.9) and surrendered from the lease (Surrender 258221.1) as part of the Ngai Tahu Claim. The digital cadastral database shows these as being part of Part Run 630. No documentary or graphical evidence has been found to support the incorporation of this land into Mt Nicholas.

Registered interests

- 250821.1 Gazette Notice declaring part Run 630 (2273 m²) to be acquired for police and public safety communication purposes and shall vest in the Crown - 25.6.1997
- 235722.1 Exploration Licence pursuant to Crown Minerals Act 1991 over part of the within land. Term 3 years from 1.10.1995
- 200463.1 Open Space Covenant pursuant to Section 22 Queen Elizabeth the Second National Trust Act 1977 - 3.8.1992

Subject to Part IVA Conservation Act 1987

- 136371.2 Mortgage to Rural Banking and Finance Corporation of New Zealand - 15.12.1986
- 076910.6 Mortgage to Rural Banking and Finance Corporation of New Zealand - 24.11.1981

Unregistered interests

- A recreation permit was issued over the lease to Southern Lakes Helicopters for a term of five years from 1 January 1995 for heliskiing. This permit expired on 31 December 2000. File records indicate that the permit holders are still carrying commercial activity over the lease and have applied to have their permit renewed, however the renewal has yet to occur.

- A recreation permit was issued over the lease to E Team Productions Limited for the filming of a ski adventure movie for 2 months from 1 August to 1 October 2001.
- A recreation permit was issued over the lease to RW & LK Butson for a term of 12 years from 1 July 1989. This permit expired on 30 June 2001. It appears that the permit holders have ceased commercial activity on the property and have not exercised a renewal of the permit.
- File records indicate Telecom New Zealand Limited have a telecommunication station on the Lease. It appears that the lessees consented to the installation, and a draft agreement prepared, however there is no indication that this document has been formally executed.

4. Summarise any Government programmes approved for the lease:

A Soil and Water Conservation Plan was approved for the Lease in 1961. This programme involved the erection of conservation fencing, oversowing and topdressing and the retirement of particularly erosion prone areas of the lease. In 1974, a further plan was approved, involving conservation fencing, oversowing and topdressing, the planting of windbreaks, restorative work through further oversowing and topdressing to attempt to restore the previously retired areas, and the eventual surrender of these retired areas.

This programme was discharged 10 years following the completion of all the tasks in the revised plan, however surrender of the retired lands was never actioned within the allocated timeframe.

5. Summary of Land Status Report:

Opus International Consultants Limited undertook a Land Status check on 9 July 2001. This check confirms the status of the Land as Crown Land under the Land Act 1948, subject to Pastoral Lease Ps/046.

The following items were noted for information:

- This Pastoral Lease is subject to Part IVA of the Conservation Act 1987. Marginal Strips (section 24(9) Conservation Act 1987) have been defined on SO8413 and SO10833 on renewal of this lease on 1 Jul 1992. The Crown Land reserved from sale Section 58 Land Act 1948 along the Oreti River, Von River and Lake Wakatipu is now deemed to be a marginal strip of the same width (section 24(3) Conservation Act 1987). The boundaries of the marginal strips do not change (section 24G (7) Conservation Act 1987).
- Section 1 Block I Mavora Survey District [CT SL6A/1154] is a freehold section contained within the peripheral boundary of this Pastoral Lease. The proprietors of this land are RW & LK Butson and R Bell.
- This lease has not been converted into Landonline.
- Document 249038 records the redefinition of boundaries between Mt Nicholas (contained in SL206/47) and Elfin Bay Station (then contained in SL B3/614). This boundary definition is in variance with the boundary of part Run 630 (SO 11859) and plans referred to in the Deed of Settlement for the Ngai Tahu Claim (HC 513 &

HC514) as defined on SO 12351. The conflicts between these two boundary definitions have created a residue of unallocated Crown Land. This land was part of the Elfin Bay Station that was transferred to Her Majesty the Queen (Transfer 201555.9) and surrendered from the lease (Surrender 258221.1) as part of the Ngai Tahu Claim. The digital cadastral database shows this are as being part of Part Run 630. No documentary or graphical evidence has been found to support the incorporation of this land into Mt Nicholas.

A copy of the report is attached as Schedule A to this report.

6. Review of topographical and cadastral data:

A review of the topographic and cadastral information reveals the following:

- There are two radio masts at about NZMG E42 510565.
- There is an airstrip at about NZMG E42 480579.
- There is an airstrip at about NZMG E42 494586
- There is a hut at about NZMG E42 381534.
- There is a hut at about NZMG E41 430602.

7. Details of any neighbouring Crown or conservation land

Neighbouring Crown or Conservation Lands are detailed as follows:

	Legal Description	Status	Owner/Lessee
North	Crown Land Block II Mid Wakatipu Survey District	Marginal Strip	Minister of Conservation
	Crown Land Block VII Von Survey District	Marginal Strip	Minister of Conservation
	Section 2 Block XV Mid Wakatipu Survey District	Crown Land	Her Majesty the Queen
South	Section 1 SO 12084	Crown Land	Her Majesty the Queen
East	Run 632	Special Lease - Walter Peak Station	Her Majesty the Queen/ Walter Peak Corp Trustee Limited
	Section 1 SO 12084	Crown Land	Her Majesty the Queen
West	Section 8 SO 12090	Crown Land	Her Majesty the Queen
	Part Run 568	Stewardship Land	Minister of Conservation
	Sections 6, 7 & 12 SO 12351	Crown Land	Her Majesty the Queen

Internal	Crown Land Block XV Mid Wakatipu, XV Von, & VII, X, XIV XV Mavora Survey Districts	Marginal Strip	Minister of Conservation
	State Forest Block VII Von Survey District	Stewardship Land	Minister of Conservation

There is no indication that any of these parcels should be included in the tenure review.

8. Summarise any uncompleted actions or potential liabilities:

- File records indicate Telecom New Zealand Limited has a telecommunication station on the Lease. It appears that the lessees consented to the installation, and a draft agreement prepared, however there is no indication that this document has been formally executed. Copies of relevant file records are included as Schedule B to this report.
- This lease has not been converted into Landonline.
- Document 249038 records the redefinition of boundaries between Mt Nicholas (contained in SL206/47) and Elfin Bay Station (then contained in SL B3/614). This boundary definition is in variance with the boundary of part Run 630 (SO 11859) and plans referred to in the Deed of Settlement for the Ngai Tahu Claim (HC 513 & HC514) as defined on SO 12351. The conflicts between these two boundary definitions have created a residue of unallocated Crown Land. This land was part of the Elfin Bay Station that was transferred to Her Majesty the Queen (Transfer 201555.9) and surrendered from the lease (Surrender 258221.1) as part of the Ngai Tahu Claim. The digital cadastral database shows this are as being part of Part Run 630. No documentary or graphical evidence has been found to support the incorporation of this land into Mt Nicholas. Copies of the relevant documents are included in Schedule C to this report.

Project Number 6NLITR.02/526YD



This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50269 dated September 2001 and is undertaken for the purposes of Tenure Review in terms the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Mt Nicholas Station	LIPS Ref 12420
Property 1 of 3	

Land District	Southland
Legal Description	Part Run 630 situated in Eyre North, Blackhill, Mavora, Von and Mid Wakatipu Survey Districts, Section 1, Block XV, Mavora Survey District, Section 1, Block VII, Von Survey District, Sections 1 and 2 Block VIII Von Survey District and Sections 4, 5, 6, 7 Block XV, Mid Wakatipu Survey District
Area	36219.1377 hectares
Status	Crown Land under the Land Act 1948 subject to Pastoral Lease P.46
Instrument of title / lease	SL206/47
Encumbrances	Subject to: - 200463.1 Open Space Covenant pursuant to Section 22 Queen Elizabeth the Second National Trust Act 1977. 235722.1 Exploration Licence pursuant to the Crown Minerals Act 1991
Mineral Ownership	Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Purchase and 1853 Murihiku Purchase
Statute	Land Act 1948 and Crown Pastoral Land Act 1998

Data Correct as at	9 / 7 / 2002
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I John Stephen Kirk, Property Consultant, Opus International Consultants Limited certify that the above status is in order for approval.

In giving this certification I undertake that the status report has been completed in compliance with all relevant policy instructions and in particular OSG Standard 1999/05 and the Regulatory Chiefs' Land Status Investigations Guidelines 1999/01

Prepared by	John Kirk
Crown Accredited Agent	Opus International Consultants Ltd, Dunedin

Peer reviewed by G Patrick

9 / 7 / 2002

LAND STATUS REPORT for Mt Nicholas Station			LIPS Ref 12420
Property	1	of	3

Notes: This information does not affect the status of the land but was identified as possibly requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6 paragraph 6.

- This pastoral lease is subject to part IVA of the Conservation Act 1987. Marginal strip (Section 24(9) Conservation Act 1987) have been defined on SO's 8413 & 10833 on renewal of this lease on 1 July 1992. The Crown land reserved from sale Section 58 Land Act 1948 along the Oreti River, Von River and Lake Wakatipu is now deemed to be a marginal strip of the same width (s. 24(3) Conservation Act 1987 effective date 10/4/90) the boundaries of the marginal strip do not change (s.24G (7) Conservation Act 1987).
- Section 1, Block I, Mavora Survey District [CT SL6A/1154] is a freehold section contained within the peripheral boundary of this Pastoral Lease. The proprietors of this land are R. W. & L. K Butson and R Bell.
- This lease has not been converted into Landonline
- Document 249038 records the redefinition of boundaries between Mount Nicholas Station (contained in SL206/47) and Elfin Bay Station (then contained in SLB3/614). This boundary definition is in variance with the boundary of part Run 630 (SO 11859) and plans referred to in the Deed of Settlement for the Ngai Tahu Claim (HC 513 & HC 514) as defined on SO 12351. The conflicts between these two boundary definitions have created a residue of un-allocated Crown Land. This land was part of the Elfin Bay Station that was transferred to Her Majesty the Queen (Transfer 201555.9) and surrendered from the lease (Surrender 258221.1) as part of the Ngai Tahu Claim. The digital cadastral database shows this area as being part of part Run 630. No documentary or graphical evidence has been found to support the incorporation of this land into Mount Nicholas Station.

LAND STATUS REPORT for Mt Nicholas Station				LIPS Ref 12420
Property	1	of	3	

Research Data: *Some Items may be not applicable*

SDI Print Obtained	Yes
NZMS 261 Ref	E41, E42, E43
Local Authority	Southland District & Queenstown-Lakes District
Crown Acquisition Map	1848 Kemp Purchase and 1853 Murihiku Purchase
SO Plan	<p>SO 12351- Sections 1 to 12 SO 12351 [adjoining land common boundary] (November 1999)</p> <p>SO 12262- area referred to in the Deed of Settlement for the Ngai Tahu Claim – Oreti River. (November 1992)</p> <p>SO 12165- Plan of Areas of Serpentine occurring in its natural condition in association with Nephrite and Bowenite. Approved for Parliamentary Purposes. (July 1996)</p> <p>SO 12103- Plan of land to be acquired for communication for police & safety purposes. (August 1995)</p> <p>SO 12095- Plan of Geodetic Station Offsetting (August 1995)</p> <p>SO 11859-Plan of Redefinition of part Run 630, situated in Mavora, Eyre North, Von, Mid Wakatipu and Blackhill Survey Districts.(May 1994)</p> <p>SO 11820- Plan of Queen Elizabeth II National Trust open space covenant over part Run 630. (May 1992)</p> <p>SO 11529- Plan of Otago Region and Districts</p> <p>SO 11169- E43- Plan of allocations to the Department of Conservation pursuant to Section 62 of the Conservation Act 1987. [April 1987]</p> <p>SO 11168 -E42- Plan of allocations to the Department of Conservation pursuant to Section 62 of the Conservation Act 1987. [April 1987]</p> <p>SO 11167- E41 - Plan of allocations to the Department of Conservation pursuant to Section 62 of the Conservation Act 1987. [April 1987]</p> <p>SO 10900-Plan of Section 1 Block VII, Sections 1 and 2 Block VIII, Von Survey District, Sections 4, 5, 6 and 7 Block XV, Mid-Wakatipu Survey District.</p>

LAND STATUS REPORT for Mt Nicholas Station				LIPS Ref 12420
Property	1	of	3	

	<p>SO 10833- Plan Of Section 1 Block XV Mavora Survey District (July 1986)</p> <p>SO 10814- Plan of Photo control sit in Snowden Blackhill Mavora & Von Survey Districts (June 1986)</p> <p>SO's 9739, 9738, 9737, 9736, 9735- Plan of Road Block XV Mavora and Block VII Blackhill Survey District. (August 1979)</p> <p>SO 9732- Plan of Survey Control Mavora & Blackhill Survey Districts. (August 1979)</p> <p>SO 8413- Plan of Run 630 formerly Run 614 and Pt Run 558 situated in Mavora, Eyre North, Von, Mid Wakatipu and Blackhill Survey Districts (December 1972)</p> <p>SO 8146- Plan of Parts Run 558 Blackhill Survey District (August 1971)</p> <p>SO 8466- Topo plan of Wakatipu and surrounding country Middle Island. (October 1975)</p> <p>SO 8128- Plan of runs 614 – 618 Mavora, Eyre North & Eyreside Survey Districts. (April 1971)</p> <p>SO 7844-Plan of Tellurometer Traverses (December 1969)</p> <p>SO 7761- Plan of Run 605 (Walter Peak Station) adjoining land. [Common Boundary] (March 1968)</p> <p>SO 6952- Plan of Mt Nicholas Station Run 558 (December 1961)</p> <p>SO 6800- Plan of Run 568 (adjoining land common boundary) (February 1960)</p> <p>SO 4155- Plan of Section 3, Block XV, Mid Wakatipu Survey District [adjoining land] (December 1912)</p> <p>SO 11970, 2520, 848, 843, 838, 706 - Plans of Triangulation survey control</p> <p>SO 2065- Plan of Section 1, Block I, Mavora Survey District (Certified correct copy December 1967)</p> <p>SO 844, 839, 638, 18, 15 - Plans of Topographic data.</p>
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LAND STATUS REPORT for Mt Nicholas Station		LIPS Ref 12420
Property	1	of 3

	<p>SO 550- Plan of Section A now part of section 1 Block 1 Mavora Survey District. (July 1865)</p> <p>SO 548- Plan of Pre-emptive Right B (for Run 350) situated in Block XV Mid Wakatipu Survey District (July 1865)</p> <p>SO 51- Plan of Mid Wakatipu District (showing cadastral data (August 1903)</p> <p>ROLL 32- There is no image in Landonline this has not been viewed.</p>
Relevant Gazette Notices and / or Computer Interest register.	<p>Gazette 1997 page 1459 (250821.1) declaring leasehold estate acquired for Police and Public Safety Communications purposes at Mount Nicholas.</p> <p>Gazette 2000 page 431 (271830.1) setting apart for police and public safety radio communications and telecommunications purposes.</p>
CT Ref / Lease Ref	<p>Current Lease-SL206/47</p> <p>Cancelled lease-SL167/47</p> <p>Cancelled lease- SL167/18</p>
Plan Index	<p>Run 630- SO 8413</p> <p>Former Run 608- SO 8413</p> <p>Former Run 614- SO 8128, 8413</p> <p>Former Run 558- SO 6952, 8146, 8413</p>
Legalisation Cards	No cards found
Statutory Actions (Landonline)	<p>Part Run 630</p> <p>Current Purpose-Police Public Safety Communications Purposes.</p> <p>Statutory Action-Gazette 2000 page 431</p> <p>State Forest Block VIII Von Survey District</p> <p>Current Purpose-State Forest</p> <p>Statutory action- Gazette 1934 page 2195</p> <p>Part Run 630</p> <p>Current purpose-subject to the provisions of Marginal Strips</p> <p>Statutory Action-Sec 24 Conservation Act 1987</p> <p>Crown Land Block V, VII, X, XIV, XV Mavora, Block XV Mid Wakatipu, Block XV Von Survey District</p> <p>Current purpose-Crown Land Reserved from Sale (Marginal Strip)</p> <p>Statutory Action-Section 58 Land Act 1948</p>
CLR	Confirms Pastoral Status

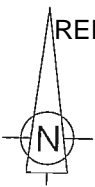
LAND STATUS REPORT for Mt Nicholas Station		LIPS Ref 12420
Property	1	of 3

Allocation Maps (if applicable)	Allocated to DOC pursuant to Section 62 of the Conservation Act 1987. Stewardship Land, Allocation Refs D*E41*3 & 4*CO and D*E42*2 & 3*CO Other SOE allocation Maps searched nothing found
VNZ Ref - if known	29111 36000 29111 36000A 29111 36000B
Crown Grant Maps	Not applicable always in Crown Ownership
Subject land Marginal Strip: Type [Sec 24(9) or Sec 58]	a) Sec 24(9) and Sec 58
b) Date Created	b) 1 July 1992 and on creation of this lease
c) Plan Reference	c) SO 11859, 10833 and SO 8413

LAND STATUS REPORT for Mt Nicholas Station		LIPS Ref 12420
Property	1	of 3

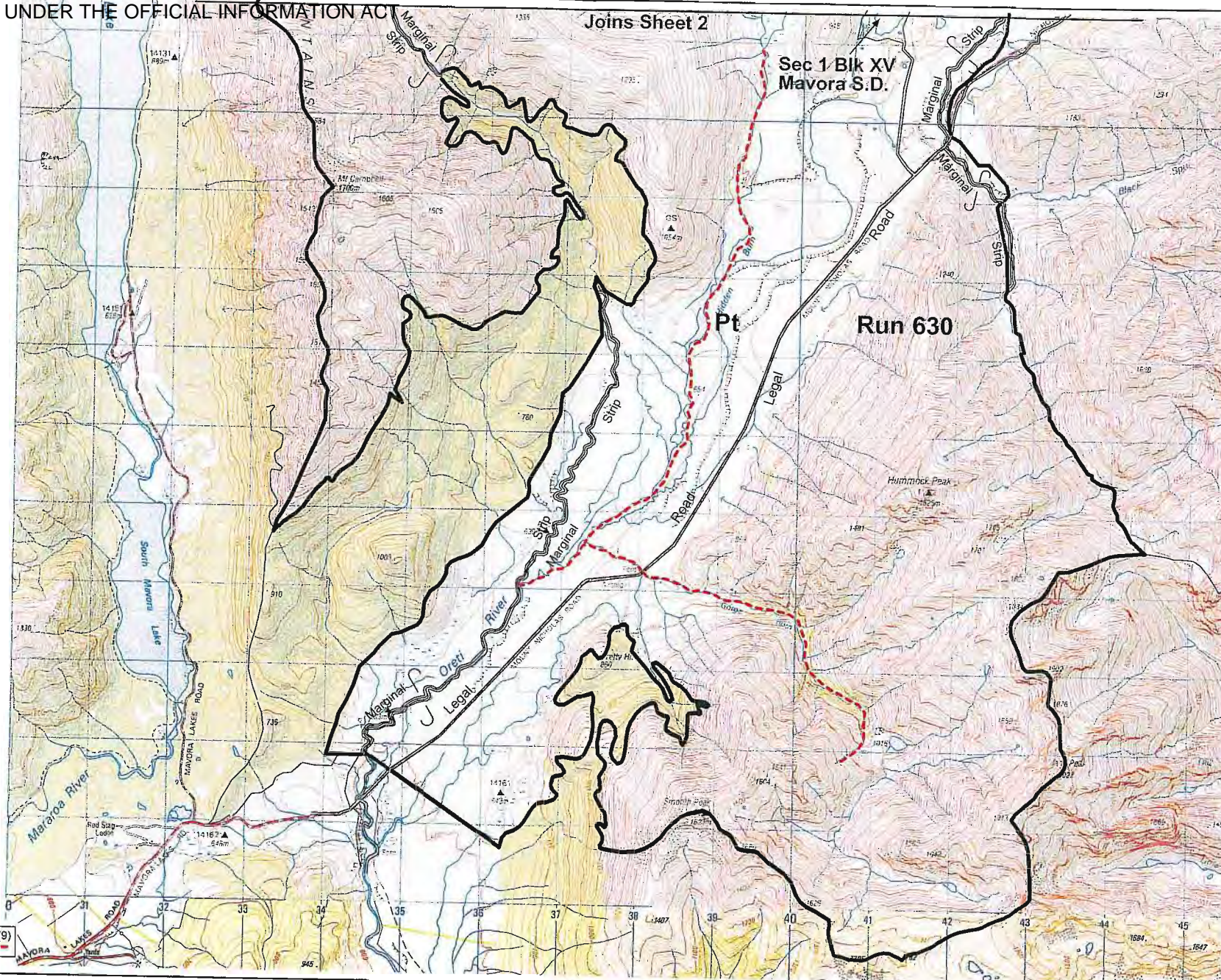
Research – continued

If Crown land – Check Irrigation Maps.	No maps for Southland
Mining Maps	235722.1 Exploration Licence pursuant to the Crown Minerals Act 1991. No record has been found of any other lodged Mining applications over this area
If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989 b) By Proc	a) SO Plan Not applicable b) Proc Plan c) Gazette Ref
Other Relevant Information a) Concessions – Advice from DOC or Knight Frank. b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998 c) Mineral Ownership d) Other Info	a) The Department of Conservation has been consulted and Conservation area status land has been identified within the boundary of this property (see Report 2 of 3) b) Lake Wakatipu and Oreti River (MD 123 SO 12262) are subject to a Statutory Acknowledgement's in terms of the Ngai Tahu Claims Settlement Act 1998. This lease adjoins Bush Remnants-Elfin Bay Station (HC 522), Elfin Bay & Greenstone Stations (HC 513, 514) which are areas referred to in the Ngai Tahu Claims Settlement Act 1998. c) Either <input type="checkbox"/> Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Purchase and 1853 Murihiku Purchase d)



Joins Sheet 2

Sec 1 Bk XV
Mavora S.D.



Marginal Strip Subject to Sec 24 (9)
Conservation Act 1987

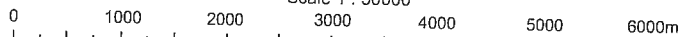


INTERNATIONAL CONSULTANTS

Graphics by:
TL Survey services Ltd DUNEDIN

Mt Nicholas

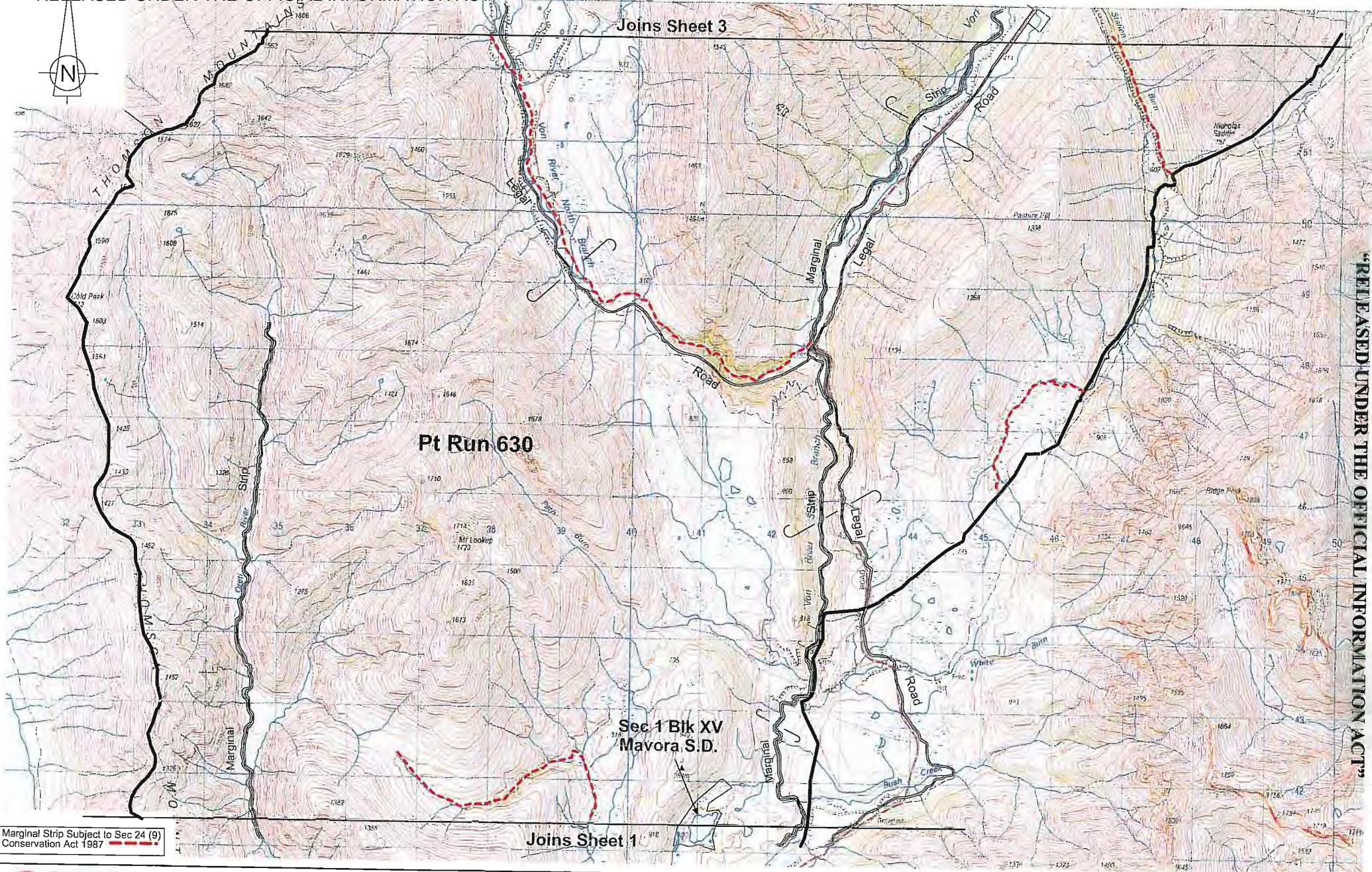
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Version	1	2	3	4	5
Otago Land District	Sheet 1 of 5				
NZMS 260 E.42,E.43	Date 07/06/2002				

Joins Sheet 3

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Marginal Strip Subject to Sec 24 (9) Conservation Act 1987

Joins Sheet 1

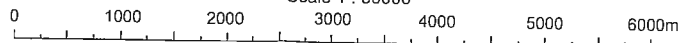


INTERNATIONAL CONSULTANTS

Graphics by: TL Survey services Ltd DUNEDIN

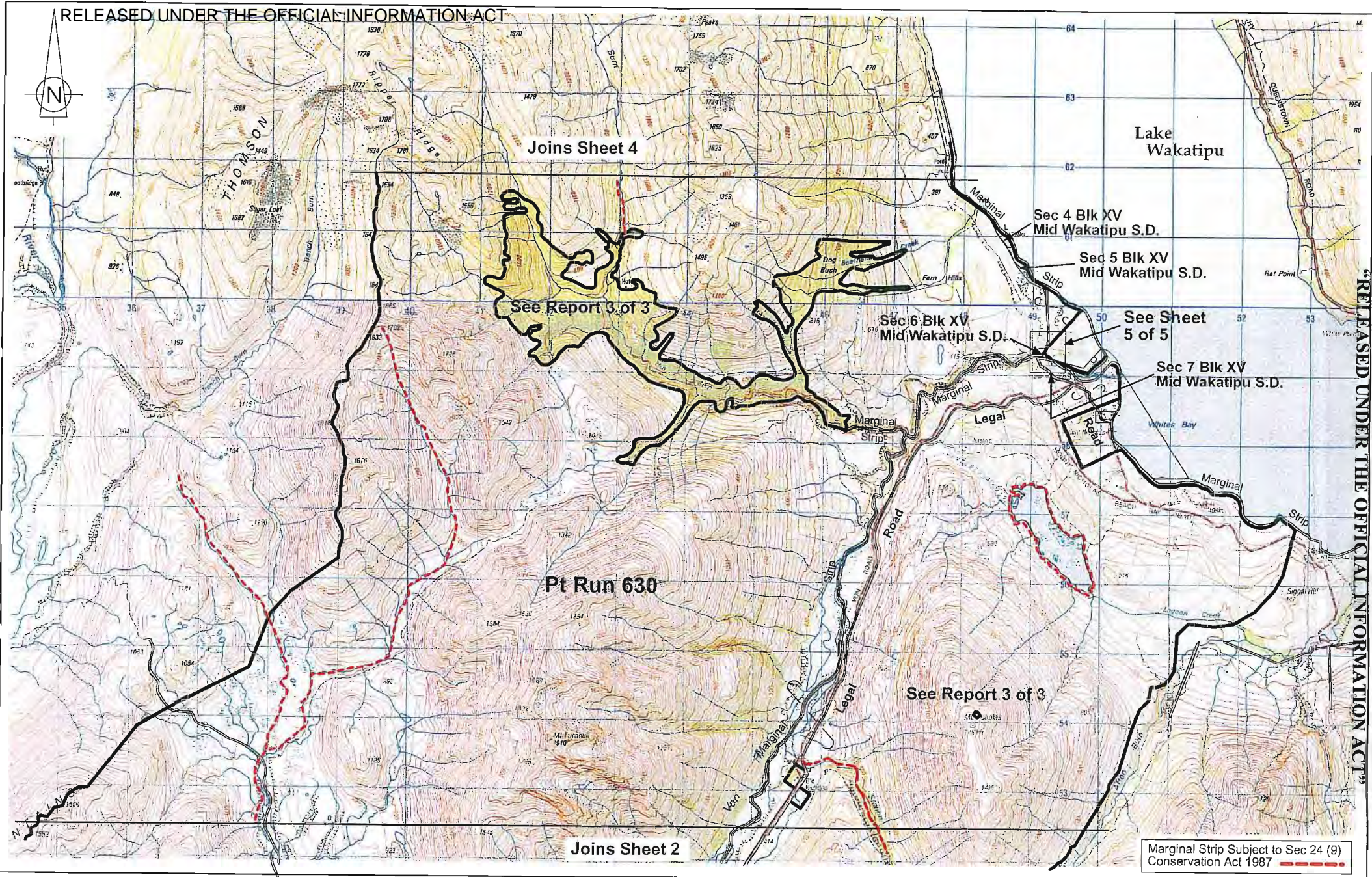
Mt Nicholas

Scale 1 : 50000



Version	1	2	3	4	5
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Otago Land District
 NZMS 260 E.42
 Sheet 2 of 5
 Date 07/06/2002



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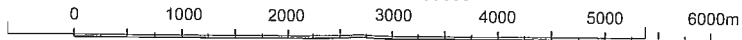
Marginal Strip Subject to Sec 24 (9) Conservation Act 1987



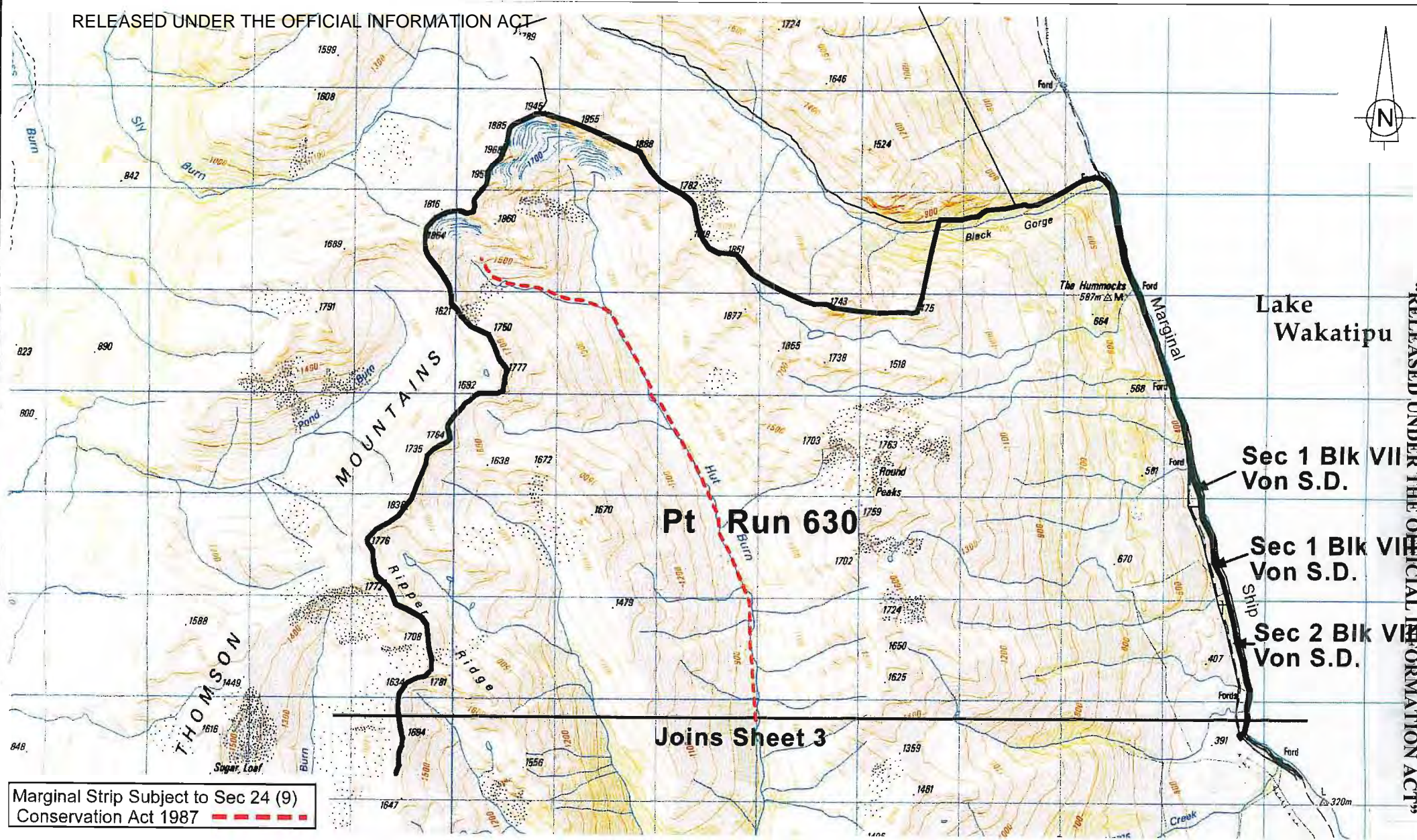
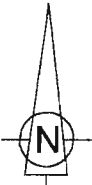
Graphics by : TL Survey services Ltd DUNEDIN

Mt Nicholas

Scale 1 : 50000



Version	1	2	3	4	5
Otago Land District	Sheet 3 of 5				
NZMS 260 E.41 & E.42	Date 07/06/2002				



Lake Wakatipu

Sec 1 Blk VII Von S.D.

Sec 1 Blk VIII Von S.D.

Sec 2 Blk VIII Von S.D.

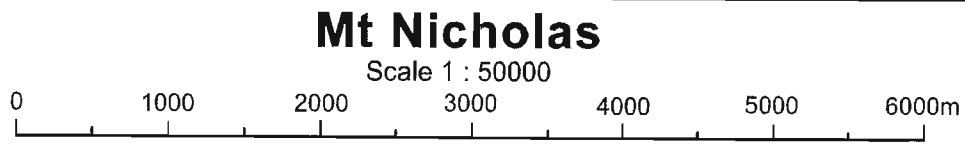
Pt Run 630

Joins Sheet 3

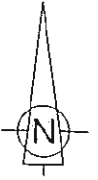
Marginal Strip Subject to Sec 24 (9) Conservation Act 1987

RELEASED UNDER THE OFFICIAL INFORMATION ACT

OPUS
INTERNATIONAL CONSULTANTS
Graphics by :
TL Survey Services Ltd DUNEDIN



Version	1	2	3	4	5
Otago Land District	Sheet 4 of 5				
NZMS 260 E41	Date 07/06/2002				



Sec 5 Blk XV
Mid Wakatipu S.D. →

Pt Run 630

Sec 6 Blk XV
Mid Wakatipu S.D. →

Pt Run 630 →

Marginal

Marginal

Strip

Strip

Pt Run
630

Sec 7 Blk XV
Mid Wakatipu S.D. →

Pt Run 630

Marginal Strip Subject to Sec 24 (9)
Conservation Act 1987

Version	1	2	3	4	5
Otago Land District NZMS 260 E42	Sheet 5 of 5 Date 06/06/2002				



Mt Nicholas

Scale 1 : 2000

Graphics by :
TL Survey Services Ltd DUNEDIN

0 50 100 150 200m

Schedule B – Telecom New Zealand Limited facility



Jur Ref: Ps46

LAND RESOURCES DIVISION

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

20 September 1995

Network Property Manager
Telecom New Zealand Limited
P O Box 1473
CHRISTCHURCH

Dear Sir

RE: PROPOSED EASEMENT - MOUNT NICHOLAS STATION

In response to you letter dated 14 August 1995 requesting that we arrange the Commissioner's consent to an easement on Mount Nicholas Station for a telecommunication station I reply as follows.

As I will require a survey plan attached to the easement document to seek the Commissioner's consent and as the telecommunications structure is already in existence there would seem little point in me seeking the Commissioner's consent in principle. I also do not anticipate the Commissioner declining your application for an easement.

I therefore suggest you complete your survey of the site to ascertain whether in fact it is on pastoral lease and, should it be so, make application with a survey plan showing the location of the structure attached to the easement document.

Yours faithfully

P H Murray
for Manager, Alexandra
KNIGHT FRANK (NZ) LIMITED

Corporate Offices

Auckland
Wellington
Christchurch
10 Offices Nationwide

International

Australia
Belgium
Botswana
China
France
Germany
Hong Kong
India
Italy
Japan

Malawi
Nigeria
Singapore
Spain
Sweden

Tanzania
United Kingdom
United States of America
Zimbabwe

Postal Address:
P O Box 27, Alexandra
New Zealand
Knight Frank (NZ) Limited
(An LPL Group Company)

INTERNATIONAL PROPERTY CONSULTANTS

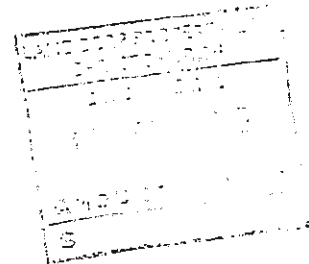
Ps 046

TELECOM NEW ZEALAND LIMITED
Logistics - Property
Level 7 Telecom House
109 Hereford Street
PO Box 1473
CHRISTCHURCH



Telephone 0-3-353 3076
Facsimile 0-3-366 6974

14 August 1995



Received Melinda
7/9/95

Caroline Mason
Landcorp Property Ltd
PO Box 142
CHRISTCHURCH

Dear Madam

PROPOSED EASEMENT MT NICHOLAS STATION

As part of Telecom's commitment to eliminate the remaining party lines throughout New Zealand, Telecom has a proposal to upgrade service in the Mt Creighton area via a small telecommunication station at Mt Nicholas Station.

While Telecom is 80% certain that the installation will be housed on the freehold land of R W and L K Butson, I would like to have the Commissioner's consent to the granting of an easement should it be finally determined by survey that the installation is on the adjoining pastoral leased property.

Enclosed please find:

- A draft of Telecom's standard easement acquisition document
- Plan of the proposed installation
- Pastoral lessee's consent.

Could you please arrange for the Commissioner's approval along with any comments or conditions.

Yours faithfully

CHRIS CHAPMAN
Network Property Manager
PROPERTY

ACTION BY: Phil
JOB No: 8011
COMPLETION: 6/10/95

Encl

TELECOM NEW ZEALAND LIMITED

and

.....

AGREEMENT FOR ACQUISITION OF AN EASEMENT

AGREEMENT FOR ACQUISITION OF AN EASEMENT

DATED this day of 19

PARTIES

1. TELECOM NEW ZEALAND LIMITED a duly incorporated Company having its registered office at Wellington ("Telecom")
2. ("the Owners")

BACKGROUND

- a. The Owners are the registered proprietors of the land.
- b. Telecom wishes to construct works or lines for the transmission of telecommunications across the land and to acquire an Easement for that purpose.

AGREEMENT

1. DEFINITIONS

- "the Owners" means the Owners and includes their personal representatives and successors.
- "the Land" means the land described in Schedule 1 to this Agreement.
- "Telecom" means Telecom New Zealand Limited and includes its engineers, surveyors, servants, agents, employees, workmen, and contractors, successors, and permitted assigns and personal representatives.
- "Easement" means the registered Easement granted to Telecom by this Agreement, more particularly defined in paragraph 1 of Schedule 2.

Other terms shall have the definitions given to them in the Telecommunications Act 1987.

2. EASEMENT

- 2.1 The Owners agree to grant to Telecom the Easement to construct telecommunications works or lines through the portion of Land shown generally on the attached plan.
- 2.2 The Easement will be in the usual form adopted by Telecom and will provide for the matters set out in Schedule 2 of this Agreement.

3. SURVEY AND LEGAL COSTS

- 3.1 Telecom will attend to all necessary planning, resource consent, survey, and legal matters relating to the Easement and will pay the reasonable legal costs incurred by the Owners including the reasonable costs of obtaining any necessary consents from third parties.
- 3.2 Acquisition of the Easement will be effected by registered Memorandum of Transfer to be signed by the Owners who will make their Certificate of Title available on request by Telecom to enable registration of the transfer.

4. CAVEAT

- 4.1 Telecom may upon execution of this Agreement and until registration of the Memorandum of Transfer creating the easement, register and keep registered a caveat on the Land for the purpose of giving notice of this Agreement.
- 4.2 Telecom will consent to a registration against the Land as long as that registration does not prejudice its position under this Agreement.

5. COMPENSATION

- 5.1 Telecom will pay to the Owners the amount of \$ _____ (exclusive of GST) as compensation for the granting of the Easement.
- 5.2 The compensation will be paid to the Owners within 30 days following the date of completion of the Works.

6. ACCESS AND CONSTRUCTION, ETC.

6.1 The Owners will permit access to the Land by Telecom and its contractors for the purpose of surveying, line laying, installation, maintenance of equipment and any other lines or works related to the Easement as from the date of this Agreement. Telecom will give the Owners reasonable notice of its intention to enter the Land for the purposes referred to above except that no such notice will be necessary if the work to be carried out by Telecom is rendered urgent and necessary by any defective works or lines or other emergency.

SIGNED by _____)
)
)
for and on behalf of TELECOM)
NEW ZEALAND LIMITED in the) _____
presence of:) Position:

Witness: _____
Occupation: _____
Address: _____

SIGNED by _____)
)
)
in the presence of:) _____

Witness: _____
Occupation: _____
Address: _____

-4-

SCHEDULE 1

THE LAND

OWNER	CERTIFICATE OF TITLE	LEGAL DESCRIPTION of fee simple
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SCHEDULE 2

MATTERS TO BE PROVIDED FOR IN THE EASEMENT

1. The Easement will be an easement in gross over parts of the Land to be shown on a plan to be prepared by Telecom. The Easement will be granted in order to allow Telecom:
 - (a) to transmit telecommunications through equipment, works, and lines constructed or laid in the Easement and if laid under the soil of the easement land to a depth of not less than 900 mm; and
 - (b) to construct, maintain, inspect, repair, replace, add to, or remove any equipment, works, or lines in the Easement ("the Work").
2. For the above purposes, Telecom's employees, contractors, or agents shall have the right, subject to giving notice as provided in Clause 6.1:
 - (a) to enter and have the right of access across the Owners' Land on foot or by any reasonable mode of transport;
 - (b) to take on to the Land all tools, materials, machinery, and equipment necessary for carrying out the work.
 - (c) to carry out any of the said work.
3. In carrying out the work, Telecom agrees to take reasonable and proper care not to damage any property of the Owners. Telecom will ensure that it makes good at its own cost any damage which it is responsible for to a standard either equal or higher than that immediately prior to the execution of the work.
4. The Owners shall have the right to use the Easement Land except as such use may unreasonably interfere with the enjoyment of the rights and easement granted herein but shall not erect any building construction or fence or plant any tree or shrub on the Easement Land disturb the soil of the Easement Land below a depth of 450 mm from the surface or do anything thereon or therein which would or could damage or endanger the line without the written consent of Telecom. Consent shall not be unreasonably withheld but may be given subject to reasonable conditions.

5. In the event that the Owners and/or its employees deliberately or maliciously cause damage to Telecom's works and/or lines, then the Owners shall pay the cost of repair and any other loss or damage to Telecom, and shall indemnify Telecom against any claim made upon it. In the event that damage is caused by inadvertence, accident, or negligence on the part of the Owners and/or its employees, then Telecom shall repair the damage at no cost to the Owner. This clause shall not apply to any contractor employed by the Owner.
6. All works and lines installed or constructed by Telecom in the Easement shall at all times remain the property of Telecom and be subject to Telecom's control and supervision.
7. The cost of laying or constructing the works and lines in the Easement shall be borne by Telecom.

*AGREEMENT made this 13 day of JULY 1995 ^{13/7}

BETWEEN L. R. BUTSON with his personal representatives, successors and assigns called "The Owner"

AND Telecom NZ LTD, at Christchurch (together with its successors and assigns called "Telecom").

THE PARTIES AGREE:

- 1 In consideration of the sum of One Dollar (\$1.00) (peppercorn) paid by Telecom as a once only payment to the Owner (receipt of which is hereby acknowledged), The Owner hereby agrees to allow Telecom to enter upon his/her property situated at Mt Nicholas Station, Queenstown
- to: (a) install, lay or erect works or lines as defined in the Telecommunication Act 1987.
- (b) inspect, repair, maintain or replace such works or lines as circumstances dictate.
- 2 Telecom will give 48 hours notice before entering the property in the circumstances specified in paragraph 1 (a).
- 3 Telecom will make reasonable attempt to give 24 hours notice prior to entering the property for scheduled maintenance work but may enter and proceed with the work if such attempt to give notice has been unsuccessful.
- 4 Telecom may give no notice prior to entering the property for unscheduled maintenance or service restoration, but shall make reasonable attempt to advise the Owner or Occupier on arrival.
- 5 Telecom will repair and make good all damage to fences, gates or erections upon the Owners land directly caused by Telecom exercising its rights under this agreement.
- 6 The Owner will not erect improvements over any buried plant without the prior consent of Telecom.
- 7 In the event that the Owner accidentally and without intention or negligence damages Telecom's lines on the above land, the Owner shall be under no liability whatsoever to Telecom for damage caused.

SIGNED BY: *L.R. Butson*
(Name of Owner)

SIGNED FOR AND ON BEHALF OF

Telecom NZ LTD by
Manager Network Design
Telecom NZ Ltd
Dunedin

pp *M. Sloper* (M. SLOPER)

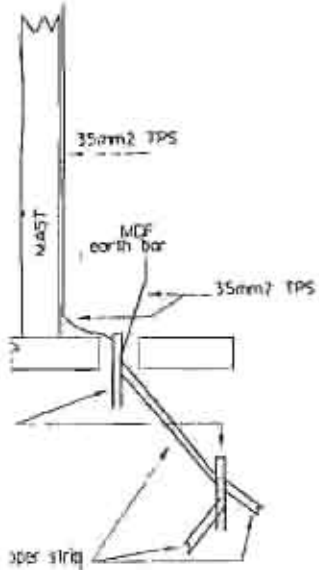
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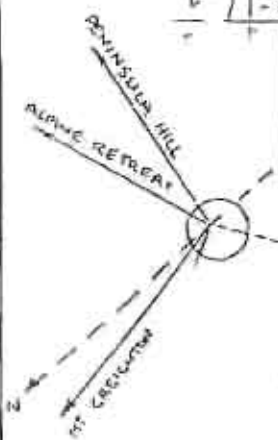
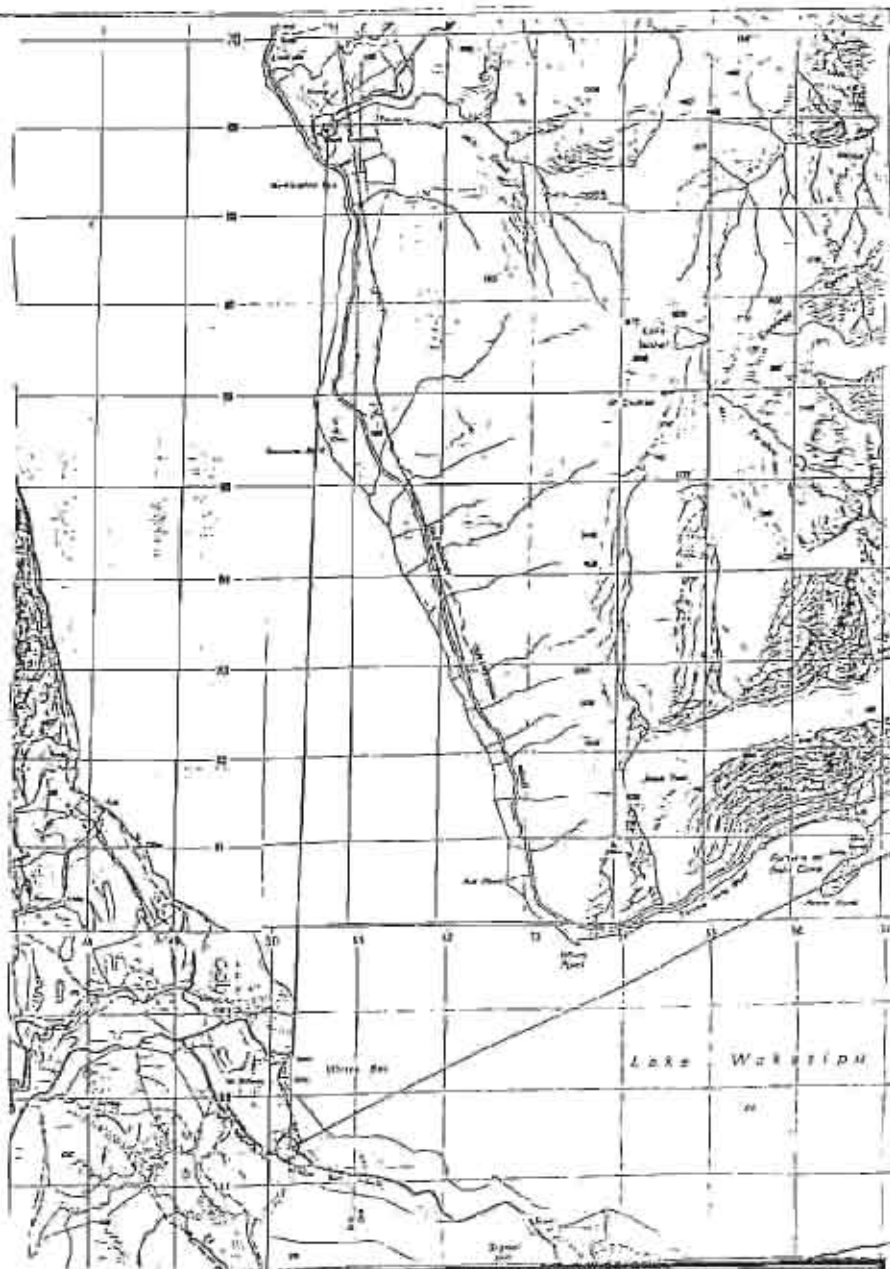
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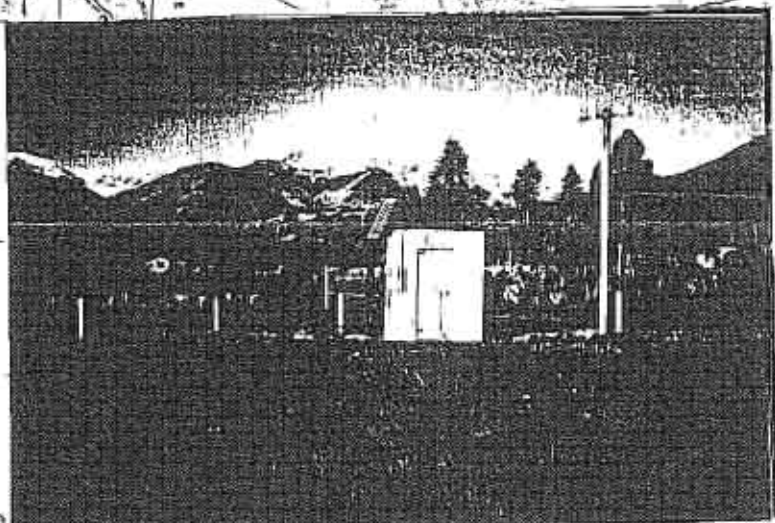
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NOTE 2



LOCATION PLAN
SCALE 1:50,000



MOUNT NICHOL AS STN
SMA SITE

Telecom

17/311562