

Deed of Variation of the Otago Community Trust Deed

Ross William McRobie, John Charles Wilson , Kathryn Eleanor Hazlett, Gina Dianne Huakau, Philippa Agnes Laufiso, Kevin Bruce Malcolm, Malcolm Ashley Wong, Haley Philippa van Leeuwen, Richard Jonathan Morland Sim, Bridget Anne McKenzie Tweed and Barbara Anne Long as trustees of the Otago Community Trust

The Minister of Finance

**anderson
lloyd.**

Date:

Parties

- (1) Ross William McRobie, John Charles Wilson, Kathryn Eleanor Hazlett, Gina Dianne Huakau, Philippa Agnes Laufiso, Kevin Bruce Malcolm, Malcolm Ashley Wong, Haley Philippa van Leeuwen, Richard Jonathan Morland Sim, Bridget Anne McKenzie Tweed and Barbara Anne Long as trustees of the Otago Community Trust (**Trustees**)
- (2) The Minister of Finance (**the Minister**)

Background

- A. The Trustees of the Otago Community Trust (**OCT**) and the trustees of the Community Trust South (**CTS**) jointly submitted a proposal to the Minister of Finance requesting a boundary adjustment to the Specified Areas of the two trusts (**Proposal**).
- B. The Proposal has been approved by the Governor General by Order in Council dated 16 March 2020
- C. The Trustees now wish to record this variation to the Trust Deed reflecting the changes to the Trust Deed approved under the Order in Council.

1. Definitions and Interpretation

Act	means the Community Trusts Act 1999
Deed	means this Deed
Effective Date	means the date of the Order in Council being 16 March 2020
Trust Deed	means the Trust Deed dated 28 August 2000 between the trustees of the Trust and the Minister of Finance, as subsequently varied
Trustees	means the parties to this Deed, being all of the current trustees of the Trust.

2. Variation

- 2.1 Subject to the provision of clause 2 of this Deed, on and from the Effective Date the definition of "Specified Area" in clause 1 of the Interpretation recital is deleted and replaced as follows:

"the Specified Area means all that area comprising:

- (a) *Waitaki, Central Otago and Dunedin Districts*
- (b) *Queenstown Lakes District excepting the Queenstown Community area; and*
- (c) *Clutha District excepting those parts described as:*

- (i) *The part of the West Otago Ward, west of a line commencing at a point in the Rankle Burn at NZTM 1319150mE 4905174mN; thence north by right line to the south-west corner of Lot B DP 1845 (Otago), thence north-east and north along the south-eastern and eastern boundaries of Block XIV Crookston Survey District to the south-eastern corner of Pt Section 8 of the said Block XIV; thence north-westerly by right line through Trig O in Block VI Crookston Survey District and the production of that line to its intersection with the northern boundary of Section 57 Block VI Bengier Survey District, a point on the northern boundary of the said Ward. And, south of a line commencing at a point in the Pomahaka River, on the north-eastern boundary of the said Ward, at NZTM 1302196mE 4936982mN; thence south-westerly along the middle line of the Pomahaka River to a point at NZTM 1299419mE 4934407mN; thence northerly by right line to a point on the southern boundary of Run 609 at NZTM 1299419mE 4934487mN; thence generally north-westerly along the generally south-western boundary of Run 609 to a point at NZTM 1293370mE 4940085mN; thence due west by right line to its intersection with the western boundary of Clutha District; and*
- (ii) *The part of Clinton Ward north of a line, commencing at a point in the Waipahi River at NZTM 1301265mE 4882278mN; thence by right line to a point on the northern boundary of Lot 2 DP 22284 (Otago) at NZTM 1303143mE 4882623mN, thence easterly and south-easterly along the northern boundary of the said Lot 2 to its eastern-most corner; thence north to the northern-most point of Lot 1 DP 332243 (Otago); thence south-easterly along the north-eastern boundaries of the said Lot 1, Section 19 Block XVI Waipahi Survey District and Lot 4 DP 332243 to its easternmost point of the said Lot 4; thence by right line to a point on the middle line of Waipahi Station Road at NZTM 1308288mE 4880581mN; thence generally north-easterly along the middle line of the said Road to a point in line with the south-western boundary of Section 23 Block VI Waipahi Survey District, thence by right line to the south-western corner of Section 6 Block VI Waipahi Survey District; thence by right line to the south-western corner of Section 6 Block VI Waipahi Survey District; thence north and east along the west and north boundaries of the said Section 6 to its north-eastern corner; thence east along the north boundary of Section 29 Block VI Waipahi Survey District to its north-eastern corner; thence north-easterly by right.*

3. Concurring Votes

3.1 The Trustees record that, for the purposes of clause 19(a) and (c) of the Trust Deed:

- (a) All trustees have concurred in, and voted in favour of, this Deed; and
- (b) This Deed is not inconsistent with the provisions of the Act and does not permit any part of the Trust Fund to be used for other than a purpose referred to in clause 4(a) (Objects of the Trust and Application of the Trust Fund) of the Trust Deed.

4. Trust Deed


4.1 All other provisions of the Trust Deed remain unchanged.

5. Counterpart

- 5.1 This Deed may be executed in two or more counterparts, all of which will together be deemed to constitute one and the same Deed. A party may enter into this Deed by signing a counterpart copy and sending it to the other party including by fax or email.

Execution

Signed by **Ross William McRobie** as Trustee
in the presence of:



Ross William McRobie




Signature of witness

Name of witness
Barbara Bridger

Occupation **Chartered Accountant**
355 Highgate, Dunedin

Address

Signed by **John Charles Wilson** as Trustee in
the presence of:



John Charles Wilson



Signature of witness

Name of witness
Barbara Bridger

Occupation **Chartered Accountant**
355 Highgate, Dunedin

Address

Signed by **Kathryn Eleanor Hazlett** as Trustee
in the presence of:

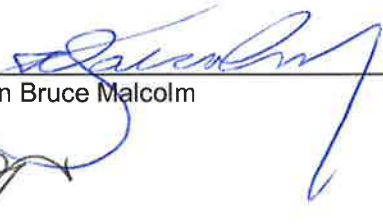

Kathryn Eleanor Hazlett

Signature of witness 

Name of witness
Barbara Bridger
Occupation ~~Chartered Accountant~~
355 Highgate, Dunedin

Address

Signed by **Kevin Bruce Malcolm** as Trustee in
the presence of:

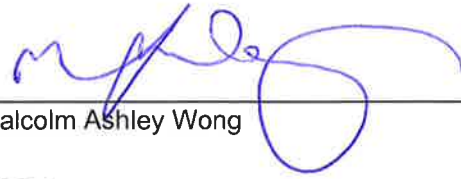

Kevin Bruce Malcolm

Signature of witness 

Name of witness
Barbara Bridger
Occupation ~~Chartered Accountant~~
355 Highgate, Dunedin

Address

Signed by **Malcolm Ashley Wong** as Trustee
in the presence of:


Malcolm Ashley Wong

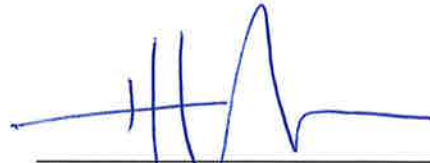
Signature of witness 

Name of witness
Barbara Bridger
Occupation ~~Chartered Accountant~~
355 Highgate, Dunedin

Address



Signed by **Haley Philippa van Leeuwen** as
Trustee in the presence of:



Haley Philippa van Leeuwen

Signature of witness

Name of witness
Barbara Bridger
Occupation ~~Chartered Accountant~~
355 Highgate, Dunedin

Address

Signed by **Richard Jonathan Morland Sim** as
Trustee in the presence of:



Richard Jonathan Morland Sim

Signature of witness

Name of witness
Barbara Bridger
Occupation ~~Chartered Accountant~~
355 Highgate, Dunedin

Address

Signed by **Barbara Anne Long** as Trustee in
the presence of:




Barbara Anne Long

Signature of witness

Name of witness
Barbara Bridger
Occupation ~~Chartered Accountant~~
355 Highgate, Dunedin
Address

Signed by **Gina Dianne Huakau** as Trustee in the presence of:


Gina Dianne Huakau

Signature of witness 

Name of witness

Occupation **Barbara Bridger**
Chartered Accountant
355 Highgate, Dunedin

Address

Signed by **Philippa Agnes Laufiso** as Trustee in the presence of:


Philippa Agnes Laufiso


Signature of witness 

Name of witness

Occupation **Barbara Bridger**
Chartered Accountant
355 Highgate, Dunedin

Address

Signed by **Bridget Anne McKenzie Tweed** as Trustee in the presence of:


Bridget Tweed

Signature of witness 

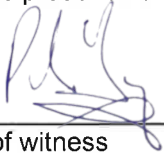
Name of witness

Occupation **Barbara Bridger**
Chartered Accountant
355 Highgate, Dunedin

Address



The approval of the Minister of Finance to the Deed of Variation was given the [20th] day of [July]
20[20] in the presence of



Signature of witness

Paul Young

Name of witness

Revenue Advisor

Occupation

13 Grenville Street, Lower Hutt 5010

Address



Hon Grant Robertson
Minister of Finance