

## **Crown Pastoral Land Tenure Review**

**Lease name : Braeside**

**Lease number : Po 122**

### **Due diligence report (including status report)**

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.

**Copied February 2003**



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Block Limit on Big Block, Arthurs Block and country to the north of the main Hawkdun Ridge:

900 Wethers for 7 months (*May - November*)  
1400 Wethers for 4 months (*January - April*)

***Land Status Report Summary:***

Land Status Report prepared by approved person attached.

***Summary of Features from Topographical and Cadastral Data:***

No transmitter sites, huts or national grid power transmission lines are shown as present.

Marginal strips are shown as existing along Clear Stream on the northern boundary and a short adjoining section of the eastern boundary in the Waitaki catchment.

The boundary fences appear to follow the correct legal line with no significant deviations noted. The large mountain block (*known as "Big Block"*) has natural stream boundaries on its northern and eastern boundaries in the Waitaki catchment.

The lease has only one major formed legal road affecting it, that is maintained to good standard for public usage being the Home Hills Runs Road that provides access to the upper Manuherikia and Falls Dam. The road is unfenced, gravel with numerous fords and only suitable for cars during the summer. The actual formed road varies greatly from its legal line for half of its length. A major deviation occurs crossing Johnstones Creek and where it exits the property to the northeast (*see attachment 4 for details*).

A legal road is shown running along the top of the Hawkdun Range for the length of the property. This is unformed but a four wheeled drive farm track very approximately follows the legal line. This road links with two other legal roads up leading spurs just outside the property boundary on either side. Hill tracks are shown up these spurs but are mostly within the Braeside lease. Three additional legal roads are shown crossing the flats and at the foot of the Hawkdun Range but are unformed.

An airstrip is shown on the topographical map above Johnstones Creek near where the Home Hills Runs Road exits the property.

Within the lease no historic sites are shown.

The Proposed District Plans of the Waitaki District and the Central Otago Council have no sites marked or issues that would affect the tenure review process.

***Summary of Lease Document :***

The legal description, base stock limit and commencement date of the pastoral lease on Crown records held by Knight Frank are in agreement with the Instrument of Title CL 386/75 (*Otago Registry*).

The lease was issued with a special covenant giving the Crown the right to establish new water races or use existing old water races without compensation or liability for damage that might occur through overflow or breakaway.

The lease has no memorials related to boundary adjustments or area alterations.

No Compensation Certificates are registered.

Two Exploration Permits with starting date extensions have been entered since 1996, both of which have been surrendered. Currently one Exploration Permit for lignite (*entry 945585.1*) remains as a memorial on the lease. This permit covers a large area in the upper Manuherikia and appears to only take in a very small area of the Braeside lease on the north eastern boundary (*less than 5 ha*). (*See Appendix 5 for permit.*)

A right of way to convey water across the lease exists (*812220*) in favour of the Hawkdun Ida Valley Irrigation Company. This appears to have been incorrectly registered against this Instrument of Title as all the land affected as shown on the maps of the Memorial are not within the lease. They were removed at lease issue and are held as unallocated Crown land (*see Status Check map for details - attachment 3*).

Noteworthy entries include:

- 600194      Land Improvement Agreement under the Soil Conservation and Rivers Control.  
  
                 Act 191941 - 18 August 1983 - *discharged May 1994.*
- 775035/1    Memorandum renewing the term of the within lease for a further period of 33 years commencing on the 1 January 1991 and *fixing (for the first 11 years)* the annual rent at \$3,300 calculated on a rental value of \$220,000 13 March 1991.
- 812220      Transfer being a grant of a right (*in gross*) to convey water over part herein shown coloured green on diagram annexed thereto together with incidental rights in favour of the Hawkdun Ida Valley Irrigation Company Limited. 17 August 1992.  
  
                 (*Thought to be incorrectly registered as above.*)
- 947011.1    Variation and extension of the term of the within lease to 1 July 2030 - 29 April 1998 (*renewal with no additional covenant conditions*).
- 945585.1    Exploration Permit under the Crown Minerals Act 1991 for the duration of 5 years commencing on 16 February 1998 - 31 March 1998, CT 9D/605 issued (*see attachment 5*).

***Details of any Neighbouring Crown or Conservation Land:***

A network of 152 ha of unallocated Crown land (*Water Race Reserve*) crosses the foothills and flats of the lease. These were withdrawn from the property at lease creation in 1957 and cover the major Mount Ida Water Race and its sub branches. A right to convey water and incidental rights in favour of the Hawkdun Irrigation Company is registered over this land. Marginal strips (*created under Section 58 of the 1948 Land Act*) exist on the full length of Clear Stream that forms the northern boundary of the property and a short adjoining section of a tributary that forms part of the eastern boundary. These form part of the Otamatakau River catchment.

In 1993 under Section 24A of the Conservation Act 1987 the Chief Surveyor has determined that marginal strips be created for Johnstones Creek, Pierces Gorge, and Hills Creek on the Otago side of the Hawkdun Range. Three others on the Waitaki side of the range being a tributary of Clear Stream, the unnamed creek that forms the eastern boundary of the property and a tributary of it were also determined. All these strips have not yet been created but will be on disposition (*see attachment 6*).

Two major conservation reserves boundary the whole of Hawkdun Range faces of the property. The Hawkdun conservation area H40 107 (*Oteake Section - 3988 ha ex Two Mile Station and 3197 ha ex Blackstone hill*) adjoins to the north and the 1415 ha Hawkdun conservation area H40 157 (*Mount Ida section*) to the south. The reserve boundaries run from the base of the range at 700 masl to the range crest and down into the Waitaki Catchment to approximately 1100 masl and are fenced. Values cited include botanical, entomological, historic, landscape and recreational.

The property was assessed under the Protected Natural Areas Programme but the identified RAP area of "Clear Stream" at the back of the property has no legal status.

No other Crown land or conservation reserves are known to exist.

***File Search:***

The property records (*both those held by Knight Frank Alexandra and LINZ Dunedin and Christchurch*) have been searched and all folios recorded by volume, folio number, date, content summary, and categorised into four general categories (*title related/unimproved data/conservation/lease administration*). Hard copy of these are held on Crown files held by Knight Frank Alexandra (*see attachment 2 for details*).

With the exception of some folio numbering jumps (*date sequences are continuous*) and a very few missing folios the balance of the records are complete. Confidence is held that all important data has been searched.

This property and associated lowland blocks has been farmed by various members of the McKnight family since selection in 1928. Most early file data is related to rent matters and transfer to family members and estates of Runs 227B and 227C and the associated lowland blocks. In 1957 approval was given to amalgamate Runs 227B and Run 227C into one pastoral lease (*current Po181*) and the associated small grazing Run Leases (*1068 and 1115*) lowland blocks into one renewable lease. The Mount Ida Water Races were excluded at lease issue.

Today the lease is managed by the McKnight Brothers (*G M & A J*) in conjunction with approximately 763 ha of renewable lease and freehold land at Woolshed Road on the dark face of Blackstone Hill.

No significant issues of land transference have been identified

Notable aspects from the search include:

*Marginal Strips:*

Full processing of marginal strip requirements was carried out by the chief surveyor in 1993. These have been identified (*see previous section*).

*Boundary Adjustments:*

No boundary adjustments are recorded on file.

*Unauthorised Tracking:*

Two unauthorised sections of tracking were established (*Top Flat and Ewe Block*) prior to their approval by the CCL in 1988. A reprimand letter was sent.

*Airstrip Construction:*

Approval was given by the CCL in 1983 to a neighbour (*J D Morgan of "Two Mile Station"*) to construct an airstrip on Po181. A condition of this approval was written consent be obtained from the lessee and forwarded to the CCL (*see Folio 300 - attachment 7*). The airstrip was constructed and a map of its location is shown on file (*and it is currently shown on the topographical map for the area*) but no letter of lessee approval could be found on files searched.

The property of J D Morgan was sold to A Clyne 5 years ago and the situation re usage of this airstrip is unrecorded. A check that approval of the lessee was given is required and the current arrangement with A Clyne investigated.

*Water race bridges:*

A great deal of file correspondence related to the liability to maintain bridges over the water races occurred between the CCL, lessee, Ministry of Works and the District Council in 1966 culminating in a letter from the CCL stating it is not the Crown's responsibility (*Folio 221*) (*see attachment 7*).

No file reference to the lignite exploration programme carried out by The Liquid Fuels Trust Board in the area in the early 1980's could be found even though from personal knowledge it is known to have been carried out on the lease. No implications are seen from this.

One outstanding issues been identified.

***Government Approved Programmes Approved for Lease:***

One Otago Catchment Board Run Plan was drafted for the lease and registered in 1983 but no works were carried out due to lack of lessee commitment to it. The legal agreement for this programme was discharged in 1994.

No implications are seen for tenure review.

The property was not involved in the Rabbit and Land Management Programme.

***Uncompleted Actions and Potential Liabilities to the Commissioner:***

The following have been identified.

- (1) *Memorial No 812220* - being a grant of right (*in gross*) to convey water together with incidental rights in favour of Hawkdun Irrigation Company Limited is incorrectly on the pastoral lease document. The land in question was removed from the lease at granting in 1957 and has the status of unallocated Crown land. This needs to be amended. *A draft letter to the Hawkdun Irrigation Company Limited is attached.*
- (2) *Airstrip approval* - no authority from the lessee for a neighbour to establish an airstrip on the lease in 1983 can be found on files searched. (*This was a requirement of CCL approval - see attachment 7*). The airstrip was established and the neighbour sold his property. The current arrangement for its use is unrecorded.

Its current use arrangement will be sought from the neighbour and lessee during preliminary tenure review discussions.

As the lessee approval was requested to be returned directly to the CCL it is possible that it is held on your files.

- (3) *Road deviations* - the Home Hills Runs Road varies greatly from its legal line for half of its length on the lease. A major deviation occurs crossing Johnstones Creek and where it exits the property to the North East. (*see attachment 4 for details*). This is not expected to interfere with tenure review. No action is required as it is a roading authority matter.

We are satisfied that we have fulfilled our duty of reasonable care, using the information we have available, to inform the Commissioner of all incomplete actions and potential liabilities concerning the above named lease. No inspection of the lease has been undertaken.

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Signed for Knight Frank (NZ) Limited

P. R. Owen  
Consultant 15 / 11 / 99

Jennett R Taylor  
Manager 15 / 11 / 99

Approved/Declined

\_\_\_\_\_  
Commissioner of Crown Lands / /

**ATTACHMENT 1:**

- (1) Recent title search for each tile considered.
- (2) Full list of information sources considered.
- (3) Land Status Check report from qualified person.
- (4) Map showing major road deviation near Johnstones Creek.
- (5) Exploration Permit - Memorial 945585- CT 9D/605.
- (6) Marginal strip investigation (*Folio 359*).
- (7) Approval for airstrip Construction and conditions (*folio 300*).
- (8) Letter to lessee disclaiming Crown liability for bridge maintenance.
- (9) Draft letter re Water Right Memorial to Hawkdun Irrigation Company Limited.



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Land in a Pastoral Lease Form Available for Reference  
Former Reference  
registered in Vol. 386 fol. 55 & 57

NEW ZEALAND

OTAGO

LAND DISTRICT

LAND DISTRICT

Name: C. C. Leese

Address: 23 MAHELETA in the Registrar-Book Vol. 386 fol. 75

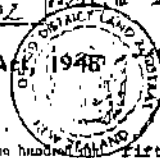
Time: 1.15 on the 18 day of March

Abstract No: 402

11 and 6 D-1

386/75

Pastoral Lease of Pastoral Land under the Land Act, 1948  
No. 2.181



THIS DEED, made the 11th day of September 1959, one thousand nine hundred and fifty-ninth year, between His MAJESTY THE KING (who with His heirs and successors, is hereinafter referred to as "the Lessor"), of the one part, and RONALD GALBRAITH MCKENZIE and MATTHEW GERRILL MCKENZIE both of Otago and PARIBERG (as tenants in common in equal shares) of the other part, who together with the Lessor, are hereinafter referred to as "the Lessee", of the other part, WHEREAS it is a condition of the said leasehold tenement, and of the covenants, conditions, and agreements therein contained or implied and on the part of the Lessee to be performed, and performed, the Lessee doth hereby demise and lease unto the Lessor All those pieces or parcels of land containing by admeasurement 30,530 acres more or less, situated in the Land District of Otago, and being Parts 227B and 227C, Turungaiti, St. Bathans, Idaburn and Alastairton Survey Districts 33944408, 30444, 3469, 38300, and

(hereinafter referred to as "the said land"), on the one part, and the said land, together with the rights, easements, and appurtenances thereto belonging TO HOLD the said premises included to be hereby demise unto the Lessee for the term of thirty-three years, commencing on the first day of January 1959, one thousand nine hundred and fifty-eight, together with the period between the date of this lease and the aforesaid first day of January, 1959, the clear annual rent of two hundred and twenty-five pounds (\$225.-) payable without demand by equal half-yearly payments in advance on the 1st day of January and the 1st day of July in each and every year during the said term. And also, paying in respect of the improvement specified in the Schedule hereto the sum of £ (the receipt of which sum is hereby acknowledged) and thereafter by half-yearly instalments of £ (the receipt of which sum is hereby acknowledged) and thereafter by half-yearly instalments of £ on the 1st day of January and the 1st day of July in each and every year during the said term.

- AND the Lessee doth hereby consent with the Lessor as follows, that is to say:-
1. THAT the Lessee will duly and punctually pay the rent hereinafter reserved of the time and in the manner hereinafter named in this Deed, and also will pay and discharge all rates, taxes, assessments, and outgoings whatsoever that now are or hereafter may be assessed, levied, or payable in respect of the said land or any part or parts thereof during the said term.
  2. THAT the Lessee will within one year after the date of this lease up his residence on the said land, and thereafter throughout the term of the lease will reside continuously on the said land.
  3. THAT the Lessee will hold and use the said land bona fide for the purposes of stock raising and will transfer, assign, sublet, mortgage, charge, or part with possession of the said land or any part thereof without the previous approval of the Land Settlement Officer. Provided that such approval will not be necessary in the case of a mortgage to the Crown or to a Department of State.
  4. THAT the Lessee will at all times farm the said land skilfully and in a husbandlike manner according to the value of good husbandry and will not in any way commit waste.
  5. THAT the Lessee will throughout the term of the lease be bound to observe the provisions of the Otago Game Act 1950 (the "Game Act") and also all the provisions and bridges, clear and keep clear the said land of all noxious weeds and will comply strictly with the provisions of the Bushes Act 1950.
  6. THAT the Lessee will keep the said land free from all animals, rabbits, and other vermin, and generally comply with the provisions of the Bushes Act 1950 and the Rabbit Act 1955.
  7. THAT the Lessee will clear and clear from weeds and keep open and free from all noxious weeds, and watercourses upon the said land, including any drains or ditches which may be constructed by the Commissioner after the commencement of the term of the lease; and will not at any time without the prior consent of the Commissioner alter the channel of any such creek or watercourse or stop or divert the same flowing thereon.
  8. THAT the Lessee will at all times during the said term repair and maintain and keep in good substantial repair, order, and condition all improvements belonging to the Crown (including those specified in the Schedule hereto which are being purchased by the Lessee) on the said land, and will not, without the prior written consent of the Commissioner, pull down or remove them or any part of them.
  9. THAT the Lessee will insure all buildings belonging to the Crown (including those specified in the Schedule hereto which are being purchased by the Lessee) on the said land to their full insurable value in the name of the Commissioner in some insurance policy approved by the Commissioner and will pay all premiums falling due under every such insurance policy and deposits with the Commissioner every such policy and, not later than the expiration of the year in which any such premium becomes payable, the receipts for such payment.
  10. THAT the Lessee will not throughout the term of the lease without the consent of the Commissioner, which consent may be given on such terms and conditions (including the payment of a royalty) as the Commissioner thinks fit, fell, sell, or remove any timber, tree, or bush growing, standing, or lying on the said land, and that he will throughout the term of the lease prevent the destruction of any such timber, tree, or bush unless the Commissioner otherwise approves.
  11. Provided that the consent of the Commissioner as aforesaid shall not be necessary where any such timber or tree is required for any agricultural, pastoral, household, stockraising, or building purposes on the said land nor where the timber or tree has been planted by the Lessee.
  12. THAT the Lessee shall not, except for the purpose of complying with any of the provisions of the Forests Act, 1919, burn any timber, brush, fern, or grass on the said land, nor remove any timber, brush, fern, or grass on the said land to be burned, unless in either case he shall have obtained the prior consent in writing of the Commissioner, which consent may be given subject to such terms and conditions as the Commissioner may deem necessary.
  13. THAT officers and employees of the Department of Internal Affairs shall at all times have a right of ingress, egress, and egress over the land comprised in this lease for the purpose of determining whether such land or any adjoining land is infested with deer, wild quail, wild pigeons, or other animals which the said Department is charged with the duty of exterminating or controlling, or for the purpose of destroying any such animals.
  14. Provided that such officers and employees in the performance of the said duties shall at all times avoid undue disturbance of the Lessee's stock.
  15. THAT the Lessee shall exercise due care in stocking the said land and shall not overstock.

- AND it is hereby agreed and declared by and between the Lessor and the Lessee:-
- (a) THAT the Lessee shall have the exclusive right of pasturing over the said land, but shall have no right to the soil.
  - (b) THAT the Lessee shall have no right, title, or claim whatsoever to any minerals (within the meaning of the Land Act, 1919) on or under the surface of the soil of the said land, and all such minerals are reserved to the Crown together with a free right of way over the said land in favour of the Commissioner or of any person authorized by him and of all persons lawfully engaged in the working, extraction, or removal of any mineral on or under the surface of the said land or any adjacent land of the Crown, subject to the payment to the Lessee of compensation for all damage done to improvements on the said land and damages to the Lessee in the working, extraction, or removal of any such minerals.
  - Provided that there shall be no right of way over, or right to work, extract, or remove any mineral from, any part of the said land which is for the time being under crop or used or situated within a park, garden, orchard, vineyard, cemetery, or plantation, or within 100 feet of any residence or dwelling house.
  - Provided also that the Lessee may, with the prior consent in writing of the Commissioner, which consent may be given subject to such conditions as the Commissioner thinks fit, use any such minerals for any agricultural, pastoral, household, stockraising, or building purposes on the said land, but not otherwise.
  - (c) THAT upon the expiration or effacement of this of the term hereby granted and provided as the expiration of each remaining term to be granted to the Lessee the outgoing Lessee shall have a right to obtain, in accordance with the provisions of section 91(2) of the Land Act, 1919, a new lease of the land hereby leased as aforesaid to be determined in the manner prescribed by Part VIII of the said Act for a term of thirty-three years computed from the expiration of the term hereby granted and subject to the same covenants and provisions as this lease including this power provided for the renewal thereof and all provisions relating to its renewal thereof.

LEA 10.12.1989

4.11.99

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- (9) THAT the Lessee shall have no right of enjoying the benefit of the said land.
- (10) THAT the Lessee may, with the prior consent in writing of the Commissioner given subject to such conditions as the Commissioner may deem necessary:
  - (a) Cultivate any portion of the said land for the purpose of growing winter food for the stock designated therein;
  - (b) Crop such area of the said land as is suitable for the use of himself and family and his employees;
  - (c) Fertilize and use in any way any portion of the said land;
  - (d) Close any portion of the said land by using any boundary ditch or creek and sow the land or sowing in grass;
  - (e) Pasture any or more any portion of the said land;

Provided that the Lessee shall, on the termination of the lease, leave the whole of the area that has been planted or cultivated properly laid down in good permanent clover and grasses to the satisfaction of the Commissioner.

(11) THAT if the Lessee shall leave New Zealand or other place and if he shall neglect or fail or refuse to comply with the covenants and conditions herein expressed or implied to the satisfaction of the Land Adjudicator or the Commissioner, or in the case of default for not less than two months in the payment of rent, water levy, or other payments due to the Lessee, then the Land Adjudicator may, subject to the provisions of section 148 of the Land Act 1948, declare this lease to be forfeit, and this without discharging or releasing the Lessee from liability for rent due or owing, and for any other breach of any covenant or condition of the lease.

(12) THAT these provisions are intended to take effect as a condition of the Land Act, 1948, and the provisions of the said Act and of the regulations made thereunder applicable to such lease shall be binding in all respects upon the parties hereto, as if such provisions had been fully set out herein.

For Clauses (c) and (d) see below.

IMPROVEMENTS BELONGING TO THE CROWN ARE BEING FORWARDED BY THE LESSEE

In witness whereof the Commissioner of Crown Lands for the Land District of Otago, on behalf of the Lessee, hath hereunto set his hand, and these presents have also been executed by the said Lessee.

Signed by the said Commissioner, on behalf of the Lessee, in the presence of—  
 Witness: M. R. Brown  
 Occupation: Chief Landowner Surveyor  
 Address: Bremerton

G. G. Suter  
 Assistant Commissioner of Crown Lands

Signed by the above named Lessee, in the presence of—  
 Witness: [Signature]  
 Occupation: Businessman  
 Address: Sturges

[Signature]  
 Lessee

Signed by the above named Lessee, in the presence of  
 Witness: [Signature]  
 Occupation: Businessman  
 Address: Sturges

[Signature]  
 Lessee

Clauses (c) and (d) hereinbefore referred to:

- (c) That the Lessee shall be deemed not to have failed to use due care in stocking, or to have overstocked so long as the number of sheep depastured on the said land does not exceed 5619 (being an increase of ten per cent on the carrying capacity on which is based the rent hereinbefore ascertained) but the Commissioner may by notice in writing permit the Lessee to depasture thereon any greater number of sheep as he deems it advisable or expedient so to do. Any permission so granted shall be subject to revocation or modification by the Commissioner at any time and particularly in the event of a transfer. Any variation consented to by the Commissioner shall not affect the rent payable hereunder.
- (d) THAT pursuant to Section 278(12) of the Public Works Act, 1928, this lease is issued subject to the following conditions:
  - The right is reserved to the Crown at any time and from time to time without being deemed to commit a trespass and without payment of compensation to enter upon the said land and thereon to take, lay, construct, maintain, inspect, repair or reconstruct water-races, drains, and all other works which the Minister of Works deems necessary for the supply of water to the said land or to any other land.
  - The Lessee will be required to take such water as is available for irrigation from races provided for irrigation purposes, at a price to be fixed by the Crown.
  - The Crown will not be liable for any damage caused by any overflow or break-away of any race or channel.

[Signature]  
 Assistant Commissioner of Crown Lands

[Signature]  
 Lessee

THIS REPRODUCTION (ON A REDUCED SCALE) CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL REGISTER FOR THE PURPOSES OF SECTION 115A LAND TRANSFER ACT 1952.  
[Signature] L.D.

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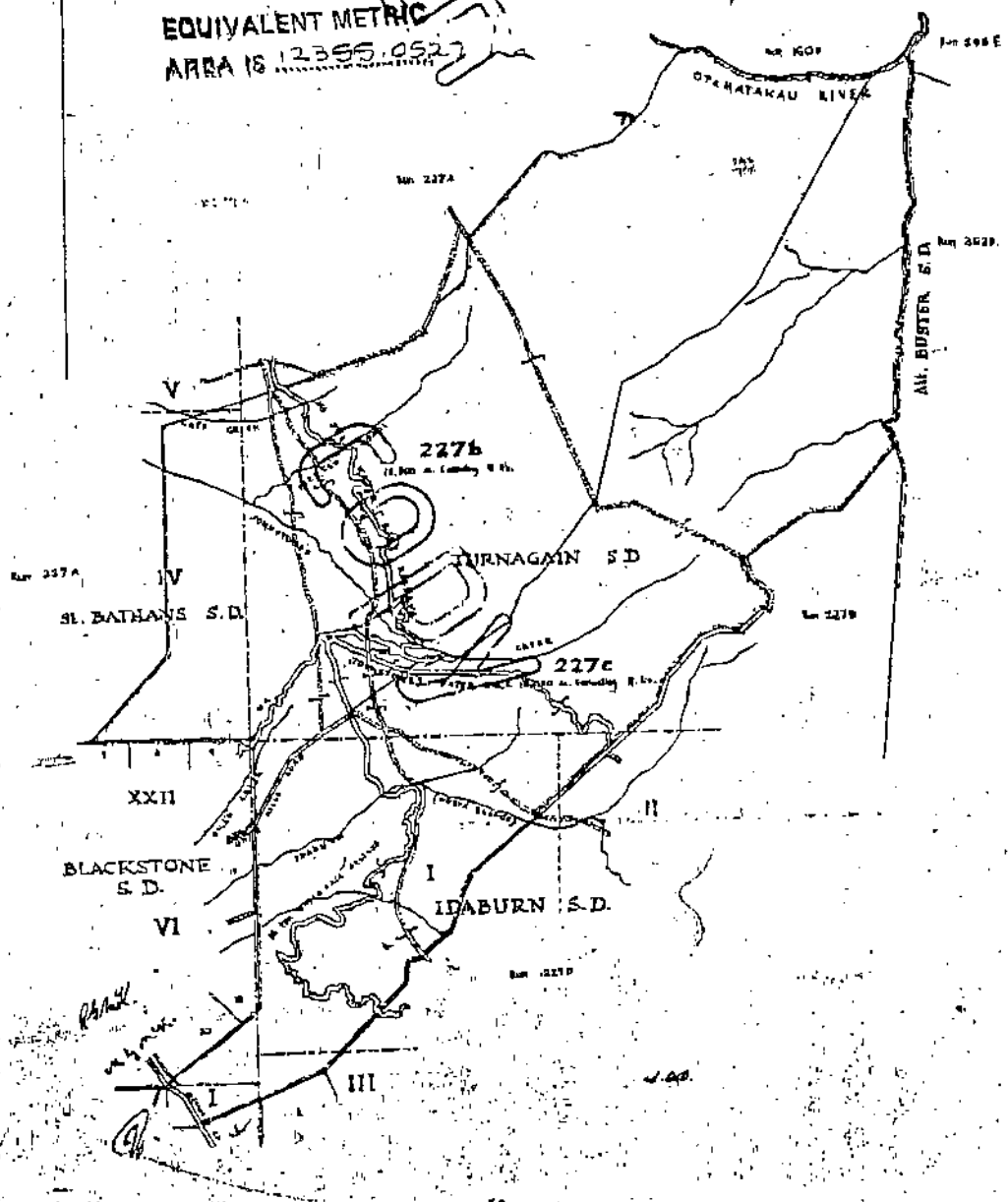
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RUNS 227B and 227C ST BATHANS, TURNAGAIN, IDABURN and BLACKSTONE S.D'S

Scale 80 chains to an inch  
Total Area 30 530 acres  
Excluding Water/Loss

EQUIVALENT METRIC  
AREA IS 12355.0527



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C.T. 886/75

41199

581415/1 Transmission of the 1/2 share of the Old Galbraith McKnight of Gillies Road M. light of Becks Married Woman, Matthew Gemmell McKnight of Otarehua Farmer and Alexander James Lloyd Martin of Wellington District Court Judge as executors entered 19.8.1982 at 2.15 pm

*[Handwritten signature]*  
A.L.R.

812220 Transfer being a grant of a right (in gross) to convey water over part herein shown coloured green on diagram annexed thereto together with incidental rights in favour of Hawkdun Irrigation Company Limited - 17.8.1992 at 10.58am

*[Handwritten signature]*  
A.L.R.

581415/2 Transfer of the interest acquired by Transmission 581415/1 to Dorothy May McKnight of Otarehua Married Woman and to 2/3rd share and Graeme Matthew McKnight of Otarehua Farmer as to 1/3rd share as tenants in common in the said shares - 19.8.1982 at 2.15 pm

886581 Variation of Mortgage 802507/2 - 11.7.1995 at 9.51am

*[Handwritten signature]*  
A.L.R.

581415/3 Mortgage to Australian Mutual Provident Society - 19.8.1982 at 2.15 pm

DISCHARGED  
88 APR 1993  
*[Handwritten signature]*  
A.L.R.

895042 Exploration Permit under Section 81 Crown Minerals Act 1991 over part of the within land in favour of General Mining Limited for a term of five years commencing on 2 APR. 1995 - 8.11.1995 at 9.02am

*[Handwritten signature]*  
A.L.R.

600194 Land Improvement Agreement under the Soil Conservation and Rivers Control Act 191 - 18.8.1983 at 11.14 am

DISCHARGED  
10 APR 1984  
*[Handwritten signature]*  
A.L.R.

See Volume 9D Folio 530

*[Handwritten signature]*  
A.L.R.

775035/1 Memorandum renewing the term of the within lease for a further period of 33 years commencing on the 1.1.1991 and fixing (for the first 11 years) the annual rent at \$3,300.00 calculated on a rental value of \$220,000.00 13.3.1991 at 11.15 am

898109 Notice pursuant to Section 35(2) Crown Minerals Act 1991 that the commencement date of Exploration Permit 895042 is amended to 3 April 1996 - 18.12.1995 at 9.29 am

*[Handwritten signature]*  
A.L.R.

RECORDED

907121 Exploration Permit under Section 81 Crown Minerals Act 1991 over part of the within land in favour of Dunstan Mining Limited for a term of 3 years commencing on 15.4.1995 - 6.5.1996 at 9.11am

*[Handwritten signature]*  
A.L.R.

See Folio 9D Volume 556

775035/4 Transfer of her 1/3 share Dorothy May McKnight to Graeme Matthew McKnight abovenamed as tenant in common - 13.3.1991 at 11.15 am

*[Handwritten signature]*  
A.L.R.

909308 Notice pursuant to Section 35(2) Crown Minerals Act 1991 that the commencement date of Exploration Permit 895042 is amended to 3 November 1996 - 6.6.1996 at 9.00am

*[Handwritten signature]*  
A.L.R.

775035/5 Transfer of his 1/2 share Matthew Gemmell McKnight to Alastair John McKnight of Otarehua Farmer as tenant in common - 13.3.1991 at 11.15 am

*[Handwritten signature]*  
A.L.R.

945585.1 Exploration Permit under the Crown Minerals Act 1991 for the duration of 5 years commencing on 16 February 1998 - 31.3.1998 at 9.00  
CT 9D/605 issued for DLR

*[Handwritten signature]*  
for DLR

802507/2 Mortgage to Australian Mutual Provident Society - 8.4.1992 at 10.17am

*[Handwritten signature]*  
A.L.R.

OVER...

4.11.99

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C.T. 386/75

945588.1 Exploration Permit under the  
Crown Minerals Act 1991 for the  
duration of 21 years commencing on  
16 February 1998  
31.3.1998 at 9.00  
CT 9D/607 issued

for DLR

SEARCHED

copy

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**ATTACHMENT 2:**

*List of Information Sources Considered*

- (1) *Instrument of Title CL 386/75 - (Otago Registry)*
- (2) *Crown Files for Pastoral Lease Po181*

*Held by Knight Frank Alexandra*

Volume 1 (*opened 4 November 1907 Folios 1 - 189 last entry 25 January 1960*).  
Volume 2 (*opened 7 February 1964 Folios 190 - 371 last entry 5 April 1999*).

*LINZ Christchurch*

CPLO4/11/12490 (*opened 1 March 1997 Folios 1 - 3 last entry 22 April 1999*).

*LINZ Dunedin*

5200/D14/B118/DCH (*opened 28 February 1997 - no folios, closed 28 February 1997*).

- (3) *Cadastral maps*

NZMS 261    H40 - Otematata  
              H41 - Ranfurly

- (4) *Topographical Maps*

NZMS 260    H40 - Otematata  
              H41 - Ranfurly

- (5) *Otago Conservation Management Strategy Land Inventory Document*

- (6) *The Central Otago District Scheme Plans plus maps*

Proposed District Plan- Waitaki District Council.

7 October 1999

Manager  
Knight Frank (NZ) Ltd  
P O Box 27  
Alexandra



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Dear Ken

Pastoral Status Checks : LINZ Contract No's 50175 & 50177

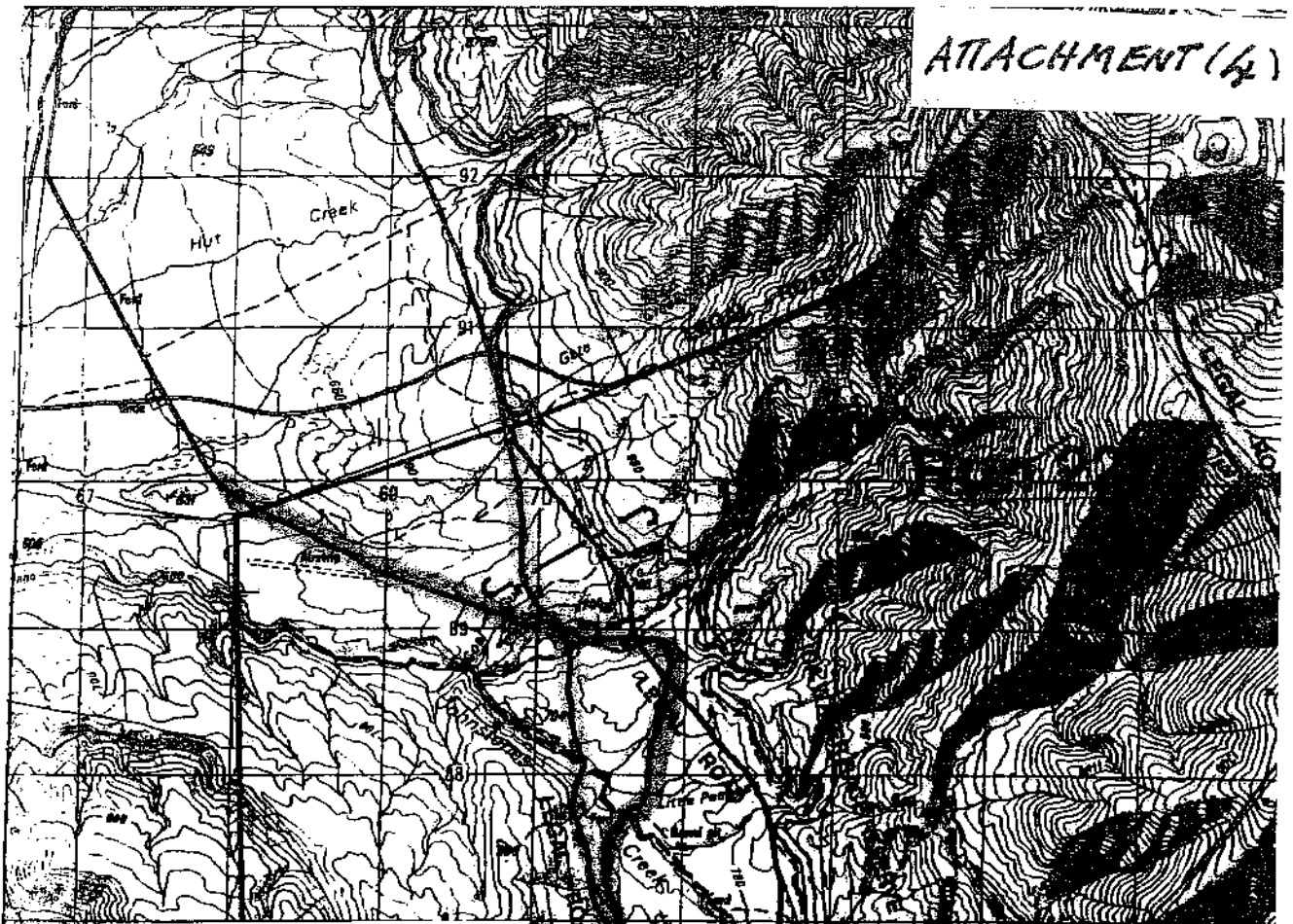
In compliance with the above contracts I enclose copies of certified reports and plans for the following pastoral leases:

- a) i The Burgan
- ii Kelvin Grove
- b) Otamatapaio
- c) Braeside.

Yours faithfully

G Patrick  
Property Consultant

*Note*  
*Refer Folio 46*  
*for balance of info*  
*on this Folio*

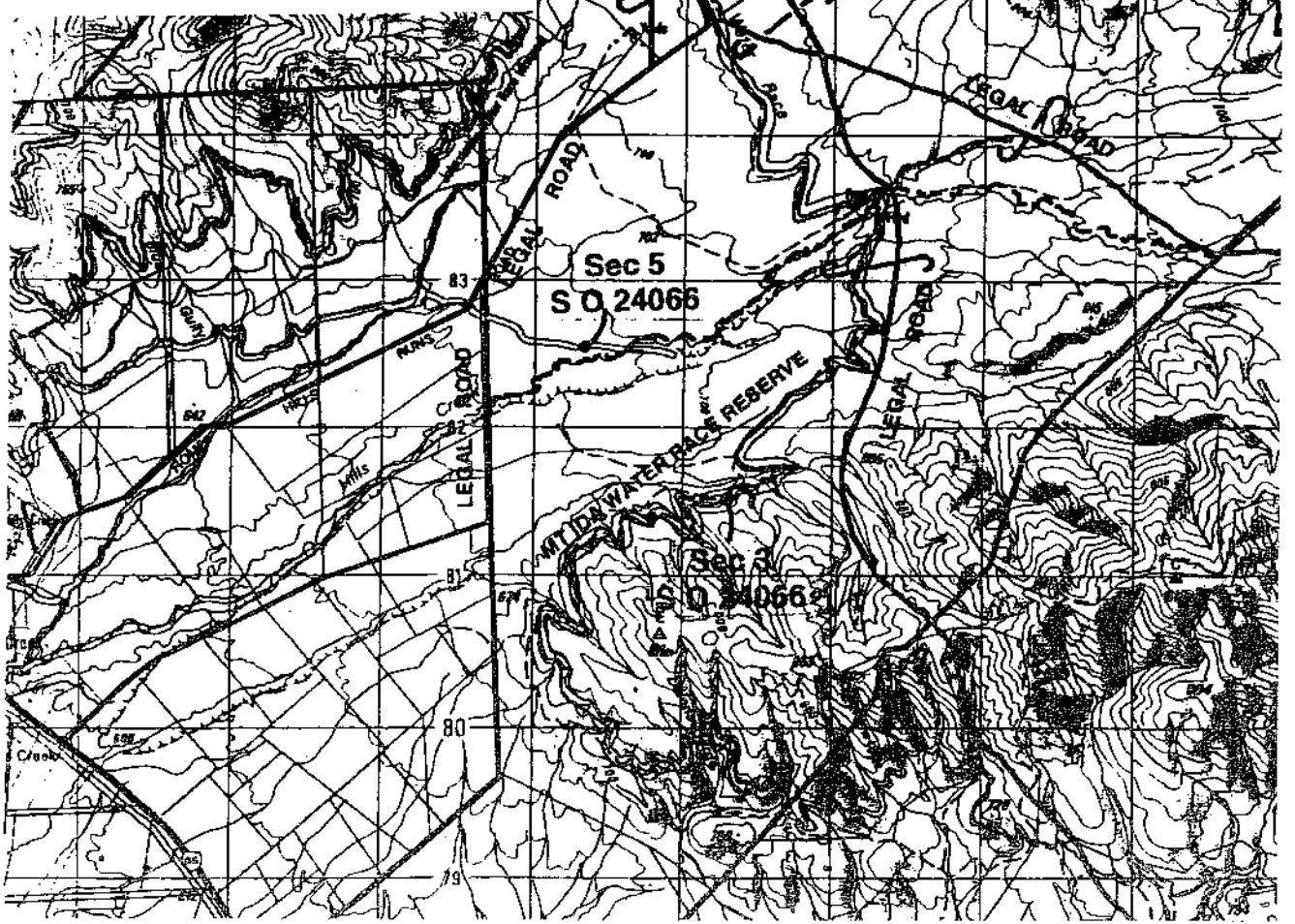


ROAD DEVIATION JOHNSTONES CK.

LEGAL ROAD

ACTUAL FORMED ROAD

LEASED UNDER THE  
INFORMATION ACT







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OFFICIAL INFORMATION ACT

Ref: 40 396

REGISTERED

27 March 1998

District Land Registrar  
Private Bag  
DUNEDIN

Dear Sir

**EXPLORATION PERMIT 40 396  
KENHAM HOLDINGS LIMITED**

Four copies of the above permit, signed by the Manager Crown Minerals, are attached for your registration.

Please retain one copy and return the remaining copies to this office in accordance with the provisions of section 81 of the Crown Minerals Act 1991.

A cheque for \$60.00 is enclosed for registration.

Yours faithfully

W.P. Player  
for Unit Manager - Permitting

encl.

COPIES



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DUNEDIN  
LAND REGISTRY OFFICE

**EXPLORATION PERMIT 40 396**  
CROWN MINERALS ACT 1991

**PERMIT HOLDER:** Kenham Holdings Limited  
PO Box 13 442  
Aragona  
CHRISTCHURCH


**NOW THEREFORE:** I, BARRIE JOHN FOWKE, Manager Crown Minerals, acting  
under delegated authority from the Secretary of Commerce of  
20 January 1998, do

HEREBY GRANT to the Permit Holder an exploration permit for the duration of five years  
commencing on the date hereof

WHICH HEREBY gives the exclusive rights to explore for lignite in the land described in  
the First Schedule and delineated on the plan attached hereto

UPON THE CONDITIONS specified in the Second Schedule hereto and subject to the  
Crown Minerals Act 1991 and any regulations made thereunder.

DATED at WELLINGTON this 16<sup>th</sup> day of ..... 1998

  
.....  
Manager Crown Minerals

bb.11.4

FIRST SCHEDULE 40 - 396

AREA: 9800 Hectares

CT REFERENCES: See Schedule attached

LEGAL DESCRIPTION OF PERMIT AREA:

OTAGO LAND DISTRICT - ~~CENTRAL~~ OTAGO DISTRICT

All that area of land as more particularly described in the schedule and shown on the plan attached hereto.

9800 Hectares

bb.11.4

EXPLORATION PERMIT 40-396 KENHAM HOLDINGS LTD - LIGNITE ONLY

Instrument of Title	Land Description	Mineral Ownership
4D/403	Part Run 685, Blks XII, XIII & XIV, St Bathans SD	Crown, Pastoral Lease Land Act 1948
15C/20	Part Run 582, Blks XII, XIII & XIV, St Bathans SD	Crown, Pastoral Lease Land Act 1948
386/13	Part Run 584, Blks XI & XII, St Bathans SD and Section 4, SO24231	Crown, Pastoral Lease Land Act 1948
338/127	Part Run 585, Blk XI, St Bathans SD	Crown, Pastoral Lease Land Act 1948
338/139	Part Run 227, Blk V, St Bathans SD and Sections 1, 2 and 3, SO 24231	Crown, Pastoral Lease Land Act 1948
386/75	Part Run 227B, Blk V, St Bathans SD	Crown, Pastoral Lease Land Act 1948
15C/21	Part Run 227A, Block V St Bathans SD	Crown, Pastoral Lease Land Act 1948
No match found	Block XII, St Bathans SD	Crown
	Section 1 Legal Road	Crown
	Crown Land reserved from sale under Section 58 of the Land Act 1948.	Crown
	Crown Land (Water Race)	Crown
	Part Bed of the Maunherikia River	Crown

*Handwritten notes:*  
 4. 11. 99  
 4. 11. 99  
 4. 11. 99

	Block XIV, St Bathans SD Legal Road	Crown
No match found	Block XI, St Bathans SD Sections 1 & 2 Legal Road	Crown
14B/343	Blk III, St Bathans SD Section 12 Part Bed of River Section 4, SO 24066 Crown Land Reserved from Sale Legal Road	Crown Crown, Section 11, Crown Minerals Act 1991 Crown Crown Crown Crown
No match found	Sections 5 & 6, SO 24231. Bed of Manterikia River	Crown

K0003  
D33023

4.11.99

	<p>Block II St Bathans SD</p> <p>Part Bed of River</p> <p>Legal Road</p> <p>Blk V, St Bathans SD</p> <p>Crown Land reserved from sale under Section 58 of the Land Act 1948</p> <p>Crown Land</p> <p>Part Bed of Manuherikia River</p>	<p>Crown</p> <p>Crown</p> <p>Crown</p> <p>Crown</p> <p>Crown</p> <p>Crown</p> <p>Crown</p> <p>Crown</p> <p>4.11.99</p>
<p>No match found</p>	<p>Block XIII, St Bathans SD</p> <p>Section 1</p> <p>Legal Road</p> <p>Crown Land</p> <p>Crown Land reserved from sale</p> <p>Bed of Manuherikia River</p>	<p>Crown</p> <p>Crown</p> <p>Crown</p> <p>Crown</p> <p>Crown</p>

**GENERAL MINING LIMITED**

**SCHEDULE A**

**EXPLORATION PERMIT APPLICATION 40 396**

**HOME HILLS**

*Otago Land District*

*Central Otago District*

*Area: 9800 hectares approximately*

All that area of land containing 9800 hectares approximately being:

Part run 582, Blocks XII and XIII St Bathans Survey District

Part Run 685 Blocks XI, XII, XIII and XIV St Bathans Survey District

***Block XII St Bathans Survey District***

Section 1

Part Run 227

Part Run 227A

Part Run 584

Legal Road

Crown Land Reserved from Sale

Crown Land

Part Bed of Manuheikia River

***Block XIII St Bathans Survey District***

Part Section 1

Legal Road

Crown Land Reserved from Sale

Part Bed of Manuheikia River

bb-11-4

**Block II St Bathans Survey District**

Legal Road  
Bed of Manuherikia River

**Block III St Bathans Survey District**

Part Section 12  
Part Run 227A  
Legal Road  
Crown Land Reserved from Sale  
Part Bed of Manuherikia River  
Section 4, SO 24066  
Sections 5 & 6, SO 24231

**Block V St Bathans Survey District**

Part Run 227  
Pt Run 227A  
Legal Road  
Crown Land  
Crown Land Reserved from Sale  
Part Bed of Manuherikia River

**Block XI St Bathans Survey District**

Part Run 584  
Legal Road

copy

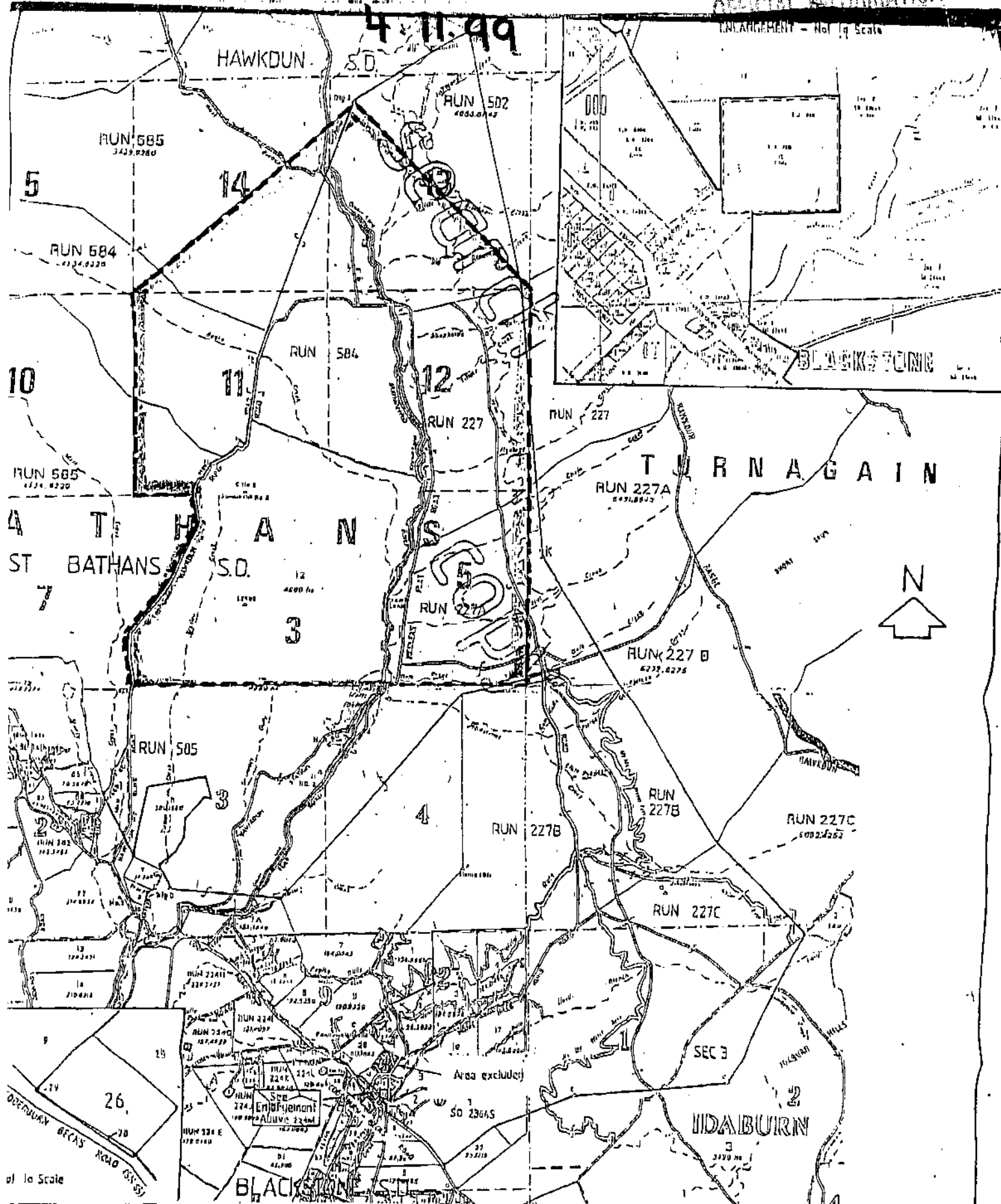
pages

bb.11.4



4.11.99

ENLARGEMENT - Not to Scale



EXPLORATION PERMIT APPLICATION BY **KENHAM HOLDINGS LTD**  
 NUMBER: 40-396      AREA: 9800 hectares approx  
 BLOCK: SEE PLAN      SURVEY DISTRICT: HAWKDUN, ST BATHANS, IDABURN, BLACKSTONE & TURNAGAIN  
 OCAI AUTHORITY: CENTRAL OTAGO DIST. LAND DISTRICT: OTAGO

**SECOND SCHEDULE**  
**CONDITIONS OF EXPLORATION PERMIT 40 396**

**WORK PROGRAMME**

1. The permit holder shall make all reasonable efforts to explore the permit area in accordance with good exploration practice, so as to clearly define the potential of the mineral resource to which this permit applies.
2. The permit holder shall make all reasonable efforts to carry out the following minimum work programme:
  - (a) Within 24 months of the commencement date of the permit:
    - i. undertake a literature review;
    - ii. carry out aerial photo interpretation;
    - iii. carry out a programme of geological mapping;
    - iv. commence a programme of sampling from current and abandoned mines;
    - v. make a commitment by notice in writing to the Secretary of Commerce to complete the work detailed in condition 2(b) below.
  - (b) Within 60 months of the commencement date of the permit:
    - i. undertake a programme of bulk sampling;
    - ii. carry out a programme of drilling;
    - iii. calculate a mineral resource estimate; and
    - iv. commence mine feasibility studies and technical studies if appropriate.

**REPORTS**

3. The permit holder shall within 60 days following the anniversary of the date of the granting of the permit, submit to the Secretary of Commerce two copies of each technical report completed during the preceding 12 months.

**FEES**

4. The permit holder shall pay any prescribed fees that apply to this permit.

bb.11.4

4.11.99

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9D/605

THE CROWN MINERALS ACT 1991

EXPLORATION PERMIT No. 40 396

Manager Crown Minerals

TO

KENHAM HOLDINGS LIMITED

Area: 9800 hectares

MEMORIALS

copy

Particulars entered in the Register shown in the  
First Schedule herein on the date and at the  
time stamped below.

copy

PARTICULARS ENTERED IN REGISTER  
LAND REGISTRY OTAGO  
ASST REGISTRAR

9.09.98 01 MAR 98 945585.1

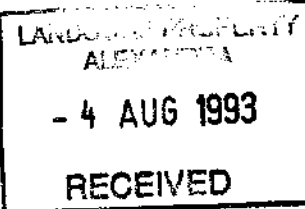
District/Asst Land Registrar



Registry Office Use Only

FILE COPY

509/06

LEASES EXPIRING 31 DECEMBER 1990

FILE	PROPERTY NAME	CT REF	LEGAL DESCRIPTION
Po 181	Home Hills	386/75	Runs 227B & 227C Turnagain, St Bathans, Idaburn & Blackstone SD's.
Po 195	Coronet Peak	A2/1228	Run 26, Pt Run 27 & Pt Run 34 Skippers SD.

LEASES EXPIRING 30 JUNE 1991

FILE	PROPERTY NAME	CT REF	LEGAL DESCRIPTION
Po 192	Shirlmar	386/79	Secs 2, 3 & 4 SO 23198
Po 193	Merivale	386/76	Run 676 Lindis & Cluden SD's.
Po 174	Waikerikeri Valley	386/70	Pt Run 221D Leaning Rock & Wakefield SD.
Po 179	Hunter Valley	A2/1310	Run 803, Pt Runs 710, 798, 430B Hunter, Haast, McKerrow, Upper & Mid Hawea SD.
Po 178	Riverslea	386/84	Sec 59 & 60, Blk I & Run 204C Rock and Pillar SD.
Po 188	Long Acre	386/83	Sec 4, SO 23198.
Po 198	Twinburn	386/90	Run 201F Hawkdun & St Bathans SD.


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Ken Taylor

3 August 1993

Marginal strips are required over Johnstones Creek and a tributary of Johnstones Creek, Hills Creek and three tributaries of Clear Stream.

We wish to annotate the lease.

  
B W Soper  
for District Manager/Chief Surveyor

Home Hills

P 181

Consequent upon this renewal Marginal Strips have been reserved pursuant to Part IVA of the Conservation Act 1987 as more particularly delineated A - B, C - D, E - F, G - H, I, - J & K - L on SO 1808

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Save as hereby expressly varied all the covenants conditions and restrictions contained or implied in the said Memorandum of Lease shall remain in full force.

IN WITNESS WHEREOF the parties hereunto subscribed their names this  
day of 19

SIGNED for and on behalf of )  
HER MAJESTY THE QUEEN pursuant )  
to a Deed lodged with the )  
District Land Registrar as )  
No. by )  
LANDCORPORATION LIMITED, )  
by its Attorney )  
in the presence of: )

Witness: )  
Occupation: )  
Address: )

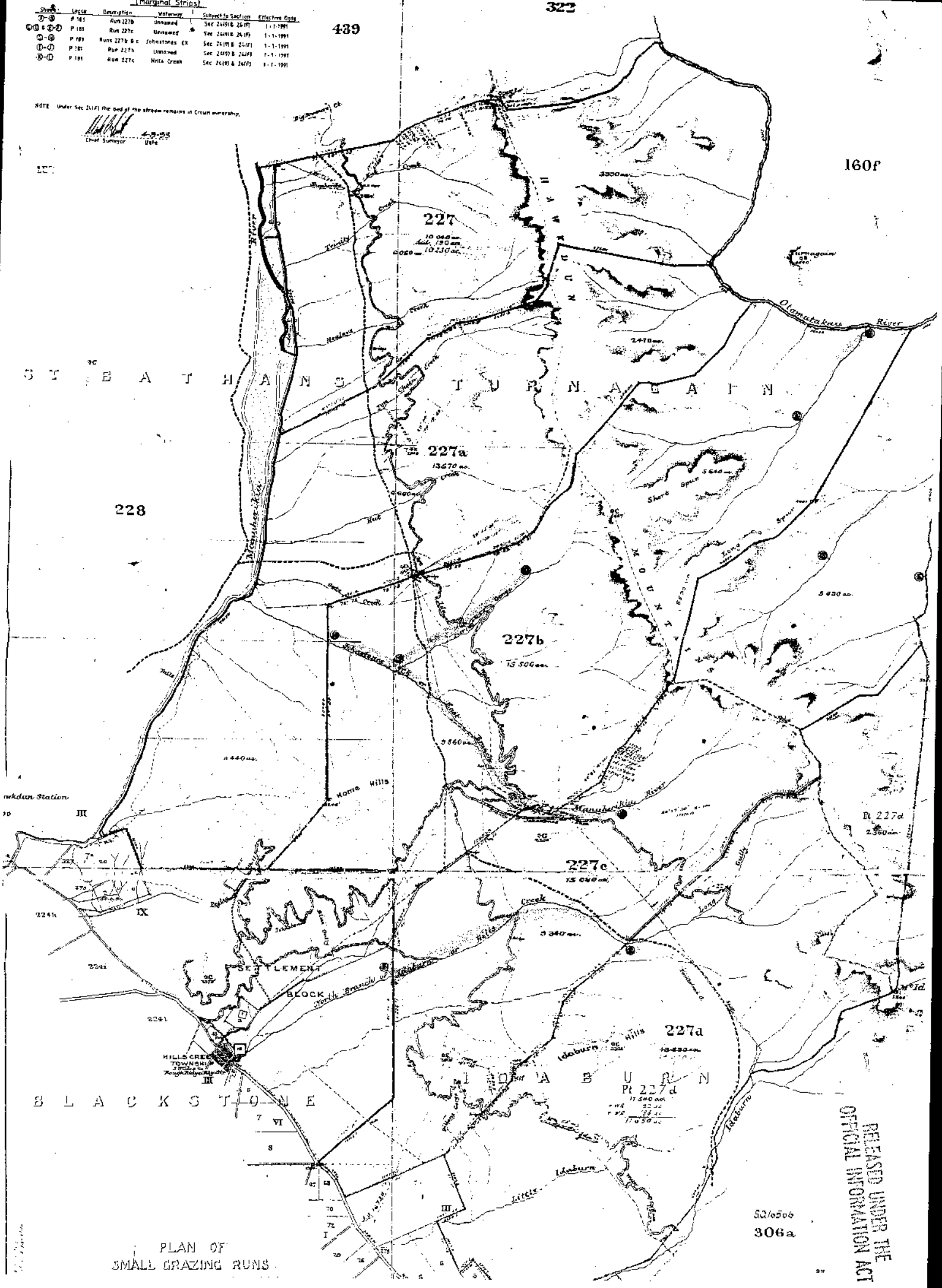
LANDCORP PROPERTY  
ALBERTA  
21 OCT 1993  
RECEIVED

SIGNED by the abovenamed Lessee )  
in the presence of: )  
Witness: )  
Occupation: )  
Address: )

Shade	Lot	Description	Waterway	Subject to Section	Effective Date
①-①	P 181	Run 227b	Unnamed	Sec 2410 & 2411	1-1-1991
②-②	P 181	Run 227c	Unnamed	Sec 2410 & 2411	1-1-1991
③-③	P 181	Runs 227b & c	Johnstones Cr	Sec 2410 & 2411	1-1-1991
④-④	P 181	Run 227b	Unnamed	Sec 2410 & 2411	1-1-1991
⑤-⑤	P 181	Run 227c	Hills Creek	Sec 2410 & 2411	1-1-1991

NOTE Under Sec 2417 the bed of the stream remains in Crown ownership.

4-2-53  
Date  
Chief Surveyor



PLAN OF SMALL GRAZING RUNS

53/6506  
306a

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OFFICIAL INFORMATION ACT

P 181  
P 85

r Kerr

770 650

896

DUNEDIN

21 April 1983

Mr J Morgan  
"Two Mile"  
RD  
OTUREHUA

Dear Mr Morgan

**AIRSTRIP CONSTRUCTION**

I refer to your application for consent to build an airstrip on "Home Hills" run and advise that your application has been approved subject to:

- 1) The area being resowed and fertiliser spread on completion of the soil disturbance.
- 2) You obtaining the written consent of the Lessees of "Home Hills" and a copy of the consent letter being forwarded to this office.

Yours faithfully

*MK 21/4/83*  
M Kerr  
for Commissioner of Crown Lands

*Copy sent to Maa office*  
*Moffers*  
*22/4/83*

RNE.MM

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896,

DUNEDIN

19 August, 1966.

Mr R.G. McKnight,  
OTUREHUA.

Dear Sir,

ACCESS BRIDGES OVER MT IDA WATERRACE

Some time ago you requested that Pastoral Lands Officer Fraser look into the question of maintenance or replacement of bridges over the County irrigation race.

I have looked into this matter but I am afraid the position is rather obscure in that the County disclaims any responsibility for either maintenance or replacement and that the Mines Department which originally administered the race had its files unfortunately destroyed in a fire many years ago.

Ministry of Works, however, is of the opinion that the bridges were put across the race by both the Waitaki and Maniototo County Councils and that when the Public Works Department, as it was then called, took over the race in 1924 from the Mines Department it did on the same terms and conditions as previously obtained in that it would not accept responsibility for any access bridges whatever - either construction or maintenance.

The Resident Engineer at Alexandra has indicated, however, that his Department's present attitude towards these bridges is that Ministry of Works will install them provided materials complying with the Department's requirements are supplied on the job at no cost to the Department. This policy appears to stem from the fact that on irrigation channels constructed and maintained by Ministry of Works it does accept responsibility for either reconstruction or maintenance.

May I suggest therefore that you make a further approach to Ministry of Works in an endeavour to resolve your difficulty over the present state of the bridges.

Yours faithfully,

C.K. Eville  
Commissioner of Crown Lands.Per: 

19 AUG 1966

P.L.O. Fraser,  
OFFICE.



---

**DRAFT LETTER**

---

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**Our Ref: Po181**

15 November 1999

Hawkdun Irrigation Company Limited  
Checketts McKay  
Lawyers Central Otago  
P O Box 41  
**ALEXANDRA**

**ATTENTION: J WILLIAMSON**

Dear Sir

**RE: WATER RIGHT EASEMENTS - CROWN LEASE 386/75 - BRAESIDE**

As part of the tenure review process for Braeside Station we are required to investigate all matters related to the legal title. During this process we have identified a matter that we feel requires alteration.

Memorial No 812220 on CL 386/75 being a grant of right (*in gross*) to convey water together with incidental rights in favour of Hawkdun Irrigation Company Limited appears to be incorrectly registered on the pastoral lease document. It appears that all the land subservient to the irrigation easement (*Section 1, 2, 3, 4, and 5 SO Plan 24066*) was removed from the lease when granted in 1957 and has the status of Unallocated Crown Land. The Memorial needs to be removed from the lease document as it appears to have been incorrectly registered.

Yours faithfully

P R Diver  
for Manager, Alexandra  
**KNIGHT FRANK (NZ) LIMITED**

**OPUS INTERNATIONAL CONSULTANTS LIMITED  
DUNEDIN OFFICE**

Project number 6NLI11.01/016YD

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This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50175 dated September 1999 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.



<b>LAND STATUS REPORT for Braeside</b>				LIPS Ref 12490
Property	1	of	2	

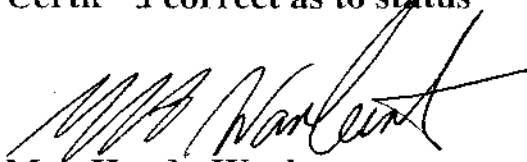
<b>Land District</b>	Otago
<b>Legal Description</b>	Runs 227B & 227C
<b>Area</b>	12355.0527 hectares
<b>Status</b>	Crown Land under the Land Act 1948 subject to Pastoral Lease P 181
<b>Instrument of title / lease</b>	CL 386 / 75
<b>Encumbrances</b>	<p>Subject to</p> <ol style="list-style-type: none"> <li>1. Transfer being a grant of a right (in gross) to convey water together with incidental rights in favour of Hawkdun Irrigation Company Limited. Registered as 812220.</li> <li>2. Exploration Permits under the Crown Minerals Act 1991 embodied in the register as 9D/605.</li> </ol> <p><b>Also</b> The lease provides that the Lessor shall have the full right to cut new water races or carry water in old races through any run / section without being liable for compensation. See Clause ( I ) on Crown Lease 386/75</p>
<b>Mineral Ownership</b>	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 1848 Kemp Purchase.
<b>Statute</b>	Land Act 1948 & Crown Pastoral Land Act 1998.

<b>Data Correct as at</b>	24/9/1999
[Certification Attached]	

<b>Prepared by</b>	John S Kirk 
<b>Crown Accredited Agent</b>	Opus International Consultants Ltd, Dunedin

Certificate correct as to status

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**Max Haydn Warburton**  
**Chief Surveyor**  
**Land Information New Zealand, Dunedin.**

4 1 10 1999

<p><b>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.</b></p>	<p>Documentary evidence shows that Memo of Transfer 812220 being a grant of a right (in gross) to convey water together with incidental rights in favour of Hawkdun Irrigation Company Limited is over this Pastoral Lease. This is not correct; the right is over unallocated Crown Land See <b>property 2 of 2 attached.</b></p>
--	--

**LAND STATUS REPORT for Braeside**

LIPS Ref 12490

Property 1 of 2

Research Data: Some Items may be not applicable

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SDI Print Obtained	Yes
NZMS 261 Ref	H40 & H41
Local Authority	Central Otago District & Waitaki District
Crown Acquisition Map	Kemp Purchase
SO Plan	SO 1808 – Plan of Small Grazing Runs 227, 277a, 227b, 227c & 227d.
Relevant Gazette Notices	No record of any gazette action found.
CT Ref / Lease Ref	CL 386/75
Plan Index	SO Plan 1808 – Plan of small Grazing Runs 227, 277a, 227b, 277c & 227d Being original Runs 227 & 445 and part of 227
Legalisation Cards	SO 1808 – States that this land is subject to Sec 24 (9) of the Conservation Act 1987. The provision of marginal strips.
CLR	Confirms Crown Land [Pastoral Land] Status.
Allocation Maps (if applicable)	Checked no allocations to SOE,s DOC & Other SOE,s
VNZ Ref - if known	N/A
Crown Grant Maps	N/A
<b>If Subject land Marginal Strip :</b> <b>a) Type [Sec 24(9) or Sec 58]</b>  <b>b) Date Created</b>  <b>c) Plan Reference</b>	a) i Sec 58 strip along Otamatakau River Deemed to be a Marginal Strip subject to the Conservation Act 1987. ii Marginal strip subject to section 24(9) of the Conservation Act 1987.  b) i Sec 58 existing prior to the Conservation Act 1987. ii Created on renewal of this lease on 27/3/1990  c) i & ii Defined on SO 1808

**LAND STATUS REPORT for Braeside**

LIPS Ref 12490

Property 1 of 2

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Research - continued

<p>If Crown land - Check Irrigation Maps.</p>	<p>Adjoining Crown Land subject to a Grant of Easement under the Irrigation Schemes Act 1990. See Property report 2 of 2</p>
<p>Mining Maps</p>	<p>Exploration Permit CT 9D/605 Exploration Permit CT 9D/607 surrendered 24 July 1998 Exploration Permit 9D/530 Surrendered 21/5/1997</p>
<p><b>If Road</b> a) Is it created on a Block Plan - Section 43(1)(d) Transit NZ Act 1989  b) By Proc</p>	<p>a) SO Plan 1808  b) Proc Plan N/A  c) Gazette Ref N/A</p>
<p>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</p>	<p>a) 24/9/99 Knight Frank confirmed that there is no recreation permits over this land.  b) None found  c) Either  <input checked="" 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.  <input type="checkbox"/> Contained in [provide evidence].  d)</p>

**OPUS INTERNATIONAL CONSULTANTS LIMITED  
DUNEDIN OFFICE**

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Project number 6NLI11.01/016YD

This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50175 dated September 1999 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.



<b>LAND STATUS REPORT for Braeside</b>				LIPS Ref 12490
Property	2	of	2	

<b>Land District</b>	Otago
<b>Legal Description</b>	Section 1, 2, 3, 4 & 5 SO Plan 24066.
<b>Area</b>	152.0 hectares
<b>Status</b>	Unallocated Crown Land
<b>Instrument of title / lease</b>	No Registration LINZ Ref LIPS 14265 ( PROMIS DN 1833 )
<b>Encumbrances</b>	Subject to 1. Memorandum of Transfer being a grant of a right ( in gross ) to convey water together with incidental rights in favour of Hawkdun Irrigation Company Limited. Registered as 812220. 2. Is Relevant land in terms of Part 9 Section 48 (1) of the Ngai Tahu Claims Settlement Act 1998.
<b>Mineral Ownership</b>	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 1848 Kemp Purchase.
<b>Statute</b>	Land Act 1948

<b>Data Correct as at</b>	24/9/99
<b>[Certification Attached]</b>	

<b>Prepared by</b>	John S Kirk 
<b>Crown Accredited Agent</b>	Opus International Consultants Ltd, Dunedin

**Certified correct as to status**



**Max Haydn Warburton  
Chief Surveyor  
Land Information New Zealand, Dunedin.**

A1 10 11999

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**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.**

1. Johnstones Creek, Hills Creek and Pierces Gorge are Subject to Sections 24 (a) & (f) of Part IVA of the Conservation Act 1987 ( Marginal Strip ). These strips have not yet been created but will be on disposition.
2. LINZ File Reference 5400-02-1833
3. The Crown doesn't accept responsibility for either reconstruction or maintenance of access bridges over Mt Ida Water race. ( Letter 19 August 1966 by Commissioner of Crown Lands )

**LAND STATUS REPORT for Braeside**

LIPS Ref 12490

Property 2 of 2

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OFFICIAL INFORMATION ACT.

Research Data: Some Items may be not applicable

SDI Print Obtained	Yes
NZMS 261 Ref	H41
Local Authority	Central Otago District
Crown Acquisition Map	Kemp Purchase
SO Plan	SO 24066 – Plan of sections 1 – 5 SO Plan 24066 ( Pt Mt Ida Water Race ) formerly being Crown Land – Intersecting Runs 227B & 227C SO's 1233, 1234, 1235, 1236 – Plans of Mt Ida Water Race.
Relevant Gazette Notices	No record of any gazette action found.
CT Ref / Lease Ref	No Registration LIPS Ref 14265 ( PROMIS DN 1833 )
Plan Index	N/A
Legalisation Cards	No actions shown on card
CLR	No ref found
Allocation Maps (if applicable)	Checked no allocations to SOE,s DOC & Other SOE,s no reference found.  Shown on map for allocation to the Department of Lands PROMIS No. 1833
VNZ Ref - if known	28260-21401 Land Value \$ 8000 as at 30 June 1996
Crown Grant Maps	N/A
<b>If Subject land Marginal Strip :</b> <b>a) Type [Sec 24(9) or Sec 58]</b>  <b>b) Date Created</b>  <b>c) Plan Reference</b>	a) Johnstones Creek, Hills Creek and Pierces Gorge are Subject to Sections 24 (a) & (f) of Part IVA of the Conservation Act 1987 ( Marginal Strip ) b) Not yet created ( On disposition )  c) SO 24066



**LAND STATUS REPORT for Braeside**

LIPS Ref 12490

Property 2 of 2

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Research - continued

<p>If Crown land - Check Irrigation Maps.</p>	<p>Not show on this map because of erroneous information contained in Memorandum of Transfer 812220.</p>
<p>Mining Maps</p>	
<p><b>If Road</b>                  a) <b>Is it created on a Block Plan - Section 43(1)(d) Transit NZ Act 1989</b>                   b) <b>By Proc</b></p>	<p>a) SO Plan N/A                   b) Proc Plan N/A                   c) Gazette Ref N/A</p>
<p><b>Other Relevant Information</b>                  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</p>	<p>a)                   b) This is Relevant land in terms of Part 9 Section 48 (1) of the Ngai Tahu Claims Settlement Act 1998.                   c) Either  <input checked="" 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 Kemp Purchase  <input type="checkbox"/> Contained in [provide evidence].                   d)</p>

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OFFICIAL INFORMATION ACT  
Diagram A

See Diagram A

Run 227C

Run 227B

Run 227B

Run 227C

Sec 2  
S.O. 24066

Sec 4  
S.O. 24066

Sec 1  
S.O. 24066

Sec 5  
S.O. 24066

Sec 3  
S.O. 24066

Marginal Strip subject to Sec 241(3)  
Conservation Act 1987

Braeside

Scale 1:50000

0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000m

Version	1	2	3	4	5
Otago Land District	Sheet 1 of 1				
NZMS 260 H40 & H41	Date 23/9/1999				

