

Crown Pastoral Land Tenure Review

Lease name : BUSH SPURS

Lease number : PC 131

Due Diligence Report (including Status Report) - Part 2

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.

April 09

APPENDIX 3

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489

0.17 (F.131) 40/39/94

TO

Savage

62-649

XXXXX Private Bag, CHRISTCHURCH.

29 October 1974

District Commissioner of Works, Ministry of Works & Development, P.O. Box 1479, <u>CHRISTCHURCH</u>.

SUSPECIAL TO COMPRISIONER

ASCN'S PROPOSAL APPROVED

AUTHCAUTY S. 60 LAID ACT 190

CA. LINELER NILLER CH' C'SOWIN LANDS

3-11/11/4-

CA9. 110: 74

Encl

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GOVIN LANDS

Attention Mr P.J. Rumens

RAINGAUGE SITE ADJACENT TO 13 MILE BUSH

Referring to your memorandum of 15 October regarding maintenance of a raingauge and access thereto on Part Run 263 "Bush Spurs" it is confirmed that this Department has no objection to continued use as such. Compensation will not be required.

Please note that the former Pastoral Occupation Licence has been replaced by a new Pastoral Lease (P.131) issued for a term of 33 years from 1.1.1974 still to be registered on completion of survey. Consequently you may now wish to register a certificate against the lease itself when title available and this will be in order provided the lessee's consent is also obtained.

N.B. It is possible however that the site concerned could be situated outside the boundaries of the new lease as an area of 80 hectares has been excluded therefrom and a plan is enclosed to illustrate this point. If such is the case then this consent would still be applicable as the status of the area excluded is Crown land (unlet).

> G. Mollett, Commissioner of Crown Lands.

per:

CONFIDENTIAL COPY PROVIDED TO LINZ (CROWN PROPERTY MANAGEMENT) CONTRACTOR FOR PURPOSES ASSOCIATED

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40/39/91

CHRISTCHURCH.

19 November 1974

The District Commissioner of Works. OFFICE.

RAINGAUGES AND ACCESS SELEVE REPRESENTATIVE BASIN - V. F. ORRARD

H.O. reference 74/5/22/6/0:

Some years ago the hydrological survey branch of this department obtained landowners' verbal consent to site a number of raingauges in obtained landowners' verbal consent to site a manber of raingauges a an area known as the Selwyn Representative Bacin located between whiteoliffs in the east and Rakais Gorge in the west. One of these raingauges is aituated on a Grown pastoral licence held by Mr W. F. Gerard and in the past access to this gauge has been with his verbal consent. The hydrological survey division has now asked that these verbal agreements be formalised to allow the gauges to remain on the land with a legal right of access to them. Details as Details are as follows:-

AGREEMENT WITH: W111	liom Fra	ncis Gora	rd of	Hororata,	Farmer,
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THE POCE	Agroemont	to enter	land and	occupy
	raingaugo	ocuinment	; site.	

Run 263 "Buch Spurs", cituated in Block XVI, DESCRIPTION: Coloridge Durvey District and Block III, (legal) Fighting Hill Survey District, being all the land in certificate of title Volume 529, folio 61. Canterbury Registry.

(General) The raingouge site is located adjacent to an access track to 13 Mile Buch as illustrated approximately on the attached plan.

ZONING:

Rural.

SETTIEMENT:

- In exercise of the rights hereby granted servants of Her Majesty the Queen will minimise damage, inconvenience or disturbance to 1. farming operations,
- When and if the equipment is removed by Hor Majesty the site of 2. it will be left as nearly as possible to the state in which it would have been had it not been there.

AUTHORITY:

Memorandum from hydrological survey division, reference P.W. 74/17/4 of

17 September 1971.

COMMENTS:

The pestoral occupation licence expired on new pastoral lease to Mr Gerard, dating from 1.1.74. Survey is required to define the new lease and this has not yet been completed. The Commissioner of Crown Lands has no objection to the proposed agreement.

CONFIDENTIAChenacerement of the present licence and any LINZ (CROWNPROPERTY MANAGEMENT)

CONTRACTOR FOR PURPOSES ASSOCIATED WITH ABONINES NEW ZEALAND NOT TO BEFFISIENER COPIED, REPRODUCED UR DISTRIBUTED WITHOUT THE PERMISSION OF LINZ

ARCHIVES NEW ZEALAND

Archives Reference CH 150 - 40/39/91 NOT TO BE USED IN PUBLICATIONS WITHOUT PERMISSION OF THE BHIEF ARBHIVIST OF ARBHIVED NEW ZEALAND.

<u>RECOMMENDATION</u>: I recommend that approval be given to the taking of a licence in perpetuity or an easement in perpetuity for the agreed purpose over the above land subject to the conditions montioned above.

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(P. J. Rumons) Assistant Land Purchase Officer

da) District Froperty Officer

Chairman, Water and Soil Division Soil Conservation and Rivers Control Council

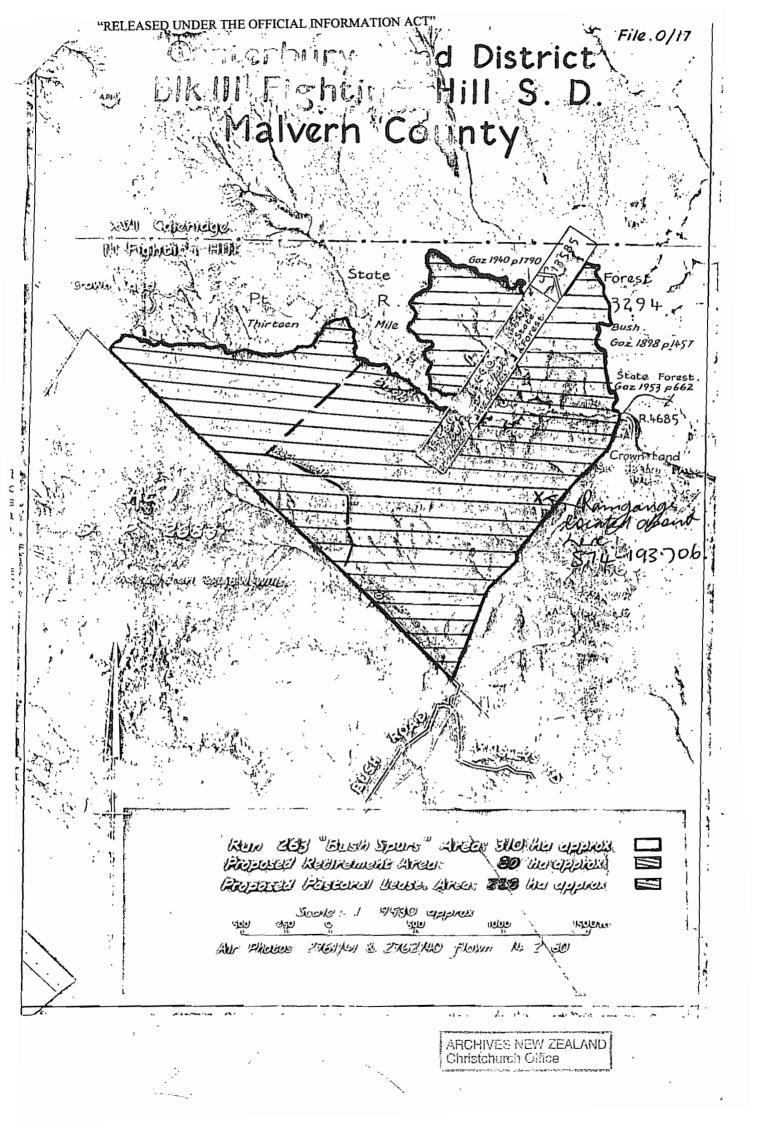
Recommended for approval.

Assistant Director of Property Dervices.

1 174

> ARCHIVES NEW ZEALAND Christchurch Office

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Comp tion Certificate No.

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Particulars entered in the Register Book,

Vol.	, folio	, the	
day of		19	, at

o'clock.

District Land Registrar

of the District of

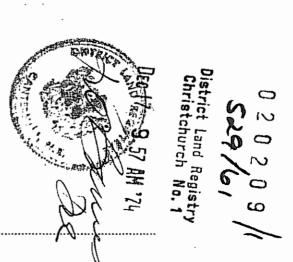
Correct for the purposes of the Land Transfer Act.

1Remart Authorised Officer.

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WITH CONTRACT 5027~ ONLY. NOT TO BE FURTHER COPIED, REPRODUCED OR DISTRIBUTED WITHOUT THE PERMISSION OF LINZ

Ministry of Works and Development,CHRISTCHURCH......



Ministry of Works and Development

Date: 13-12-74

To the District Land Registrar of the Land Registration District of <u>Canterbury</u>.

Pursuant to section 17 of the Public Works Amendment Act 1948, this Compensation Certificate is forwarded to you to be deposited in your Registry and a memorial thereof registered against the title to all land affected thereby: (a) Description of the land affected by the Certificate: All that parcel of land in the Canterbury

Land District containing <u>NINE HUNDRED AND FIFTY ACRES</u> (950a. Or. Op.) being Run 263 "Bush Spurs", situated in Block XVI, Coleridge S.D., and Block III, Fighting Hill S.D. All Pastoral Occupation Licence No. 0.17 registered as Volume 529, folio 61, Canterbury Land Registry.

(b) Brief particulars of the Agreement:

- (i) The Agreement provides for the granting of a licence to the Crown for the placing of a raingauge and associated things and the transfer of a right of way and easement to permit access for servicing and measurement on the following conditions:
 - (1) The Crown will minimise damage inconvenience or disturbance to farming operations.
 - (2) The Crown will leave the site on removing the equipment as nearly as possible to the state in which it would have been had the equipment not been there.

(c) Names and addresses of parties to Agreement (other than Minister):

WILLIAM FRANCIS GERARD.

(d) (i) Place where Copy of Agreement may be inspected: Office of District Commissioner of Works, Ministry of

Works and Development, Worcester Street, Christchurch.

(ii) Hours during which a copy of the Agreement may be inspected: 9 a.m. to 11.30 a.m. and 2 p.m. to 4 p.m. on any day when Government Offices are open to the public.

(iii) Reference by which Agreement may be identified: 40/39/91.

This Compensation Certificate is signed by me on behalf of the Minister of Works and Development pursuant to an authority given to me by him dated the 15th day of August 19 73.

Signed by JOHN ROGER SMART	γ.
Person Authorised by the Minister of Works and Development.	
in the presence of- Witness:	
Address: M.W.D. Christehurch	
Occupation: Legal device.	

41239A-1,000/2/74 W K

Compensation Certificate

KELEASED UNDER	R THE OFFICIAL INFORM	LATION ACT"			
			District Office,		
Ministry	of Works		Government Bldg.,	Worcester St. K	
🖤 and Dev		CT 1974	Box 1479, Christchurch.	9	٩,
			Telephone 71 639.		<u> </u>
	REC	HVED	Telex NZ 4910.	R	Д
Dur Ref: 40/39/9)4 _{Date:} 15 Oct	tober 1974	Inquiries to: Mr P. J.	Rumens	Ø
	er of Crown Lan rey Department,	ıds,	·		4

RAINGAUGE SITE ADJACENT TO 13 MILE BUSH

Mr Gerard has signed to allow access to and reading of a raingauge

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on his leased property. This gauge is one of several in an area known as the Selwyn Representative Basin. In the past permission for the gauge to remain on the land and access to it has been on a verbal basis but

Attached is a copy of an agreement with plan attached, which

now the hydrological division of this department has asked for this verbal agreement to be formalised. I would therefore be grateful to receive your consent as lesser to the signed agreement and also to waiving of compensation.

You have given your consent to similar agreements - one of which was on your file RLF 131 in a letter dated 6 March 1972.

> P. F. Reynolds District Commissioner of Works

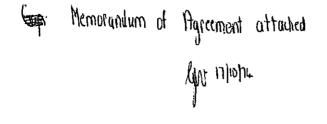
Per:

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(P. J. Rumens)

Encls.



489

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XXXXX Private Bag, CHRISTCHURCH.

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STAD DECION TO COMPASSIONER OF CLOWIN LANDS CASE NO: 74 554 ANCASE PROPOSAL APPROVED AUTHORITY S. 60 LAIRD ACT 1960 CLADENSIONER OF CROWIN LANDS 3 - 11 11974 Encl. G. Mollett, Commissioner of Crown Lands.

per:

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DUE DILIGENCE

BUSH SPURS

SUPPORTING FILE SUMMARY

File Summary –	[Bush Spurs]

FOLIO	DATE	ТО	FROM	DETAILS
		Pc/13	31 – SCH – 01 (0	01/01/1953 – 26/06/0996) (Folios 392 – 619)
396	23/04//1952		-	Lessee (Estate of W G Gerard) only interested in the 1000 acre "Bush Spurs" block of the 6600 acre Run 169 with the balance being split and incorporated in the two adjoining leases.
				LSB Case No.3067 approved surrender of the Estate's interest in Run 169, the issue of a Pastoral Occupation Licence to the Gerrard Estate over the 1000 acres for a term of 21 yrs at the rental of \$120 based on a stock limitation of 650 sheep plus 10%. The balance of Run 169 to be incorporated into the adjoining leases/licences.
				Hand written note raises question of access. (f.397) (NOTE – covered under folio 452A below.)
				With surrender new description –Run 263 "Bush Spurs area 950 acres (f.408). No survey plan – plan for lease purposes only.
	1			New Pastoral Occupation Licence (O.17) over Run 263 registered on 13/05/1953 as CL 529/61.
				ACTION COMPLETED
430	04/12/1961	-	-	By Case No. 61/764 the LSB on 04/12/1961 approved the transfer of Pastoral Occupation Licence from Estate of Gerard to W F Gerard.

File Summary – [Bush Spurs]

FOLIO	DATE	ТО	FROM	DETAILS
				[Transfer 579697 registered on 26/06/1962]. ACTION COMPLETE
436	08/07/1966	DGL	CCL	North Canterbury Catchment Board approved a SWCP for Run 263 with retirement of 302 acres of Class VIII land on Big Ben Range. NO SOIL AND CONSERVATION AGREEMENT REGISTERED AGAINST THE LEASE (BUT WORKS COMPLETED AND SURRENDER UNDERTAKEN).
452A	24/01/1973	CCL	FO	 Lease Renewal report recommended taking part of Run 263 for access (to 13 Mile Bush) and Gerard being given a 33 year Renewable Pastoral lease with 11 year rent reviews over 384.4513 ha. No legal access to the run. Practical vehicle access is across adjoining "Snowdon" and stock access is across "Highpeak" at the pleasure of the owner (See plan attached to f452B). Retired area – 122.2150 ha (f.452B) Leases section noted that SO 8486 approved in 1952 laid out the additional length of road under Section 110A Public Works Act - whereupon legal access to the Run now available (f.454). CPLO - Recommended a Pastoral Lease over 263 ha, the retired area to become Crown land with access to be laid off along the SW boundary of the pastoral lease.

FOLIO	DATE	ТО	FROM	DETAILS
				 LSB (HOC) Case No. 73/8682 of approved the issue of a Pastoral lease over 228 ha (subject to survey) -Pastoral Occupation licence to be cancelled as at 31/12/1973 (f.475) [New Pastoral Lease P131 registered as 16F/830 on 29/06/1974] ACTION COMPLETE BUT PRACTICAL ACCESS ISSUES REMAIN
489	29/10/1974	DCW	CCL	 Under authority of CCL Case No 1974/554 of 5 November 1974 approval was given pursuant to Section 60 of the Land Act 1948 for the continued use for maintenance of a rain guage and access thereto. District Commissioner of Works (DCW) was advised of approval on 6 November 1974 (f 488/489) and that no compensation required. The DCW was also advised of the impending issue of a new Pastoral lease and invited to register a certificate when title was available provided the lessee consent obtained.
	1 ₂₆			The DCW Land Purchase report dated 19 November 1974 recommended the the taking of a licence or easement in perpetuity to enter the land and occupy the rain guage equipment site subject to conditions (copy procured from file 40/39/91).
				An Agreement was executed between the parties dated 13 December 1974 (copy procured from file 40/39/91) and Compensation Certificate 20209.1 registered 17 December 1974 protected this Agreement.
				It would appear that action to bring the Compensation Certificate down on to

FOLIO	DATE	ТО	FROM	DETAILS
				 the Pastoral lease (as intimated in the Land Purchase report) was overlooked. Notwithstanding that and the fact that the Crown's function has now passed to the Canterbury Regional Council action to legalise the intent of the Compensation Certificate is still outstanding. INCOMPLETED ACTION – LEGALISATION OF RAIN GUAGE SITES AND ACCESS
Under 551	01/09/1975	-	~	Change of Appellation - Part Run 263 now Run 342 "Bush Spurs" (SO 13609 approved 12 May 1975). [Change of Appellation registered as 37243/1 on 04/06/1975.]
599	16/03/1987	Murchison & Wood , Solicitors	CCL	ACTION COMPLETE CCL under delegated authority approved the transfer of the lease to A H and N B Tripp. [Transfer 673932/4 to A O H Tripp (as to a 3/5 share) and N B Tripp (as to a 2/5 share) registered on 07/04/1987.] ACTION COMPLETE
-	22/03/1995	~	CCL	Approved review of rental with Annual Rental of \$1260 based on Rental Value of \$56,000. Review of rental in 1985 missed. Values for review purposes accepted by lessees on 28 June 1995 (f 616). KFL raised with CCL on 9 July 1996 the peculiar nature of the rent review provisions relative to the lease and sought confirmation of his earlier decision to

File Summary – [Bush Spurs]

FOLIO	DATE	TO	FROM	DETAILS
				approve the rent review on the grounds the rent fixed constituted a "fair annual rental.
				Following legal advice from Kit Mouat the CCL approved the recommendation to affirm the rental values.
				ACTION COMPLETE

Pc/131 - SCH - 02 (27/06/1996 - 01/01/2000) (No folio numbers)

No relevant folios

Pc/131 / A - SCH - 01 (PLANS ONLY)

No relevant folios

CON / 50123 / 12781 / A-ZNO (01/07/2000 - Current)

No relevant folios

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LAND STATUS REPORT

for **Tenure Review**

BUSH SPURS

Prepared by Don McGregor, McGregor Property Services Limited for and on behalf of Q.V. Valuations

February 2002

CONTENTS

PROPERTY 1 OF 4

Appendix A – Land Status Report (and Supporting plans).

- Additional Plans
- Extract of CLR
- Extracts of Allocation maps
- DOC Consultation
- Information supporting Mineral investigation
- Information supporting Notes to Report
- Other information

Appendix B – Land Status Report (Certified by Chief Surveyor).

PROPERTY 2 OF 4

Appendix A – Land Status Report (and Supporting plans).

PROPERTY 3 OF 4

Appendix A – Land Status Report (and Supporting plans).

PROPERTY 4 OF 4

Appendix A – Land Status Report (and Supporting plans).

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PROPERTY 1 OF 4

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"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

Appendix A – Land Status Report (and supporting plans)

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Q.V. VALUATIONS CF⁻ISTCHURCH OFFICE

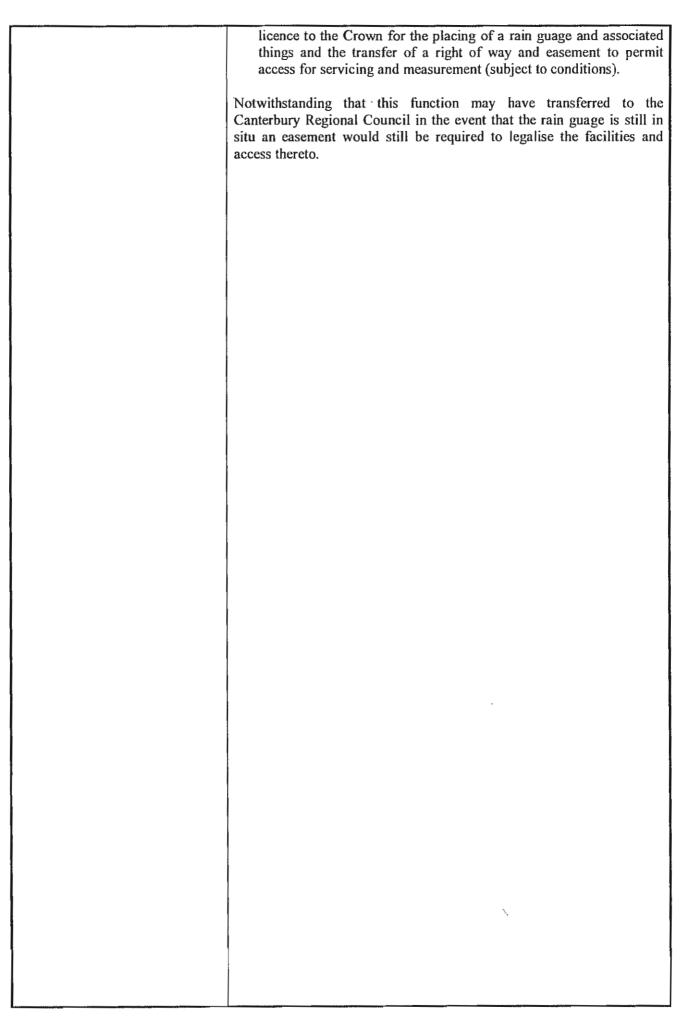
Project No: QVV: 228

This report has been prepared on the instruction of Land information New Zealand in terms of **Contract No.** 50272 (as yet undated) and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Bush Spurs Tenure Review	LIPS Ref: 12781
Property 1 of 4	

Land District	Canterbury.	
Legal Description	Run 342, situated in Block III, Fighting Hill District.	
Area	256.9000 hectares.	
Status	Crown land subject to the Land Act 1948.	
nstrument of title / lease Pastoral Lease CL CB16F/830 pursuant to Section 66 and reg under Section 83 of the Land Act 1948.		
Encumbrances	Subject to Part IVA of the Conservation Act 1987, upon disposition.	
Mineral Ownership The Mines and Minerals are owned by the Crown because the never been alienated from the Crown since its acquisition for purposes from the former Maori owners under the 1848 Kee Purchase.		
Statute	Land Act 1948 and Crown Pastoral Land Act 1998.	

Data Correct as at	19 February 2002.		
[Certification Attached]	Yes.		
And a start of the			
Prepared by	Don McGlegor, McGregor Property Services Limited, Christchurch		
Crown Accredited Supplier	for and on behalf of Q.V. Valuations.		
NOTES: This information does not affect the status of the land but was identified as possible requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6	 Please note additional Reports within the periphery / adjoining the lease. CL CB16F/830 does not carry a notation that the lease is subject to Section 58 of the Land Act 1948 but S.O. 13609 indicates that Run 342 is subject to section 58 in respect of all rivers and streams in excess of 3 metres in width. 		
	3) It would appear that Compensation Certificate 20209.1 registered in 1974 against CL 529/91 pursuant to Section 17 of the Public Works Amendment Act 1948 was not discharged prior to expiry of the Pastoral Occupation Licence and should have been brought forward on to the current lease. The Compensation Certificate protects an Agreement dated 13 December 1974 providing for the grant of a		



LAN	D ST	ATU	TUS REPORT for Bush Spurs Tenure Review LIPS Ref: 12781		
Prc	∴ty	1	of	4	

Research Data: Some Items may not be applicable

SDI Print Obtained	Yes.
SDI Print Obtained	Yes.
NZMS 261 Ref	К 35.
Local Authority	Selwyn District Council.
Crown Acquisition Map	Kemp Deed of Purchase.
SO Plans	SO 3239 - Plan of Midland Railway Block adjoining (Approved March 1900).
	SO 3896 - Plan of Sections 13584, 13585, 13590, 13591 and 13546 (Approved April 1881).
	SO 8486 - Plan of Land adjoining Run 169 (Approved 6 November 1952).
	SO 8550 - Plan of Part Reserves 3120 and 3294 and Parts Run 169A (Approved 15 December 1952).
	SO 8974 - Plan of RS's 38130-38135 and Crown land (Approved 24 December 1956).
	SO 13609 - Plan of Run 342 and Part Run 263 (Approved 12 May 1975).
	SO 13698 - Plan of Pt Reserves 3294 and 3120 and Crown Land (Approved 6 August 1975).
	SO 17121 – DOC Allocation plan.
Gazette Notices	N.Z. Gazette 1940 p1790 set apart adjoining RS 13591 FOR Permanent State Forest - now stewardship land (Refer Report 4 of 4).
	N.Z. Gazette 1998 p1701 declared Pt Run 263 (S.O. 13609) – 58.7000ha to be held for Conservation purposes.
Lease Ref	Pastoral Lease CL CB16F/830 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
Legalisation Cards	Searched. S.O 13609 shows that Pt Run 263 (58.7000ha) is now held for Conservation purposes by N.Z. Gazette 1998 p1701.
CLR	Confirms Pastoral Lease tenure.
Allocation Maps (if applicable)	Searched. No DoC or SOE Allocations are within the periphery of the lease.
	DOC Allocations D*K35*7 and 8 – (SO 17121) adjoining. Schedule and extract of Allocation plan attached.
VNZ Ref – if known	VR 24260/7700.
Crown Grant Maps	Not applicable.

Subject Land Marginal Strip: a) Type [Sec 24(9) or Sec 58]	a) Refer to Notes above.
b) Date Created	b) Not applicable.
c) Plan Reference	c) Not applicable.

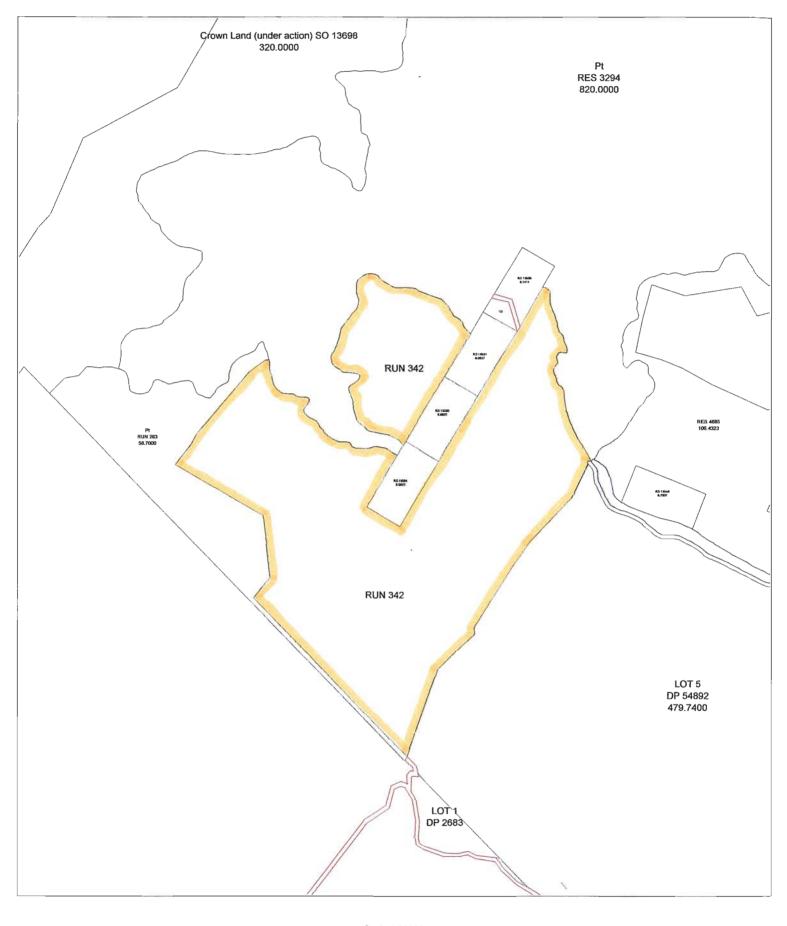
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I	LAND STATUS REPORT for Bush Spurs Tenure Review	LIPS Ref 12781
ł	LA VSIATUS REFORT for Bush Spurs Tenure Review	LIF5 Rel 12/01

Property 1 of 4

If Crown land – Check Irrigation Maps	Searched – Not applicable.	
Mining Maps	Searched – Not applicable.	
If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989	 a) No internal roads and only abutting road is legal by Section 110A of the Public Works Act 1928. 	
b) By Proclamation	a) Not applicable.	
c) Gazette Ref:	b) Not Applicable.	
Other relevant information a) Concessions – Advice from DOC or Knight Frank.	 a) No current DOC concessions exist within the lease boundaries. The only DOC interests are in the Marginal Strips yet to be defined. 	
 b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998 	 b) Any disposition subject to Part 9 of the Ngai Tahu Claims Settlement Act 1998. 	
c) Mineral Ownership	c) 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 Deed of Purchase.	
d) Other Info	d) Not applicable.	

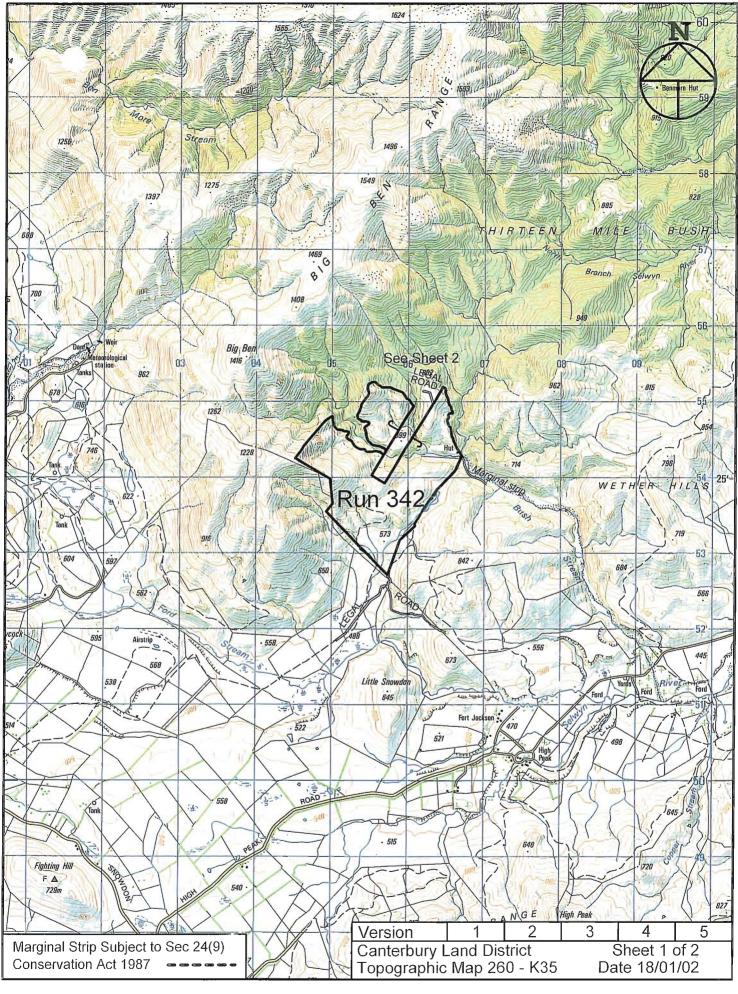
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Scale 1:20000 0 250 500 750 1000 1250 1500 1750 2000 2250 2500m 1. T 1 L 1 T 1 1 .

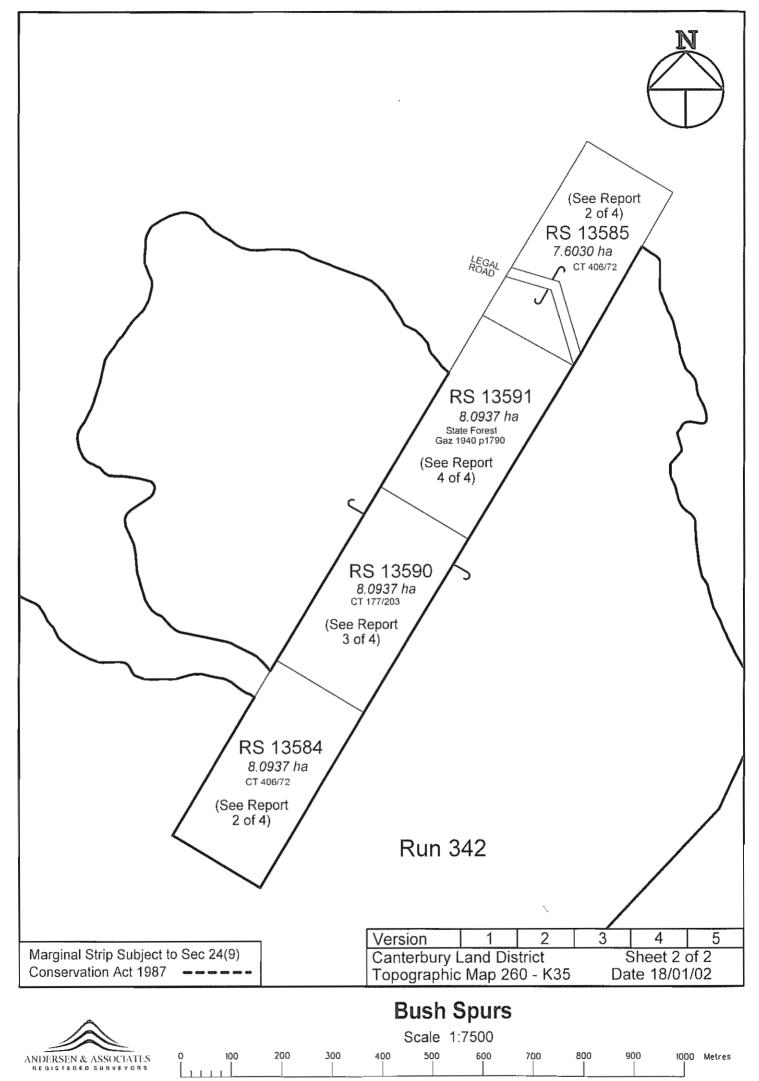
RUN 342 - BUSH SPURS TERRALINK INTERNATIONAL 2001 - CRS Survey and Title Data as at 12 November 2001Valuation data as at 05 November 2001Geodetic data as at 11.10.97 Cadastral Information from LINZ Core Record System (CRS). CROWN COPYRIGHT RESERVED.





Bush Spurs

Scale 1:50000 4500 5000 ł F I LI



CERTIFICATION

Report to the Chief Surveyor, Christchurch, for certification of Status Investigation for BUSH SPURS Pastoral Lease Tenure Review.

- 1. I, Donald McGregor of McGregor Property Services Limited, acting for and on behalf of Opus International Consultants Limited, certify that the status report enclosed for certification is in order for signature.
- 2. In giving this certification I, Donald McGregor of McGregor Property Services Limited, acting for and on behalf of Q.V. Valuations, 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.

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D McGregor McGregor Property Services Limited Accredited Supplier 18 February 2002

SO Plans (Additional)

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