

Crown Pastoral Land Tenure Review

Lease name : CATTLE FLAT (OTAGO)

Lease number : PO 352

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.

August

06

DUE DILIGENCE REPORT
CPL PRE TENURE REVIEW ASSESSMENT STANDARD 6:

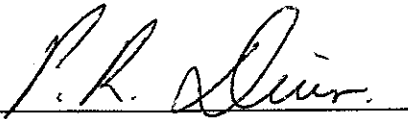
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|------------------|-----------|--------------|--------|--------------------|-------------|
| File Ref: | Po352/1 | Report No: | AT0060 | Report Date: | 12 May 2000 |
| Office of Agent: | Alexandra | LINZ Case No | | Date sent to LINZ: | 13/5/00 |

RECOMMENDATIONS:

- (1) That the Commissioner of Crown Lands or his delegate **note** this Due Diligence Report which has been prepared in accordance with the Pre Tenure Review Assessment Standard.
- (2) That the Commissioner of Crown Lands or his delegate **note** the following incomplete actions which require action by the Manager of Crown Property Contracts (*or others*).
 - (a) The easements agreed to by the lessee (*see attachment 7.1a*) for tower sites, telephone and power reticulation and access to them in favour of the Treble Cone Skifield Limited have never been formally registered as easements on the lease document. The towers have never been installed, but the telephone and power supply are thought to be across the lease above the homestead. (*outside the surrendered land.*)
 - (b) A special condition of the lease (I) that gives the right to the holder of Runs 458, 465, and 468 to establish and have access to cattle yards on the lease appears redundant. This condition was carried forward at subdivision of the original lease and the yards are known to be on the other section (*Matukituki Station*).
 - (c) The agreements to surrender the skifield, carpark and access road from the lease and the subsequent special leases issued contain features that could impact on the ability of the Crown to control recreational use on potential conservation land that could be created under tenure review. While no specific liability to the Commissioner has been identified his attention is drawn to the signed agreements and special leases (*attachments 7.1(a) and (b) and 7.2 (a) and (b)*).
 - (d) A Recreational Permit RPo045 issued in 1995 for 5 years to Cattle Flat Recreation Limited expired on 30 April 2000. No new permit has been applied for. Activities affect land likely to be retained for conservation purposes under Tenure Review (*see attachment 9*).
 - (e) The Land Improvement Agreement on the lease document (*Memorial 556773*) for the Multiple Windbreak Scheme is redundant and would be discharged upon application of the lessee to the Otago Regional Council (*see attachment 5*).
 - (f) Two minor typographical errors were found on the lease Document. A draft letter to the District Land Registrar is attached. (*see attachment 3*)

- (g) Opus Status Check recommends that GN1998 page 791 should be registered on CL 17C/552 to provide an audit trail. A draft letter to the District Land Registrar is attached (*see attachment 3*)

Signed by Knight Frank (NZ) Limited



Name:



Manager

Approved/Declined by:

Name:

Date of decision:

(1) Details of lease:

Lease Name: Cattle Flat (Otago)

Location:

The property is situated 24 km from Wanaka township on the Wanaka-Mount Aspiring Road. It covers the land on either side of the road from the Motatapu River in the South to just above the Carmel Burn on the north and covers the eastern flanks of the Harris Mountain Range. The Matukituki River forms the north-eastern boundary. The homestead is located on freehold land adjacent to the road near the middle of the flats.

Lessee:

Charlton George Ewing, Melanie Ruth Ewing and Trustees Executors and Agency Company of New Zealand Limited

Tenure:

Pastoral Lease under Section 83 of the Land Act 1948. Lease No P352.

Term:

33 years from 1 July 1990 to 30 June 2023

Annual Rent:

\$5,025 (plus GST)

Rental Value:

\$335,000

Date of Next Review:

1 July 2001

Land Registry Folio Ref:

CL 10C/688 (Otago Registry)

Legal Description:

Part Run 812 and part Section 1 SO 22995 being all that land contained in CL 10C/688 (Otago Registry).

Area:

4585.0723 hectares

(2) **File Search:****Files held by Agent on behalf of LINZ:**

| <i>File Reference</i> | <i>Volume</i> | <i>First Folio</i> | <i>Date</i> | <i>Last Folio</i> | <i>Date</i> |
|-----------------------|---------------|--------------------|-------------|-------------------|-------------|
| Po352 | | | | | |
| | 1 | 1 | 8/12/1993 | 154 | 14/4/1992 |
| | 2 | 1 | 18/12/1992 | 95 | 11/12/1992 |
| Po176 | | | | | |
| | 1 | 1 | 20/11/1920 | 257 | 23/8/1957 |
| | 2 | 258 | 25/8/1957 | 408 | 16/5/1969 |
| | 3 | 409 | 9/6/1959 | 590 | 16/9/1975 |
| | 4 | 591 | 25/9/1975 | 720 | 11/11/1981 |

Other relevant files held by LINZ:

| <i>File Reference</i> | <i>Volume</i> | <i>First Folio</i> | <i>Date</i> | <i>Last Folio</i> | <i>Date</i> |
|-----------------------|---------------|--------------------|-------------|-------------------|-------------|
| 5200/D14/C14/1/DNO | 1 | 1 | 15/9/1995 | 5 | 27/11/1996 |
| 7900/04/P352/1/DDN | 1 | 1 | 17/6/1992 | 14 | Undated |
| CPL04/12/12661/ZCH | 1 | 1 | 15/6/1998 | 3 | 18/8/1999 |

Note: *Cattle Flat (Otago - Po352) and Cattle Flat (Southland - Ps071) are badly mixed up on the LINZ files.*

The records have been searched including the files related to the original undivided Cattle Flat Station (*Po176*).

With the exception of some folios related to the history of the Treble Cone Skifield Special Lease (*these were transferred to DoC as administrators*) and a very few missing folios the records are complete. Confidence is held that all important data has been searched.

In 1919 Run 333A was acquired by D C Aubrey and subdivided with the newly created Run 333B being sold to his brother. A pastoral run licence (*1605*) was issued to D C Aubrey in 1922 for 35 years over Run 333A. In 1925 Run 333B was sold back to D C Aubrey and the two Runs then worked as one. History up until lease renewal in 1957 is routine with files containing matters of rent payments, burning administration, family part share transfers and re-purchases.

At lease renewal in 1975 a Pastoral lease P176 was issued for 33 years over the combined Runs 333A and 333B with two notable conditions being

- The removal of the existing Mount Aspiring Road from the lease.
- A condition allowing the holder of Mount Aspiring Station (*Runs 458, 465 and 468*) to establish and have access to cattle yards on the lease.

In 1961 the lease was transferred to a family company called Cattle Flat Station Limited.

In 1967, following protracted negotiations, 1440 acres on the northern boundary (*Run333B*) was surrendered and transferred to Mount Aspiring Station.

In 1969 a small area was surrendered and transferred to Motatapu Station (*35 acres - from Run 333A*) on the southern boundary.

During the process to surrender land for the Treble Cone Skifield the property was sold to W L Ewing and Family trust in 1972. LSB approval to transfer was given subject to the prior the surrender of 3100 acres of upper mountain land and a commitment that a 50 acre block at the base of the skifield road would also be surrendered. (*special lease to be issued to Treble Cone Skifield Limited*). Mr Ewing eventually gave a signed commitment to surrender a reduced area (*950 acres*) for the skifield and a 50 acre block at the base of the mountain fronting on the Mount Aspiring Road as well as easements for the access road, tower sites and power and telephone reticulation. Additional conditions were also added that all costs to be met by the Treble Cone Skifield Company and that free all year grazing rights over the surrendered area at no charge be given under the special lease to be issued. The 370 ha skifield was surrendered from the lease in 1974 and issued under Special Lease to the Skifield Company. (*Special Lease see attachment 7.1(b) and lessee agreement to surrender attachment 7.1(a)*). No registrations of any power or telephone easements are known of.

The final granting of a ROW easement and surrender of the 50 acre block at the base of the mountain was not carried out at that time. Only in 1998 was the right of way and a reduced area (*5.1237ha*) for the block at the base of the mountain surveyed out. The ROW easement and 5.1237 ha block were finally surrendered from the lease in 1994 and issued under Special Lease 7C/552 to the skifield company subject to many conditions favouring the holder of Cattle Flat Station. (*See attachment 7.2(a) for Special lease 7C/552 and 7.2(B) for legal agreement between lessee Treble Cone Skifield Company and the Commissioner of Crown lands*).

Much file history relates to disputes with the skifield operation, notably damage to the flats caused by erosion allegedly caused by roading and the occurrence of a massive slip adjacent to the road area and who was to blame. The skifield complained about burning practices below the skifield, adjacent to the road and the slip area. Little appears to have been resolved with these issues. A claim against the Insurers of Treble Cone Skifield Limited for damage caused by a large slip resulted in a 1995 OIA request by them for files. They were directed to DoC as holders of the information.

In 1977 a River Control scheme was undertaken on the Matukituki River involving river training works for the protection of the flats. The LSB contributed some \$7288 towards the cost of works. In 1977 an additional \$406 was contributed for further minor work. The works were completed in only ever partially successful as floods constantly changed the bed and destroyed protection works. A large control scheme was proposed in 1985 involving cost sharing with the lessee, Lakes County Council, Otago Catchment Board and the LSB. This never eventuated, as Soil Conservation and River control Council withdrew its grant funding for control of rivers of this type.

In 1983 the Land Settlement Board approved the subdivision of the lease in two with the future intention of C G Ewing taking the southern section (*now known as Cattle Flat Station Po 352*) and R L Ewing the northern section (*now known as Matukituki Station Po351*). The boundary between the two did not follow the old Run 333A and 333B boundary but a new line following the Carmel Burn.

The current Cattle Flat lease Po352 (*CL 10C/68*) was issued in 1984 for the balance of the original lease term expiring in 1990 with the condition that a wetland reserve covering the Little Boggy Burn (*3.9070 ha*) be surrendered from the lease. This area was excluded from the new lease issued. The lease was transferred to C G Ewing then half share to his wife in 1987. In 1990 shares were transferred to a trust for their three daughters with the husband and wife retaining 1/6 share.

In 1988 a mining licence was issued to C G Ewing and R M Duncan over a small area near the Motatapu bridge for gravel extraction for the skifield road. Continued extraction from time to time since then has occurred. A investigation was carried out and warning given related to possible sale of topsoil from the area in 1997 (*see attachment 6 - Mining Licence*).

At lease renewal in 1990 marginal strip requirements were fully processed by the chief surveyor and relevant streams defined (*see attachment 8*).

In 1995 application was made and granted for a recreation permit RPo45 in the name of Cattle Flat Recreation Limited to heli-ski , heli-hiking and canyoning (*added later*). Little activity is recorded as having occurred. It appears that it was taken out by the holders to control commercial recreation companies use of the area. This permit expired on 30 April 2000.

Overall the file search identified a number of significant issues:

The lack of formal easement to secure the power and telephone access across the lease to the skifield is significant.

The complicated situation related to the conditions of the Special Leases of the skifield areas favouring the holder of Po352 could possibly interfere with the tenure review process.

The existence of a special condition on the lease allowing the holder of Mount Aspiring Station (*Runs 458, 465 and 468*) to establish and have access to cattle yards on the lease should be formalised if it is shown to be applicable.

The existence of a expired recreational permit should be noted.

(3) *Summary of lease document:*

Terms of lease:

The legal description, area, and commencement date of the Pastoral Lease on Crown Files are in agreement with the Instrument of Title (*10C/688 Otago Registry*). The lease was issued in 1984 under section 83 Land Act 1948 at subdivision of P176 (*CL Vol 386/66*) and contains the same conditions and implied conditions as contained in that lease. The term of the lease was for 33years from 1 July 1957 (*as per the divided lease it replaced*)

The only non-standard condition contained in CL 386/66 that applies relates to condition (I) that gives the right to the holder of Runs 458, 465 and 468 (*Mount Aspiring Station*) to establish and have access to cattle yards on the original lease. (*Actually this is located on the Matukituki station part of the divided lease and not really applicable to Cattle Flat Station*).

Lease Stock Limit:

2100 Sheep (*no more than 1300 breeding ewes*)
350 Cattle

Personal Stock Limit:

12000 Sheep (*including not more than 9000 ewes*)
1000 Cattle (*including not more than 500 breeding cows*)
Deer (*will not exceed a total of 3600 stock units*)

Block limitations:

None

Renewal of lease (registered):

756914/1 Memorandum renewing the term of the within lease for a further period of 33 years commencing on 1 July 1990 and fixing for the first 11 years the annual rent at \$5,025 calculated on a rental value to \$335,000 - 20 June 1990.

Area adjustments:

Only two area adjustments have occurred being Section 1 SO 23260 (*30.0340ha*) and Section 2 SO 22995 (*5.1237ha*) registered as Memorandum 855451. These relate to the carpark and skifield road areas and have been correctly entered.

The lease document has a Memorial that declares:

"Part of the within land is now known as part Section 1 & 2 SO 22995 (*15.1115 ha and 5.1237 ha*) 17 February 1989 - New appellation 722185/1"

This is a split of original Section 1 to allow for a reduced car park area at base of mountain for the Treble Cone Skifield.

The Little Boggy Burn Conservation Area (*Section 1 Block 111 Motatapu Survey District - 3.9070ha*) was removed from the original lease prior to the issue of this lease.

Registered interests:

296218 Electricity Agreement pursuant to Section 3 Electricity Amendment Act 1948.

556773 Land Improvement Agreement under the Soil Conservation and Rivers Control Act 1941 - 26 June 1981. (*Un-discharged Windbreak Plan Agreement - see attachment 5*).

- 711853 Mining Licence under the Mining Act 1971 affecting part of the within land (1.5120 ha) in favour of Charlton George Ewing and Robert Murray Duncan for the term of 5 years (*see notes below re error*) commencing 8 September 1988. (*Gravel extraction licence at Motatapu bridge - see attachment 6*).
- 756914/4 Mortgage of their 1/3 share Charlton George Ewing and The Trustees Executors and Agency Company of New Zealand Limited to Charlton George Ewing and Melanie Ruth Ewing as tenants in common in equal shares - 20 June 1990.
- 840908/3 Mortgage to The Trustees Executors and Agency Company of New Zealand Limited and Agnes Christabel Ewing - 20 October 1993.
- 936580.1 Transmission of Mortgage 840908.3 to The Trustees Executors and Agency Company of New Zealand Limited as survivor.
- 936580.3 Mortgage to the National Bank of New Zealand Limited.

No right of way or compensation certificates are registered.

All documentation on the lease document appears in order except for two minor typographical error. Memorial 855451 is dated 11 May 1944 and should be 11 May 1994 and Memorial 711853 states the Mining Licence is for 5 years while the licence itself is for 25 years.

Unregistered interests:

A recreation permit RPo045 in the name of Cattle Flat Recreation Limited was issued in 1995. It appears that it was taken out by the holders of the lease to control commercial recreation companies use of the area. (*See attachment 9*). This permit expired on 30 April 2000. A new permit has not yet been applied for.

No unregistered easements or other recreation permits are known to exist.

Unregistered mortgages may exist between family members but none are known of.

(4) Summarise any Government programmes for the lease:

A Run Plan was drawn up in 1976 involving minor fencing (*cattle-proofing*) on the low hills but was never adopted by the holders.

One Catchment Board Multiple Windbreak Plan was entered into on the lease and the legal agreement remains on the lease document. The plan was registered in 1981 on the un-subdivided lease (*Po176*) and the legal agreement transferred to the new lease (*Po352*) at subdivision in 1984. 12km of windbreaks were planned to cover the flats but few, if any, were ever claimed. (*Regional Council staff have indicated this legal agreement is redundant and could be removed by application of the lessee*).

Several river training and control programmes were grant assisted (*Soil Conservation and River Control Council and Land Settlement Board*) along the Matukituki River in the 1970's and early 1980's. Results were mixed and flood losses high. Despite active river bank erosion Soil Conservation and River Control Council suspended expenditure on this type of river control in the late 1980's as not being economic.

No legal agreements were registered related to this work.

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

There are no Government Approved Programmes or issues from them that would affect tenure review.

(5) Summary of Land Status Report:

Copy attached as Schedule A.

The Land Status Report is in four parts, covering the status of CL 10C/688 the pastoral lease Po352, the status of the 263.2232 a freehold land, the status of the status of the 3.9070 a Little Big Boggy Burn Conservation Area and the status of the 35.1577 ha carpark and skifield road.

The pastoral lease CL 10C/688 is verified as Crown land under the land Act 1948. The existence of the special condition "I" of the lease that gives the right to the holder of Runs 458, 465 and 468 (*Mount Aspiring Station*) to establish and have access to cattle yards on the original lease is recorded.

A Land Improvement Agreement and electricity agreement are also identified as registered on the lease as well as the existence of a Recreational Permit to Harris Mountain Heli Skiing (*now expired but new permit applied for*).

The status of the freehold land held under CT's 189/2 and A2/926 was verified.

The Little Big Boggy Burn Conservation Area (*Section 1 Block 111 Motatapu Survey District*) is verified as land held for Conservation Purposes by GN805307. This is subject to Part 1X of the Ngai Tahu Claims Settlement Act 1998 (*Relevant Land*). Report notes that this land had not been withdrawn from the cancelled lease 386/66. This action has since been completed.

The 35.1577 ha carpark and skifield road. (*Section 1 SO23260 and Section 2 SO 22995*) is verified as land held for Conservation Purposes subject to lease registered as 17C/552. This is subject to Part 1X of the Ngai Tahu Claims Settlement Act 1998 (*Relevant Land*).

The report notes that the NZ Gazette 1998 page 271 does not appear to be registered and should be to provide an audit trail

(6) **Review of topographical and Cadastral data:**

No communication sites or National Grid power transmission lines are marked on the above maps.

A local power supply line to the Matukituki Valley crosses the lease following the Wanaka - Mount Aspiring Road.

The Cadastral map shows that the Motatapu and Matukituki rivers have marginal strips for their full length of boundary with the lease except for a very small section where Speargrass Creek enters the Matukituki River. No other marginal strips are shown but from files they are known to have been processed (*see file search section*).

The subdivision of the original lease into Cattle Flat and Matukituki Stations along the new boundary following the Carmel Burn is not shown on the Cadastral map. Also the recent withdrawal from the lease of the skifield road and the area removed for car parking at the base of the hill have not yet been recorded. The removal of the Little Boggy Burn Wetlands Reserve (*Section 1 Block III*) from the lease is also not registered on the Cadastral map.

All the boundaries of the lease on the range face appear unfenced. The only fences are on the flats and low hills. Natural boundaries (*river gorges and range crest*) appear to be used. The Treble Cone Skifield area is shown on the Cadastral map but it appears unfenced. The access road to the skifield is not fenced out.

The lease has only one legal road affecting it being the Mount Aspiring Wanaka Road. This is a high usage main route to the Matukituki Valley and Mount Aspiring National Park. The road is gravelled, double fenced in its lower section only, and appears to be generally on its correct legal line. Notable variations occur near the Motatapu Bridge and also along the section from Speargrass Creek to the northern boundary (*see attachment 4*).

No paper roads are in existence.

(7) **Details of neighbouring Crown or conservation land:**

The Treble Cone Skifield (370 ha) was surrendered from the lease in 1973 (*registered in 1974*) prior to subdivision and is currently Conservation land subject to a Special Lease under Section 67 (2) Land Act 1948 to the Treble Cone Skifield Company. Conditions agreed to by the lessee for surrender were, notably free all year round grazing of the area., no liability for costs of survey, or new fencing (*see attachment 7.1a - Agreement of lessee to surrender skifield*). ***This agreement contains the commitment to allow three towers and telephone and power easements.***

The term of the lease is 30 years from 27 March 1987. This Special Lease document is attached to this report (*attachment 7.1b*).

The carpark and access road were surrendered in 1984 and were Crown lands subject to a Special Lease (7C/552) under Section 67 (2) Land Act 1948 to the Skifield Company. In 1998 these were gazetted (*1998 page 791*) as Conservation land. The Special Lease has been issued on 26 March 1996 to the skifield company for 30 years starting 27 March 1987 and has **many conditions favouring the holder of Po 352 in relation to access control.** (*see attachments 7.2(a) and(b)*).

A wetland reserve area (3.9070 ha) known as the Little Boggy Wetland Reserve was removed from the lease at subdivision and is held for conservation purposes under the Conservation Act 1987. This is located on the flats alongside the legal road near the northern boundary of the property.

The Otago Conservation Management Strategy Land Inventory document shows the Skifield area backs onto the Black Peak Conservation Area (2650 ha - F39057) that extends from the top of the range southwards in the catchment of the north branch of the Motatapu river. The reserve does not actually adjoin the lease at any point.

Marginal strips reserved under Section 58 Land Act 1948 exist for the full length of the boundaries of the Motatapu and Matukituki Rivers as they affect the lease. Marginal strips under part IVA Conservation Act 1987 were established in 1990 for the Twin Falls Creek, the Carmel Burn and a tributary of it (*see attachment 8*).

(8) Summary of uncompleted actions or potential liabilities:

- (1) The easements agreed to by the lessee (*see attachment 7.1a*) for tower sites, telephone and power reticulation and access to them in favour of the Treble Cone Skifield Limited have never been formally registered as easements on the lease document. The towers have never been installed, but the telephone and power supply are thought to be across the lease above the homestead. (*outside the surrendered land.*)
- (2) A special condition of the lease (I) that gives the right to the holder of Runs 458, 465, and 468 to establish and have access to cattle yards on the lease appears redundant. This condition was carried forward at subdivision of the original lease and the yards are known to be on the other section (*Matukituki Station*).
- (3) The agreements to surrender the skifield, carpark and access road from the lease and the subsequent special leases issued contain features that could impact on the ability of the Crown to control recreational use on potential conservation land that could be created under tenure review. While no specific liability to the Commissioner has been identified his attention is drawn to the signed agreements and special leases. (*attachments 7.1(a) and (b) and 7.2 (a) and (b)*).
- (4) A Recreational Permit RPo045 issued in 1995 for 5 years to Cattle Flat Recreation Limited expired on 30 April 2000. No new permit has been applied for. Activities affect land likely to be retained for conservation purposes under Tenure Review (*see attachment 9*).
- (5) The Land Improvement Agreement on the lease document (*Memorial 556773*) for the Multiple Windbreak Scheme is redundant and would be discharged upon application of the lessee to the Otago Regional Council (*see attachment 5*).
- (6) Two minor typographical errors were found on the lease Document. A draft letter to the District Land Registrar is attached. (*See attachment 3*)
- (7) Opus Status Check recommends that GN1998 page 791 should be registered on CL 17C/552 to provide an audit trail.

A draft letter to the District Land Registrar is attached (*see attachment 3*).

ATTACHMENTS:

- (1) Schedule A Land Status report.
- (2) Recent title search for each tile considered.
- (3) Draft letter to District Land Registrar re corrections to lease documents.
- (4) Road variations from legal line.
- (5) Land improvement agreement.-memorial 556773.
- (6) Mining Licence -memorial 711853.

- (7.1) (a) Lessee Agreement and conditions of surrender for mountain skifield Area.
- (7.1) (b) Special lease Skifield 8C/243.

- (7.2) (a) Special Lease 17C/552 – Skifield Road and area at base of range.
- (7.2) (b) Lessee/Treble Cone Skifield Limited/ CCL agreement on 7.2 (a).

- (8) Marginal strips- Chief Surveyor.
- (9) Recreational permit RP 45–Cattle Flat Recreation Limited.

RELEASED UNDER THE OFFICIAL INFORMATION ACT
OPUS INTERNATIONAL CONSULTANTS LIMITED
DUNEDIN OFFICE

Project Number 6NLI11.02 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.



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|---|---|----|---|----------------|
| LAND STATUS REPORT for Cattle Flat | | | | LIPS Ref 12592 |
| Property | 1 | of | 4 | |

| | |
|------------------------------------|---|
| Land District | Otago |
| Legal Description | Part Run 812 and Part Section 1 SO 22995 |
| Area | 4585.0723 ha |
| Status | Crown Land held under Pastoral Lease 352 |
| Instrument of title / lease | CL 10C/688 |
| Encumbrances | Subject to 1. Electricity Agreement registered as 296218 2. Land Improvement Agreement registered as 556773 Also Special Condition "T" of lease providing lessee of Runs 458, 465 & 468 the right to construct cattle yards on the lease area [formally P176] & to have right of access to it. |
| Mineral Ownership | Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Purchase. |
| Statute | Land Act 1948 and Crown Pastoral Land Act 1998. |
| Marginal Strips | As defined on SO 20737. |

| | |
|---------------------------|-----------------|
| Data Correct as at | 22 October 1999 |
| [Certification Attached] | |

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|-------------------------------|---|
| Prepared by | G Patrick |
| Crown Accredited Agent | Opus International Consultants Ltd, Dunedin |

Certification – as to status

Pursuant to Section 11(1)(l) of the Survey Act 1986 and acting under delegated authority of the Surveyor-General pursuant to Section 11(2) of that Act, I hereby certify that the land described above is Crown Land

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|---|---|----|---|----------------|
| LAND STATUS REPORT for Cattle Flat | | | | LIPS Ref 12592 |
| Property | 1 | of | 4 | |

under the Land Act 1948 subject to Pastoral Lease registered as 10C/688.



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

41 11 /1999

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| <p>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.</p> | <p>File notes Recreation Permit RP 45 to Harris Mountain Heli Skiing.</p> |
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|---|---|----|---|----------------|
| LAND STATUS REPORT for Cattle Flat | | | | LIPS Ref 12592 |
| Property | 1 | of | 4 | |

Research Data: Some Items may be not applicable

| | |
|---|--|
| SDI Print Obtained | Yes / No |
| NZMS 261 Ref | F40 |
| Local Authority | Queenstown Lakes District Council |
| Crown Acquisition Map | Kemp |
| SO Plan | SO 21025 of June 1984 being a plan of Run 813. SO 20939 of June 1984 being a plan of Section 4 Matukituki SD |
| Relevant Gazette Notices | See Report 3 and 4. |
| Ref / Lease Ref | <ol style="list-style-type: none"> 1) CL 10C/688 [Live] 2) CL 386/66 3) Sighted but not copies. CL's 335/159 & 160 – both Licences to Occupy for Pastoral purposes issued from 1/3/1922. 4) Memorandum of Renewal registered as 756914/1 5) Electricity Agreement registered as 296218 6) Land Improvement Agreement registered as 556773 7) Memorandum of Partial Surrender registered as 855451 [Treble Cone access]. 8) 17C/552 [Live] Treble Cone Special lease. |
| Plan Index | Attached. |
| Legalisation Cards | SO 20737 – attached SO 23260 – attached SO 20914 – attached |
| CLR | Confirms Pastoral status |
| Allocation Maps (if applicable) | F40 Nothing on any of the maps. |
| VNZ Ref - if known | Not known. |
| Crown Grant Maps | Not searched. |
| If Subject land Marginal Strip : a) Type [Sec 24(9) or Sec 58] | <ol style="list-style-type: none"> a) 1) Sec 24(3) 2) Sec 24(9) |

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|---|---|----|---|----------------|
| LAND STATUS REPORT for Cattle Flat | | | | LIPS Ref 12592 |
| Property | 1 | of | 4 | |

| | |
|--|---|
| <p>b) Date Created</p> <p>c) Plan Reference</p> | <p>b) 1) Pre 1987 2) 1/7/1990</p> <p>c) 1) & 2) SO 20737</p> |
| <p>If Crown land – Check Irrigation Maps.</p> | <p>F40 Nothing shown.</p> |
| <p>Mining Maps</p> | <p>F40 Nothing shown.</p> |
| <p>If Road</p> <p>a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989</p> <p>L. By Proc</p> | <p>a) SO Plan - Not applicable</p> <p>b) Proc Plan</p> <p>c) Gazette Ref</p> |
| <p>Other Relevant Information</p> <p>a) Concessions – Advice from DOC or Knight Frank.</p> <p>b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998</p> <p>c) Mineral Ownership</p> <p>d) Other Info</p> | <p>a) No advice received of any concessions but note on file re RP 45.</p> <p>b) None known.</p> <p>c) <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.</p> <p><input type="checkbox"/> Contained in [provide evidence].</p> <p>d)</p> |

RELEASED UNDER THE OFFICIAL INFORMATION ACT
OPUS INTERNATIONAL CONSULTANTS LIMITED
DUNEDIN OFFICE

Project Number 6NLI11.02 026YD



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.

| | | | | |
|---|---|----|---|----------|
| LAND STATUS REPORT for Cattle Flat | | | | LIPS Ref |
| Property | 2 | of | 4 | |

| | |
|------------------------------------|---|
| Land District | Otago |
| Legal Description | Sections 2, 1561R and Part Section 1 Block VI Motatapu SD. |
| Area | 263.2232 ha |
| Status | Freehold. |
| Instrument of title / lease | Certificate of Titles 189/2 and A2/926. |
| Encumbrances | Subject to 1) Electricity Agreement registered as 296218 2) Land Improvement Agreement registered as 556773 |
| Mineral Ownership | Not investigated. |
| Statute | |
| Marginal Strips | |

| | |
|---------------------------------|-----------------|
| Data Correct as at | 22 October 1999 |
| [Certification Attached] | |

| | |
|-------------------------------|---|
| Prepared by | G Patrick |
| Crown Accredited Agent | Opus International Consultants Ltd, Dunedin |

Certification – as to status

Pursuant to Section 11(1)(l) of the Survey Act 1986 and acting under delegated authority of the Surveyor-General pursuant to Section 11(2) of that Act, I hereby certify that the land described above is freehold land held under CT's 189/2 & ~~A2/926~~

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

4 / 11 / 1999

| | | | | |
|---|---|----|---|----------|
| LAND STATUS REPORT for Cattle Flat | | | | LIPS Ref |
| Property | 4 | of | 4 | |

| | |
|---|-----------------|
| 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. | Not applicable. |
|---|-----------------|

Research Data: Some Items may be not applicable

| | |
|---|--|
| SDI Print Obtained | Yes / No |
| NZMS 261 Ref | F40 |
| Local Authority | Queenstown Lakes District Council |
| Crown Acquisition Map | Not applicable |
| § Plan | |
| Relevant Gazette Notices | New Zealand Gazette 1943 page 225 registered as Proc 5225. |
| CT Ref / Lease Ref | 1) CT 189/2 [live] 2) A2/926 [live] |
| Plan Index | |
| Legalisation Cards | |
| CLR | |
| Allocation Maps (if applicable) | |
| § Z Ref - if known | |
| Crown Grant Maps | |
| If Subject land Marginal Strip : | |
| a) Type [Sec 24(9) or Sec 58] | |
| b) Date Created | |
| c) Plan Reference | |

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|---|---|----|---|----------|
| LAND STATUS REPORT for Cattle Flat | | | | LIPS Ref |
| Property | 4 | of | 4 | |

Research – continued

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| If Crown land – Check Irrigation Maps. | |
| Mining Maps | |
| If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989 b) By Proc | |
| Other Relevant Information a) Concessions – Advice from DOC or Knight Frank. b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998 c) Mineral Ownership d) Other Info | a) Not applicable b) Not applicable c) <input type="checkbox"/> Mines and Minerals not investigated. <input type="checkbox"/> Contained in [provide evidence]. d) |

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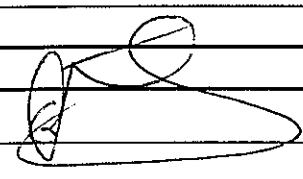
Project Number 6NLI11.02 026YD

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|---|---|----|---|----------|
| LAND STATUS REPORT for Cattle Flat | | | | LIPS Ref |
| Property | 3 | of | 4 | |

| | |
|------------------------------------|---|
| Land District | Otago |
| Legal Description | Section 1 Block III Motatapu SD |
| Area | 3.9070 ha |
| Status | Land Held for Conservation Purposes |
| Instrument of title / lease | New Zealand Gazette 1992 page 1239 registered GN805307 |
| Encumbrances | Subject to Part IX of the Ngai Tahu Claims Settlement Act 1998 [Relevant Land]. |
| Mineral Ownership | Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Purchase. |
| Statute | Conservation Act 1987. |
| Marginal Strips | No strip on current plan. |

| | |
|---------------------------------|--|
| Data Correct as at | 22 October 1999 |
| [Certification Attached] |  |
| Prepared by | G Patrick |
| Crown Accredited Agent | Opus International Consultants Ltd, Dunedin |

Certification – as to status

Pursuant to Section 11(1)(l) of the Survey Act 1986 and acting under delegated authority of the Surveyor-General pursuant to Section 11(2) of that Act, I hereby certify that the land described above is held for

| | | | | |
|---|---|----|---|----------|
| LAND STATUS REPORT for Cattle Flat | | | | LIPS Ref |
| Property | 3 | of | 4 | |

Conservation Purposes by GN 805307.



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

A 1 11 1999

| | |
|--|--|
| <p>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.</p> | <p>Nothing found on file.</p> <p>NB Cancelled lease 386/66 appears to still contain Section 1 Block III Motatapu SD and Section 4 Matikutuki. The subdivision and issue of the new leases does not deal either section. They were never formally surrendered from the lease but have been gazetted for conservation purposes by New Zealand Gazette 1992 page 1239 [GN 805307].</p> <p>To clarify the situation, by providing an audit trail, the gazette notice should be recorded against the cancelled lease.</p> |
|--|--|

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|---|---|----|---|----------|
| LAND STATUS REPORT for Cattle Flat | | | | LIPS Ref |
| Property | 3 | of | 4 | |

Research Data: Some Items may be not applicable

| | |
|---|--|
| SDI Print Obtained | Yes / No |
| NZMS 261 Ref | F40 |
| Local Authority | Queenstown Lakes District Council |
| Crown Acquisition Map | Kemp |
| SO Plan | SO 20914 of March 1984 being a plan of Section 1 Block III Motatapu SD |
| Relevant Gazette Notices | GN 805307 |
| CT Ref / Lease Ref | 1) CL 10C/688 [Live] 2) CL 386/66 |
| F Index | Attached. |
| Legalisation Cards | SO 20914 – attached |
| CLR | Notes “Little Boggy Wetland to be negotiated” Suggests land is vacant Crown Land. |
| Allocation Maps (if applicable) | F40 Nothing on any of the maps. |
| VNZ Ref - if known | Not searched. |
| Crown Grant Maps | Not searched. |
| If Subject land Marginal Strip : | |
| a) Type [Sec 24(9) or Sec 58] | a) None known. |
| b) Date Created | b) |
| Plan Reference | c) |

| | | | | |
|---|---|----|---|----------|
| LAND STATUS REPORT for Cattle Flat | | | | LIPS Ref |
| Property | 3 | of | 4 | |

Research – continued

| | |
|---|--|
| If Crown land – Check Irrigation Maps. | F40 Nothing shown. |
| Mining Maps | F40 Nothing shown. |
| <p>If Road</p> <p>a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989</p> <p>b) By Proc</p> | <p>a) SO Plan - Not applicable</p> <p>b) Proc Plan</p> <p>c) Gazette Ref</p> |
| <p>Other Relevant Information</p> <p>a) Concessions – Advice from DOC or Knight Frank.</p> <p>b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998</p> <p>c) Mineral Ownership</p> <p>d) Other Info</p> | <p>a)</p> <p>b) None known.</p> <p>c) <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.</p> <p><input type="checkbox"/> Contained in [provide evidence].</p> <p>d)</p> |

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DUNEDIN OFFICE

Project Number 6NLI11.02 026YD

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|---|---|----|---|----------|
| LAND STATUS REPORT for Cattle Flat | | | | LIPS Ref |
| Property | 4 | of | 4 | |

| | |
|------------------------------------|---|
| Land District | Otago |
| Legal Description | Section 1 SO 23260 and Section 2 SO 22995 |
| Area | 35.1577 ha |
| Status | Land Held for Conservation Purposes subject to lease registered as 17C/552 |
| Instrument of title / lease | New Zealand Gazette 1998 page 791 and CL 17C/552 [the Gazette Notice does not appear to have been registered]. |
| Encumbrances | Subject to Part IX of the Ngai Tahu Claims Settlement Act 1998 [Relevant Land]. |
| Mineral Ownership | Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Purchase. |
| Statute | Conservation Act 1987. |
| Marginal Strips | Sec 24(9) strip a – b on SO 22995 |

| | |
|---------------------------|-----------------|
| Data Correct as at | 22 October 1999 |
| [Certification Attached] | |

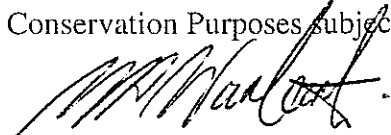
| | |
|-------------------------------|---|
| Prepared by | G Patrick |
| Crown Accredited Agent | Opus International Consultants Ltd, Dunedin |

Certification – as to status

Pursuant to Section 11(1)(l) of the Survey Act 1986 and acting under delegated authority of the Surveyor-General pursuant to Section 11(2) of that Act, I hereby certify that the land described above is held for

| | | | | |
|---|---|----|---|----------|
| LAND STATUS REPORT for Cattle Flat | | | | LIPS Ref |
| Property | 4 | of | 4 | |

Conservation Purposes subject to lease registered as 17C/552.



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

4111 /1999

| | |
|--|--|
| <p>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.</p> | <p>Nothing found on file.</p> <p>It appears that the 1998 page 791 gazette notice has not been registered. Special Lease 17C/552 appears from the search record to be subject to the Land Act 1948 only. To clarify the situation, by providing an audit trail, the gazette notice should be registered.</p> |
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| | | | | |
|---|---|----|---|----------|
| LAND STATUS REPORT for Cattle Flat | | | | LIPS Ref |
| Property | 4 | of | 4 | |

Research Data: Some Items may be not applicable

| | |
|---|---|
| SDI Print Obtained | Yes /No |
| NZMS 261 Ref | F40 |
| Local Authority | Queenstown Lakes District Council |
| Crown Acquisition Map | Kemp |
| SO Plan | SO 22995 of February 1989 being a plan of Sections 1 & 2 SO 23260 of July 1990 being a plan of Section 1 |
| Relevant Gazette Notices | New Zealand Gazette 1998 page 791 |
| CT Ref / Lease Ref | 1) CL 10C/688 [Live] 2) CL 386/66 3) 17C/552 |
| Plan Index | |
| Legalisation Cards | SO 23260 – attached SO 22995 – attached |
| CLR | Not searched |
| Allocation Maps (if applicable) | F40 Nothing on any of the maps. |
| VNZ Ref - if known | Not searched. |
| Crown Grant Maps | Not searched. |
| If Subject land Marginal Strip : | |
| a) Type [Sec 24(9) or Sec 58] | a) Sec 24(9) |
| b) Date Created | b) 1/7/90 |
| c) Plan Reference | c) SO 22995 |

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|---|---|----|---|----------|
| LAND STATUS REPORT for Cattle Flat | | | | LIPS Ref |
| Property | 4 | of | 4 | |

Research – continued

| | |
|---|--|
| If Crown land – Check Irrigation Maps. | F40 Nothing shown. |
| Mining Maps | F40 Nothing shown. |
| <p>If Road</p> <p>a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989</p> <p>b) By Proc</p> | <p>a) SO Plan - Not applicable</p> <p>b) Proc Plan</p> <p>c) Gazette Ref</p> |
| <p>Other Relevant Information</p> <p>a) Concessions – Advice from DOC or Knight Frank.</p> <p>b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998</p> <p>c) Mineral Ownership</p> <p>d) Other Info</p> | <p>a)</p> <p>b) None known.</p> <p>c) <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.</p> <p><input type="checkbox"/> Contained in [provide evidence].</p> <p>d)</p> |