

Crown Pastoral Land Tenure Review

Lease name: Eastburn

Lease number: PO 257

Lease name: Waitiri Station

Lease number: PO 270

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.

Copied October 2002



DUE DILIGENCE REPORT

TO THE COMMISSIONER OF CROWN LANDS

AGENT'S REF:

Po257/Po270/1

LINZ REF:

CASE NO:

LEASE NAME:

Eastburn/Waitiri

LESSEE:

Lake District Trust Limited

LOCATION:

Wakatipu

DATE OF THIS REPORT:

2 June 1999

LEASE DETAILS:

Land Tenure:

Pastoral Lease under Land Act 1948 and Crown Pastoral Land Act 1998.

Legal Description:

Eastburn:

Part Run 632 and Section 70 Block I Kawarau Survey District

comprised in Certificate of Title A2/1318 (Otago Registry).

Waitiri:

Part Run 726 and Section 6 Block VI Kawarau Survey District

comprised in Certificate of Title A2/1110 (Otago Registry).

Area:

Eastburn:

5080.9078 hectares

Waitiri:

6000.6191 hectares

Term:

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Eastburn:

33 years from 1 July 1993.

Waitiri:

33 years from 1 July 1983.

Rental Value:

Eastburn:

\$160,000

Waitiri:

\$340,000

Annual Rent:

Eastburn:

\$2,400 (plus GST).

Waitiri:

\$5,100 (plus GST).

Date of Next Review:

Eastburn/Waitiri:

1 July 2004.

LAND STATUS REPORT SUMMARY:

Land Status Report prepared by approved person attached.

SUMMARY OF FEATURES FROM TOPOGRAPHICAL AND CADASTRAL DATA:

Eastburn:

Communication site operated by NIWA on Rock Peak. This site was surrendered from the lease (2598 mf in 1996 and set apart under PWA for telecommunications purposes (CT notation 922922/1).

Marginal Strips - Kawarau River carries existing marginal strip (Crown land reserved from sale) where it adjoins lease. Section 24 Conservation Act marginal strips apply to the Cardrona River.

Cardrona River subject to marginal strips where it adjoins part Run 632.

Fence Boundaries - The fence boundary at the northern end of the lease bounding POL and freehold appears to be off the legal boundary by between 100 - 200 metres.

Legal Roads - The Crown Range Road appears marginally off the legal road in a number of places. A legal road runs directly across the face above the Kawarau River and is only partly formed as a farm track at the eastern end.

Waitiri:

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Communications Sites - Telecom have a communication site on Mount Gilray. The construction of this facility was approved by the Land Settlement Board 25 February 1974. Their decision was to grant a licence to occupy over the site pursuant to Section 68 Land Act 1948 with an easement over the access track. This has not been actioned and the site remains within the lease. Telecom has negotiated an agreement with the lessee and has registered a caveat to protect this agreement.

On 4 May 1998 the Commissioner of Crown Lands confirmed with Telecom they could commence laying fibre optic cable across approximately 1 km of the lease. This has yet to be formalised.

Marginal Strips - The Kawarau River carries an existing marginal strip (Crown land reserved from sale) where it adjoins the lease. Section 24 Conservation Act strips apply to Roaring Meg and Gentle Annie Creek.

Fence Boundaries - The fenced boundary appears on the legal boundary on the northern extent of the property.

Legal Roads - A legal road runs mid-slope above the Kawarau River which is partly formed by a track.

SUMMARY OF LEASE DOCUMENT:

Encumbrances:

Refer to the Status Report.

DETAILS OF ANY NEIGHBOURING CROWN OR CONSERVATION LAND:

Conservation Land:

Two small sections held as stewardship land under Section 62 Conservation Act 1987 have been declared surplus by DoC and have been advised to be included in the tenure review. This land comprises two small sections adjacent to State Highway 6 and is described as follows:

Section 2 Block II Kawarau Survey District.

Area 1032 m²

Section 5 Block VI Kawarau Survey District.

Area 2428 m²

Crown Land:

Two areas surrendered from the lease in 1985 by Gazette Notice totalling 75.090 ha located above State Highway 6 were acquired for road and are vested in the Crown. These areas contain road stabilisation plantings and will remain Crown land.

FILE SEARCH:

RELEASED UNDER THE A search of all relevant files held by Knight Frank on behalf of the Commissioner of Crown Lands has been carried out. These files include the following:

Po257 6 volumes from 28 December 1939 to the present.

Po270 4 volumes from 15 February 1961 to the present.

This file search reveals the following uncompleted actions:

Formalisation of Telecom occupation of telecommunications site on Mount (1) Gilray.

(2) Formalising of fibre optic cable crossing Waitiri.

No other outstanding matters are apparent.

A search of all file related to Eastburn and Waitiri held by Land Information New Zealand has been completed. No uncompleted actions have been identified.

SUMMARY OF GOVERNMENT PROGRAMMES APPROVED FOR THE LEASE:

Catchment Board Run Plans:

Eastburn:

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Two Land Improvement Agreements were entered into (17 February 1975 and 22 March 1985), the latter agreement only being registered. These agreements mainly involved conservation fencing, firebreak tracking and block stock limits. The 1978 agreement provided for Muddy Creek catchment to be surrendered from the lease. On 2 August 1994 the Commissioner of Crown Lands agreed to substitute a clause requiring permanent destocking of the area for surrender.

The Land Improvement Agreements included a clause whereby the agreement expired 10 years after completion of all works. This period has now passed.

Waitiri:

Land Improvement Agreement was registered on the title 16 June 1993. This plan was associated with the Rabbit and Land Management Programme and involved rabbit proof fencing and primary and secondary rabbit control. The programme lasted for 5 years with all work having been completed.

UNCOMPLETED ACTIONS AND POTENTIAL LIABILITIES TO THE COMMISSIONER:

(1) Mount Gilray, Telecom site: Requires formalising by way of an easement.

(2) Telecom fibre optic cable: Requires formalising by way of an easement.

(3) Compensation Certificate 485644: Needs to be discharged.

(Draft letter to lessee attached).

(4) Compensation Certificate 657096: Needs to be completed and discharged.

(Draft letter to lessee attached:

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 action and potential liabilities concerning the above named leases. No inspection of the lease has been undertaken for the purpose of this report.

We have relied on Land Status Check and survey information provided to us by qualified persons as being true and correct.

Signed	for	Agent
DIZHCU	IUI	WECHI

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Consultant	231/8178	Manager	. /	/	·

Approved/Declined

Commissioner of Crown Lands	/	/

ATTACHMENTS:

- (1) Recent title search for each title considered.
- (2) Full list of information sources considered.
- (3) Land Status Check report from qualified person.
- (4) Draft letter to lessees re Compensation Certificate.

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OPUS INTERNATIONAL CONSULTANTS LIMITED DUNEDIN OFFICE

Project Number NLI 0201 015YD

This report has been prepared on the instruction of Knight Frank (New Zealand) Ltd, Alexandra by letter dated 11 March 1999 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

OFFICIAL INFORMATION ACCURATIONAL CONTINUES.



LAND STATUS REPORT for Waitiri Station Property 1 of 3

Land District	Otago
Legal Description	Part Run 726 and Section 6 Block VI Kawarau SD
Area	6000.6191 ha
Sta	Crown Land under the Land Act 1948 subject to Pastoral Lease P 270
In shament of title / lease	A2/1110
Encumbrances	Subject to 1) Memorandum of Transfer 871466/1 [Right to Convey Water] 2) Caveat 947772.1 Lodged by Telecom New Zealand Limited to protect grant of easement. Also 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.
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
Notes (if any)	See Page 3 for details of Marginal Strips adjoining this lease area.
	Approval was given in 1974 by the CCL to NZ Post Office to construct telecommunication facilities on Mount Gilray. These were constructed but never formalised. Telecom has negotiated an agreement with the lessee and has registered a caveat to protect this. Site and access.
	Telecom has been granted approval [short term??] to lay a fibre optic cable. This has not yet been formalised.

Data Correct as at	08 April 1999
Prepared by	G.Patrick
Crown Accredited Agent	Opus International Consultants Ltd, Dunedin

Certified correct as to status

Max Haydn Warburton

Ch Surveyor

Land Information New Zealand, Dunedin.

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Research Data: <u>Some Items may be not applicable</u>

Property 1 of 3	
SDI F it Obtained	Yes / No
NZM 51 Ref	F41
Local Authority	Queenstown Lakes District Council
Crown Acquisition Map	Kemp
SO Plan	SO 13084 being a plan of Run 726 approved 27 March 1962.
	SO 12415 of Section 6 Block VI Kawarau SD approved September 1957. Previously Pt Run 633.
Relevant Gazette Notices	N/A
CT Ref / Lease Ref	A2/1110
	Prior ref: 336/38 Licence to Occupy for Pastoral Purposes dated 27/2/24. No 1746 [for Run 633].
Legalisation Cards	SO 13084 Reference to Marginal Strips SO 12415 no card.
Plan Index	N/A
CLR	Confirms Crown Land [Pastoral Land] Status. Notes LO 116 to Post Office 21 years from 1/4/74
Allocation Maps (if applicable)	N/A
VNZ Ref - if known	N/A
:	RELEASED UNDER THE
Crown Grant Maps	OFFICIAL INFORMATION ACT
If Subject land Marginal Strip:	a) 1) A -B SO 13084 - Sec 24(9)
a) Type [Sec 24(9) or Sec 58]	2) I – J SO 13085 – Sec 24(9)
•	3) A - B, C - D, E - F & G - H SO 13085 -
b) Date Created	Sec 58
o, Date Created	h)1) 1/7/02 Personal of lease
_	b)1) 1/7/93 Renewal of lease 2) 1/7/93 Renewal of Lease
c) Plan Reference	3) On issue of lease on original plan SO 1168
	being a plan of Run 633
	c) SO's 13084, 13085 & 1168

Research - continued	
Property 1 of 3	
If Crown land - Check Irrigation Maps.	N/A
Mining Maps	Nothing over lease.
If Road	a) SO Plan
a) Is it created on a Block Plan - Section	
43(1)(d) Transit NZ Act 1989	
	b) Proc Plan
b) By Proc	b) Troc Train
	c) Gazette Ref
Other Relevant Information	
a) Uncessions – Advice from DOC or	a)
Knight Frank.	
b) Subject to any provisions of the Ngai	b)
Tahu Claims Settlement Act 1998	
•	
c) Mineral Ownership	c) Either
•	
	Mines and Minerals are owned by the Crown because the
	land has never been alienated from the Crown since its
1	acquisition for settlement purposes from the former Maori owners under the Kemp Purchase of 1848.
	owners under the Remp I thenase of 1846.
	Contained in [provide evidence].
d) Other Info	•
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OPUS INTERNATIONAL CONSULTANTS LIMITED DUNEDIN OFFICE

Project Number NLI 0201 015YD

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LAND:	STA	4TU	JS	REPORT for Waitiri Station
Property	2	of	3	

Land District	Otago
Legal Description	Section 2 Block II Kawarau SD
Arr	1037m²
Status *	Stewardship Land held under Section 62 of the Conservation Act 1987. Confirmed by DOC 9/4/99.
Instrument of title / lease	Not held under any instrument or document.
Encumbrances	None known. DOC advised no licence issued 9/4/99.
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 Kemp Purchase of 1848.
Statute	Conservation Act 1987.
Not if any)	The land was allocated to Department of Conservation as D*F41*36*C0 [Con Unit F41101]

Data Correct	as at	. Ha. 1821	08 April 1999	
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Prepared by			G Patrick	

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Certified correct as to status

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

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Research Data: Some Items may be not applicable

Property 2 of 3	
SDIP t Obtained	Yes / No
NZMS J1 Ref	F41
Local Authority	Queenstown Lakes District Council
Crown Acquisition Map	Kemp
SO Plan	SO 4637 being a plan of Sections 1 & 2 Block II Kawarau SD. October 1874.
·	Rawaiau SD. October 1874.
	·
Relevant Gazette Notices	N/A
·	
CT f/Lease Ref	Nothing in LTO
C1 AV LOUSE NO.	Trouning in 11 o
Legalisation Cards	SO 4637 no card.
Plan Index	Not Searched
Timi Micox	The Scarcine
CLR	Map Bridge Reserve
	Allocated to DOC
Allocation Maps (if applicable)	DOC F41*36
F (FF)	
VNZ Ref - if known	N/A
Crown Grant Maps	N/A
If Subject land Marginal Strip:	a) N/A
a) Type [Sec 24(9) or Sec 58]	
	b)
D) Date Created	RELEASED UNDER THE
	c) OFFICIAL INFORMATION ACT
e) Plan Reference	c) STORE IN OUR ALL
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Research - continued	
Property 2 of 3	
If Crown land - Check Irrigation Maps.	N/A
Mining Maps	Not subject to any mining interest [F41]
1	Thor subject to any mining interest [F41]
If Road	a) SO Plan
a) Is it created on a Block Plan – Section	
43(1)(d) Transit NZ Act 1989	
•	b) Proc Plan
b) By Proc	oy 1100 I tall
_	c) Gazette Ref
Oth Relevant Information	a)
a) concessions - Advice from DOC or	
Knight Frank.	
b) Subject to any provisions of the Ngai	b)
Tahu Claims Settlement Act 1998	
c) Mineral Ownership	-> P'4
c) Which Ownership	c) Either
	Mines and Minerals are owned by the Crown because the
i	land has never been alienated from the Crown since its
	acquisition for settlement purposes from the former Maori
	owners under the 1848 Kemp Purchase.
	Contained in [provide evidence].
l) Other Info	• ·
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This report has been prepared on the instruction of Knight Frank (New Zealand) Ltd, Alexandra by letter dated 11 March 1999 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.



LAND STATU	JS REPORT for Waitiri Station
Property 3 of	3

Land District	Otago
Legal Description	Section 5 Block VI Kawarau SD
Art.	2428m²
Status *	Stewardship Land held under Section 62 of the Conservation Act 1987. Confirmed by DOC 9/4/99.
Instrument of title / lease	Not held under any instrument or document.
Encumbrances	None known. DOC advised no licence issued 9/4/99.
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 Kemp Purchase of 1848.
Statute	Conservation Act 1987.
Note (if any)	The land was allocated to Department of Conservation as D*F41*31*C0 [Con Unit F41100]
Data Correct as at	08 April 1999

Data Correct as at 08 April 1999

Prepared by G Patrick

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Opus International Consultants Ltd, Dunedin

Certified correct as to status

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

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Research Data: Some Items may be not applicable

Property 3 of 3 SDI 't Obtained	
SDI 1 of Obtained NZMS 261 Ref	Yes / No
Local Authority	F41
Crown Acquisition Map	Queenstown Lakes District Council
SO Plan	Kemp
	SO 1168 being a plan of Part Run 633 [Mt Pisa] of November 1920. Section 5 shown as gravel reserve.
Relevant Gazette Notices	N/A
CT_cf/Lease Ref	Nothing in LTO
Legalisation Cards	SO 1168 no card.
Plan Index	Not Searched
CLR	Map Gravel Reserve [Mining] Allocated to DOC
Allocation Maps (if applicable)	DOC F41*31
VNZ Ref - if known	N/A
Crown Grant Maps	N/A
If Subject land Marginal Strip : a) Type [Sec 24(9) or Sec 58]	a) N/A
) Date Created	RELEASED UNDER THE
Plan Reference	OFFICIAL INFORMATION ACT

Research – continued Property 3 of 3	
If Crown land - Check Irrigation Maps.	DV/A
a crown land - check impacton wraps.	N/A
Mining Maps	Not subject to any mining interest [F41]
If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989	a) SO Plan
b) By Proc	b) Proc Plan c) Gazette Ref
	C) Gazette Kei
Ot. Relevant Information a) Concessions - Advice from DOC or Knight Frank.	a)
b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998	b)
c) Mineral Ownership	c) Either 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.
	Contained in [provide evidence].
d) Other Info	-
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	OFFICIAL INFORMATION ACT

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Project **umber NLI 0201 015YD

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LAND STATUS REPORT for Eastburn Station Property 1 of 2

Land District	Otago
Legal Description	Part Run 632 and Section 70 Block I Kawarau SD
Area	5080.9078 ha
Status	Crown Land under the Land Act 1948 subject to Pastoral Lease P 257.
Instrument of title / lease	A2/1318
Encumbrances	 Subject to Memorandum of Transfer 682921/10 [Right to Convey Water] Memorandum of Transfer 751423 [Right to Convey Water] Deed of Easement 15C/568 [Water Supply Easement] Compensation Certificate 657096 for Radio Repeater site. Subject to Right of Way easement created by New Zealand Gazette 1996 page 4758. Document 922922.1 Appurtenant to CT 17C/647 Also 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.
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 Partoral Land Act 1998
Notes (if any)	In 1980 approval was given by the CCL, as part of SH 6 realignment be undertaken by the then National Roads Board, to Part Run 632 being taken as severence. This does not appear to have been actioned.
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eastburn_status Saved on 08/04/99

Compensation Certificate 485644 registered against
A2/1318 has been discharged but this has not been noted on
 the lease.
Action in respect to Compensation Certificate 657096 has been completed and should be discharged.
The Land Improvement Agreement dated 17 February 1975 was not registered. Clause 11 of the Agreement required the lessee to surrender the Muddy Creek Catchment. A memo of 2/8/94 from the Commissioner of Crown Lands to Landcorp Property Ltd indicates that an agreement between Department of Conservation and Otago Regional Council to destock was a substitute to the formal surrender. Further
information was sort but the outcome is unknown.

Dat	Correct as at	08 April 1999	
Pren	ared by	G Patrick	

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

Certified correct 35 to status

Max Haydn Warburton

Ch:-f Surveyor

Land Information New Zealand, Dunedin.

4 1 5 /1999

Research Data: Some Items may be not applicable

Property 1 of 2	
SDI Pr Obtained	Yes / No
NZMS I Ref	F41
Local Authority	Queenstown Lakes District
Crown Acquisition Map	Kemp
SO Plan	SO 1167 being a plan of Run 632 & Section 19 Blk VI Kawarau SD. Approved 1/4/1922.
	SO 16815 being a plan of Land to be taken & road to be closed. Approved 11/12/1969.
	Section number added 19/6/1980.
Relevant Gazette Notices	Documents listed on lease sighted
CT. I/Lease Ref	A2/1318. Other documents listed in encumbrances sighted. 15C/568 Deed of Easement. Prior ref: 336/47 Licence to Occupy for Pastoral Purposes No 1745.
Legalisation Cards	SO 1167 - none SO 16815 - sighted
Pian Index	SO 1167, 2894,16815,19066,21635,22351 & 22352
CLR	Confirms Crown Land (Pastoral) Status
Allocation Maps (if applicable)	N/A
VN. lef - if known	N/A
Crown Grant Maps	N/A
If Subject land Marginal Strip: a) Type [Sec 24(9) or Sec 58]	a)
b) Date Created	b)
c) Plan Reference	c)
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Research – continued	
Property 1 of 2	
If Crown land - Check Irrigation Maps.	N/A
(
Mining Maps	Not covered by any mining privilege.
If Road a) Is it created on a Block Plan - Section 43(1)(d) Transit NZ Act 1989	a) SO Plan
b) By Proc	b) Proc Plan c) Gazette Ref
Othe Pelevant Information	a)
 a) Concessions – Advice from DOC or Knight Frank. 	b) c) Either
b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998	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
c) Mineral Ownership	owners under the 1848 Kemp Purchase.
	Contained in [provide evidence].
d) Other Info	

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Project mber NLI 0201 015YD

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LAND STATUS REPORT for Eastburn Station Property | 2 | of | 2

Land District	Otago	
Legal Description	Part Run 632 Block IV Crown SD and Block V Kawarau SD	
Area	2598 m³	
Status	Freehold	
Instrument of title / lease	CT 17C/647	
Encumbrances	Subject to Part IVA Conservation Act 1987 & Section 11 Crown Minerals Act 1991.	
Mineral Ownership	Owned by the Crown - See encumbrances	
Statute	N/A	
Notes (if any)	Appurtenant is a right of access over Run 632 defined as "A" & "B" SO 22352 and "C" & "D" on SO 22351.	

Data rrect as at		08 April 1999
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repared by)[(Patrick
Crown Accredited	Agent (Opus International Consultants Ltd, Dunedin

Certified correct as to status

Aax Haydn Warburton

Chief Surveyor

and Information New Zealand, Dunedin.

/ 5 /1999

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Research Data: Some Items may be not applicable

Property 2 of 2	
SDIF Obtained	Yes / No
NZMS 261 Ref	F41
Local Authority	Queenstown Lakes District Council N/A
Crown Acquisition Map	
SO Plan	SO 22351 approved 29/6/87 Plan of Land to be Acquired for VHF repeater Site & Access easement.
Relevant Gazette Notices	New Zealand Gazette 1996 page 4758 registered as 922922/1
C. Ref/Lease Ref	17C/647
Legalisation Cards	SO's 22351 & 22352 – Confirm status above.
Plan Index	N/A
CLR	N/A
Allocation Maps (if applicable)	N/A
VNZ Ref - if known	N/A
Crown Grant Maps	N/A
If Subject land Marginal Strip: a) Type [Sec 24(9) or Sec 58]	a) N/A
b) Date Created	b)
c) Plan Reference	c)
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Research - continued	
Property 2 of 2	
If Crown land - Check Irrigation Maps.	N/A
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Mining Mana	
Mining Maps	Not covered by any mining privilege.
If Road	a) SO Plan
a) Is it created on a Block Plan - Section	
43(1)(d) Transit NZ Act 1989	
b) By Proc	b) Proc Plan
	c) Gazette Ref
	o) Sazene Rei
Otl Relevant Information	
a) Concessions - Advice from DOC or	a)
Knight Frank.	
by Gutting	
 b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998 	b)
Tailu Clainis Settlement Act 1998	
	c) Either
c) Mineral Ownership	
	Mines and Minerals are owned by the Crown:
	a) The land has not until the issue of CT 170/649
	a) The land has not, until the issue of CT 17C/647, been alienated from the Crown since its acquisition for settlement
	purposes from the former Maori owners under the 1848
	Kemp Purchase.
. •	
) Other Info	b) CT 17C/647 has a memorial reserving the minerals to the
	Crown.
'	Contained in [provide evidence].
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