

Crown Pastoral Land Tenure Review

Lease name : MORVEN HILLS

Lease number : PO 359

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.

March

05

DUE DILIGENCE REPORT

CPL PRE TENURE REVIEW ASSESSMENT STANDARD 6:

File Ref:	CON50268/09/ 12599 (Po359)	Report No: AT2119	Report Date: 25 September 2002
Contractor's Office: Alexandra		LINZ Case No: TR03/18Z	Date sent to LINZ: 26.9.02.

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.
 - 2.1 The topographical map shows a radio transmission site marked within the lease boundary alongside the airstrip road in the south-western corner. No file data relating to this was found.
 - 2.2 When the 204.32 ha at the Lindis Pass summit was surrendered to a scenic reserve in 1975 the base stock limitation of the lease was reduced by 130 sheep. This altered base limitation has been ignored and the lease renewed with the original 9900 base stock limitation. All reports since 1975 use this original limitation (*see Attachment 2 folios 438 and 468*).
 - 2.3 The road legalisation of the Lindis Pass road appears complete. Rationalisation of the boundary with Breast Hill alongside the Pass Burn could be undertaken if agreement can be reached between the lessees.

Signed for DTZ New Zealand Limited:



P R Diver:

Approved/Declined (*pursuant to a delegation from the Commissioner of Crown Lands*) **by:**

Name:
Date of decision:

1. Details of lease:

Lease Name: Morven Hills

Location: The property is located on State Highway 8 (*Lindis Pass Road*) some 60 km from Cromwell and 50 km from Omarama.

It lies to the east of the State highway between Goodger Flat and the top of the pass on the Lindis catchment side.

The homestead is located alongside the state highway. The property is run in conjunction with a small area of freehold land against the road (*4.6 ha*). Dunedin some three hours by road the nearest major centre.

Lessee: Morven Hills Limited

Tenure: Pastoral lease under the Land Act 1948 and Crown Pastoral Land Act 1998. Pastoral Lease number 359.

Term: 33 years from 1 July 1984 to 30 June 2017.

Annual Rent: \$19,350

Rental Value: \$860,000 (*ex GST*)

Date of Next Review: 1 July 2006

Land Registry Folio Ref: CIR OT 338/20

Legal Description: Part Runs 678 and 679 and run 680 Lindis Survey District, Section 2 Block V Lindis Survey District and Sections 1 and 2 SO 20678.

Area: 14 207.4136 hectares

2. File Search:

Files held by LINZ Christchurch.

<i>File Reference</i>	<i>Volume</i>	<i>First Folio</i>	<i>Date</i>	<i>Last Folio</i>	<i>Date</i>
Po/014-SDN-01	1	248	9/5/1949	398	26/9.1969
Po/014-SDN-02	2	399	10/10/1969	545	7/12/1982
7900-04-P359	1	No number	Undated	No number	Undated

Files held by contractor in Alexandra 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>
Po359	3	546	10/12/1982	654	25/2/1992
Po359	4	655	13/6/1991	69	12/1/2000
CON/50213/09/12599/ A-ZNO	5	1	20/7/2000	35	19/3/2001

Only files just prior to lease issue in 1951 and since that date were available for search.

The estate of Hector Gibson held Runs 678 and 680 (*PR 2001 expiring 28 February 1951*) and 679 (*PR 1943 expiring 28 February 1959*) over Morven Hills and run these in conjunction with "Malvern Downs" a large freehold farm at Tarras. Short-term licences had been granted over Runs 678 and 680 while subdivision was being investigated.

The adjoining Breast Hill property (*Falconer*) applied to take part of the run but was declined.

A pastoral lease (*P14*) was approved for 33 years over Runs 678, 679 and 680 from 1 July 1951 with a stock limitation of 9900 sheep The area of the lease was 35670 acres. The PR 1943 expiring on 28 February 1959 was surrendered and amalgamated into the lease.

An area of 6 acres 3 roods 15.1 perches (*Section 7 Block IX Lindis Survey District*) near the homestead was surrendered from the lease as a gravel reserve in 1955.

An area of 2 roods was surrendered from the lease (*Section 1 Block V Lindis Survey District*) in 1963 for a rabbit Board hut alongside the state highway towards the Bargour homestead.

A personal stock exemption was granted in 1963 for 11000 sheep (*including not more than 4000 breeding ewes*) and 200 cattle (*including not more than 150 breeding cows*).

A boundary adjustment with "Dalrachney" was made in 1964 to legalise the existing boundary fence. A total of 28 acres was surrendered from the Morven Hills lease.

A 6 mile conservation fence and 5 miles of strategic firebreak were established in 1966.

A personal stock exemption was granted in 1966 for 13000 sheep (*including not more than 5000 breeding ewes*) 250 breeding cows and 200 other cattle.

Around 1966 a push began to create a reserve around the Lindis Pass.

A personal stock exemption was granted in 1969 for 15000 sheep (*including not more than 5750 breeding ewes*) and 550 cattle (*including not more than 350 breeding cows*).

A variation to the cattle limitation was made in 1970 to allow 400 breeding cows but not more than 550 cattle.

A Lindis river protection work was investigated in 1972/73 but floods re organised the area and the proposal were abandoned.

A variation to the cattle limitation was made in 1973 to allow 550 breeding cows but not more than 750 cattle.

In 1975 204.32 ha at the Lindis Pass summit was surrendered to a scenic reserve. The base stock limitation was reduced by 130 sheep, but the personal limitation was unaltered. A five-year grazing lease of the area under Section 29 Reserves and Domains Act 1953 was granted. The reserve was never fenced from the lease.

In 1975 the Estate of Hector Gibson subleased Morven Hills for 3 years to William Hector Gibson (1/4), William Hector Gibson trust (1/4), Marge Ngaire Dawn Snow (1/4) and Marge Snow Trust (1/4).

An additional area of 16.83ha of land was surrendered in 1976 to correct an error in reserve land taken due to the false assumption that the highway was the boundary.

Approval for the sublease renewal was given in 1977.

An accidental fire burnt part of the Lindis pass Reserve in 1978.

Approval for the sublease renewal for two years was given in 1979.

In 1978 the Ministry of Works began upgrading the Lindis Pass Road from Cluden Hill through the Lindis Gorge. Approval was given to enter the lease with survey and taking of land left until work was completed. This affected the lower lease to just above the Bargour homestead road.

A variation to the limitation was made in 1979 to allow 50 deer to be run.

In 1981 the ownership of the lease was transferred to Richard Maxwell Snow, Richard Gibson Snow and Peter John Snow.

Rural bank development loans were taken out in 1982.

A personal stock exemption was granted in 1983 for 17000 sheep (*including not more than 6000 breeding ewes*) and 700 cattle (*including not more than 460 breeding cows*).

At lease renewal in 1984 inspections identified the existence of the Otago Skink (*L. otagoense*) on the lease. The lease was approved for 33 years from 1 July 1984 with a rental value of \$1,000,000 and rent of \$15,000 re year. The original 9900 sheep base stock limitation was used. Negotiations to protect the skink were to be carried out separately.

In 1984 the 0.1677 sq.m. Rabbit Board hut site earlier surrendered from the lease was reincorporated (*Section 2 block V Lindis Survey District*).

A survey of the skinks and proposed landscape protection zones around the top of the Lindis Pass was completed in 1984.

A personal stock exemption was granted in 1985 for 19000 sheep (*including not more than 6200 breeding ewes*) and 900 cattle (*including not more than 460 breeding cows*) and 50 deer. A block limit was imposed on the Bluecliffs Block, being 4000 wethers for three and one half months over the winter with destocking for the rest of the year.

A set of vegetation monitoring sites was established in 1986.

In 1986 a amended offer of lease renewal with changed values was made to the holders. A rental value of \$925,000 with annual rent of \$13,875 was accepted.

Approval to run 1000 goats on a restricted area was granted in 1987.

A personal stock exemption was granted in 1988 for 20000 sheep (*including not more than 8000 wethers*) and 800 cattle (*including not more than 450 breeding cows*) and 50 deer and 1000 goats on a restricted area. A block limit was imposed on Bluecliffs Block being 4000 wethers February to June.

In 1989 it was realised that the road realignment affecting the Lindis Pass did appear to have been legalised and no recent surveys carried out. Transit New Zealand stated that the section from Forest Range Homestead to the old Breast Hill Homestead had been legalised (*Gazette 1940 Page 453*) and that present alignment was the same as legal alignment. Only one old deviation was not legalised but another new realignment was proposed. (*folio 648*).

Because the road severed part of Morven Hills along the Pass Burn into Breast Hill a request to finalise the road was made to allow a boundary adjustment to occur.

In 1989 Richard Snow proposed to oversow part of the scenic reserve not fenced from his lease because of fear of hieracium spread. He was refused permission.

Richard Snow Transferred $\frac{1}{2}$ share of his $\frac{1}{4}$ share to his wife in 1993 under the Matrimonial Property Act.

The lease rental was set at \$19,350 on a LEI of \$860,000 in 1994 and accepted.

In 1997 DoC put a PNA protection proposal (*covenant*) to the Snows for consideration.

Telecom NZ applied for a easement to lay 19.4 km of fibre optic cable across the back of the lease in 1997. The term is for 60 years. This was approved and registered on the lease in 2000.

A vegetation monitoring report was completed in 1997 (*folio 28 Volume 4*).

Patch burning consents along the margin of the state highway were made from 1996 - 2000.

Opus International as contractor for Transit NZ applied for consent to allow the legalisation of the road realignment by surrender and incorporation actions. This caused the role of the CCL in Public Works Act actions to be explained to all contractors.

The Gazette Notice giving effect to the surrenders and incorporation's was registered on the lease document on 16 February 2000.

Minor discretionary consents were processed in 1999.

A request for consent to continue to oversow and top dress previously developed areas in 1999. This was approved but excluded the land where skinks had been identified.

In 2000 the lease was transferred to Morven Hills limited with an exemption from residency for the company, provided Richard Snow resides on the lease granted. A Memorandum of Variation related to CCL approval of share transfers and liability of employees was registered on the lease. A exemption from the stock limitation was also processed and a personal exemption granted for 20000 sheep 700 cattle and 50 deer, subject to at least 200 tonnes of fertiliser applied to existing oversown and topdressed areas.

The marginal strip file contains investigation sheets on the various creeks on the lease and identifies Dip Creek from lease boundary approximately 7 km upstream, Dunstan Creek from lease boundary to lease boundary, and un-named stream from Dunstan Creek approximately 500m upstream as being over 3 metres.

File search shows there are no recreation permits associated with this lease.

3. Summary of lease document:

Terms of lease:

The commencement date of the pastoral lease on Crown files is in agreement with the Lease Document (*OT 338/20*).

The lease was issued from 1 July 1951 under the Land Act 1948 for a term of 33 years with a fixed rent of £425 for that period over total of 35670 acres.

No non-standard condition exists on the lease apart from the reservation of coal under the Coal Mines Amendment Act 1950.

The legal description on the Computer Interest Register does not agree with the Status Check (*see Status Check section of this report for details*).

Original Lease Stock Limit:

9900 Sheep

Personal Stock Exemption (19 December 2000):

- 20000 Sheep
- 700 Cattle
- 50 Deer.

Subject to at least 200 tonnes of fertiliser applied to existing oversown and topdressed areas.

Renewals and variations:

- 710601 Memorandum renewing the term of the within lease registered on 31 August 1988 (renewing the term for a further period of 33 years commencing on 1 July 1984 and fixing for the first 11 years the annual rent at \$13,875 calculated on a rental value of \$925,000).
- 5024775.3 Memorandum of Variation of lease – 16 February 2001. (Variation requiring CCL approval for company share transfers and liability of company employees and breaches of covenants).

Area adjustments:

	<i>Acres</i>	<i>Roods</i>	<i>Perches</i>	
Original lease area	35670			
Less surrender (<i>gravel pit</i>)	6	3	15.1	Proc. 7027
Total	35633	0	24.9	
Less surrender (<i>pest destruction purposes</i>)		2	0	No 247853
Total	35634	2	24.9	
Total Metric	14420.8334 ha			
Less partial surrender (<i>Lindis Pass Reserve</i>) *	204.3200 ha *			443075 *
Total	14216.5134 ha			
Less partial surrender (<i>balance of reserve against road</i>)	16.8300 ha			No 45771
Total	14199.6834 ha			

- The Status Check identifies a error in Memorial No 443075 which records the total area of Sections 1 and 2 as 204.3200 instead of the correct area of 212.22 ha as shown in SO 18047. Only part Section 2 was surrendered (*see folios 541 and map*).

The correct area of the lease is 14207.4136 ha.

This report is in agreement with the Status Check and varies from the Computer Interest Register cover sheet.

Registered interests:

Mortgages:

5024775.4 Mortgage to Rabobank New Zealand Limited – 16 February 2001.

Other Interests:

5010363.2 Deed of easement embodied in Register as 5083 (*recorded as 5208 on cover sheet but 5083 on historical search document*) – 11 October 2000 (*a 60 year easement in favour of Telecom NZ Ltd for an underground fibre optic cable line that crosses through the property*).

928124 Certificate pursuant to Section 417 (2) Resource Management Act 1997. Authorising two water races that cross the lease from Long Spur Creek and a tributary of it near Goodger Road in favour of the adjoining Run (*Geordie Hill*).

5058889.1 Mining Permit – 16 July 2001. Mining permit to Richard and Louise Snow for 40 years from 10 July 2001 over a 8.9 ha area above Goodger Road for the mining of building stone.

No Compensation Certificates are registered.

No Conservation Farm Plan Agreements are registered.

No Electricity Agreements are registered.

4. Summarise any Government programmes for the lease:

No Conservation Farm Plan Programmes were undertaken on the lease. The only catchment board grant assisted works undertaken on the property were two single subsidy works undertaken in the 1960's involving one 6 mile conservation fence splitting the back country and a 5 miles of strategic firebreak.

No legal agreements registered.

The property was not part of the Rabbit and Land Management Programme.

5. Summary of Land Status Report:

Copy attached as Schedule A.

5.1 The Pastoral Lease:

The Land Status Report confirms the Crown Land Status under the Land Act 1948 and Crown Pastoral Land Act 1998 subject to PL registered as CIR OT 338/20.

It records four encumbrances on the lease being:

- 928124 Certificate pursuant to Section 417 (2) Resource Management Act 1997. Authorising two water races that cross the lease from Long Spur Creek and a tributary of it near Goodger Road in favour of the adjoining Run (*Geordie Hill*).
- 5010363.2 Deed of easement embodied in Register as 5208 – 11 October 2000. (*A 60 year easement in favour of Telecom NZ Ltd for an underground fibre optic cable line that crosses through the property*).
- 5058889.1 Mining Permit – 16 July 2001. Mining permit to Richard and Louise Snow for 40 years from 10 July 2001 over a 8.9 ha area above Goodger Road for the mining of building stone.

Subject to part IVA Conservation Act 1987 upon disposition.

All the above encumbrances are recognised in this report and commented on in Section 3 - Summary of Lease document.

The legal description is confirmed as that being used in this Due Diligence Report. This differs from the Computer Interest Register cover sheet (*see below - Issues identified requiring possible future investigation at the Due Diligence stage*).

The Crown retains minerals ownership.

The area is defined as 14207.4136 ha. This does not agree with the Computer Interest Register cover sheet that has the area as 14435.1369 ha. A full reconciliation sheet of the lease area is included in the Status Check and a full explanation as to the incorrect area contained in the memorial related to the surrender of the Lindis Pass Scenic Reserve Area.

The Status Check does not identify any recreation permits, DoC concessions or UCL land within the lease. DOC Christchurch identifies conservation land adjoining the lease being the Lindis Pass Scenic Reserve (*G40051*) surrendered from the lease in 1975.

A marginal strip (*G40054*) is identified within and adjoining the lease for the full length of the Lindis River. A marginal strip on Dunstan Creek finishes on the boundary of the lease but does not enter. This report agrees with this analysis.

Issues identified requiring possible future investigation at the Due Diligence stage were:

(1) The area of the lease shown on OT 338/20 of 144351369 ha is incorrect. The area recorded by the memorials is 14198.4836 ha which was also judged to be incorrect due to a error contained in the recording of the area of Sections 1 and 2 Block III Lindis Survey District. The Status Check contains a detailed explanation as to where the error occurred.

(2) The correct area should be 14207.4136ha

This report agrees with this.

(3) The legal description as shown on OT 338/20 is incorrect and should read. Part Runs 678 and 679 and run 680 Lindis Survey District, Section 2 Block V Lindis Survey District and Sections 1 and 2 SO 20678.

This report agrees with this.

Other Land:

No other land is reported on.

6. *Review of topographical and cadastral data:*

Topographical Map:

No water races are marked on or crossing the lease.

State Highway 8 forms the boundary of the lease through the lower gorge of the Lindis River and enters the lease for a section near the Bargour Homestead. It then forms the boundary of the lease from that point northward to adjacent to the homestead. The road follows the Lindis River then the Pass Burn within the lease to the Old breast Hill Homestead. Then exists the lease to form the boundary as far as the start of the Lindis Pass Reserve. This road is tar sealed, fenced, and appears on its correct legal line.

A formed gravel road up Geordie's Flat bounds the lease for a short section above the Shirlmar homestead. This fenced on the Morven Hills side and is a legal road.

A substantial formed unfenced gravel road is marked following the National Grid power pylon line that cuts through the full length of the back country of the lease. This is known to be the service road for that line and also links to the top of the Lindis Pass.

Internal farm access tracks are marked on nearly all the main ridges throughout the property.

Local supply electricity pylons cross the lease following the Lindis River from the south to the homestead.

A National Grid power pylon network crosses the lease on a line that cuts through the full length of the back country of the lease, from above the Shirlmar homestead to exit to the east of the Lindis Pass

A radio transmission site is marked within the lease boundary alongside the airstrip road in the south-western corner.

One hut called “Poulsons Hut” is marked on the southern boundary near where the power pylon service road enters the lease. This belongs to Morven Hills.

The fenced boundaries appear to follow their legal line with only one major variation noted. It appears that approximately 150 ha of land on the eastern boundary in a unnamed tributary of Dunstan Creek near Old Man Peak is fenced into the lease from part Run 201A.

The Lindis Pass Scenic Reserve appears unfenced from the lease.

Three airstrips are identified, one on a low hill above Geordie’s Flat serviced by a road off Goodger Road, and another adjacent to the homestead. A third is located on the centre ridge south of Dip Creek.

Cadastral Map:

The Cadastral map identifies a marginal strip within and adjoining the lease on the Lindis River.

State Highway 8 Lindis Pass appears to be on its correct legal line with a short legal gravel road sub-branch to the homestead via the gravel pit area (*Section 7 Block IX Lindis Survey District*).

A short legal road to the lease boundary is marked off Goodger Road. No formed road exists on this line.

A no exit legal road enters the lease off the end of Goodger Road near the Shirlmar homestead and travels half way through the lease. The power pylon maintenance road follows this general line for its first section.

No other legal roads are marked within the lease.

The majority of the power pylon road is not on a legal roadline.

The Proposed and Transitional Central Otago District Scheme Plans have two sites marked as Registered Heritage Buildings on the lease being:

No 260 “Homestead and Stables” and 261 “Woolshed”. Four archaeological sites are marked three adjacent to Goodger Road and one adjacent to the Lindis River.

The DoC file keeper was contacted and identified 5 sites on the lease being:

G40/23	Gold mining remains	Grid Reference G40 2243700 5607200
G40/9	Chimneys	Grid Reference G40 2238400 5608100
G40/12	Stone cottage	Grid Reference 2241000 5607100
G40/71	Graves	Grid Reference 2240800 567100
G40/4	Findspot	Grid Reference 2234300 5614500

(See Attachment 3)

No issues that would affect the tenure review process were identified.

7. Details of neighbouring Crown or Conservation land:

A marginal strip (*G40054*) is identified within and adjoining the lease for the full length of the Lindis River. A marginal strip on Dunstan Creek (*G40117*) finishes on the southern boundary of the lease but does not enter it.

A gravel reserve (*G40052 - Morven Hills*) of 2.7698 ha being section 7 Block IX Lindis Survey District forms an enclave into the lease near the entrance to the homestead. This is in current use for gravel storage and equipment storage. This is administered by Department of Conservation who classify it as available for disposal or exchange.

The Lindis Pass Scenic Reserve (*G40051- 400 ha*) exists at the summit of the pass and forms an enclave into the lease. Part of this (*212.22 ha*) was surrendered from the lease in 1975 and is quoted as having botanical and landscape values. A 5 year grazing lease of the area under Section 29 Reserves and Domains Act 1953 was granted. The reserve was never fenced from the lease and is still accessed by stock of Morven Hills.

The Department of Conservation administers this with details shown in the Otago Conservation Land Inventory document.

8. Summary of uncompleted actions or potential liabilities:

- (1) The topographical map shows a radio transmission site marked within the lease boundary alongside the airstrip road in the south-western corner. No file data relating to this was found.

- (2) When the 204.32 ha at the Lindis Pass summit was surrendered to a scenic reserve in 1975 the base stock limitation of the lease was reduced by 130 sheep. This altered base limitation has been ignored and the lease renewed with the original 9900 base stock limitation. All reports since 1975 use this original limitation (*see attachment 2 folios 438 and 468*).
- (3) The road legalisation of the Lindis Pass road appears complete. Rationalisation of the boundary with Breast Hill alongside the Pass Burn could be undertaken if agreement can be reached between the lessees.

The following issues are brought to your attention to note only:

- The legal description as shown on OT 338/20 is incorrect and should read. Part Runs 678 and 679 and run 680 Lindis Survey District, Section 2 Block V Lindis Survey District and Sections 1 and 2 SO 20678.
- The area of the lease shown on OT 338/20 of 14,435,136.9ha is incorrect. The Status check contains a detailed explanation as to where the error occurred. The correct area should be 14,207,413.6 ha.
- Memorial 5010363.2 - Deed of easement embodied in Register as 5083 is recorded as 5208 on cover sheet but 5083 on historical search document.
- It appears that approximately 150 ha of land on the eastern boundary in a unnamed tributary of Dunstan Creek near Old Man Peak is fenced into the lease from part Run 201A.
- The Conservation Land “Lindis Pass Scenic Reserve” is unfenced from the lease.

ATTACHMENTS:

- Schedule A. - Status Check.
- Attachment 1 - Recent Copy of Lease Document CIR OT 338/20.
- Attachment 2 - Base stock Limitation Reduction folios 438 and 468.
- Attachment 3 - Archaeological site Data.

SCHEDULE A:

Status Check.

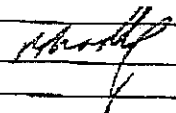
DTZ NEW ZEALAND

This report has been prepared on the instruction of Land Information New Zealand in terms of the contract number 50268 dated September 2001 and is undertaken for the purposes of the Crown Pastoral Leases Act 1998.

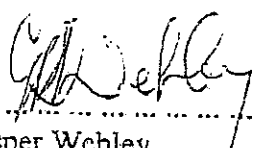
LAND STATUS REPORT for MORVEN HILLS				[LIPS ref.12599]
Property	1	of	1	

Land District	Otago
Legal Description	Part Runs 678 and 679 and Run 680 Lindis Survey District, Section 2 Block V Lindis Survey District and Sections 1 and 2 SO 20678.
Area	14,198.4836 ha.
Status	Crown Land subject to The Land Act 1948.
Instrument of lease	Balance CIR OT 338/20.
Encumbrances	Certificate No. 928124 pursuant to Section 417(2) Resource Management Act 1991. Deed of Easement No. 5010363.2 embodied in the Register as 5208. Mining Permit No. 5058889.1 under The Crown Minerals Act 1991. Subject to Part IVA Conservation Act 1987 upon disposition.
Mineral Ownership	Minerals remain with the Crown as the land has never been alienated since its acquisition for settlement purposes from the former Maori owners under The Kemp Deed of Purchase (1848).
Statute	Land Act 1948 & Crown Pastoral Land Act 1998.

Data Correct as at	26 August 2002
Certification Attached	Yes

Prepared by	Murray Bradley 
Crown Accredited Agent	DTZ New Zealand

APPROVED:



 Grant Kasper Webley
 Land Information New Zealand, Christchurch

Date 28.08.2002

Notes: This information does not affect the status of the land but was identified as possibly requiring further investigation at the due diligence stage:	MORVEN HILLS RESEARCH - Property 1 of 1	
	(1) The area in OT 338/20 of 14,435.1369 hectares is incorrect. The area as recorded by the Memorials in the lease is 14,198.4836 hectares. However this area is also	

<p>See Crown Pastoral Standard 6 paragraph 6</p>	<p>incorrect because the whole of Section 2 Block III Lindis Survey District was surrendered in error. When appellation 437147 was registered against the lease it recorded the area of parts Section 1 & 2 Block III Lindis S.D (formerly parts of Run 679) incorrectly as 204.32 ha whereas the correct area as shown on SO 18047 should be 212.22 ha. This area was also repeated in surrender 443075 because only part Section 2 was surrendered and the total area of Section 2 was recorded as being surrendered.</p> <p>(2) Therefore the total area of the lease should be 14207.4136 ha not 14198.4836.(See attached Reconciliation.)</p> <p>(3) The legal description as shown on CT No. 338/20 is incorrect and should read as follows: Part Runs 678 and 679 and Run 680, Lindis Survey District, Section 2 Block V Lindis Survey District and Sections 1 and 2 SO 20678. (Please refer to the attached reconciliation).</p>	
---	--	--

LAND STATUS REPORT for MORVEN HILLS				[LIPS ref.12599]
Property	1	of	1	
Research Data: <i>Some Items may be not applicable</i>				
Property	1	of	1	
SDI Print Obtained	Yes			
NZMS 261 Ref	G40.			
Local Authority	Waitaki District Council.			
Crown Acquisition Map	Kemp Deed of Purchase.			
SO Plan	<p>SO 2294 (1938) – Defines Run 678 and Part Runs 679 and 680.</p> <p>SO 2295 (1938) – Defines Part Run 679.</p> <p>SO 2296 (1938) – Defines Run 694 and Part Run 680.</p> <p>SO 12136 (1955) – Defines Section 7 Block IX Lindis Survey District.</p> <p>SO 13150 (1962) – Defines Section 1 Block V Lindis Survey District.</p> <p>SO 13487 (1964) – Defines Run 732.</p> <p>SO 18047 (1975) – Defines Sections 1 and 2 Block III Lindis Survey District.</p> <p>SO 20677 (1983) – Defines land to be taken and road to be stopped.</p> <p>SO 20678 (1983) – Defines land to be taken and road to be stopped.</p> <p>SO 20679 (1983) – Defines land to be taken and road to be stopped.</p> <p>SO 21349 (1985) – Defines Section 2 Block V Lindis Survey District.</p> <p>SO 23315 (1990) – Defines land for road, road to be stopped and excised.</p>			
Relevant Gazette Notices	N/A			
CT Ref / Lease Ref	Balance CIR OT 338/20.			
Legalisation Cards	<p>SO 2294 – No legalisation card.</p> <p>SO 2295 – No legalisation card.</p> <p>SO 2296 – No legalisation card.</p> <p>SO 12136 – No legalisation card.</p> <p>SO 13150 – The legalisation card records the following: Legal Description: Section 1 Block V Lindis Survey District Area: 202m2. Gazette Notice: 1978/545 (495234). Pest Destruction Board Buildings vested in Lindis-Hawea Pest Destruction Board. Gazette Notice: 1983/4010 (606625): Reservation revoked.</p> <p>SO 13487 – No legalisation card.</p> <p>SO 18047 – The legalisation card records the following:</p>			

	<p>Legal Description : Sections 1 and 2 Block III Lindis S.D. Area: Section 1 – 198.71ha Section 2 – 204.32 ha Gazette Notice : Section 1 – 1976/2133 (466357) Reserved for scenic purposes.</p> <p>Section 2 – 1979/2756 (527100). Classified as a reserve for scenic purposes. (Lindis Park Scenic Reserve).</p> <p>SO 20677, 20678 and 20679 The legalisation cards record the land to be taken and the road to be stopped.</p> <p>SO 21349 – The legalisation card records the following: Legal Description: Section 2 Block V Lindis SD.</p> <p>SO 23315 –The legalisation card records the following: Letter A – 1.4674 ha Letter B - .4598 ha Letter C – 1.3433 ha</p>								
CLR	<p>The Crown Land Register records the following:</p> <p>CT Reference : NIL SO Plan : NIL Area : 14,208.6068 hectares</p> <p>Previously Part Run 678 Blocks V, VI, IX, X, XIII and XIV Lindis SD and Part Run 679 Blocks II, III, IV, VI, VII, VIII, IX, and XII Lindis SD and Run 680 Blocks VI, VII, VIII, X, XI, XII, XIV & XV Lindis SD and Section 2 Block III Lindis SD. Surrender: Section 2 Block III Lindis SD. Incorporation: Section 2 Block V Lindis SD.</p> <table border="0"> <tr> <td>Run 680</td> <td>5443.0219 ha</td> </tr> <tr> <td>Part Run 678</td> <td>2253.8967 ha</td> </tr> <tr> <td>Part Run 679</td> <td>6511.6900 ha</td> </tr> <tr> <td>Section 2 Block V Lindis SD</td> <td>.1676 ha</td> </tr> </table>	Run 680	5443.0219 ha	Part Run 678	2253.8967 ha	Part Run 679	6511.6900 ha	Section 2 Block V Lindis SD	.1676 ha
Run 680	5443.0219 ha								
Part Run 678	2253.8967 ha								
Part Run 679	6511.6900 ha								
Section 2 Block V Lindis SD	.1676 ha								
Allocation Maps (if applicable)	A check of the SOE/DOC/UCL Allocation Maps and Schedules revealed no allocations within the boundaries of the lease.								
VNZ Ref - if known	28411/024 and 26050/164.								
Crown Grant Maps	The Crown Grant Map for the Lindis Survey District identified Runs 678, 679 and 680.								
<p>If Subject land Marginal Strip: a) Type [Sec 24(9) or Sec 58] b) Date Created</p>	<p>(a) Section 58 Land Act 1948. (b) N/A</p>								

c) Plan Reference	(c) SO Plan Nos 2294, 20677 and 23315.
--------------------------	--

LAND STATUS REPORT for MORVEN HILLS				[LIPS ref.12599]
Property 1 of 1				
Research – continued				
Property	1	Of	1	
If Crown land - Check Irrigation Maps.				N/A
Mining Maps				There is currently one mining permit within the boundaries of the Pastoral Lease in the National Mining Index. Details of the permit are shown on the attached map.
If Road				
a) Is it created on a Block Plan - Section 43(1)(d) Transit NZ Act 1989				(a) Crown Grant and Section 110A of Public Works Act 1928.
b) By Proc				(b) N/A
c) Plan No				(c) SO Plan Nos 2294, 2295, 2296, 18047, 20677, 20678, 20679 and 23315.
Other Relevant Information				
a) Concessions - Advice from DOC or Knight Frank.				(a) The attached plan illustrates an area of conservation land comprising the Lindis Pass Scenic Reserve adjoining the boundary of the lease. There is no concession over this land. Also shown on the plan are a number of marginal strips. There are no concessions over these areas.
b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998.				(b) 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 since its acquisition for settlement purposes from the former Maori owners under The Kemp Deed of Purchase (1848). Contained in (provide evidence): CT Nos. 337/140 and 337/173, being the earliest leases issued after the establishment of Runs in the Otago Land District.
(d) Other Information				(d)-(1) The area in OT 338/20 of 14,435.1369 hectares is incorrect. The area as recorded by the Memorials in the lease is 14,198.4836 hectares. However this area is also incorrect because the whole of Section 2 Block III Lindis Survey District was surrendered in error. When appellation 437147 was registered against the lease it recorded the area of parts of Run 679 incorrectly as 204.32 ha whereas the correct area as shown on SO 18047 should be 212.22 ha. This area was also repeated in surrender 443075 because only part Section 2 was

	<p>surrendered and the total area of Section 2 was recorded as being surrendered.</p> <p>(2) Therefore the total area of the lease should be 14207.4136 ha not 14198.4836.(See attached Reconciliation.)</p> <p>(3) The legal description as shown on CT No. 338/20 is incorrect and should read as follows: Part Runs 678 and 679 and Run 680, Lindis Survey District, Section 2 Block V Lindis Survey District and Sections 1 and 2 SO 20678. (Please refer to the attached reconciliation).</p>
--	--

as 204.32 ha whereas the correct area as recorded in SO 18047 is 212.22 ha.		
Less, Partial Surrender No. 443075 as to Section 2 Block III Lindis Survey District (SO 18047)		<u>204.3200</u> 14,216.5134
NB: Only part Section 2 Block III Lindis S.D. Comprising 195.89 ha should have been Surrendered. However the whole of Section 2 comprising 204.3200 ha was surrendered in error.		
Less, Partial Surrender No. 45771 as to Part Section 1 Block III Lindis Survey District (SO 18047)		<u>16.8300</u> 14,199.6834
Plus, Certificate of Incorporation No. 712816 incorporating Section 2 Block V Lindis Survey District into CT No. 338/20 (SO 21349)		
		<u>.1676</u> 14,199.8510
933335.1 Gazette Notice (2000 p188) declaring parts of the within land (1.5539ha) marked C SO 20677, (1.5512ha) marked G SO 20678, (1.6831ha) marked K SO 20679, (443m2), marked A SO 20677, (632m2) marked I SO 20678 and (5012m2) marked L SO 20679 to be acquired for road and form part of State Highway No 8 and declaring parts of the road adjoining the within land to be stopped marked H and J SO 20678 which are now known as Section 1 SO 20678 (4.0281ha) and Section 2 SO 20678 (14m2) and to be amalgamated with CT No. 338/20).		
Less, Gazette Notice No. 983335.1:	1.5539 1.5512 1.6831 .0443 .0632 .5012	<u>5.3969</u> 14,194.4541
Plus, Gazette Notice No. 983335.1	4.0281 .0014	<u>4.0295</u> 14,198.4836
Correct area as per Memorials recorded in lease.		

AREA AS RECORDED IN PRESENT LEASE

Run 678 and Run 679 and
Run 680 Lindis SD and
Section 2 Block V Lindis Survey
District and Sections 1-2 SO 20678 CT 338/20 5.12.1952

Area in CT No. OT 338/20 : 14,435.1369 ha
Area as per Reconciliation : 14,198.4836 ha

**NB: The area recorded in the Memorials in the lease as per our reconciliation is also incorrect because the whole of Section 2 Block III Lindis S.D. was surrendered in error. The correct area of part Section 2 that should have been surrendered is 195.39 ha as shown on SO 18047.
Therefore the correct area of the lease should be 14207.4136 ha not 14198.4836 ha.**

LEGAL DESCRIPTION

The legal description as shown on CT OT 338/20 is incorrect and should read as follows:

Part Runs 678 and 679 and Run 680 Lindis Survey District, Section 2 Block V Lindis Survey District and Sections 1 and 2 SO 20678.

ATTACHMENT 1:

Recent Copy of Lease Document OT 338/20.



COMPUTER INTEREST REGISTER UNDER LAND TRANSFER ACT 1952



R.W. Muir
Registrar-General
of Land

Search Copy

Identifier **OT338/20**
Land Registration District **Otago**
Date Registered 05 December 1952 02:02 pm

Part-Cancelled

Prior References
OT337/140 OT337/173

Type	Lease under s83 Land Act 1948		
Area	14435.1369 hectares more or less	Term	Thirty-three years commencing from 1 July 1984

Legal Description Run 678 and Run 679 and Run 680 and Section 2 Block V Lindis Survey District and Section 1-2 Survey Office Plan 20678

Proprietors
Morven Hills Limited

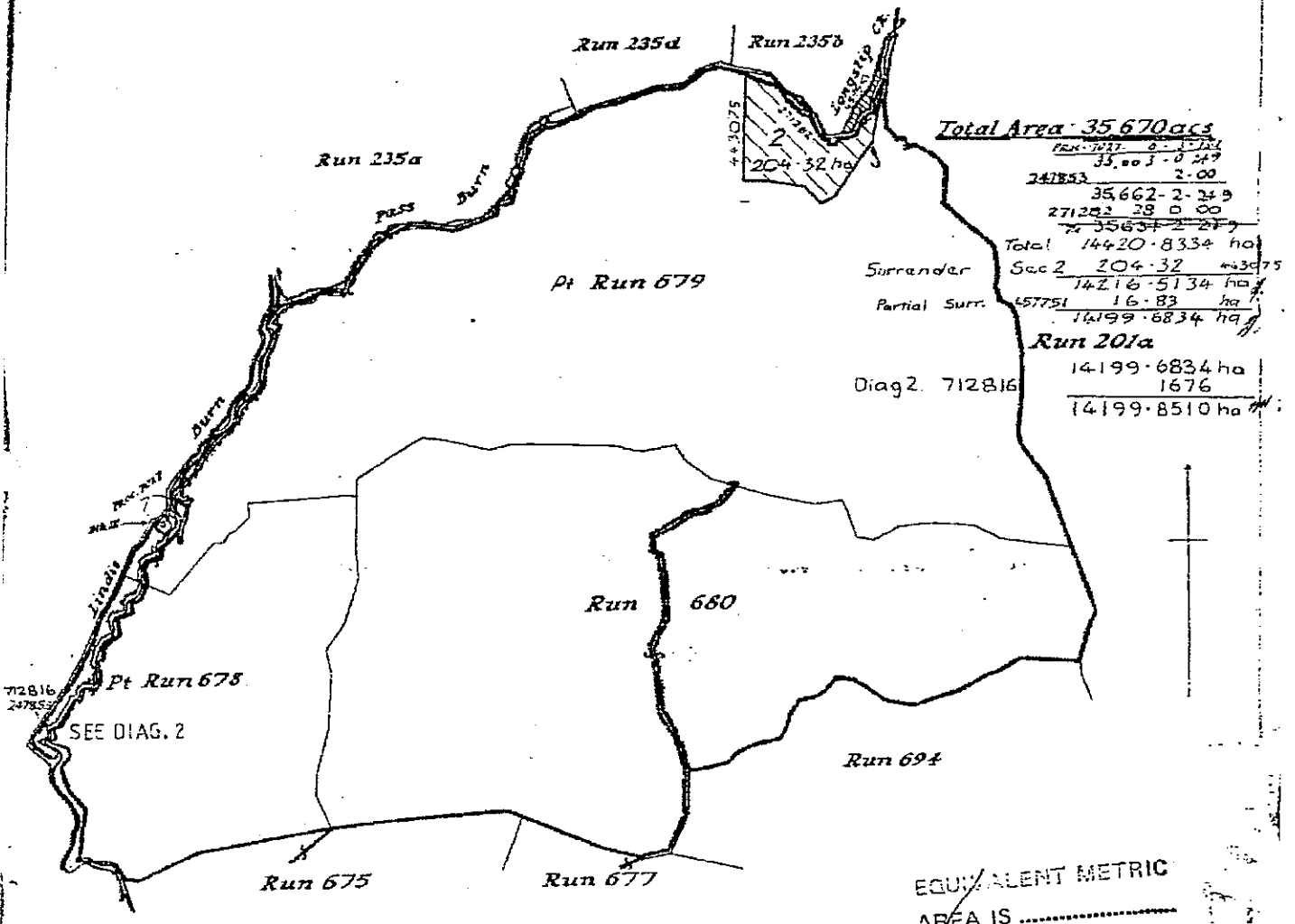
Interests

- 7027 Proclamation taking the leasehold interest of Section 7 Block IX Lindis Survey District herein (2.7698 ha) for a gravel pit - 30.7.1956 at 11:30 am
- 7028 Proclamation setting apart Section 7 Block IX Lindis Survey District herein (2.7698 ha) for a gravel pit - 30.7.1956 at 11:30 am- 30.7.1956 at 11:30 am
- 247853 Surrender as to Part Run 678 (2023m2) being Section 1 Block V Lindis Survey District - 10.7.1962 at 11:52 am
- 271282 Surrender as to Part Run 679 (11.3312m2) - 6.5.1964 at 2:20 pm
- 437147 New Appellation whereby Part Run 679 (204.32ha) herein is now known as Part Section 2 Block III Lindis Survey District - 3.3.1975 at 1:53 pm
- 443075 Surrender of Part Section 2 Block III Lindis Survey District herein - 9.7.1975 at 2:14 pm
- 457751 Surrender of Section 1 Block III Lindis Survey District (16.83ha) herein - 29.4.1976 at 2:26 pm
- 928124 Certificate pursuant to Section 417(2) Resource Management Act 1991 - 16.4.1997 at 9:02 am
- 983335.1 Gazette Notice (2000 p.188) declaring parts of the within land marked C SO Plan 20677 (1.5539ha), G SO Plan 20678 (1.5512ha), K SO Plan 20679 (1.6831ha), A SO Plan 20677 (443m2), I SO Plan 20678 (632m2) and L SO Plan 20679 (5012m2) to be acquired for road and form part of State Highway No. 8 - 16.2.2000 at 11:30 am
- 5010363.2 Deed of Easement affecting the fee simple estate of Her Majesty the Queen being a grant under Section 60 Land Act 1948 embodied in the Register as 5208 - 11.10.2000 at 10:10 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Transmission lines	Run 680 and Part Run 679 - herein	Marked A, B, C, D, E, F, G, H, I, J & K DP 300068	Telecom New Zealand Limited	N/A

- 5024775.2 Variation of within Lease - 16.2.2001 at 9:38 am
- 5024775.4 Mortgage to Rabobank New Zealand Limited - 16.2.2001 at 9:38 am
- 5058889.1 Mining Permit under the Crown Minerals Act 1991 to Annie Louise Snow and Richard Gibson Snow for the duration of 40 years commencing on the 10.7.2001 - 16.7.2001 at 9:00 am

358/20



Pt Pt
Runs, 678, 679, 680, Lindis S.D
Scale: 80 chains to an inch

EQUIVALENT METRIC
AREA IS

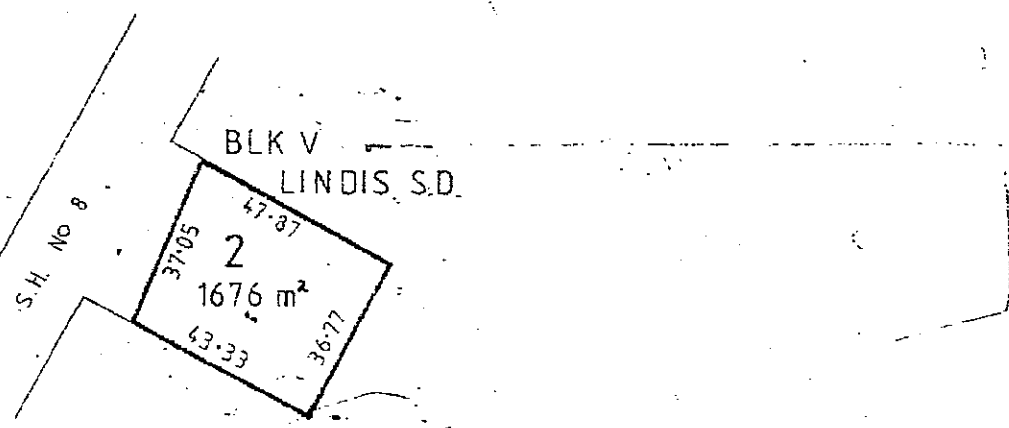


Diagram 2
DOC. 712816



COMPUTER INTEREST REGISTER UNDER LAND TRANSFER ACT 1952



Historical Search Copy

Identifier OT338/20
Land Registration District Otago
Date Registered 05 December 1952 02:02 pm

Part-Cancelled

Prior References
OT337/140 OT337/173

Type Lease under s83 Land Act 1948
Area 14435.1369 hectares more or less
Term Thirty-three years commencing from 1 July 1984

Legal Description Run 678 and Run 679 and Run 680 and Section 2 Block V Lindis Survey District and Section 1-2 Survey Office Plan 20678

Original Proprietors
Madge Ngaire Dawn Snow as to a 1/4 share
Richard Maxwell Snow as to a 1/4 share
Richard Gibson Snow as to a 1/4 share
Anne Louise Snow as to a 1/4 share

Interests

- ✓ 7027 Proclamation taking the leasehold interest of Section 7 Block IX Lindis Survey District herein (2.7698 ha) for a gravel pit - 30.7.1956 at 11:30 am
 - ✓ 7028 Proclamation setting apart Section 7 Block IX Lindis Survey District herein (2.7698 ha) for a gravel pit - 30.7.1956 at 11:30 am
 - ✓ 247853 Surrender as to Part Run 678 (2023m2) being Section 1 Block V Lindis Survey District - 10.7.1962 at 11:52 am
 - ✓ 271282 Surrender as to Part Run 679 (11.3312m2) - 6.5.1964 at 2:20 pm
 - ✓ 437147 New Appellation whereby Part Run 679 (204.32ha) herein is now known as Part Section 2 Block III Lindis Survey District - 3.3.1975 at 1:53 pm
 - ✓ 443075 Surrender of Part Section 2 Block III Lindis Survey District herein - 9.7.1975 at 2:14 pm
 - ✓ 457751 Surrender of Section 1 Block III Lindis Survey District (16.83ha) herein - 29.4.1976 at 2:26 pm
 - X 710601 Memorandum renewing term of within lease for a further period of 33 years commencing on 1 July 1984 - 31.8.1988 at 10:10 am
 - X 712816 Certificate of Alteration incorporating Section 2 Block V Lindis Survey District (1676m2) into within lease - 30.9.1988 at 10:16 am
 - ✓ 924936.5 Mortgage to Rabo Wrightson Finance Limited - 16.2.1997 at 9:05 am
 - ✓ 928124 Certificate pursuant to Section 417(2) Resource Management Act 1991 - 16.4.1997 at 9:02 am
 - ✓ 947290.1 CAVEAT BY TELECOM NEW ZEALAND LIMITED - 5.5.1998 at 12:08 pm
 - ✓ 968646.1 Variation of Mortgage 924936.5 - 2.6.1999 at 9:01 am
- 983335.1 Gazette Notice (2000 p.188) declaring parts of the within land marked C SO Plan 20677 (1.5539ha), G SO Plan 20678 (1.5512ha), K SO Plan 20679 (1.6831ha), A SO Plan 20677 (433m2), I SO Plan 20678 (632m2) and L SO Plan 20679 (5012m2) to be acquired for road and form part of State Highway No. 8 and declaring stopped road marked H (4.0281ha) and J (14m2) SO Plan 20678 now known as Sections 1-2 SO Plan 20678 to be amalgamated with the within land - 16.2.2000 at 11:30 am

Identifier **OT338/20**

5026831.4 Departmental Dealing to convert within title into Landonline and bring forward memorials - 11.10.2000 at 9:30 am

5010363.1 Withdrawal of Caveat 947290.1 - 11.10.2000 at 10:10 am

5010363.2 Deed of Easement affecting the fee simple estate of Her Majesty the Queen being a grant under Section 60 Land Act 1948 embodied in the Register as 5083 - 11.10.2000 at 10:10 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Transmission lines	Run 680 and Part Run 679 - herein	Marked A, B, C, D, E, F, G, H, I, J & K DP 300068	Telecom New Zealand Limited	N/A

5024775.1 Discharge of Mortgage 924936.5 - 16.2.2001 at 9:38 am

5024775.2 Variation of within Lease - 16.2.2001 at 9:38 am

5024775.3 Transfer to Morven Hills Limited - 16.2.2001 at 9:38 am

5024775.4 Mortgage to Rabobank New Zealand Limited - 16.2.2001 at 9:38 am

5058889.1 Mining Permit under the Crown Minerals Act 1991 to Annie Louise Snow and Richard Gibson Snow for the duration of 40 years commencing on the 10.7.2001 - 16.7.2001 at 9:00 am

Issued as a Renewal of (or in Exchange for) Lease

registered in Vol. 337 fol. 140

Image Quality due to Condition of Original

Pastoral Lease of Pastoral Land under the Land Act, 1948

NEW ZEALAND CANCELLED NOT TO BE CONVERTED

No. P.14

451 under the LAND TRANSFER ACT (No. 21, 1908)

Registered in the Register-book, Vol. 338 fol. 20

53rd day of Dec 1952

2.2 o'clock

submit Land Registrar

338/20

This Deed, made the first day of July, one thousand nine hundred and fifty-one, between HIS MAJESTY THE KING (who, with his heirs and successors, is hereinafter referred to as "the Lessor"), of the one part, and TRUSTEES EXECUTORS AND AGENCY COMPANY OF NEW ZEALAND (LIMITED), a Company registered under the Companies Act 1937 in the Dominion of New Zealand, and having its registered office at DUNEDIN, (as Executor in The Estate of Hector Gibson deceased)

is hereinafter referred to as "the Lessee"), of the other part. WITNESSETH that in consideration of the rent hereinafter reserved, and of the covenants, conditions, and agreements herein contained or implied and on the part of the Lessee to be paid, observed, and performed, the Lessor doth hereby demise and lease unto the Lessee All those pieces or parcels of land containing by admeasurement thirty-five thousand six hundred and seventy (35670) acres situated in the Land District of Otago and being Run numbered Six hundred and seventy-eight (678), six hundred and seventy-nine (679) and six hundred and eighty (680) Lindis Survey District (hereinafter referred to as "the said land"), as the same is more particularly delineated in the plan drawn hereon and therein coloured red in outline; together with the rights, easements, and appurtenances thereto belonging TO HOLD the said premises intended to be hereby demised unto the Lessee for the term of thirty-three years, commencing on the first day of July, one thousand nine hundred and fifty-one, together with the period between the date of this lease and the aforesaid first day of

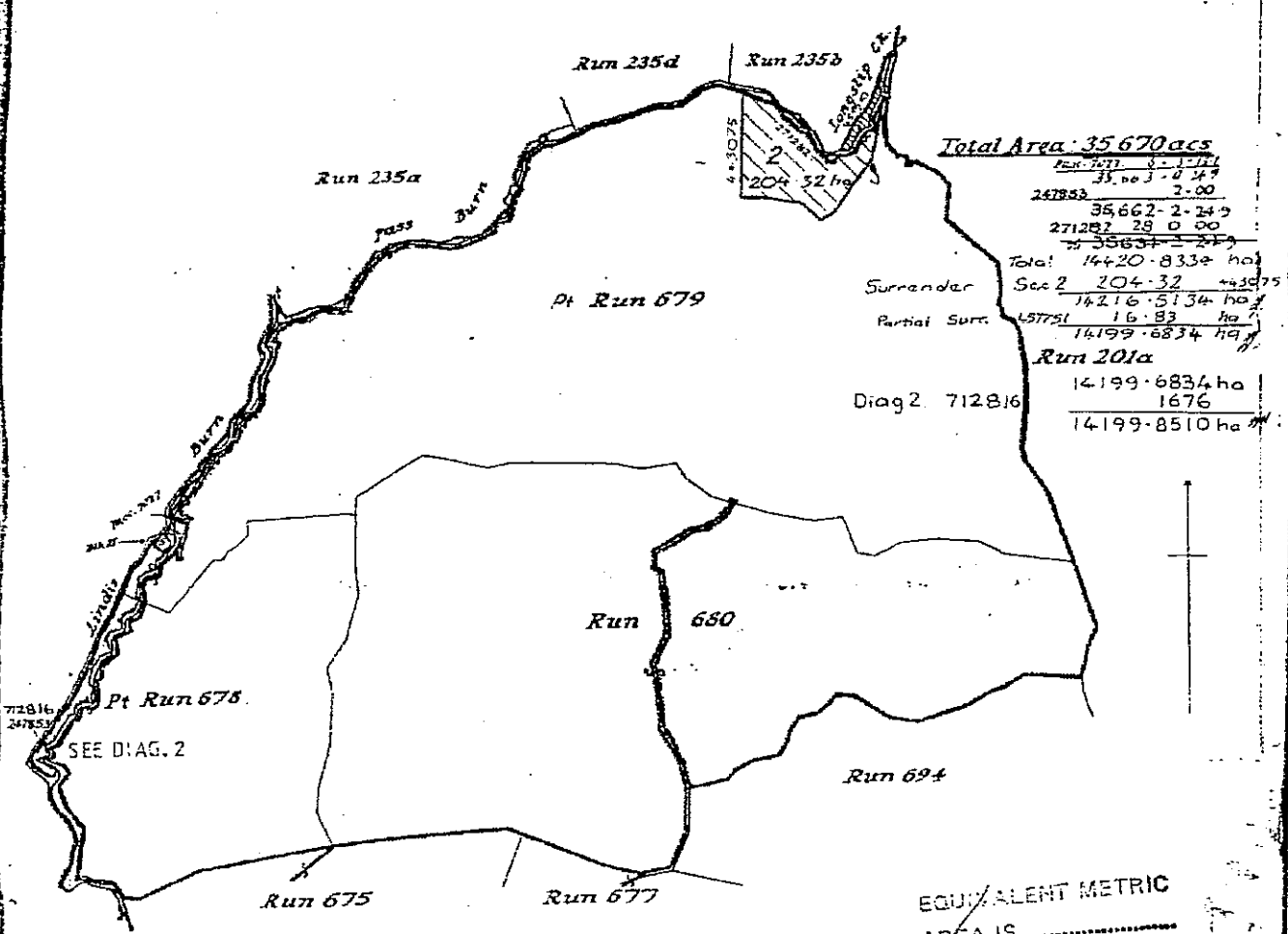
Yielding and paying therefor during the said term unto the Department of Lands and Survey at the Principal Land Office for the said Land District of Otago the clear annual rent of Four hundred and twenty-five pounds (£425:--) payable without demand by equal half-yearly payments in advance on the 1st day of January and the 1st day of July in each and every year during the said term, and also paying in respect of the improvements specified in the Schedule hereto the sum of (£) by a deposit of (if (the receipt of which sum is hereby acknowledged) and thereafter by (half-yearly instalments of pounds shillings and pence (£ : :) on the 1st day of January and 1st day of July in each year in the same manner as rent

- AND the Lessee doth hereby covenant with the Lessor as follows, that is to say:-
1. THAT the Lessee will fully and punctually pay the rent hereinafore reserved at the times and in the manner hereinafore named in that behalf; and also will pay and discharge all rates, taxes, assessments, and outgoings whatsoever that now are or hereafter may be assessed, levied, or payable in respect of the said land or any part or parts thereof during the said term.
 2. THAT the Lessee will within one year after the date of this lease take up his residence on the said land, and thereafter throughout the term of the lease will reside continuously on the said land.
 3. THAT the Lessee will hold and use the said land bona fide for his own use and benefit and will not transfer, assign, sublet, mortgage, charge, or part with possession of the said land or any part thereof without the previous approval of the Land Settlement Board: Provided that such approval will not be necessary in the case of a mortgage to the Crown or to a Department of State.
 4. THAT the Lessee will at all times farm the said land diligently and in a husbandlike manner according to the rules of good husbandry and will not in any way commit waste.
 5. THAT the Lessee will throughout the term of the lease to the satisfaction of the Commissioner of Crown Lands for the Land District of Otago (hereinafter referred to as "the Commissioner") cut and trim all fire fences and hedges, clear and keep clear the said land of all noxious weeds, and will comply strictly with the provisions of the Noxious Weeds Act, 1928.
 6. THAT the Lessee will keep the said land free from wild animals, rabbits, and other vermin, and generally comply with the provisions of the Rabbit Nuisance Act, 1924.
 7. THAT the Lessee will clean and clear from weeds and keep open all creeks, drains, ditches, and watercourses upon the said land, including any drains or ditches which may be constructed by the Commissioner after the commencement of the term of the lease; and will not at any time without the prior consent of the Commissioner alter the channel of any such creek or watercourse or stop or divert the water flowing therein.
 8. THAT the Lessee will at all times during the said term repair and maintain and keep in good substantial repair, order, and condition all improvements belonging to the Crown (including those specified in the Schedule hereto which are being purchased by the Lessee) now or hereafter erected on the said land, and will not, without the prior written consent of the Commissioner, pull down or remove them or any part of them.
 9. THAT the Lessee will insure all buildings belonging to the Crown (including those specified in the Schedule hereto which are being purchased by the Lessee) now or hereafter erected on the said land to their full insurable value in the name of the Commissioner in some insurance office approved by the Commissioner and will pay all premiums falling due under every such insurance policy and deposit with the Commissioner every such policy and, not later than the forenoon of the day on which any such premium becomes payable, the receipt for that premium.
 10. THAT the Lessee will not throughout the term of the lease without the prior consent of the Commissioner, which consent may be given on such terms and conditions (including the payment of royalty) as the Commissioner thinks fit, fell, cut, or remove any timber, tree, or bush growing, standing, or lying on the said land, and that he will throughout the term of the lease prevent the destruction of any such timber, tree, or bush unless the Commissioner otherwise approves: Provided that the consent of the Commissioner as aforesaid shall not be necessary where any such timber or tree is required for any agricultural, pastoral, household, roadmaking, or building purpose on the said land nor where the timber or tree has been planted by the Lessee.
 11. THAT the Lessee shall not, except for the purpose of complying with any of the provisions of the Nuisance Trench Act, 1916, burn any tussock, scrub, fern, or grass on the said land, nor permit any tussock, scrub, fern, or grass on the said land to be burned, unless in either case he shall have obtained the prior consent in writing of the Commissioner, which consent may be given subject to such terms and conditions as the Commissioner may deem necessary.
 12. THAT officers and employees of the Department of Internal Affairs shall at all times have a right of ingress, egress, and regress over the land comprised in this lease for the purpose of determining whether such land or any adjoining land is infested with deer, wild goats, wild pigs, opossums, or other animals which the said Department is charged with the duty of exterminating or controlling, or for the purpose of destroying any such animals: Provided that such officers and employees in the performance of the said duties shall at all times avoid undue disturbance of the Lessee's stock.
 13. THAT the Lessee shall exercise due care in stocking the said land and shall not overstock.

AND it is hereby agreed and declared by and between the Lessor and the Lessee:-

- (a) THAT the Lessee shall have the exclusive right of pasturage over the said land, but shall have no right to the soil.
- (b) THAT the Lessee shall have no right, title, or claim whatsoever to any minerals (within the meaning of the Land Act, 1948) on or under the surface of the soil of the said land, and all such minerals are reserved to His Majesty together with a free right of way over the said land in favour of the Commissioner or of any person authorised by him and of all persons lawfully engaged in the working, extraction, or removal of any mineral on or under the surface of the said land or any adjacent land of the Crown, subject to the payment to the Lessee of compensation for all damage done to improvements on the said land belonging to the Lessee in the working, extraction, or removal of any such minerals: Provided that there shall be no right of way over, or right to work, extract, or remove any mineral from, any part of the said land which is for the time being under crop or used or situated within 50 yards of a yard, garden, orchard, vineyard, nursery, or plantation, or within the curtilage of any building, dwellinghouse: Provided also that the Lessee may, with the prior consent in writing of the Commissioner, which consent may be given subject to such conditions as the Commissioner thinks fit, use any such minerals for any agricultural, pastoral, household, roadmaking, or building purpose on the said land, but not otherwise.
- (c) THAT upon the expiration by effluxion of time of the term hereby granted and thereafter at the expiration of each succeeding term to be granted to the Lessee the outgoing Lessee shall have a right to obtain, in accordance with the provisions of section 63 (3) of the Land Act, 1948, a new lease of the land hereby leased at a rent to be determined in the manner prescribed by Part VIII of the said Act for a term of thirty-three years computed from the expiration of the term hereby granted and thereafter at the expiration of each succeeding term to be granted to the Lessee as this lease, including this present provision for the renewal thereof and all provisions ancillary or in relation thereto.

358/20



Total Area: 35 670 acs

PER 7077	3.1.14
35. no 3	0.34
247852	2.00
	35.662-2.249
271282	28 0 00
	35.634-2.249
Total	14420.8332 ha
Surrender	Sec 2 204.32 43075
Partial Surre	14216.5134 ha
	157751 16.83 ha
	14199.6834 ha
Run 201a	14199.6834 ha
Diag 2	1676
	14199.8510 ha

712816
247852
SEE DIAG. 2

EQUIVALENT METRIC
AREA IS

Pt Pt
Runs, 678, 679, 680, Lindis S.D
Scale: 80 chains to an inch

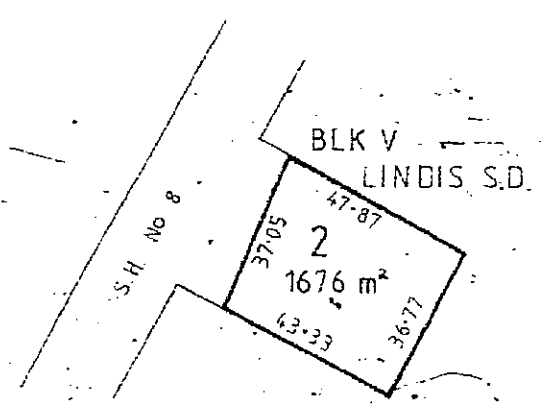


Diagram 2
DOC. 712816

the
ing
of
Lessor
is

0-2- 270/20

-2-

Grant of a Prospecting Licence in favour of Bronze Boulder Company Limited affecting part of Runs 676 and 680 herein for a term of 2 years commencing on 23 January 1974 - 7.2.1974 at 3.00 pm

5D/1

[Signature]
A.L.R.

562190 Mortgage to the Rural Banking and Finance Corporation of New Zealand - 23.9.1981 at 10 am

DISCHARGED
10 FEB 1987

382682/2 Mortgage to the Rural Banking and Finance Corporation of New Zealand - 17.9.1982 at 1.58 pm

DISCHARGED
10 FEB 1987

[Signature]
A.L.R.

[Signature]
A.L.R.

Part Run 679 Block III Lindis District is now known as Section 2 Block III Lindis District (204.52ha) - 3.3.1975 at 1.53 pm
See New Appellation 437147

A.L.R.

592272 Mortgage to Trustees Executors and Agency Company of New Zealand Limited - 28.3.1983 at 2 pm

DISCHARGED
- 2 JUN 1993

[Signature]
A.L.R.

443075 Surrender of the within Lease as to Section 2 Block III Lindis District (204.52 hectares) - 9.7.1975 at 2.14pm (with consent of the Mortgage in Pastoral Mortgage 456).

[Signature]
A.L.R.

646481 Mining Licence under the Mining Act 1971 ~~affecting part of the within land in favour of Mark Fuller Hesson for a term of ten years from 4 November 1985 - 6.11.1985 at 1.41 pm~~
See Volume 9D of 1985
Carrots bed of ~~the~~ *near and creeks*

[Signature]
A.L.R.

457751 the within Lease is surrendered as to part Section 1 Block III Lindis Survey District (16.83ha) with Mortgagees consent - 29.4.1976 at 2.26 pm

[Signature]
A.L.R.

650368 Variation of Mortgage 560229/3 - 31.1.1986 at 2.26 pm.

[Signature]
A.L.R.

542330 Change of Name of mortgagee in Deed of Mortgage 456 to Challenge Corporation Limited entered 29.9.1980 at 2.03 pm

[Signature]
A.L.R.

710601 Memorandum renewing the term of the within lease for a further period of 33 years commencing on 1st July 1984 and fixing for the first 11 years the annual rent at \$13875.00 calculated on a rental value of \$925000.00 - 31.3.1988 at 10.10 am

[Signature]
A.L.R.

560229/1 Transfer of a 1/4 share to Madge Ngaire Dawn Snow of Tarras Married Woman - 21.8.1981 at 2.15 pm

[Signature]
A.L.R.

712816 Certificate of Alteration incorporating in the within lease Section 2 Block V Lindis Survey District (1676 m²) edged black hereon - 30.9.1988 at 10.16am

[Signature]
A.L.R.

560229/2 Transfer of their 3/4 share The Trustees Executors and Agency Company of New Zealand Limited to Richard Maxwell Snow, Richard Gibson Snow and Peter John Snow all of Tarras Farmers as tenants in common in equal shares - 21.8.1981 at 2.15 pm

[Signature]
A.L.R.

780364/1 Mortgage to Wrightson Farmers Finance Limited - 31.3.1991 at 9.44am

DISCHARGED
31.3.1991

[Signature]
A.L.R.

560229/3 Mortgage to The Trustees Executors and Agency Company of New Zealand Limited - 21.8.1981 at 2.15 pm

23 JAN 1991

[Signature]
A.L.R.

780364/2 Memorandum of Priority ranking Mortgage 780364/1 as a second mortgage and Mortgage 592272 as a third mortgage - 31.5.1991 at 9.44am

[Signature]
A.L.R.

[Handwritten mark]

785035 Prospecting Licence under the Mining Act 1971 affecting part of the within land in favour of Aurum Reef Resources (NZ) Limited for a term of 3 years from the 13th day of August 1991 to 13.8.1991 at 9.45am
See Volume 90 Folio 390

[Signature]
A.L.R.

947290.1 CAVEAT BY TELECOM NEW ZEALAND LIMITED
5.5.1998 AT 12.08

[Signature]
K. Heyle
FOR DLR

831095/1 Transfer of Mortgage 592272 to Madge Ngaire Dawn Snow - 2.6.1993 at 10.45am

[Signature]
A.L.R.

947302.1 Change of Name of the mortgagee in Mortgage 924936.5 to Rabo Wrightson Finance Limited
5.5.1998 at 3.31

[Signature]
for DLR

831095/3 Transfer of one half of his 1/4 share Richard Gibson Snow to Anne Louise Snow, of Tarras, Married Woman - 2.6.1993 at 10.45am

[Signature]
A.L.R.

968646.1 Variation of Mortgage 924936.5
2.6.1999 at 9.01

[Signature]
for RGL

895041 Exploration Permit under Section 81 Crown Minerals Act 1991 over part of the within land in favour of Aurum Reef Resources (NZ) Limited for a term of 3 years commencing on 23.11.1994 - 8.11.1995 at 9.01am
See Volume 9D Folio 529

EXPIRED

P Ellwood
A.L.R.

979452.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981
3.12.1999 at 11.31am

DISCHARGED
2000
A.L.R.

[Signature]
for RGL

924936/3 Transfer of the 1/4 share of Richard Gibson Snow and Anne Louise Snow and the 1/4 share of Peter John Snow to Richard Gibson Snow of Tarras Farmer and Anne Louise Snow of Tarras married woman as tenants in common in equal shares - 19.2.1997 at 9.05 am

[Signature]
A.L.R.

983335.1 Gazette Notice (2000 p188) declaring parts of the within land (1.5539ha) marked C SO 20677, (1.5512ha) marked G SO 20678, (1.6831ha) marked K SO 20679, (443m²) marked A SO 20677, (632m²) marked I SO 20678 and (5012m²) marked L SO 20679 to be acquired for road and form part of State Highway No 8 and declaring parts of the road adjoining the within land to be stopped marked H and J SO 20678 which are now known as Section 1 SO 20678 (4.0281ha) and Section 2 SO 20678 (14m²) and to be amalgamated with the within land 16.2.2000 at 11.30

[Signature]
for RGL

924936/5 Mortgage to Wrightson Farmers Finance Limited - 19.2.1997 at 9.05

[Signature]
A.L.R.



928124 Certificate pursuant to Section 417(2) of the Resource Management Act 1991 - 16.4.1997 at 9.02am

[Signature]
A.L.R.

ATTACHMENT 2:

Base stock Limitation Reduction folios 438 and 468.

KS:KI

438
P14
8/96, P. 292

Stewart

70.650

896,

DUNEDIN.

11 January 1974

The Manager,
Trustees Executors & Agency Co. of N.Z. Ltd.,
P.O. Box 760,
DUNEDIN.

Dear Sir,

MORVEN HILLS
PROPOSED RESERVE : LINDIS PASS

I refer to my letter of 9 February 1973 regarding the surrendering of approximately 200 hectares (480 acres) from the pastoral lease. The Minister of Lands has now formally approved the reservation of this area together with a similar area of Dalrachney Station. Formal approval has also been given to the surrendering of the area from the Pastoral Lease. The area will be surrendered subject to a reduction in the Annual Rental of \$14 and the stock limitation in the lease being reduced by 130 sheep. The personal stock limitation, which will include grazing the area surrendered, will not change.

Approval has been given pursuant to Section 29 Reserves and Domains Act 1953 to the area surrendered being leased back to your Company for a term of five years from 1 January 1974 at an annual rental of \$5. The lease will be subject to the conditions that no cultivation, no planting or oversowing and no burning will be permitted on this area.

Would you please now advise that your Company accepts the surrender and new lease on the above conditions.

Yours faithfully,

E. J. Davies
Commissioner of Crown Lands

per:



ALTERATION Partial Surrender as at 30 June 1973

Lessee/Licensee: THE TRUSTEES EXECUTORS AND AGENCY COMPANY OF NEW ZEALAND (LIMITED) a Company registered under the Companies Act 1933 and

Description of Land: See below // having its registered office at DUNEDIN (as Executor in the Estate of Hector Gibson deceased)

Area: _____

Rating Authorities: Waikati County Council

Valuation Department Assessment Reference: 2605/164

Full Details of Alteration

Proposed Area Part Run 678 Blocks v, vi, ix, x, xiii, and xiv Lindis S.D. and Part Run 679 Blocks ii, iii, iv, vi, vii, viii, ix, and xii, Lindis S.D. and Run 680, Blocks vi, vii, viii, x, xi, xii, xiv, and xv, Lindis S.D. and Section 2, Block iii, Lindis S.D. Area: 14420.8336 hectares
Annual Rent: \$850 Stock Limitation in Lease: 9900 sheep.

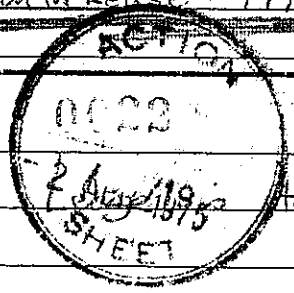
Surrender: Section 2 Block iii, Lindis S.D. Area: 204.32 hectares. S.O. 1804.7
Reduction in Rent: \$14. Reduction in Stock Limitation: 130 sheep.

New Description: Part Run 678, Blocks v, vi, ix, x, xiii and xiv Lindis S.D. and Part Run 679 Blocks ii, iii, iv, vi, vii, viii, ix, and xii, Lindis S.D. and Run 680 Blocks vi, vii, viii, x, xi, xii, xiv, and xv Lindis S.D. Area: 14216.5136 hectares

Annual Rent: \$836 * New Stock Limitation in Lease: 9770 sheep

Reason and Authority for Alteration

CCL Case No 73/299
Area together with part of adjoining Pastoral farm is Scenic Reserve



J 13 No.

Prepared by: [Signature] 27-3-75 / Checked by: [Signature] 27-3-75

ACTION REQUIRED:

LEASES SEC.:	ACCOUNTS DIV.:	TITLES SEC.:	RECORDS SEC.:
LES 5/6/75	Ledgers: / /	Documents: / /	File / /
C.L. Regr. 21/5/75	C./register: / /	Insurance: 11/4/75	Index / /
Expiry Book: / /	Land A/c: / /		
Interest Review: / /	Index: / /		
Register: / /	A/c's. Check: / /		
	ACTION CHECKED: / /		

ATTACHMENT 3:

Archaeological site Data.

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

Subject: New Zealand Archaeological Association Site Recording Scheme

D : Tue, 24 Sep 2002 11:13:08 +1200

From: twalton@doc.govt.nz

To: sweetkouraent@clear.net.nz

Thanks for your enquiry about recorded archaeological sites from New Zealand Archaeological Association Site Recording Scheme. As requested, I have searched for records for the vicinity of 2234515E 5607305N. There are gold mining remains recorded at 2234700 5607200 (G40/23) and a house site at 2234500 5606800 (G40/10). In the vicinity of 2234470E 5614620N there is one recorded site: G40/4 2234300 5614500 FINDSPOT. Note that this last site is not located with any precision.

I have done a wider search of 22328-22430E 56050-56100N with the following result:

G40	9	2238400 5608100 CHIMNEYS
G40	10	2234500 5606800 HOUSE SITE
G40	11	2241300 5606900 COAL MINE
G40	12	2241000 5607100 STONE COTTAGE
G40	23	2234700 5607200 GOLD MINING
G40	71	2240800 5607100 GRAVES

The New Zealand Archaeological Association Site Recording Scheme is a national inventory of archaeological sites and currently contains records of over 54,000 sites nation-wide. I draw your attention to the document on the *Interpretation of data from New Zealand Archaeological Association Site Recording Scheme*. It is important to note the limitations of the data and, in particular, that only recorded sites are listed. In any given area there may be undiscovered or unrecorded sites.

Archaeological sites meeting certain broad criteria are protected by the Historic Places Act 1993 and the permission of the New Zealand Historic Places Trust is required to modify or destroy them.

While reasonable care has been taken in compiling the information, the Department of Conservation and the New Zealand Archaeological Association make no warranty or representation, express or implied, with regard to the accuracy, completeness, or utility of the data. The Department of Conservation and the New Zealand Archaeological Association explicitly disclaim any responsibility for any loss or damage incurred due to any use made of the information.

Kati ake nei,
Hei konei ra.

Tony Walton
Science & Research Unit
Department of Conservation
P.O. Box 10-420
Wellington
(04) 471 3252 (phone), (04) 471 3279 (fax)
twalton@doc.govt.nz

<<WGNCR-15064 INTERP.doc>>