

# Crown Pastoral Land Tenure Review

Lease name: Mt OAKDEN

Lease number: PC 072

# Due Diligence Report (including Status Report) - Part 4

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.

SED UNDER THE OFFICIAL INFORMATION ACT

The District Land Registrar, Canterbury Land Registration District.

The MALVERN ELECTRIC POWER BOARD hereby applies to you to register against the Title to the land hereinafter described the electricity agreement made between the said Board and ARTHUR DOUGLAS ROBERTSON of Mt. Oakden, Private Bag, Christchurch, bearing the date the eighth day of March, 1962, a duly certified duplicate whereof is lodged herewith and I Bernard John Harris, Clerk to the said Board, do hereby certify that the said agreement is one which may be registered against the Tand in pursuance of Section 3 of the Electricity Amendment Act, 1948, and I hereby request you to register the said agreement against the Title to the said land of the said ARTHUR DOUGLAS ROBERTSON.

# Description of Land affected by the Electricity Agreement

The whole of the Crown Leasehold property known as Mt. Oakden, fully described in Certificate of Title Volume 529 Folio 82 of the Canterbury Land Registry. 

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Name of Occupier ARTHUR DOUGLAS ROBERTS ON 

Estate or Interest of Occupier Lessee 

Situation Oakden Survey District - Selwyn County 

Area 8453 acres

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Title Volume 529 Reference to Certificate of Title Volume 529 Folio 82

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Centerbury... Registry 

Dated at Darfield this 12th day of March, 1963 

> de Clerk of Malvern Electric Power Board

Correct for the purposes of the Land Transfer Act 1. War 186 S

Clerk of Malvern Electric Power Board

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13.00 20.MAR98 PARTICULARS ENTERED HORAGE ASST. LAND REGISTRAR. A 343952. Z

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MEMORANDUM OF TRANSFER

## **GRANT OF EASEMENT**

(Pursuant to Section 60 Land Act 1948)

## RIGHT TO STORE WATER

WHEREAS HER MAJESTY THE QUEEN acting by and through the Commissioner of Crown Lands appointed under Section 12A(1) of the Survey Act 1986 (hereinafter with Her heirs, successors and assigns called "the Transferor) being the registered proprietor of an estate in fee simple

subject however to such encumbrances, liens and interests as are notified underwritten or endorsed hereon in that piece of land situated in the Land District of Canterbury containing 3464.1091—
hectares more or less being Run 281, situated in Block IV, Oakden Survey District and being all that land comprised and described in the Crown Pastoral Lease P72 as registered in the Canterbury Land Registry as Certificate of Title Volume 529 Folio 82 (hereinafter referred to as the "servient land")

AND WHEREAS the Transferor has agreed to transfer and grant unto the COLERIDGE POWER STATION LIMITED at Wellington (hereinafter with its successors and assigns) and together with all servants, agents, workmen, licensees, invitees and contractors (referred to as "the Transferee") being the registered proprietor of an estate in fee simple in that piece of land situated in the Land District of Canterbury containing 149.1145 hectares or thereabouts and being more particularly described as Section 3, SO 16791, Sections 2 and 3, SO 16792, Sections 1-3, SO 16796 and Sections 1 and 2, SO 1968, and being all that land comprised and described in Certificate of Title Volume 43D Folio 247 hereinafter referred to as the "dominant land" the rights liberties and easements hereinafter contained

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AND WHEREAS ARTHUR DOUGLAS ROBERTSON and NEIL WILLIAM ROBERTSON, both of Lake Coleridge, Farmers (hereinafter with their successors and assigns referred to as "the Lessee") is the registered lessee pursuant to Section 66 of the Land Act 1948 with a right only to pasturage of the servient land

AND WHEREAS the Lessee at a meeting on 15 October 1996 with representatives of both the Transferor and the Transferee, verbally agreed to enter into an Agreement which recognised the fact that over the last forty years, from time to time and to varying degrees, water has been stored by the owner of the Lake Coleridge Power Scheme, on that part of the servient land shown as 'U' and 'RR' on SO Plan 16796 (hereinafter referred to as the "easement area") and further agreed to such Agreement protecting the existing usage and guaranteeing the ongoing right of the owner of the said scheme (both present and future) to so store water on the easement area together with ancillary rights attaching thereto

AND WHEREAS the Ministers of Finance and State Owned Enterprises and the Transferee by

Agreement dated 16 April 1993 agreed inter alia that for the better operation of electricity generation
an easement would be granted pursuant to Section 60 Land Act 1948 to store water and other
ancillary rights over the servient land

AND WHEREAS the parties are desirous of creating the easement together with ancillary rights attaching thereto over the servient land, hereinafter set forth

NOW THEREFORE in consideration of the premises hereinbefore contained and of the said agreement the Transferor pursuant to Section 60 of the Land Act <u>DOTH HEREBY TRANSFER</u>

AND GRANT unto the Transferee as an easement appurtenant to the Dominant Land the full free uninterrupted and unrestricted right liberty and licence from time to time and at all times hereafter to store and release water within the servient land and for that purpose or for other purposes of these

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presents to maintain the servient land in such manner to store water and when required by the Transferee to release that water in such quantities as it shall determine <u>TO HOLD</u> all and singular the said rights and liberties easements and premises expressed to be hereby granted subject to the covenants and conditions herein expressed or implied and on the part of the Transferee to be observed or performed as follows:

- levels determined from time to time by the Transferee for the Lake Coleridge Power Scheme and in accordance with any Resource Consents required by the Transferee PROVIDED THAT in the event of unusually heavy rainfall or unusually heavy inflow of water which impacts on the water levels or any other cause beyond the reasonable control of the Transferee then the Transferee may store and retain water up to the designed flood level of the said scheme AND PROVIDED FURTHER THAT if lawfully directed or requested so to do by a civil defence authority or other cause beyond the control of the Transferee then the storage of water may be held beyond the designed flood level.
- Where the servient land or any part of it forms the bed of a natural waterway the Transferee shall have the right to discharge water thereto subject to and in accordance with Resource Consents or other statutory requirements (if any).
- The Transferee may if it sees fit install and maintain booms and other floating equipment on the servient land used for the storage of water and shall have the right to anchor such equipment on the servient land AND THAT the Transferee may if it sees fit install and maintain monitoring equipment, safety devices and similar equipment on the servient land PROVIDED THAT except in the case of emergency,

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the installation of such devices and equipment shall not be undertaken without the Transferee first having obtained the consent of the Transferor. All existing booms and equipment shall be deemed to be placed with the Transferor's consent.

- 4. To maintain the storage of water on the easement area and to limit or minimise erosion land subsidence or flooding the Transferee may do such works including the right to deposit sediment or other material and/or plant vegetation on the easement area that it considers necessary PROVIDED THAT the works and plantings shall be in keeping with the character of the lands where they are done and that the Transferee shall within the constraints of the operating flexibility for the Lake Coleridge Power Scheme use reasonable endeavours to reduce erosion and land subsidence on the servient land by available practical and economic means AND FURTHER the Transferee may remove from the water so stored any sediment vegetation or any other material the Transferee considers is impeding or is likely to impede the efficient generation of electricity by the Transferee or to cause danger injury or damage to any person or property
- 5. The Transferee may if it considers that there is an emergency situation involving public safety or the security of electricity generation temporarily exclude entry by any persons to all parts of the easement area. In cases where there is no emergency The Transferee may with the Transferors prior approval, temporarily or permanently exclude persons from all or any part of the easement area. Where entry is excluded the Transferor or the Lessee will not authorise entry thereon except for the purpose of inspecting the condition of the easement area or other purposes required to be done by it under this Transfer Grant of Easement.

6. The Transferee may take such measures as it reasonably thinks necessary for the

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safety of persons or property including the right to erect signs and notices giving warning of any danger.

- 7. The Transferee shall at all times have access through the servient land to any land of the Transferee contained therein or adjacent thereto and the right to have access to any part of the servient land for the purpose of exercising any of the powers granted hereunder in either case at any time and with and without vehicles, plant and equipment provided that:
  - (a) except in the case of emergency no such rights shall be exercised without the consent of the Transferor; and
  - (b) such rights shall be exercised in such manner as will minimise damage to the servient land and disturbance to any occupier.
- 8. The Transferee may erect structures and do works on the easement area for the purpose of the exercise of any of the Transferee's rights under this Transfer Grant of Easement PROVIDED THAT this right shall not be exercised without the consent of the Transferor.
- 9. The Transferee may deposit sediment or other material on or under the easement area <u>PROVIDED THAT</u> where the appearance or use of the easement area is or may be thereby adversely affected, the Transferee shall carry out landscaping of the affected area in a manner approved by the Transferor which shall not unreasonably withhold such approval.

To effectively control the waters stored on the easement area the Transferee may store goods and materials of all kinds on the easement/area.

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The Transferee shall have the right to do all such acts and things as are reasonably necessary for the better enjoyment of the rights granted by this Transfer Grant of Easement or consequential thereto.

AND IT IS HEREBY EXPRESSLY AGREED AND DECLARED by and between the Transferor and the Transferoe and Lessee that:

- 12. In all cases where the consent of the Transferor is required such consent shall first be approved by the Lessee and shall not be unreasonably withheld by either party.
- 13. That the Transferee shall be entitled to apply for any Resource Consent required for its activities in the same manner as if it were the registered proprietor of the servient land PROVIDED THAT it shall at the time of making the application forward a copy to the Transferor and Lessee. Resource Consent in this Transfer Grant of Easement means all consents permits or licenses required by the Transferee to operate and maintain the storage of water or any other activity authorised by this easement whether under the Resource Management Act 1991 or required by any other legislation.
- That all structures plant and equipment made or installed by it on the easement area shall remain the property of the Transferee and may at any time be removed by it

  PROVIDED THAT any damage caused shall immediately be remedied by the

  Transferee at its cost.
- 15. That the Transferee shall not be required to fence any of the easement area unless it is reasonable for the Transferor to require it as a condition of the Transferor's consent when granting any consent hereunder.

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Notwithstanding the rights conferred on the Lessee by the existing pastoral lease, if at some time in the future the easement area is surrendered from the pastoral lease and the fee simple interest therein is not sold to the Lessee as a condition of surrender, then providing that all other legislative and government policy requirements are first met, the fee simple interest will be offered to the Transferee who will have three (3) calendar months to take up the offer.

17. Any dispute arising between the parties which touches the construction meaning or effect of this Transfer Grant of Easement or the rights or liabilities of the parties to this Transfer Grant of Easement shall unless agreed in writing by the parties or provided in this Transfer Grant of Easement be referred to arbitration by two arbitrators in New Zealand one to be appointed by each party and in the event of the arbitrators differing to an umpire appointed by the two arbitrators before they enter upon their deliberations. The arbitration to be conducted in accordance with the Arbitration Act 1996 or any statutory modification or re-enactment which may for the time being be in force.

AND THE TRANSFEROR AND LESSEE DOTH HEREBY COVENANT with the Transferee that except as otherwise specifically provided herein where the Transferor or Lessee shall permit any third party to enter the easement area the Transferor and Lessee shall indemnify the Transferee against any action or claim by that third party arising out of loss or injury suffered by that party by reason of any act or omission of the Transferee in the exercise of its rights and privileges hereunder PROVIDED THAT this indemnity shall be void and of no effect in the case of negligence by the Transferee being the direct cause of the loss or injury.

DATED this

IN WITNESS WHEREOF these presents have been executed the day and the year first hereinbefore A.NR.

appearing.

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RELEASED UNDER THE OFFICIAL INFORMATION ACT SIGNED for and on behalf of HER MAJESTY THE QUEEN by the Commissioner of Crown Lands in the presence of; S. D. BROWN COMMISSIONER OF CROWN LANDS LAND INFORMATION 1/2. WELLINGTON Occupation: Address: WELLINGTON. SIGNED by ARTHUR DOUGLAS ROBERTSON and NEIL WILLIAM ROBERTSON in the A. D. Roberton presence of: ARTHUR DOUGLAS ROBERTSON WW Bleck **NEIL WILLIAM ROBERTSON** Occupation: CLERK Address: DARFIELD SIGNED by COLERIDGE POWER STATION LIMITED Directo

Director

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TRANSFER

.Correct for the purposes of the Land Transfer

**GRANT OF EASEMENT** 

Act 1952

(RIGHT TO STORE WATER)

SOLICITOR FOR THE TRANSFEREE

## HER MAJESTY THE QUEEN

Transferor

## **COLERIDGE POWER STATION LIMITED**

Transferee

Particulars entered in the Register as shown

I hereby certify for the purposes of the Stamp

and Cheque Duty Act 1971 that no conveyance

duty is payable on this instrument by reason of
the application of Section 17(g) of the Act.

Assistant District Land Registrar of the

District of Canterbury

SOLICITOR FOR THE TRANSFEREE

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MEMORANDUM OF RENEWAL

HER MAJESTY THE QUEEN

Lecsor

ARTHUR DOUGLAS ROBERTSON

Lessee

NEIL WILLIAM ROBERTSON

Lessee

Particulars entered in the Register on

Date and strike time recorded below:

Assistant Land-Registrar

Land Corporation Limited

CHRISTCHURCH

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IN THE MATTER of the Land Transfer Act 1952 and the Land Act 1948

AND

IN THE MATTER of Pastoral Lease P 72,
registered in Volume 529,
folio 82, Canterbury Land
Registry, from HER MAJESTY

THE QUEEN to ARTHUR
DOUGLAS ROBERTSON of Lake
Coleridge, Farmer, and
NEIL WILLIAM ROBERTSON, of
Mount Oakden, Farmer.

Pursuant to Section 170 of the Land Act 1948, the term of the above-mentioned lease registered in Volume 529, folio 82, Canterbury Land Registry, is renewed for a term of 33 years commencing on the 1st day of July 1990. The Covenant to pay rent and the Rental Value contained in the lease is hereby varied by deleting the said Covenant and substituting the following:-

Yielding and paying therefore for the first 11 years of the said term unto Land Corporation Limited at Christchurch, the annual rent of \$2,113.64 (exclusive of GST) calculated on a Rental Value of \$140,909.00 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 period of 11 years and for the next two successive periods of 11 years of the said term a rent determined in respect of each of those periods in the manner provided in Section 132A of the Land Act 1948.

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

IN WITNESS WHEREOF the parties have hereunto subscribed their name this /ST day of DECEMBER 1989.

SIGNED for and on behalf of )
HER MAJESTY THE QUEEN pursuant )
to a Deed lodged with the District )
Land Registrar as No. 686366/1 by )
LAND CORPORATION LIMITED by its )
Attorney DIANE FITZHARDING-JONES )
in the presence of; )

LAND CORPORATION LIMITED by its Attorney

... Dooci

Witness:

PORACY OFFICER

Address: LANDEON CHAIRCHLUN

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ROBERTSON as lessee in the presence of;	)	ANR.	Eezla Lessee
Witness: 80W	,		
Occupation: Soliato			
Address: (mishuut.			
•			
SIGNED by the said NEIL WILLIAM ROBERTSON as lessee in the	)	HW Robert	à
Witness: John Muncheson	) T.F		Lessee
Occupation: Farmer			
Address: Like Colonery Sh			
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Correct for the purposes of the Land Transfer Act.

Solicitor for the Lessee

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# CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

- I. DIANE FITZHARDING-JONES of Christchurch, Property Officer
  HEREBY CERTIFY -
- THAT by Deed dated the 12th day of June 1987 copies of which are deposited in the Land Registry Offices at -

AUCKLAND (North Auckland Registry) and there numbered B678573
BLENHEIM (Marlborough Registry) and there numbered 136439
CHRISTCHURCH (Canterbury Registry) and there numbered 686366/2
DUNEDIN (Otago Registry) and there numbered 681189/1
GISBORNE (Poverty Bay Registry) and there numbered 167089.2
HAMILTON (South Auckland Registry) and there numbered H734777
HOKITIKA (Westland Registry) and there numbered 076748
INVERCARGILL (Southland Registry) and there numbered 141782
NAPIER (Hawkes Bay Registry) and there numbered 478751.2
NELSON (Nelson Registry) and there numbered 341775
WELLINGTON (Wellington Registry) and there numbered 860782.2

<u>LAND CORPORATION LIMITED</u> at Wellington carrying on the business of land management appointed me its Attorney on the terms and subject to the conditions set out in the said Deed.

- THAT at the date hereof I was Property Officer of the said Corporation.
- 3. THAT at the date hereof I have not received any notice or information of the revocation of that appointment by the winding up or dissolution of the said <u>LAND CORPORATION LIMITED</u> or otherwise.

SIGNED at Christchurch this /37 day of DECEMBER 1989

Die Fithaly-Jones

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HER MAJESTY THE QUEEN LESSON
LEGGEST
ARTHUR DOUGLAS ROBERTSON
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PARTICULARS entered in the Regulary Book Tupaged Volume 529 Folg 8 Z

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# CERTIFICATE OF ALTERATION UNDER SECTION 113, LAND ACT 1948

IN THE MATTER of the LANC Transfer Act 1952, and the Land

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Is no marrie of less (DERKE) from HEB MA\_ESTY THE

QUEEN to ARRER DOUGLAS ROBERTSON of
Lake Coloridge, farmer, lessee of Run 201

"Mt Cakdon" bituated in Blocks Til. IV.

VII. VII. IX Cakdon Survey District

4132: 3420.8077 hectorss

registered in

Vol 529 , 1040 52 Canterbury Land

This is to tertily that the area in the above described leads was increased to 3464,0091 bectares following redefinition as snown on 8.0. Plans 11026<sup>L</sup> and 11563<sup>L</sup>.

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As witness my haad, this \_\_\_\_

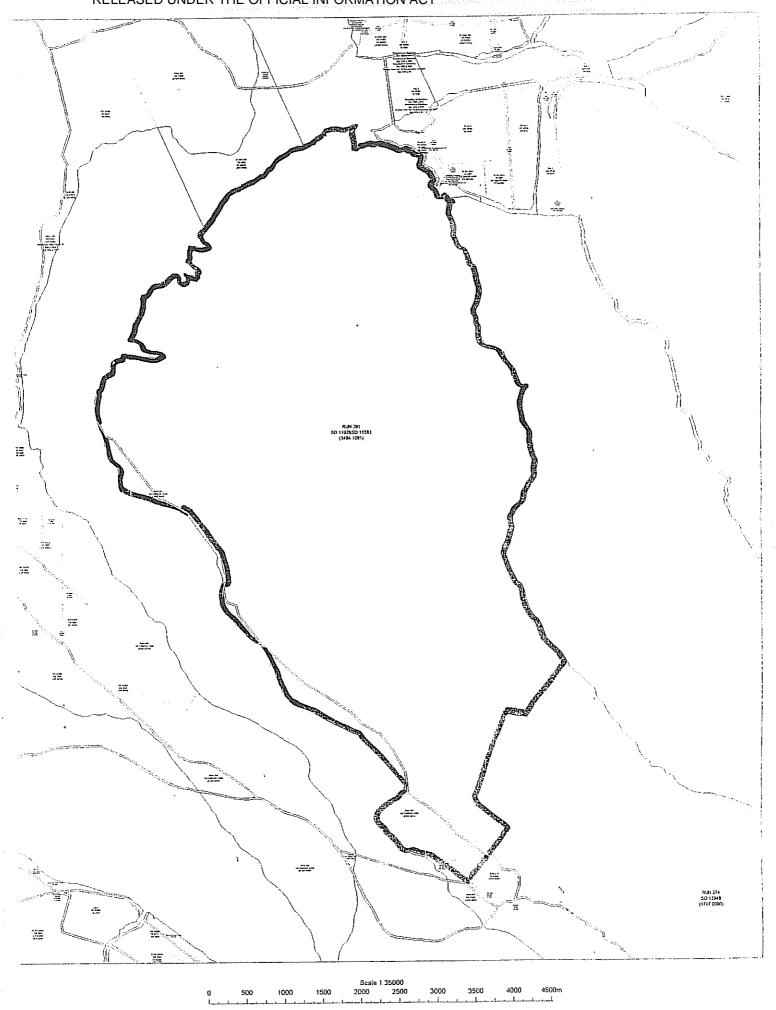
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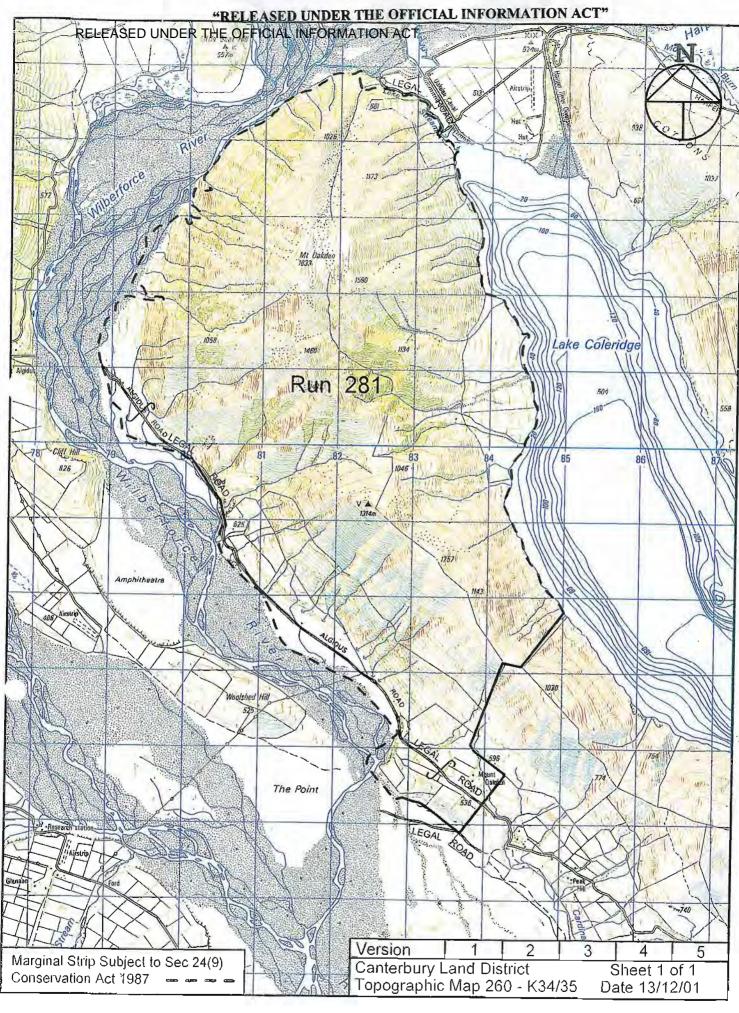
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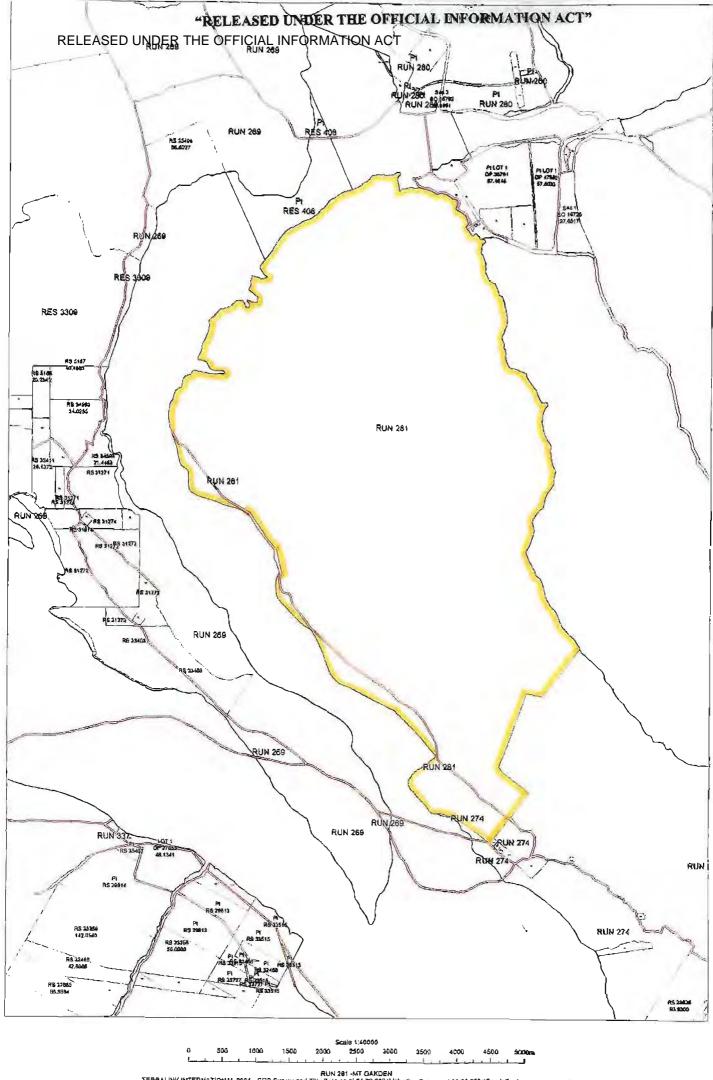
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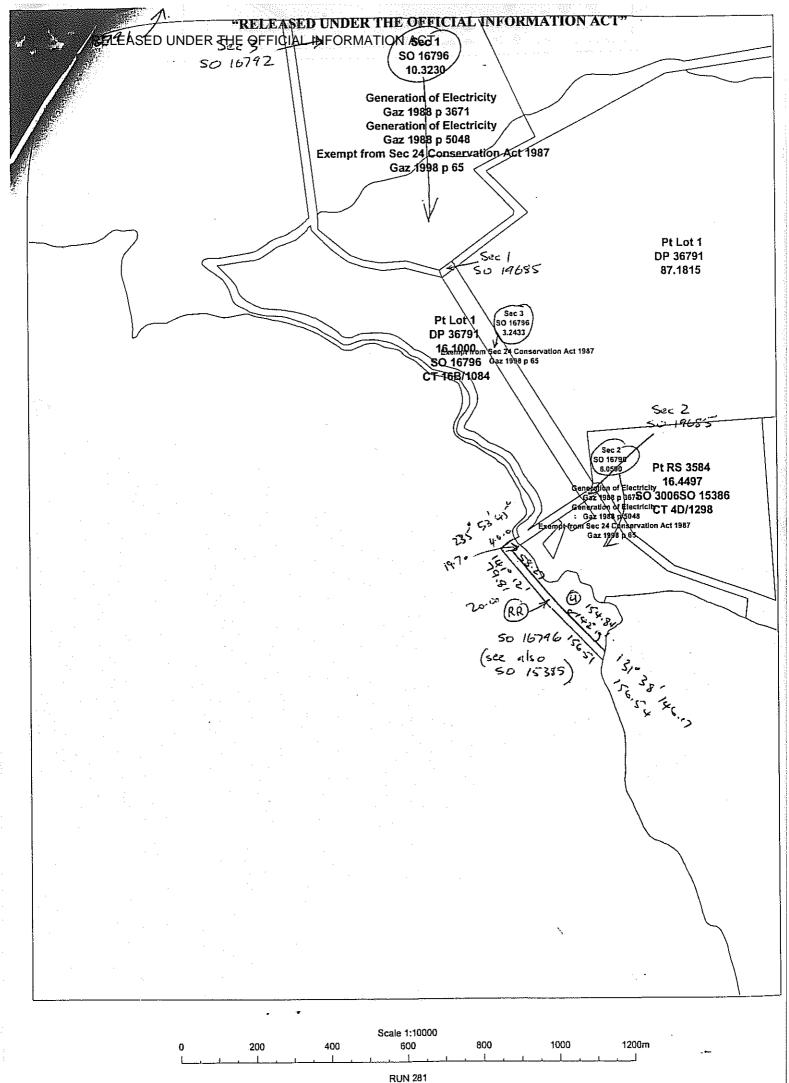


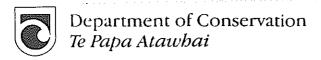




# Mt Oakden







Our ref: PAR 019, PTR 034 PTR 076

11 October 2001

Don McGregor McGregor Property Services 6 Cumberland Place Kaiapoi

Dear Don

# PASTORAL LEASE STATUS CHECK - SNOWDALE, MT OAKDEN, AND MT HUTT

I refer to your letter of 14 September 2001.

I have checked the Department of Conservation's land records. The only areas of public conservation estate within the boundaries are potential marginal strips. I have commented on these below. Conservation Estate does adjoin the properties and is listed below:

### SNOWDALE

L34/29 - Oxford Conservation Area - held pursuant to Section 62 Conservation Act 1987 (deemed to be stewardship area).

L34/11 - Whistler Riverbed - held pursuant to Section 62 Conservation Act 1987 (deemed to be stewardship area).

As both these areas sit outside the pastoral lease boundary, I have not made any enquiries regarding any concessions.

## MT OAKDEN

K34/24 - Wilberforce Riverbed Conservation Land - held pursuant to Section 62 Conservation Act 1987 (deemed to be stewardship area).

As this area sits outside the pastoral lease boundary, I have not made any enquiries regarding any concessions.

## MT HUTT

K35/45 - Mt Hutt Forest - held pursuant to Section 62 Conservation Act 1987 (deemed to be stewardship area).

As this area sits outside the pastoral lease boundary, I have not made any enquiries regarding any concessions.

In addition to this parcel, an area to the immediate north shows up as being under investigation for addition to the public conservation estate. This shows in our system as being the Glenrock retirement area. As it sits outside the Mt Hutt lease, I have not made any further enquiries. It is presumably an area surrendered from an adjoining Pastoral Lease, where Gazette action has not been finalised.

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With respect to marginal strips, both Snowdale and Mt Oakden were renewed on 1.7.1990, so should be subject to the marginal strip provisions contained in Part IVA of the Conservation Act 1987.

Mt Hutt was renewed in 1988, so there will be no Conservation Act marginal strips in place, and I cannot see a Section 58 memorial on the title, although the renewal certificate may make mention of reserving land from sale. As you know, the legality of Section 58 strips not identified on survey plans is in doubt.

It is practically impossible to identify with any certainty whether a marginal strip is in place if it is not shown on a survey plan. Some marginal strips are shown on the DOC allocation maps, and others are not. If there is no marginal strip shown on our allocation records, I have not identified them. Snowdale and Mt Oakden appear to be subject to Marginal Strips under the Conservation Act 1987, but none are noted on any survey plan, or on the title.

If there are any marginal strips in existence, there will be no concessions granted over them, save for a small number of generic concessions covering the majority of the public conservation land in the conservancy.

Yours faithfully

Robert Cant
Statutory Land Management Officer (Community Relations)
For Conservator, Canterbury
Email: Rcant@doc.govt.nz





# **View Statutory Action**

Parcel

Section 1 Survey Office Plan 16796

Current Purpose Exempt from Sec 24 Conservation Act 1987

Parcel Status Current

Statutory Action

New Zealand Gazette 1988 p 3671

Type

Gazette Notice

Recorded 25/11/2000

Action Create Status Current

Statute

Purpose

Generation of Electricity

Name

Comments

**Statutory Action** 

New Zealand Gazette 1988 p 5048

New Zealand Gazette 1998 p 65

Type

Gazette Notice

Recorded 25/11/2000

Action Create Status Current

Statute

Purpose

Generation of Electricity

Name

Comments

Statutory Action

Type

Gazette Notice

Recorded 25/11/2000

Action Create Status Current

Statute

Purpose

Exempt from Sec 24 Conservation Act 1987

Name

Comments

\*\*\* End of Report \*\*\*





# **View Statutory Action**

Parcel

Section 2 Survey Office Plan 16796

Current Purpose Exempt from Sec 24 Conservation Act 1987

Parcel Status Current

**Statutory Action** 

New Zealand Gazette 1988 p 3671

Type

Gazette Notice

Recorded 25/11/2000

Action Create Status Current

Statute

Purpose

Generation of Electricity

Name

Comments

Statutory Action

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Recorded

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Status

New Zealand Gazette 1998 p 65

Gazette Notice

25/11/2000

Create

Current

Statute

Purpose

Exempt from Sec 24 Conservation Act 1987

Name

Comments

\*\*\* End of Report \*\*\*





# View Statutory Action

Parcel

Section 3 Survey Office Plan 16796

Current Purpose Exempt from Sec 24 Conservation Act 1987

Parcel Status Current

**Statutory Action** 

New Zealand Gazette 1998 p 65

Type

Gazette Notice

Recorded 25/11/2000

Action Create Status Current

Statute

Purpose

Exempt from Sec 24 Conservation Act 1987

Name

Comments

\*\*\* End of Report \*\*\*

