

Crown Pastoral Land Tenure Review

**Lease name : OTEMATATA
STATION I**

Lease number : PO 304

Due Diligence Report (including Status Report) - Part 1

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.

July 09

DUE DILIGENCE REPORT

CPL PRE TENURE REVIEW ASSESSMENT STANDARD 6:

File Ref: Po304 Report No: AT2021 Report Date: 26 June 2002
LINZ Ref: 12561
Office of Agent: Alexandra LINZ Case No: Date sent to LINZ: 26/6/02

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 Status Check area calculations, differs from the Computer Interest Register cover sheet. The correct area is 12780.1128 ha.
 - 2.2 The legal description on the Computer Interest Register differs from the Status Check in that it should read Part Run 742 not Run 742.
 - 2.3 The Broadcast Communications Limited had a sub-lease for 10 years from 1984 with a further 10 year extension possible and allowed a transmitter site and access plus underground service cables. A new sub-lease agreement was prepared in 1989 for the transmission site and access for 10 years from 1 July 1989 with one right of renewal. But no evidence of the completion of this action could be found. It can only be assumed it was not followed through with and that if still onsite they will be operating under the old sub-lease extension. Either way a sub-lease to Broadcast Communications may exist that is not registered on the lease.
 - 2.4 A caveat by Telecom New Zealand Limited exists on the lease document (916242 - 16 September 1996). This was to protect an access and site easement approved by the CCL and lessee agreement in 1996 for a telecommunication site and power supply on the lease. This has not been registered and it is thought the site was not proceeded with by Telecom. This caveat may be obsolete.

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: Otematata 1

Location: The lease is located on the south side of State highway 83 adjacent to Otematata township in the Waitaki Valley. The lease extends southwards up the Hawkdun Range face with the Otematata River and Clear Stream as its eastern and southern boundaries. The lease is run in conjunction with adjoining Po305 (*Otematata 2*) and 85 ha of adjoining freehold land and another freehold property at Awakino. The homestead is located immediately west of Otematata township 90 km from Oamaru, the nearest major service centre.

Lessee: Otematata Station Limited

Tenure: Pastoral lease under the Land Act 1948 and Crown Pastoral Land Act 1998. Pastoral Lease No 304.

Term: 33 years from 1 January 1998 to 1 January 2031.

Annual Rent: \$6,900 (*excluding GST*)

Rental Value: \$460,000

Date of Next Review: 1 January 2009

Land Registry Folio Ref: OT2C/585

Legal Description: Part Run 742 situated in Gala and Turnagain Survey Districts Sections 50 - 51, Section 8, Sections 36 - 37, Section 49 and Sections 40 - 42 situated in Block VIII Gala Survey District being all the land contained in Instrument of Title OT2C/585.

Area: 12780.1128 ha

(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>
Po304-SDN-01	1	1	16/3/1965	137	8/8/1979

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>
Po304	2	138	10/9/1979	267	12/5/1989
Po304	3	268	10/4/1988	337	8/6/1999
CON/50213/09/12561/ A-ZNO (<i>current</i>)	4	1	3/7/2000	15	11/12/1998

With the exception of a very few missing folios and the Ministry of Works Compensation files, that were not available for search, the records are complete. Confidence is held that all important data has been searched.

A Oamaru Harbour Board Lease over Part Runs 160C, D, E and F was held by Otematata Station Limited expiring on 28 February 1964 (*Crown S.68*) In 1959 areas totalling 448 acres 2 roods 4.8 perches were taken for Water Power Development from the runs. This land involved the future township area of Otematata. The Crown purchased the interests of the Harbour Board in 1964 and granted a licence to occupy (*S.68*) on a year to year basis over a total of 62575 acres.

Otematata Station Limited was offered two new pastoral leases (*P304 - 31, 300 acres and P305 - 31.6000 acres*) but did not include 4442 acres divided between Rostriever, Bog Roy, and a future earth electrode site.

A pastoral lease (*P304*) was issued to Otematata Station Limited for 33 years from 1 January 1965 (*plus a broken period*) with a stock limitation of 6375 merino sheep (*including not more than 1500 breeding ewes*) and 60 cattle (*including 50 breeding cows*) over a newly defined Run 742 of 31300 acres.

In 1969 a series of small road adjustments were gazetted with closing of roads, taking of land for roads and incorporation of closed roads into the lease (*SO 16562*).

In 1970 1 acre 0 roods 28 perches was set apart for water power development being the straightening up of the Otematata village boundary with the run.

A firebreak access track system was undertaken in 1970 under grant assistance from the Waitaki Catchment Commission.

A Soil Conservation Run plan was approved in 1971 involving boundary cattleproofing, conservation fencing, onsite oversowing and top dressing, disc drilling, stock ponds and windbreaks.

Approval to cultivate 600 acres at the "Back Yards" and 400 acres at the "Homestead" was granted in 1971.

The Broadcasting Council of New Zealand was given approval to establish a TV and microwave transmitter site (*to be surrendered from the lease*) and an access easement across the lease in 1975 (*folio 96*), (*folio 130A/S for NZBC*).

Permission to construct a further 25 km of access tracking in the Wether Block was granted in 1977.

Negotiations to return surplus land taken for water power development on the boundary of Otematata township were undertaken from 1977 onwards resulting in the return of 113.4638 ha (*Sections 36, 37 and 49 Block VIII Gala Survey District*) in 1980 to the pastoral lease (*SO 17676, 17746 and 18947*). Some debate with the lessee occurred over the temporary tenancy of some other Crown land sections within the township.

Permission to construct a further 14.4 km of access tracking in was granted in 1977.

When presented with the partial surrender documents in 1980 for the Broadcasting site the lessee refused to sign until he was satisfied with the re-incorporation negotiations underway. The lessee maintained that the project was keeping land, promised to be returned, in excess of their requirements and were occupying part of the lease.

The District Council notified a concern that the land returned to the lease was classified as residential land and would need to be re-zoned. A proposal to allow this land to be surrendered from the lease for residential development was debated with some publicity but not pursued, as the lessee's approval was required.

The withholding of approval for surrender of land for the broadcasting site continued as negotiations to return power project land stalled. In 1981 the lessee continued to refuse to sign the surrender on the grounds that gorse was introduced during the establishment of the site that would have to be removed first.

A nassella tussock infestation was discovered in 1980 on some 200 ha and a control programme instigated.

An escaped campfire caused a 2000 ha burn in 1982.

A failure to transfer easements relating to the Otematata Water supply scheme related to the land incorporated back into the lease (*Sections 36, 37 and 49 Block VIII Gala Survey District*) was discovered in 1982. This was corrected by entering a certificate of alteration on the lease document.

Three areas (*Sections 40, 41 and 42 Block VIII Gala Survey District*) a total of 1.3727 ha across which the water supply easement passes were incorporated into the lease in 1984.

The Broadcasting Corporation, having given up on negotiating surrender for its transmitter site, suggested a licence to occupy would be attempted. They were advised to seek a sub-lease. A sub-lease was approved by the Land Settlement Board subject to lessee approval in 1984 (*LSB Case 84/478*). The previous LSB decision on surrender was rescinded. After corrections to the wording of the signed agreement the sublease it was executed. It was for 10 years from 1984 with a further 10 year extension possible and allowed a transmitter site and access plus underground service cables.

Routine burning and cultivation consents were processed in the next few years.

Mr H Cameron was approved as manager for the combined leases and a personal stock exemption was granted in 1989 for the combined leases (*P304 and P305*) of 16000 sheep (*including not more than 6000 breeding ewes*) and 450 cattle (*including 220 breeding cows*) but while worked with freehold an overall limitation of 19000 sheep (*including 6000 breeding ewes*) and 450 cattle (*including 220 breeding cows*).

Consent was granted for 375 ha of oversowing, 100 ha of direct drilling and 12.4 km of access tracking in 1989.

A new sub-lease agreement was prepared in 1989 by the Broadcast Communications Limited for their transmission site and access for 10 years from 1 July 1989 with one right of renewal. This was initially approved but sent for legal vetting and no further file data relating to this could be found. It can only be assumed it was not followed through with and that if still onsite they will be operating under the old sublease extension.

A large scale Rabbit and Land Management Programme was entered into in 1992. This involved primary and secondary control works with associated netting of fences. A large cover restoration programme through oversowing depleted lands (*2800 ha*) with suitable species was also proposed. An airstrip was installed for community use and well as the purchase of ground control equipment. The plan did not involve any permanent de-stocking, or surrender commitments.

Telecom New Zealand applied for an easement for a transmission site and access near the Broadcasting New Zealand site in 1995. This was approved after much legal discussion re the rights of each party to grant easements, the term of the easement, and legal wording. The final document is contained in folio 313 and is for 19 years 364 days and is jointly signed by Telecom the CCL and the lessee. Telecom placed a caveat on the lease document in advance of registration.

Consents to oversow with seed (*900 ha*), topdressing (*900ha*) and planting trees (*1.5km*) were granted in 1998.

The lease was renewed for 33 years from the 1 January 1998 with annual rent of \$6,900 (*plus GST*) based on a rental value of \$460,000.

Although requested (*folio 304*) no file reference can be found from the Chief Surveyor defining the marginal strips on the lease.

Consent to topdress and sow seed (*renewal of pastures*) on 120 ha was granted in 1999.

A large block of overall consents to topdress 3710 ha and sow seed on already developed land was granted in 2000.

(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 2C/585).

The lease over Run 742 was issued on 1 December 1964 under the Land Act 1948 for a term of 33 years from 1 January 1965 and covered the period from 1 December 1964 to 1 January 1998. The lease was renewed for a further 33 years commencing on 1 January 1998.

No non-standard conditions are recorded.

The legal description on the Computer Interest Register differs from the Status Check in that it should read Part Run 742 not Run 742.

Original Lease Stock Limit:

- 6375 Merino sheep (*including not more than 1500 breeding ewes*).
- 60 Cattle (*including not more than 50 breeding cows*).

Personal Stock Exemption (1989) (P304 and P305 combined):

- 16000 Sheep (*including not more than 6000 breeding ewes*).
- 450 Cattle (*including not more than 220 breeding cows*).

Overall limitation when run with Awakino Downs and Wharekuri Freehold:

- 19000 Sheep (*including not more than 6000 breeding ewes*).
- 450 Cattle (*including not more than 220 breeding cows*).

Renewals and variations:

- 939524 Memorial renewing the term of the lease registered on 7 October 1999 (*renewing the term for a further period of 33 years commencing on 1 January 1998 and fixing for the first 11 years the annual rent at \$6,900 calculated on a rental value of \$460,000*).

Area adjustments:

	<i>Acres</i>	<i>Roods</i>	<i>Perches</i>	
Original lease area	31300	0	0	
<i>Less</i> taken for power development	1	0	6.9	Memorial 338404
Plus Closed road	0	0	17.0	Memorial 340323
<i>Less</i> taken for road	2	0	9.4	Memorial 339854
<i>Less</i> taken for power development	1	0	28.0	Memorial 362427
Total	31296	2	12.8	
Metric equivalent	12665.2763 ha			
Plus incorporation Sections 36, 37 & 49 Block VIII	113.4638 ha			
Plus incorporation Sections 40 - 43 Block VIII	1.3727 ha			
Total Area	12780.1128 ha			

This area is in agreement with the Status Check calculations, but differs from the Computer Interest Register cover sheet.

A full area reconciliation sheet of area is contained in the Status Check and no errors could be detected in it.

Registered interests:

Mortgages:

511103 Mortgage to National Bank of New Zealand Limited –15 February 1979.

Other Interests:

Deed of easement embodied in Register OT6A/1277 – 28 February 1983 (*easement over Section 33 - 34, Section 42 and Section 40 - 41 Block VIII Gala Survey District and adjoining Run 742 in favour of the Waitaki District Council for town water supply works, pumps, pipelines, dams. The existence of this easement was originally missed when land was incorporated into the lease but registered later*).

854438 Land Improvement Agreement pursuant to Section 30 A Soil Conservation and Rivers Control Act 1941 – 2 May 1994 (*Rabbit and Land Management Programme agreement containing commitment to maintain works. This expires in 2010 and contains no issues that would affect tenure review*).

916242 Caveat by Telecom New Zealand Limited – 16 September 1996 (*caveat by Telecom to protect a access and site easement approved by the CCL and a lessee agreement for two telecommunication sites and power supply on the lease that have yet to be defined*).

No Electricity Agreement is registered on the lease document.

No Conservation Farm Plan agreement is registered.

No Compensation Certificates are registered.

(4) Summarise any Government programmes for the lease:

An extensive firebreak access-tracking programme (*39 miles*) was approved and installed under single subsidy assistance by the Waitaki Catchment Commission in 1970.

One Waitaki catchment Commission farm plan programme was carried out on the lease between 1971 and 1981. Works involved boundary cattleproofing, conservation fencing, onsite oversowing and top dressing, disc drilling, stock ponds and windbreaks. The plan did not involve destocking, temporary retirement or surrender agreement. The work programme was mostly completed. No second stage plan was undertaken. No legal agreement was ever registered on the lease document. No issues for tenure review were identified.

A Rabbit and Land Management Plan was undertaken on the property between 1990 and 1995. This involved primary and secondary control works with associated netting of fences. A large cover restoration programme through oversowing depleted lands (*2800 ha*) with suitable species was also proposed. An airstrip was installed for community use and well as purchase of ground control equipment. The plan did not involve any permanent destocking, or surrender commitments. From files it appears that much of the large program did not get implemented due to the limited grant assistance available.

A legal agreement is registered on the lease related to this and covers maintenance of capital works that were grant assisted through to 2010. No issues for tenure review were identified.

(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 pastoral lease registered as CIR OT 2C/585.

It records four encumbrances on the lease being:

- Deed of easement embodied in Register OT6A/1277 – 28 February 1983 (*easement over Section 33 - 34, Section 42 and Section 40 - 41 Block VIII Gala Survey District and adjoining Run 742 in favour of the Waitaki District Council for town water supply works, pumps, pipelines, dams. The existence of this easement was originally missed when land was incorporated into the lease but registered later*).
- 854438 Land Improvement Agreement pursuant to Section 30 A Soil Conservation and Rivers Control Act 1941 – 2 May 1994 (*Rabbit and Land Management Programme agreement containing commitment to maintain works. This expires in 2010 and contains no issues that would affect tenure review*).
- 916242 Caveat by Telecom New Zealand Limited –16 September 1996 (*caveat by Telecom to protect a access and site easement agreed to by the CCL and lessee for two telecommunication sites and power supply on the lease that have yet to be defined*).
- Subject to part IVA the Conservation Act 1987.

These agree with the lease details section of this report.

The legal description is confirmed as that being used in this Due Diligence Report which differs from the Computer Interest Register cover sheet in that it the correct definition should read Part Run 742 not Run 742.

The Crown retains minerals ownership.

The area is confirmed as 12780.1128 ha. A full reconciliation of the lease area is contained in the report. This differs from the Computer Interest Register cover sheet which defines the area as 12781.5401 ha.

The Status Check does not identify any Recreation Permits, DoC concessions or UCL land within the lease.

No recorded mining interests noted on the National Mining Index.

DoC Christchurch identifies that a DoC administered Hawkdun Conservation Area (*H40/107*) adjoins the lease on the southern boundary and a number of small reserves exist within the boundary of Otematata township administered by the Waitaki District Council. Marginal strips were identified on the Otematata River (*H40/17 and 19*) (*recognised in this report see Section 7 - Details of Neighbouring Crown or Conservation Land*).

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

- (1) *A explanation of the history of the lease as Oamaru Harbour Board Endowment Land purchased by the Crown in 1964 is made and why it is deemed to be subject to 'the Land Acts' while administered by the Board before the Crown purchase of their interests. No comment on this is explanation is seen to be required.*
- (2) *The errors in the Computer Interest Register cover sheet in the legal description re Part Run 742 and the correct area calculation is pointed out (these are recognised in this report).*

5.2 Other Land:

Two other areas are reported on.

5.2.1 Section 1 Block VIII Gala Survey District (OT296/215). A 37.2311 ha freehold area alongside Otematata Township held by the current lessee of the pastoral lease. The main farm buildings are situated on this land (*No relevant issues noted*).

5.2.2 Section 38 - 39 Block VIII Gala Survey District (OT6A/165). A 3.1910 ha freehold area within the lease boundary, alongside the Otematata River and adjacent to Otematata township. This is held by the Waitaki County Council and is used for its town water supply scheme. The easement registered on the lease document in favour of the Waitaki District Council for town water supply also relates to this system (*no relevant issues noted*).

(6) Review of topographical and cadastral data:

The topographical map shows no water races within the lease.

State Highway 83 and Otematata township forms the northern boundary of the lease. A short gravel road (*unnamed*) is shown off State Highway 83 to what is marked as "Golf Course" within the lease. This is known to not now exist and was part of the original hydro building period.

Two short gravel roads within the lease are shown from the boundary of Section 37 near the Otematata township to the water supply dam and reservoir and to the pump house on the Otematata River.

Sections 37 and 36 against the township boundary show a network of formed roads laid out in a town plan design linking with the two previous roads. These are known from files to be related to the easement over the lease related to the town water supply but this does not cover all roads marked. It is assumed the topographical map has just marked the district scheme town plan road maps.

A formed gravel road is marked linking the freehold area with State Highway 83. This road continues through the lease up the hill face to a ridgetop above the Otematata River to where communications sites are sited.

Another formed gravel road is shown entering from the Otamatapaio River valley to the north, cutting through the lease to the Otematata River, and travelling up it a distance, to terminate at a cableway, huts and yards just off the lease.

The internal farm access track system is extensive giving access to all areas of the property and in many cases linking with tracks outside the boundary to the north (P305).

Local supply electricity pylons cross the lease alongside the State Highway 83. A side branch of this supplies the main farm buildings then passes out through the lower lease area to a set of "stone yards" just outside the lease boundary. A submission-branch of this supplies the transmission sites on the ridge crest above the Otematata River.

The town supply pump house is supplied by a line that crosses the lease alongside the eastern boundary of the township.

One transmission site (TV), is marked within the lease boundary alongside the microwave transmitter (*which is outside the lease on Section 51*) on a ridge crest above the Otematata River.

The fenced boundaries appear to approximately follow their legal line in most areas except in the south-western corner at the head of Glen Bouie Stream where a large area of the lease (*approximately 1000ha*) appears to be fenced into the neighbouring lease (P305) and 300 ha of P305 fenced into this lease.

A hut is marked on Glen Bouie Creek near the eastern boundary. A second is marked alongside the formed road from the Otamatapaio where it meets the Otematata River. These are known to be station huts.

Only one airstrip is identified adjacent to the homestead area.

The Cadastral map shows only one marginal strip affecting the lease being for the full length of the eastern boundary against the Otematata River and Clear Stream marginal strips are not identified on any other watercourses within the lease.

A legal road is shown entering the backcountry of the lease from the north in the vicinity of Glen Bouie Stream and exits northwards into the headwaters of Corbies Creek on P305. No formed road or track exists on this line.

Another legal road is shown entering from the Otamatapaio River Valley to the north, cutting through the lease to the Otematata River, and travelling up it a distance. A formed gravel road is marked on the topographical maps as following this approximate line.

The freehold area is linked to State Highway 83 by a legal road. This is shown on the topographical maps as formed and gravel and on its legal line.

This then passes through the freehold on its northern boundary to carry out through the lower lease area to meet up with legal road shown entering from the Otamatapaio River Valley. A farm track is shown following this approximate line. A side branch of this legal road skirts westward below the transmitter site to terminate within the lease near the Otematata township. This does not link up with any outside boundary. No formed road follows this line.

The Proposed and Transitional Waitaki District Scheme Plans have no sites marked or issues that would affect the tenure review process.

(7) Details of neighbouring Crown or Conservation land:

No conservation lands or unoccupied Crown land within the lease were identified.

A Conservation Area (*H40/107 - Hawkdun Conservation Area – 3988 ha*) is adjacent to the south- eastern boundary of the lease. This area is identified as having botanical and recreational values.

Marginal strips (*H40 17 and 19*) exist on the full length of the eastern boundary against the Otematata River and Clear Stream.

From files the Crown may hold some land within the Otematata township on the boundary with the lease but they could not be identified and are not viewed as relevant.

No PNA Survey has been carried out on the lease.

(8) Summary of uncompleted actions or potential liabilities:

- 8.1 The Status Check area calculations, differs from the Computer Interest Register cover sheet. The correct area is 12780.1128 ha.
- 8.2 The legal description on the Computer Interest Register differs from the Status Check in that it should read Part Run 742 not Run 742.
- 8.3 The Broadcast Communications Limited had a sublease for 10 years from 1984 with a further 10 year extension possible and allowed a transmitter site and access plus underground service cables. A new sub-lease agreement was prepared in 1989 for the transmission site and access for 10 years from 1 July 1989 with one right of renewal. But no evidence of the completion of this action could be found. It can only be assumed it was not followed through with and that if still onsite they will be operating under the old sublease extension. Either way a sub-lease to Broadcast Communications may exist that is not registered on the lease.
- 8.4 A caveat by Telecom New Zealand Limited exists on the lease document (*916242 - 16.9.1996*). This was to protect an access and site easement approved by the CCL and lessee agreement in 1996 for a telecommunication site and power supply on the lease. This has not been registered and it is thought the site was not proceeded with by Telecom. This caveat may be obsolete.

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

- Sections 50 and 51 Block VIII Gala Survey District were created by Re-Appellation No 518736/4 in 1970 (*defined, with access easements, on SO 19295*). These areas were defined for television transmission sites for the New Zealand Broadcasting Commission. The NZBC later negotiated a sublease for the site rather than an easement. They remain within the lease.

- Approximately 1000 ha in the south-western corner of the lease at the head of Glen Bouie Stream appears to be fenced into the neighbouring lease P305 while approximately 300 ha of P305 is fenced into this lease.

ATTACHMENTS:

- Schedule A. - Status Check.

- Attachment 1 - Recent Copy of Lease Document OT2C/585.

DTZ NEW ZEALAND

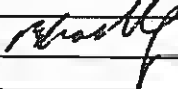
Appendix A

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 Land Act 1998.

LAND STATUS REPORT for OTEMATATA – i				[LIPS ref.12561]
Property	1	of	3	

Land District	Otago
Legal Description	Part Run 742 situated in Gala and Turnagain Survey Districts and Sections 50-51 Section 8 Sections 36-37, Section 49 and Sections 40-42 situated in Block VIII Gala Survey District.
Area	12,780.1128 hectares.
Status	Crown land subject to The Land Act 1948.
Instrument of lease	Balance CIR OT 2C/585.
Encumbrances	<ul style="list-style-type: none"> - Deed of Easement embodied in Register OT 6A/1277. - Land Improvement Agreement No. 854438 pursuant to Section 30A Soil Conservation and Rivers Control Act 1941. - Caveat No. 916242 by Telecom New Zealand Limited. - Subject to Part IVA Conservation Act 1987.
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.
Statute	Land Act 1948 & Crown Pastoral Lands Act 1998.

Data Correct as at	22 April 2002
[Certification Attached]	Yes

Prepared by	Murray Bradley 
Crown Accredited Agent	DTZ New Zealand

DTZ NEW ZEALAND

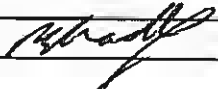
Appendix B

This land status 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 Land Act 1998.

LAND STATUS REPORT for OTEMATATA I		[LIPS ref.12561]
Property	1	of 3


Land District	Otago
Legal Description	Part Run 742 situated in Gala and Turnagain Survey Districts and Sections 50-51, Section 8, Sections 36-37, Section 49 and Sections 40-42 situated in Block VIII Gala Survey District.
Area	12,780.1128 hectares.
Status	Crown Land subject to The Land Act 1948.
Instrument of lease	Balance CIR OT 2C/585.
Encumbrances	<ul style="list-style-type: none"> - Deed Of Easement Embodied In Register OT 6A/1277. - Land Improvement Agreement No. 854438 Pursuant To Section 30A Soil Conservation And Rivers Control Act 1941. - Caveat No. 916242 By Telecom New Zealand Limited. - Subject To Part IVA Conservation Act 1987.
Statute	Land Act 1948 & Crown Pastoral Land Act 1998.

Data Correct as at	22 April 2002
[Certification Attached]	Yes

Prepared by	Murray Bradley 
Crown Accredited Agent	DTZ New Zealand

Certification:

Pursuant to section 11(1)(l) of the Survey Act 1986 and acting under delegated authority of the Surveyor-General pursuant to section 11 (2) of that act, I hereby certify that the land described above is; Crown Land subject to the Land Act 1948.

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Date 15 / 5 / 2002

Max Warburton, Chief Surveyor
Land Information New Zealand, Dunedin

OTEMATATA I RESEARCH - Property 1 of

<p>Notes : This information does not affect the status of the land but was identified as possibly requiring further investigation at the due diligence stage : See Crown Pastoral Standard 6 paragraph 6</p>	<p>Note: Run 743 was former Oamaru Harbour Board Endowment Land. The land was originally vested in the Oamaru Harbour Board by virtue of the "Oamaru Harbour Board Act 1881". Section 3 of that Act stated that the land shall remain subject to the provisions of the " Land Act 1887". The Crown purchased the Oamaru Harbour Board's interest in the land in 1964 and took over the lease along with others.</p> <p>Consequently, the land was Oamaru Harbour Board</p>
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	<p>Endowment land prior to the issue of the lease under CT No. 2C/586. The overall effect is that the land was still Crown land subject to the Land Act but managed by the Oamaru Harbour Board until the lease was issued.</p> <p>A legal opinion dated November 1922 from Hislop and Creagh confirms that the former Oamaru Harbour Board Endowment land was still subject to "the Land Acts" in the same manner as other similar Crown Lands.</p> <p>(ii) As noted in the attached area reconciliation , the correct legal description is Part Run 742 situated in Gala and Turnagain Survey Districts and Sections 50-51, Section 8, Sections 36-37, Section 49 and Sections 40-42 situated in Block VIII , Gala Survey District. The attached area reconciliation shows that the correct area is 12,780.1128 hectares and not 12781.5401 hectares as recorded in CT OT 2C/585.</p>
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LAND STATUS REPORT for OTEMATATA - I

[LIPS ref.12561]

Property 1 of 3

Research Data: *Some Items may be not applicable*

Property 1 of 3	
SDI Print Obtained	Yes
NZMS 261 Ref	H40.
Local Authority	Waitaki District Council.
Crown Acquisition Map	Kemp Deed of Purchase.
SO Plan	<p>SO 13766 (1965) – Defines Run 742. SO 16562 (1967) - Shows plan of road to be closed and taken for the development of water power. SO 16781 (1969) – Defines road to be stopped and land to be taken in Block VIII Gala Survey District. SO 17649 (1973) – Defines Sections 40-42 Block VIII Gala Survey District. SO 17676 Defines Section 36 Blk VIII Gala Survey District. SO 17746 (1973) – Defines Section 37 Block VIII Gala Survey District. SO 18947 (1978) – Defines Section 49 Block VIII Gala Survey District. SO 19295 (1979) – Defines plan of Sections 50 and 51 Block VIII Gala Survey District.</p>
Relevant Gazette Notices	N/A
CT Ref / Lease Ref	Balance OT 2C/585.
Legalisation Cards	<p>SO 13766 – No legalisation card. SO 16562 – No legalisation card. SO 16781 – No legalisation card. SO 17649 – Records the areas to be acquired for Sections 40, 41 and 42 Block VIII Gala Survey District. SO 17676 – No Legalisation Card. SO 17746 – Records the area to be acquired for Section 37 Block VIII Gala Survey District. SO 18947 – Records the area to be declared Crown land in Block VIII Gala Survey District. Also records that the land was subsequently given the new appellation of Section 49 Block VIII Gala Survey District. SO 19295 – Records the areas to be acquired for Sections 50 and 51 Block VIII Gala Survey District.</p>
CLR	<p>The CLR records the following: The Crown Land Register records the following for Run 742, Sections 8, 36, 37, 40, 41, 42 and 49, Block VIII Gala Survey District.</p> <p>CT No: 2C/585 Area: 12,780.1120 hectares SO Plans: 17746, 17649 File Reference: P304</p>

	<p>Notes:</p> <p>(1) Sections 36, 37 and 49 consisting of 113.4638 hectares were incorporated in Run 742 on 1 July 1979.</p> <p>(2) Sections 40, 41 and 42 consisting of 1.3727 hectares were incorporated in Run 742 on 24 August 1983.</p> <p>The Crown Land Register records the following for Sections 50 and 51 Block VIII Gala Survey District.</p> <p>SO Plan: 19295 Area : 3300m2 File Reference: S360</p> <p>Notes: The sections were formerly part of Run 742 contained in Pastoral Lease No. 304.</p>
<p>Allocation Maps (if applicable)</p>	<p>There are no DOC /SOE UCL allocations within the boundary of the lease.</p>
<p>VNZ Ref - if known</p>	<p>Part 26050-9500.</p>
<p>Crown Grant Maps</p>	<p>The Crown Grant Map for the Gala and Turnagain Survey Districts did not identify Run 742.</p>
<p>If subject land Marginal Strip:</p> <p>(a) Type [Sec 24(9) or Sec 58]</p> <p>(b) Date Created</p> <p>(c) Plan Reference</p>	<p>(a) Section 24(9) of The Conservation Act 1987.</p> <p>(b) 1 January 1998.</p> <p>(c) OT 2C/585.</p>

LAND STATUS REPORT for OTEMATATA - i

[LIPS ref.12562]

Property 1 of 3

Research – continued

Property	1	Of	3
If Crown land - Check Irrigation Maps.	An irrigation map does not exist for NZMS 261 H40.		
Mining Maps	There are no mining interests recorded within the boundaries of the Pastoral Lease on the National Mining Index.		
If Road a) Is it created on a Block Plan - Section 43(1)(d) Transit NZ Act 1989 b) By Proc c) Plan No	a) Crown Grant and Section 110A Public Works Act 1928 (b) Proc 339854/340318, (c) SO Plan 13766 and SO 16562.		
Other Relevant Information a) Concessions - Advice from DOC or Knight Frank. b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998. c) Mineral Ownership (d) Other Information	(a) DOC have advised that there is no Conservation land within the boundaries of the lease. However parcels of Public Conservation land adjoin the lease on its eastern boundary. There are also 2 Marginal Strips in the Otematata River held under Part IVA Conservation Act 1981 which are shown as H40/017 & 19 on DOC'S plan attached. There are no concessions issued granted over the Marginal Strips ,save for a number of generic concessions covering a majority of the Conservation estate in Canterbury. (b) Subject to Part 9 of The Ngai Tahu Claims Settlement Act 1998. Please refer to 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: CT OT 2C/585 being the earliest lease issued in the Land Transfer Office. (d) Note: Run 743 was former Oamaru Harbour Board Endowment Land. The land was originally vested in the Oamaru Harbour Board by virtue of the "Oamaru Harbour Board Act 1881". Section 3 of that Act stated that the land shall remain subject to the provisions of the "Land Act 1887". The Crown purchased the Oamaru Harbour Board's interest in the land in 1964 and took over the lease along with others. Consequently, the land was Oamaru Harbour Board		

	<p>Endowment land prior to the issue of the lease under CT No. 2C/586. The overall effect is that the land was still Crown land subject to the Land Act but managed by the Oamaru Harbour Board until the lease was issued. A legal opinion dated November 1922 from Hislop and Creagh confirms that the former Oamaru Harbour Board Endowment land was still subject to "the Land Acts" in the same manner as other similar Crown Lands.</p> <p>(ii) As noted in the attached area reconciliation , the correct legal description is Part Run 742 situated in Gala and Turnagain Survey Districts and Sections 50-51,Section 8,Sections 36-37,Section 49 and Sections 40-42 situated in BlockVIII , Gala Survey District. The attached area reconciliation shows that the correct area is 12,780.1128 hectares and not 12781.5401 hectares as recorded in CT OT 2C/585.</p>
--	--

OTEMATATA NO. 1 PASTORAL LEASE

RECONCILLIATION OF AREA IN LEASE

	<u>Acres</u>	<u>Roods</u>	<u>Perches</u>
Run 742 CT 2C/585 (1.12.1964)	31,300		
Less, Proclamation No. 338404 taking 1 rood 6.9 perches for the development of water power (Benmore Power Project) 14. 3.1969 - SO 16562		<u>1.</u>	<u>6.9</u>
	31,299	2.	33.1
Plus Proclamation No. 340 ³ ₂₃ proclaiming as closed road 17 perches which is now known as Section 8 Block VIII Gala Survey District and incorporating the land within the lease. 7. 5.1969. - SO 16562			<u>17.0</u>
	31,299.	3.	10.1
Less, Gazette Notice No. 339854 declaring 2 acres 9.4 perches to be taken for purposes of a road. 28.4 1969. - SO 16562		<u>2.</u>	<u>0.</u>
	31,297.	3.	00.7
Gazette Notice No. 340318 declaring the land in Gazette Notice No. 339854 to be set apart for road from 28. 4.1969. 7. 5.1969. - SO 16562			
	31,297.	3.	00.7
Less Proclamation No. 362427 proclaiming 1 acre 28 perches to be taken for the development of water power (Benmore Water Power Scheme). 2.11.1970. - SO 16781		<u>1.</u>	<u>0.</u>
	31,296.	2.	12.7

	<u>Acres</u>	<u>Roods</u>	<u>Perches</u>	<u>Hectares</u>
Carried Forward	31,296.	2.	12.7	
Gazette Notice No. 364145 setting apart for electricity works (Benmore Water Power Scheme) the Crown Land described in Proclamation No. 362427 from and after 30.11,1970. 7.12.1970 SO 16781	31,296	2.	12.7	
Pursuant to Re-Appellation No. 518736/4, part of the land is now known as Section 50 (500m ²) and Section 51 (2800m ²) Block VIII Gala Survey District	31,296.	2.	12.7	12,665.2763
Plus Certificate of Alteration No. 529355 incorporating Sections 36, 37 and 49 Block VIII Gala Survey District. 7.2.1980. SO 17676,17746 & 18947				<hr/> 113.4638
				12,778.7401
				<i>cey</i> 12778
Plus, Certificate of Alteration No. 614239 incorporating Sections 40, 41 and 42 Block VIII Gala Survey District. 8. 5.1984.				<hr/> 1.3727
				12,780.1128
Area as per CT No.OT2C/585				12,781.5401 ha
Less, area as per reconciliation				<u>12,780.1128</u>
Difference				1.4273 ha
The correct area is				12,780.1128 ha

LEGAL DESCRIPTION

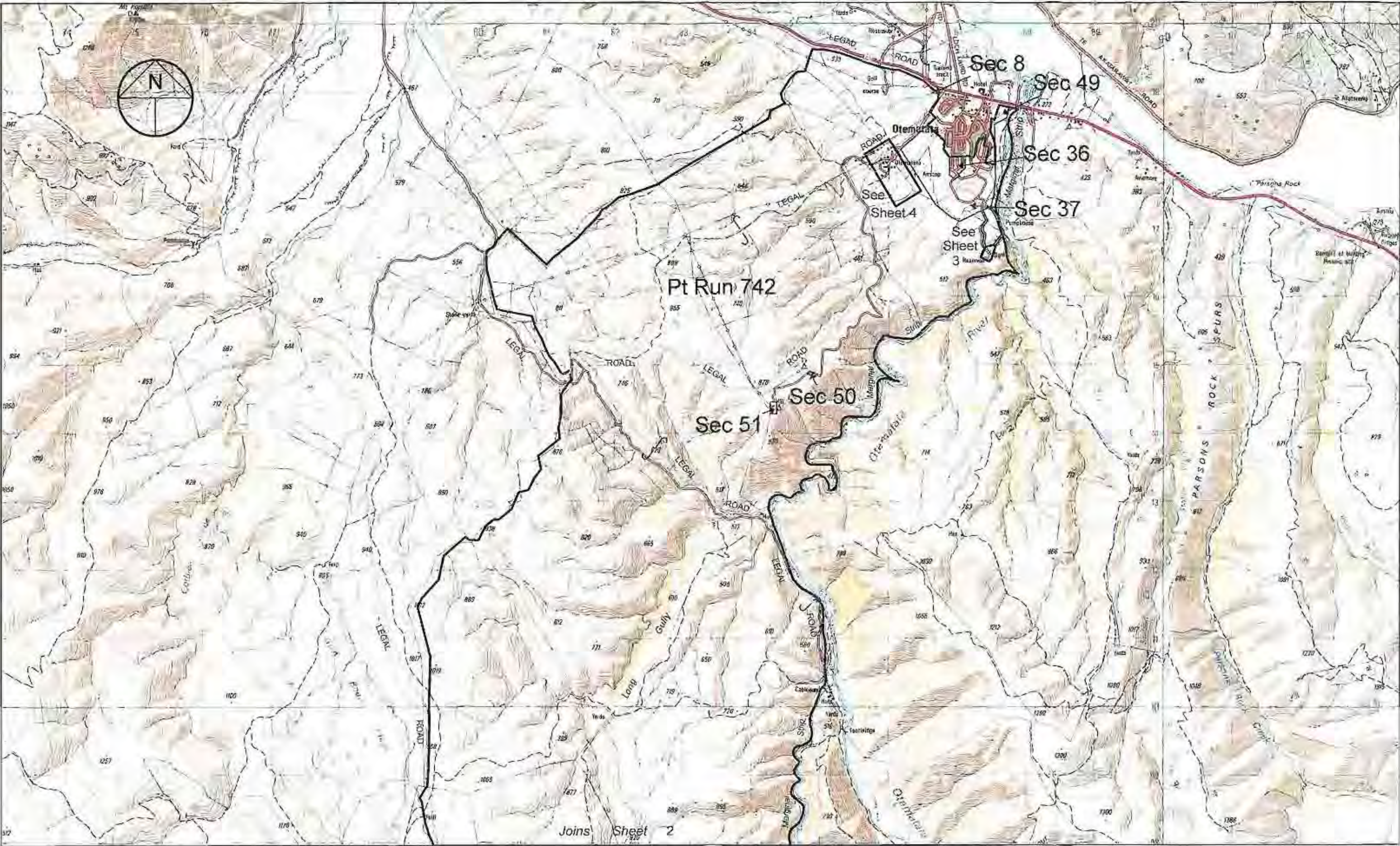
The legal description is shown as Run 742 and Sections 50-51, Section 8, Sections 36-37, Section 49 and Sections 40-42 Block VIII Gala Survey District.

As parts of Run 742 have been taken for the purposes of a road and for the development of water power from Run 742, the description of this run should be amended to Part Run 742.

CONVERSION FROM ACRES TO HECTARES

31,296 acres 2 rood 12.7 perches

10,000 Acres	=	4046.85642 ha =====
Therefore: 30,000 Acres	=	12,140.5693 ha
1,000 Acres	=	404.68564 ha
200 Acres	=	80.93713 ha
90 Acres	=	36.42171 ha
6 Acres	=	2.42811 ha
2 Roods	=	.2023.4 ha
12.7 Perches	=	<u>.0321.2 ha</u>
		12,665.2763 ha



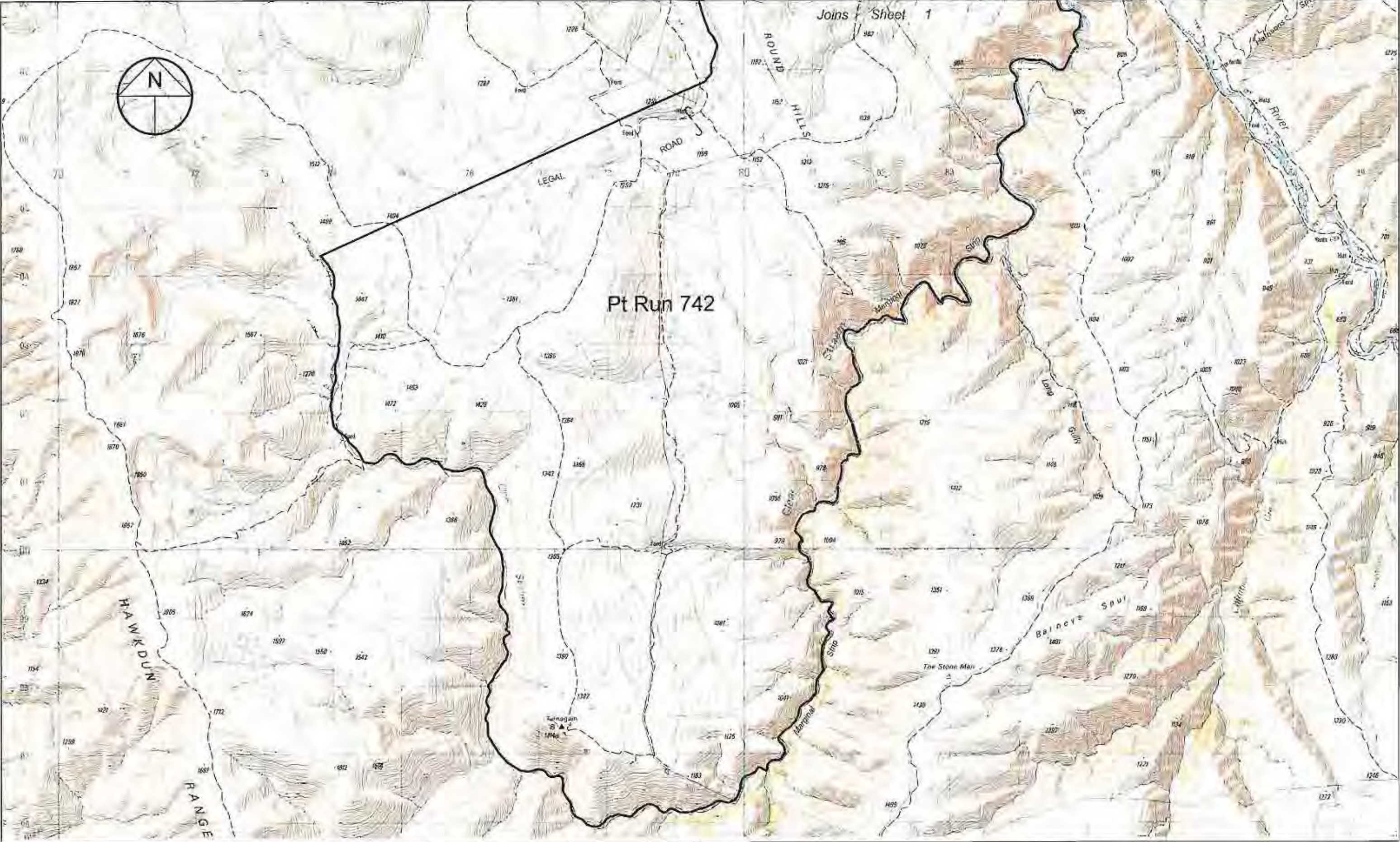

ANDERSEN & ASSOCIATES
 REGISTERED SURVEYORS
 PO Box 13-343
 Christchurch
 Ph. 03 379 5601

Marginal Strip Subject to Sec 24(9)
 Conservation Act 1987 -----

Otematata No. 1

Scale 1:50000
 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000

Version	1	2	3	4	5
Otago Land District					Sheet 1 of 4
Topographic map 260 - H40					Date: 23/05/02

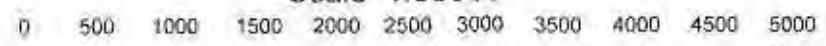



 ANDERSEN & ASSOCIATES
 REGISTERED SURVEYORS
 PO Box 14-343
 Christchurch
 Ph: 03 379 9801

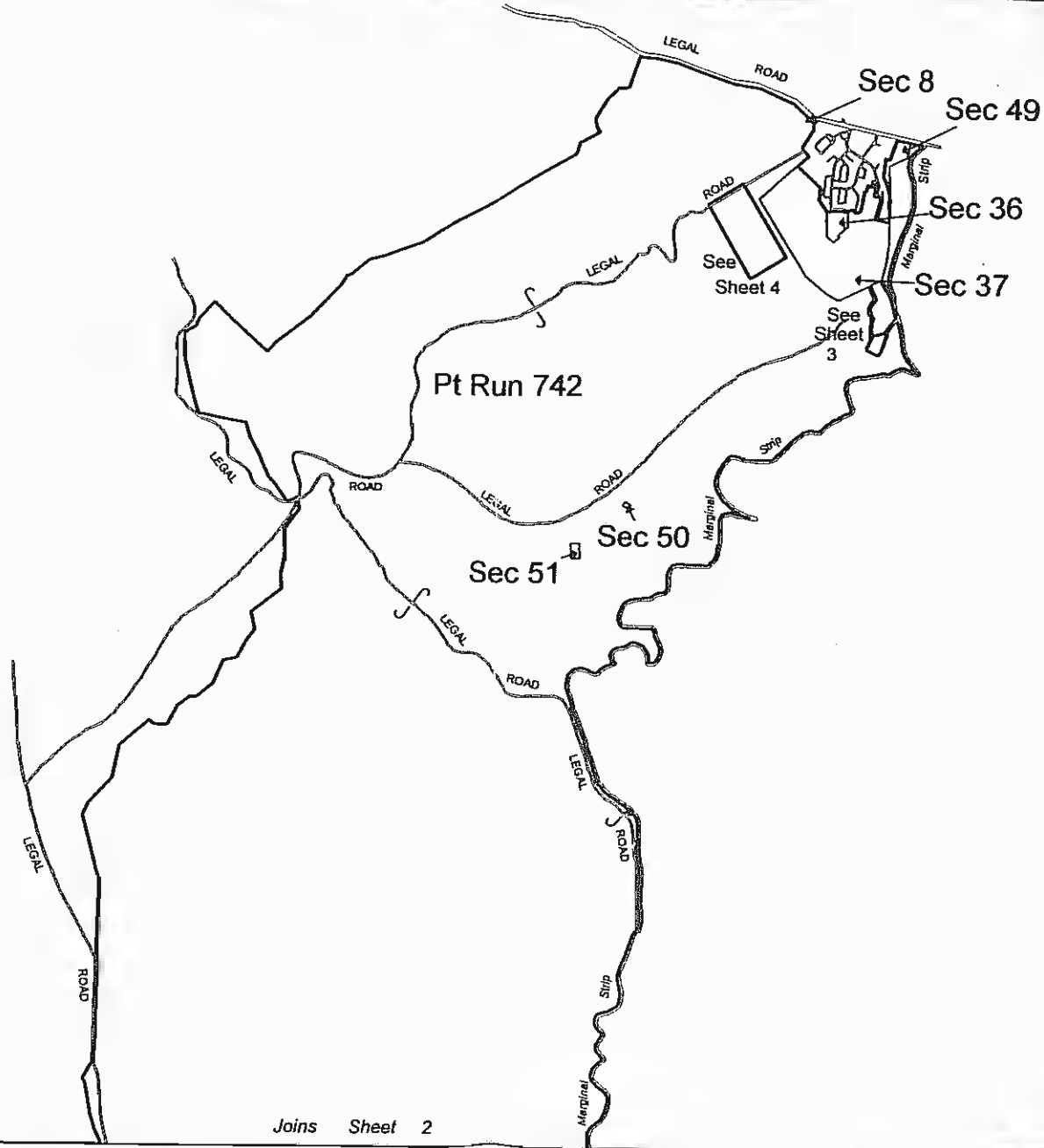
Marginal Strip Subject to Sec 24(9)
 Conservation Act 1987

Otematata No. 1

Scale 1:50000

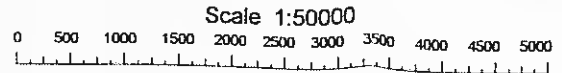


Version	1	2	3	4	5
Otago Land District Topographic map 260 - H40			Sheet 2 of 4 Date:23/05/02		



"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

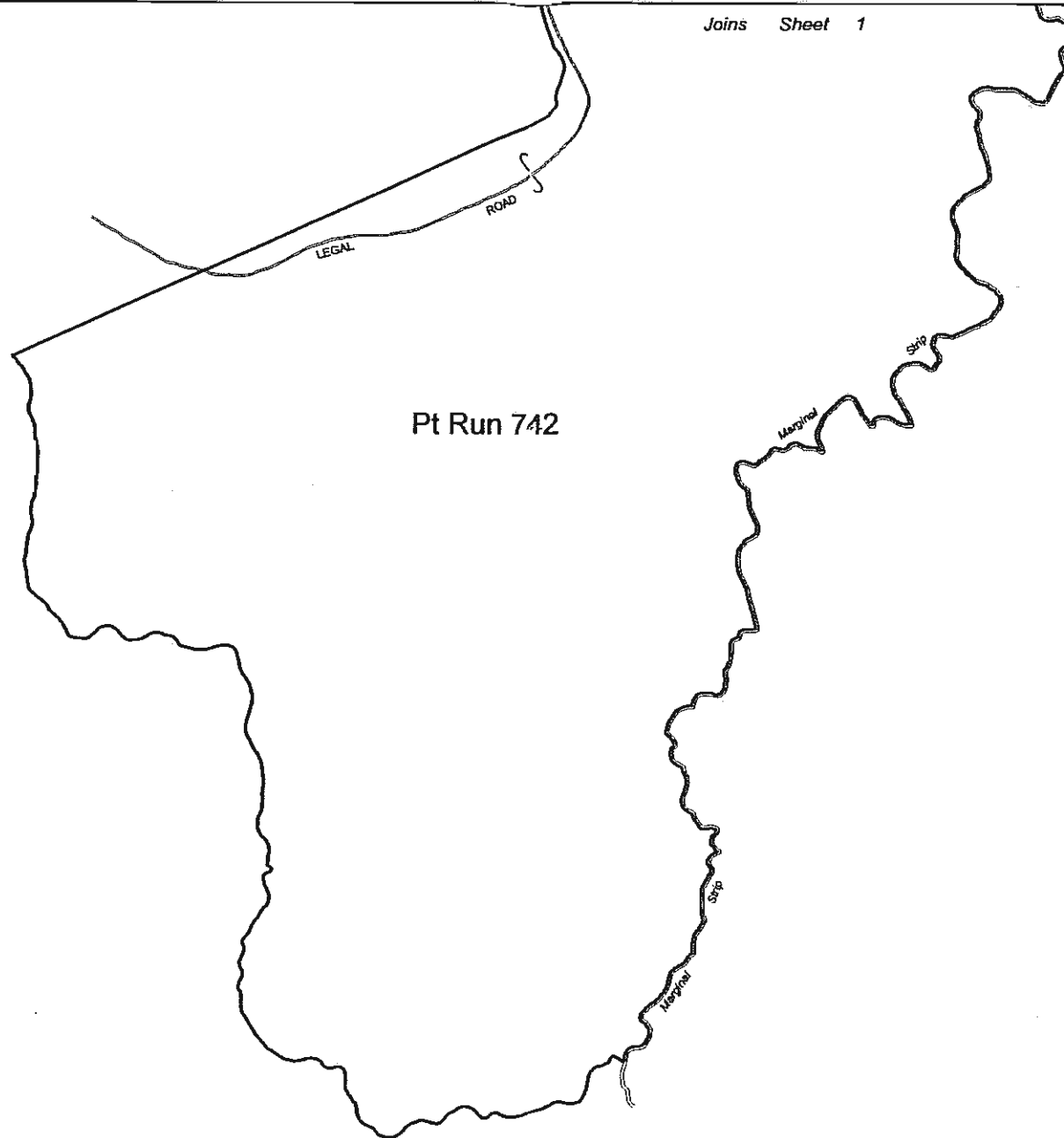
Otematata No. 1



Marginal Strip Subject to Sec 24(9)
Conservation Act 1987 -----

DERSEN & ASSOCIATES
REGISTERED SURVEYORS
PO Box 13-343
Christchurch
Ph: 03 378 9901

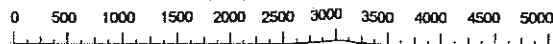
Version	1	2	3	4	5
Otago Land District Topographic map 260 - H40	Sheet 1 of 4 Date: 23/05/02				



Pt Run 742

Otematata No. 1

Scale 1:50000



Marginal Strip Subject to Sec 24(9)
Conservation Act 1987 -----



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Christchurch
Ph: 03 379 9601

Version	1	2	3	4	5
Otago Land District					Sheet 2 of 4
Topographic map 260 - H40					Date:23/05/02

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Sec 36
SO 17676

Sec 37
SO 17746

Sec 40
SO 17649

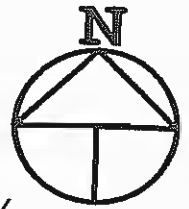
Sec 42
SO 17649

Sec 41
SO 17649

Sec 39
SO 17649
1500 m²
(See Report 3
of 3)

Sec 38
SO 17649
3.0410 ha

Pt Run 742



Strip

Marginal

Otematata

River

ROAD

LEGAL

Marginal Strip

Marginal Strip Subject to Sec 24(9)
Conservation Act 1987 -----

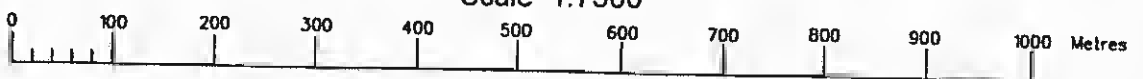
Version	1	2	3	4	5
Otago Land District					Sheet 3 of 4
Topographic Map 260 - H40					Date 23/05/02

Otematata No. 1

Scale 1:7500



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Christchurch
Ph: 03 379 9901

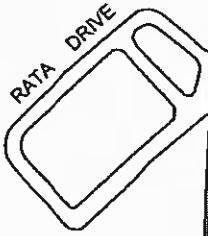




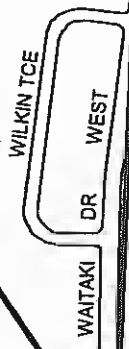
Sec 8
Blk VIII Gala SD

(S. H. 83)
OTEMATATA - KUROW RD

Pt Run 742



Legal Road



Sec 36
SO 17676

Sec 1
SO 16156
37.2311 ha
(See Report 2
of 3)

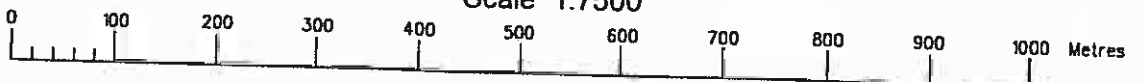
Sec 37
SO 17746

Marginal Strip Subject to Sec 24(9)
Conservation Act 1987

Version	1	2	3	4	5
Otago Land District Topographic Map 260 - H40			Sheet 4 of 4 Date 23/05/02		

Otematata No. 1

Scale 1:7500



PO Box 13-343
Christchurch
Ph: 03 379 9901

DTZ NEW ZEALAND

Appendix A

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 Land Act 1998.

LAND STATUS REPORT for OTEMATATA - i				[LIPS ref.12561]
Property	2	of	3	

Land District	Otago
Legal Description	Section 1 situated in Block VIII Gala Survey District.
Area	37.2311 hectares.
Status	Fee Simple.
Instrument of lease	OT 296/215.
Encumbrances	Land Improvement Agreement No. 854438 pursuant to Section 30A Soil Conservation and Rivers Control Act 1941.
Mineral Ownership	The pre-emptive right granted to Mr Ritchie on 23 April 1907 pursuant to Deeds Index L782, CT No. 138/376, did not make any reference to coal and minerals. Therefore, it can be assumed that the minerals were excluded from the grant and remain with the Crown.
Statute	Land Transfer Act 1952.

Data Correct as at	22 April 2002
[Certification Attached]	Yes

Prepared by	Murray Bradley 
Crown Accredited Agent	DTZ New Zealand

LAND STATUS REPORT for OTEMATATA -i	[LIPS ref.12561]
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Property	2	of	3
-----------------	----------	-----------	----------

Research Data: Some Items may be not applicable

Property	2	of	3	
SDI Print Obtained				Yes
NZMS 261 Ref				H40.
Local Authority				Waitaki District Council.
Crown Acquisition Map				Kemp Deed of Purchase.
SO Plan				SO
Relevant Gazette Notices				N/A
CT Ref / Lease Ref				OT 296/215
Legalisation Cards				N/A
CLR				N/A
Allocation Maps (if applicable)				N/A
VNZ Ref - if known				
Crown Grant Maps				N/A
If subject land Marginal Strip:				
(a) Type [Sec 24(9) or Sec 58]				N/A
(b) Date Created				N/A
(c) Plan Reference				N/A

LAND STATUS REPORT for OTEMATATA - i

[LIPS ref.12561]

Property 2 of 3

Research – continued

Property	2	Of	3	
If Crown land - Check Irrigation Maps.				N/A
Mining Maps				N/A
If Road				
a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989				(a) Crown Grant and Section 110 A Public Works Act 1928.
b) By Proc				(b) N/A.
c) Plan No				(c) N/A.
Other Relevant Information				
a) Concessions - Advice from DOC or Knight Frank.				(a) N/A
b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998.				(b) N/A
c) Mineral Ownership				(c) The pre-emptive right granted to Mr White on 23 April did not make any reference to Coal and Minerals. Therefore, it can be assumed that the minerals were excluded from the grant and remain with the Crown. Coal and minerals are therefore held in CT 138/76.
(d) Other Information				NIL.

DTZ NEW ZEALAND

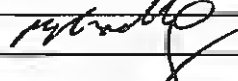
Appendix A

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 Land Act 1998.

LAND STATUS REPORT for OTEMATATA - i				[LIPS ref.12561]
Property	3	of	3	

Land District	Otago
Legal Description	Sections 38-39 situated in Block VIII Gala Survey District.
Area	3.1910 hectares.
Status	Fee Simple.
Instrument of lease	OT 6A/165.
Encumbrances	Section 8 Mining Act 1971. Section 168A Coal Mines Act 1925.
Mineral Ownership	Prior to the issue of CT No OTA/615, the coal and minerals were owned by the Crown. The coal and minerals are still owned by the Crown.
Statute	Land Transfer Act 1952.

Data Correct as at	22 April 2002
[Certification Attached]	Yes

Prepared by	Murray Bradley 
Crown Accredited Agent	DTZ New Zealand

LAND STATUS REPORT for OTEMATATA - i	[LIPS ref.12561]
---	-------------------------

Property	3	of	3
-----------------	----------	-----------	----------

Research Data: *Some Items may be not applicable*

Property	3	of	3	
SDI Print Obtained				Yes
NZMS 261 Ref				H40.
Local Authority				Waitaki District Council.
Crown Acquisition Map				Kemp Deed of Purchase.
SO Plan				SO 17649 (1913) – Defines Sections 38 and 39 Block VIII Gala Survey District.
Relevant Gazette Notices				N/A
CT Ref / Lease Ref				OT 6A/165.
Legalisation Cards				N/A
CLR				N/A
Allocation Maps (if applicable)				N/A
VNZ Ref - if known				N/A
Crown Grant Maps				N/A
If subject land Marginal Strip:				
(a) Type [Sec 24(9) or Sec 58]				(a) N/A
(b) Date Created				(b) N/A
(c) Plan Reference				(c) N/A

LAND STATUS REPORT for OTEMATATA – i		[LIPS ref.12561]
Property	3	of 3

Research – continued

Property	3	Of	3
If Crown land - Check Irrigation Maps.		N/A.	
Mining Maps		There are no mining interests recorded within the boundaries of the land.	
If Road			
a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989	(a) Crown Grant and Section 110A Public Works Act 1928.		
b) By Proc	(a) N/A		
c) Plan No	(c) N/A		
Other Relevant Information			
a) Concessions - Advice from DOC or Knight Frank.	(a) N/A		
b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998.	(b) N/A		
c) Mineral Ownership	(c) Prior to the issue of CT No OTA/615, the coal and minerals were owned by the Crown. The coal and minerals are still owned by the Crown.		
(d) Other Information	(d) N/A		

ATTACHMENT 1:

Recent Copy of Lease Document OT2C/585.

H/40



COMPUTER INTEREST REGISTER
UNDER LAND TRANSFER ACT 1952



R.W. Muir
Registrar-General
of Land

Search Copy

Identifier **OT2C/585**
Land Registration District **Otago**
Date Registered **26 November 1965 02:03 pm**

Part-Cancelled

Type	Lease under s83 Land Act 1948		
Area	12781.5401 hectares more or less	Term	33 years commencing on the 1st day of January 1965 and extending the term to 1.1.2031

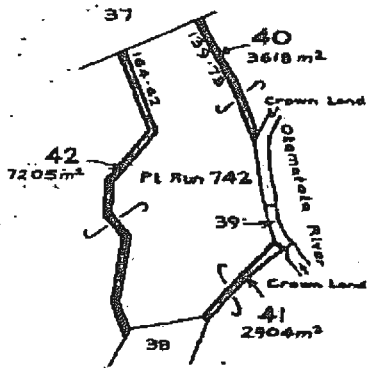
Legal Description Run 742 and Section 50-51, Section 8, Section 36-37, Section 49 and Section 40-42 Block VIII Gala Survey District

Proprietors
Otematata Station Limited

Interests

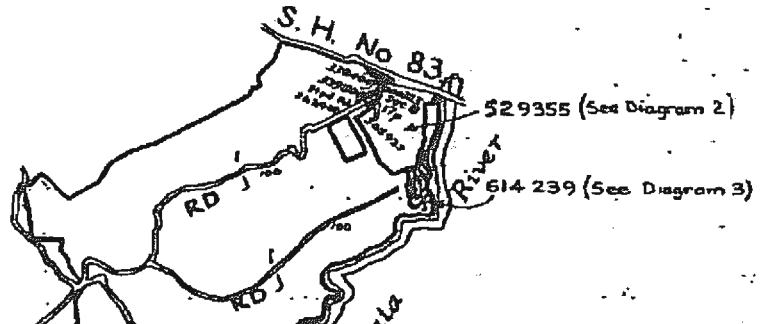
- 339854 Gazette Notice declaring the leasehold estate in the part indicated on the plan hereon (2acres 9.4perches = 8331m²) to be taken for the purposes of a road from and after 21 April 1969 - 28.4.1969 at 1.46 pm
- 338404 Proclamation taking the leasehold estate in the part indicated on the plan hereon (1 rood 6.9 perches = 4221m²) for the development of water power (Benmore Power Project) - 14.3.1969 at 10.14 am and entered 22.9.1969 (as amended by Proclamation 345952)
- 362427 Proclamation proclaiming part of the leasehold estate indicated on the diagram hereon (1 acre 28 perches = 4755m²) to be taken for the development of water power (Benmore Water Power Scheme) - 2.11.1970 at 2.31 pm
- 511103 Mortgage to The National Bank of New Zealand Limited - 15.2.1979 at 9.23 am
- Deed of Easement embodied in Register OT6A/1277 - 28.2.1983 at 2.05 pm (affecting Section 36 and 37 Block VIII Gala Survey District and Section 40, 41, 42 Block VIII Gala Survey District)
- 854438 Land Improvement Agreement pursuant to Section 30A Soil Conservation and Rivers Control Act 1941 - 2.5.1994 at 9.38 am
- 911293 Variation of Mortgage 511103 - 4.7.1996 at 9.44 am
- 916242 CAVEAT BY TELECOM NEW ZEALAND LIMITED - 16.9.1996 AT 1.00 PM -
- 939524.1 Variation of Lease and extension of term - 13.11.1997 at 3.21 pm

Diagram No 3
Doc 614 239



Total Area: 1-3727 ha
Scale 1:12500

GALA S. D.



EQUIVALENT METRIC
 AREA IS 12,665.2763 ha
 + 529355 113.4638 ha

 12,778.7401 ha
 + 614 239 1.3727 ha

 12 780.1128 ha

Run 742
 31,300 acs.
 0-1-06-9
 31,299 - 2-33-1
 31,299 - 170
 31,299 - 101

Area
 31,299 - 3 - 10.1
 2 - 0 - 22.4
 31,297 - 3 - 00.7
 1 - 0 - 28.0
 31,296 - 2 - 12.7

TURNAGAIN S. D.



Scale 2 miles to an inch.
 Ad. L. 00.

S.O. 13-766



COMPUTER INTEREST REGISTER UNDER LAND TRANSFER ACT 1952



R. W. Muir
Registrar-General
of Land

Historical Search Copy

Identifier **OT2C/585**
Land Registration District **Otago**
Date Registered **26 November 1965 02:03 pm**

Part-Cancelled

Type	Lease under s83 Land Act 1948		
Area	12781.5401 hectares more or less	Term	33 years commencing on the 1st day of January 1965 and extending the term to 1.1.2031

Legal Description Run 742 and Section 50-51, Section 8, Section 36-37, Section 49 and Section 40-42 Block VIII Gala Survey District

Original Proprietors
Otematata Station Limited

Interests

- 339854 Gazette Notice declaring the leasehold estate in the part indicated on the plan hereon (2acres 9.4perches = 8331m²) to be taken for the purposes of a road from and after 21 April 1969 - 28.4.1969 at 1.46 pm
- 338404 Proclamation taking the leasehold estate in the part indicated on the plan hereon (1 rood 6.9 perches = 4221m²) for the development of water power (Benmore Power Project) - 14.3.1969 at 10.14 am and entered 22.9.1969 (as amended by Proclamation 345952)
- 362427 Proclamation proclaiming part of the leasehold estate indicated on the diagram hereon (1 acre 28 perches = 4755m²) to be taken for the development of water power (Benmore Water Power Scheme) - 2.11.1970 at 2.31 pm
- 511103 Mortgage to The National Bank of New Zealand Limited - 15.2.1979 at 9.23 am
- Deed of Easement embodied in Register OT6A/1277 - 28.2.1983 at 2.05 pm (affecting Section 36 and 37 Block VIII Gala Survey District and Section 40, 41, 42 Block VIII Gala Survey District)
- 854438 Land Improvement Agreement pursuant to Section 30A Soil Conservation and Rivers Control Act 1941 - 2.5.1994 at 9.38 am
- 911293 Variation of Mortgage 511103 - 4.7.1996 at 9.44 am
- 916242 CAVEAT BY TELECOM NEW ZEALAND LIMITED - 16.9.1996 AT 1.00 PM
- 939524.1 Variation of Lease and extension of term - 13.11.1997 at 3.21 pm

L. & S.—B. 4

Former Ref. Vol. - fol. -

L. & S. Ref. No. P. 304

Entered in the Register-book, the
26th day of November

No. 2C/585

PART CANCELLED
1965
PART TAKEN BY GAZETTE NOTICE



Land Registrar

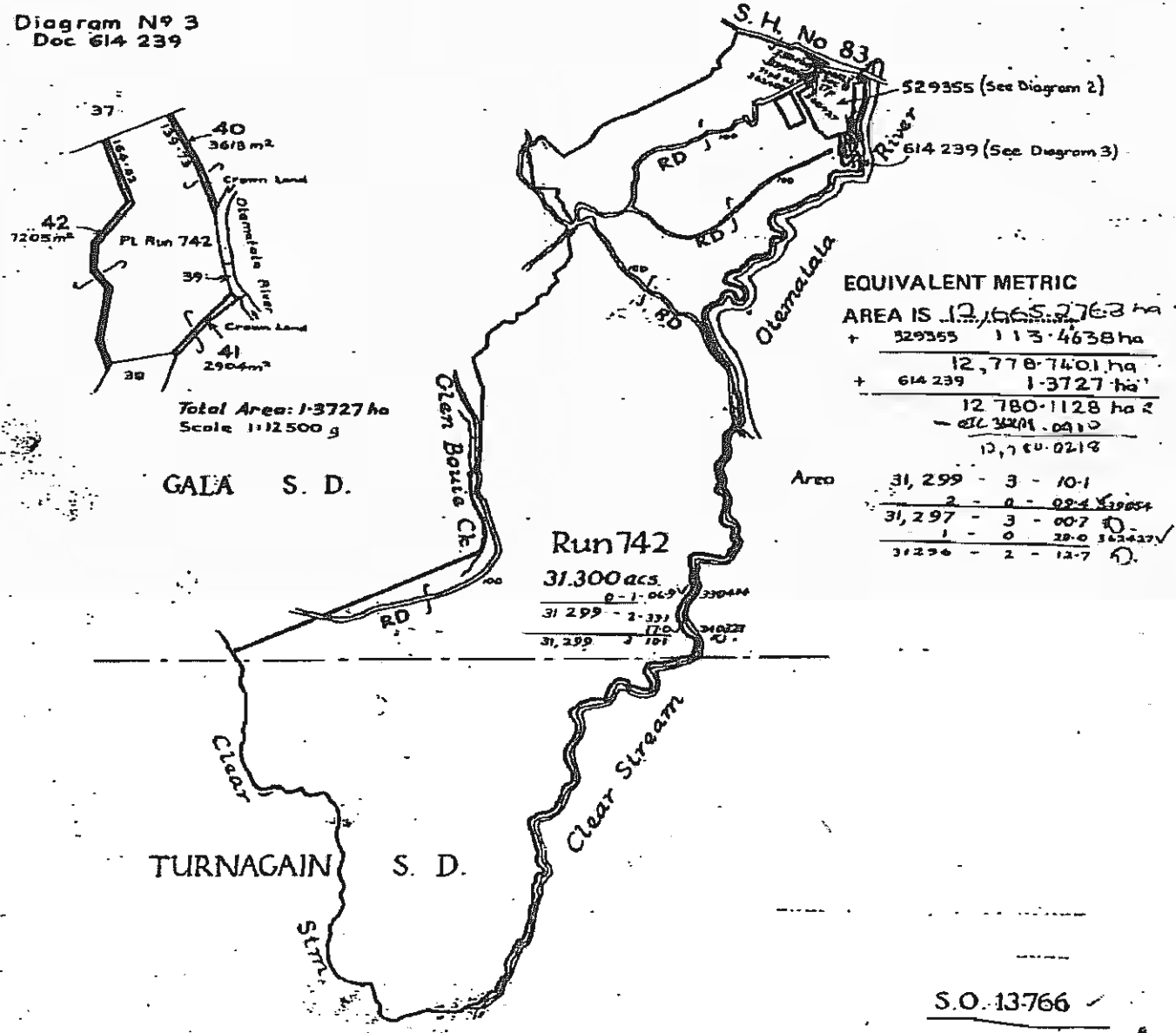
Pastoral Lease under the Land Act 1948

This Deed, made the 1st day of December 1964 between HER MAJESTY THE QUEEN (hereinafter referred to as "the Lessor") of the one part, and OTEMATATA STATION LIMITED a duly incorporated company having its registered office at Dunedin.

(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 and 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 that parcel of land containing by estimation 31,300 acres more or less, situated in the Land District of Otago, and being Run 742 Gala and Turnagain Survey Districts

as the same is more particularly delineated with bold black lines on the plan hereon; together with the rights,

Diagram N^o 3
Doc 614 239



EQUIVALENT METRIC

AREA IS 12,665,276.3 ha ✓

+	329355	113.4638 ha
	12,778,740.1 ha	
+	614 239	1-3727 ha
	12 780-1128 ha 2	
-	22 3271.0910	
	12,757,809.0090	

Area	31,299	-	3	-	10-1
	2	-	0	-	02-4 339054
	31,297	-	3	-	00-7 0
	1	-	0	-	20-0 342427 ✓
	31296	-	2	-	12-7 0

Run 742
31,300 acs.
0-1-0654 330444
31 299 - 2-331 240227
31,299 3 101 00

TURNAGAIN S. D.

GALA S. D.

S.O. 13-766 ✓

Scale: 2 miles to an inch.
Ad. L. 00

No. 2C/585

casements, and appurtenances thereto belonging. TO HOLD the said premises intended to be hereby demised unto the Lessee for the term of 33 years, commencing on the 1st day of January 1965 together with the period between the date of this lease and the aforesaid 1st day of January 1965, YIELDING and paying therefor unto the Department of Lands and Survey at Dunedin the annual rent of £430 : 0 : 0 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 £----- (which has already been paid) and thereafter by ----- half-yearly instalments of £----- on the 1st day of January and the 1st day of July in each and every year.

AND the Lessee doth hereby covenant with the Lessor as follows:

1. THAT without derogating from or restricting the covenants contained and implied in this lease and on the part of the Lessee to be performed or complied with, the Lessee will not at any time during the said term depasture on the land hereby demised more than 63757 sheep which number shall not include more than 1500 breeding ewes nor more than 60 cattle which number shall not include more than 50 breeding cows PROVIDED HOWEVER that the Lessee may with the prior written consent of the Land Settlement Board carry such additional stock on such terms and conditions as may therein be specified subject nevertheless to the right of the Land Settlement Board to revoke or vary such consent at any time.

2. That the Lessee will at all times farm the land hereby demised in a manner to promote soil conservation and prevent erosion and will comply with the provisions of the Soil Conservation and Rivers Control Act 1941.

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

THAT pursuant to the provisions of the Noxious Animals Act 1956 officers and employees of the New Zealand Forest Service and other authorised persons 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 Service is charged with the duty of exterminating or controlling, or for the purpose of destroying any such animals: Provided that such officers, employees and other authorised persons in the performance of the said duties shall at all times avoid undue disturbance of the Lessee's stock.

AND it is hereby declared and agreed that these presents are intended to take effect as a Pastoral Lease of pastoral land under section 66 of the Land Act 1948, and the provisions of the said Act and of the regulations made thereunder applicable to such leases shall be binding in all respects upon the parties hereto in the same manner as if such provisions had been fully set out herein.

SCHEDULE OF IMPROVEMENTS BELONGING TO THE CROWN

Nil.

Assistant

In witness whereof the Commissioner of Crown Lands for the said Land District, on behalf of the Lessor, has hereunto set his hand, and these presents have also been signed by the said Lessee.

Assistant

Signed by the said Commissioner on behalf of the Lessor, in the presence of—

Witness:

Occupation: Clerk - Lands Survey Dept.

Address: Dunedin

The common seal of Otomatata Station Limited was hereunto affixed

Signed by the above-named Lessee, in the presence of—

Director:

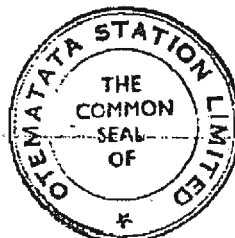
Witness:

Director:

Occupation:

Address:

Assistant Commissioner of Crown Lands.



Lessee.

331405 Compensation Certificate pursuant to **DISCHARGED** Section 17 of the Public Works Amendment Act 1948 - 5.9.1968 at 11.39 am.

c.t. 20/585

511103 Mortgage to the National Bank of New Zealand Limited - 15.2.1979 at 9.23 am

[Signature]
A.L.R.

[Signature]
A.L.R.

✓ 340323 Proclamation proclaiming as closed the road indicated on the plan hereon (17 perches) which is now known as Section 8 Block VIII Gala District and incorporating the same in the within Lease - 7.5.1969 at 11.39 am

Part of the within land is now known as Section 50 (500m²) and Section 51 (2800m²) Block VIII Gala Survey District See Re-appellation 518736/4

[Signature]
A.L.R.

[Signature]
A.L.R.

✓ 339854 Gazette Notice declaring the leasehold estate in the part indicated on the plan hereon (2 acres 9.4 perches) to be taken for the purposes of a road from and after 21 April 1969. Registered 28.4.1969 at 1.46 pm

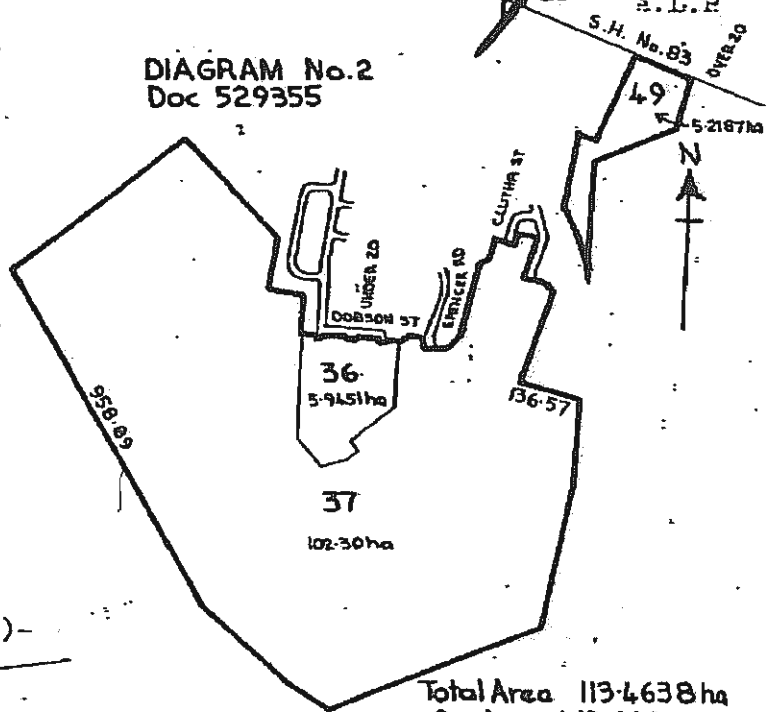
✓ 529355 Certificate of Alteration incorporating in the within lease Sections 36, 37 and 49 Block VIII Gala District (113.4638ha) with no increase in Annual rent or Stock Limitation 7.2.1980 at 11.01 am

[Signature]
A.L.R.

[Signature]
A.L.R.

✓ 340318 Gazette Notice declaring the land in Gazette Notice 339854 to be Set Apart for Road from and after 28 April 1969 Registered 7.5.1969 at 11.30 am

DIAGRAM No.2
Doc 529355



[Signature]
A.L.R.

✓ x 338404 Proclamation taking the leasehold estate in the part indicated on the plan hereon (1 rood 6.9 perches) for the development of water power (Benmore Power Project) - 14.3.1969 at 10.14 am and entered 22.9.1969 (as amended by Proclamation 345952)

✓ x 362427 Proclamation proclaiming part of the leasehold estate indicated on the diagram hereon (1 acre 28 perches) to be taken for the development of water power (Benmore Water Power Scheme) - 2.11.1970 at 2.31 pm

[Signature]
A.L.R.

[Signature]
A.L.R.

x 362428 Order in Council declaring the road indicated on the diagram hereon (36 perches) to be a Government road and to be stopped - 2.11.1970 at 2.34 pm

✓ x 590817 Certificate of alteration certifying Sections 36 and 37 Block VIII Gala District (herein) subject to deed of grant of easement contained in C.T. 6A/1277 - 28.2.1983 at 2.5 pm

[Signature]
A.L.R.

[Signature]
A.L.R.

✓ 364145 Gazette Notice setting apart for Electricity Works (Benmore Water Power Scheme) the Crown Land described in Proclamation 362427 from and after the 30.11.1970 entered 7.12.1970 at 11.11 am

614239 Certificate of Alteration incorporating in the within lease sections 40, 41 and 42 Block VIII Gala S.D. (1.3727 ha) with no increase in annual rental or stock limitation and certifying that the said sections are subject to deed of grant of easement contained in C.T. 6A/1277 - 8.5.1984 at 11.06 am

[Signature]
A.L.R.

[Signature]
A.L.R.

x 364144 Gazette Notice setting apart for Electricity Works (Benmore Water Power Scheme) the land in Order In Council 362428 from and after the 30.11.1970 entered 7.12.1970 at 11.09 am

[Signature]
A.L.R.

over 5

58

C.T. 2C/585-

854438 Land Improvement Agreement
under Section 30A of the Soil
Conservation and Rivers Control Act
1941 - 2.5.1994 at 9.38am



A.L.R.

911293 Variation of Mortgage
511103 - 4.7.1996 at 9.44 am




A.L.R.

916242 Caveat by Telecom New
Zealand Limited - 16.9.1996 at
1.00 pm



A.L.R.

939524.1 Variation and extension
of the term to 1.1.2031
13.11.1997 at 3.21

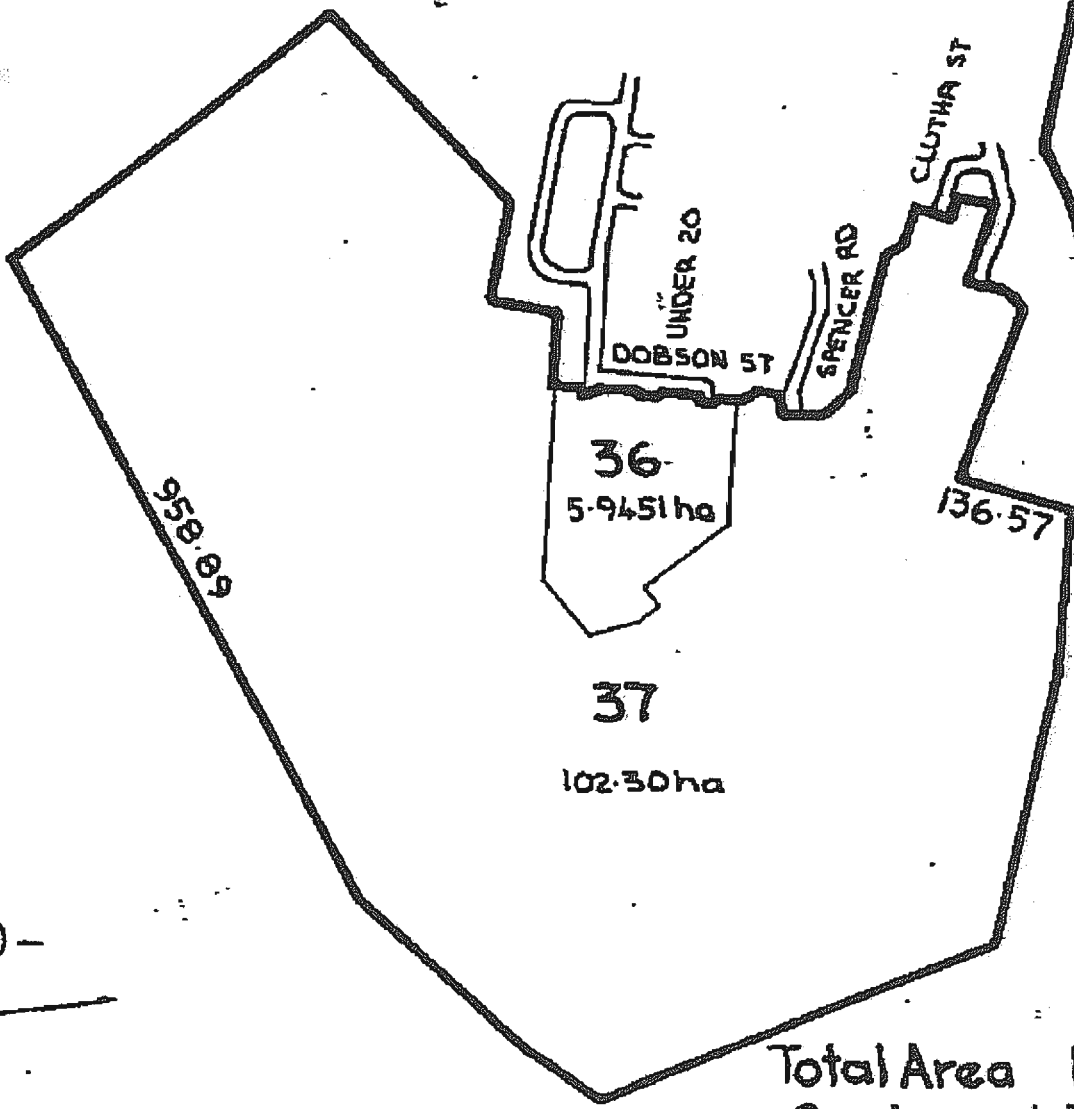
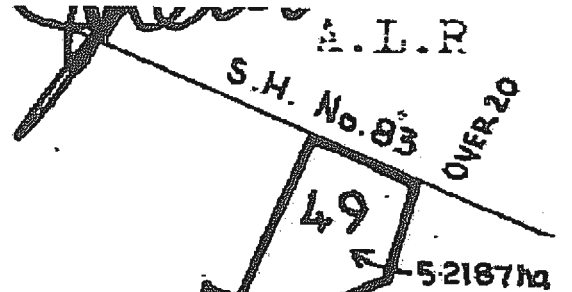

for DLR

2C/585

LAND & DEEDS
Nature: <i>Postoral Lease</i>
Firm: <i>CCh</i>
26 NOV 1996
Time: <i>2.03</i>
Fee: £ <i>155.00</i>
Abstract No. <i>456</i>



DIAGRAM No.2
Doc 529355



e) -

Total Area 1134638ha
Scale 1:15,000



New Zealand

International Property Advisers

File reference : LINZ (LIP 12561) P304.

CERTIFICATE OF AUTHORISATION

PROPERTY ADDRESS:

OTEMATATA I PASTORAL LEASE – P304 – STATUS REPORT.

ASSURANCE

DTZ New Zealand gives an assurance that the document attached to this certificate is in order for signature.

The decision when made will comply with the following statutory requirements :

- The New Standards & Guidelines Manuals Chief Crown Property Officer; Legalisation /Roading;OSG Standard 1995/05.
- Land Act 1948
- Crown Pastoral Land Act 1998

In giving this assurance **DTZ New Zealand** undertakes that all relevant policy instructions, legal requirements, court judgements and any other matters have been taken into account and applied where appropriate.

A handwritten signature in black ink, appearing to read 'Murray Bradley'.

Murray Bradley

Crown Accredited Supplier / Nominated Person

Date: 9/5/2002.

DTZ New Zealand Limited MREINZ, 248 Cumberland Street, Dunedin, PO Box 5744 Dunedin, New Zealand
Telephone +64 3 474 0571 Fax +64 3 477 5162 Email dunedin@dtz.co.nz Website www.dtz.co.nz.

DTZ New Zealand is within the DTZ Debenham Tie Leung group of companies. This group is in international alliance with AEW Capital Management and the Staubach Company in USA. Globally DTZ has over 6,500 staff in 33 countries and 125 offices.

DTZ NEW ZEALAND

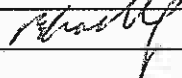
Appendix A

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 Land Act 1998.

LAND STATUS REPORT for OTEMATATA – i				<i>[LIPS ref.12561]</i>
Property	1	of	3	

Land District	Otago
Legal Description	Part Run 742 situated in Gala and Turnagain Survey Districts and Sections 50-51 Section 8 Sections 36-37, Section 49 and Sections 40-42 situated in Block VIII Gala Survey District.
Area	12,780.1128 hectares.
Status	Crown land subject to The Land Act 1948.
Instrument of lease	Balance CIR OT 2C/585.
Encumbrances	<ul style="list-style-type: none"> - Deed of Easement embodied in Register OT 6A/1277. - Land Improvement Agreement No. 854438 pursuant to Section 30A Soil Conservation and Rivers Control Act 1941. - Caveat No. 916242 by Telecom New Zealand Limited. - Subject to Part IVA Conservation Act 1987.
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.
Statute	Land Act 1948 & Crown Pastoral Lands Act 1998.

Data Correct as at	22April 2002
[Certification Attached]	Yes

Prepared by	Murray Bradley 
Crown Accredited Agent	DTZ New Zealand

DTZ NEW ZEALAND

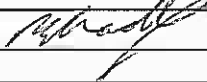
Appendix B

This land status 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 Land Act 1998.

LAND STATUS REPORT for OTEMATATA I				<i>[LIPS ref.12561]</i>
Property	1	of	3	

Land District	Otago
Legal Description	Part Run 742 situated in Gala and Turnagain Survey Districts and Sections 50-51, Section 8, Sections 36-37, Section 49 and Sections 40-42 situated in Block VIII Gala Survey District.
Area	12,780.1128 hectares.
Status	Crown Land subject to The Land Act 1948.
Instrument of lease	Balance CIR OT 2C/585.
Encumbrances	<ul style="list-style-type: none"> - Deed Of Easement Embodied In Register OT 6A/1277. - Land Improvement Agreement No. 854438 Pursuant To Section 30A Soil Conservation And Rivers Control Act 1941. - Caveat No. 916242 By Telecom New Zealand Limited. - Subject To Part IVA Conservation Act 1987.
Statute	Land Act 1948 & Crown Pastoral Land Act 1998.

Data Correct as at	22 April 2002
[Certification Attached]	Yes

Prepared by	Murray Bradley 
Crown Accredited Agent	DTZ New Zealand

Certification:

Pursuant to section 11(1)(l) of the Survey Act 1986 and acting under delegated authority of the Surveyor-General pursuant to section 11 (2) of that act, I hereby certify that the land described above is; Crown Land subject to the Land Act 1948.

..... *M H Warburton*

Date *15* / *5* / 2002

Max Warburton, Chief Surveyor
Land Information New Zealand, Dunedin

OTEMATATA I RESEARCH - Property 1 of

<p>Notes : This information does not affect the status of the land but was identified as possibly requiring further investigation at the due diligence stage : See Crown Pastoral Standard 6 paragraph 6</p>	<p>Note: Run 743 was former Oamaru Harbour Board Endowment Land. The land was originally vested in the Oamaru Harbour Board by virtue of the "Oamaru Harbour Board Act 1881". Section 3 of that Act stated that the land shall remain subject to the provisions of the "Land Act 1887". The Crown purchased the Oamaru Harbour Board's interest in the land in 1964 and took over the lease along with others.</p> <p>Consequently, the land was Oamaru Harbour Board</p>
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	<p>Endowment land prior to the issue of the lease under CT No. 2C/586. The overall effect is that the land was still Crown land subject to the Land Act but managed by the Oamaru Harbour Board until the lease was issued.</p> <p>A legal opinion dated November 1922 from Hislop and Creagh confirms that the former Oamaru Harbour Board Endowment land was still subject to "the Land Acts" in the same manner as other similar Crown Lands.</p> <p>(ii) As noted in the attached area reconciliation , the correct legal description is Part Run 742 situated in Gala and Turnagain Survey Districts and Sections 50-51, Section 8, Sections 36-37, Section 49 and Sections 40-42 situated in Block VIII , Gala Survey District. The attached area reconciliation shows that the correct area is 12,780.1128 hectares and not 12781.5401 hectares as recorded in CT OT 2C/585.</p>
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LAND STATUS REPORT for OTEMATATA - i [LIPS ref.12561]

Property 1 of 3

Research Data: *Some Items may be not applicable*

Property	1	of	3	
SDI Print Obtained				Yes
NZMS 261 Ref				H40.
Local Authority				Waitaki District Council.
Crown Acquisition Map				Kemp Deed of Purchase.
SO Plan				SO 13766 (1965) – Defines Run 742. SO 16562 (1967) - Shows plan of road to be closed and taken for the development of water power. SO 16781 (1969) – Defines road to be stopped and land to be taken in Block VIII Gala Survey District. SO 17649 (1973) – Defines Sections 40-42 Block VIII Gala Survey District. SO 17676 Defines Section 36 Blk VIII Gala Survey District. SO 17746 (1973) – Defines Section 37 Block VIII Gala Survey District. SO 18947 (1978) – Defines Section 49 Block VIII Gala Survey District. SO 19295 (1979) – Defines plan of Sections 50 and 51 Block VIII Gala Survey District.
Relevant Gazette Notices				N/A
CT Ref / Lease Ref				Balance OT 2C/585.
Legalisation Cards				SO 13766 – No legalisation card. SO 16562 – No legalisation card. SO 16781 – No legalisation card. SO 17649 – Records the areas to be acquired for Sections 40, 41 and 42 Block VIII Gala Survey District. SO 17676 – No Legalisation Card. SO 17746 – Records the area to be acquired for Section 37 Block VIII Gala Survey District. SO 18947 – Records the area to be declared Crown land in Block VIII Gala Survey District. Also records that the land was subsequently given the new appellation of Section 49 Block VIII Gala Survey District. SO 19295 – Records the areas to be acquired for Sections 50 and 51 Block VIII Gala Survey District.
CLR				The CLR records the following: The Crown Land Register records the following for Run 742, Sections 8, 36, 37, 40, 41, 42 and 49, Block VIII Gala Survey District. CT No: 2C/585 Area: 12,780.1120 hectares SO Plans: 17746, 17649 File Reference: P304

	<p>Notes:</p> <p>(1) Sections 36, 37 and 49 consisting of 113.4638 hectares were incorporated in Run 742 on 1 July 1979.</p> <p>(2) Sections 40, 41 and 42 consisting of 1.3727 hectares were incorporated in Run 742 on 24 August 1983.</p> <p>The Crown Land Register records the following for Sections 50 and 51 Block VIII Gala Survey District.</p> <p>SO Plan: 19295 Area : 3300m2 File Reference: S360</p> <p>Notes: The sections were formerly part of Run 742 contained in Pastoral Lease No. 304.</p>
Allocation Maps (if applicable)	There are no DOC/SOE UCL allocations within the boundary of the lease.
VNZ Ref - if known	Part 26050-9500.
Crown Grant Maps	The Crown Grant Map for the Gala and Turnagain Survey Districts did not identify Run 742.
<p>If subject land Marginal Strip:</p> <p>(a) Type [Sec 24(9) or Sec 58]</p> <p>(b) Date Created</p> <p>(c) Plan Reference</p>	<p>(a) Section 24(9) of The Conservation Act 1987.</p> <p>(b) 1 January 1998.</p> <p>(c) OT 2C/585.</p>

LAND STATUS REPORT for OTEMATATA - i				[LIPS ref.12562]
Property	1	of	3	

Research – continued

Property	1	Of	3	
If Crown land - Check Irrigation Maps.				An irrigation map does not exist for NZMS 261 H40.
Mining Maps				There are no mining interests recorded within the boundaries of the Pastoral Lease on the National Mining Index.
If Road				
a) Is it created on a Block Plan - Section 43(1)(d) Transit NZ Act 1989				a) Crown Grant and Section 110A Public Works Act 1928
b) By Proc				(b) Proc 339854/340318,
c) Plan No				(c) SO Plan 13766 and SO 16562.
Other Relevant Information				
a) Concessions - Advice from DOC or Knight Frank.				(a) DOC have advised that there is no Conservation land within the boundaries of the lease. However parcels of Public Conservation land adjoins the lease on its eastern boundary. There are also 2 Marginal Strips in the Otematata River held under Part IVA Conservation Act 1981 which are shown as H40/017 & 19 on DOC'S plan attached. There are no concessions issued granted over the Marginal Strips ,save for a number of generic concessions covering a majority of the Conservation estate in Canterbury.
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. Please refer to Mineral Ownership.
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: CT OT 2C/585 being the earliest lease issued in the Land Transfer Office.
d) Other Information				d) Note: Run 743 was former Oamaru Harbour Board Endowment Land. The land was originally vested in the Oamaru Harbour Board by virtue of the "Oamaru Harbour Board Act 1881".Section 3 of that Act stated that the land shall remain subject to the provisions of the" Land Act 1887". The Crown purchased the Oamaru Harbour Board's interest in the land in 1964 and took over the lease along with others. Consequently, the land was Oamaru Harbour Board

	<p>Endowment land prior to the issue of the lease under CT No. 2C/586. The overall effect is that the land was still Crown land subject to the Land Act but managed by the Oamaru Harbour Board until the lease was issued. A legal opinion dated November 1922 from Hislop and Creagh confirms that the former Oamaru Harbour Board Endowment land was still subject to "the Land Acts" in the same manner as other similar Crown Lands.</p> <p>(ii) As noted in the attached area reconciliation , the correct legal description is Part Run 742 situated in Gala and Turnagain Survey Districts and Sections 50-51,Section 8,Sections 36-37,Section 49 and Sections 40-42 situated in BlockVIII , Gala Survey District. The attached area reconciliation shows that the correct area is 12,780.1128 hectares and not 12781.5401 hectares as recorded in CT OT 2C/585.</p>
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