

Crown Pastoral Land Tenure Review

Lease name : THE POPLARS

Lease number : PC 015

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.

October 06

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**DUE DILIGENCE REPORT
CPL PRE TENURE REVIEW ASSESSMENT STANDARD 6:**

File Ref: CON/50272/09/12743/A-ZNO-01 **Report No:** QVV 371 **Report Date:** 20/08/2002

Office of Agent: CHRISTCHURCH **LINZ Case No:** 02/ **Date sent to LINZ:** /08/2002

TR 03/ 111

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:
 - a) Legalisation of the St James Walkway by DOC as it effects the lease from the Boyle Village up the Boyle Valley.
 - b) Matters relative to the Memorandum of Agreement between HMQ and Poplars Station Limited dated 19 December 1995 (protected by Compensation Certificate No.A211924) are outstanding as follows:
 - (i) Legalisation of the new 1.6km section of State Highway and road closure as shown on SO 20126 (pending Transit NZ clearance to proceed) , and
 - (ii) Transit instructions to proceed with survey and legalisation of the Restrictive Covenant (marked "E" attached to the Agreement).
 - c) Legalisation of road realignment transactions undertaken at Poplars Fan / Rough Creek as shown on S.O.'s 16130 and 17462 respectively have not been legalised.
 - d) Registration of the Deed of Easement to Convey Electric Power over part of the lease between HMQ and Mainpower dated 2 April 2002 is still outstanding.
 - e) Creation of an Easement for telecommunication purposes (a telephone servicing unit) to Telecom over the lease adjacent to the Boyle settlement to formalise an unregistered sublease approved by the Commissioner of Crown Lands in 1982.
 - f) Creation of an Easement right to Convey and Store Water over the lease in favour of the North Canterbury Alpine Trust land held in CB28F/303 as depicted on S.O. 14576.
 - g) Creation of an access easement for stock access over the Boyle Riverbed and proposed Marginal strip to protect the lessees rights to informal rights that exist.
 - h) Creation of formal ROW easement to provide for foot access from State Highway 7 to Kiwi Saddle to formalise the existing Covenant in the lease.
3. That the Commissioner of Crown Lands or his delegate **note** that the following potential liabilities have been identified as a result of the file search:
 - a) Breach of contract (by the current lessee) to remove buildings as provided for in the Agreement for Sale of Improvements with the Crown dated 11 April 1996.
 - b) The Transit NZ requirement for future road legalisation works at Stewarts Fan is protected by Compensation Certificate A225448.1 and this document is not to be discharged.

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The Commissioner or his delegate **note** that:

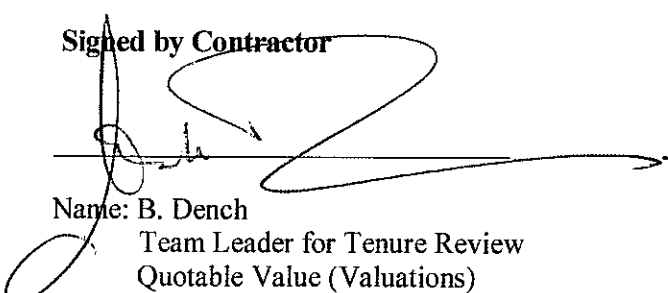
- The current lessee has given an undertaking **not** to build any improvements in an area of the lease the Crown (Transit) do not wish to have improvements erected upon.
- No DOC sublease exists for the Boyle Base and associated facilities and DOC requirements require re-establishment before action is taken to formalise any continued use and occupation.
- There are several DOC huts on the Lease.
- A number of post lease renewal matters were identified and discussed with the then lessee including surrender, conservation covenant areas, foot access to the Glynn Wye Pastoral lease, Marginal strip issues etc.
- A number of tracks on the lease do not conform with the legal roads.

Signed by ~~Sub~~ – Contractor:



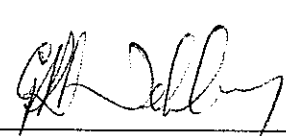
Name: D. McGregor
McGregor Property Services Limited
Accredited Agent

Signed by Contractor



Name: B. Dench
Team Leader for Tenure Review
Quotable Value (Valuations)

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



Name: GRANT KASPER WEBLEY
Date of Decision: 28/8/07

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Details of Lease:

Lease Name: The Poplars.

Location: Located on the Lewis Pass Road (State Highway No. 7) North Canterbury, approximately 160 kilometres from Christchurch.

Lessees: POPLARS STATION (1996) LIMITED.

Tenure: Pastoral lease of pastoral land under Section 66 and registered under Section 83 of the Land Act 1948.

Term: 33 years from 1 July 1984 (expires 30 June 2017).

Annual Rent: \$9,450 ((Reviewed 1 July 1995).

Rental Value: \$420,000 (Reviewed 1 July 1995).

Date of Next Review: 1 July 2006.

Land Registry Folio Ref: Computer Interest Register (Pastoral Lease) CB28F/1034

Legal Description: Part Run 351 and Section 1, S.O. 19640 situated in Blocks XIV Boyle, I II III V VI VII IX X and XI Skiddaw and IV VII VIII X XI XII and XVI Marion Survey Districts.

Area: 6235.7528 hectares.

2. File Search

Files held by agent Knight Frank (NZ) Ltd on behalf of LINZ:

File Reference	Volume	First Folio Number	Date	Last Folio Number	Date
<i>Pc 015-SCH-01</i>	<i>1</i>	<i>136</i>	<i>24/06/1929</i>	<i>339</i>	<i>10/01/1952</i>
<i>Pc 015-SCH-02</i>	<i>2</i>	<i>340</i>	<i>03/04/1952</i>	<i>489</i>	<i>09/02/1962</i>
<i>Pc 015-SCH-03</i>	<i>3</i>	<i>493</i>	<i>08/05/1962</i>	<i>733</i>	<i>27/05/1976</i>
<i>Pc 015-SCH-04</i>	<i>4</i>	<i>734</i>	<i>21/03/1977</i>	<i>878</i>	<i>15/01/1981</i>
<i>Pc 015-SCH-05</i>	<i>5</i>	<i>879</i>	<i>20/01/1981</i>	<i>25</i>	<i>28/05/1984</i>
<i>Pc 015-SCH-06</i>	<i>6</i>	<i>26</i>	<i>08/06/1984</i>	<i>116</i>	<i>23/04/1986</i>
<i>Pc 015-SCH-07</i>	<i>7</i>	<i>117</i>	<i>28/04/1986</i>	<i>186</i>	<i>01/02/1990</i>
<i>Pc 015-SCH-08</i>	<i>8</i>	<i>187</i>	<i>05/02/1990</i>	<i>273</i>	<i>24/06/1991</i>
<i>Pc 015-SCH-09</i>	<i>9</i>	<i>274</i>	<i>15/01/1992</i>	<i>358</i>	<i>02/05/1994</i>
<i>Pc 015-SCH-10</i>	<i>10</i>	<i>361</i>	<i>26/07/1994</i>	<i>437</i>	<i>02/12/1995</i>
<i>Pc 015-SCH-11</i>	<i>11</i>	<i>438</i>	<i>05/12/1995</i>	<i>483</i>	<i>24/06/1996</i>
<i>Pc 015-SCH-12</i>	<i>12</i>	<i>484</i>	<i>28/02/1996</i>	<i>-</i>	<i>16/02/1997</i>
<i>Pc 015-SCH-13</i>	<i>13</i>	<i>-</i>	<i>28/04/1997</i>	<i>-</i>	<i>10/04/2000</i>
<i>Pc 015-5-SCH-01</i>	<i>01</i>	<i>-</i>	<i>16/09/1982</i>	<i>-</i>	<i>28/07/2000</i>
<i>Pc 015-5-SCH-02</i>	<i>02</i>	<i>-</i>	<i>29/07/2000</i>	<i>-</i>	<i>05/10/2001</i>
<i>Pc 015-A-SCH-01</i>	<i>01</i>	<i>-</i>	<i>01/01/1800</i>	<i>-</i>	<i>Current</i>
<i>Pc 015-1-SCH-01</i>	<i>01</i>	<i>-</i>	<i>14/05/1959</i>	<i>-</i>	<i>30/06/2000</i>
<i>5200-D13-T07-01-DNO</i>	<i>-</i>	<i>-</i>	<i>21/05/1993</i>	<i>-</i>	<i>07/02/1996</i>
<i>5200-D13-T07-02-DNO</i>	<i>-</i>	<i>-</i>	<i>08/02/1996</i>	<i>-</i>	<i>28/02/1997</i>

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41-12-WCH	-	30/07/1991	-	07/12/1992
5350-C8066-104-DCH-01	-	28/05/1995	-	29/09/1995
5350-C8066-104-DCH-02	-	03/10/1995	-	19/12/1995
5350-C8066-104-DCH-03	-	04/12/1995	-	19/12/1995
5350-C8066-104-DCH-04	-	20/12/1995	-	21/05/1996
5350-C8066-104-DCH-05	-	23/02/1996	-	04/11/1996
40/72/007/13/19-1-WCH	-	15/07/1986	-	31/12/1993
CON 50213/09/16058/A-ZNO	-	01/07/2000	-	Current
CON 50180/09/12743/A-ZNO	-	22/08/1996	-	23/01/2001
CON 50213/09/12743/A-ZNO	-	18/07/2000	-	05/02/2002
CON 50213/09/12743/A-ZNO-02	-	07/02/2002	-	Current

Files held by Archives

40/72/7/13/7	-	1974	-	1984
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Files held by Accredited Supplier (The Property Group) on behalf of Crown Property Clearances

CPC 99/3761/A	-	23/04/1999	-	Current
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Files held by agent Q.V. Valuations on behalf of LINZ:

File Reference: CON/50213/09/12743/A-ZNO
Volume: 2
First folio: -
Date: August 2002.
Last folio note: File current.
Date: -

3 Summary of Lease Document: (Copy of Computer Interest Register (Pastoral Lease) CB28F/1034 attached as Appendix 1)

3.1 Terms of Lease

A 33 year term from 1 July 1984 at the Annual rental of \$9,450 plus GST based on the Rental Value of \$420,000.

Stock Limitation in Lease

3410 sheep and 1540 cattle

Commencement date

1 July 1984, - being the renewal of the original Pastoral lease (CL 529/100) issued for a 33 year term from 1 July 1951 to the lessees J and T A Barrett over Run 286 comprising 20200 acres at the Annual rental of \$740 based on the stock limitation in the lease of 5775 sheep (including 3300 breeding ewes) and 770 cattle when run with riverbed licence M 2354. At renewal a substitute lease (CB28F/1034) issued and the Annual rental was determined to be \$4,440 based on the Rental Value of \$296,000 with the stock limitation being 3410 sheep and 1540 cattle.

A number of area adjustments were made prior to renewal but without any alteration to the terms of the lease.

The Annual rental was reviewed as at 1 July 1995 to \$9,450 based on the Rental Value of \$420,000.

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918288.1 *Land Improvement Agreement* pursuant to Section 30A Soil Conservation and Rivers Control Act 1941 (registered 30 January 1991).

Building Line Restriction:

699454 *Notice under Section 60A Land Act 1948* imposing Building Line Restriction (registered 6 December 1966).

Caveat:

5032155.1 *Caveat by Telecom New Zealand Limited (registered 29 March 2001)* claimed an interest as Grantee under an unregistered Deed of Easement dated 26 October 2000 with the Commissioner of Crown Lands (Grantor as lessor) whereby the Commissioner granted an easement in gross for telecommunication purposes over parts of the Pastoral lease pursuant to Section 60 of the Land Act 1948.

This easement document also includes a right for Telecom to permit *Team Talk Limited* to co-site telecommunications equipment.

There is no obligation in the Deed to have the easement registered.

A copy of this Caveat and the Deed of Easement is attached as *Appendix 2*

3.4 Unregistered Interests

Easements

Easement by Mainpower New Zealand Limited to install electricity transmission lines over the lease. (This line includes cable, power poles and overhead wires).

A copy of this Easement is attached as *Appendix 3*.

Easement rights to Convey Water and to Store water on the lease property in favour of North Canterbury Alpine Trust (an adjoining property owner) as shown on SO 14576.

Refer also Clause 8. 8

A copy of SO 14576 attached as *Appendix 4*

Easement in gross to Telecom for telecommunications (Servicing unit) over part of the lease in favour of North Canterbury Alpine Trust property and properties in the Boyle settlement.

Refer also Clause 8.7

Sublease:

Sublease of the former DOC buildings at Windy Point to the Amuri School Board of Trustees for Outdoor Recreation activities. This sublease is for a term of 27 years from 1 July 1990 at an annual rent of 10 cents (the lease contains a qualified right of renewal clause.).

Sublease not registered as it would have been considered a subdivision under the Resource Management Act. This sublease is continuing to operate unregistered with concurrence of all parties.

A copy of the sublease is attached as *Appendix 5*

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current lessee acquired the lease by Transfer A232770.4 (registered 23 April 1996).

Other Provisions:

Clause (2) of the lease "THAT the Lessor reserves into Herself, officers and employees of New Zealand Forest Service (now Department of Conservation) and the general public the rights of ingress, egress and regress over the existing tracks depicted on the diagram attached hereto (such diagram showing the general location of the track from State Highway 7 to Kiwi Saddle). Vehicular traffic shall have the right of ingress, egress and regress over part of the track marked "Vehicle track" on the said diagram, the right to park vehicles in the area marked "Foot access". The tracks and car park shall be maintained by the Lessor through the New Zealand Forest Service (Department of Conservation). Persons using the tracks shall at all times avoid disturbing the Lessee's stock and anyone found disturbing stock may be denied access by the Lessee.

3.2 Area adjustments

There have been minor area adjustments to the lease as a consequence of road legalisation action as indicated by GN's A 44999.2 (N. Z. Gazette 1993 p.726 – SO 18652) and 441553.3 (N.Z. Gazette 1999 p 1306 – SO 19640).

In addition further road legalisation actions are at different stages of completion as depicted on SO 16130 (1.0659 ha of land for road in exchange for 1461 m2 of stopped road) SO 17462 (4813 m2 of land for road in exchange for 558m2 of stopped road) and SO 20126 (3.7722 ha of land for road in exchange for 3.6855 ha of stopped road).

3.3 Registered Interests

Mortgages:

No. 978406.1 to Wrightson Farmers Finance Limited (registered 17 February 1992)

No. A232770.5 to BNZ Finance Limited (registered 23 April 1996).

Compensation Certificates:

A211924.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 (registered 19 December 1995) protected an Agreement the Crown secured with the then lessee Poplars Station Limited (name changed from Glasnevin Holdings Limited) to:

- i) Purchase the total leasehold and for the lessee to stay in occupation with a balance interest to be offered for sale excluding the Crown's roading (SH 7) requirements then existing and possible future roading requirements (Stewarts Fan).
- ii) To give the Crown the right to place a Restrictive Covenant over part of the leasehold (defined by diagram).
- iii) To give the Crown the right to enter and remove buildings over an area of the leasehold (defined by diagram) if so required.
- iv) To undertake drainage works associated with the eroding gully and the new alignment.

A225448.1 pursuant to Section 19 Public Works Act 1981 (registered 13 March 1996) protected Clause 15(i) of the Agreement for Sale and Purchase between HMQ and the then lessee dated 12 January 1995 whereby the Crown allowed access to facilitate drainage works associated with the eroding gully and the new SH project with this right enuring against subsequent purchasers to the benefit of the Crown.

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Licence to Occupy to Gordon Edward Bunting (life tenancy) an area of land approximately 1 hectare on the lease property between the "Poplars Bridge" and G E Buntings dwelling house, adjoining the small residential settlement opposite the Ex MOW Engineers Camp.

This life tenancy was included in the Particulars and Conditions of Sale when the present lessee acquired its interest in the lease.

Extract of page 14 of the Particulars and Conditions of Sale (refer Clause 21) attached as *Appendix 6*.

Undertaking:

Undertaking by Poplars Station (1996) Limited dated 1 April 1996 to not to build on an area defined by diagram marked "E" as annexed to the Particulars and Conditions of Sale for the purchase the lease.

A copy of this undertaking is attached as *Appendix 7*

Recreation Permits

There are no recreation permits over this lease.

Unsecured Debts:

None known.

4 Summarise any Government programmes approved for the lease:

The *Land Improvement Agreement (LIA) registered as Document 918288.1* on 30 January 1991 between the then lessee and the North Canterbury Catchment Board. The purpose of the plan included the erection of conservation fencing and shelter-belts to improve pasture management and prevent soil erosion. The soil conservation fencing separated steeper hill from easier terraces, also 0.18km of fencing to protect 34 ha of wetland near Windy Point was included in the plan.

The agreement enures for 33 years from 1 April 1985 (expiring 31 March 2018).

The property is not part of a Rabbit and Land Management programme.

5 Summary of Land Status Report:

The Land Status Report by D. McGregor, McGregor Property Services Limited, for and on behalf of Q.V.Valuations on 28 May 2002, confirmed the status as Crown land under the Land Act 1948, leased pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as Computer Interest Register CB28F/1034.

The land is subject to Part IVA of the Conservation Act 1987, upon disposition.

The Mines and Minerals are, for the most part, owned by the Crown because except for the areas below the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1859 Kaikoura Deed of Purchase.

However, insofar as the underlying Section 1, Square 110 and Section 29, Square 112 Amuri and Section 5, Block XI, Marion Survey District (acquired by HMK as parts of exchanges of land for general settlement in 1906 and 1917) are concerned, the Crown is at liberty to invoke the standard Crown Mineral restrictions on disposition of the land.

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- 1) Additional Reports of land within the periphery of the lease.
- 2) CL CB34A/711 contains a notation that the lease is subject to Section 58 of the Land Act 1948 applying in respect of all rivers and streams in excess of 3 metres in width. **However such strips are 'notional' only pending disposition of the land.**
- 3) SO 14576 defined Section 22, Block II, Skiddaw S.D. held in Computer Freehold Register CB28F/303. The plan also shows proposed Easement rights to Convey and Store water over the Pastoral lease in favour of Section 22 but these rights have not yet been created.
- 4) Compensation Certificates A211924.1 and A 225448.1 pursuant to Section 19 of the Public Works Act 1981 protect an Agreement dated 19 December 1995 (a copy of which is attached). The works under this Agreement are completed and SO 20126 has defined the affected parcels to enable legalisation to proceed. It should be noted however that a potential liability may exist in respect of the conditions of the Agreement as to the Crown's requirement for protection of building restrictions and Compensation Certificate A211924.1 is to remain to protect that situation.
- 5) Legalisation action in respect of the parcels on S.O.'s 16130 and 17462 is outstanding.

A copy of the Land Status Report and the Status Reports for the peripheral lands are attached as Schedule A.

6 Review of Topographical and Cadastral Data:

Plans attached to the Land Status Report show that there are no historic sites, transmission lines, water races, dams within the lease.

The topographical plan shows:

- The existence of local power lines on the River terraces adjoining the Hope River between Nathan Stream / Matagouri Stream and on the Boyle River terraces between Matagouri Stream / Poplars Fan.
- Five huts on the lease, Doubtful Hut (in the Doubtful River Valley), Boyle Base Hut (near Boyle Village) and Top Hope Hut and Saint Jacobs Hut (in the upper Hope River Valley) and Hope Shelter (in the lower Hope Valley).
- An airstrip adjacent to the homestead area.
- An extensive network of unformed legal roads where tracks do not conform to the legal road lines.
- Part of the St James Walkway over the lease.

While the plans do not show the existence of telecommunications and other installations it is known that there are installations on /over the lease as follows:

- Telecom VHF repeater is on Poplars Ridge.
- Small telecom building and cables servicing Section 22 and the Boyle Settlement.
- Mainpower transmission lines.
- Pipelines and holding tank in favour of North Canterbury Alpine Trust property.

6.1 Marginal Strips:

The lease contains a notation that it is subject to Section 58 of the Land Act 1948 applying in respect of all rivers and streams in excess of 3 metres in width. However such strips are "notional" only pending disposition of the land.

~~6. Legal Roads - Journal and Paper~~ RELEASED UNDER THE OFFICIAL INFORMATION ACT

The Land Status Report indicates that SO Plans 15431 and 18806 denote the roads that are legal by Section 110A of the Public Works Act 1928 as supported by Topos A4, A10 and A16 unless otherwise shown.

Roads have been legalised within the lease by the following authorities:

Proclamation 828507 - (NZ Gazette 1971 p.623) - SO's 9564-9566.

Proclamation 771811 - (NZ Gazette 1969 p.1317) - SO 11096.

GN 044999.1 - (NZ Gazette 1993 p.726) - SO 18652.

GN 441553.1 - (NZ Gazette 1999 p.1306) - SO 19640.

6.3 Fenced Boundaries v Legal Boundaries (peripheral):

The topographical plan does not reveal any significant boundary discrepancies

Following an Ombudsman report of 14 March 1991 the then Chief Surveyor was commissioned to provide a plan of the lease boundaries to clarify issues – SO plan 18806 (approved 9 April 1992) subsequently redefined the boundaries.

DOC previously had a sublease arrangement but later sought a 5ha site at Boyle Base for a DOC facility. This area was to be surrendered from the lease as a condition of transfer to a former lessee but following acquisition by the current lessee no formal arrangements appear to be in place.

7 Details of any neighbouring Crown or Conservation land:

Southern /Western Boundary ***Part Reserve 4380 and RS's 39830, 41040, 41276, 41857, 42161 and 42213*** (Part Sumner Conservation Park held subject to Section 61 of the Conservation Act 1987).

RS 41064 and 41858 (Part Nina and Doubtful Conservation Area - held as stewardship land subject to Section 61 of the Conservation Act 1987).

RS 41045 and 41876 (Part Lewis Pass Scenic Reserve subject to the Reserves Act 1977)

North Eastern Boundary ***RS 41045 and 41876*** (Part Lewis Pass Scenic Reserve subject to the Reserves Act 1977)

Run 287 (Glenhope Pastoral lease)

Run 255 (Glynn Wye Pastoral lease).

Internal Boundary ***Part Run 351*** (Crown land held for Functioning Indirectly of a Road). See Report 3 of 6.

Parts Reserve 4380 (Conservation Park pursuant to Section 61 of the Conservation Act 1987). See Report 4 of 6.

Part Run 351 (Crown land held for Quarry subject to the Public Works Act 1981). See Report 5 of 6.

RS 40859 (Conservation Park pursuant to Section 61 Of the Conservation Act 1987). See Report 6 of 6.

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8.1 *Legalisation of St James Walkway.*

The St James Walkway crosses an area of the lease from the Boyle Village up to the Boyle Valley. In recent advice given on the adjacent St James Pastoral lease report DOC advised that the Walkway had not been legalised and that a review of the status of Walkways is being undertaken and could be some time off completion.

The Walkway route is shown on the topographical map attached to the Land Status Report.

8.2 *Compliance with matters to Memorandum of Agreement between HMQ and Poplars Station Limited dated 19 December 1995.*

This Agreement, protected by *Compensation Certificate A211924*, arose due to a serious threat to State Highway 7 from a mud flow from an eroding gully close to the Highway and in nearby vicinity to the existing homestead and outbuildings. In essence the Crown (Transit New Zealand) purchased the lessee's interest in the lease by this Agreement to enable the Crown to secure the roading requirements and protection. The Agreement was necessarily complex due to the nature of the problem, the impending Xmas recess (1995) and the real threat of a highway closure over that period. In February 1996 the "balance" leasehold (the area exclusive of the roading requirements and associated infrastructure) was then offered on the open market for sale by public auction. The lease was sold at auction to the present lessee Poplars Station (1996) Limited with the Crown effectively underwriting the loss the former lessee suffered with the auction. Particulars and Conditions of Sale (auction) contained conditions relevant to the Crown (Transit New Zealand) requirements that enabled completion of the works.

The Commissioner of Crown Lands approval to the purchase of the Lessor's interest and right for a restrictive covenant was conveyed to LINZ (and Transit NZ) by Knight Frank NZ Limited on 13 December 1995.

It is noted that :

- A new 1.6km State Highway road realignment has been constructed and the land for road and road to be stopped is still to be legalised in accordance with S.O. 20126, when Transit is satisfied the new alignment is to be the permanent alignment.
- Transit NZ did not want to have any future problems with the lessee improvements in the location south of the eroding gully (as the fan naturally slopes towards the Hope River) in the event new works were necessary and entry required to manage the fan as it develops. A Restrictive Covenant (depicted by diagram marked "E" attached to the Agreement) prohibiting lessee improvements (excluding stock fencing) in this area has as yet to be defined by survey and registered against the lease.
- The Agreement allows for the Crown to legalise a future new road at Stewarts Fan (shown on plan marked "G" attached to the Agreement). Transit NZ considered this was the only future area of State Highway adjoining the pastoral lease that may need future works and contended that as it was underwriting the purchase of the lease then it was appropriate to secure the right to "future works" at Stewarts Fan. **The intention is not to discharge the Compensation Certificate A211924.1** on the lease to protect the rights the Crown has secured.
- Special Condition 6 of the Agreement allows the Crown access to the lease to facilitate drainage associated with the eroding gully and the new highway. This is protected by a separate Compensation Certificate A225448.1 registered against the lease and shall enure against subsequent purchasers to the benefit of the Crown. **This Compensation Certificate is not to be discharged** also.

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copies of the Memorandum of Agreement and Compensation Certificates referred to are attached shown as *Appendix 8*

8.3 *Potential Liability – Purchaser’s failure to remove buildings from the lease.*

The current lessee (Poplars Station (1996) Limited purchased the leasehold at auction and part of the Particulars and Conditions of Sale included an Agreement for Sale of Improvements between the Crown and the purchaser. This agreement dated 11 April 1996 required that the Purchaser remove the improvements prior to 31 August 1996. To date the buildings remain on the lease property.

Notwithstanding the above the Property Group Limited (Transits property agent) have investigated the breach of contract. The Property Group, following legal advice dated 1 May 2000 recommended the lessee be given notice to remove the improvements. A check of the TPG file has revealed that no subsequent initiatives have been undertaken by either Transit NZ or its agents to enforce the breach of contract.

Copies of Memorandum of Agreement and The Property Group Ltd memo of 25/05/2000 attached as *Appendix 9*.

8.4 *Potential Liability - Future Road Legalisation of Stewarts Fan protected by Agreement between HMQ and Poplars Station Limited dated 19 December 1995 –*

Refer to Clause 8.2 above.

Will only be advanced when Transit decides to proceed with a new road alignment in this location. Compensation Certificate No. A225448.1) protects this Agreement and is not to be discharged pending completion of such works .

This matter was also flagged in the Particulars and Conditions of Sale and a copy is attached as *Appendix 10*.

8.5 *Poplars Fan/Rough Creek (1980/1981) Road legalisation action.*

The MWD District Property Officer approved a property acquisition report dated 17 December 1980. (f.874).

A fully executed Memorandum of Agreement between the Crown and the then lessee dated 4 December 1980 has been located on file 40/72/7/13/7 (copy attached) and was found to have been executed by both parties. A Compensation Certificate 321207.1 was registered on 16/04/1981 to protect this Agreement but this was subsequently discharged (erroneously) on 17 August 1990.

These road realignments have been defined and SO 16130 (Poplars Fan) and SO 17462 (Rough Creek) have been approved enabling road legalisation and road stopping actions to proceed. The files are silent on the payment of the \$200 compensation and legalisation action was never completed.

Since the Compensation Certificate has been discharged the Crown must secure a fresh Agreement with the current lessee to progress legalisation.

Relevant copies of folios attached as *Appendix 11*.

8.6 *Easement to convey electric Power - Mainpower New Zealand Limited –*

CCL Case No. 02/346 on 14 February 2002 approved the grant of an easement right to Mainpower New Zealand Limited to convey electric power over part of the lease.

Easement documents have been prepared and executed by both parties and the documents dispatched to the Grantee’s Solicitors for registration 04 April 2002.

relevant copies of folios attached as *Appendix 12*.

8.7 Easement for a Telecom telephone servicing unit located near Boyle Village

Under CCL Case No 82/608 dated 29 November 1982 (f.948) approval was given to the grant of a sublease to N.Z. Post Office over part of the lease for the siting of a small building and cable site to service the adjoining Lodge building (North Canterbury Alpine Trust – Section 22) at the rental of \$150 pa.

No subsequent action has been undertaken to formalise this arrangement.

Relevant copies of folios attached as *Appendix 12*

8.8 Easement to Convey Water and right to Store Water – North Canterbury Alpine Trust

SO plan 14576 (approved 31 May 1978) provides for the creation of easement rights to Convey Water and the right to Store water over the lease property in favour of North Canterbury Alpine Trust (CB 28F /303).

A search of the Pastoral lease files failed to disclose any reference to this easement. If the requirement still exists legalisation is outstanding.

Copy of SO 14576 attached as *Appendix 4*.

8.9 Right of Way Easement over proposed Marginal strip (bridge over the Boyle)

In 1989 the then lessee approached the Crown to erect a bridge over the Boyle for access purposes.

The Department of Lands on 10 August 1989, following discussions with DOC, advised Landcorp that it had no objections to the erection of the bridge or access over the Boyle Riverbed subject to conditions including that public access was not impeded (*folios 189 and 190*). At that time a formal access easement was not seen essential but the then lessee was urged to consider that option to protect future access.

The bridge has been erected but no action has been taken to secure a formal easement.

Relevant copies of folios attached as *Appendix 13*

8.10 Creation of Easement for foot access to replace existing lease Covenant

The existing lease Covenant in the lease (recited above) makes provision for foot access from SH7 to Kiwi Saddle.

A formal access Easement is required in the event of any disposition of the lease.

APPENDICES

Schedule A – Land Status Report.

1. Copy of Lease.
2. Copy of Caveat and unregistered Deed of Easement to Telecom.
3. Copy of Deed of Easement and relevant folios– Mainpower New Zealand Ltd.

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5. Copy of Sublease to Amuri School Board of Trustees.
6. Extract of page 14 of Particulars and Conditions of Sale.
7. Copy of Undertaking by Poplars Station (1996) Limited.
8. Copy of Memorandum of Agreement dated 19/12/1995.
9. Copy of Memorandum of Agreement dated 11/04/1996.
10. Copy of Particulars and Conditions of Sale.
11. Copies of relevant folios – Poplars Fan / Rough Creek legalisation.
12. Copies of relevant folios – Easement to Convey and Store Water to North Canterbury Alpine Trust.
13. Copies of relevant folios – ROW over Marginal strip.

Schedule A

LAND STATUS REPORT

**for
Tenure Review**

THE POPLARS

**Prepared by Don McGregor, McGregor Property Services Limited
for and on behalf of Q.V.Valuations**

May 2002

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CONTENTS

PROPERTY 1 OF 6

Appendix A – Land Status Report (and supporting plans)

- SO Plans (Additional)
- Extract of CLR
- Extracts of Allocation maps
- DOC Consultation
- Information supporting Mineral investigation
- Information supporting Notes to Report
- Other information

Appendix B – Land Status Report (Certified by Chief Surveyor)

PROPERTY 2 OF 6

Appendix A – Land Status Report

PROPERTY 3 OF 6

Appendix A – Land Status Report

PROPERTY 4 OF 6

Appendix A – Land Status Report

PROPERTY 5 OF 6

Appendix A – Land Status Report

PROPERTY 5 OF 6

Appendix A – Land Status Report

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**PROPERTY 1 OF 6
LAND STATUS REPORT**

**APPENDIX A – LAND STATUS REPORT
(and supporting plans)**

Project Number : QVV 370

This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No 50272 (as yet undated) and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for The Poplars Tenure Review				LIPS Ref: 12743
Property	1	of	6	

Land District	Canterbury
Legal Description	Part Run 351 and Section 1, S.O. 19640 situated in Blocks XIV Boyle, I II III V VI VII IX X and XI Skiddaw and IV VII VIII X XI XII and XVI Marion Survey Districts.
Area	6235.7528 hectares.
Status	Crown land subject to the Land Act 1948.
Instrument of title / lease	Computer Interest Register (Pastoral Lease) CB28F/1034 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
Encumbrances	<p>Subject to:</p> <ol style="list-style-type: none"> 1) Part IVA of the Conservation Act 1987, upon disposition. 2) Clause (2) of the lease " THAT the Lessor reserves into Herself , officers and employees of the New Zealand Forest Service (now Department of Conservation) and the general public the rights of ingress, egress and regress over the existing tracks depicted on the diagram attached hereto (such diagram showing the general location of the track from State Highway 7 to the Kiwi Saddle). Vehicular traffic shall have the right of ingress, egress and regress over part of the track marked "Vehicle track" on the said diagram, the right to park vehicles in the area marked "Foot access". The tracks and car park shall be maintained by the Lessor through the New Zealand Forest Service (Department of Conservation). Persons using the tracks shall at all times avoid disturbing the Lessee's stock and anyone found disturbing stock may be denied access by the Lessee. 3) 699454 Notice under Section 60A Land Act 1948 imposing Building Line Restriction. 4) 918288.1. Land Improvement Agreement pursuant to Section 30A Soil Conservation and Rivers Control Act 1941. 5) A211924.1 Compensation Certificate pursuant to Section 19 of the Public Works Act 1981. 6) A225448.1 Compensation Certificate pursuant to Section 19 of the Public Works Act 1981. 7) 5032155.1 Caveat by Telecom New Zealand Limited.

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<p>Mineral Ownership</p>	<p>The Mines and Minerals are, for the most part, owned by the Crown because except for the areas below the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1859 Kaikoura Deed of Purchase.</p> <p>However insofar as the underlying Section 1, Square 110 and Section 29 Square 112 Amuri and Section 5, Block XI, Marion Survey District) acquired by HMK as parts of exchanges of land for general settlement in 1906 and 1917, is concerned the Crown is at liberty to invoke the standard Crown Mineral restrictions on disposition of the land.</p>
<p>Statute</p>	<p>Land Act 1948 and Crown Pastoral Land Act 1998.</p>

<p>Data Correct as at</p>	<p>28 May 2002.</p>
<p>[Certification Attached]</p>	<p>Yes.</p>

<p>Prepared by Crown Accredited Supplier</p>	<p>Don McGregor, McGregor Property Services Limited, Christchurch for and on behalf of Q.V. Valuations.</p>
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<p>NOTES: This information does not affect the status of the land but was identified as possible requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6</p>	<ol style="list-style-type: none"> 1) Please note additional Reports of land within the periphery of the lease. 2) CL CB34A/711 contains a notation that the lease is subject to Section 58 of the Land Act 1948 applying in respect of all rivers and streams in excess of 3 metres in width. However such strips are 'notional' only pending disposition of the land. 3) SO 14576 defined Section 22, Block II, Skiddaw S.D. held in Computer Freehold Register CB28F/303. The plan also shows proposed Easement rights to Convey and Store water over the Pastoral lease in favour of Section 22 but these rights have not yet been created. 4) Compensation Certificates A211924.1 and A 225448.1 pursuant to Section 19 of the Public Works Act 1981 protect an Agreement dated 19 December 1995 (a copy of which is attached). The works under this Agreement are completed and SO 20126 has defined the affected parcels to enable legalisation to proceed. It should be noted however that a potential liability may exist in respect of the conditions of the Agreement as to the Crowns requirement for protection of building restrictions and Compensation Certificate A211924.1 is to remain to protect that situation. 5) Legalisation action in respect of the parcels on S.O. 's 16130 and 17462 is outstanding.
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Research Data: Some Items may not be applicable

SDI Print Obtained	Yes.
NZMS 261 Ref	L32, M32.
Local Authority	Hurunui District Council.
Crown Acquisition Map	Kaikoura Deed of Purchase.
SO Plans	<p>SO 700 – Plans of Parts Run 286 (now Run 351) – (Approved CIRCA 1882/1883 and 1894).</p> <p>SO 6024 - Plan of Part Run 233B (now Pt Run351) (Approved 8 December 1925).</p> <p>SO 9508 - Plan of Reserves (formerly Parts Run 233A and Run 233B) (Approved 25 March 1959).</p> <p>SO 9512 - Plan of Run 286 (formerly Parts Run 233A, Parts Scenic Reserve 4379 and Reserve 4337, Parts State Forest 4380, Section 1, Square 110 and Section 29, Square 112, Amuri District and Section 4, Block XI, Marion S.D (Approved 25 March 1959).</p> <p>SO 9564 – Plan of Part Run 286 etc for Road (Approved 13 January 1961).</p> <p>SO 9565 – Plan of Part Run 286 etc for Road (Approved 13 January 1961).</p> <p>SO 9566 – Plan of Part Run 286 etc for Road (Approved 13 January 1961).</p> <p>SO 9664 – Plan of Part Run 286 - for Highway Depot (Approved 10 August 1960).</p> <p>SO 9752 – Plan of Road to be Closed through Runs 16 286 etc (Approved 13 January 1961).</p> <p>SO 11096 – Plan of adjoining Sections 1-21 Block II Skiddaw S. D. (8 November 1968).</p> <p>SO 11369 – Plan of Parts Reserves 4380, 5002 and 5007 and Rural Section 39830 adjoining (Approved 11 June 1970).</p> <p>SO 11897 – Plan of Parts Reserves 4380, 5002 and 5007 and Rural Section 39830 adjoining (Approved 21 November 1972) February 1974).</p> <p>SO 11985 – Plan of Lake Sumner District including Pt Run 286 (Approved 26 February 1974).</p> <p>SO 14576 – Plan of Section 22, Block II, Skiddaw S.D. - formerly Part Run 286 - (Approved 27 June 1978).</p>

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SO 1537 – Plan of R.S. 40859 – formerly Part Run 286 - (Approved 31 May 1978).

SO 15431 – Plan of R.S. 41383 and Run 351 (Approved 28 July 1981).

SO 16104 – Plan of Part Run 351 – for Quarry (Approved 16 February 1984).

SO 16130 – Plan of Part Run 351 and Road – Land for Road and Road to be stopped (Approved 16 February 1984).

SO 17126 and 17134 – DOC Allocation plans.

SO 17462 – Plan of Part Run 351 and Road – Land for Road and Road to be stopped (Approved 22 June 1988).

SO 18652 – Plan of Part Run 287 and Parts Run 351 for Road (Approved 27 January 1992).

SO 18806 – Plan of lands including Pts Reserves 4380 and 5002 and Pt Run 351 (Approved 9 April 1992).

SO 19640 – Plan of Part Run 351 and Road – Land for Road and Road to be stopped (Approved 6 September 1996).

SO 20126 – Plan of land to be acquired (including Pt Run 351) and Road to be stopped (Approved 25 August 1999)

Gazette Notices

N.Z. Gazette 1969 p.1317 (Proclamation 771811) proclaimed 2 acres 2 roods 11.5 perches (SO 11096) of Pt Run 286 to be Road (to service Boyle Village).

N.Z. Gazette 1971 p.623 (Proclamation 828507) declared Parts (86 acres 1 rood 3 perches) of then Run 286 (SO's 9564-9566) as Road and closed Road adjoining Run 286.

N.Z. Gazette 1978 p.163 set apart Rural Section 40859 (formerly Pt Run 286) of 1.8531 ha, as State Forest.

N.Z. Gazette 1981 p.1 declared Rural Section 40859 to be State Forest Park and to form part of the Lake Sumner State Forest Park.

N.Z. Gazette 1983 p.269 (G.N. 421264.1) acquired the leasehold interest in 13.6070 ha of Pt Run 351 (Area "E" on SO 15788) for the Functioning Indirectly of a Road.

N.Z. Gazette 1983 p.260 (G.N. 421266.1) set apart 13.6070 ha of Pt Run 351 (Area "E" on SO 15788) for the Functioning Indirectly of a Road and vesting in the Crown.

N.Z. Gazette 1984 p.2766 (G.N. 501057.1) acquired the leasehold interest in 3.6694 ha of Part Run 351 (Area "A" on SO 16104) for a Quarry.

N.Z. Gazette 1984 p.3613 (G.N. 510266.1) set apart 3.6694 ha of Part Run 351 (Area "A" on SO 16104) for a Quarry and vested the same in HMQ.

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	<p>N.Z. Gazette 1993 p.726 (G.N. 044999.2) acquired the leasehold estate in 3000m2 of Part Run 351 (Areas A and C on SO 18652) for road and vested the same in the Crown.</p> <p>N.Z. Gazette 1993 p.726 (G.N. 044999.1) set apart 3000m2 of Part Run 351 (Areas A and C on SO 18652) for road (SH 7).</p> <p>N.Z. Gazette 1999 p.1306 (G.N. 441553.1) declared 1.7352ha being Parts Run 351 (Areas "A" and "B" SO 19640) to be road (SH 7) vested in the Crown and declared 1.3380 ha of stopped road (now Section 1, SO 19640) to be amalgamated into the Pastoral lease.</p>
Lease Ref	Computer Interest Register (Pastoral Lease) CB28F/1034 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
Legalisation Cards	<p>Searched. Legalisation action on SO' s 14576, 14597, 15788, 16104 and 19640 completed.</p> <p>S.O. 16130, 17462 and 20126 show legalisation action still required.</p>
CLR	Confirms Pastoral Lease tenure.
Allocation Maps (if applicable)	<p>Searched. No DoC or SOE Allocations are within the periphery of the lease.</p> <p>Allocations M32 -1 and 10 (SO 17134) indicates adjoining lands DOC stewardship land pursuant to Section 62 of the Conservation Act 1987.</p> <p>Extracts of Allocation Maps attached.</p>
VNZ Ref – if known	VR 21252/800.
Crown Grant Maps	Not applicable.
Subject Land Marginal Strip:	
a) Type [Sec 24(9) or Sec 58]	a) Refer to Notes above.
b) Date Created	b) Not applicable.
c) Plan Reference	c) Not applicable.

<p>If Crown land – Check Irrigation Maps</p>	<p>Searched – Not applicable.</p>
<p>Mining Maps</p>	<p>Searched – Not applicable.</p>
<p>If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989 b) By Proclamation c) Gazette Ref:</p>	<p>a) SO Plans 15431 and 18806 denoted Roads legal by Section 110A of the Public Works Act 1928. Refer also Topo Plans A4, A10 and A16.</p> <p>b) SO 9564-9566 – Proclamation 828507. SO 11096 – Proclamation 771811 SO 18652 - GN 044999.1. SO 19640 - GN 441553.1.</p> <p>SO 15788 - GN 421266.1. (for the Functioning Indirectly for a Road).</p> <p>c) SO 9564-9566 – N.Z. Gazette 1971 p. 623. SO 11096 – N.Z. Gazette 1969 p.1317. SO 18652 - N.Z. Gazette 1993 p.726. SO 19640 - N.Z. Gazette 1999 p.1306.</p> <p>SO 15788 - N.Z. Gazette 1983 p.260. (for the Functioning Indirectly for a Road).</p>
<p>Other relevant information a) Concessions – Advice from DOC or DTZ New Zealand Limited. b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998 c) Mineral Ownership d) Other Info</p>	<p>a) No current DOC concessions exist within the lease boundaries. The only DOC interests are in the Marginal Strips yet to be defined.</p> <p>DTZ New Zealand Limited administers a Grazing Permit (LIPS 16058) issued to Poplars Station (1996) Limited, under Section 68A of the Land Act 1948, over 566 ha being part beds of the Hope, Boyle and Doubtful Rivers for a term of 10 years from 1 April 1996 at the Annual fee of \$150 and subject to certain conditions.</p> <p>b) Part 9 of the Ngai Tahu Claims Settlement Act 1998, upon disposition.</p> <p>c) Mines and Minerals are, for the most part, owned by the Crown because except for the areas below the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1859 Kaikoura Deed of Purchase.</p> <p>The underlying Section 1, Square 110, Amuri District (comprised in CT 17/87 issued to Edgar Jones in 1896) and Section 4, Block XI, Marion SD (comprised in CT 20/242 issued to Edgar Jones in 1890) were transferred by Edgar Jones to His Majesty the King (for general settlement) by T53125 dated 12 February 1901 as part of an exchange of land. These areas (in the case of Section 4 only part) were redefined in 1959 as part of Run 286 and included in the Pastoral lease that year (CL 529/100).</p> <p>The underlying Section 29, Square 112, Amuri District (comprised in CT 17/87) and Section 4, Block XI, Marion SD (comprised in</p>

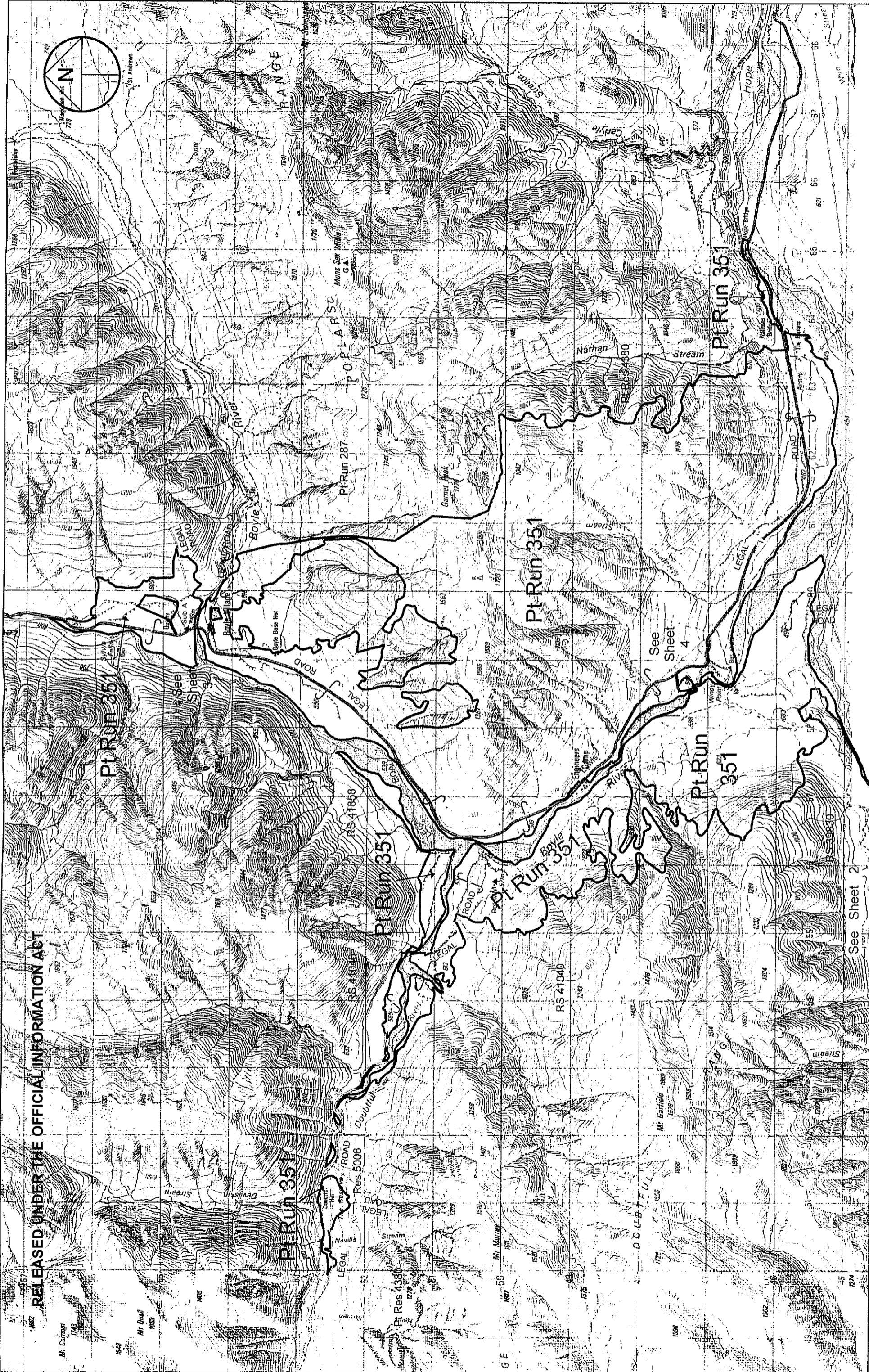
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was transferred by R.O. Duncan to His Majesty the King (for general settlement) by Conveyance 119850 (5N/523) dated 20 June 1917 as part of an exchange of land authorised by Section 57 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1916. This area was also redefined in 1959 as part of Run 286 and included in the Pastoral lease.

While the original titles were issued in 1896, 1890 and 1870 respectively (the latter only prior to the first Public Works legislation the land were not in 1901 and again in 1917 acquired for a public work under a Public Works Act but as Crown land for general settlement and to facilitate exchanges of land. Therefore the Crown in the circumstances is at liberty to invoke the standard Crown Mineral restrictions on disposition of the land

d) Not applicable.

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ANDERSEN & ASSOCIATES
REGISTERED SURVEYORS
P.O. Box 13-345
Christchurch
Ph: 03 379 9901

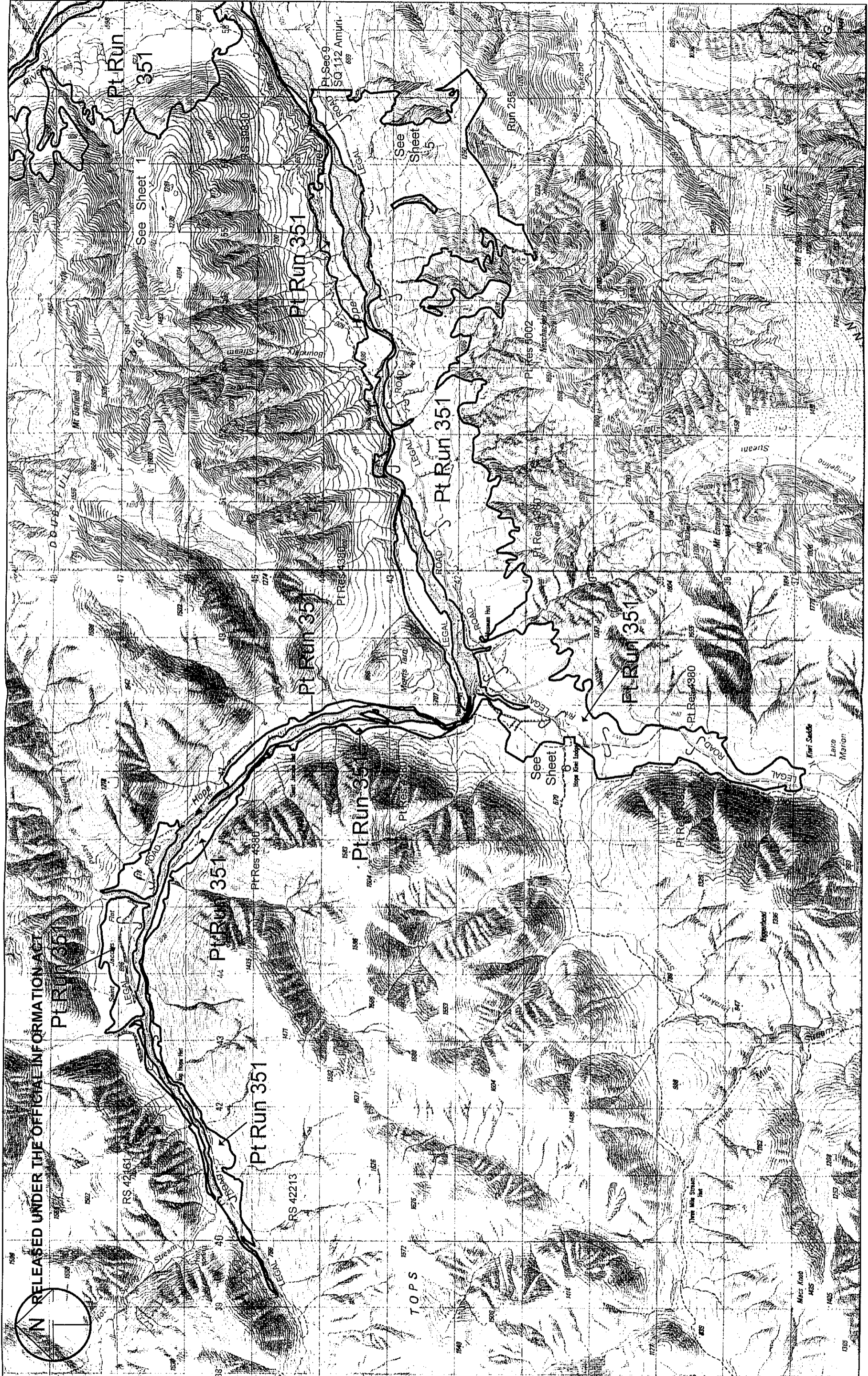
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Conservation Act 1987 -----

The Poplars

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Topographic map 260 - L32, M32					
Sheet 1 of 6					
Date: 12/04/02					

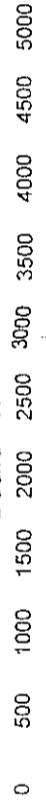


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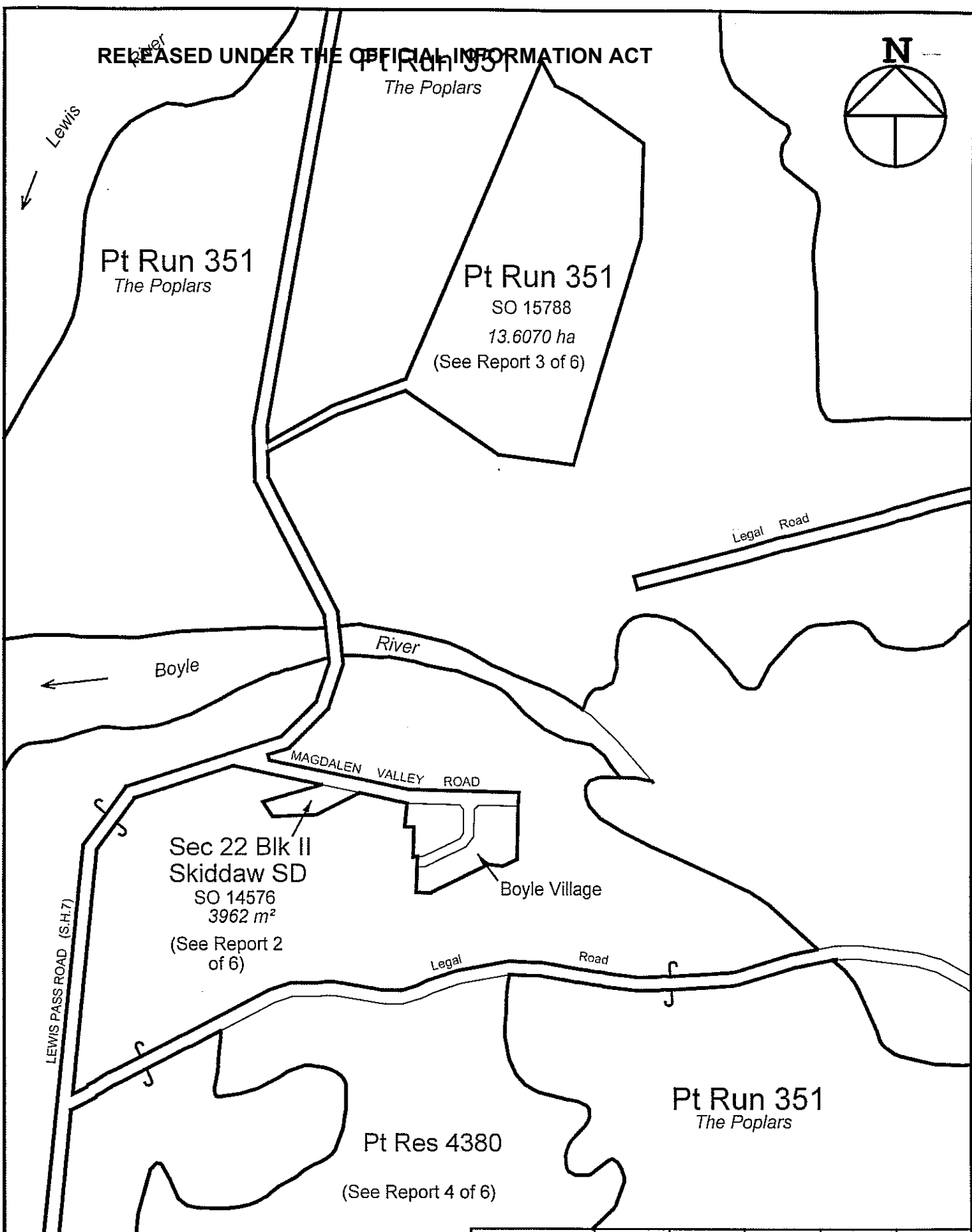
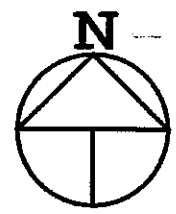
The Poplars

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

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REGISTERED SURVEYORS
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Christchurch
Ph: 03 379 9901

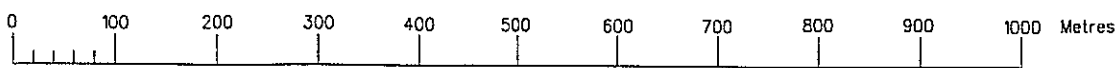


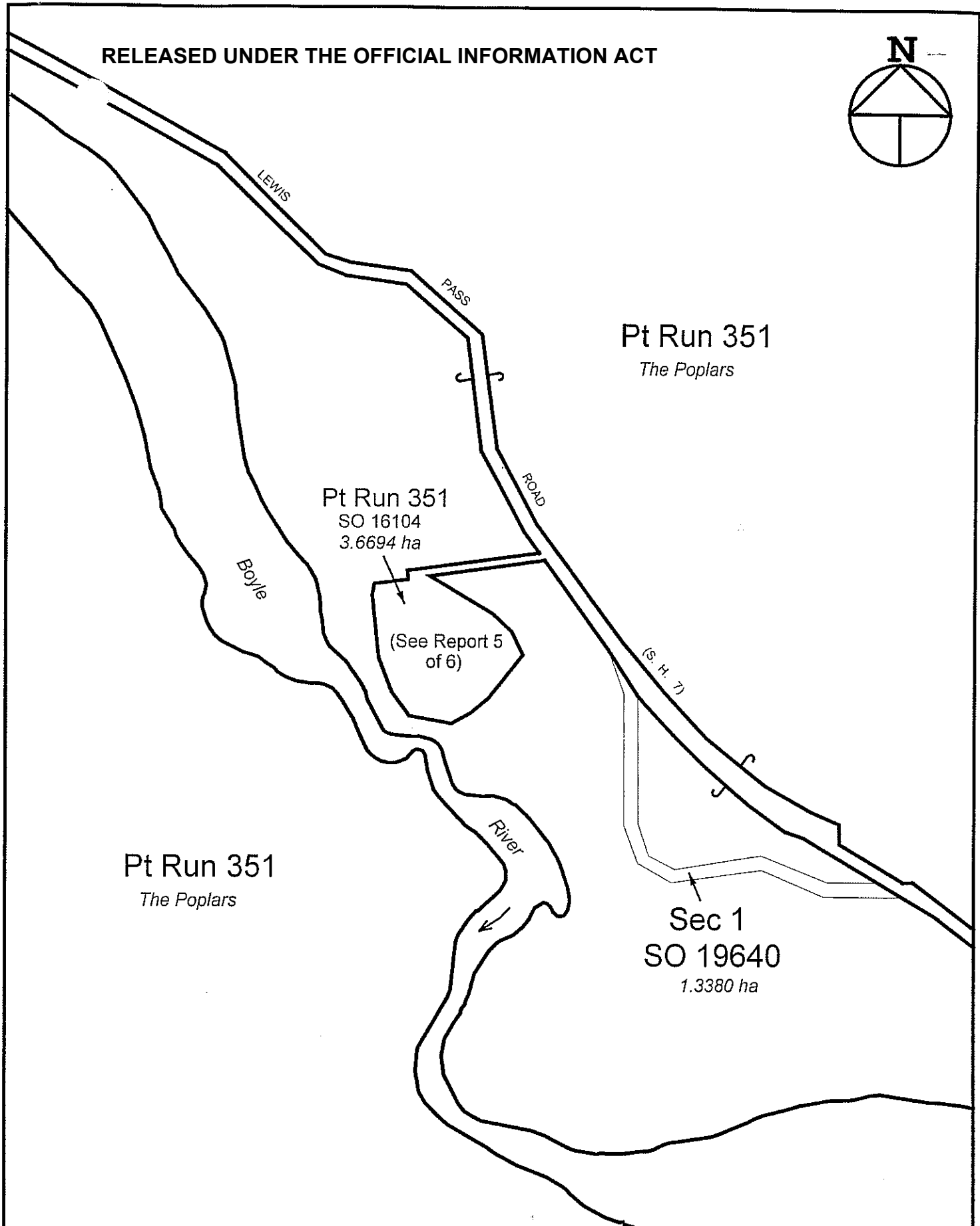
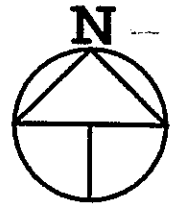
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Conservation Act 1987 -----

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Topographic Map 260 - L32, M32					Date 12/04/02

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The Poplars
Scale 1:7500





Pt Run 351
SO 16104
3.6694 ha

(See Report 5
of 6)

Pt Run 351
The Poplars

Pt Run 351
The Poplars

Sec 1
SO 19640
1.3380 ha

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

Version	1	2	3	4	5
Canterbury Land District	Sheet 4 of 6				
Topographic Map 260 - L32, M32	Date 12/04/02				



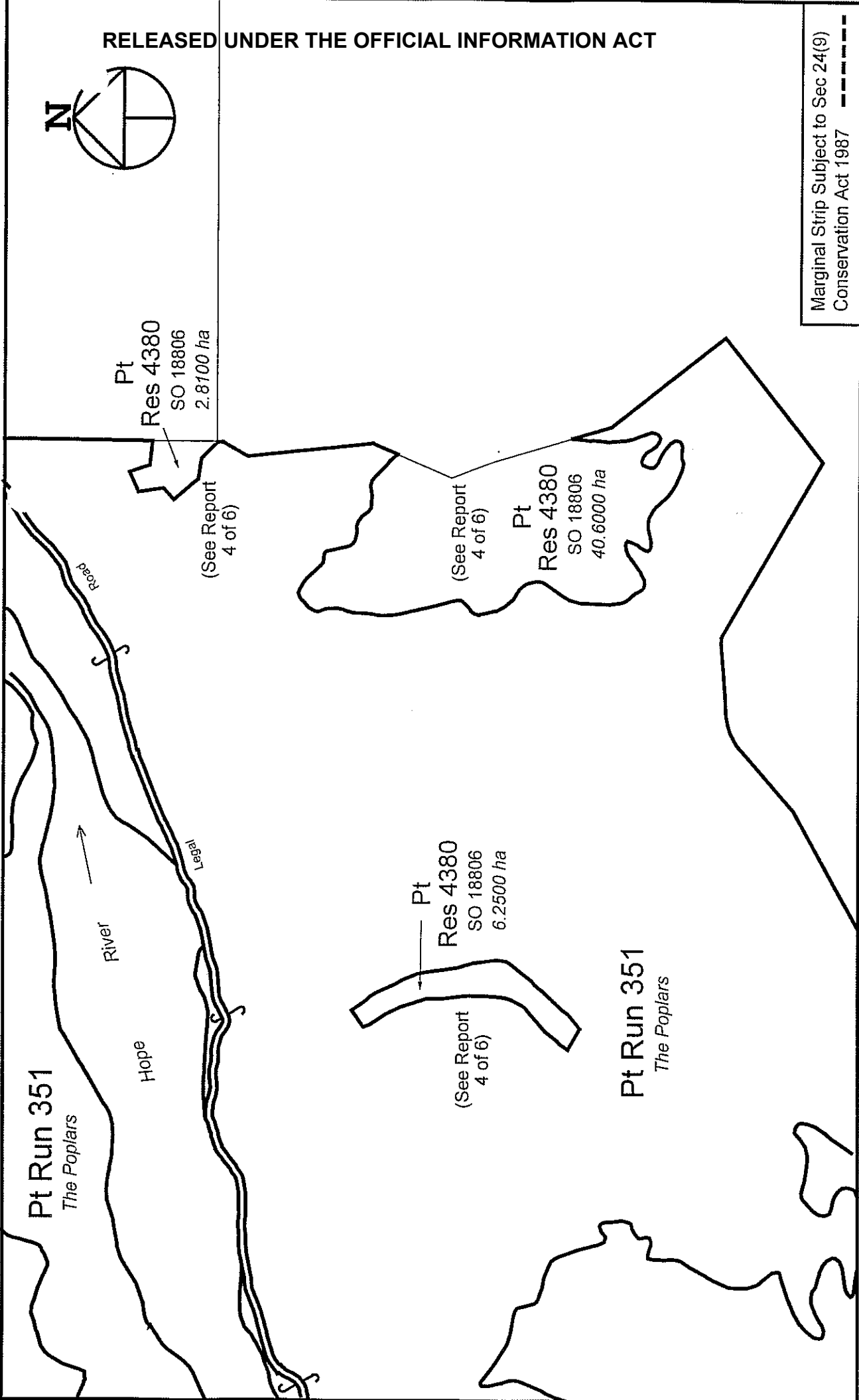
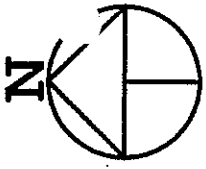
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The Poplars

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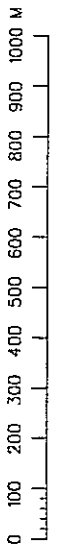


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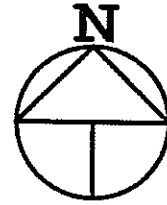


The Poplars

Scale 1:15000



Version	1	2	3	4	5
Canterbury Land District	Sheet 5 of 6				
Topographic Map 260 - L32, M32	Date 12/04/02				



Kiwi River

Pt Run 351

The Poplars

RS 40859

SO 14597

1.8531 ha

(See Report 6 of 6)

Pt Run 351

The Poplars

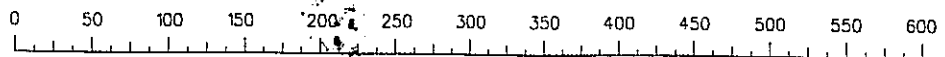
Marginal Strip Subject to Sec 24(9)
Conservation Act 1987

Legal Road

Version	1	2	3	4	5
Canterbury Land District			Sheet 6 of 6		
Topographic Map 260 - L32, M32			Date 12/04/02		

The Poplars

Scale 1:5000



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Christchurch
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**APPENDIX B – LAND STATUS REPORT
(Certified Correct by Chief Surveyor)**

LAND STATUS REPORT

**for
Tenure Review**

THE POPLARS

**Prepared by Don McGregor, McGregor Property Services Limited
for and on behalf of Q.V.Valuations**

April 2002

Project Number : QVV 370

This report has been prepared on the instruction of Land Information New Zealand in terms of **Contract No : 50272 (as yet undated)** and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for The Poplars Tenure Review				LIPS Ref: 12743
Property	1	of	1	

Land District	Canterbury
Legal Description	Part Run 351 and Section 1, S.O. 19640 situated in Blocks XIV Boyle, I II III V VI VII IX X and XI Skiddaw and IV VII VIII XI XII and XVI Marion Survey Districts.
Area	6235.7528 hectares.
Status	Crown land subject to the Land Act 1948.
Instrument of title / lease	Computer Interest Register (Pastoral Lease) CB28F/1034 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
Encumbrances	<p>Subject to:</p> <ol style="list-style-type: none"> 1) Part IVA of the Conservation Act 1987, upon disposition. 2) Clause (2) of the lease " THAT the Lessor reserves into Herself , officers and employees of the New Zealand Forest Service (now Department of Conservation) and the general public the rights of ingress, egress and regress over the existing tracks depicted on the diagram attached hereto (such diagram showing the general location of the track from State Highway 7 to the Kiwi Saddle). Vehicular traffic shall have the right of ingress, egress and regress over part of the track marked "Vehicle track" on the said diagram, the right to park vehicles in the area marked "Foot access". The tracks and car park shall be maintained by the Lessor through the New Zealand Forest Service (Department of Conservation). Persons using the tracks shall at all times avoid disturbing the Lessee's stock and anyone found disturbing stock may be denied access by the Lessee. 3) 699454 Notice under Section 60A Land Act 1948 imposing Building Line Restriction. 4) 918288.1. Land Improvement Agreement pursuant to Section 30A Soil Conservation and Rivers Control Act 1941. 5) A211924.1 Compensation Certificate pursuant to Section 19 of the Public Works Act 1981. 6) A225448.1 Compensation Certificate pursuant to Section 19 of the Public Works Act 1981. 7) 5032155.1 Caveat by Telecom New Zealand Limited.

LAND STATUS REPORT for The Poplars Tenure		LIPS Ref 12743
Review	RELEASED UNDER THE OFFICIAL INFORMATION ACT	
Property	1 of 1	

Statute	Land Act 1948 and Crown Pastoral Land Act 1998.
----------------	---

Data Correct as at	3 April 2002.
[Certification Attached]	Yes

Prepared by	Don McGregor
Crown Accredited Supplier	McGregor Property Services Limited, Christchurch for and on behalf of Q.V. Valuations

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.

R. Moulton


Date: 17/4/2002

.....
R Moulton, Chief Surveyor (Canterbury Land District)
Land Information New Zealand, Christchurch

CERTIFICATION

Report to the Chief Surveyor, Christchurch, for certification of Status Investigation for THE POPLARS Pastoral Lease Tenure Review.

1. I, Donald McGregor of McGregor Property Services Limited, acting for and on behalf of Q.V. Valuations, certify that the status report enclosed for certification is in order for signature.
2. In giving this certification I, Donald McGregor of McGregor Property Services Limited, acting for and on behalf of Q.V. Valuations, undertake that the status report has been completed in compliance with all relevant policy instructions and in particular, OSG Standard 1999/05 and the Regulatory Chiefs' Land Status Investigations Guidelines 1999/01.



D McGregor
McGregor Property Services Limited
Accredited Supplier
3 April 2002

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**PROPERTY 2 OF 6
LAND STATUS REPORT**

**APPENDIX A – LAND STATUS REPORT
(and supporting plans)**

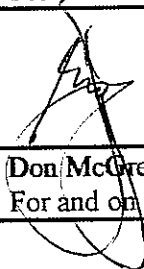
Project Number QVV 370

This report has been prepared on the instruction of Land information New Zealand in terms of Contract No. 50272 (as yet undated) and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for The Poplars Tenure Review (Freehold land)	LIPS Ref: Not applicable
Property 2 of 6	

Land District	Canterbury.
Legal Description	Section 22, situated in Block II, Skiddaw Survey District.
Area	0.3962 hectares.
Status	Freehold land owned by North Canterbury Alpine Trust.
Instrument of title	Computer Freehold Register CB28F/303.
Encumbrances	1. Subject to Section 8 Mining Act 1971. 2. Subject to Section 168A Coal Mines Act 1925. 3. 305971.1 Building Line Restriction.
Mineral Ownership	Minerals reserved to the Crown as in (1) and (2) above under "Encumbrances".
Statute	Not applicable.

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



Prepared by Crown Accredited Supplier	Don McGregor, McGregor Property Services Limited, Christchurch For and on behalf of QV Valuations
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NOTES: This information does not affect the status of the land but was identified as possible requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6	Proposed Easements over Pt Run 286 (now Part Run 351) in favour of Section 22 as shown on S.O. 14576 have not been created.
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Research Data: Some Items may not be applicable

SDI Print Obtained	Yes.
NZMS 261 Ref	M32.
Local Authority	Hurunui District Council.
Crown Acquisition Map	Not applicable.
SO Plans	SO 14576 –Plan of Section 22, Block II, Skiddaw Survey District (Approved 27/06/1978).
Relevant Gazette Notices	Not applicable.
CT Ref / Lease Ref	Computer Freehold Register CB28F/303.
Legalisation Cards	SO 14576 – Shows Section 22 surrendered from Pastoral lease 529/100 by Certificate of Alteration 290720.1.
CLR	Not Crown land.
Allocation Maps (if applicable)	Not applicable.
VNZ Ref – if known	Not known.
Crown Grant Maps	Not applicable.
If Subject Land Marginal Strip: a) Type [Sec 24(9) or Sec 58] b) Date Created c) Plan Reference	a) Not applicable. b) Not applicable. c) Not applicable.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

LAND STATUS REPORT for The Poplars Tenure Review (Freehold land)	LIPS Ref Not applicable
Property 2 of 6	

If Crown land – Check Irrigation Maps	Not applicable.
Mining Maps	Not applicable.
If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989 b) By Proclamation	a) Not applicable. b) Proc Plan Not applicable. c) Gazette Ref Not applicable.
Other relevant information a) Concessions – Advice from DOC or Knight Frank. b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998 c) Mineral Ownership d) Other Info	a) Not applicable. b) Not applicable. c) Minerals reserved to the Crown – subject to Section 8 of the Mining Act 1991 and Section 168A of the Coal Mines Act 1925. d) Not applicable.