

Property Number	CT and Legal Description	Encumbrance	Comments
1.	<p>SA15B/1017</p> <p>Te Tumu Kaituna 14 Block</p> <p>240.7626ha</p> <p>Maori Landonline Ref: 39183</p> <p>Maori Freehold Land</p>	<p>Section to s438 Maori Affairs Act 1953</p> <p>Status order determining land to be Maori freehold land</p> <p>Forestry Right for 30 years from 1.5.1992</p> <p>Subject to roadway and right to convey water, electricity and communications over part marked A on DPS 72894</p>	<p>Act repealed. Previously allowed Court to vest Maori land in Trustees.</p> <p>Subject to provisions of TTWM Act. Maori freehold land cannot be alienated, other than in accordance with TTWM (s146 TTWM) – this means the Trustees have the capacity to alienate the whole or part of Maori freehold land in accordance with s150A (which sets out further restrictions)</p> <p>“Alienation” defined in s4 TTWM and includes (for example) leases longer than 3 years, licences, easements, encumbrances, agreement to take land under the PWA.</p> <p>In favour of John and Maree Miller. Millers have a right to establish, cultivate and fell pinus radiata on the property. Felling of trees from 2014 until termination of forestry right (2022). Grantor covenants not to further encumber or charge the land without first obtaining written consent from Grantee.</p> <p>Property is servient tenement – rights of other blocks to pass over areas marked A, B, C on DPS 72894 (as above for other properties).</p>

2.	<p>CT: 486199</p> <p>3.2160ha</p> <p>Tumu Kaituna 7B1 Block</p> <p>Maori Landonline Block ID: 276926</p> <p>Maori Freehold Land</p> <p>Maori Reservation</p>	<p>Maori Freehold land</p> <p>2.0234 ha set apart as Maori Reservation for purpose of establishing a village site and meeting place (Gazette Notice 2009, p2873)</p> <p>1.1923 ha Ahu Whenua Trust (same listed responsible)</p> <p>Easement running along back of property for purpose of roadway, right to convey water, electricity and communications Trustees)</p>	<p>Provisions in Te Ture Whenua Maori Land Act 1993 (TTWM Act) relating to Maori Reservations apply to the 2.0234 ha area set aside (as shown in the Schedule attached to 335 Rotorua MB 298-301). Maori reservations have a special status under TTWM.</p> <p>In particular:</p> <ul style="list-style-type: none"> - S338(11) TTWM provides that land within a Maori reservation is <u>inalienable</u>. The only exception is for leases or occupation licences for terms not exceeding 14 years, with the consent of the Maori Land Court. - 'Alienation' of Maori land includes the granting of a lease or licence for more than 3 years, granting an easement or encumbrance, or an agreement to the taking of land under the PWA. The Maori Land Court has also held that it applies to compulsory acquisitions under the PWA (i.e. the PWA provisions do not trump TTWM provisions relating to reservations). - As such, Maori reservation cannot be taken under the PWA or easements granted over the land, unless the reservation status is first cancelled or part of the land removed from the reservation and following the procedures in the TTWA (requires a recommendation by the Maori Land Court and notice in Gazette). This would require a significant level of support from the beneficial landowners. The Maori Land Court will consider the benefits of the proposal and are likely to disregard the impact of not granting such an application on the development of adjoining non-Maori blocks. <p>Maori Landonline records that easement granted on 2/10/1998 to convey water, electricity and communications (249 ROT 128-129 & 169). A copy of that order is registered against other titles in the vicinity, but not against this title. The original order provides that Kaituna 7B block is one of the servient tenements to enable a limited access roadway for the benefit of the beneficial owners (invitees, workman, servants and agents) of Section 8 Block V, Kaituna Part 11B3B, Part 11B4, 11B5, 11B1, 11B2, Part Sec 3 Block VI. That right of way is shown on DPS 72894</p>
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3.	<p>316602</p> <p>Tumu Kaituna 7B2 Block</p> <p>76.9244ha</p> <p>Maori Landonline: Ref: 276927</p> <p>Maori Freehold Land</p>	<p>Status order determining land to be Maori freehold land</p> <p>Not listed on Title but Maori landonline lists as having easement granted</p>	<p>Subject to provisions of TTWM Act. Maori freehold land cannot be alienated, other than in accordance with TTWM (s146 TTWM) – this means the Trustees have the capacity to alienate the whole or part of Maori freehold land in accordance with s150A (which sets out further restrictions)</p> <p>“Alienation” defined in s4 TTWM and includes (for example) leases longer than 3 years, licences, easements, encumbrances, agreement to take land under the PWA.</p> <p>Granted for conveyance of water, electricity and telecommunications.</p>
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4.	CT 443596 8000m ² Lot 1 DP 411743	8000 m ² Easement instrument – right of way and right to convey electricity and water.	<p>Conditions attached to Schedule B of Easement Instrument state;</p> <ol style="list-style-type: none"> 1. Not to subdivide respective lots until such time as land is re-zoned residential; and 2. Not to object to re-zoning the dominant and servient tenements for residential purposes and not to object to any residential development of the dominant and servient tenements. <p>Easements created are subject to s243(a) RMA – because the subdivision consent was granted subject to a condition specifying that the easements be granted, the easement cannot be surrendered by owner of dominant tenement or merged by transfer or varied except with the written consent of the Council.</p>
4.	443597 Lot 2 DP 411743	<p>Rights of way created by transfer B654161.2 and B654161.4</p> <p>Subject to right of way over part A, F and C and right to convey electricity over part E and right to convey water over Lot 5 for benefit of Lots 1-4</p> <p>Land covenant created by 8526814.3. Easements subject to s243(a) RMA</p>	<p>Land covenants over Lots 1-3 in favour of Lots 4 & 5 – not to subdivide until land is rezoned residential. Not to object to rezoning of dominant and servient tenements for residential purposes and development.</p>

4.	CT 443599 71.8798ha Lot 4 DP 411743	S5 Coal Mines Act 1979 S8 Atomic Energy Act 1945 S3 Geothermal Energy Act 1953 Part IV A Conservation Act 1987 S11 Crown Minerals Act 1991 S3 Petroleum Act 1937 Compensation Certification by Ministry of Works Right of way in Easement Certificates Consent notice pursuant to s221 RMA Various easements and rights of way; easements subject to s243(a) RMA	Repealed (previously declared coal as Crown property) Repealed (previously declared uranium as Crown property – continued by s10 CMA) Repealed (previously declared sole right to tap and use geothermal energy to vest in the Crown). Marginal strip reserved – 20m wide along landward margin of bed of Kaituna River. Affects part of part formerly Lot 3 DPS 61810 Still in force. All minerals are to remain property of the Crown. Repealed (previously declared petroleum as Crown property – continued by s10 CMA) Compensation for taking part of land for Government Purpose Reserve (Wildlife Management) (1.2800ha) Creates various rights of way Requires on-site fire-fighting system before issue of building consent for habitable building or accessory building greater than 75m ² in total floor area
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4.	443600 Lot 5 DP 411743	Compensation certificate Rights of way created by transfer B654161.2 and B654161.4 Consent Notice s221 RMA Subject to right of way over part B and C and right to convey electricity over parts D and E and right to convey water over Lot 5 for benefit of Lots 1-4 Land covenant created by 8526814.3. Easements subject to s243(a) RMA	Affects areas formerly 8B3A and 8B4A (taken for wildlife reserve) Consent notice relates to firefighting Land covenants over Lots 1-3 in favour of Lots 4 & 5 (TCC lots) – not to subdivide until land is rezoned residential. Not to object to rezoning of dominant and servient tenements for residential purposes and development.
4.	SA50B/765 Tumu Kaituna 7A Block 19.4249ha	Part IVA Conservation Act 1987 S27B State-Owned Enterprises Act 1986	Minerals are reserved in favour of the Crown Marginal strip reserved – 20m wide along landward margin of bed of Kaituna River Provides for resumption of land on recommendation of Waitangi Tribunal and which does not provide for third parties (such as owner of land) to be heard in relation to making of such recommendations. Appears the land was formerly held as State-Owned Enterprise land, so if the Waitangi Tribunal makes a recommendation that it should be returned to Maori ownership it can specify this and recommend the group it be returned to.

9.	<p>257012</p> <p>Tumu Kaituna No8BSec 1</p> <p>38.3439 ha</p> <p>Maori Landonline ref: 36538</p> <p>Maori Freehold Land</p>	<p>Status order declaring land to be Maori Freehold Land</p> <p>Subject to roadway and right to convey water, electricity and communications created by MLC Order 6399684.1</p>	<p>Subject to provisions of TTWM Act.</p> <p>Property is servient tenement – rights of other blocks to pass over areas marked A, B, C on DPS 72894 (.</p>
8.	<p>443598</p> <p>Lot 3 DP 411743</p>	<p>Compensation Certificate.</p> <p>Rights of way created by transfer B654161.2 and B654161.4</p> <p>Subject to right of way over part A, F and C and right to convey electricity over part E and right to convey water over Lot 5 for benefit of Lots 1-4</p> <p>Land covenant created by 8526814.3. Easements subject to s243(a) RMA</p>	<p>Land covenants over Lots 1-3 in favour of Lots 4 & 5 – not to subdivide until land is rezoned residential. Not to object to rezoning of dominant and servient tenements for residential purposes and development.</p>

10.	CT SA1B/380 Tumu Kaituna 12 Block	<p>Compensation Certificate by Minister of Works</p> <p>Gazette Notice acquiring part of land for wildlife management reserve (2.4080 ha)</p> <p>Gazette Notice acquiring part of land for soil conservation and river control purposes (2.3040 ha)</p> <p>Rights of way created under two transfers</p>	<p>Compensation for taking part of land for wildlife management purposes. Marked 'S' on SO 55941 (south side of Kaituna River straightened path). Marked "P" on SO 55941 (2.2040ha) and "B" and "F" on 55942 (200m² and 800m² respectively) (Kaituna River)</p> <p>Provides for various rights of way</p>
11.	SA10A/304 Sec 8 Block V Te Tumu 90.2449 ha	<p>S59 Lands Act 1948</p> <p>S8 Coal Mines Amendment Act 1950</p> <p>Roadway, water etc easements created by Maori Land Court 6399684.1</p>	<p>Repealed (previously reserved minerals to the Crown). Repealed Act (previously reserved coal to the Crown).</p> <p>The order laying out roadway under s316(3) TTWM that a roadway be laid off and granted and under s315(1)(c) that water, electricity and telecommunication easements be granted. This block is one of the blocks forming the Dominant Tenement – its user rights are limited to the current proprietor or successors in title (including shareholders, workmen and agents); DT is solely responsible and liable for cost of forming roadway and must contribute to maintenance and fencing of roadway. The roadway crosses through blocks Te Tumu Kaituna 14, 7B and 8B1 (Plan attached to 6399684.1)</p>

11.	SA471/23 41.6363 ha Part Tumu Kaituna 11B3B Block	<p>Compensation Certificate by Minister of Works 394851</p> <p>Gazette notice acquiring land (0.1240ha and 4.3440 ha) for wildlife</p> <p>Gazette notice acquiring part of land (1.4280ha) for soil conservation and river control purposes and vesting same in BOPRC</p> <p>Roadway, water etc easements created by MLC 6399684.1</p>	<p>Compensation for taking 9.7083 ha for wildlife management "P" and "J" on SO 5594 (south of Kaituna River) "L" on SO 55942 (Kaituna River)</p> <p>The order laying out roadway under s316(3) TTWM that a roadway be laid off and granted and under s315(1)(c) that water, electricity and telecommunication easements be granted. This block is one of the blocks forming the Dominant Tenement – its user rights are limited to the current proprietor or successors in title (including shareholders, workmen and agents); DT is solely responsible and liable for cost of forming roadway and must contribute to maintenance and fencing of roadway. The roadway crosses through blocks Te Tumu Kaituna 14, 7B and 8B1</p>
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11.	SA471/21 12.6907 ha Part Tumu Kaituna 11B4 Block	<p>Compensation Certificate by Minister of Works</p> <p>Gazette notice acquiring land (3.4900ha) for wildlife</p> <p>Gazette notice acquiring part of land (4560m²) for soil conservation and river control purposes and vesting same in BOPRC</p> <p>Roadway, water etc easements created by MLC 6399684.1</p>	<p>Land affected by Certificate 12.6906ha in Tumu Kaituna 11B Sec 4 for acquisition of 9.7083 ha (in total across 2 titles) for wildlife management reserve "R" on SO 55942 (H 716205) (south of Kaituna River) "S" on SO 55942 (H973404) (Kaituna River)</p> <p>The order laying out roadway under s316(3) TTWM that a roadway be laid off and granted and under s315(1)(c) that water, electricity and telecommunication easements be granted. This block is one of the blocks forming the Dominant Tenement – its user rights are limited to the current proprietor or successors in title (including shareholders, workmen and agents); DT is solely responsible and liable for cost of forming roadway and must contribute to maintenance and fencing of roadway. The roadway crosses through blocks Te Tumu Kaituna 14, 7B and 8B1</p>
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11	SA471/22 34.6579 ha Part Tumu Kaituna 11B5 Block and Sec 2 SO Plan 55943	S8 Atomic Energy Act 1945 S5 Coal Mines Act 1979 S3 Geothermal Energy Act 1953 S8 Mining Act 1971 S3 Petroleum Act 1937 Part IVA Conservation Act 1987 Appurtenant to Tumu Kaituna 11B5 Block is roadway, water etc easement created by MLC 6399684.1	Repealed (previously declared uranium as Crown property – continued by s10 CMA) Repealed (previously declared coal as Crown property) Repealed Mining Act repealed (previously declared minerals as Crown property) Repealed (previously declared petroleum as Crown property – continued by s10 CMA) Marginal strip reserved – 20m wide along landward margin of bed of Kaituna River The order laying out roadway under s316(3) TTWM that a roadway be laid off and granted and under s315(1)(c) that water, electricity and telecommunication easements be granted. This block is one of the blocks forming the Dominant Tenement – its user rights are limited to the current proprietor or successors in title (including shareholders, workmen and agents); DT is solely responsible and liable for cost of forming roadway and must contribute to maintenance and fencing of roadway. The roadway crosses through blocks Te Tumu Kaituna 14, 7B and 8B1
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11	SA10B/697 12.8903 ha Tumu Kaituna 11B1 Block and Sec 1 SO Plan 55943	S8 Atomic Energy Act 1945 S5 Coal Mines Act 1979 S3 Geothermal Energy Act 1953 S8 Mining Act 1971 S3 Petroleum Act 1937 Part IVA Conservation Act 1987 Appurtenant to Tumu Kaituna 11B1 Block is roadway, water etc easement created by MLC 6399684.1	Repealed (previously declared uranium as Crown property – continued by s10 CMA) Repealed (previously declared coal as Crown property) Repealed Mining Act repealed (previously declared minerals as Crown property) Repealed (previously declared petroleum as Crown property – continued by s10 CMA) Marginal strip reserved – 20m wide along landward margin of bed of Kaituna River The order laying out roadway under s316(3) TTWM that a roadway be laid off and granted and under s315(1)(c) that water, electricity and telecommunication easements be granted. This block is one of the blocks forming the Dominant Tenement – its user rights are limited to the current proprietor or successors in title (including shareholders, workmen and agents); DT is solely responsible and liable for cost of forming roadway and must contribute to maintenance and fencing of roadway. The roadway crosses through blocks Te Tumu Kaituna 14, 7B and 8B1
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11	<p>SA3A/1070</p> <p>Section 3 Block VI Te Tumu Survey 28.2015 ha</p>	<p>Compensation Certificate by Minister of Works</p> <p>Gazette notice acquiring part of land for soil conservation and river control purposes and vesting same in BOPRC</p> <p>Roadway, water etc easements created by Maori Land Court</p> <p>Statutory Land charge – s87 LG (Rating) Act 2002</p>	<p>Compensation certificate for taking approximately 4ha for soil and river control purposes (H377212)</p> <p>3.32ha for soil and river control purposes and vesting the same in BOPRC (Kaituna River)</p> <p>The order laying out roadway under s316(3) TTWM that a roadway be laid off and granted and under s315(1)(c) that water, electricity and telecommunication easements be granted. This block is one of the blocks forming the Dominant Tenement – its user rights are limited to the current proprietor or successors in title (including shareholders, workmen and agents); DT is solely responsible and liable for cost of forming roadway and must contribute to maintenance and fencing of roadway. The roadway crosses through blocks Te Tumu Kaituna 14, 7B and 8B1</p>
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11	<p>SA456/245 20.5811 ha Sec 3 SO Plan 55943 Part Tumu Kaituna 11B4 Block Part Tumu Kaituna 11B5 Block Part Tumu Kaituna 11B 3B Block</p>	<p>S8 Atomic Energy Act 1945</p> <p>S5 Coal Mines Act 1979</p> <p>S3 Geothermal Energy Act 1953</p> <p>S8 Mining Act 1971</p> <p>S3 Petroleum Act 1937</p> <p>Part IVA Conservation Act 1987</p> <p>Gazette Notice acquiring part (39m²) land for soil conservation and river control purposes and vesting same in BOPRC</p> <p>Appurtenant to parts Tumu Kaituna 11B4, 11B5 and 11B3B Block is roadway, water etc easement created by MLC 6399684.1</p>	<p>Repealed (previously declared uranium as Crown property – continued by s10 CMA)</p> <p>Repealed (previously declared coal as Crown property) Repealed</p> <p>Mining Act repealed (previously declared minerals as Crown property)</p> <p>Repealed (previously declared petroleum as Crown property – continued by s10 CMA)</p> <p>Marginal strip reserved – 20m wide along landward margin of bed of Kaituna River</p> <p>“T” on SO 55942 (small area possibly bank of Kaituna River)</p> <p>The order laying out roadway under s316(3) TTWM that a roadway be laid off and granted and under s315(1)(c) that water, electricity and telecommunication easements be granted. This block is one of the blocks forming the Dominant Tenement – its user rights are limited to the current proprietor or successors in title (including shareholders, workmen and agents); DT is solely responsible and liable for cost of forming roadway and must contribute to maintenance and fencing of roadway. The roadway crosses through blocks Te Tumu Kaituna 14, 7B and 8B1</p>
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11.	50B/724 Lot 2 DP 61810	S8 Atomic Energy Act 1945 S5 Coal Mines Act 1979 S3 Geothermal Energy Act 1953 S11 Crown Minerals Act 1991 S3 Petroleum Act 1937 Part IVA Conservation Act 1987 Rights of way specified in easement certificate 76352.4 and transfers 6540161.2 and .4	Repealed (previously declared uranium as Crown property – continued by s10 CMA) Repealed (previously declared coal as Crown property) Repealed Minerals are reserved in favour of the Crown Repealed (previously declared petroleum as Crown property – continued by s10 CMA) Marginal strip reserved – 20m wide along landward margin of bed of Kaituna River
11.	SA54A/732 Part Tumu Kaituna 11B Sec 3A Maori Land Plan 10942	Status order declaring land to cease to be Maori Freehold Land and become General Land	No longer Maori freehold land and determined by MLC to be General land (so restrictions of TTWM act no longer apply).

12.	<p>CT 257222</p> <p>5.6655ha</p> <p>Tumu Kaituna No 11B Sec: 2 Block</p> <p>Maori Landonline Block ID: 36540</p> <p>Maori Freehold Land</p>	<p>Roadway has been laid off and granted pursuant to TTWM Act and easement for water, electricity and telecommunications.</p> <p>Maori Freehold Land</p> <p>Not listed on title but Maori Landonline also lists:</p> <ul style="list-style-type: none"> - Lease between Trustees and Te Tumu Kaituna Land Company for 120 years - Licence to remove sand 	<p>The order laying out roadway under s316(3) TTWM was for the purpose of providing access to land other than Maori land. This block is the Dominant Tenement – its user rights are limited to the current proprietor or successors in title (including shareholders, workmen and agents); DT is solely responsible and liable for cost of forming roadway and must contribute to maintenance and fencing of roadway. The roadway crosses through blocks Te Tumu Kaituna 14, 7B and 8B1</p> <p>The Maori Land Court has the power to vary or cancel any easements under s315A TTWM.</p> <p>Maori freehold land cannot be alienated, other than in accordance with TTWM (s146 TTWM) – this means the Trustees have the capacity to alienate the whole or part of Maori freehold land in accordance with s150A (which sets out further restrictions, including on the sale of Maori freehold land). If easements are required over the property then applications will need to be made to the Maori Land Court for approval. Where the Maori Land Court is to lay out roadway over Maori freehold land it needs to be satisfied the owners have sufficient notice and opportunity to consider the proposal and there is a sufficient degree of support for the proposal.</p> <p>Commencing on 1/6/2000. Between Trustees and JW Patterson & Sons for 20 Years commencing on 17 June 1999</p>
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13.	<p>SA55D/715</p> <p>Lot I DP South Auckland 66482</p> <p>2.0442ha</p>	<p>S11 Crown Minerals Act 1991</p> <p>Part IVA Conservation Act 1987</p> <p>Encumbrance to NZTA</p>	<p>Minerals are reserved in favour of the Crown</p> <p>Marginal strip reserved – 20m wide along landward margin of bed of Kaituna River</p> <p>Term of 999 year. Land is in vicinity of Tauranga Eastern Motorway – reverse sensitivity / no complaints covenant.</p> <ul style="list-style-type: none"> - New dwellings constructed within 30m of boundary between land and SH to satisfy stated noise and vibration standards - Acknowledges capable of being affected by noise, vibration, dust etc – covenants not to object, take enforcement proceedings, claim compensation etc and to provide copy to tenants, lessees etc
14.	<p>SA62D/621</p> <p>1.1330ha</p> <p>Tumu Kaituna 16 Block Maori Land Plan 22358</p> <p>Maori Landonline ref:</p> <p>Maori Freehold Land</p>	<p>S11 Crown Minerals Act 1991</p> <p>Part IVA Conservation Act 1987</p> <p>S27B State-Owned Enterprises Act 1986</p> <p>Status order determining land to be Maori Freehold Land</p>	<p>Minerals are reserved in favour of the Crown</p> <p>Marginal strip reserved – 20m wide along landward margin of bed of Kaituna River</p> <p>Provides for resumption of land on recommendation of Waitangi Tribunal and which does not provide for third parties (such as owner of land) to be heard in relation to making of such recommendations. Appears the land was formerly held as State-Owned Enterprise land, so if the Waitangi Tribunal makes a recommendation that it should be returned to Maori ownership it can specify this and recommend the group it be returned to. Unclear whether this still applies to the title given it is currently Maori Freehold land</p> <p>Subject to provisions of TTWM Act.</p>