

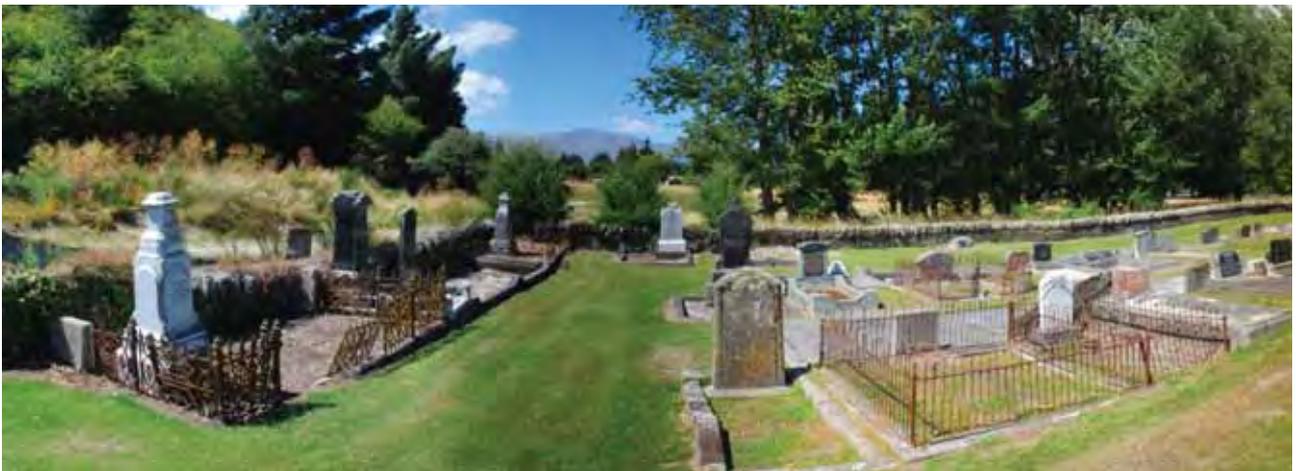
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Frankton Mixed Use Zone



ASSESSMENT OF ARCHAEOLOGICAL VALUES FOR PLAN CHANGE

February 2011

Andrew Winter

Frankton Mixed Use Zone plan change
An Assessment of Archaeological Values
for Private Plan Change
(CT: OT18B/922)

Current Project Background

The subject site is currently owned by Shotover Property Investments Limited and is located on two parcels of land to the north of SH 6, between the Frankton Cemetery and the City Impact Church at the bottom of Hansen Road. There is an existing dwelling situated in the southeast corner of the larger parcel of land. Although mainly flat and grassy, the site is also partly bordered by mature trees, and the landscape slopes rapidly from the Frankton flats to the hills above the road and Lake Johnson. (See **Appendix A** and site context from the Frankton Mixed Special Zone Urban Design Assessment, by R. Skidmore)

The purpose of the plan change request is to re-zone approximately 2.08ha out of the approx 3.15ha total area. The site is currently zoned Low Density Residential, there have been commercial developments nearby.

The Plan Change provides for the creation of a zone which Rebecca Skidmore concludes in her Urban Design Assessment will include the following aspects:

- “Enabling establishment of a range of activities that are compatible with surrounding evolving environment;
- Recognising the State Highway as an important axis through the area;
- Respecting topography;
- Respecting the character and amenity of the historic cemetery;
- Capitalising on views to surrounding landscape features;
- Ensuring a cohesive and high amenity environment is created;
- Providing good connectivity.”¹

This report was written after examination of proposed zoning and site plans produced by Clark Fortune McDonald & Associates and Walker Retail Architects. I have used the Topographical Site Survey by Paterson Pitts Patners Ltd to illustrate the positions of my site survey photographs (Fig 2, **Appendix D**).

¹ Skidmore, R. A. (2010) *Frankton Mixed Use Special Zone – Urban Design Assessment*, Urban Design Ltd.

Brief

Part of the Plan Change documentation is the production of a report into the archaeological values of the site. In this context, 'archaeological value' is defined by the Historic Places Act 1993, being "A place in New Zealand that [...] was associated with human activity that occurred before 1900." All pre-1900 archaeological sites (whether recorded or unrecorded) are protected under the Historic Places Act.

The purpose of this report is to outline these archaeological values and how they have been shaped/affected by 20th and 21st century activity on the site.

Methodology

Research was primarily based at the Lakes District Museum archive, with additional material provided by newspaper archives "Papers Past" held by the National Library of New Zealand. Details regarding the Arrow Irrigation Water Race were accessed from the Dunedin National Archives office. A site visit was carried out and photographs taken. Aerial photographs and boundary data from the QLDC GiS system were also used.

Previous Archaeological Work and Historic Recognition

According to the NZAA database of archaeological sites and finds, there have been no recorded archaeological investigations on site. The nearest find is that of an adze and fragment of Moa bone on a property half a kilometre up SH 6 (See **Appendix F**)

The Frankton Cemetery is located immediately to the west of the site. This is listed as a category 2 protected feature in the QLDC District Plan. It is cited under feature no 47, map 33 as: *Frankton Cemetery Walls and Gates, Frankton-Ladies Mile Highway*.

Histories

Regional – Frankton

The earliest settlements in the Wakatipu Basin were of a pastoral and agricultural nature. Though these were quickly eclipsed in importance by the search for gold, the need for locally produced meat and vegetable crops led to the development of the land around the Lower Shotover under agricultural leases. When gold was discovered in the Shotover and the government sought to set up a permanent Camp in the area, it was the Frankton site (named for pastoralist W. G. Rees' wife, Frances) which was initially to be developed, as it had offered a more central location and more room for future expansion.² However, Queenstown then was the more developed of the two centres and consequently the government Camp was opened there in August **1863**.³

By the mid-1870s the land between Frankton Flats, Lake Johnson and the Shotover was being purchased and settled by families that would still be farming in the area at the close of the 20th century. The following purchases by them are by no means a complete record, given the historical material available. In **1875**, Robert Grant purchased sections 52-55 of Block II in this district.⁴ That he and his family lived nearby is confirmed by a newspaper report of **1893** detailing the charity that they showed to Jans Rasmussen, a neighbour, whose 'dwelling house at Tucker Beach' was destroyed by fire in July of this year.⁵ Descendents of the Grants still live at the Frankton end of Hansen Road. The Hansen family lived and farmed further up the hill, towards Lake Johnson, from the mid-1860s and, as with the Grants, their descendents still live on and own farmland around the small lake.

From **1875**, historical sources indicate that farmers were moving into the area and buying up land for agricultural purposes. It was at this time that the large-scale dredging operations began to the north at Tucker Beach and elsewhere up-stream. *The Otago Witness*, in **1888**, noted that '[gold] workings have been confined chiefly to the river, as the terraces were taken up under the agricultural lease regulations in the early days of the goldfields.'⁶

The rights of agriculturalists in the decade or so after the discovery of gold on the Shotover had to be jealously guarded against encroaching mining claims along the river. Public and Official opinion was often on the side of the miners, whose work brought the region prosperity. In **1888**, the writer of an *Otago Witness* article describes the fortunes of a sluicing claim which is '...sadly hampered by agricultural privileges.'⁷ The lands around Lake Johnson were singled out in another *Otago*

² Griffiths, G. J. (1971) *King Wakatip*, John McIndoe, Dunedin, page 86

³ *Ibid.*

⁴ *Bruce Herald*, Volume VIII, Issue 759, 10 December 1875, Page 6

⁵ *Otago Witness*, Issue 2057, 27 July 1893, Page 22

⁶ *Otago Witness*, Issue 1886, 13 January 1888, Page 12

⁷ *Otago Witness*, Issue 1886, 13 January 1888, Page 12

Witness article which this time called for a consensus between the miners and farmers of the area.⁸ This consensus, would see gold working on the river relegated to the big companies, with the farmers and small-scale miners working the land between the river and the lake.

The Frankton Cemetery's first inmate was interred in August **1863** after Thomas Ryan of Shotover, a miner, died 'of apoplexy' aged 39 years.⁹ There were 37 burials recorded in the subsequent 10 years. Considering the population density of the Wakatipu basin at the time, this is a significant number, especially as it wasn't the only cemetery in the area.

The Arrow Irrigation Scheme

The Arrow Irrigation Scheme was a product of the Great Depression era, with work on the water race organised and funded by the Public Works Department. From the time of its initial completion in **1930**, where it supplied irrigation water to 1659 ha of farmland¹⁰, there were also calls for its extension into nearby areas like Bendemeer. By the end of the 1930s the length of the Arrow Irrigation Scheme water race ran to around 27.6 miles and stretching as far as the outskirts of Queenstown, crossing rivers and traversing hills in the process.¹¹ Picture iv of **Appendix C** shows the route of the Irrigation race as it runs through the Shotover District. This plan shows the two main branches of the race, with one branch running south and east from Arrowtown towards Morven Ferry and the other branch running south and west towards the Shotover and Frankton. The quality of this source is unfortunately lacking quite significantly, as it is a photograph of a copy probably taken from a microfilm. I have therefore created an interpretation, based on this plan, of the significant section of the water race; this can be found in Figure 1, **Appendix D**.

Although initially a government scheme, the Arrow Irrigation race is now managed by a private company (the Arrow Irrigation Co. Ltd); this has been the case since about 1990 (See **Appendix B**, No. 3 – Instrument of Transfer of Easements in Gross for Irrigation Works).

⁸ Otago Witness , Issue 1620, 9 December 1882, Page 13

⁹ Information from the Lakes District Museum archives.

¹⁰ Southland Times, 26th March, 2005

¹¹ Information from a form kept by race-keepers for noting the flow of water in each branch, probably dated to c. 1938. (LDM Archive)

Local – The Land under assessment

The details in pictures i-iii of **Appendix C** show the historical shape of the sections concerned; Section 5, partly subdivided to accommodate the cemetery, in Block XXI Shotover SD and Section 120 in Block I Shotover SD. For the purposes of this report the history of these two sections will be outlined separately.

Pt. Section 5, Block XXI, Shotover Survey District

Picture iii of **Appendix C** shows that the land surrounding the Frankton Cemetery was surveyed off for an Agricultural Lease as early as **1868** for a Mr. William McKenzie. However, McKenzie's name doesn't appear significantly in the historical record after this. The first legal Certificate of Title for this section dates to **1875**. Using the information in this first certificate of title (up to 1998) can be used to create the following ownership timeline. I have interrupted the timeline with pertinent details regarding the history of the section's owners:

1875

August: CoT issued in the name of **Thomas Morrison**

October: Transfer to **James King**

Like William McKenzie, Thomas Morrison and James King do not appear in the historical record in any significant way after their brief mention as the first owners under Certificate of Title of Section 5, Block XXI, Shotover.

1886 Transfer from James King to **William Birse**

William Birse has more representation in the historical record. Although the CoT lists him as the owner of Section 5 from 1886 onwards, he was paying rates for an 8 acre section in Block XXI Shotover as early as 1884.¹² The rates entry for this year doesn't, unfortunately, list the section number; however, by 1890 he was definitely paying rates on Section 5, Block XXI – listed in the rates books as comprising 8 acres.

Birse, like so many in the area, was a goldminer-cum-farmer and is noted for his mining work in the Lake Johnson area in a brief article from the *Otago Witness* of mid-January 1888, working at the time on a claim on Tucker Beach, to the north.¹³

1904 "William Birse...died on 10th Sept, 1904..." Land possibly held by Allan Stewart Birse and John Gray (his Will's Executors)

1923 Transmission to **John Gray** [?] AND Transfer from John Gray to **Allan Stewart Birse**

¹² Information from the Lakes District Museum archives. Rates Books

¹³ *Otago Witness*, Issue 1886, 13 January 1888, Page 12

- 1927** Transfer from Allan Stewart Birse to **Colin James MacNicol** of Skippers, Farmer and **Duncan Alfred MacNicol**
- 1930** Transfer to **Herbert Fletcher? Turner?** Of Frankton, Farmer
- 1930 – 1956** Transfer to **Stanley Livingston Wilson**
- 1957** Transfer to **Peter Leslie Hansen**
- 1967** Transfer to **Russell Alan Henderson**
- 1973** Transfer to **Kanohi Farm Ltd**
- 1977** Transfer to **Edmond Revans Cook** of Cromwell, Farmer
- 1984** Transfer to **Frances Mary Lange** of Invercargill, Speech Therapist.
- 1986** Transfer to **Wakatipu Park Ltd.** at Invercargill
- 1993** Transfer to **Scotland Investments (1992) Ltd**
- 1994** Transfer to **Jonty Ltd**
- 1998** **New CoT Issued**

The 20th century owners of Pt. Section 5, from the death of William Birse to the present day, appear to be either farmers (The MacNicol's were farmers based in Skippers and are known today from the series of books written by Terri MacNicol about life in the remote Skippers area in the mid-20th century), or property speculators. 20th c. names associate this site firmly with the farming families of the Shotover/Lake Johnson area: the Birses, the Hansens and the Hendersons were all local families, who had farmed in the district from the 1860s onwards.

The Arrow Irrigation Scheme was constructed through this section sometime from the late 1920s, when the scheme was being lauded as early as 1926 for its potential to transform the district.¹⁴ The historical/material evidence will be discussed below under On Site Observations.

There is no indication from historical sources that any buildings, either dwellings or farm buildings, were built on the site until the late-20th century.

Section 120, Block I, Shotover Survey District

A detailed history of the ownership of Section 120 is problematic, as records (picture i, **Appendix C**) indicate that initially this area acted as a quarry reserve in the district. This was still the case as late as **1883**, when Mr F. Evans, was permitted the right 'to use' section 120, so long as he undertook to destroy rabbits there; the right of

¹⁴ Evening Post, Volume CXII, Issue 48, 25 August 1926, Page 8

ingress and egress 'for taking gravel and metal' was reserved.¹⁵ Mr. F. Evans may well be Frederick Evans, who died in Frankton in 1904. Evans was the manager of the Bullendale Mine up at Skippers who oversaw the installation of electricity there in the 1880s.¹⁶

Direct government ownership of this land continued up until **1991**, when the first Certificate of Title was issued to Landcorp Management Services, a company incorporated as a state-owned enterprise in 1987 under the State-Owned Enterprises Act (1986).¹⁷

In **1998**, the land was subdivided into two lots, the bigger going on to become the site of the City Impact Church, the remainder being the smaller of the two sections under assessment here.

On Site Observations

The photographs taken during a visit to the site are outlined below. All of the site was walked and observed.

The photographs taken during the site visit are in **Appendix E** and marked on Figure 2 of **Appendix D**.

Pt Section 5 – Roadside boundaries and Flats

The majority of the site is taken up by the flat expanse of land to the north of SH 6 between the Cemetery and the 20th Century house. The northern boundary to this area is the Arrow Irrigation race.

Photograph 1: Shows the rear and eastern boundaries of the cemetery which abut the property under assessment. Large trees shelter the eastern boundary. To the left of this picture can be seen the 20th century water race benched into the bottom toe of the hillside.

Photograph 2: This panoramic photograph taken facing south shows the broad expanse of flat land at the base of the hill is surrounded on all sides by mature trees or dense hedgerow.

The trees in the centre of this split picture shield the view of SH 6, which runs from left to right across the picture. The benching

¹⁵ Otago Daily Times , Issue 6799, 29 November 1883, Page 4

¹⁶ Otago Witness , Issue 1851, 30 March 1904, Page 61

¹⁷ State-Owned Enterprises Act 1986 -

http://www.legislation.govt.nz/act/public/1986/0124/latest/DLM97377.html?search=ts_act_state+owned_resel&sr=1 - Consulted 8th February, 2011.

of the Irrigation race into the toe of the hillside can again be see; this time to the right of the picture.

Photograph 3: The house at the southeast corner of Pt Section 5 (at the Hansen Road junction) and its outbuildings are made of late-20th century material. There don't appear to be any historical or archaeological features associated with these buildings.

Pt Section 5 – The Arrow Irrigation Race and Hillside

The Arrow Irrigation race runs into this parcel of land at its northeastern boundary. It closely follows the 358m contour of the hillside to the north. (See the dashed orange line in fig. 2 of **Appendix D**). The line of the water race has been adopted as the line between the proposed Low Density Residential Zone and the Rural Zone above.

Photograph 4: Looking approx. southwest, downhill towards the irrigation race, this is easily the clearest part of the hillside which mostly consists of scrub, hawthorn and evergreen shrubbery and trees.

Apart from an indication in this part of the hillside that some felling has taken place recently, there is no indication on the hillside above the water race of any modification, building or engineering haven taken place either recently or in the 19th century.

Photograph 5: The majority of the hillside is covered in a tangle of bushes, shrubs and trees of various types. Visibility is consequently very poor indeed.

Photograph 6: Part of the Arrow Irrigation race as it runs along the slope of the hillside. The race is still very much in use and ongoing maintenance is clear to see along much of this stretch. The black plastic lining to the race has been put in recently, going by the relatively unweathered appearance of the plastic, probably within the last 5 to 10 years.

Photograph 7: For a short distance along the hillside the Arrow Irrigation race runs through a concrete culvert.

The water is channelled here into a ~1m wide culvert, running for about 50m along the hill. The culvert probably dates to the 1920s/30s, as there is no indication that the concrete has needed repair or patching up.

Section 120, Block I, Shotover Survey District (Lot 1, DP 26426)

The Land here is predominantly flat, in the shape of a small triangular section of land between the paper road separating it from Pt Section 5 to the west and Hansen Road to the east. The City Impact Church is to the north of this section, occupying the majority of the former Section 120.

Photograph 8: Taken from the northwest corner of Lot 1, looking approximately southeast. The City Impact Church occupies the lot to the north; the grey car visible in the middle is parked on Hansen Road, which runs approx. north/south. The ground is mainly scrub and waste with no features. In all likelihood the ground was affected by the building of the City Impact Church, as it appears to have been levelled very recently.

Photograph 9: Another view of the small Lot 1 part of the assessment area with Hansen Road running up to the north on the right-hand side of the photo and the mature hedgerow running up the side of the paper road to the left of the photograph. The Arrow Irrigation race doesn't encroach on this section, but can be seen passing behind the Impact Church to the rear of this photograph.

Discussion & Conclusion – The Archaeological Potential of the site

Historical and observational analysis of the land under assessment indicates that from the earliest times of settlement in the Frankton Flats area, this land has been under agricultural use, with no building or mining occurring in the 19th century. This agricultural use was augmented in the 1930s with the construction of the Arrow Irrigation water race.

The Arrow Irrigation water race reused a lot of existing races in the Shotover Basin. I have indicated a couple of these reused races in Figure 1 of Appendix D, which run between Tucker Beach and the north end of Lake Johnson. They are marked as subsidiary races of the Arrow water race on the original plans (Picture iv of **Appendix C**), but certainly date to the 19th century mining period.¹⁸ However, there don't appear to be any pre-1900 water races reused for the Arrow race down at the assessment area.

¹⁸ See Chas and Anne Recordon's April 2009 report to the NZHPT: *Lot 8 Hansen Road – Queenstown* - for and on behalf of John Edmonds & Associates.

Conclusion

These two parcels of land, Pt Section 5, Block XXI and Lot 1, DP 26426, have been owned or utilised since at least the late-1860s. However, there is no historical evidence to suggest that the land was used for anything but farming purposes, probably as land for grazing. The historical evidence also does not give any evidence of building on the site before the late 20th century. The visit to the site confirmed this, with no 19th century features observed either on the flats or on the hillside above the water race. The building at the eastern corner of Pt Section 5 is of late-20th century date. Any physical evidence on Lot 1, DP 26426, has been wiped out in recent years as the ground appears to have been levelled, probably at the same time that the City Impact Church was built.

Development on the site occurred in about 1930 with the construction of the Arrow Irrigation water race; the race was constructed into the toe of the hillside, a small part of its length being a concrete culvert. Physical evidence suggests that the water race is being continuously repaired, with plastic lining having been fitted to part of its length within the past 5 to 10 years. Although the Arrow Race is known to have reused some sections of 19th century water races, there is no evidence that this was the case anywhere in Pt Section 5.

The most visible 19th century features in the area belong to the adjacent Cemetery wall and gateway. Whilst these walls are not part of the land area under assessment they nevertheless may be affected by any future development. It is encouraging that proposed development leaves a generous margin along the southwest (cemetery) boundary.

In terms of the impact of these conclusions on HPA issues, it is my opinion that little or no archaeologically significant material is present on this land.

References

- Bruce Herald, Volume VIII, Issue 759, 10 December 1875
- Evening Post, Volume CXII, Issue 48, 25 August 1926
- Griffiths, G. J. (1971) *King Wakatip*, John McIndoe, Dunedin
- Otago Daily Times , Issue 6799, 29 November 1883
- Otago Witness , Issue 1620, 9 December 1882
- Otago Witness , Issue 1886, 13 January 1888
- Otago Witness , Issue 2057, 27 July 1893
- Otago Witness , Issue 1851, 30 March 1904
- Skidmore, R. A. (2010) *Frankton Mixed Use Special Zone – Urban Design Assessment*, Urban Design Ltd.
- Southland Times, 26th March, 2005

And

State-Owned Enterprises Act 1986 -

http://www.legislation.govt.nz/act/public/1986/0124/latest/DLM97377.html?search=ts_act+state+owned+resel&sr=1

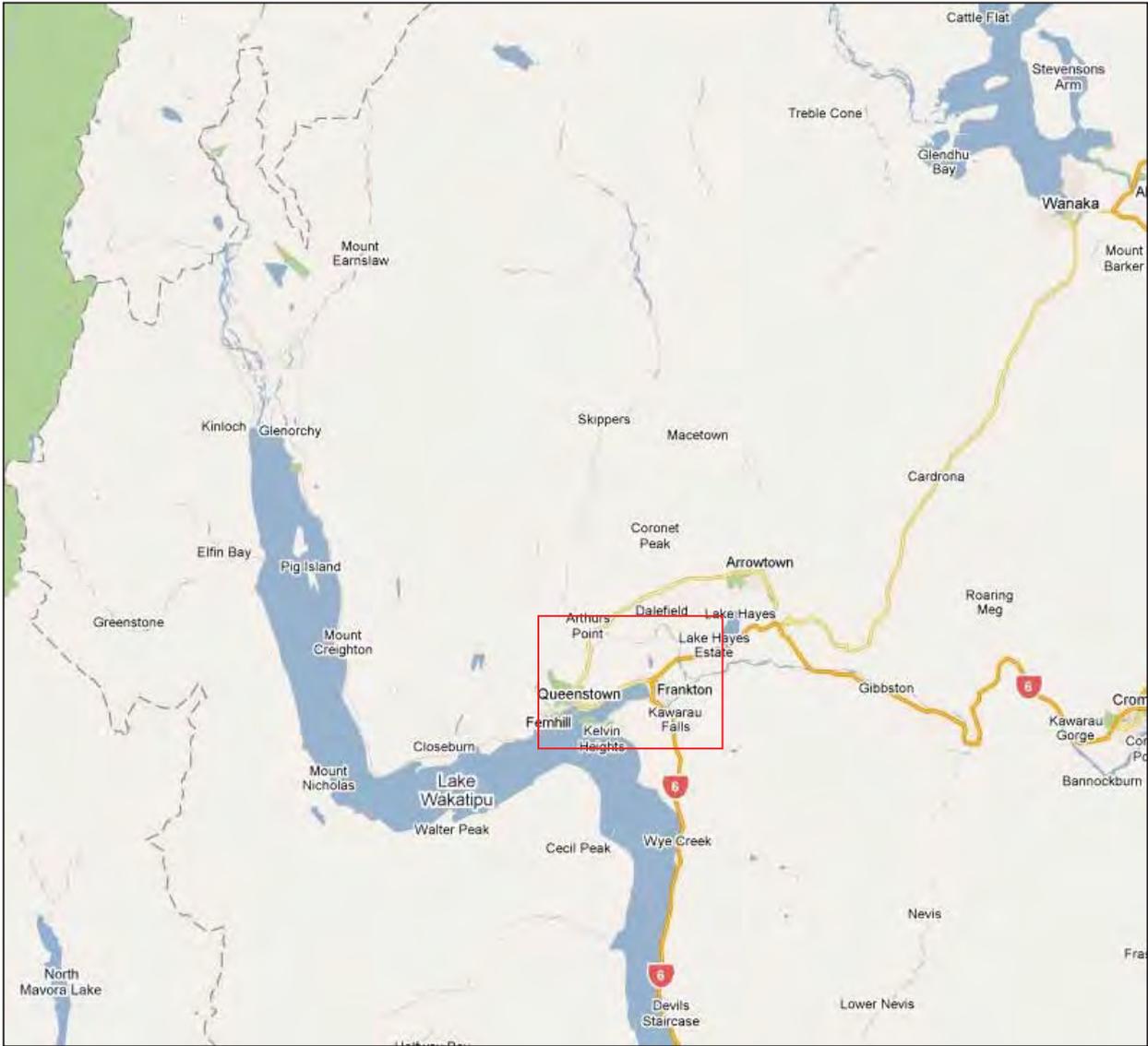
Chas and Anne Recordon's April 2009 report to the NZHPT: *Lot 8 Hansen Road – Queenstown* - for and on behalf of John Edmonds & Associates.

Information from the Lakes District Museum archives. Rates Books and Arrow Irrigation Scheme information

Archives New Zealand for access to copies of the original Arrow Irrigation Scheme plans.

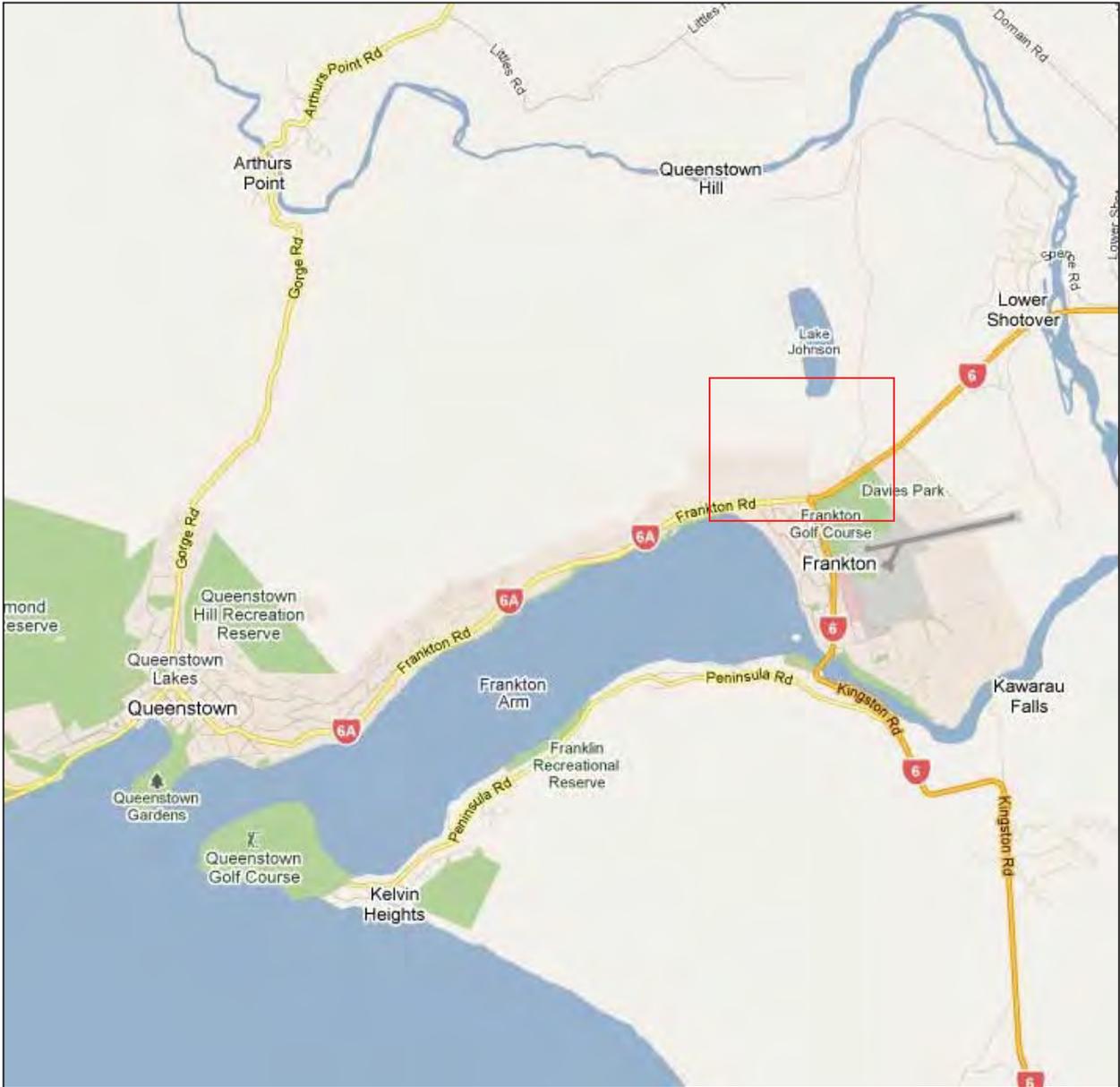
Appendix A

Location Maps



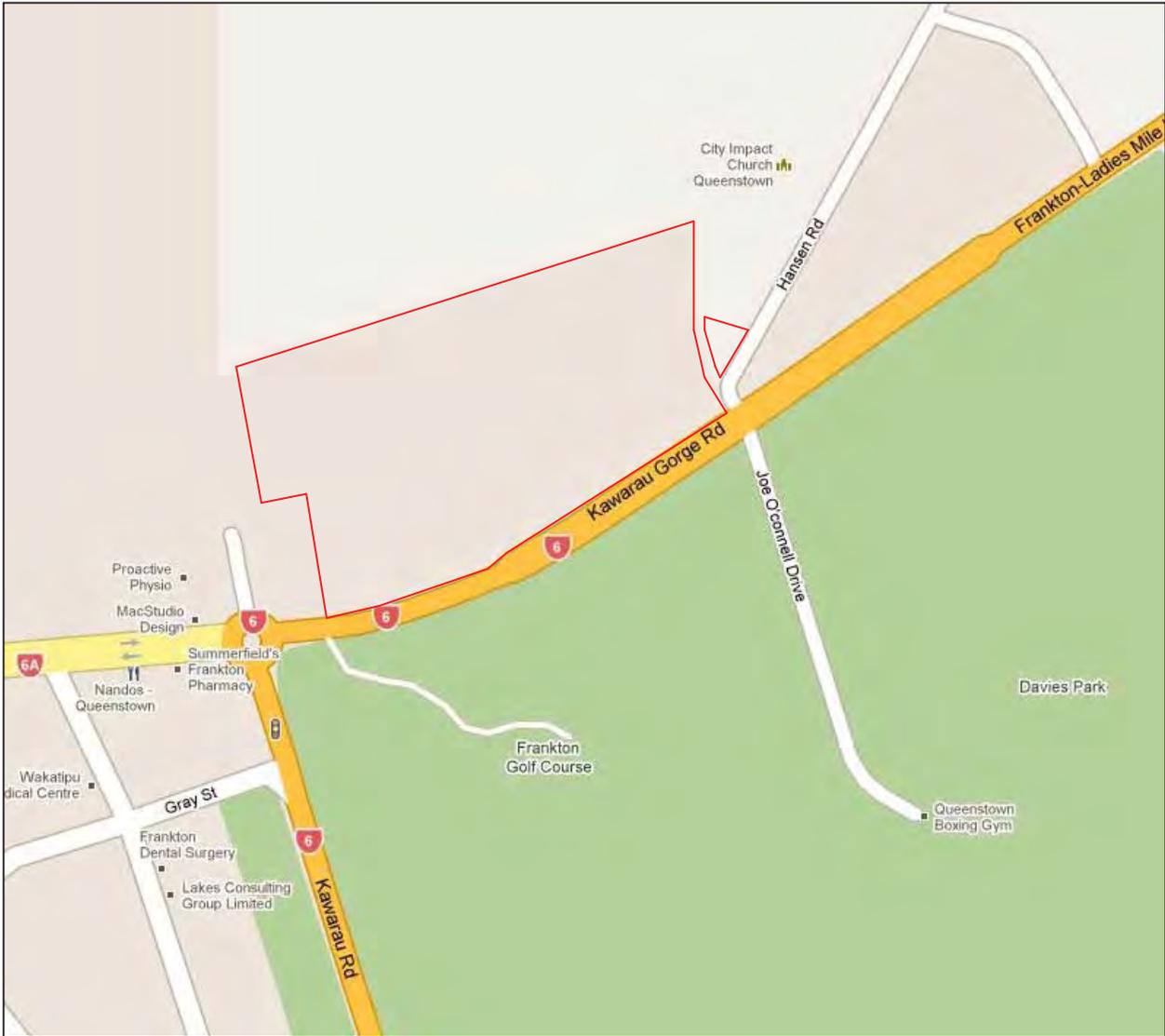
a. The Queenstown Lakes District. Frankton is to the northeast of Queenstown, at the end of the Frankton Arm of Lake Wakatipu.

Google Maps (2011)



b. The area of interest to this report, to the north of SH 6 and to the south of Lake Johnson.

Google Maps (2011)



c. The legal boundaries of the land under assessment have been marked here in red

Google Maps (2011)

Appendix B

Legal Descriptions

1. *Current Title: OT18B/922. (1998)*
2. *Subdivision Plan: DP 26426 (1997)*
3. *Gazette Notice: 885723 (Easement for Arrow Irrigation Co.) (1995)*
4. *Cancelled Section 5 Title: OT21/176 (1875)*



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir
Registrar-General
of Land

Identifier OT18B/922
Land Registration District Otago
Date Issued 05 March 1998

Prior References

OT13D/246 OT21/176

Estate Fee Simple
Area 3.4022 hectares more or less
Legal Description Lot 1 Deposited Plan 26426 and Part
Section 5 Block XXI Shotover Survey
District

Proprietors

Shotover Property Investments Limited

Interests

Subject to Sections 241(2) & 242(1) and (2) Resource Management Act 1991 (affects DP 26426)

Lot 1 DP 26426 is subject to Part IV A Conservation Act 1987

Lot 1 DP 26426 is subject to Section 3 Petroleum Act 1937

Lot 1 DP 26426 is subject to Section 8 Atomic Energy Act 1945

Lot 1 DP 26426 is subject to Section 3 Geothermal Energy Act 1953

Lot 1 DP 26426 is subject to Section 6 Mining Act 1971

Lot 1 DP 26426 is subject to Section 8 Mining Act 1971

Lot 1 DP 26426 is subject to Section 5 Coal Mines Act 1979

Lot 1 DP 26426 is subject to Section 261 Coal Mines Act 1979

416858 Gazette Notice declaring State Highway No. 6 a limited access road - 21.1.1974 at 9.14 am

Fencing Covenant in Transfer 866485.1 - 4.10.1994 at 10.15 am (affects Lot 1 DP 26426)

885723 Transfer creating the following easements in gross - 30.6.1995 at 12.13 pm

Type	Servient Tenement	Easement Area	Grantee	Statutory Restriction
Convey water	Part Section 5 Block XXI SHOTOVER Survey District - herein	D C Transfer 885723	Arrow Irrigation Company Limited	

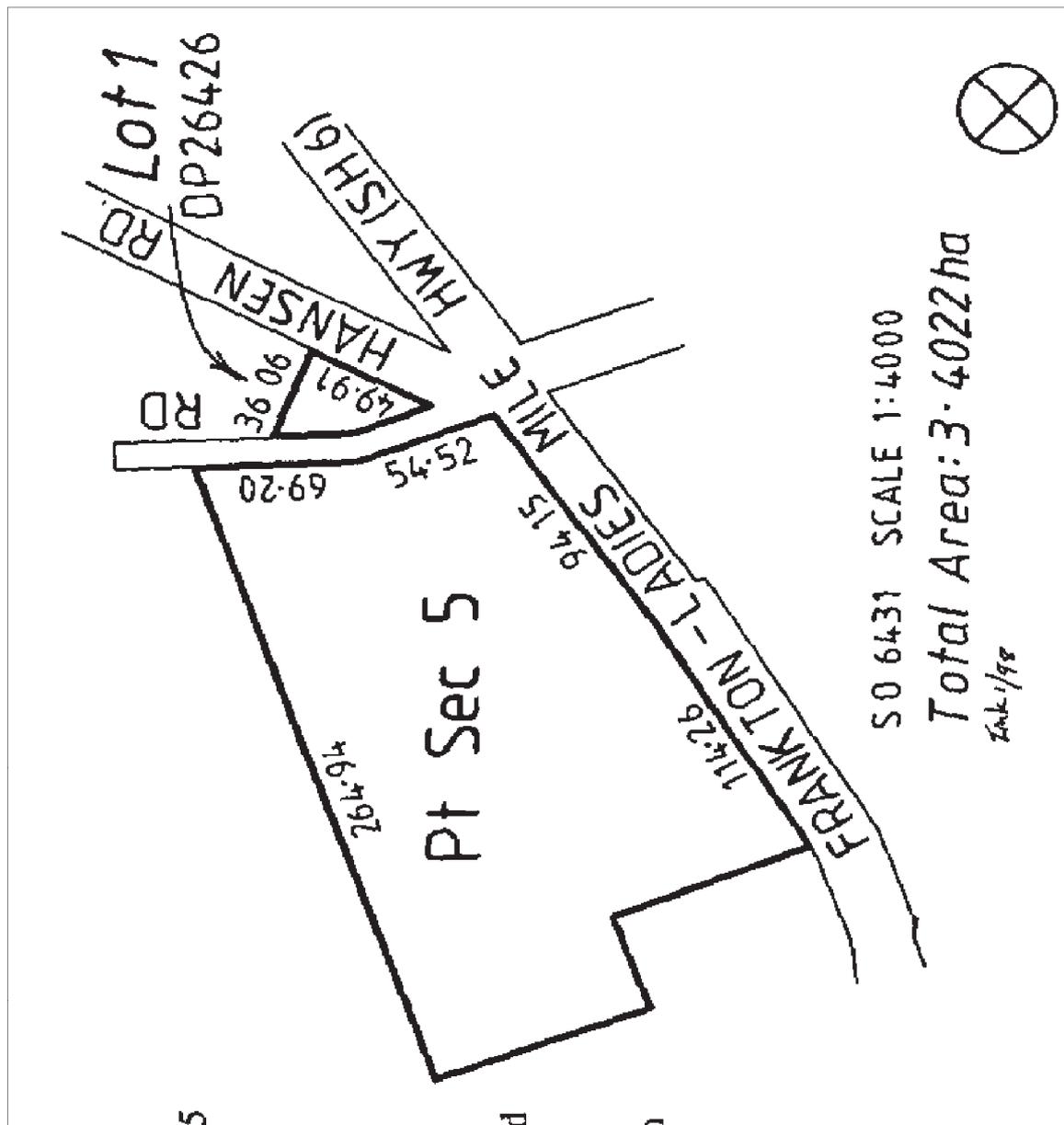
6971563.2 Mortgage to Southland Building Society - 2.8.2006 at 9:00 am

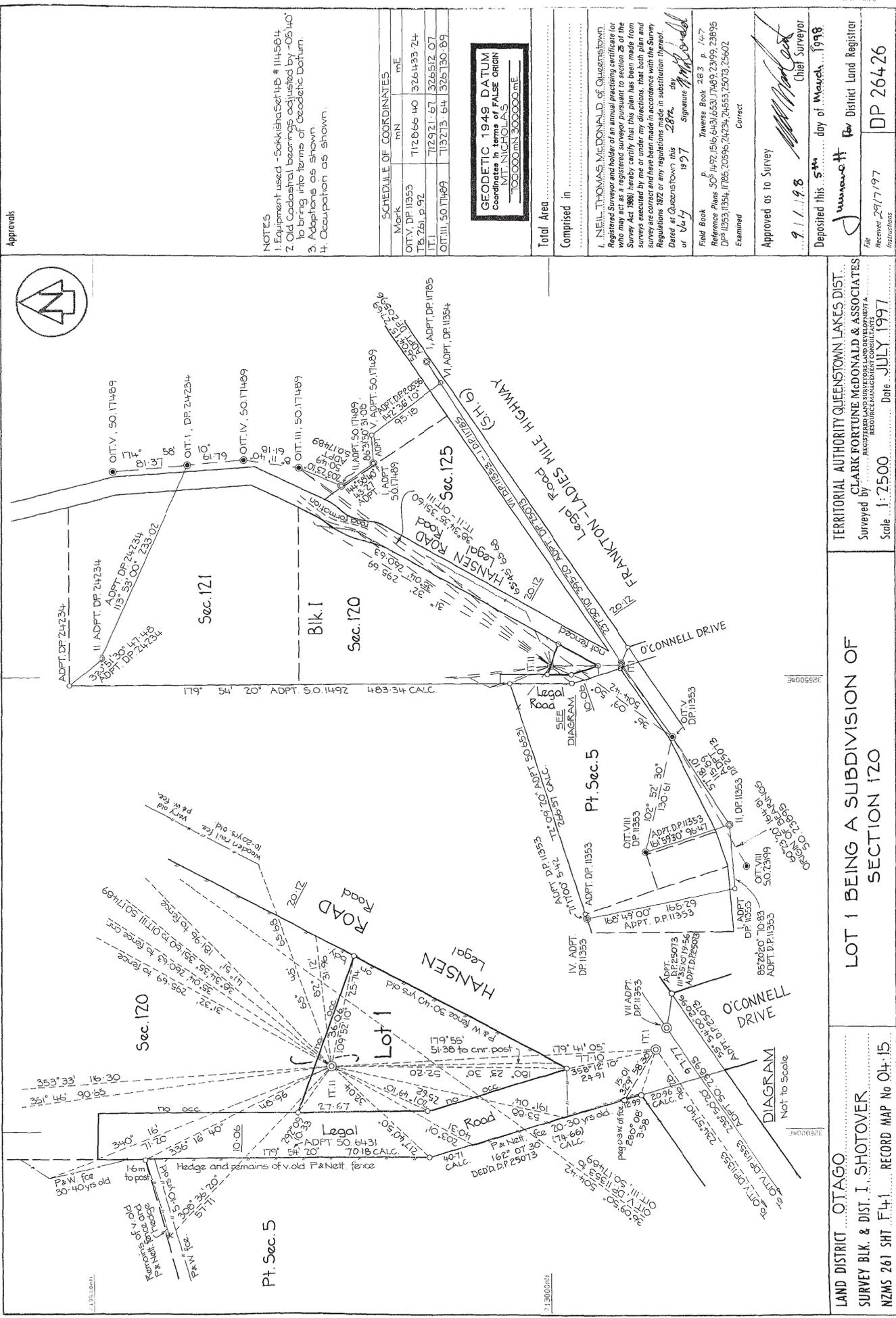
8477320.1 Mortgage to South Canterbury Finance Limited - 7.7.2010 at 2:21 pm

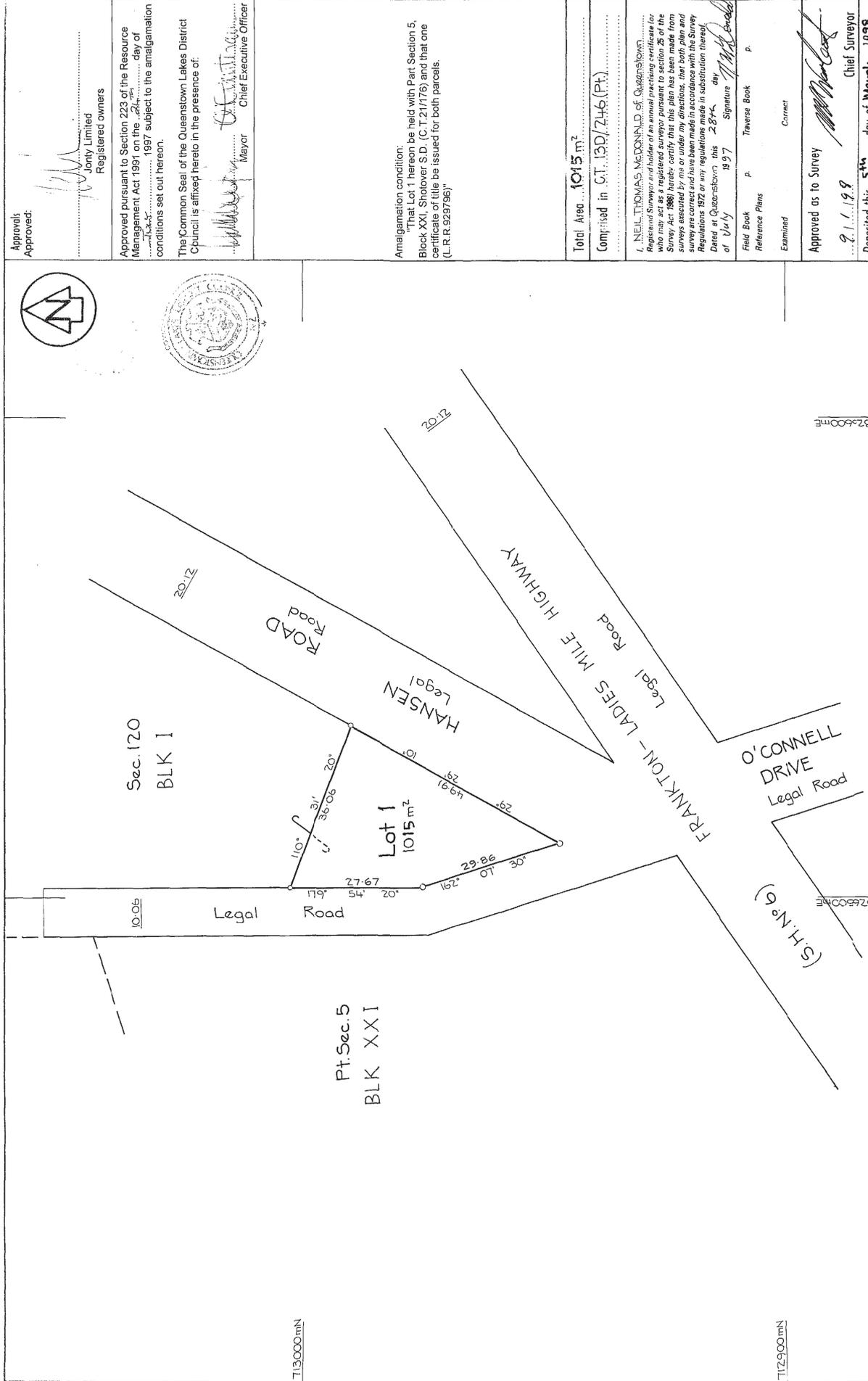
8546665.1 Variation of Mortgage 6971563.2 - 21.7.2010 at 9:46 am

Identifier

OT18B/922





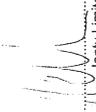


LAND DISTRICT OTAGO
 SURVEY BLK. & DIST. I., SHOTOVER
 NZMS 261 SH. F.4 RECORD MAP No. 04.15
 K.M. 885

LOT 1 BEING A SUBDIVISION OF
 SECTION 120

TERRITORIAL AUTHORITY QUEENSTOWN LAKES DIST.
 Surveyed by CLARK FORTUNE McDONALD & ASSOCIATES
 INSURERS HANGOVERS ROAD QUEENSTOWN
 Scale 1:500 Date JULY 1997

326600mE
 326600mE

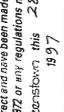
Approvals Approved: 
 Jonny Limited
 Registered owners

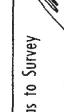
Approved pursuant to Section 223 of the Resource Management Act 1991 on the 23rd day of 12.1997 subject to the amalgamation conditions set out hereon.

The Common Seal of the Queenstown Lakes District Council is affixed hereto in the presence of:
 Mayor
 Chief Executive Officer

Amalgamation condition:
 That Lot 1 hereon be held with Part Section 5, Block XXI, Shotover S.D. (C.12/1176) and that one certificate of title be issued for both parcels.
 (L.R.925796)

Total Area 1015 m²
 Comprised in C.T. 130/246 (Pt.)

I, NEIL THOMAS McDONALD of Queenstown, Registered Surveyor and holder of an annual practicing certificate (or who may act as a registered surveyor pursuant to section 26 of the Survey Act 1986) hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1982 or any regulations made in substitution thereof.
 Dated at Queenstown, this 28th day of July 1997
 Signature 

Field Book P
 Reference Plans P
 Examined Correct
 Approved as to Survey 
 2.1.1998 Chief Surveyor
 Deposited this 5th day of March 1998
 Dunmore for District Land Registrar
 File Received 29/7/97
 District Land Registrar
 1998

Certificate of Non-Revocation of Power of Attorney

88572E
TE

Form 1

I, STEWART FRANCIS MAHON
of Queenstown in New Zealand, Company Director
hereby certify:

1. That by deed dated 9 June 1994, JONTY LIMITED
~~is~~ at Auckland in New Zealand,
appointed me ^{its} attorney on the terms and subject to the conditions set out in the said deed, which was deposited in the
Land Registry Office at Dunedin
as Number 888373

2. That at the date hereof I have not received any notice or information of the revocation of that appointment by the
death of the said JONTY LIMITED
or otherwise.

Signed at Queenstown this 28th day of JULY 1995

Stewart Francis Mahon

IN THE MATTER of Section 4 of
the Irrigation Schemes Act 1990

AND

IN THE MATTER of Arrow
Irrigation Company Limited

**INSTRUMENT OF TRANSFER OF EASEMENTS
IN GROSS FOR IRRIGATION WORKS**

1.0 RECITALS

- 1.1 The Arrow Irrigation Company, a duly incorporated company having its registered office at Winton (called "the Irrigation Company") has purchased the Irrigation Scheme pursuant to a Sale and Purchase Agreement between Malcolm Henry Robins, Grant William Stalker and Roger Francis Monk as agents for the Irrigation Company then yet to be incorporated and David Francis Caygill and Colin James Moyle on behalf of the Crown, dated 6th November 1989 and subsequently adopted by the Irrigation Company as the purchaser. The Irrigation Scheme (called "the Irrigation Scheme") is defined by notices in the New Zealand Gazette Order in Council dated 8th March 1926 Page 655.
- 1.2 The Minister of Agriculture (called "the Minister") had the right immediately before the date of the sale of the Irrigation Scheme to the Irrigation Company, pursuant to Section 223 of the Public Works Act 1981 or the corresponding provisions of any former enactment relating to irrigation, to enter, use, occupy, carry out work on, store water on, or convey water over the owners' land and in the manner, detailed in this instrument, for the purposes of the Irrigation Scheme.
- 1.3 Section 4 of the Irrigation Schemes Act 1990 provides the statutory mechanism to transfer from the owners of the land to the Irrigation Company, the same easement rights as the Crown previously had over the owners' land, and the owners and the Irrigation Company have agreed to the transfer of these easement rights to the Irrigation Company.

2.0 GRANT OF EASEMENT

2.1 The owners of land detailed below respectively TRANSFER AND GRANT to the Irrigation Company as an easement in gross forever pursuant to Section 4 of the Irrigation Schemes Act 1990 the right to convey water as detailed below over the owners' land described below.

<u>OWNERS</u>	<u>DESCRIPTION OF OWNERS' LAND</u>	<u>EASEMENT</u>
Jonty Limited	Part Section 5 Block XXI Shotover District containing 3.3007ha and described in Certificate of Title 21/176 (Otago Land Registry)	Right to Convey Water marked "DC" on attached easement plan
	Estate - Fee Simple	
Subject to: Mortgage 872278/2		

Which rights to convey water shall have attached to them the following rights, powers and obligations.

2.2 The Irrigation Company together with any person (as defined in Section 4 of the Acts Interpretation Act 1924) acting with the authority, or on the instructions, of the Irrigation Company and together with all tools, implements, machinery, vehicles, equipment and materials of whatsoever nature shall have the uninterrupted and unrestricted rights:

(a) To convey water unimpeded along the stipulated course on the landowners land on the plans attached and for this purpose to have the right to use, occupy and carry out and construct such works as the irrigation company considers necessary of desirable on the owners land along the stipulated course.

(b) To monitor and control its waterflows and the water source flows and to carry out viewing, surveillance and monitoring of its water supply works on the land.

(c) To enter the owners land and to have access across the owners land by the most practicable route.

(d) To generally do anything necessary or convenient for the full exercise of the rights under this instrument and to give full effect to the purposes of this instrument.

2.3 In exercising its rights and powers under this instrument, the Irrigation Company shall cause as little disruption and disturbance to the occupation and enjoyment by the owner of his land, as is reasonably possible and shall cause as little damage to the owners' land is as reasonably possible.

2.4 The owner shall not do anything which will prevent or interfere with the free passage of water along the stipulated course or prevent or interfere with the full use by the Irrigation Company of its rights created by the instrument.

DATED this 28th day of JUNE 1995

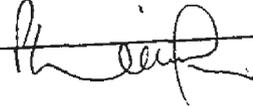
SIGNED by the ARROW IRRIGATION)
COMPANY LIMITED by the affixing of)
~~its common seal~~ in the presence of:)

 Director

 Secretary

SIGNED by JONTY LIMITED as)
Landowner by the affixing of its common)
seal in the presence of:)





SIGNED by JONTY LIMITED by its)
Attorney STEWART FRANCIS MAHON)
in the presence of:)

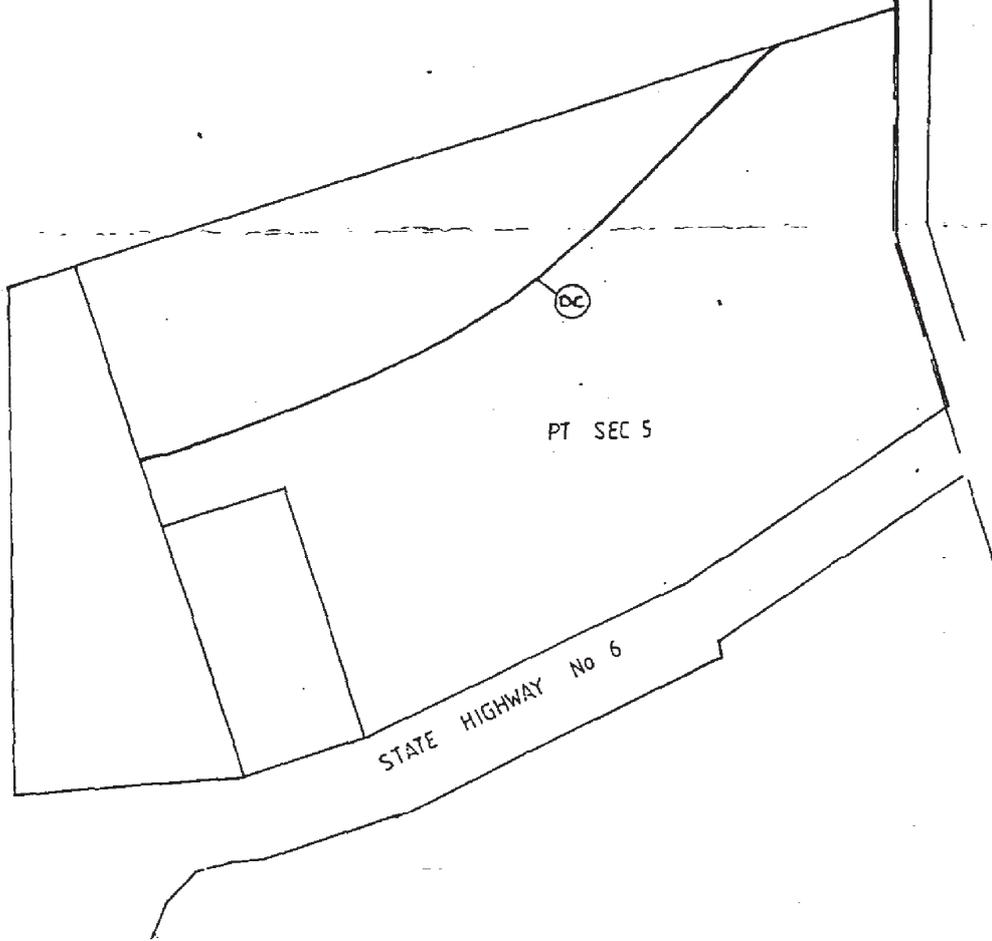
Jonty Ltd by its
X Attorney
S-F. Mahon


Solicitor
Queenstown

PLAN 57.

BLK XXI | BLK II
SHOTOVER SD

N



SCHEDULE OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	GRANTEE
RIGHT TO CONVEY WATER	DC	PT SEC 5 BLK XXI SHOTOVER SD	ARROW IRRIGATION CO. LTD

*R. Reed
Secretary*

CT 21/176 ~~WAKATIPU PARK LTD.~~
Scotland Investments (1992) Limited

DIAGRAM OF IRRIGATION RIGHT
PREPARED PURSUANT TO THE
IRRIGATION SCHEMES ACT 1990.

Arrow Irrigation Co. Ltd.

Prepared By: Clark Fortune McDonald & Assoc's
9 Shotover Street Queenstown

Scale: 1:2000 APPROX
Date: Aug 1991 No: 57

INSTRUMENT OF TRANSFER OF
EASEMENTS IN GROSS FOR
IRRIGATION WORKS

Correct for the purposes of the Land Transfer
Act


Solicitor for the Transferee

Particulars entered in the Register on the date
and at the time recorded below

12.13 30.JUN95 885723
PARTICULARS ENTERED IN REGISTER
LAND REGISTRY DISTRICT OF
CENTRAL OTAGO
21/176.



CHECKETTS McKAY
LAWYERS
WANAKA
CENTRAL OTAGO

ARROW



CERTIFICATE OF TITLE.

Register Book,

Vol. 21 Folio. 146

961176

15/10/231

(C)

Image Quality due to Condition of Original

Thomas Morrison of Auckland in the Province of Otago and Colony of New Zealand being a man of full age and legal capacity in respect of his mind and of such circumstances law and interest as are notified by official order written or ordered herein in that piece of land situated in the District of Shetover in the said Province containing by admeasurement eight (8) acres and twenty five (25) perches more or less being part of section numbered five (5) Block twenty one (XXI) on the map of the said District bounded towards the North west by Crown Lands or thereunto three hundred and seventeen (317) links towards the East by a Road line three hundred and forty four (344) links and two hundred and seventy one (271) links towards the South East by a Road line four hundred and sixty eight (468) links and four hundred and sixty eight (468) links also by Cemetery Reserve two hundred (200) links and towards the South West by Cemetery Reserve aforesaid three hundred and eighty six (386) links also by other part of said section four hundred and twenty seven (427) links as the same is delineated on the plan drawn at the feet hereof with all the rights and appurtenances thereto belonging which said piece of land is part of the Country section marked as aforesaid delineated in the Public Map of the said District deposited in the office of the Commissioner of Crown Lands at Auckland originally granted the twenty fifth day of August 1874 under the hand of Sir James Ferguson Governor of New Zealand and the seal of the said Colony to the said Thomas Morrison

Witness my hand and official seal this twenty eighth day of August one thousand eight hundred and seventy five

Witness in the presence of
 J. H. [unclear]
 (Clerk)
 the 25th day of August 1875

W. H. [unclear]
 District Land Registrar
 of the District of Otago



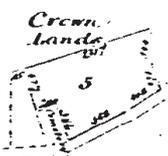
Block XXI Shetover District
 8. C. 25

Transfer of 21/6 Thomas Morrison to James King received at 2 o'clock 11th October 1875

Mortgage etc 21/6 James King to District Bank received at 11 o'clock 12th November 1875

Execution of Mortgage N^o 21/6 produced 1st September 1880 at 3 o'clock

Transfer N^o 142/6 James King to William Wise produced 1st September 1880 at 3 o'clock



EQUIVALENT METRIC AREA IS 3.3007 ha

Special Commission No. 4310 21/178

Shelton Mary Birse and John Gray owners of the Bill of William Gilbert Birse named above as William Birse who died on the 10th September 1904 are hereby registered as proprietors of above mentioned land. Particulars entered 12 April 1905 at 10.60

Transmission of 1927 to John Gray as owner entered 8th October 1922 at 11.00

Transfer of 1925 John Gray to Allan Stewart Birse of Frankton Farmer produced 5th October 1922 at 11.00

Mortgage 65975 Allan Stewart Birse to John Stewart Birse produced 20th October 1922 at 11.00

Mortgage 64212 Allan Stewart Birse to The Southland Building and Investment Society and Bank of New Zealand produced 20th March 1925 at 11.00

Transfer of 1922 Allan Stewart Birse to John Stewart Birse as owner of property produced 20th July 1922 at 11.00

Transfer of 1926 John Stewart Birse and Duncan Alfred Thomson to Herbert Fletcher Farmer of Frankton Farmer produced 5th December 1920 at 10.20.00

Mortgage 170665 John Stewart Birse to Herbert Fletcher Farmer produced 20th August 1922 at 11.00

Transfer of 1927 John Stewart Birse to Herbert Fletcher Farmer and his wife produced 24 September 1927 at 11.00

Mortgage No. 166991 Stanley Livingston Wilson and Isabel Hazel Wilson to Jean Isabelle Wilson, Elizabeth Wilson, and Kathleen Wilson produced 2nd October 1927 at 11.00

Transfer 204250 Stanley Livingston Wilson and Isabel Hazel Wilson to Peter Leslie Hansen of Oamaru farm hand and his wife Mary Hansen his wife produced 11th July 1957 at 11.17.00

Mortgage 170665 Peter Leslie Hansen and his wife Mary Hansen to Glasgow Building and Investment Society and Bank of New Zealand produced 11th July 1957 at 11.19.00

Mortgage 170666 Peter Leslie Hansen and his wife Mary Hansen to Stanley Livingston Wilson and Isabel Hazel Wilson produced 11th July 1957 at 11.23.00

228393 Transfer of land to Public Works Act 1953 between 1955 Margaret The Queen and Peter Leslie Hansen and his wife Mary Hansen produced 25th July 1962 at 11.00

311477 Transfer to Russell Alan Henderson produced 6th June 1967 at 10.34.00

323081 Transfer to Frankton Investments Limited produced 17.1.1967 at 1.28 pm produced 17th January 1968 at 6.2.1968

320295 Transfer to Russell Alan Henderson of Frankton company Director and June Margaret Henderson his wife - 22.7.1967 at 10.34.00

THIS REPRODUCTION (ON A REDUCED SCALE) CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL REGISTER FOR THE PURPOSES OF SECTION 215A LAND TRANSFER ACT 1952.

410745 Transfer to Kanohi Farm Limited - 20.9.1973 at 10.43 am

DISCHARGED

410746 Mortgage to Anderson Lloyd Nominees Limited produced 19.9.1973 at 10.45 am

416058 Gazette Notice declaring No. 6 State Highway (Blenheim to Invercargill) fronting the within land to be a limited access road. Produced 21st January, 1974, at 9.14 a.m.

487456 Transfer to Esmond Revans Cook of Cromwell, Farmer, Douglas Earl Reid of Oamaru, Chartered Accountant and John Maxwell Stirling Douglas of Oamaru, Farmer - 7.11.1977 at 1.47 pm

516217 Mortgage to Australia and New Zealand Banking Group Limited - 17.5.1979 at 2.27 pm

554492 Variation of Mortgage 410746 - 20.5.1981 at 2.15 pm

LSP 3/1/84

OVER

611124/2 Transfer to Frances Mary Lange of Invercargill Speech Therapist - 8.3.1984 at 12.25 pm

DISCHARGED
19/1/85

[Signature]
A.L.R.

611124/3 Mortgage to Southland Savings Bank - 8.3.1984 at 12.25 pm

DISCHARGED
2/1/85

[Signature]
A.L.R.

611124/4 Mortgage to Southland Savings Bank - 8.3.1984 at 12.25 pm

DISCHARGED
2/1/85

[Signature]
A.L.R.

LSP 24/1/86

655919/1 Transfer to Wakatipu Park Limited at Invercargill - 9/5.1986 at 10.25 am

DISCHARGED
16 JAN 1991

[Signature]
B.L.R.

655919/2 Mortgage to The Bank of New Zealand - 9.5.1986 at 10.25 am

[Signature]
D.L.R.

706209 Caveat by Colin Harold Leo Leuschke and Christopher McGregor McDonald entered 5.7.1988 at 11.30 am

WITHDRAWN

[Signature]
A.L.R.

716144/2 Mortgage to Colin Harold Leo Leuschke and Christopher McGregor McDonald - 16.11.1988 at 10.14 am

DISCHARGE OF MORTGAGE
25 JAN 1993
A.L.R.

[Signature]
A.L.R.

781565/1 Transfer of Mortgage 716144/2 to Colin Harold Leo Leuschke and Christopher McGregor McDonald as tenants in common in equal shares - 19.6.1991 at 9.45am

[Signature]
A.L.R.

781565/2 Mortgage of his share Christopher McGregor McDonald in Mortgage 716144/2 to Mortgage Licensing Trust - 19.6.1991 at 9.45 am

DISCHARGE OF MORTGAGE
25 JAN 1993
A.L.R.

[Signature]
A.L.R.

793624 Transfer of Mortgage 781565/2 to Bank of New Zealand - 29.11.1991 at 10.14am

[Signature]
A.L.R.

LSP 27/3/92.

819681 Caveat by John James Lane entered 4.12.1992 at 4.11.27 pm

WITHDRAWN

[Signature]
A.L.R.

822102/3 Transfer to Scotland Investments (1992) Limited - 25.1.1993 at 9.52 am (caveator under Caveat 819681 consenting)

[Signature]
A.L.R.

854392 Transfer of a 1/2 share to Monad Leisuretime Limited - 29.4.1994 at 10.32am

[Signature]
A.L.R.

872278/1 Transfer to Jonty Limited - 15.12.1994 at 9.38am

[Signature]
A.L.R.

872278/2 Mortgage to The National Bank of New Zealand Limited - 15.12.1994 at 9.38am

[Signature]
A.L.R.

885723 Transfer being a grant of a right (in gross) to convey water over part of the within land marked 'D C' on the diagram annexed thereto together with incidental rights in favour of Arrow Irrigation Company Limited - 30.6.1995 at 12.13pm

[Signature]
A.L.R.

944384 CAVEAT BY DIANE HOLDINGS LIMITED (LIMITED EFFECT) 4.3.1998 at 2.37

[Signature]
for DLR

Over

21/176

944451.2 CT 18B/922 issued - 5.3.1998 at 11.26

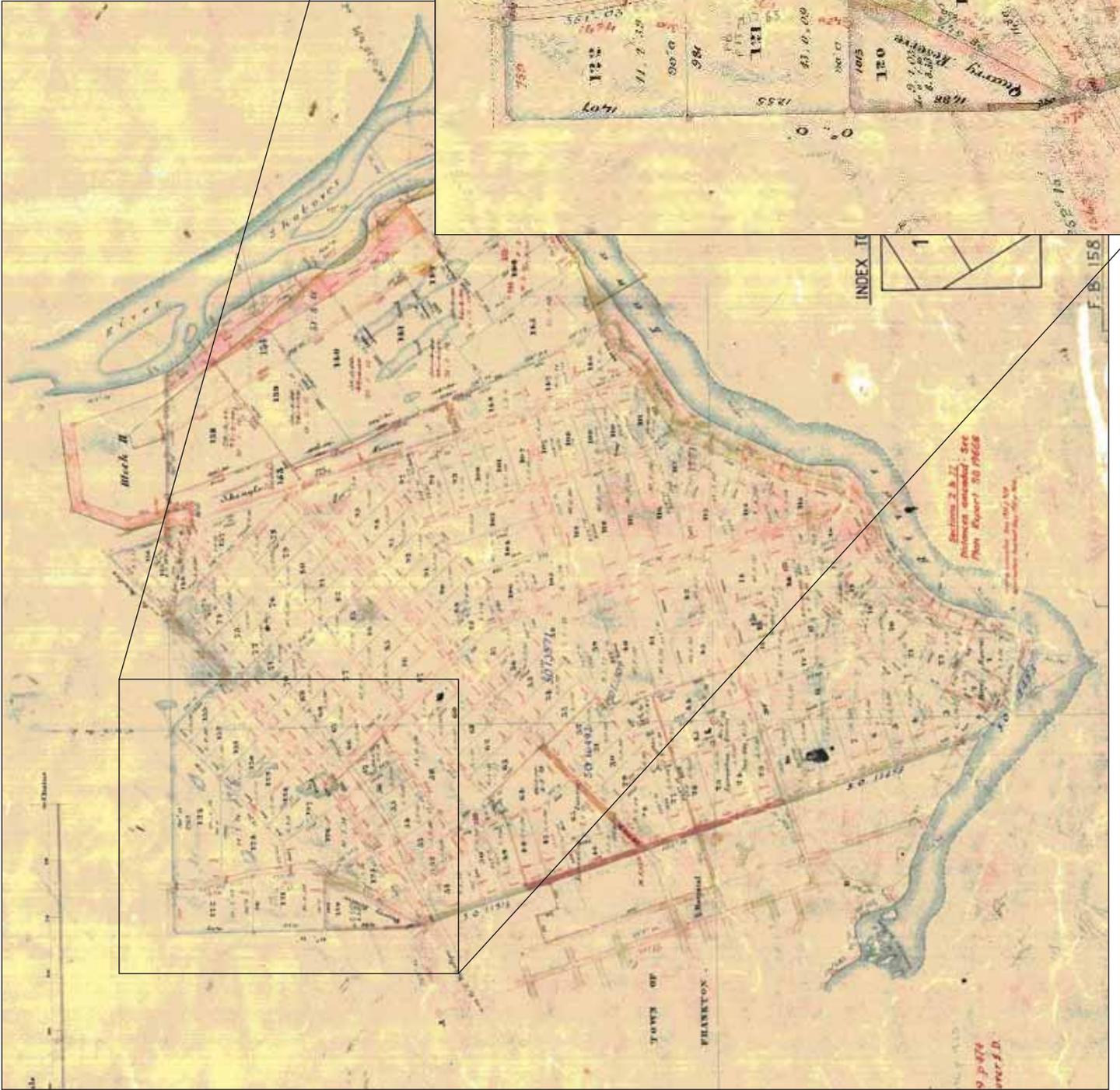
J. Munavett
For DLR

CANCELLED
DUPLICATE DESTROYED



Appendix C

Historical Photographs, Maps, Surveys and Drawings

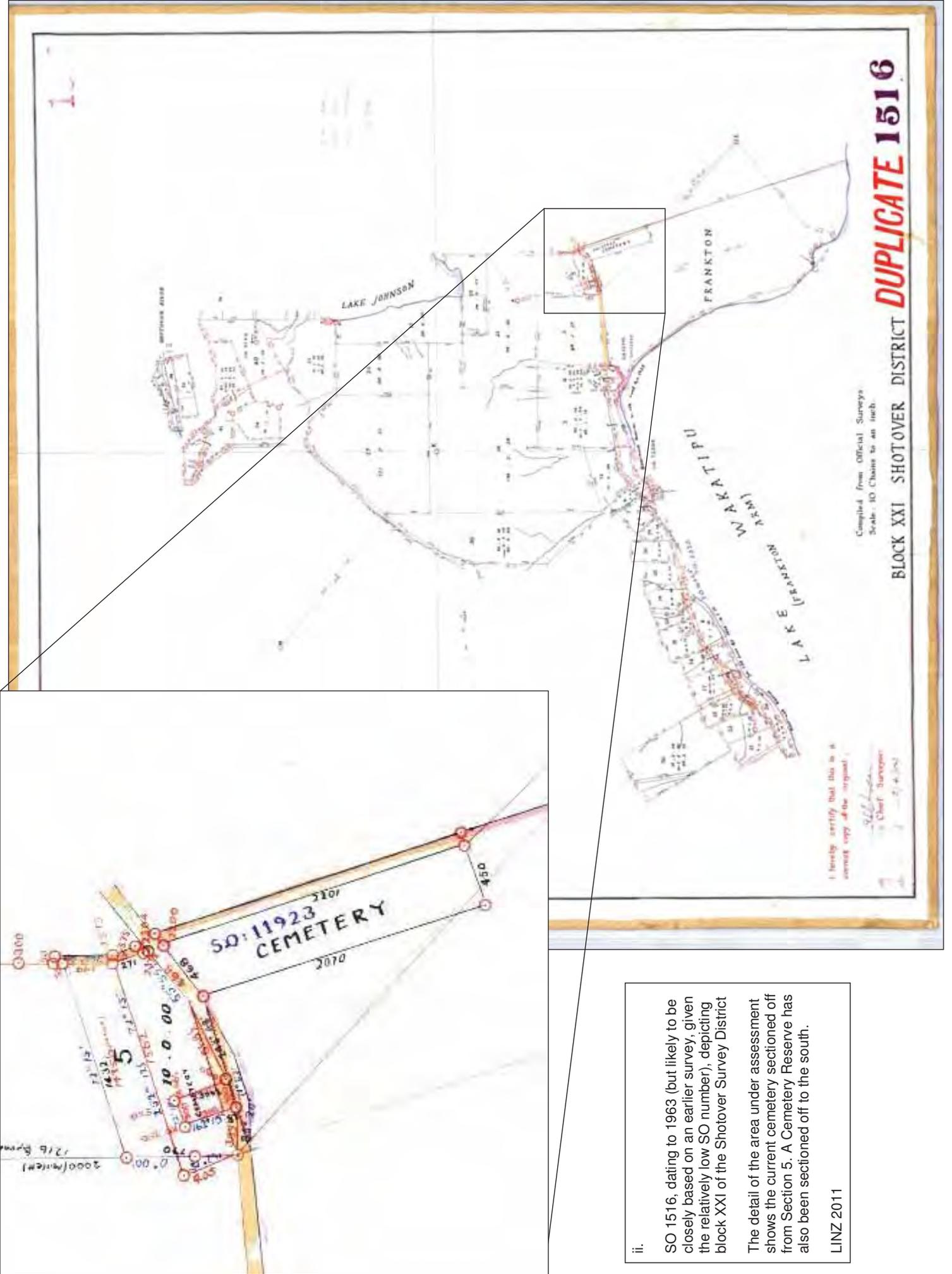


i.

SO 1492, dating to 1864, depicting the land between Lake Johnson – to the north, the Kawarau and Shotover Rivers – to the east and south and the Town of Frankton – to the west.

The detail of the area under assessment (Pt Section 5, the majority of the site, is not shown on this survey map) shows the Quarry Reserve at Section 120.

LINZ 2011

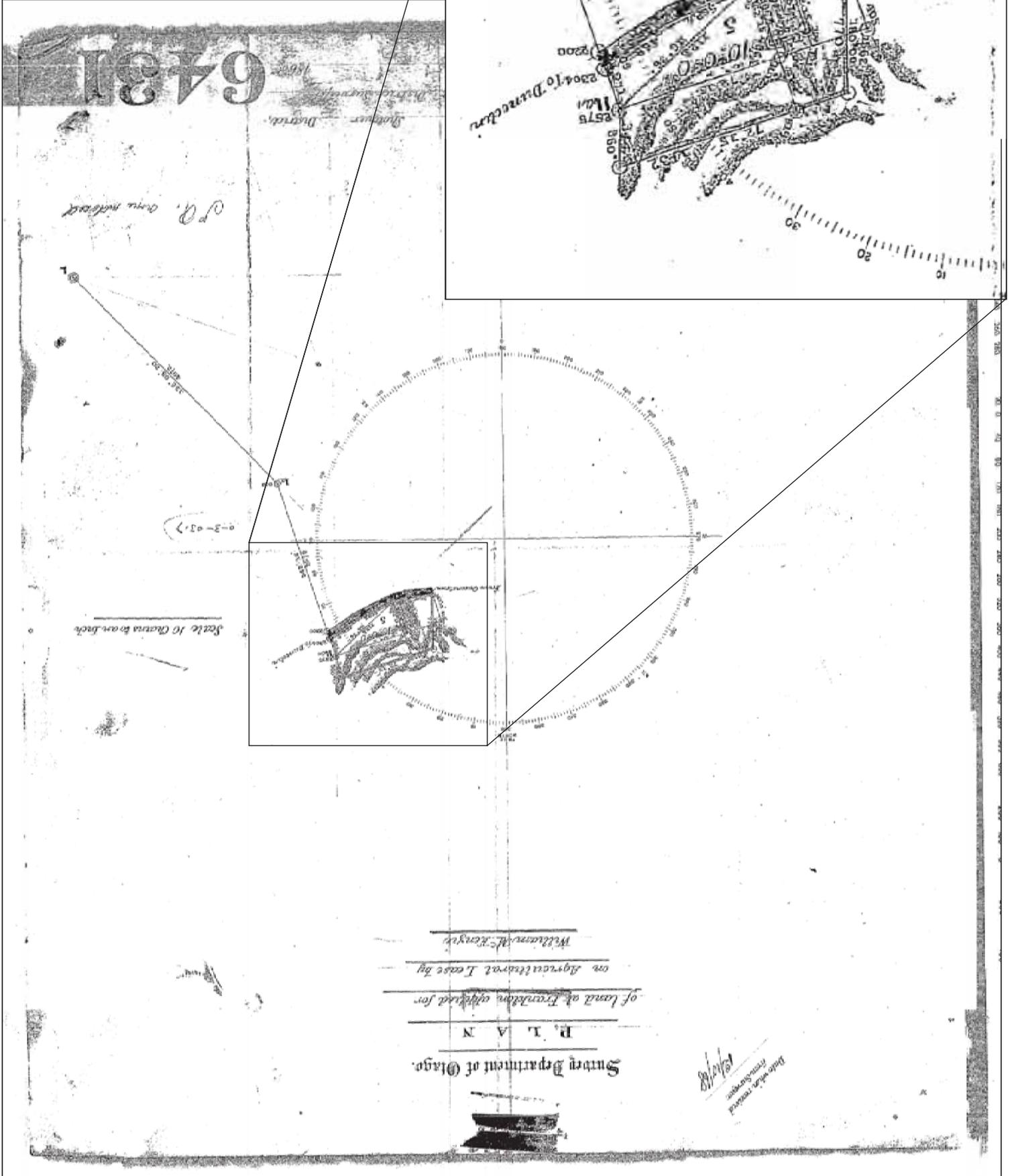


ii. SO 1516, dating to 1963 (but likely to be closely based on an earlier survey, given the relatively low SO number), depicting block XXI of the Shotover Survey District

The detail of the area under assessment shows the current cemetery sectioned off from Section 5. A Cemetery Reserve has also been sectioned off to the south.

LINZ 2011

LINZ 2011
Mckenzie
application for an agricultural lease by William
boundaries of Pt Section 5, Blk XXII as part of an
SO 6431, dating to 1868. The detail shows the
!!!





iv.

A plan of the Arrow Irrigation Race's route around the Shotover District. This plan shows the two main branches of the race, with one branch running south and east from Arrowtown towards Morven Ferry and the other branch running south and west towards the Shotover and Frankton.

I have indicated these main branches in blue; however, there are many subsidiary races which branch off at intervals. These are indicated by a thick black or faint dashed line.



v. Aerial photograph c. 2004, showing the relatively undeveloped nature of the assessment area, compared with the land surrounding it; the City Impact Church is in the process of construction, whilst the shopping development surrounding the BP Station to the west has yet to be started.

QLDC GiS System (2011) (the red lines are mine)

Appendix D

Archaeological Interpretation and Topographical Layout

Fig 1.

Plan of the Shotover area between the Kawarau/Shotover confluence and the Frankton Arm.

The Arrow Irrigation race runs down from the northeast, crosses the Shotover at the old bridge before running along the contours of Ferry Hill, past Lake Johnson, down Hansen Road to the Frankton Flats and eventually to the lake itself.

I have only indicated section boundaries around the water race as it descends from the hills. The assessment area has been circled in red.

(after 'Illustrated Plan of the Shotover District' - From Arrow River Irrigation Scheme - Full Set of Original Construction Plans

- Archives NZ: DUD WS 32A) (See picture iv, Appendix C)

Marked as subsidiary races to the 1930s Arrow Irrigation Scheme, but with original construction dates of the late-19th century.

Assessment area

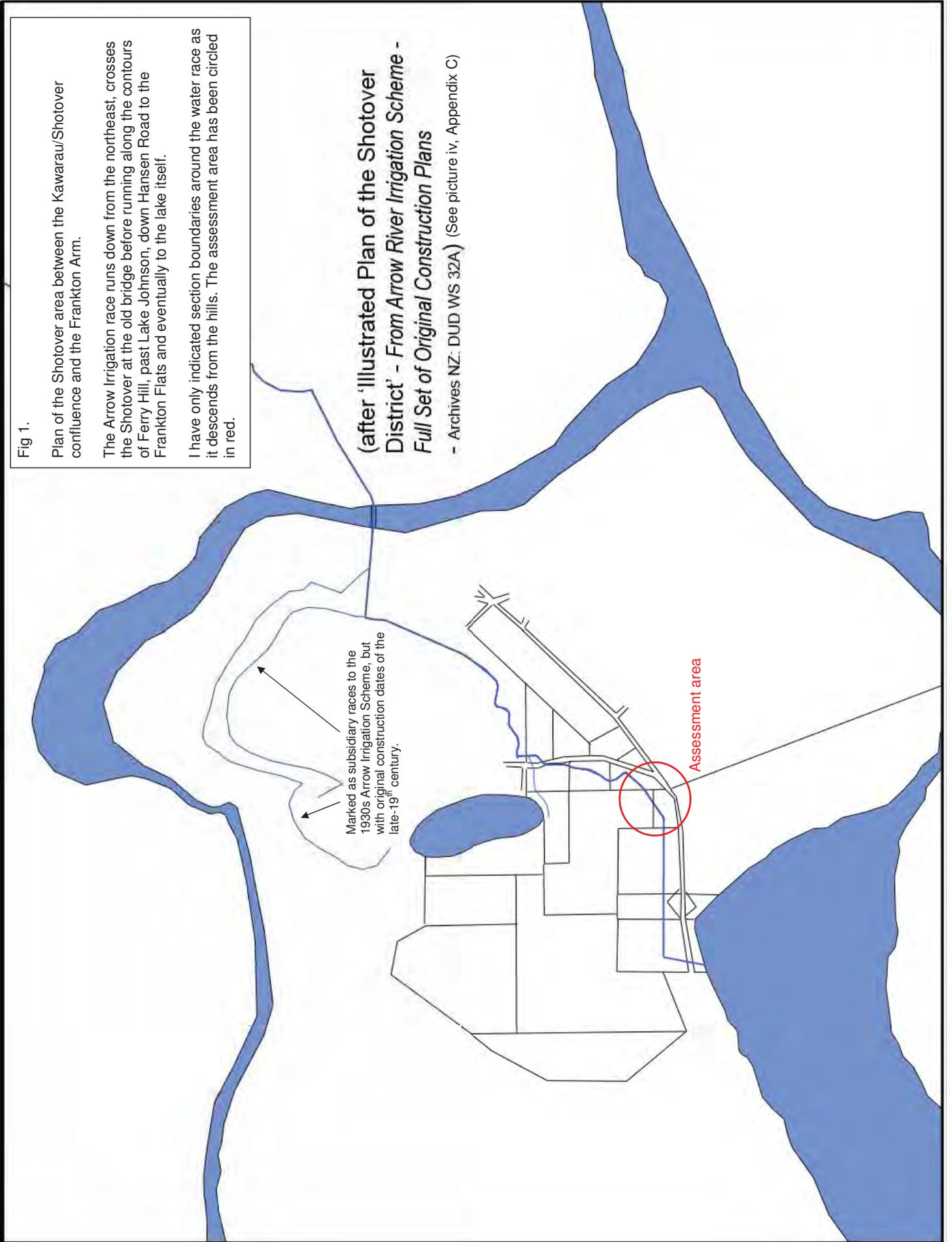
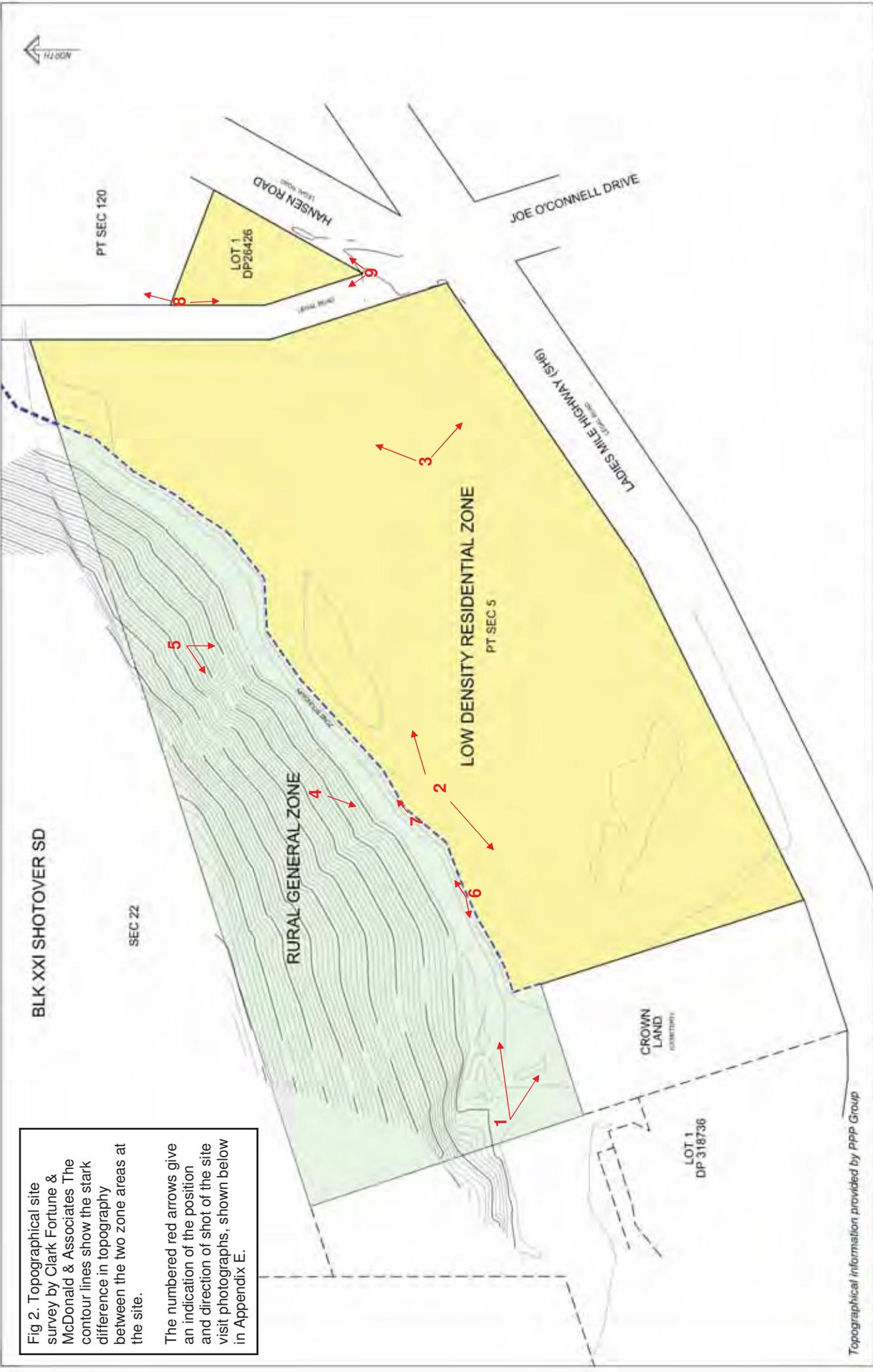


Fig 2. Topographical site survey by Clark Fortune & McDonald & Associates. The contour lines show the stark difference in topography between the two zone areas at the site.

The numbered red arrows give an indication of the position and direction of shot of the site visit photographs, shown below in Appendix E.



Topographical information provided by PPP Group

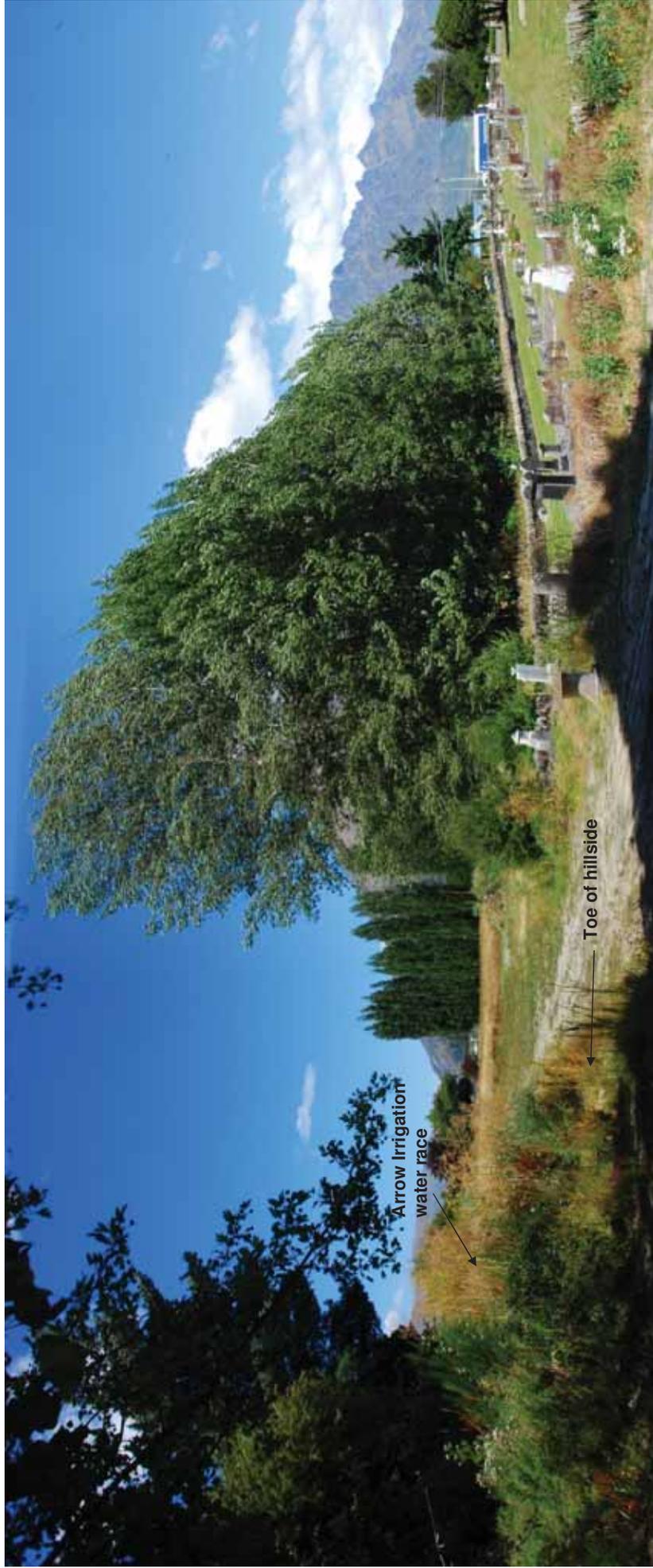
Clark Fortune McDonald & Associates
 1011 Lincoln Road, Suite 101, 1011 Lincoln Road, Suite 101
 Tel: (01) 441 1004, Fax: (01) 442 1004
 11 South Circular Road, Suite 105, Wexford
 Tel: (01) 441 4444, Fax: (01) 441 4445, Email: admin@cfma.ie
 14, Merrion Square, Dublin 2, Ireland
 Tel: (01) 454 3334, Fax: (01) 454 3335, Email: info@cfma.ie

DEFINITION OF RURAL GENERAL ZONE / LOW DENSITY RESIDENTIAL ZONE BOUNDARY INCLUDING TOPOGRAPHICAL INFORMATION

Client	SHOTOVER PROPERTY INVESTMENTS LTD	Scale	1:500 (G.A1)	1:1000 (G.A3)
Date	10/09/10	Sheet	11 of 11	M.S.L.
Project No.	10499	Revision	08	

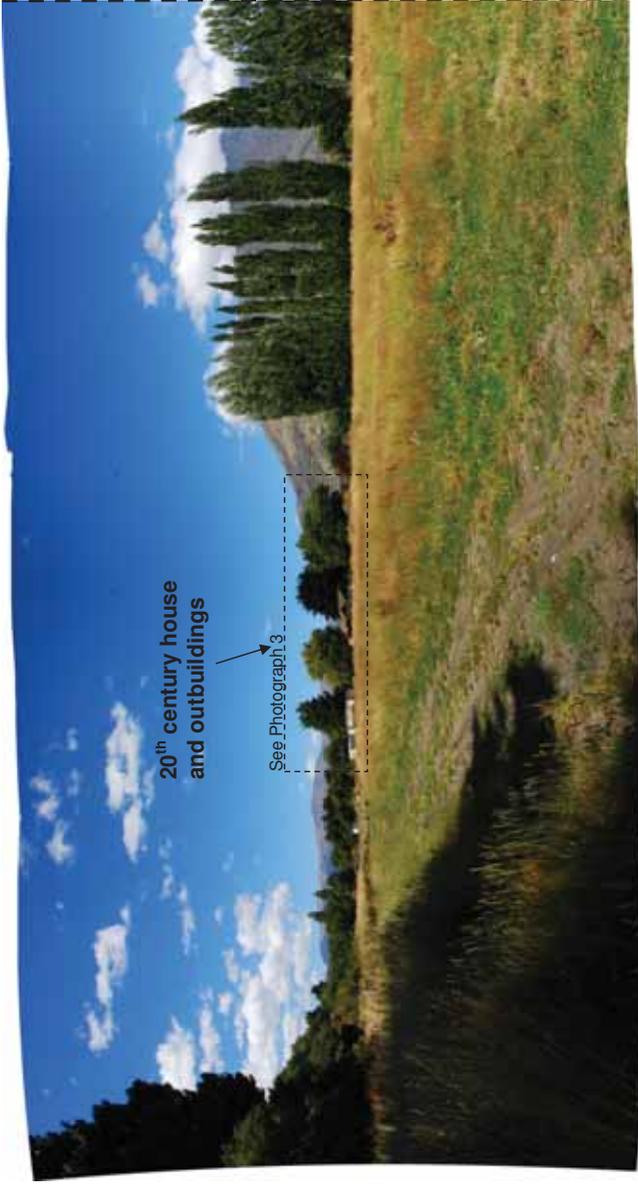
Appendix E

Site Visit Photographs



Photograph 1 :

Taken from the north of the Frankton Cemetery walls, looking east-by-southeast. The wall of the cemetery rounds around all four sides of the graveyard with a screen of mature trees to the east. The Arrow Irrigation water race is benched into the base of the hillside, can be seen to the left of this picture.



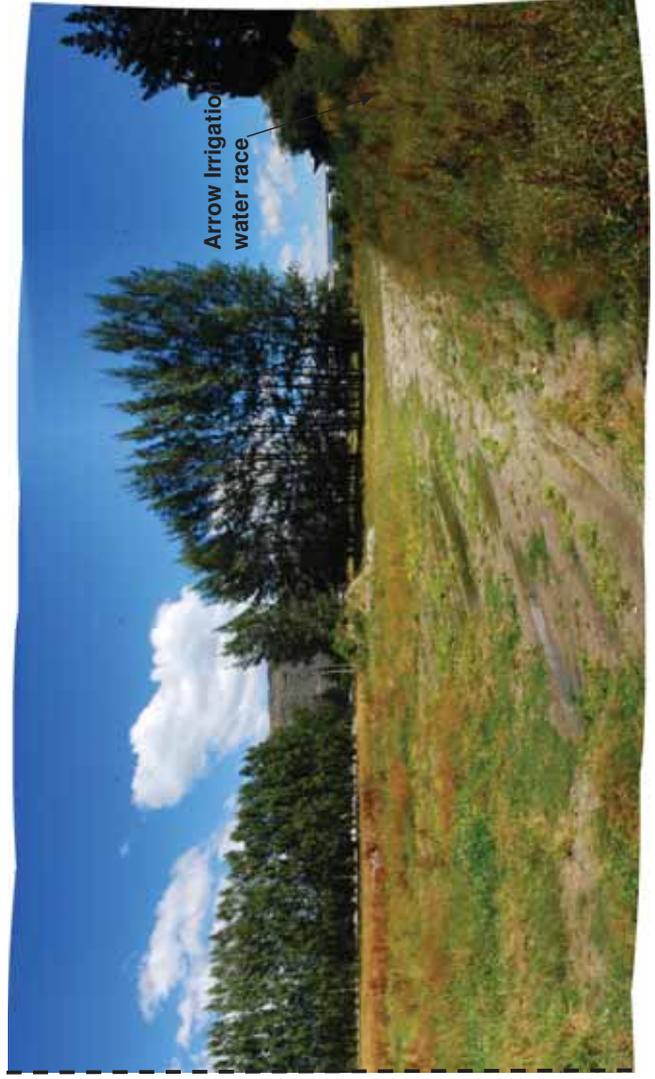
20th century house
and outbuildings

See Photograph 3

Photograph 2:

Taken with the centre of the photograph pointing approximately southeast, the broad expanse of flat land at the base of the hill is surrounded on all sides by mature trees or dense hedgerow.

The trees in the centre of this split picture shield the view of SH 6, which runs from left to right across the picture.



Arrow Irrigation
water race



Photograph 3:

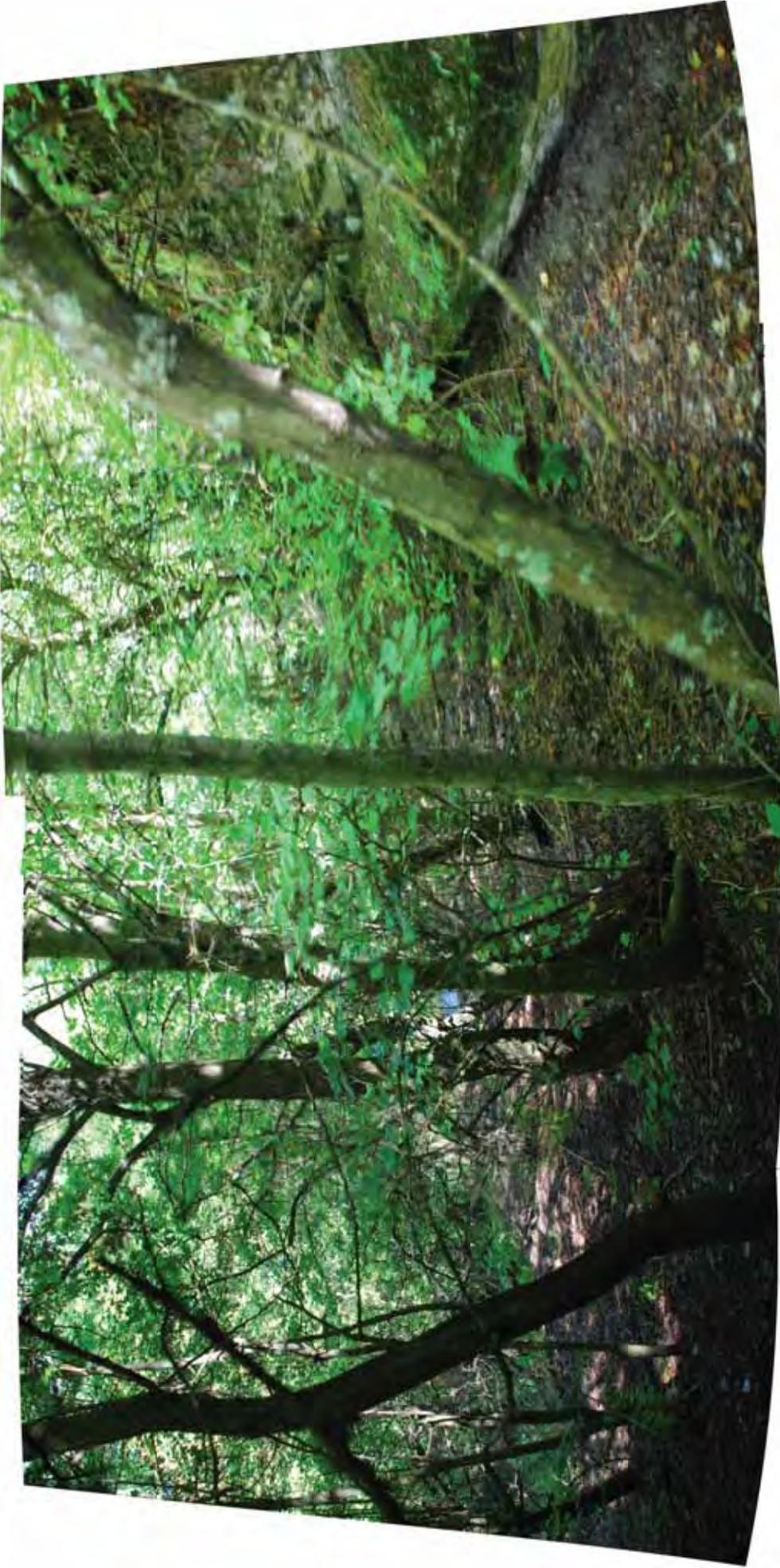
The house at the southeast corner of Pt Section 5 (at the Hansen Road junction) and its outbuildings are made of late-20th century material. There don't appear to be any historical or archaeological features associated with these buildings



Photograph 4:

Looking approx. southwest, downhill towards the irrigation race, this is easily the clearest part of the hillside which mostly consists of scrub, hawthorn and evergreen shrubbery and trees.

Apart from an indication in this part of the hillside that some felling has taken place recently, there is no indication on the hillside above the water race of any modification, building or engineering haven taken place either recently or in the 19th century.



Photograph 5:

The majority of the hillside is covered in a tangle of bushes, shrubs and trees of various types. Visibility is consequently very poor indeed.



Photograph 6:

Part of the Arrow Irrigation race as it runs along the slope of the hillside. The race is still very much in use and ongoing maintenance is clear to see along much of this stretch. The black plastic lining to the race has been put in recently, going by the relatively unweathered appearance of the plastic, probably within the last 5 to 10 years.

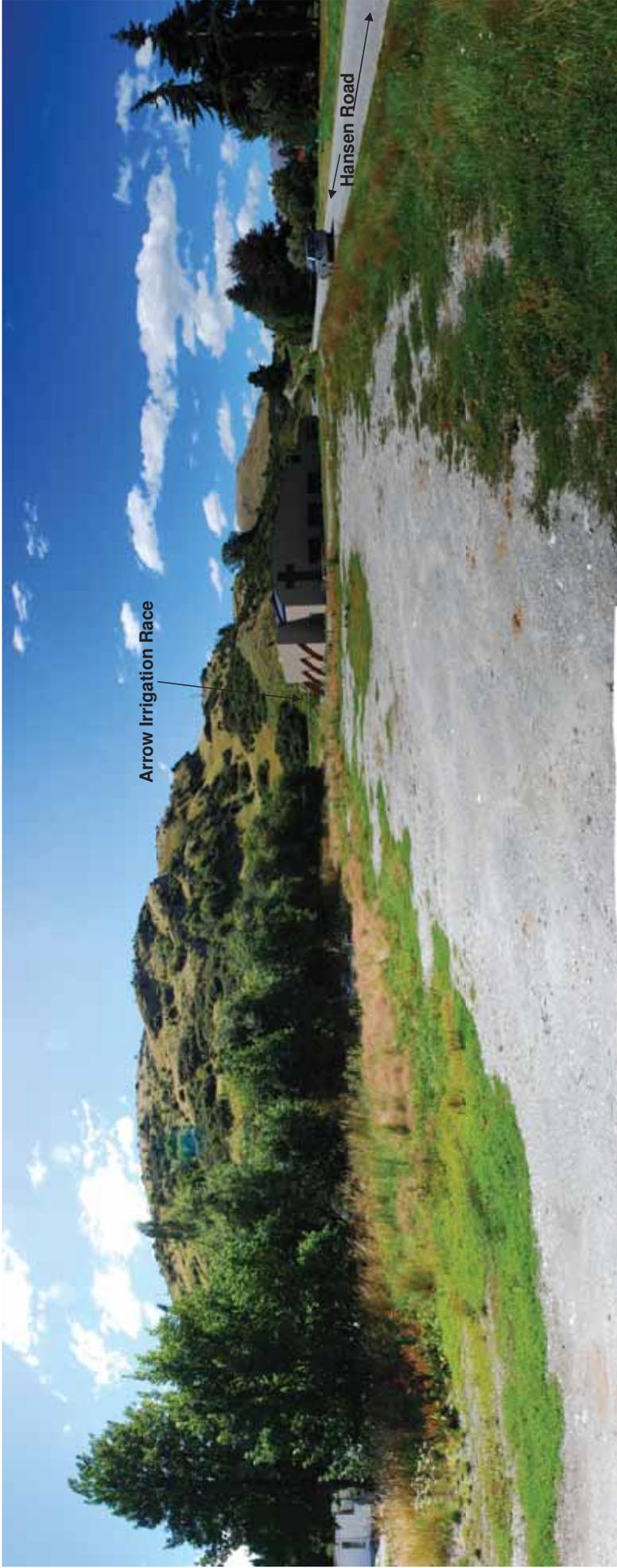


Photograph 7:
For a short distance along the hillside the Arrow Irrigation race runs through a concrete culvert. The water is channelled here into a ~1 m wide culvert, running for about 50m along the hill. The culvert probably dates to the 1920s/30s, as there is no indication that the concrete has needed repair or patching up.



Photograph 8:

Taken from the northwest corner of Lot 1, looking approximately southeast. The City Impact Church occupies the lot to the north; the grey car visible in the middle is parked on Hansen Road, which runs approx. north/south. The ground is mainly scrub and waste with no features. In all likelihood the ground was greatly affected by the building of the City Impact Church, as it appears to have been levelled very recently.



Photograph 9:

Another view of the small Lot 1 part of the assessment area with Hansen Road running up to the north on the right-hand side of the photo and the mature hedgerow running up the side of the paper road to the left of the photograph. The Arrow Irrigation race doesn't encroach on this section, but can be seen passing behind the Impact Church to the rear of this photograph.

Appendix F

NZAA Documents, nearby recorded archaeological sites

SITE RECORD HISTORY	PZAA SITE NUMBER: F11141
Site description:	
Excavation	

