

## Email Memorandum

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| <b>To</b>      | Mason Jackson – Mitchell Daysh Limited<br>Andrew Dark – Aqualinc  |
| <b>From</b>    | Campbell Johnstone / Rebecca Mackenzie                            |
| <b>Date</b>    | 13 May 2026                                                       |
| <b>Job No.</b> | JO-27-01024                                                       |
| <b>Subject</b> | Waipaoa River, Pouarua Water Storage Scheme - Wi Pere Trust Board |

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### Overview

This memo outlines the findings, pending legal review, from the Land Status investigation of two specific parts of the bed of the Waipaoa River (River), near Ormond, Gisborne, in conjunction with the Proposed Pouarua Water Storage Scheme (the Scheme) being proposed by the Wi Pere Trust (Trust).

The purpose of this memo is to report our findings and provide the required information for the Trust's Fast Track referral application.

Please note that the land status findings outlined below remain subject to our in-house counsel peer review. We are awaiting some final plans and records from Land Information New Zealand; however, these are not expected to prevent or delay the final review process.

Any additional information received will be incorporated into the full and final report where necessary. It is not anticipated that these outstanding documents will alter the overall conclusions or status of the land.

### Land Investigated

The parts of River and riverbed requiring investigation were advised by the Trust as:

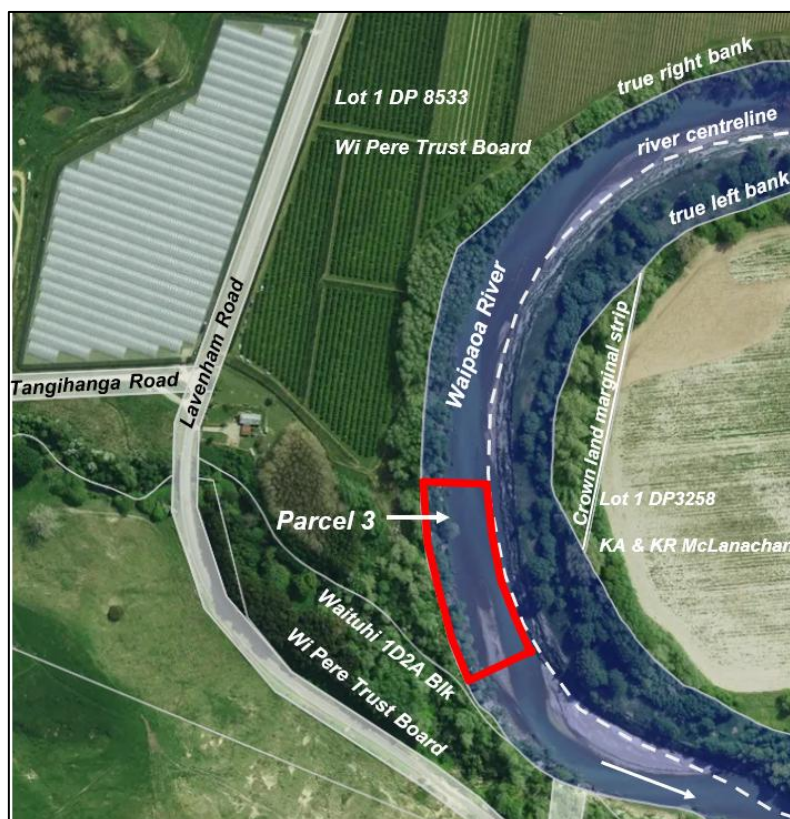
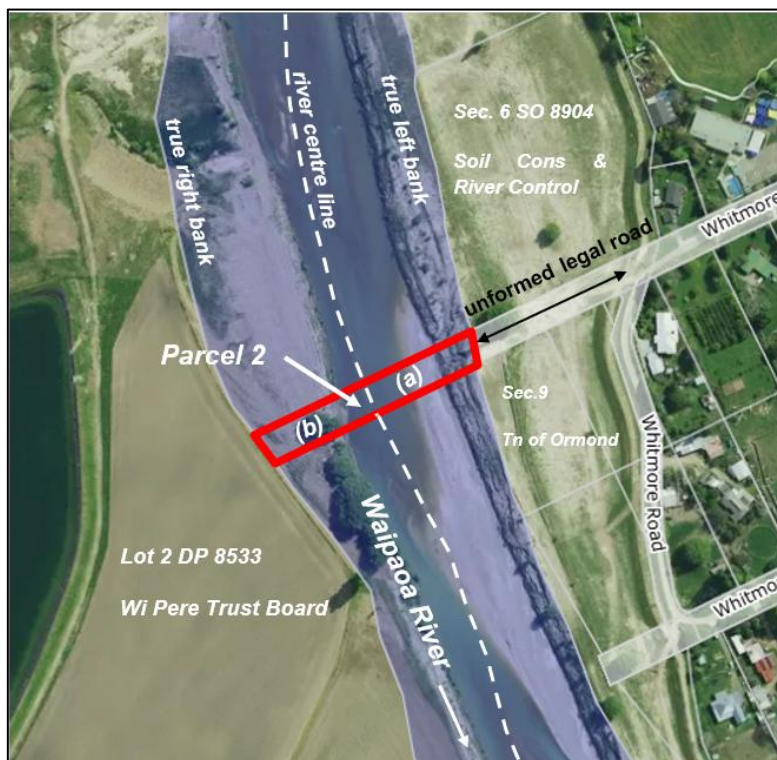
- **Tangihanga Pond Intake.** That part of the River adjoining Lot 2 DP 8533 and called Parcel 1 in this report and shown approximately bordered red in the diagram below.

- **Lavenham Road Intake.** That part of the River adjoining Lot 1 DP 8533 and called Parcel 3 in this report and shown bordered red in the diagram below.
- **Pipeline alignment.** The proposed pipeline alignment crosses the River and adjoins Lot 2 DP 8533 on the true right bank and an unformed legal road adjoining Whitmore Road on the true left bank.

The pipeline 'corridor' is referred to as Parcel 2 shown in the image below and our findings are reported in two parts as follow:

- (a) that part of the River extending from the true left bank of the River to the River centre line.
- (b) that part of the River extending from the true right bank of the River to the River centreline.





## Findings

### Status

#### Parcels 1, 3 and 2(b)

Owned usque ad medium filum aquae (AMF) by the owners of Lots 1 and 2 DP 8533, comprised in Record of title GS5D/697 which is vested in the Wi Pere Trust Board.

#### Explanation:

*AMF Rule - The AMF rule is a presumption that exists in Common Law, to the effect that an owner of land, which has a boundary adjoining a stream, or river (riparian boundary), owns the bed of that stream or river to the centre line.*

*The common law position has been affirmed in a number of decisions, i.e. John Paki and others v The Attorney General [2012] NZSC 50 (27 June 2012).*

#### Parcel 2(a)

Crown land pursuant to section 2 of the Land Act 1948 vested in the Crown (His Majesty the King) pursuant to that Act.

#### Explanation:

*Crown land means land vested in the Sovereign which is not for the time being set aside for any public purposes or held by any person in fee simple. The part of bed of the Waipaoa River comprising Parcel 2(a) within the Property is Crown land pursuant to Section 2 of the Land Act 1948.*

*Whitmore Road, both the formed and unformed parts are identified on the underlying plans and records as legal road by Crown Grant.*

*As from 1 April 1979 all roads as defined in section 315 Local Government Act 1974 are vested in their respective local authorities pursuant to section 316 Local Government Act 1974 with control vested in Council pursuant to section 317 LG Act 1974.*

### Summary

Based on the investigations undertaken to date, Parcels 1, 3 and 2(b) are considered to be owned as AMF by the the Wi Pere Trust Board as the owner of Lots 1 and 2 DP 8533, comprised in Record of Title GS5D/697.. Parcel 2(a) is considered to be Crown land pursuant to section 2 of the Land Act 1948 and vested in the Crown under that Act.

These findings remain subject to legal review. In addition, several plans and records are still awaited from LINZ; however, these are not expected to prevent or delay completion of the legal review process. Any further information received will be incorporated into the full and

final report where necessary. It is not anticipated that the outstanding material will alter the overall conclusions or land status findings.

Once the legal review process has been completed, the full and final report will be issued.

**Prepared by:**



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