

Crown Pastoral Land Tenure Review

Lease name : BRANCH CREEK

Lease number : PO 052

Due diligence report (including status report)

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.

January 05




**DUE DILIGENCE REPORT
CPL PRE TENURE REVIEW ASSESSMENT STANDARD 6:
BRANCH CREEK PASTORAL LEASE**

File Ref: CON/50269/09/12442/A Report No: DN0085 Report Date: 16/01/2002
Office of Agent: Dunedin LINZ Case No: *PR 02/237* Date sent to LINZ: 17/01/2002

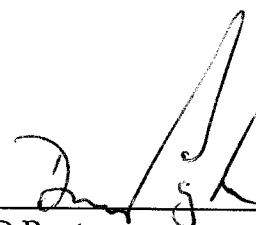
RECOMMENDATIONS

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** there are no incomplete actions.

Signed by Opus:

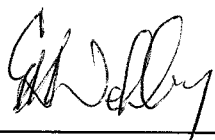


M Brown
Property Consultant



D Payton
Contract Manager

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



Name: GRANT KASPER WEBLEY
Date of decision: *21 / 1 / 02*

1. Details of lease:

Lease Name: Branch Creek
Location: Branch Creek Station Road, Cardrona Valley, Wanaka
Lessee: Raymond Eric Anderson and Hazel Mary Anderson
Tenure: Pastoral Lease under the Land Act 1948 Po52
Term: 33 years from 1 July 1984
Annual Rent: \$8,325.00
Rental Value: \$370,000.00
Date of Next Review: 30 June 2006
Land Registry Folio Ref: OT338/77
Legal Description: Part Run 340B, Section 1 SO 21853 and Section 4 SO 24713
Area: 6281.6019

2. File Search

Files held by Knight Frank on behalf of LINZ:

File Reference	Volume	From	To
CON/50213/09/12442/A-ZNO	1	01/07/2000	Date
Po/052-SDN-04	4	16/01/1985	30/06/2000

Files held by Opus International Consultants Limited on Behalf of LINZ

File Reference	Volume	From	To
CON/50269/09/12442/A-ZNO	1	22/08/2001	Date

Other relevant files held by LINZ:

File Reference	Volume	From	To
Po/052-SDN-03	3	19/08/1969	09/11/1984
Po/052-SDN-02	2	25/08/1958	06/05/1969
Po/053-SDN-01	1	09/08/1911	25/08/1958

3. Summary of lease document:

Terms of lease

Stock Limitation in Lease:

3300 sheep

Commencement Date:

1 July 1984

Special Provisions:

Special Clause: THAT pursuant to Section 8 of the Coal Mines Amendment Act 1950, this lease is subject to the reservation to the Lessor of all coal existing on or under the surface of the land, and subject to the reservation, the Lessor of the power to grant coal mining rights over the land under Part I of the Coal Mines Act 1925.

A1. . adjustments

SO Plan 21853 describes a road realignment carried out along the Cardrona River Valley along the eastern boundary of the lease. As a result, 5002 m² being Section 1 SO 21853 was incorporated into the lease, and 2265 m² being areas D and E SO Plan 21853 were taken from the lease for the realignment. Memorial 872614.1 describes the land acquisition.

Registered interests

Memorial	Type
817471.5	Mortgage to The Rural Bank Limited
872614.1	Gazette Notice declaring the parts of the leasehold estate herein and Crown land estate marked D (1607m ²) and E (658m ²) are acquired for road and vest in the Queenstown Lakes District Council

Unregistered interests

There are no known unregistered interests in the property.

4. Summarise any Government programmes approved for the lease:

- In 1968 a Soil and Water Conservation Plan was approved for the lease, directed towards erosion control. Activities included conservation fencing, sub-divisional fencing, aerial oversowing and topdressing, and cattle proofing of existing boundary fences. Work was completed with an addition of further fencing in 1974.
- In 1985, a second Soil and Water Conservation Plan was approved for the lease, directed towards erosion control. The primary activity undertaken was erosion control fencing so that grazing pressure could be directed away from vulnerable slopes.

5. Summary of Land Status Report:

Opus International Consultants Limited undertook a Land Status Check on 15 November 2001. This check conforms the status of the Land as Crown land under the Land Act 1948, subject to Pastoral Lease Po052.

The following item was identified for consideration in the context of Due Diligence:

- Reappellation No 972407.1 gives notice that Part Run 340B is now known as Section 4 SO 24713 (417 ha). The area of Section 4 is actually 4171 m².

Since the completion of the Status Check, this error has been corrected on the lease.

6. Review of topographical and cadastral data:

A review of the topographic and cadastral data indicates:

- There are some minor discrepancies between the fenced and legal boundaries around the property.

- There are some gold workings at around NZMG Sheet F40 959905 along Branch Creek Road.
- Branch Creek Road does not appear to be a legal road.

There is no indication of any huts or telecommunications facilities on the property.

7. Details of any neighbouring Crown or conservation land

	Legal Description	Status	Owner/Lessee
North West	Part Section 1 Block III Knuckle Peak Survey District	Pastoral Lease – Motatapu Station	DR & SE MacKay
North East	Section 1 SO 24713 & Section 2 SO 24716	Pastoral Lease – Spotts Creek Station	JM & AR Scurr
West	Run 25	Pastoral Lease – Glencoe Station	JF Taquet

There is no indication that any of these parcels should be included in the tenure review

8. Summarise any uncompleted actions or potential liabilities:

There are no incomplete actions of potential liabilities.

OPUS INTERNATIONAL CONSULTANTS LIMITED
DUNEDIN OFFICE

Project Number 6NLITR.02/076YD

This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50269 dated September 2001 and is undertaken for the purposes of tenure review in terms of the Crown Pastoral Land Act 1998.



LAND STATUS REPORT for Branch Creek			LIPS Ref 12442
Property	1	of	1

Land District	Otago
Legal Description	Part Run 340B, Section 1 SO 21853 and Section 4 SO 24713.
Area	6281.6019 ha
Status	Crown Land subject to Pastoral Lease Po52
Instrument of title / lease	OT338/77
Encumbrances	Exploration Permit 40.314 registered as 9D/555. Note this expired on 23 July 2001. Unknown if renewal being sought or issued.
Mineral Ownership	Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Purchase.
Statute	Land Act 1948 and Crown Pastoral Land Act 1998.

Data Correct as at	15 November 2001
[Certification Attached]	

Prepared by	Garry Patrick
Crown Accredited Agent	Opus International Consultants Ltd, Dunedin

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 under the Land Act 1948 subject to Pastoral Lease OT338/77.



Max Haydn Warburton

Chief Surveyor

Land Information New Zealand, Dunedin.

23 / 11 / 2001

<p>Notes: This information does not affect the status of the land but was identified as possibly requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6 paragraph 6.</p>	<p>Reappellation No 972407.1 gives notice that Part Run 340B is now known as Section 4 SO 24713 (417 ha). The area of Section 4 is actually 4171m²</p>
--	---

Research Data: *Some Items may be not applicable*

SDI Print Obtained	Yes
NZMS 261 Ref	F40 & F41
Local Authority	Queenstown Lakes District
Crown Acquisition Map	Kemp
SO Plan	<p>Interior Run Roll 1880 I6. Area of Run shown as 13720a-0r-00p.</p> <p>SO 13757 of January 1967 being a plan of Pts Run 340B.</p> <p>SO 21853 of October 1986 being a plan of land for road, road to be stopped and severance.</p> <p>SO 24713 of July 1999 being a plan of Sections 2-4 [Pt formerly Pt Run 340B)</p> <p>Other plans viewed but not impacting on status report – SO's 7260, 3605, 283, 281, 3578, 16361, 3641, 3604, 3644, 3642, 3663 and 3627</p>
Relevant Gazette Notices and / or Computer interest register.	GN 872614/1 – land set apart as road, road to be stopped and severance.
CT Ref / Lease Ref	<p>OT338/77</p> <p>Variation of Lease 817471/6</p> <p>Certificate of Incorporation 872614/4.</p>
Plan Index	Sighted but not copied. SO's noted for Run 340B are 286 & 13757. SO 286 of Feb 1921 is a plan of subdivision of Cardrona Commonage being Secs 3, 4, & 5 Blk I, Secs 1 & 2 Blk II Knuckle Peak and Secs 52 –54 Blk I Cardrona SD.
Legalisation Cards	<p>Interior Run Roll - No cards.</p> <p>SO 21853 shows "D", "E", "F" & "G" –road vested in QLDC, "T" & "C" road stopped. "H" Leasehold estate taken 1654m² [now Section 1 SO 21853].</p> <p>SO 24713 card sighted but no information recorded on it.</p>
Statutory Actions (Landonline)	Nil
CLR	Sighted. Supports pastoral status as at 31 March 1987 [disestablishment of Lands and Survey when CLR ceased to be maintained].
Allocation Maps (if applicable)	F40 & F41 – DoC, SOE & Proposed SOE maps - sighted &

LAND STATUS REPORT for Branch Creek

LIPS Ref 12442

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

Property 1 of 1

	nothing found.
VNZ Ref - if known	29061/21200
Crown Grant Maps	Not searched.
If Subject land Marginal Strip: a) Type [Sec 24(9) or Sec 58] b) Date Created c) Plan Reference	a) Nothing found. b) c)
If Crown land – Check Irrigation Maps.	F40 & F41 – sighted & nothing found.
Mining Maps	F41 – sighted & nothing found. F40 – notes privilege F40/2. The index shows this issued to L & M Mining Ltd. The privilege is registered as 9D/555 and expires 23/07/2001.
If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989 b) By Proc	a) SO Plan N/A b) Proc Plan c) Gazette Ref
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	a) No advice from DoC or Knight Frank Ltd. b) Not aware of any provisions affecting subject land. c) <input checked="" type="checkbox"/> Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Purchase. <input type="checkbox"/> -Contained in [provide evidence].
d) Other Info	d) No other relevant information found.