

Crown Pastoral Land Tenure Review

Lease name : AWAPIRI STATION

Lease number : PM 016

Due Diligence Report (including Status Report) - Part 1

This report and attachments results from a pre-Tenure Review assessment of the pastoral lease for the purpose of confirming land available for Tenure Review and any issues, rights or obligations attaching to it. The information is gathered from files and other sources available to the LINZ contractor.

Part of the information relates to research on the status of the land, resulting in a Status Report that is signed off by a LINZ approving officer. The remainder of the information is not analysed for relevancy or possible action until required, and LINZ does not guarantee its accuracy or completeness as presented.

The report attached is released under the Official Information Act 1982.

April 09

DUE DILIGENCE REPORT

**for
Tenure Review**

AWAPIRI

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

June 2002

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

File Ref: CON/50272/09/12634/A-ZNO-01 **Report No:** QVV 376 **Report Date:** 27/06/2002

Office of Agent: CHRISTCHURCH **LINZ Case No:** 02/ **Date sent to LINZ:** 28/02/2002

TRCZ/706

RECOMMENDATIONS

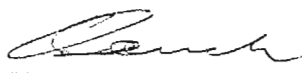
1. That the Commissioner of Crown Lands or his delegate **note** this Due Diligence Report which has been prepared in accordance with the Pre Tenure Review Assessment Standard;
2. That the Commissioner of Crown Lands or his delegate **note** that no incomplete actions have been identified as a result of the file search.
3. That the Commissioner of Crown Lands or his delegate **note** that there are no potential liabilities that have been identified as the result of the file search.

Signed by Sub – Contractor:



Name: D. McGregor
McGregor Property Services Limited
Accredited Agent

Signed by Contractor



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

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

Name:

Date of Decision: / /

1 Details of Lease:

Lease Name: Awapiri.

Location: Located on the Awatere Valley Road approximately 75 kilometres from Blenheim.

Lessees: Graham Mackenzie Black (as to a 11/20th share) and Beverlene Joyce Black (as to a 9/20th share).

Tenure: Pastoral lease of pastoral land under Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal 154184.

Term: 33 years from 1 July 1991 (expires 30 June 2024).

Annual Rent: \$5287.50 (Reviewed 1 July 2002).

Rental Value: \$235,000 (Reviewed 1 July 2002).

Date of Next Review: 1 July 2013.

Land Registry Folio Ref: Computer Interest Register (Pastoral Lease) CL MB46/195.

Legal Description: Run 209, situated in Blocks XXIV and XXV Hodder, XV Blue Mountain, IV and VIII Tapuaenuku and I II VI and VII Whernside Survey Districts.

Area: 6879.6559 hectares

2. File Search

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

| File Reference | Volume | First Folio Number | Date | Last Folio Number | Date |
|---------------------------------|----------|--------------------|-------------------|-------------------|-------------------|
| <i>Pm 016-SCH-01</i> | <i>1</i> | <i>1</i> | <i>05/01/1937</i> | <i>236</i> | <i>26/04/1990</i> |
| <i>Pm 016-SCH-02</i> | <i>2</i> | <i>237</i> | <i>27/04/1990</i> | <i>-</i> | <i>30/06/2001</i> |
| <i>CON/50213/09/12755/A-ZNO</i> | <i>1</i> | <i>-</i> | <i>01/07/2000</i> | <i>-</i> | <i>31/07/2001</i> |
| <i>CON/50213/09/12755/A-ZNO</i> | <i>2</i> | <i>-</i> | <i>01/08/2001</i> | <i>-</i> | <i>Current</i> |

Files held by agent Q.V. Valuations on behalf of LINZ:

File Reference: CON/50272/09/12755/A-ZNO-01

Volume: 1

First folio: 1

Date: August 2001.

Last folio note: File current.

Date: -

3 Summary of Lease Document: (Copy of Computer Interest Register (Pastoral Lease) CL MB46/195 attached as Appendix I)

3.1 Terms of Lease

A 33 year term from 1 July 1991 at the Annual rental of \$5287.50 based on the Rental Value of \$235,000.

Stock Limitation

3300 sheep.

Commencement date

1 July 1991, being the renewal of the original Pastoral lease issued on 1 July 1958 to Edward Lyndon Peter and John Lyndon Peter as tenants in common in equal shares at the Annual rental of \$263.10 (including \$23.10 for Crown Improvements) and stock limitation in the lease of 3300 sheep.

Graham Mackenzie Black acquired the property by Transfer 47915 (registered on 19 July 1966) and he transferred a 9/20th share to Beverlene Joyce Black by Transfer 121776.2 (registered on 18 October 1984).

The lease was renewed for a further term of 33 years from 1 July 1991 (by Memorandum of Renewal 154184 (registered on 7 September 1990) at the Annual Rental of \$2460 based on the Rental Value of \$164,000. The lessee purchased the Crown Improvements in the lease.

The Annual rental was reviewed as at 1 July 2002 to \$5287.50 based on the Rental Value of \$235,000.

3.2 Area adjustments

There have been no area adjustments since commencement of the lease.

3.3 Registered Interests

Mortgages:

None.

Encumbrances:

99117.2 *Encumbrance* to the Marlborough County (now District) Council registered 17 June 1980.

3.4 Unregistered Interests

Unsecured Debts:

None known.

4 Summarise any Government programmes approved for the lease:

There is no Land Improvement Agreement (LIA) over this property and it is not part of a Rabbit and Land Management programme.

5 Summary of Land Status Report:

The Land Status Report by D. McGregor, McGregor Property Services Limited, for and on behalf of Q.V.Valuations on 3 May 2002, confirmed the status as Crown land under the Land Act 1948 and leased pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as Computer Interest Register CL MB46/195 as varied by Memorandum of Renewal 154184.

The land is subject to 99117.2 Encumbrance to the Marlborough District Council.

The Mines and Minerals are owned by the Crown over a significant part of the land because it has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1859 Kaikoura Deed of Purchase.

Those parts Crown granted between 1860-1865 into private ownership were subsequently acquired as Crown land subject to the then Land Act (now subject to the Land Act 1948) in 1905 by His Majesty the King. The lands were not acquired for a public work under a Public Works Act therefore the Crown is at liberty to invoke the standard Mineral restrictions.

*A copy of the Land Status Report is attached as **Schedule A**.*

6 Review of Topographical and Cadastral Data:

Both maps attached to the Land Status Report show that there are no historic sites, transmission lines, water races, airstrips, telecommunication or other installations on the lease. The topographical map does however show local power lines at the Awatere end of the lease and two huts, Swale Hut (at the southern end) and Flynn's Whare near Tomlinsons Saddle.

6.1 Marginal Strips:

Marginal Strips under Section 24(3) of the Conservation Act 1987 created along the Awatere, Jordan and Medway Rivers and the Swale Stream by appellations on SO 4365.

6.2 Legal Roads – formed and paper

The Land Status Report indicates that Roads are legal by either Crown Grant or Section 110A of the Public Works Act 1928 and depicted on SO's 390, 650 and 2468-2471. Parts of the road were legalised by N.Z. Gazettes 1918 p.3524 and 1957 p.1247.

6.3 Fenced Boundaries v Legal Boundaries (peripheral):

There appear to be no boundary discrepancies.

7 Details of any neighbouring Crown or Conservation land:

Western Boundary ***Pt Run 207*** - (Camden Pastoral lease).

Pt Run 121A - (Stewardship land pursuant to Section 62 of the Conservation Act 1987).

8 Summarise any uncompleted actions or potential liabilities:

No incomplete actions or potential liabilities have been identified.

APPENDICES

Schedule A – Land Status Report.

1. Copy of Lease.

Schedule A

LAND STATUS REPORT

**for
Tenure Review**

AWAPIRI

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

April 2002

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

**Q V VALUATIONS
CHRISTCHURCH OFFICE**

APPENDIX A

Project Number QVV 376

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

| | |
|---|------------------------|
| LAND STATUS REPORT for Awapiri Tenure Review | LIPS Ref :12634 |
| Property 1 of 1 | |

| | |
|------------------------------------|--|
| Land District | Marlborough. |
| Legal Description | Part Run 209, situated in Blocks XXIV and XXV Hodder, XV Blue Mountain, IV and VIII Tapuaenuku and I II VI and VII Whernside Survey Districts. |
| Area | 6879.6559 hectares. |
| Status | Crown land subject to the Land Act 1948. |
| Instrument of title / lease | Computer Interest Register (Pastoral Lease) MB46/195 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal 154184. |
| Encumbrances | Subject to 99117.2 Encumbrance to the Marlborough District Council. |
| Mineral Ownership | <p>The Mines and Minerals are owned by the Crown over a significant part of the land because it has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1859 Kaikoura Deed of Purchase.</p> <p>Those parts Crown granted between 1860-1865 into private ownership were subsequently acquired as Crown land subject to the then Land Act (now subject to the land Act 1948) in 1905 by His Majesty the King. The lands were not acquired for a public work under a Public Works Act therefore the Crown is at liberty to invoke the standard Mineral restrictions.</p> |
| Statute | Land Act 1948 and Crown Pastoral Land Act 1998. |

| | |
|---------------------------------|------------|
| Data Correct as at | 3 May 2002 |
| [Certification Attached] | Yes |

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|--|--|
| Prepared by Crown Accredited Supplier | Don McGregor McGregor Property Services Limited, Christchurch For and on behalf of QV Valuations |
|--|--|

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| NOTES: This information does not affect the status of the land but was identified as possible requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6 | Not applicable. |
|--|-----------------|

| | |
|---|------------------------|
| LAND STATUS REPORT for Awapiri Tenure Review | LIPS Ref :12634 |
| Pro ty 1 of 1 | |

Research Data: Some Items may not be applicable

| | |
|---------------------------------|--|
| SDI Print Obtained | Yes. |
| NZMS 261 Ref | O29, P29, P30. |
| Local Authority | Marlborough District Council. |
| Crown Acquisition Map | Kaikoura Deed of Purchase. |
| SO Plans | <p>SO 390 – Topographical plan of Hodder and Tapuanuku Survey Districts (1898).</p> <p>SO 650 – Topographical plan of part Tapuanuku Survey District (1900).</p> <p>SO 691 – Plan of Awatere Exchanges – Hodder and Blue Mountain Survey Districts.</p> <p>SO 1946 – Plan of Roads to be Closed – Hodder and Blue Mountain Survey Districts (Approved 14 January 1905).</p> <p>SO 2213 – Plan of Proposed road exchange through SGR 193 Hodder, Blue Mountain and Whernside S D's (Approved 26 June 1918).</p> <p>SO 2214 – Plan of track through SGR 193 Awatere County (Approved 26 June 1918).</p> <p>SO's 2468-2471 – Record plans of Road Definition (Approved 3 June 1966).</p> <p>SO 4291 – Plan of Roads to be closed in Block XIX, XXIV and XXV Hodder S D (Approved 7 August 1956).</p> <p>SO 4365 – Plan of Run 209 (Approved 1958) and addition of appellations 1-7, SO 4365 (Approved 6 December 1993).</p> <p>SO 5711 – Plan of Road (Approved 31 December 1979).</p> <p>SO's 6639, 6640 and 6643 – DOC Allocation Plans.</p> |
| Relevant Gazette Notices | <p>NZ Gazette 1918 p. 3524 declared 89 acres of the then SGR 193 for road and closed 93 acres of road under Section 11 of the Land Act 1908.</p> <p>NZ Gazette 1957 p 1247 (Proclamation 27363) closed 85 acres 1.2 perches of road (later added to Run 209) under the Public Works Amendment Act 1948.</p> |
| CT Ref / Lease Ref | Computer Interest Register (Pastoral Lease) MB46/195 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal 154184. |
| Legalisation Cards | Searched. Not applicable. |

| | |
|---|---|
| CLR | Confirms Pastoral tenure. |
| Allocation Maps (if applicable) | No allocations to DOC UCL or SOE's. Adjoining land allocated to DOC by Allocation P30*1*C0 (SO 6643). Schedule and extracts of Plans attached. |
| VNZ Ref – if known | VR 20720/6900 |
| Crown Grant Maps | S.O. 691. |
| If subject land Marginal Strip a) Type[Sec.24(9) or Sec58] b)Date Created c)Plan Reference | a) Section 58 strips – along Awatere, Jordan and Medway Rivers and the Swale Stream – deemed to be Marginal strips under Section 24(3) of the Conservation Act 1987. Specific appellations given to strips as shown on SO 4365. b) 6 December 1993. c) S.O. 4365. |

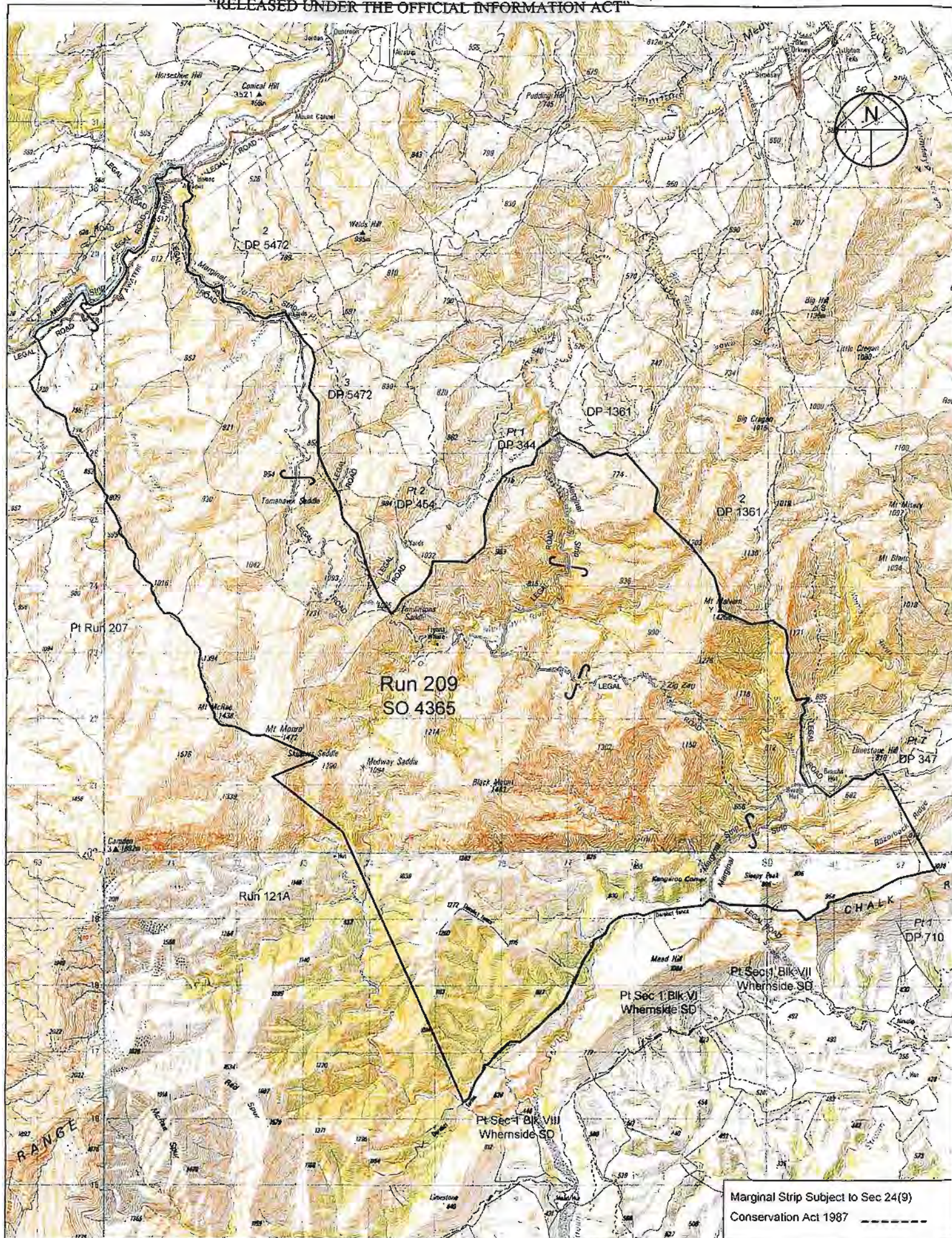
| | |
|---|------------------------|
| LAND STATUS REPORT for Awapiri Tenure Review | LIPS Ref :12634 |
| Page 1 of 1 | |

Research - continued

| | |
|--|---|
| If Crown land Check Irrigation Maps | Searched. Not applicable. |
| Mining Maps | Searched. Not applicable. |
| If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989 b) By Proclamation c) Gazette | a) SO Plans 390, 650, 2468-2471 - Roads legal by either Crown Grant or Section 110A of the Public Works Act 1928 c) Proclamation 27363 d) Gazette Ref : NZ Gazette 1918 p.3524. NZ Gazette 1957 p.1247. |
| Other relevant information a) Concessions – Advice from DOC or DTZ New Zealand Limited. b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998 c) Mineral Ownership | a) No current DOC interests apart from Marginal Strips. No concessions are administered within the periphery of the lease by DTZ New Zealand Limited. b) Upon any disposition subject to Part 9 of the Ngai Tahu Claims Settlement Act 1998. c) Mines and Minerals are owned by the Crown over a significant part of the land because it has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1859 Kaikoura Deed of Purchase. Parts of the lease have previously been in private ownership. Following the Crown's purchase in 1905 occupation tenures were granted over the Upton Fells and Braes of Sutherland Runs. Between 1860-1865 Crown Grants were issued over parts of what is now the current lease area to P. R. and N. McRae (Crown Grants 1G/2495, 1G/2496, 1G/2497, 2G/59 and 3G/264) and to E.W. Stafford (Crown Grants 3G/34, 3G/39, 2G/198 and 2G/200). In 1905 parts of the Upton Fells and Braes of Sutherland Runs (the lands formerly granted to McRae and Stafford) were acquired from the Assets Realisation Board by His Majesty the King for by Conveyance 17795 (Deeds Register 19/467 attached). Parts of the Upton Fells Run (the lands originally granted to Stafford but by then held in the Board in CT 3C/279) were similarly acquired from the Assets Realisation Board in 1905 by Transfer 2958 by way of exchange for Board land. Following the acquisitions the land was let on Pastoral tenures culminating in the current lease (CL 22/22, 37/173, and now Computer Interest Register (Pastoral lease) MB46/195. The affected Crown Grant lands were so granted prior to the first Public Works Act legislation in 1882. The land was not acquired for a public work in 1905 but as Crown Land for general settlement |

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| d) Other Info | purposes and to facilitate rationalisation of the Crowns/ Board holdings therefore the Crown is at liberty to invoke the standard mineral restrictions. d) Not applicable |
|----------------------|--|

AWAPIRI-RUN 208
TERRALINK NZ LTD(Terranew)-DCDB Data as at 01.05.99 Title & VNZ data as at 01.05.99. Geodetic data as at 11.10.97.
Cadastral Information from LINZ Digital Cadastral Database (DCDB). CROWN COPYRIGHT RESERVED.



**Q.V.VALUATIONS
CHRISTCHURCH OFFICE**

APPENDIX B

Project Number : QVV 376

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

| | | | | |
|---|--|----|---|-----------------|
| LAND STATUS REPORT for Awapiri Station Tenure Review | | | | LIPS Ref: 12634 |
| Property | 1 | of | 1 | |
| Land District | Marlborough. | | | |
| Description | Run 209, situated in Blocks XXIV and XXV Hodder, XV Blue Mountain, IV and VIII, Tapuaenuku and I II VI and VII Whernside Survey Districts. | | | |
| Area | 6879.6559 hectares. | | | |
| Status | Crown land subject to the Land Act 1948. | | | |
| Instrument of title / lease | Computer Interest Register (Pastoral Lease) CL MB46/195 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal 154184. | | | |
| Encumbrances | Subject to 99117.2 Encumbrance to the Marlborough District Council. | | | |
| Statute | Land Act 1948 and Crown Pastoral Land Act 1998. | | | |

| | |
|---------------------------------|---------------|
| Data Correct as at | 2 April 2002. |
| [Certification Attached] | <u>Yes</u> |

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

Certification:

Pursuant to section 11(1)(f) of the Survey Act 1986 and acting under delegated authority of the Surveyor – General pursuant to section 11(2) of that act, I hereby certify that the land described above is Crown Land subject to the Land Act 1948.

R. Moulton
.....

**R Moulton, Chief Surveyor (Marlborough Land District)
Land Information New Zealand, Christchurch**

Date: *4/4* /...../2002

Notes: Pastoral lease document incorrectly shows "Block XV" instead of "Block XXV" – refer SO 4365.

CERTIFICATION

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

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



D McGregor
McGregor Property Services Limited
Accredited Supplier
5 March 2002

APPENDIX 1



DocID: 300864361

Issued as a Removal of fee in Exchange for Lease 103.
registered in Vol. 37 fol. 175

NEW ZEALAND

: 15575:

LAND DIST

— — — — —

LAND & DEEDS
 Name: Pastor Chas
 Firm: COH R
 - 1 SEP 1958
 Time: 11:37
 ICT
 Fee \$ 1.50
 Abstract No. 575

Registered in the TRADE MARK OFFICE
under the TRADE MARK ACT.

12. and B. B. - 4

Entered in the Register-book, Vol. 46 fol. 95
the 1st day of September.

1958, 11/57 District

District Land Registrar

Pastoral Lease of Pastoral Land under the Land Act, 1948

No. 16

This Deed, made the _____ day of _____ between **HIS MAJESTY THE KING** (who, with his heirs and successors, is hereafter called "His Majesty") and _____ formerly of the County of _____ State of _____ at _____ County of _____ State of _____ as Grants in con- in and above

one thousand nine hundred and thirty-six, after referred to as "the Lessor"), of the one part, and Edward Louisa, hereinafter referred to as "the Lessee"), of the other part, WITNESSETH that, in consideration of the sum hereinafter recited, and of the covenants, conditions, and agreements herein contained or implied and on the part of the Lessee to be paid, observed, and performed, the Lessor doth hereby demise and lease unto the Lessee ALL that piece or parcel of land containing by admeasurement one hundred and one (101) AC acres

situated in the Land District of ... and ... and being ...
 ... Block XX, and XXIV, ... Survey District, Block
 IV, ... Survey District, Block IV, and VII, ...
 Survey District and Blocks I, IV, VI and VII, ... Survey District
 (hereinafter referred to as "the said land"), as the same is more particularly
 delineated in the plan drawn hereon and therein coloured red in outline;
 together with the rights, easements, and appurtenances thereto belonging. TO
 HOLD the said premises intended to be hereby demised unto the Lessee for the
 term of thirty-three years, commencing on the first day of ...
 one thousand nine hundred and ... together with
 the period between the date of this lease and the aforesaid first day of
 July, 1958

Yielding and paying therefor during the said term unto the Department of Lands and Survey as the Principal Land Office for the said Land District of the Borough the clear annual rent of one hundred thirty pounds eleven shillings (£131-11-0) payable without demand by equal half-yearly payments in advance on the 1st day of January and the 1st day of July in each and every year during the said term. And also paying in respect of the improvements specified in the Schedule hereto the sum of £
by a deposit of £
by ~~the receipt of which sum is hereby acknowledged~~ and thereafter ~~half-yearly instalments of~~ pounds
and pence ~~on the 1st day of January and~~
the 1st day of July in each and every year during the said term.

AND the Leases doth hereby covenant with the Lessee as follows, that is to wit:—

1. THAT the Lessee will fully and punctually pay the rent hereinafter reserved at the times and in the manner hereinafter agreed in that behalf; and also will pay and discharge all sales, taxes, assessments, and outgoings whatsoever that now are or hereafter may be assessed, levied, or payable in respect of the said land or any part or parts thereof during the said term.
2. THAT the Lessee will within one year after the date of this lease take up his residence on the said land, and thereafter throughout the term of the lease will reside continuously on the said land.
3. THAT the Lessee will hold and use the said land *bona fide* for his own use and benefit and will not transfer, assign, sublet, mortgage, charge, or part with possession of the said land or any part thereof without the previous approval of the Land Settlement Board: Provided that such approval will not be necessary in the case of a mortgage to the Crown or to a Department of State.
4. THAT the Lessee will at all times farm the said land diligently and in a husbandlike manner according to the rules of good husbandry and will not in any way commit waste.
5. THAT the Lessee will throughout the term of his lease to the satisfaction of the Commissioner of Crown Lands for the Land District of "North" (hereinafter referred to as "the Commissioner") cut and trim all live fences and bridges, clear and keep clear the said land of all noxious weeds, and will comply strictly with the provisions of the Noxious Weeds Act, 1923.
6. THAT the Lessee will keep the said land free from wild animals, rabbits, and other vermin, and generally comply with the provisions of the Rabbit Nuisance Act, 1924.
7. THAT the Lessee will clean and clear from weeds and keep open all creeks, drains, ditches, and watercourses upon the said land, including any drains or ditches which may be constructed by the Commissioner after the commencement of the term of the lease; and will not at any time without the prior consent of the Commissioner alter the channel of any such creek or watercourse or stop or direct the water flowing therein.
8. THAT the Lessee will at all times during the said term repair and maintain and keep in good substantial repair, order, and condition all improvements belonging to the Crown (including those specified in the Schedule hereto) which are being purchased by the Lessee) now or hereafter erected on the said land, and will not, without the prior written consent of the Commissioner, pull down or remove them or any part of them.
9. THAT the Lessee will insure all buildings belonging to the Crown (including those specified in the Schedule hereto) which are being purchased by the Lessee) now or hereafter erected on the said land to their full insurable value in the name of the Commissioner in some insurance office approved by the Commissioner and will pay all premium falling due under any such insurance policy and deposit with the Commissioner every such policy and not later than the expiration of the day on which any such premium becomes payable, the receipt for that premium.
10. THAT the Lessee will not throughout the term of the lease without the prior consent of the Commissioner, which consent may be given on such terms and conditions (including the payment of royalty) as the Commissioner thinks fit, fell, sell, or remove any timber, tree, or bush growing, standing, or lying on the said land, and that he will throughout the term of the lease prevent the destruction of any such timber, tree, or bush unless the Commissioner otherwise approves:
- Provided that the consent of the Commissioner as aforesaid shall not be necessary where any such timber or tree is required for any agricultural, pastoral, household, roadmaking, or building purpose on the said land nor where the timber or tree has been planted by the Lessee.
11. THAT the Lessee shall not, except for the purpose of complying with any of the provisions of the Noxious Weeds Act, 1923, burn any bush, scrub, fern, or grass on the said land, nor permit any burning, scrub, fern, or grass on the said land to be burned, unless in either case he shall have obtained the prior consent in writing of the Commissioner, which consent may be given subject to such terms and conditions as the Commissioner may deem necessary.
12. THAT officers and employees of the Department of Internal Affairs shall at all times have a right of ingress, egress, and regress over the land comprised in this lease for the purpose of determining whether such land or any adjoining land is infested with deer, wild goats, wild pigs, opossums, or other animals which the said Department is charged with the duty of exterminating or controlling, or for the purpose of destroying any such animals:
- Provided that such officers and employees in the performance of the said duties shall at all times avoid undue disturbance of the Lessee's stock.
13. THAT the Lessee shall exercise his care in stocking and shall not overstock (see over)

AND it is hereby agreed and declared by and between the Lessor and the Lessee:—

(c) THAT the Lessee shall have the exclusive right of pasturage over the said land, but shall have no right to the soil.

(2) THAT the Lessee shall have no right, title, or claim whatsoever to any minerals (within the meaning of the Local Act, 1914) on or under the surface of the soil of the said land, and all such minerals are reserved to His Majesty together with a free right of way over the said land in favour of the Commissioner or of any person authorized by him and of all persons lawfully engaged in the working, extraction, or removal of any mineral on or under the surface of the said land or any adjacent land of the Crown, subject in the payment to the Lessee of compensation for all damage done to improvements on the said land belonging to the Lessee in the working, extraction, or removal of any such minerals;

Provided that there shall be no right of way over, or right to work, extract, or remove any mineral from, any part of the said land which is for the time being under crop or used or situated within 50 yards of a yard, garden, orchard, vineyard, nursery, or plantation, or within 100 yards of any building:

Provided also that the Lessee may, with the prior consent in writing of the Commissioner, which consent may be given subject to such conditions as the Commissioner thinks fit, use any such materials for any agricultural, pastoral, house-hold, manufacturing, or building purposes on the said land, but not otherwise.

4) THAT upon the expiration by effluxion of time of the term hereby granted and thereafter at the expiration of each succeeding term to be granted to the Lessee the outgoing Lessee shall have a right to obtain a renewal of the term of the Land Act, 1946, a new lease of the land hereby granted at a rent to be determined in the manner provided by Part VIII of the said Act for a term of thirty-three years computed from the expiration of the term hereby granted and subject to the same covenants and provisions as to lease, including this present provision, as the renewal thereof and all provisions ancillary or in relation thereto.

THIS REPRODUCTION (ON A REDUCED SCALE)
CERTIFIED TO BE A TRUE COPY OF THE
ORIGINAL REGISTER FOR THE PURPOSES OF

(OVER)

(OVER)

46/195

109176.2 Variation of Mortgage 94016.2
21.6. 2 at 11.01.0's.


A.L.R.

121776.2 Transfer of a 9/20th share to Beverlene
Joyce Black of Awatere, Married Woman.-
18.10.1984 at 2.000's


A.L.R.

125438 Variation of mortgage 94016.2.-
17.6.1985 at 2.310's


A.L.R.

140517 Variation of mortgage 94016.2
13.4.1988 at 1.500's


A.L.R.

154184 Variation of terms renewing the
within Lease for 33 years commencing on
1.7.1991.-7.9.1990 at 11.320's


A.L.R.

46/195



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Argo

Marlborough Land District - Compiled in Survey Office March 1958

S. O. 4365

DUE DILIGENCE

AWAPIRI

SUPPORTING FILE SUMMARY

File Summary – Awapiri Station

| FOLIO | DATE | TO | FROM | DETAILS |
|---|------------|-----|--------------------|--|
| PM / 016 - SBM -01 (05/01/1937 – 26/04/1990) – Volume 1 (folios 1 – 236) | | | | |
| 29 | 26/02/1946 | - | - | Transfer of one half share from B D Landon-Lane to R J Landon- Lane of SGR.303 |
| 52 | 08/07/1955 | - | - | By Case No. 361 the LSB approved the transfer of S G Run 193 from R J Landon-Lane to E L and J L Peter held in SGR 303. Area 16,954 acres. |
| 71 | 06/07/1956 | - | - | <p>LSB Case No 5056 the approved the surrender of SGR 303 and the issue of a Pastoral lease in favour of E L & J L Peter.Area 16,954 acres.Term 3 years from 1/7/1958 at Annual rental of \$233.10 (including \$33.10 relative to value of Crown Improvements of \$420) based on the stock limitation of 3000 sheep plus 10%.</p> <p>Lessees offered lease(f.74) and accepted (f.78)</p> <p>SO 4365 (approved 22 May 1959) redefined area as Run 209 – Area 17000 acres.</p> <p>[Pastoral Lease No.16 registered on 1 September 1958 as Volume 46 folio 195]</p> <p>ACTION COMPLETED</p> |
| 130 | 15/03/1966 | CCL | Lessees Solicitors | <p>Application to transfer lease.</p> <p>LSB Case No. 1966/42 approved the transfer of lease from E L & J L Peter to G MacK Black.</p> |

File Summary – Awapiri Station

| FOLIO | DATE | TO | FROM | DETAILS |
|-------|------------|--------|--------------------|---|
| | | | | <p>[Transfer 47915 was registered in favour of G M Black on 19/07/1966]</p> <p>ACTION COMPLETED</p> |
| 206 | 30/07/1984 | CCL | Lessees Solicitors | <p>Application to transfer partial interest in lease to lessee's wife.</p> <p>Case No. 84/85 of 1 August 1984 approved the transfer of 45% of the leasehold interest to B J Black (wife).</p> <p>[Transfer 121776 of 18/10/1984 records the transfer to 9/20th share to B J Black.]</p> <p>ACTION COMPLETED</p> |
| 235 | 02/02/1990 | Lessee | Landcorp | <p>Notice of Renewal of Lease and new rent. Lessee Impts \$326,600 LEI \$164,000 AR \$ 2,511 (\$2460 if paid value of Crown Impts prior to renewal)</p> <p>Notice of values to lessee on 2 February 1990 (£235) and accepted by lessee 26 April 1990. Lessee also paid value of Crown Improvements.</p> <p>[154184 Memorandum of Renewal registered on 7 September 1990 – effect of renewal from 01/07/1991]</p> <p>ACTION COMPLETED</p> |

File Summary – Awapiri Station

| FOLIO | DATE | TO | FROM | DETAILS |
|-------|------|----|------|---------|
|-------|------|----|------|---------|

PM / 016 - SBM -02 (23 April 1990 – 30 June 2000) – Volume 2 (No folio numbers)

No relevant folios

CON / 50213 / 09 / 12634 / A- ZNO (01 July 2000 – 31 July 2001) – Volume 1 (No folio numbers)

| | | | | |
|--|------------|--------|-----|---|
| | 11/09/2000 | Lessee | KFL | <p>Valuation for rent review required - lessee informed. Valuation obtained 29/06/2001.</p> <p>CCL Case No. 02/31 of 7 August 2001 approved the rent review.</p> <p>Notice to lessee 20/08/ 2001 Lessee Impts \$690,000 LEI \$235,000 AR \$5,287.50 plus GST.</p> <p>Lessees deemed to have accepted values as did not respond to notice by 20 November 2001.</p> <p>ADMINISTRATIVE MATTER COMPLETED</p> |
|--|------------|--------|-----|---|

File Summary – Awapiri Station

| FOLIO | DATE | TO | FROM | DETAILS |
|-------|------|----|------|---------|
|-------|------|----|------|---------|

CON / 50213 / 09 / 12634 / A- ZNO - 02 (01 August 2001 – Current) – (No folio numbers)

No relevant incomplete matters

8 May 2002

log 10114

The Contract Administrator
Crown Property Management
Land Information New Zealand
Private Bag 4721
CHRISTCHURCH



Attention Grant Webley

Dear Sir

PRE TENURE REVIEW: CONTRACT 50272

Enclosed is one copy of the Land Status Checks for:

CON/50272/09/12634/A-ZNO – Awapiri pastoral lease

CON/50272/09/12755/A-ZNO – Ryton (Mt Olympus) pastoral lease

We have provided the second copy for each report to Department of Conservation.

Yours faithfully
Q V Valuations

A handwritten signature in cursive script, appearing to read "Barry Dench".

Barry Dench
Team Leader for Tenure Review

Copy to Mike Clare
Department of Conservation
Private Bag 4715
Christchurch

Copy for your retention

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

**Q V VALUATIONS
CHRISTCHURCH OFFICE**

APPENDIX A


Project Number QVV 376

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

| | |
|---|------------------------|
| LAND STATUS REPORT for Awapiri Tenure Review | LIPS Ref :12634 |
| Property 1 of 1 | |

| | |
|------------------------------------|--|
| Land District | Marlborough. |
| Legal Description | Part Run 209, situated in Blocks XXIV and XXV Hodder, XV Blue Mountain, IV and VIII Tapuaenuku and I II VI and VII Whernside Survey Districts. |
| Area | 6879.6559 hectares. |
| Status | Crown land subject to the Land Act 1948. |
| Instrument of title / lease | Computer Interest Register (Pastoral Lease) MB46/195 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal 154184. |
| Encumbrances | Subject to 99117.2 Encumbrance to the Marlborough District Council. |
| Mineral Ownership | <p>The Mines and Minerals are owned by the Crown over a significant part of the land because it has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1859 Kaikoura Deed of Purchase.</p> <p>Those parts Crown granted between 1860-1865 into private ownership were subsequently acquired as Crown land subject to the then Land Act (now subject to the land Act 1948) in 1905 by His Majesty the King. The lands were not acquired for a public work under a Public Works Act therefore the Crown is at liberty to invoke the standard Mineral restrictions.</p> |
| Statute | Land Act 1948 and Crown Pastoral Land Act 1998. |

| | |
|---------------------------------|------------|
| Data Correct as at | 3 May 2002 |
| [Certification Attached] | Yes |

| | |
|--|---|
| Prepared by Crown Accredited Supplier |  Don McGregor McGregor Property Services Limited, Christchurch For and on behalf of QV Valuations |
|--|---|

| | |
|--|-----------------|
| NOTES: This information does not affect the status of the land but was identified as possible requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6 | Not applicable. |
|--|-----------------|

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|---|------------------------|
| LAND STATUS REPORT for Awapiri Tenure Review | LIPS Ref :12634 |
| Pro | ty 1 of 1 |

Research Data: Some Items may not be applicable

| | |
|---------------------------------|--|
| SDI Print Obtained | Yes. |
| NZMS 261 Ref | O29, P29, P30. |
| Local Authority | Marlborough District Council. |
| Crown Acquisition Map | Kaikoura Deed of Purchase. |
| SO Plans | <p>SO 390 – Topographical plan of Hodder and Tapuanuku Survey Districts (1898).</p> <p>SO 650 – Topographical plan of part Tapuanuku Survey District (1900).</p> <p>SO 691 – Plan of Awatere Exchanges – Hodder and Blue Mountain Survey Districts.</p> <p>SO 1946 – Plan of Roads to be Closed – Hodder and Blue Mountain Survey Districts (Approved 14 January 1905).</p> <p>SO 2213 – Plan of Proposed road exchange through SGR 193 Hodder, Blue Mountain and Whernside S D's (Approved 26 June 1918).</p> <p>SO 2214 – Plan of track through SGR 193 Awatere County (Approved 26 June 1918).</p> <p>SO's 2468-2471 – Record plans of Road Definition (Approved 3 June 1966).</p> <p>SO 4291 – Plan of Roads to be closed in Block XIX, XXIV and XXV Hodder S D (Approved 7 August 1956).</p> <p>SO 4365 – Plan of Run 209 (Approved 1958) and addition of appellations 1-7, SO 4365 (Approved 6 December 1993).</p> <p>SO 5711 – Plan of Road (Approved 31 December 1979).</p> <p>SO's 6639, 6640 and 6643 – DOC Allocation Plans.</p> |
| Relevant Gazette Notices | <p>NZ Gazette 1918 p. 3524 declared 89 acres of the then SGR 193 for road and closed 93 acres of road under Section 11 of the Land Act 1908.</p> <p>NZ Gazette 1957 p 1247 (Proclamation 27363) closed 85 acres 1.2 perches of road (later added to Run 209) under the Public Works Amendment Act 1948.</p> |
| CT Ref / Lease Ref | Computer Interest Register (Pastoral Lease) MB46/195 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal 154184. |
| Legalisation Cards | Searched. Not applicable. |

| | |
|---|---|
| CLR | Confirms Pastoral tenure. |
| Allocation Maps (if applicable) | No allocations to DOC UCL or SOE's. Adjoining land allocated to DOC by Allocation P30*1*C0 (SO 6643). Schedule and extracts of Plans attached. |
| VNZ Ref – if known | VR 20720/6900 |
| Crown Grant Maps | S.O. 691. |
| If subject land Marginal Strip a) Type[Sec.24(9) or Sec58] b)Date Created c)Plan Reference | a) Section 58 strips – along Awatere, Jordan and Medway Rivers and the Swale Stream – deemed to be Marginal strips under Section 24(3) of the Conservation Act 1987. Specific appellations given to strips as shown on SO 4365. b) 6 December 1993. c) S.O. 4365. |

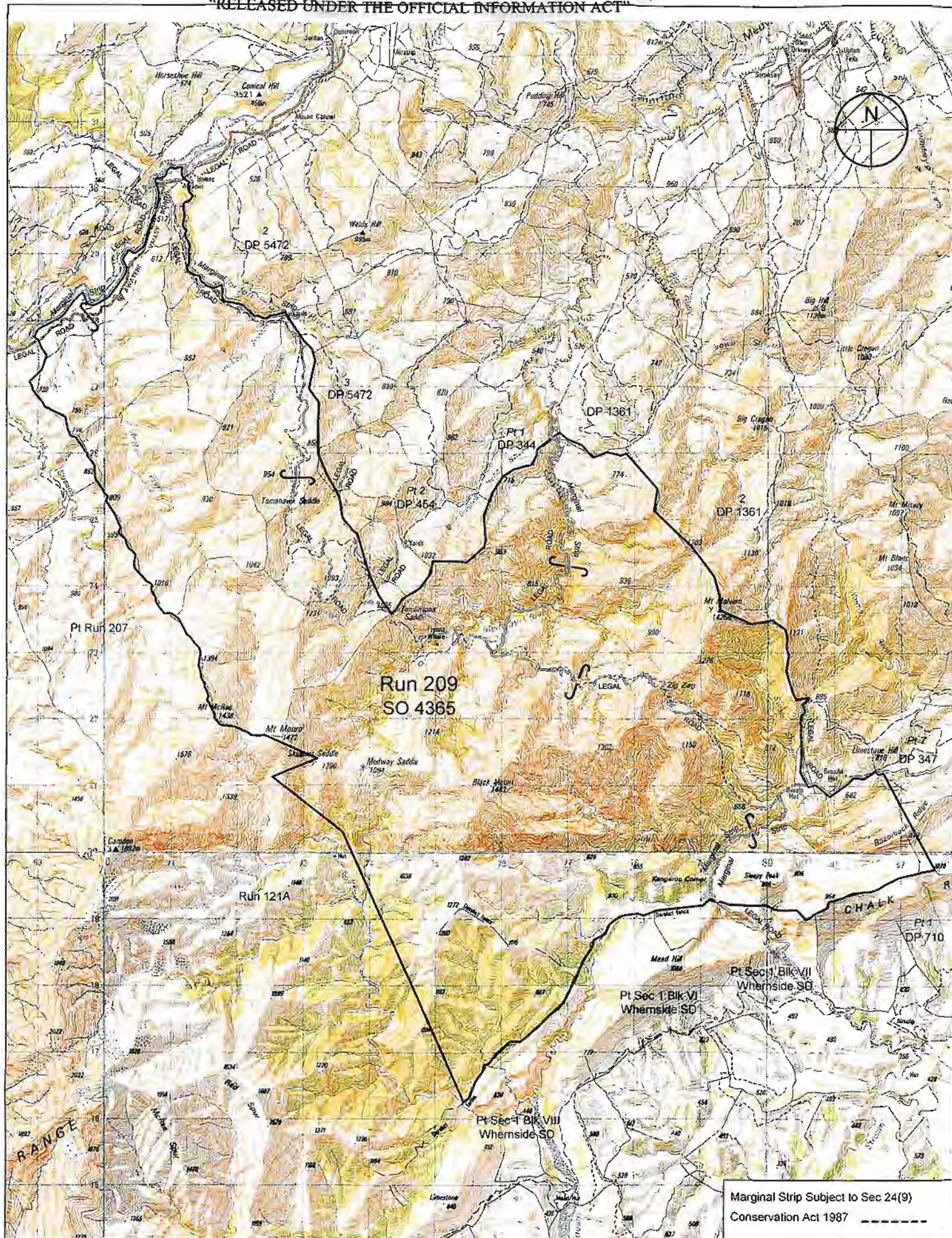
| | |
|---|-----------------------|
| LAND STATUS REPORT for Awapiri Tenure Review | LIPS Ref:12634 |
| Pro ty 1 of 1 | |

Research - continued

| | |
|--|---|
| If Crown land Check Irrigation Maps | Searched. Not applicable. |
| Mining Maps | Searched. Not applicable. |
| If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989 b) By Proclamation c) Gazette | a) SO Plans 390, 650, 2468-2471 - Roads legal by either Crown Grant or Section 110A of the Public Works Act 1928 c) Proclamation 27363 d) Gazette Ref : NZ Gazette 1918 p.3524. NZ Gazette 1957 p.1247. |
| Other relevant information a) Concessions – Advice from DOC or DTZ New Zealand Limited. b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998 c) Mineral Ownership | a) No current DOC interests apart from Marginal Strips. No concessions are administered within the periphery of the lease by DTZ New Zealand Limited. b) Upon any disposition subject to Part 9 of the Ngai Tahu Claims Settlement Act 1998. c) Mines and Minerals are owned by the Crown over a significant part of the land because it has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1859 Kaikoura Deed of Purchase. Parts of the lease have previously been in private ownership. Following the Crown's purchase in 1905 occupation tenures were granted over the Upton Fells and Braes of Sutherland Runs. Between 1860-1865 Crown Grants were issued over parts of what is now the current lease area to P. R. and N. McRae (Crown Grants 1G/2495, 1G/2496, 1G/2497, 2G/59 and 3G/264) and to E.W. Stafford (Crown Grants 3G/34, 3G/39, 2G/198 and 2G/200). In 1905 parts of the Upton Fells and Braes of Sutherland Runs (the lands formerly granted to McRae and Stafford) were acquired from the Assets Realisation Board by His Majesty the King for by Conveyance 17795 (Deeds Register 19/467 attached). Parts of the Upton Fells Run (the lands originally granted to Stafford but by then held in the Board in CT 3C/279) were similarly acquired from the Assets Realisation Board in 1905 by Transfer 2958 by way of exchange for Board land. Following the acquisitions the land was let on Pastoral tenures culminating in the current lease (CL 22/22, 37/173, and now Computer Interest Register (Pastoral lease) MB46/195. The affected Crown Grant lands were so granted prior to the first Public Works Act legislation in 1882. The land was not acquired for a public work in 1905 but as Crown Land for general settlement |

| | |
|----------------------|--|
| d) Other Info | purposes and to facilitate rationalisation of the Crowns/ Board holdings therefore the Crown is at liberty to invoke the standard mineral restrictions. d) Not applicable |
|----------------------|--|

AWAPIRI-RUN 208
TERRALINK NZ LTD(Terranew)-DCDB Data as at 01.05.99 Title & VNZ data as at 01.05.99. Geodetic data as at 11.10.97.
Cadastral Information from LINZ Digital Cadastral Database (DCDB). CROWN COPYRIGHT RESERVED.



SO Plans (Additional)

Runs.

| Sec., & c. | Plans. | | | | | Block, Survey District and Remarks. |
|------------|-------------------|-------------------|------|------|--|---|
| 206 | 4290 | 4461 ^c | | | | Formerly Pt Run 109 B, Blks VII, VIII, XI, XII. & XV Spray |
| 207 | 390 | 2408 | 2471 | 2480 | | Formerly Pt S.G.R. 194 & C.L. Rds. XIX, XXIV, XXV Hodder S.D., II, III, IV, VI, VII, IX, & X |
| | 2472 | 2473 | 2474 | 2475 | | Tapuae-nuku Pts now in Secs I Blk IX, I Blk X Tapuae-nuku Tapuae-o-Uenuku |
| | 4292 ^c | 2476 | 4547 | | | |
| 208 | 4297 | | | | | Formerly Pt Run 15 A, Blks X, XV, XVI, XVII, XX, XXI, XXII Acheron |
| 209 | 4365 ^c | 2468 | 2471 | 2470 | | Formerly Pt S.G.R. 193 & Closet Roads. XX, XXIV Hodder, XV Blue MT, IV & VII Tapuae-o-Uenuku |
| | 2469 | 5711 | | | | Tapuae-o-Uenuku 1, II, VI & VII Whernside |
| 210 | 4384 | 4547 | | | | Pt now in I Blk IX Tapuae-nuku. Formerly pt Run 118. Blk VIII, Upcot & Blks I, II, V, VI, IX & X Tapuae-nuku S.D. |
| 211 | 1697 | | | | | Formerly Pt Run 149 ^B Blocks I, II, VI & Leatham S.D. |
| 212 | 4450 ^c | 4580 | | | | Formerly Runs 128 & 128 A. pt now Crown Land, Blks IX Greenbush S.D., XII MT Fyffe & XIII Kaitarau S.D. Bal now R |

whern side

Topo 652^L

2025 RELEASE UNDER THE OFFICIAL INFORMATION ACT

Topo 652⁴

[illegible]

Whem side

Topo 652^L

[illegible]

Blue Mountain

[illegible]

Block IV

~~Tapuae-nuku~~ Tapuae-o-Uenuku

Topo 650^L

[illegible]

Hodder

Topo. 390^L

LINDALEE

2025 RELEASE UNDER THE OFFICIAL INFORMATION ACT



PLAN OF PART OF WATER EXCHANGES

HODDER & BLUE MOUNTAIN S. D.

H. Maitland, Surveyor July 1903

Scale, 20 Chains to an Inch

691

691

