

Crown Pastoral Land Tenure Review

Lease name : BERWEN STATION

Lease number : PO 209

Due diligence report (including status report) - Pt 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.

January 05

DUE DILIGENCE REPORT CROWN PASTORAL LAND PRE TENURE REVIEW ASSESSMENT STANDARD 6

File Ref:	CON / 50241 / 09 / 12504 / A-ZNO	Report No:	Q V V 121	Report Date:	14 February, 2001
Accredited Supplier	ABERCROMBIE & ASSOCIATES LTD	LINZ Case No:	TR 91/97	Date sent to LINZ	

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;

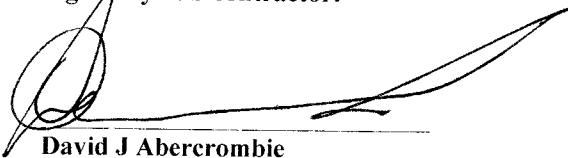
~~2 That the Commissioner of Crown Lands or his delegate note the following incomplete actions which require action by the Manager, Crown Property Management [or other party];~~

Struck

~~Following from two Soil & Water Conservation Plan agreements the retired areas [basin & pass blocks] were to have been surrendered from the pastoral lease~~

out

Signed by Sub-contractor:



David J Abercrombie
Nominated Person for Accredited Supplier

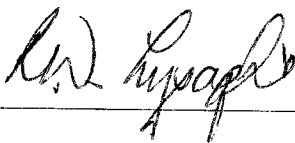
Signed by contractor:



Barry Dench
Team Leader for Tenure Review
Quotable Value [Valuations]

Approved / Declined

[pursuant to a delegation from the Commissioner of Crown Lands] by:



Date of decision: 26 4 01

see folio 9

1 Details of lease:

Lease name: Berwen

Location: Broken Hill Road

Lessee: S R and P E Croft as to half share [S R Croft Family Trust] and P E Croft as to half share

Tenure: Pastoral Lease of pastoral land pursuant to the Land Act 1948

Term: 33 years commencing on 1 July 1958 and renewed for a further 33 years from 1 July 1991

Annual rent: \$5400.00

Rental value: \$360 000.00

Date of next review: 1 July 2002

Land registry Folio Ref: OT 386/142 [see appendix 1 for copy]

Legal description: Run 233E, situated in Ahuriri, Hawdun and Gala Survey Districts and Part Section 5, Block III, Ahiriri Survey District.

Area: 6969.9198 ha [by title only]

2 File Search

Files held by Knight Frank on behalf of LINZ:

File reference	Volume	First folio number	Date	Last folio number	Date
Po 209 I	I	10/10/2000	2	14/11/1997	
[also known as file CON/50213/09/12504/A-ZNO]					
P209	III	495	23/01/1989	586	16/12/1999
P209	II	377	25/03/1968	494	13/04/1989

Other relevant files held by LINZ

File reference	Volume	First folio number	Date	Last folio number	Date
P209	I	240	16/06/1939	376	27/02/1968
[Previously known as file SGR1189; Replaced file SGR 734 (no known record exists including at Archives NZ)]					
RLF 398	I	I	07/07/1925	164	13/07/1964
[land involved subsequently became P 209; Previously known as file SGR921]					

Folios relating to uncompleted actions are:

File reference	Volume	Folio number	Date
P 209	II	382	10/05/1968
P 209	II	387	24/08/1970
P 209	II	400	02/08/1976
P 209	II	412	20/06/1978
P 209	II	478	17/01/1986

[see appendix 2 for copies of the above mentioned folios]

3 Summary of lease document

Terms of lease

Lease number: P 209

Commencement date: Commenced on 1 July 1958 and renewed for a further 33 years from 1 July 1991

Renewal instrument number: 815187 *[see appendix 3 for copy]*

Lease stock limits: 3500 sheep [Note personal approval to S R & PE Croft as managers is for 9300 sheep and 130 cattle]

Other provisions: The lessee was required to surrender an area included in Section 5 when required for the

purposes of a reservoir
 [GN's 281983 & 281982 refer]

When the lessee is a company there is no need to satisfy the usual residence conditions [ie can use an approved manager - Note: SR & PE Croft are recognised as approved managers]

Area adjustments

The original area was 17223a 0r 30p [6969.9767 ha. by title and not usual metric conversion]. By GN 281983 22.5 perches [569 m²] was removed [leaving 17223a 0r 07.5p] giving a residual area of 6969.9198 ha [note: usual metric conversion gives a residual area of 6969.9258 ha]. The difference really is only a nominal amount [ie 60m²] and could have arisen as the result of the metric conversion methodology.

The areas comprising the Marginal Strips shown on SO plans 1380, 1381 & 1382 have not been deducted from the area of land leased except through application of Part IV of the Conservation Act on renewal of the lease by 815187.

Registered interests

SIGNIFICANT INTEREST	SUMMARY
GN 2281983 Taking part of the land for purposes of a soil conservation reserve	Reservoir for adjoining Tarra Hills research station
GN 281982 Setting apart land in GN 2281983 for the purposes of a soil conservation reserve	
T 623004/6 Transfer of lease to RC and P E Croft	Personal to lessee but with prior CCL consent
M815187 Memorandum renewing term of lease from 1 July 1991 and setting new rental	In accordance with provisions of lease
T 833917 Transfer being a grant of right [in gross] with incidental rights in favour of Hawkdun Idaburn Irrigation Company Limited	Affects a small area of land in the manuharikia catchment
M 901571/5 Mortgage to National Bank of NZ Ltd	Personal to lessee
T 953663.1 Transfer of lease of the half share of RC Croft to S R & PE Croft	Transfer of half share of lease to SR Croft Family Trust - Personal to lessee but with prior CCL consent

Unregistered interests

INTEREST	SUMMARY
Recreation permits	There is no record on file of any recreation permits over the lease
Unsecured debts	None known

4 Summarise any Government programmes approved for the lease:

Soil & Water Conservation Plan agreement [number 32] dated 4 July 1968 and then a second dated 22 December 1977 [both not registered and of five years duration each] previously existed. The first lapsed virtually complete while the second lapsed incomplete.

Background to the plans is that an initial Soil and Water Conversation Plan was prepared in February 1968. It's "major proposals centred on the retirement of Basin and Pass blocks from sheep grazing, and partial replacement with cattle". A 100% grant fence was proposed which "together with boundary fences and the Downs block fence formerly erected as a work in advance of the plan, will form the boundaries of the 8440 acres [3416 hectares] to be retired from sheep,...". The plan was approved by Soil Conservation and Rivers Control Council in June 1968 "Subject to the Pastoral Lease being changed to Pastoral Occupation Licence with a "cattle only" grazing clause for the area behind the grant fence".

The economic basis of the first plan was destroyed through cattle having subsequently dropped in value. A reassessment was necessary and hence the need for second plan.

In July 1976 a second 5 year Soil and Water Conservation Plan was considered by the Commission essentially to consolidate the works then undertaken to date. The plan proposal stated [amongst other matters] "the runholder, [the then] Department of Lands and Survey field staff and Waitaki Catchment Commission staff have jointly agreed that following retirement the land concerned be surrendered from the permanent lease. Further management of the surrendered area would be necessary for any continued occupation/use." Various work was undertaken but the program was not completed. Financial authority for further works had lapsed.

The lessee has since changed but the retirement fence and offsite grazing were all provided. It was the view of the Waitaki Catchment Commission the land tenure ought to be adjusted as originally agreed in recognition of the Commission having effectively purchased most, if not all, of the lessee's legitimate interest in the mountain lands.

5 Summary of Land Status Report

The land the subject of this report is Crown Land subject to Pastoral Lease P 209 as confirmed by the Chief Surveyor, Dunedin.

A copy of the certified land status report is appended as Schedule A.

6 Review of topographical and cadastral data

Telecommunications facilities	Nil identified
Electricity transmission facilities	Nil identified
Historic places	Nil identified
Discrepancies between fenced and legal boundaries	The fence line on the eastern boundary at the Ewe Range does not follow the legal boundary.
Formed Roads	The numerous formed roads [tracks] do not follow a legal road except at the western boundary, southern portion, the road could possibly be on the legal road alignment. The formed road adjoining the western boundary, northern portion does follow a legal road alignment.
Paper roads	Nil
Marginal strips	There are marginal strips along Manuherikia River [East Branch] and Omarama Stream pursuant to Section 24(9) and 24(F), Conservation Act 1987 created upon lease renewal by Memorandum 815187 [see SO's 1380, 1381 & 1382]
Other [specify]	Believed to be not applicable

[see appendix 4 for topographical and cadastral plans]

7 Details of any neighbouring Crown or conservation land

In a clockwise manner the Crown [including land of the crown] or conservation land adjoining/adjacent to the land the subject of this report is:

Run 674

SITUATION	STATUS
North of leased land	Pastoral lease as recorded in register volume OT386/146

Part Run 322 B

SITUATION	STATUS
Eastern side, middle portion [Omarama Station]	Pastoral lease P 18 as recorded in register volume OT338/23

Section 3, Block III, Gala SD

SITUATION	STATUS
Eastern side, southern portion [Otamatapio Station]	Pastoral lease P 343 as recorded in register volume OT12B/342

Section 4, SO 24042

SITUATION	STATUS
Southern end	Held for conservation purposes by gaz 1995 p1433 [GN884470]

Pt Run 582

SITUATION	STATUS
Southern end [Two Mile station]	Pastoral lease P 343 as recorded in register volume OT15C/20

Run 684

SITUATION	STATUS
Western side, southern portion [Michael Peak Station]	Pastoral lease as recorded in register volume OT4D/401

Run 201 F

SITUATION	STATUS
Western side, middle portion [Twinburn Station]	Pastoral lease as recorded in register volume OT386/90

Run 201 E

SITUATION	STATUS
Western side, northern portion [Twinburn Station]	Pastoral lease as recorded in register volume OT386/86

Run 201 G

SITUATION	STATUS
Western side, northern portion [Clifton Downs Station]	Pastoral lease as recorded in register volume OT386/94

8 Summarise any uncompleted actions or potential liabilities

Your attention is drawn to the following:

Following from two Soil & Water Conservation Plan agreements the retired areas [basin & pass blocks] were to have been surrendered from the pastoral lease. It was the view of the then Waitaki Catchment Commission the land tenure ought to be adjusted as originally agreed in recognition of the Commission having effectively purchased most, if not all, of the lessee's legitimate interest in the mountain lands. No such action has actually been taken. *[Copies of the relevant folios are enclosed at appendix 2]*

ATTACHMENTS

- Schedule A - Copy of land status report [excluding enclosures]
- Appendix 1 - Register volume copy of pastoral lease
- Appendix 2 - Copies of relevant supporting folios referenced in this due diligence report
- Appendix 3 - Memorandum of variation of lease
- Appendix 4 - Location plan
- Cadastral and topographical plans of pastoral lease

ABERCROMBIE AND ASSOCIATES LIMITED

PROPERTY MANAGERS AND CONSULTANTS

P O BOX 5056
MORAY PLACE
DUNEDIN

PHONE (03) 471 9496
FACSIMILE (03) 471 9455
EMAIL office@abercrombie.co.nz

C:\DATA\CONSULT\CLIENT\QVNZ\Berwen CS Status Cert.wpd

This report has been prepared on the instructions of Crown Property Management, Land Information New Zealand, and is undertaken for the purposes of the Crown Pastoral Leases Act 1998.

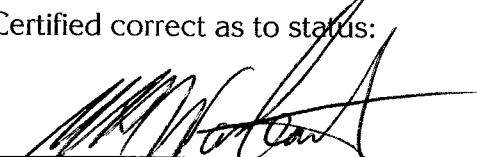
LAND STATUS REPORT:				BERWEN	P 209	[LIPS Ref. 12504]
Property	1	of	1			

Land District	Otago
Legal Description	Run 322E, situated in Ahuriri, Hawkdun and Gala Survey Districts and Part Section 5, Block III, Ahuriri Survey District
Area	6969.9198 [by title only]
Status	Crown Land subject to Pastoral Lease P209
Instrument of Lease	Reg Vol 386/142 - registered in Land Transfer Office but not under Land Transfer Act
Encumbrances	833917 Easement in gross to convey water Subject to Marginal Strip along Manuherikia River [East Branch] and Omarama Stream pursuant to Section 24(9) and 24(F), Conservation Act 1987 upon lease renewal by Memorandum 815187 [see SO's 1380, 1381 & 1382
Mineral Ownership	Crown [see comment below]
Statute	Land Act 1948, Crown Pastoral Land Act 1998

Data Correct as at:	19 January, 2001
Accredited Supplier certification	As attached

Prepared by	David J Abercrombie
Crown Accredited Supplier	Abercrombie & Associates Limited

Certified correct as to status:



Chief Surveyor
Land Information New Zealand, Dunedin

2 / 2 / 2001

Notes: This information does not affect the status of the land but was identified as possibly requiring further investigation at the due diligence state: See Crown Pastoral Standard 6 paragraph 6

The title area does not match normal conversion calculations from imperial to metric even though the difference is a nominal amount [ie 60m2 less].

The fence line on the eastern boundary at the Ewe Range does not follow the legal boundary.

Following from two Soil & Water Conservation Plan agreements the retired areas [basin & pass blocks] were to have been surrendered from the pastoral lease

Research Data: Some items may not be applicable

SDI Print obtained	Yes <i>[See attached]</i>
NZMS 261 Ref	H 39, H 40
Local Authority	Waitaki District Council
Crown Acquisition Map	Yes To determine agreement for purchase from Ngai Tahu
SO Plan	1379, 1380, 1381, 1382, 1384, 13554 <i>[See evidence attached]</i>
Relevant Gazette Notices	GN 281983 - part taken for soil conservation reserve [22.5p - 569m2] Gazette 1965 page 81 - Crown land set apart for soil conservation reserve [22.5p - 569m2] <i>[See evidence attached]</i>
CT Reference / Lease Reference	Pastoral Lease P 209, Reg Vol 386/142. Lease renewed by 815187 NOTE: For history of land see below <i>[See evidence attached]</i>
Legislation Cards	No Does not exist on advice from LINZ help desk
CLR	Yes <i>[See evidence attached]</i>
Allocation Maps [if applicable]	Not applicable
QVNZ References	26050/11700 - area of 3262.9993 ha 28241/15100 - area of 3706.9205 ha Total area of 6969.9198 ha Area co-relates with MCPM, LINZ and LINZ lease/reg vol records
Crown Grant Maps	Yes There are no references for the subject property

Research - continued

<p>If Crown land - Check Irrigation Maps.</p>	<p>Yes. There are no references for the subject property. However, the lease is subject to an easement in gross to Hawkdun Idaburn Irrigation Company Limited to convey water created by transfer 833917 [see evidence attached]</p>
<p>Mining Maps</p>	<p>Yes There are no references for the subject property</p>
<p>Other Relevant Information</p> <p>a) Advice from Department of Conservation</p> <p>b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998</p> <p>c) Mineral Ownership</p> <p>d) Other Information</p>	<p>a) No concessions exist. Part of the land is subject to marginal strips pursuant to various sections of the Conservation Act 1987 adjoining Omarama Stream as marked on SO 1382 and as marked C - D on SO 1381 and along along Manuherikia River [East Branch as marked on SO 1380 [Note that the advice from DoC, ChCh is wrong in respect to status of Part Section 5, Block III, Ahuriri SD as it is not subject to the Reserves Act but is actually included within the subject pastoral lease. The description reference in the letter from DoC, Dn, refers to the adjoining conservation area]. [see evidence attached from DoC - Christchurch & Dunedin]</p> <p>b) Only on divestment of freehold or a lease of fifty years or greater by LINZ as a Crown Body</p> <p>c) Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition from Ngai Tahu by way of the Kemp Purchase.</p>

History of ownership:

The land was purchased from Ngai Tahu by the Kemp Purchase of 1848.

No record exists of crown grants having been made for any of the land the subject of this report.

Run 322E

Records show the first selection for lease and hence formal occupation to be by way of National Endowment Lease as SGR 734. It is recorded in register volume 179/39.

National Endowment Lease as SGR 1189 was granted and as recorded in registered volume 290/64 [area of 6944.4056 ha].

The area was subsequently reduced by document X21829 by excluding Riverbank Reserve leaving a balance area of 17153 acres. The appellation remained unchanged. *[Note: The land excluded is now marginal strips on Omarama Stream pursuant to Section 24(3) Conservation Act 1987 - See SO 1384].*

The Land Settlement Board determined the land to be pastoral country on expiry of SGR 1189.

Section 5

Records show the first formal occupation to be by way of Miscellaneous Lease 2584. Other land was included. Upon survey the land received the current appellation and was also shown to be Afforestation Reserve [which could best be described as a "Map Reserve" or simply a status of crown land]. The term was yearly.

By virtue of Section 227 of the Land Act 1924 SGR 921 was issued and recorded in register volume 206/161. It expired on 29 February 1952.

Renewable Lease RLF 398 granted and recorded in register volume 362/88 [area of 32.2484 ha].

The area was subsequently reduced by document X21829 by excluding Riverbank Reserve leaving a balance area of 70a 0r 30p. The appellation remained unchanged. *[Note: The land excluded is now marginal strips on Omarama Stream pursuant to Section 24(3) Conservation Act 1987 - see SO 1384].*

The Land Settlement Board determined the land to be pastoral country and RLF 398 was surrendered.

Combined land

Pastoral Lease 209 granted as recorded in register volume 386/142 [area of 6969.9767 ha]

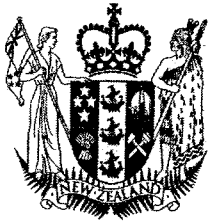
Electricity agreement registered by document 227377 and which was subsequently terminated on 7 March 1974.

Leasehold estate taken by GN 281983 for the purpose of a soil conservation reserve and the area reduced by 22.5 perches [569m² - balance area of P209 then became 6969.9198 ha by title {note area is 6969.9258ha by conversion}].

Crown interest in land contained in GN 281983 set apart for the purpose of a soil conservation reserve by gazette 1965 page 81.

Pastoral Lease P209 renewed by document 815187.

The status, description of land and area [by title] are now as indicated above.



COMPUTER INTEREST REGISTER UNDER LAND TRANSFER ACT 1952



R. W. Muir
Registrar-General
of Land

Historical Search Copy

Identifier OT386/142
Land Registration District Otago
Date Registered 04 May 1960 09:35

Part-Cancelled

Prior References

OT290/64 OT362/88

Type	Lease under s83 Land Act 1948		
Area	6969.9767 hectares more or less	Term	33 years commencing on the 1st day of July 1958 and renewed for a further 33 years commencing on the 1st day of July 1991

Legal Description Section 5 Block III Ahuriri Survey District and Run 322E

Original Proprietors

Simon Richard Croft and Patricia Elaine Croft as to a 1/2 share
Patricia Elaine Croft as to a 1/2 share

Interests

244394 Compensation Certificate against Section 5 Block III Ahuriri Survey District pursuant to Section 17 of the Public Works Amendment Act 1948 - 29.3.1962 at 11.03 am

281983 Gazette Notice taking the leasehold estate in the cloured red on plan hereon (22.5 perches) for the purpose of a Soil Conservation Reserve from and after 1.2.1965 - 10.2.1965 at 2.28 pm

815187 Renewal of Lease for a further period of 33 years commencing on 1.7.1991 and fixing (for the first 11 years) the annual rental at \$5,400.00 calculated on a rental value of \$360,000.00 - 30.9.1992 at 10.27 am

833917 Transfer creating the following easements in gross - 13.7.1993 at 10.17 am

Type	Servient Tenement	Easement Area	Grantee	Statutory Restriction
Convey water	Section 5 Block III Ahuriri Survey District and Run 322E - herein	Green Transfer 833917	Hawkdun Idaburn Irrigation Company Limited	

901571.5 Mortgage to The National Bank of New Zealand Limited - 16.2.1996 at 9.31 am

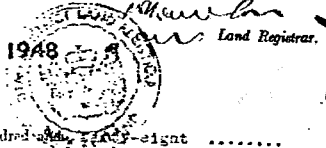
ID & DEEDS
 Lease
 2-6-1
 4-MAY 1960
 9-35
 15
 44
 NEW ZEALAND
 O.T.I.G.O.
 LAND DISTRICT

Registered in the LAND REGISTER OFFICE but not under the LAND TRANSFER ACT.

[L. and S. B.-4]

Entered in the Register-book, Vol. 386 fol. 142

the 4 day of May 1960 at 9-35 o'clock.



Issued as a Renewal of (or in Exchange for) Lease
Former Reference Registered in Vol. 293 fol. 64 362 88

Image-Quality due to Condition of Original

Pastoral Lease of Pastoral Land under the Land Act, 1948 No. P. 209

This Deed, made the 4th day of March 1960, one thousand nine hundred and sixty-eight between HIS MAJESTY THE KING (who, with his heirs and successors, is hereinafter referred to as "the Lessor") of the one part, and BORRSEN RIM, a duly Incorporated Company having its registered office at GAMBRE in the Dominion of New Zealand, of the other part, WITNESSETH that, in consideration of the sum hereinafter reserved, 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 ... acres ... situated in the Land District of Otago ... and being Section 5, Block III, Ashburton Survey District and Run 3223, Mauriri, Hanakaun and Gela Survey Districts ...

For Diagram See Other Sheet

so long per cent notice in ... time and ... the rent

bath

Lands

han

AND the Lessee doth hereby covenant with the Lessor as follows, that is to say:-

1. THAT the Lessee will fully and punctually pay the rent hereinafter reserved at the times and in the manner to be hereinafter provided in that behalf; and they will pay and discharge all rates, 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 Otago (hereinafter referred to as "the Commissioner") cut and trim all live fences and hedges, clear and keep clear the said land of all noxious weeds, and will comply strictly with the provisions of the Noxious Weeds Act, 1928-1959.
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, 1928-1955.
7. THAT the Lessee will clean and clear from weeds and keep open all 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 divert 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 premiums falling due under every such insurance policy and deposit with the Commissioner every such policy and, not later than the first day of the month in which any such premium becomes payable, the receipts for the 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 Bushes and Grasses Act, 1946, burn any tussock, scrub, fern, or grass on the said land, nor permit any tussock, 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 Invercargill 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 geese, wild swans, 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 Lessor shall exercise due care in stocking the said land and shall not overstock.

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

- (a) THAT the Lessee shall have the exclusive right of pasturing over the said land, but shall have no right to the soil.
- (b) THAT the Lessee shall have no right, title, or claim whatsoever to any minerals (within the meaning of the Land Act, 1948) 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 to 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 buildings (small or large): 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 minerals for any agricultural, pastoral, household, roadmaking, or building purpose on the said land, but not otherwise.
- (c) 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, in accordance with the provisions of section 63 of the Land Act, 1948, a new lease of the land hereby leased at a rent to be determined in the manner prescribed 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 this lease, including this present provision for the renewal thereof and all provisions ancillary or in relation thereto.

9

3-6/142

- (d) THAT the Lessee shall have no right of acquiring the fee-simple of the said land. **384142**
- (e) THAT the Lessee may, with the prior consent in writing of the Commissioner given subject to such conditions as the Commissioner may deem necessary,--
- (i) Cultivate any portion of the said land for the purpose of growing winter feed for the stock depastured thereon;
 - (ii) Crop such area of the said land as is sufficient for the use of himself and family and his employees;
 - (iii) Plough and sow in grass any portion of the said land;
 - (iv) Clear any portion of the said land by felling and burning bush or scrub and sow the land so cleared in grass;
 - (v) Surface sow in grass any portion of the said land;
- Provided that the Lessee shall, on the termination of the lease, leave the whole of the area that has been ploughed or cultivated properly laid down in good permanent clover and grasses to the satisfaction of the Commissioner.
- (f) THAT the Lessee shall exercise due care in stocking the said land and shall not overstock and for the purpose of this clause it is hereby mutually declared and agreed between the Lessee and the Commissioner that the number of stock to be depastured on the said land during any winter months shall not, without the prior consent of the Commissioner, exceed the carrying capacity of the said land as determined by a stocking survey conducted in accordance with the provisions of section 145 of the Land Act, 1948.
- (g) THAT if the Lessee shall leave New Zealand or abandon the said land or if he cannot be found or if he shall neglect or fail or refuse to comply with the covenants and conditions herein expressed or implied to the satisfaction of the Land Settlement Board or the Commissioner, as the case may be, or make default for not less than two months in the payment of rent, water levy, or other payments due to the Lessee, then the Land Settlement Board may, subject to the provisions of section 145 of the Land Act, 1948, declare this lease to be forfeit, and that without discharging or releasing the Lessee from liability for rent due or accruing due or for any price breach of any covenant or condition of the lease.
- (h) THAT these presents are intended to take effect as a pastoral lease under the Land Act, 1948, and the provisions of the said Act and of the regulations made thereunder applicable to such leases shall be binding in all respects upon the parties hereto in the same manner as if such provisions had been fully set out herein.
- (f), (i) (j) see below:

SCHEDULE

IMPROVEMENTS BELONGING TO THE CROWN AND BEING PURCHASED BY THE LESSEE

Nil

In witness whereof the Commissioner of Crown Lands for the Land District of Otago, on behalf of the Lessor, hath hereunto set his hand, and these presents have also been executed by the said Lessee.

Signed by the said Commissioner, on behalf of the Lessor, in the presence of:

Witness: [Signature]
Occupation: [Signature]
Address: [Signature]

[Signature]
Commissioner of Crown Lands.

Signed by the above-named Lessee, in the presence of:

Witness:
Occupation:
Address:

The Common Seal of Berman Bur, Limited was hereunto affixed in the presence of:

[Signature]
[Signature]

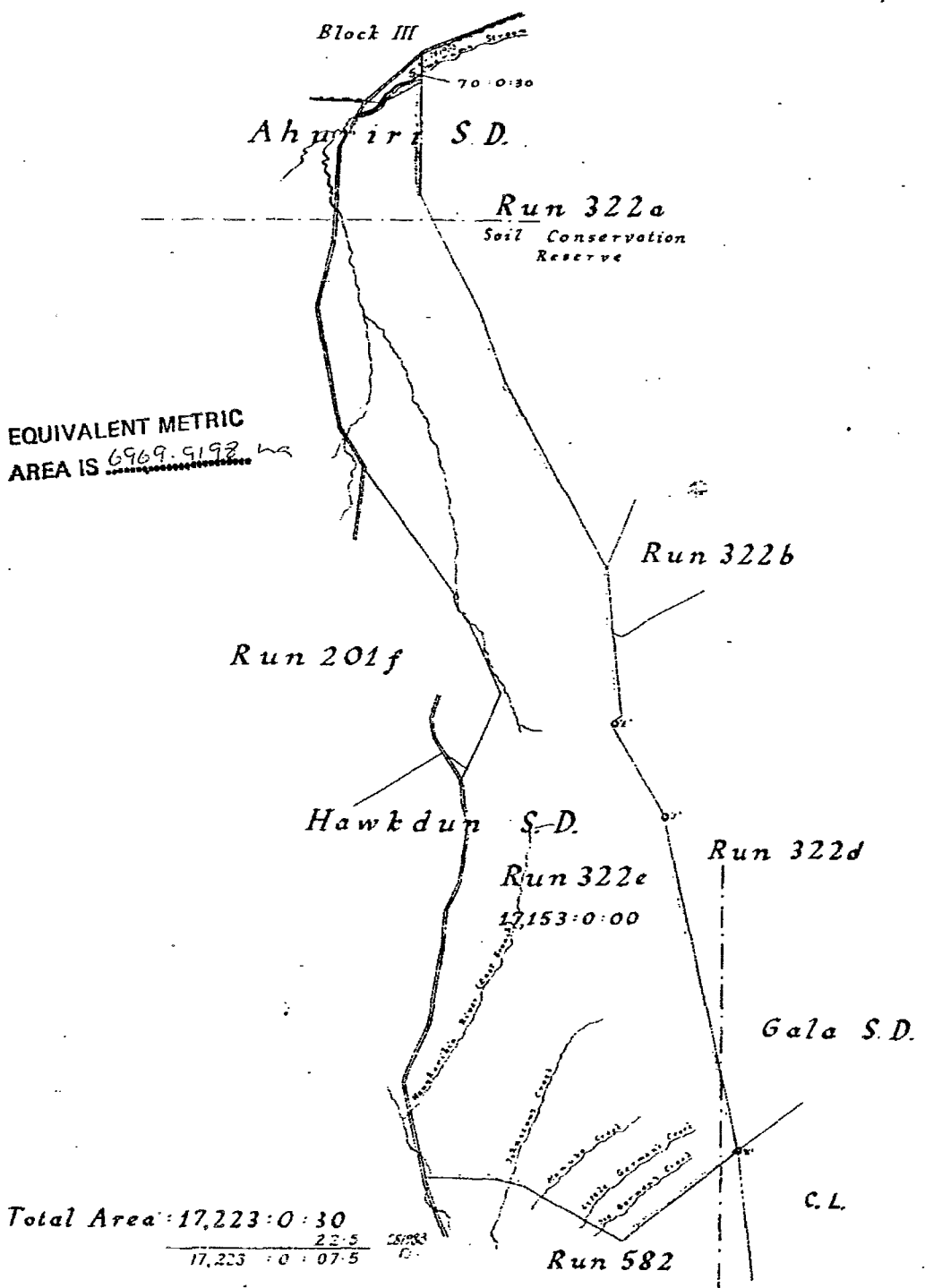
- (f) THAT the Lessee shall be deemed not to have failed to use due care in stocking, or to have overstocked so long as the number of sheep depastured on the said land does not exceed 1500 (inclusive of 990 ewes) (being an increase of ten per cent on the carrying capacity on which is based the rent hereinafore reserved) but the Commissioner may by notice in writing permit the Lessee to depasture thereon any greater number should he deem it -divisible or expedient so to do. Any permission so granted shall be subject to revocation or amendment by the Commissioner at any time and particularly in the event of a transfer. Any variation consented to by the Commissioner shall not affect the rent payable hereunder.
- (i) THAT the Lessee will when required by the Commissioner surrender from this Lease such portion of Section 5 Block III Ahuriri Survey District as is required for the purpose of reservoir and water supply for the Teah Hills Research Station and for the purpose of the Otago Rabbit Board, and such portion of Section 5 Block III Ahuriri Survey District comprising the area of the said survey as is hereinafter described.
- (j) THAT so long as the said land or any part thereof is held by a Company incorporated under the Companies Act 1955 or any earlier enactment than the following provisions shall apply:
- (a) The provisions of Section 89 of the Land Act 1948 shall apply to all transfers and other dispositions of shares in such Company as if such shares were interests in the said land and no share or shares in such Company shall be transferred or otherwise disposed of by any shareholder without the consent of the Land Settlement Board.
 - (b) The provisions of the Land Act 1948 with regard to residence shall continue to be applicable to this Lease provided however that such provisions shall be deemed to be complied with by such Company only if and when there resides on the said land a person who manages the land on behalf of such Company and who has been approved in writing for that purpose by the Land Settlement Board.
 - (c) A breach by the Company or by any shareholder of all or any of the provisions of sub-clauses (a) and (b) hereof shall be deemed to be a breach of the covenants conditions and restrictions contained in this Lease entitling the Lessor to exercise all or any of the powers conferred upon her by this Lease in such circumstances.

[Signature]
Capt. Commissioner of Crown Lands.

[Signature]
Lessee.
Runkel was hereunto
affixed in the presence of
[Signature]
[Signature]

Ahuriri, Hawkdun & Gala S.D.'s 386/142

...to be...
 ...and...
 ...of...
 ...and that...
 ...applicable to such...
 ...to set his...
 ...
 ...so long as...
 ...increase of...
 ...may be by...
 ...of expedient...
 ...at any time...
 ...not effect the...
 ...Block III...
 ...search...
 ...survey...
 ...Act 1955 or...
 ...of shares...
 ...Company shall...
 ...Board...
 ...this Lease...
 ...if and then there...
 ...approved in...
 ...and (b) hereof...
 ...entitling



Total Area: 17,223:0:30
 22-5
 17,223 : 0 : 07-5

Scale: 1 mile to an inch

226958 Compensation Certificate pursuant to section 17 of the Public Works Amendment Act 1948 produced 20/01/80 at 2:27 pm (appears fiction)

227377 Electricity Certificate pursuant to section 3 of the Electricity Amendment Act 1948 entered 24/11/80 at 2:46 pm N.L.L.

244234 Compensation Certificate pursuant to section 17 of the Public Works Amendment Act 1948. Produced 29.3.1982 at 11:03 pm

281983 Gazette notice taking the leasehold Estate in the land entered and on plan hereon (22.5 acres) for the purpose of a Soil Conservation reserve from and after 1/2/1965 Registered 10.2.1965 at 2:28 pm

281982 Gazette notice taking the land entered and on plan hereon (22.5 acres) for the purpose of a Soil Conservation reserve from and after 1/2/1965 Registered 10.2.1965 at 2:29 pm

317282 Advanced Corporation of New Zealand 8.8.1987 at 10:22 am

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.

DISCHARGED A.L.R.

526788/1 Mortgage to The Rural Banking and Finance Corporation of New Zealand - 27.11.1979 at 1.51 pm

Handwritten signature and stamp over the mortgage entry.

545804 Mortgage to the Rural Banking and Finance Corporation of New Zealand - 28.11.1981

DISCHARGED A.L.R. stamp and handwritten signature.

563334/1 Mortgage to The Rural Banking and Finance Corporation of New Zealand - 9.10.1981

DISCHARGED A.L.R. stamp and handwritten signature.

563334/2 Variation of Mortgage 526788/1 - 9.10.1981 at 12.16 pm

Handwritten signature and stamp.

595956 Caveat by The New Zealand Guardian Trust Company Limited - 3.6.1983 at 2.18 pm

Handwritten signature and stamp.

386142 602562/2 Variation of Mortgage 526788/1 30.9.1983 at 2.18 pm and entered 2.11.1983 at 2.25 pm

DISCHARGED A.L.R. stamp and handwritten signature.

602562/3 Mortgage to The New Zealand Guardian Trust Company Limited produced 30.9.1983 at 2.18 pm and entered 2.11.1983 at 2.25 pm

A.L.R.

602562/4 Memorandum of Priority ranking Mortgage 602562/3 as a first mortgage Mortgage 526788/1 as a second mortgage Mortgage 545804 as a third mortgage and Mortgage 563334/1 as a fourth mortgage / 30.9.1983 at 2.18 pm and entered 2.11.1983 at 2.25 pm

A.L.R.

610991 Caveat by Richard Charles Croft and Patricia Elaine Croft entered 7.3.1984 at 10.42 am

Handwritten signature and stamp.

623004/6 Transfer to Richard Charles Croft and Patricia Elaine Croft both of Omarama farmers as tenants in common in equal shares - 5.10.1984 at 10.51 am

DISCHARGED A.L.R. stamp and handwritten signature.

623004/7 Mortgage to Australian Mutual Provident Society - 5.10.1984 at 10.51 am

Handwritten signature and stamp.

623004/8 Mortgage to James Richard Wilson and William Thomas Wilson in shares - 5.10.1984 at 10.51 am

Handwritten signature and stamp.

623004/9 Mortgage to Hjorring Tait & Farrell Nominees Limited - 5.10.1984 at 10.51 am

DISCHARGED A.L.R. stamp and handwritten signature.

625970 Mortgage to The Rural Banking and Finance Corporation of New Zealand - 22.11.1984 at 10.27 am

DISCHARGE OF MORTGAGE 12 FEB 1985 stamp and handwritten signature.

634752 Variation of Mortgage 625970 - 13.5.1985 at 10.41 am

Handwritten signature and stamp.

652684 Variation of Mortgage 625970-
17.3.1986 at 10.56am

[Handwritten signature]

A.L.R.

680236/4 Mortgage to The Rural Banking
and Finance Corporation of New Zealand
- 9.6.1987 at 9.16am

DISCHARGED
FEB 1992
Pellwood
A.L.R.

A.L.R.

680236/5 Memorandum of Priority ranking
Mortgage 680236/4 as a first mortgage
and Mortgage 625970 as a second mortgage
- 9.6.1987 at 9.16am

A.L.R.

747613/2 Variation of Mortgage 680236/4
- 12.2.1990 at 9.53am

A.L.R.

815187 Memorandum renewing the term of the
within lease for a further period of 33
years commencing on the 1st day of July
1991 and fixing (for the first 11 years)
the annual rent at \$5,400.00 calculated on
a rental value of \$360,000.00 - 30.9.1992
at 10.27am

[Handwritten signature]

A.L.R.

833917 Transfer being a grant of a right
(in gross) to convey water over part
herein shown edged green on diagram
annexed thereto with incidental rights in
favour of Hawkdun Idaburn Irrigation
Company Limited - 13.7.1993 at 10.17am

[Handwritten signature]

A.L.R.

901571/5 Mortgage to The National Bank
of New Zealand Limited - 16.2.1996 at
9.31am

[Handwritten signature]

A.L.R.

953663.1 Transfer of the 1/2 share
of Richard Charles Croft to Simon
Richard Croft and Patricia Elaine
Croft
31.8.1998 at 9.01

[Handwritten signature]
for DLR



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#

3/13/22 P209

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WAITAKI
CATCHMENT COMMISSION
AND REGIONAL WATER BOARD

Wynyard St.
P.O. Box 110
KUROW

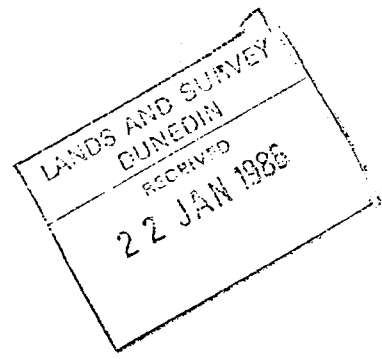
TELEPHONE 819

File: 2/7/1

Your Ref: 3/13/22

17 January 1986

The Commissioner of Crownlands
Department of Lands and Survey
P O Box 896
DUNEDIN



ATTENTION: MR K STEWART

Dear Sir

HIGH COUNTRY LAND DESTOCKING AND POLICY

Thank you for your letter of 3 October 1985, in which you seek a variety of data relating to Pastoral Lease landholdings within the Otago part of this Commission's district. The details which you seek are enclosed.

Yours faithfully

P H Hill
PLANNING MANAGER

PHH:AF

SOIL AND WATER CONSERVATION PLANS ON OTAGO PASTORAL LEASES

<u>Landholding</u>	<u>SWCP Number and Status</u>	<u>Date of Land Improvement Agreement</u>
P18 Omarama	26, operative	February 1978, never registered
P19 Dunstan Downs	89, Lapsed incomplete	No LIA
P20 Longslip	109, operative	9 August 1982
P75 Birchwood	69, no plan	No LIA
P112 Aviemore	143, complete	17 December 1974, not registered
P145 (096) Rugged Ridges	65, operative	2 August 1975, not registered
P146 Loch Lomond	29	15 January 1974, not registered
P149 Huxley Gorge	103, no plan	No LIA
P197 Kyeburn	106, complete	14 February, 1977, not registered
P198 Twinburn	136, operative	9 December 1985
P199 Ben Ledi	12, complete	No LIA
P200 Dunstan Peaks	66, lapsed incomplete	14 December 1971, not registered
P204 Twin Peaks	137, operative	15 October 1985
P205 Bellamore	1, operative, virtually complete	10 December 1984
P206 Danseys Pass	88, complete	No LIA
P207 Killermont	37, operative	14 Nov 1972, 13 April 1976, not registered
P209 Berwen	32, lapsed, virtually complete	4 July 1968, 22 Dec 1976, not registered
P211 Birdwood	66, lapsed incomplete	14 December 1971, not registered
P220 Ahuriri Downs	61, complete	9 August 1972, not registered
P222 Ben Ohu	11, no plan	22 July 1976, not registered
P247 (085) Ribbonwood	14, operative	29 Oct 1973, 12 Sept 1977, not registered
P248 Pisgah Downs	23, complete	12 July 1977, not registered
P251 Ben Avon	76, operative	June 1985
P259 Sunny Peaks	131, operative	11 July 1984
P284 Mt Alexander	58, complete	13 Feb 1973, 14 Nov 1977, not registered
P292 Dalrachney	281, operative	No LIA
P304, P305 Otamatata	40, lapsed incomplete	2 March 1971, not registered
P309 Rostrievor	124, no plan	No LIA
P310 Bog Roy	56, operative	14 April 1980, not registered
P336 (088) Quailburn	91, lapsed incomplete	9 August 1977, not registered
P343 Otamatapaio	7, operative	9 March 1981
090 Mt Ida Syndicate	115, no plan	No LIA
091 Soldiers Syndicate	107, no plan	No LIA
095 Lone Hill	5, complete	No LIA
098 Awakino	25, operative	12 July 1982
S213 (067) Ben Omar	77, no plan	1 December 1970, not registered

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S214, S263 Glencairn	33, operative	29 March 1985
S216, S439 Buscot	79, operative	13 February 1973, not registered
S217 Glenbrook	31, operative	31 July 1970, not registered
S214, S263 Peak Valley	43, operative	29 March 1985
S264, S400 Totara Peak	15, operative	8 February

DETAILS OF DESTOCKING, RETIREMENT AND SURRENDER

Landholdings with no destocking arrangement are not listed in this section.

DUNSTAN DOWNS

A run plan was prepared in 1974, which provided for the retirement of 760 hectares. It was approved by the Soil Conservation and Rivers Control Council "subject to the lessee agreeing to surrender of the retirement area from his present pastoral lease title with its right of renewal, to such tenure as may be required by the Land Settlement Board, once the retirement fence is completed and the alternative grazing provisions are satisfied."

The offsite grazing was all established, but the retirement fence has still not been erected, and the financial authorisation to proceed with the work has lapsed. The Commission has been unable to arrange for the holders of the lease to sign a Land Improvement Agreement.

RUGGED RIDGES

With the raising of Lake Aviemore in the late 1960's, the two runs Garguston and Rugged Ridges were amalgamated. The Department of Lands and Survey and this Commission conspired for the poor lands about St Mary's Range summit to be removed from Pastoral Lease and issued a Pastoral Occupation Licence with a Nil Grazing limit instead. The lessee agreed with this subject to the "retirement" fence being erected at no cost to himself. A Soil and Water Conservation Plan was prepared in 1975, providing for the retirement of 3608 hectares, including the 3035 hectare POL area. The plan stated "the present POL will be continued until the retirement fencing is completed and offsite grazing consolidated. The area behind the retirement fence can then be incorporated with a Catchment Management Area for the St Marys Range". The plan was approved by Soil Conservation and Rivers Control Council subject to the condition "that the proposed grazing controls contained in the plan, and the provisions already established for the future land tenure of the retired areas are adhered to." The retirement fencing and offsite grazing have been completed, and Lands and Survey action on Land Tenure is now appropriate.

KYEBURN

In 1976 the Department of Lands and Survey initiated a land tenure deal with Kyeburn Station, to replace a Pastoral Occupation Licence with a Special Lease, and with "the surrender of 5030 hectares (approx) of Pastoral Lease 197.. as at 31 December 1976. The surrender area will be retired in conjunction with the Waitaki Catchment Commission run plan." The run plan was duly prepared and considered by the Commission in February 1977, involving the

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retirement of 5178 hectares. The plan has been satisfactorily completed, but the land tenure issue which was the trigger for the program remains to be concluded.

BELLAMORE

A third 5-year Soil and Water Conservation Plan for this landholding was considered by the Commission in 1976, involving the retirement of 1105 hectares, including 279 hectares of adjoining "Roseneath" which was traditionally occupied in adverse. The plan proposed that "when the retirement is complete, the area above the retirement fence be surrendered from the lease and incorporated into a Catchment Management Area for the St Marys Range" This plan received Soil Conservation and Rivers Control Council approval subject to "cattle only" being used for any emergency permit grazing of the retired area. The works are complete, and tenure adjustment should now proceed.

KILLERMONT

A Soil and Water Conservation Plan for this landholding was prepared in March 1976. It provided for the retirement of 880 hectares, subject to "following retirement the land be held on a 5 year POL with nil stock limit ..." The work proceeded until it came to the retirement fence, when the lessee negotiated with the Commission to alter the run plan to provide for continued grazing of the retirement area under a Pastoral Lease, despite the previous provision of 100% compensation for a generously estimated loss of grazing. Water and Soil Division Staff expressed concern at such variation without reference to Soil Council, but to date this remains the situation, and while no land tenure action is appropriate at this stage it will probably be necessary for the Commission to reopen these negotiations with the lessee and the Lands and Survey Department.

BERWEN

A Soil and Water Conservation Plan was prepared in February 1968, whose "major proposals are centred on the retirement of Basin and Pass blocks from sheep grazing, and partial replacement with cattle." A 100% grant fence was proposed which, "together with boundary fences and the Downs block fence formerly erected as a work in advance of the plan, will form the boundaries of the 8440 acres (3416 hectares) to be retired from sheep,..." The plan was approved by Soil Conservation and Rivers Control Council in June 1968, "subject to the Pastoral Lease being changed to Pastoral Occupation Licence with a "cattle only" grazing clause for the area behind the grant fence." In July 1976 a second 5 year Soil and Water Conservation Plan was considered by the Commission, to consolidate the works undertaken to date. The plan stated "the runholder, Department of Lands and Survey field staff, and Commission staff have jointly agreed that following retirement the land be surrendered from the permanent lease ... subject of a management plan ... permit grazing of up to 200 s.u. as cattle." Works were undertaken but the program not completed; financial authority for further works has now lapsed. Cattle dropped in value, and wethers were substituted on the "retired" area. The property has since changed hands, but the retirement fence and offsite grazing were all provided, and the land tenure ought now to be adjusted as originally agreed in recognition of the Commission having bought most, if not all, of the lessee's legitimate interest in the mountain lands.

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BIRDWOOD

A run plan involving land retirement was successfully negotiated with the previous lessee, and minor grant offsite works were provided. The subsequent lessee preferred to have nothing to do with land retirement and the program was simply discontinued and has lapsed.

AHURIRI DOWNS

A Soil and Water Conservation Plan for this landholding was considered by the Commission in June 1972, providing for the retirement of 789 hectares. The plan was approved by Soil Conservation and Rivers Control Council "subject to the 1950 acres being retired being converted to a Pastoral Occupation Lease with a no grazing clause." The works have been completed and the land tenure actions should now proceed. In this particular instance, a neighbouring Pastoral Lessee has recently rejuvenated their mutual boundary fence, including that adjoining the Ahuriri Downs retirement area, and there was some acrimony as to whether or not Ahuriri Downs should carry half the cost of that portion of the fence. Accordingly, the early attention of the Department of Lands and Survey to land tenure in this instance is desirable.

RIBBONWOOD

The first of 3 Soil and Water Conservation Plans for this landholding was considered by this Commission in May 1966, and was "centred on the retirement of the Summer Wether block and part of the Front block." The Commission's approval was "subject to the condition that 6280 acres (2141 hectares) in the Summer Wether block, Front Block and Winter Wether block are permanently retired from grazing." By 1971 the retirement had largely been achieved, largely propelled by low fine wool prices and consequent disposal of the wether flock. The remaining ewes and cattle were not seen as a threat to high altitude lands, so the erection of the retirement fence cutting off the Land of West Diadem Creek was deferred indefinitely.

Between November 1974 and July 1975 there was an exchange of letters between this Commission and the Commissioner of Crownlands in Dunedin on the subject of the status of the retired land on Ribbonwood. The Commission recommended that the area revert to Pastoral Occupation Licence, rather than be surrendered, until something comprehensive could be arranged for the Diadem Range. Accordingly, the Department proposed to the then lessee that the 1000 hectares retired be removed from the Pastoral Lease as at 31 December 1975, and reissued under a Pastoral Occupation Licence for 5 years with nil grazing. There was some haggling over whether wethers should be permitted as of right on the remainder of the run.

In December 1977 a 2nd SWCP for Ribbonwood was approved by the Soil Conservation and Rivers Control Council "subject to the retirement area of 80 hectares being surrendered from the title." This 80 hectare area is a steep eroded gully facing Northwards to the Ahuriri East Head, away from the earlier retirement area. Lands and Survey Department correspondence in January 1979 indicated that the larger retirement area, of approximately 1050 hectares was made subject to POL with nil grazing on 1 July 1976.

In September 1983, Lands and Survey Department requested the Commission's opinion on the availability of restricted grazing on the 1160 hectare Ribbonwood retirement, at about that time concern was also expressed about the spread of trees from the Commission's revegetation works within the retirement area.

Between October 1984 and December 1984 was a mildly intemperate exchange of letters between Lands and Survey and the Commission on the subject of the removal of the offending trees from the retirement area, which produced the surprising statement from Lands and Survey that "the retirement area is still currently included in the Pastoral Lease ..."

Clarification of the tenure situation, with remedial action if necessary, would now appear to be an obligation upon the Department.

SUNNY PEAKS

In July 1984 a Soil and Water Conservation Plan was accepted by the lessee, providing for 1670 hectares on the Otematata River side of St Marys Range to permanently destocked. No alteration to land tenure was proposed.

In September 1985, a second Soil and Water Conservation Plan was approved by the National Water and Soil Conservation Authority, "subject to agreement to the surrender of 3331 hectares of Class VIII and Class VII land that has been, or is to be, destocked so that a management plan can be prepared and implemented by Lands and Survey Department." This 3331 hectares includes the land to be retired on the Kurow side of St Marys Range, as well as the land retired on the Otematata River side of the range under the earlier program. The lessee has not yet indicated his acceptance of the latest proposals, but I expect to be able to advise you of land tenure alteration requirements for Sunny Peaks within the next 3 months.

QUAILBURN

Upon expiry of a previous non-renewable lease, a Pastoral Lease was issued for the Southern part of this run, with the remainder under a Pastoral Occupation Licence. In 1976 the Department of Lands and Survey actively sought the Commission's involvement in the preparation of a Soil and Water Conservation Plan to provide for the "retirement" of the Northern POL area. The plan was duly prepared and considered by the Commission in August 1977, and approved by the Soil Conservation and Rivers Control Council in January 1978. Soil Council indicated that it would advise the Director General of Lands that the Pastoral Lease boundary undergo minor adjustments to fit the best fenceline, and that the POL lands should be resumed by the Crown when alternative grazing had been provided.

There followed a series of enquiries from Lands and Survey into progress with the erection of the retirement fence, but while some offsite grazing works were carried out, and retirement fencing materials purchased, there has to this date been no progress on the erection of the retirement fence. The financial authority for this fence has lapsed, and it appears that this Commission is now obliged to make the necessary arrangements for the completion of the retirement fence before the Department of Lands and Survey can take further land tenure action.

OTAMATAPAI

A Soil and Water Conservation Plan in several stages has been operative since 1963. The June 1968 the Soil Conservation and Rivers Control Council clarified that its approval of the two earlier stages required "the Class VIII land in Range Block ... to be permanently retired, when the balance of the alternative grazing is provided sometime during the third stage, and ... the area is then to revert

from PL to POL with a clause prohibiting sheep grazing."

The 3rd stage plan was approved by the Soil Conservation and Rivers Control Council in December 1980, subject to "the destocking of 2675 hectares of severely eroded Class VII and VIII land on the Range Block and the immediate surrender of the destocked land from the lease, this being registered on the lease by a variation document whilst survey is awaited; a POL for a term of 5 years from the date of surrender being issued with a stocking rate and the type of stock to be determined jointly by Lands and Survey Department and the Commission." Retirement fencing and offsite grazing have been completed, and the Department of Lands and Survey should now address the issue of land tenure on the retired area.

LONE HILL

The land retirement issue on Lone Hill is complex, and the Commission's records are incomplete, although I believe the Department of Lands and Survey has the matter under control. A Soil and Water Conservation Plan was negotiated in 1975, integrating the retirement of high altitude lands on Mt Domet with the freeholding of lower, safer farm land. The plan provided for the retirement of 987 hectares, to "be surrendered from the lease, and revert to such tenure as the Land Settlement Board may direct." The works have been completed, and although the Commission does not have the appropriate documents I understand the retirement land currently has the status of Rested (Wrested?) Land. I recall there being substantial problems with the survey of new boundaries about 7 years ago, and accordingly believe that the management of retired lands on Lone Hill is already in the hands of the Department of Lands and Survey.

AWAKINO

Attempts were made since the mid 1970's to secure the retirement of high altitude lands on Awakino as part of a freeholding deal, the run having been under Renewable Lease. A Soil and Water Conservation Plan to secure the retirement and surrender of 730 hectares was approved by the Soil Conservation and Rivers Control Council in December 1979, but was frustrated by that Council's revision of subsidy rates. After protracted haggling, conversion of most of the Renewable Lease to Deferred Payment Licence occurred, with the 730 hectares Tin Hut block reverting to a 21 year (from 1982) Pastoral Occupation Licence limited to 1500 wethers for 4 months. While further land tenure action will not be appropriate until 2003, the Department of Lands and Survey should be aware of the non existence of back boundaries to the POL area, and should, if it is able, keep the level of the stock limit under review. Land tenure adjustments that may prejudice the objectives for this land clearly stated by both Soil Council and Lands and Survey during the late 1970's should not be entertained meanwhile.

GLENBROOK

A Soil and Water Conservation Plan was prepared in 1970, "the major purpose of ... (which) ... is the permanent retirement of 1630 acres (660 hectares) of substantially Class VIII land in the Southeast corner of the property." The approval of the Soil Conservation and Rivers Control Council in July 1970 was "subject to the 1630 acres of mainly Class VIII land being permanently retired. The status of the land retired from grazing to be discussed between the Waitaki Catchment Commission and the Lands and Survey Department." These discussions proceeded, resulting in letter of 22 January 1971 from Lands and Survey Head Office to the Director of Water and Soil

conservation, agreeing that the 1630 acres should be converted to Pastoral Occupation Licence with a no grazing clause, once retirement fencing and offsite grazing had been "appropriately established." The retirement fencing and offsite grazing have now been in place for more than 10 years, so it is now perhaps timely for action from the Department of Lands and Survey in respect of land tenure.

PEAK VALLEY

A Soil and Water Conservation Plan was considered by the Commission in June 1984, which intended that "some 1200 hectares of Class VIIe and VIII land on the Northeast face of Totara Peak (being part of Totara and Black block of Peak Valley Station) will be separated from land capable of sustaining permanent pastoral use." The National Water and Soil Conservation Authority approved this plan in February 1985, subject to "complete destocking of 1200 hectares of Class VIIe and VIII land in the top of "Totara" and "Black" Blocks on Peak Valley Station and immediate surrender from the lease with grazing permits being organised by Lands and Survey Department for the transition period of offsite development, noting that the area is Otago University Lease and that surrender is to be discussed between Lands and Survey Department and Otago University." As the plan has been formally accepted by the lessee, land tenure action by the Department of Lands and Survey should now take place.

TOTARA PEAK

In 1962, the Crown resumed the Falstone Downs run, with a view to amalgamating the better part of it with a neighbouring run to compensate for land lost by the raising of Lake Benmore, while the higher, poorer lands were to be retained by the Crown to "be completely spelled from grazing for a period of at least 10 years." Subsequently the run country was incorporated into Totara Peak Station, which was also issued a 10 year Pastoral Occupation Licence over the 3200 acres of poor high country with a nil stock limitation.

In 1978 a Soil and Water Conservation Plan was prepared which "will effect retirement of the POL area ... of 2150 hectares. Its approval by the Soil Conservation and Rivers Control Council in November 1980 was "subject to the area to be retired being surrendered from the lease." The retirement area is, of course, already under licence, rather than lease, so the obligations upon the Department of Lands and Survey appear to have been fulfilled. It will, however, be appropriate for the Department to now consider the future of the three retired areas on Benmore Range in terms of whether Pastoral Occupation Licences remain appropriate.

P H Hill
PLANNING MANAGER

16 January 1986