

Crown Pastoral Land Tenure Review

Lease name : ESKHEAD

Lease number : PC 064

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

43

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

File Ref: CON/50269/09/12764/A Report No: Report Date: 8 February 2001

Office of Agent: Christchurch LINZ Case No: Date sent to LINZ: 8 February 2001

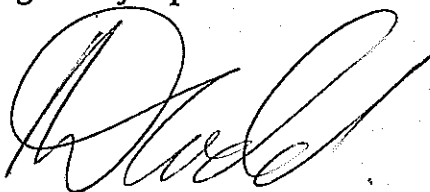
TR 02/304

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;

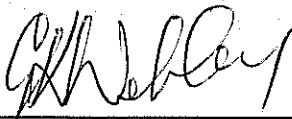
There are no incomplete actions or potential liabilities

Signed by Opus:



Mike Todd

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



Name: GRANT KASPER WEBLEY

Date of decision: 13 / 2 / 02



1. Details of lease:

Lease Name: Eskhead
Location: Hawarden
Lessee: Eskhead Station Ltd
Tenure: Pastoral Lease
Term: 33 Years
Annual Rent: \$10,125.00
Rental Value: \$450,000.00
Date of Next Review: 1 July 2012
Land Registry Folio Ref: CB529/43
Legal Description: Run 141 situated in Katrine, Noble, Esk and Okuku Survey Districts.
Area: 15,859.6303 hectares

2. File Search**Files held by Agent on behalf of LINZ:**

File Reference	Volume	From	To
CON/50269/09/12764/A	1	22/08/2001	Present

Other relevant files held by LINZ:

File Reference	Volume	From	To
Pc/064-SCH-01	1	02/01/1932	02/01/1980
Pc/064-SCH-02	2	06/01/1980	01/05/1989
Pc/064-SCH-03	3	01/05/1989	01/02/1995
Pc/064-SCH-04	4	13/02/1995	30/06/2000
Pc/064/5-SCH-01	1	24/04/1998	Present
CON/50213/09/12764/A	1	30/06/2000	Present

3. Summary of lease document:**Terms of lease**

Pastoral lease under the Land Act 1948 issued for 33 years from 1 July 1957. The lease has a base stock limit of 11,550 sheep and 275 cattle with the lessee holding a personal exemption of 13,500 sheep (including not more than 5,000 breeding ewes) and 700 cattle (including not more than 500 breeding cows).

The lease was varied by variation of lease registered 17 August 1981 which added the requirement for CCL consent to the transfer of shares in the lessee company.

The lease was renewed and further varied by memorandum registered 27 January 1995. The lease was renewed for a further term expiring 30 June 2023 and varied the lease by replacing the covenant to pay rent with a new clause

Area adjustments

There have been no area adjustments affecting this lease and the area of the lease as recorded in computer interest register CB6A/1344 is correct.

Registered interests

- 309504.2 Electricity Agreement
An agreement requiring the lessee to pay \$2,000 per annum for twenty years from 1 December 1980 for the supply of an uneconomic power supply. It is noted that this agreement expired 30 November 2000 and could therefore be removed from the register
- 340272.1 Variation of Lease
Adding the requirement for CCL consent to transfers of shares in the lessee company
- A155820.1 Variation and Renewal of Lease
Renewing the lease for a further term of 33 years expiring 30 June 2023 and replacing the covenant to pay rent with a new clause.
- A165979.11 Mortgage to Aorangi Securities Ltd
Registered first mortgage.
- A355069.2 Variation of Mortgage
Variation of mortgage A355069.2
- A355069.3 Mortgage to South Canterbury Finance Ltd
Registered first mortgage.
- A358399.1 Caveat
By Telecom New Zealand Ltd protecting an agreement between the lessee and Telecom for the granting of an easement in favour of Telecom.

Unregistered interests

There is an unregistered easement in favour of Telecom New Zealand Ltd for the installation and operation of a telecommunication facility on Horseshoe Hill.

4. Summarise any Government programmes approved for the lease:

There are no approved government programmes for this property.

5. Summary of Land Status Report:

A land status report for this property was undertaken by Opus in November 2001. The following items were identified for consideration in the context of due diligence.

- The file contains a deed of easement between Her Majesty the Queen as grantor and Telecom New Zealand Limited as grantee dated 14 July 2000. Not registered against the lease.

This matter is noted above in unregistered interests.

- It was noted that a number of streams and rivers within the lease are subject to marginal strips.

Marginal strips are not relevant to tenure review.

6. Review of topographical and cadastral data:

The land status check map shows that there are a number of unformed legal roads going through this property. There is also a rain gauge shown on flats adjoining the North Esk River and two named huts (Bush Camp Hut and Deep creek Hut) shown on the property. It appears from file records that these huts are improvements belonging to the lessee.

7. Details of any neighbouring Crown or conservation land

There are a number of rivers adjoining this lease that are Crown land riverbed. Adjoining to the south is the Mt White pastoral lease. There is also a substantial amount of adjoining Conservation land being the Lake Sumner Conservation Park, Seaward Forest conservation area and The Den retirement area. It is not considered that any of this land would be suitable for inclusion in a tenure review of this lease.

8. Summarise any uncompleted actions or potential liabilities:

There are no uncompleted actions or potential liabilities relevant to this property.

Appendices

Appendix 1 – Status Check and Plan

Appendix 1 – Status Check and Plan

RELEASED UNDER THE OFFICIAL INFORMATION ACT
OPUS INTERNATIONAL CONSULTANTS LIMITED APPENDIX A
DUNEDIN OFFICE

Project Number 6NLITR.02/136YC



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

LAND STATUS REPORT for Eskhead				LIPS Ref 12764
Property	1	of	1	

Land District	Canterbury
Legal Description	Run 141 situated in Katrine, Noble, Esk and Okuku Survey Districts.
Area	15859.6303 hectares
Status	Crown Land subject to Pastoral Lease P.64
Instrument of title / lease	Pastoral Lease CB529/43 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal A155820.1
Encumbrances	Subject to: - <ul style="list-style-type: none"> • 309504.2 Electricity Agreement under Section 50 Electricity Act 1968 (Vide Electricity Act 1992) • A358399.1 Caveat by Telecom New Zealand Limited • Part IVA Conservation Act 1986
Mineral Ownership	Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1857 North Canterbury Purchase
Statute	Land Act 1948 and Crown Pastoral Land Act 1998

Data Correct as at	1/10/2001
[Certification Attached]	Yes

Prepared by	John Kirk 
Crown Accredited Supplier	Opus International Consultants Ltd, Dunedin

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LAND STATUS REPORT for Eskhead				LIPS Ref 12764	
Property	1	of	1		

<p>Notes: This information does not affect the status of the land but was identified as possibly requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6 paragraph 6.</p>	<ol style="list-style-type: none">1. File contains a deed of easement between Her Majesty The Queen as grantor and Telecom New Zealand Limited as grantee dated 14 July 2000. Not registered against lease.2. Swampy Stream, Lagoon Stream, Homestead Stream, Bush Gully Stream, Deep Creek, Valley Stream, Bridge Stream, Woolshed Stream, Dust Stream, Clay Spur Stream and Trumper Stream as defined on SO 18875 are subject to Section 24 of the Conservation Act 1987. These were created subject to section 24(9) of the Conservation Act 1987 on renewal of this lease on 1 July 1990. The Crown Land Section 58 of the Land Act 1948 along North Esk River, Lucy Stream South Branch Hurunui River and Seaward River are now deemed to be a marginal strip of the same width (s. 24(3) Conservation Act 1987 effective date 10/4/90) the boundaries of the marginal strip do not change (s.24G (7) Conservation Act 1987).
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LAND STATUS REPORT for Eskhead				LIPS Ref 12764
Property	1	of	1	

Research Data: Some Items may be not applicable

SDI Print Obtained	Yes
NZMS 261 Ref	L33 & M33
Local Authority	Hurunui District
Crown Acquisition Map	North Canterbury Block 1857
SO Plan	<p>SO 4550- Plan of RS 34647 & RS 34648 situated in Block VII Noble Survey District [May 1888] This is an adjoining section.</p> <p>SO 4549- Plan of RS 15602 situated in Block VII Noble Survey District [April 1888] This is an adjoining section.</p> <p>SO 4548- Plan of RS 15603 situated in Block VII Noble Survey District. [April 1888] This is an adjoining section.</p> <p>SO 4547- Plan of survey control</p> <p>SO 5529-Plan of Run 141B "Esk Head" Katrine Survey District [January 1918]</p> <p>SO 5529A-Plan of Run 141B "Esk Head" Katrine, Noble & Esk Survey Districts [January 1918]</p> <p>SO 5529B-Plan of Run 141B "Esk Head" Noble & Okuku Survey Districts [January 1918]</p> <p>SO 5529C-Plan of Run 141B "Esk Head" Okuku Survey District [January 1918]</p> <p>SO 10977- Record plan of Dampier area. [This plan represents the most accurate planimetric definition available as at 15/5/1968 of the boundaries of the lands listed].</p> <p>SO 11985- Record plan of Lake Sumner area. [This plan represents the most accurate planimetric definition available as at 26/2/1974 of the boundaries of the lands listed].</p> <p>SO 16906- Plan of survey control [November 1985 & February 1986]</p> <p>SO 17645- Plan of Lewis Pass Photo Control [February 1985]</p> <p>SO 17127- Plan of Doc Allocations L33</p>

LAND STATUS REPORT for Eskhead				LIPS Ref 12764
Property	1	of	1	

	SO 17135- Plan of Doc Allocations M33 SO 18875- Plan of waterways in pastoral lease no 529/43 along which Section 24 Conservation Act 1987 applies.[May 1992]
Relevant Gazette Notices and / or Computer interest register.	New Zealand Gazette 1898 page 1457 Purpose State Forest Seaward State Forest [adjoining this lease] Reserves 3265 and 3266
CT Ref / Lease Ref	CB529/43 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal A155820.1
Plan Index	SO's 5529, 5529A, 5529B, 5529C, 10977, 11985 see above.
Legalisation Cards	Searched nothing found
Statutory Actions (Landonline)	Reserve 3266- State Forest-Seaward State Forest for adjoining DOC land.
CLR	Supports Pastoral Status
Allocation Maps (if applicable)	Extract of DOC Allocation maps attached M33 (SO 17135) and L33 (SO 17127). DOC & SOE maps searched, no allocations within lease area.
VNZ Ref - if known	21380/01000
Crown Grant Maps	Not applicable
If Subject land Marginal Strip: a) Type [Sec 24(9) or Sec 58] b) Date Created c) Plan Reference	<p>a) I) Section 58, Land Act 1948 II) Section 24(9) Conservation Act 1987</p> <p>b) I) Not Known II) 1st July 1990 no renewal of the lease</p> <p>c) I) SO s 5529, 5529A, 5529B, 5529C, 10977, 11985 & 18875 II) SO 18875</p>

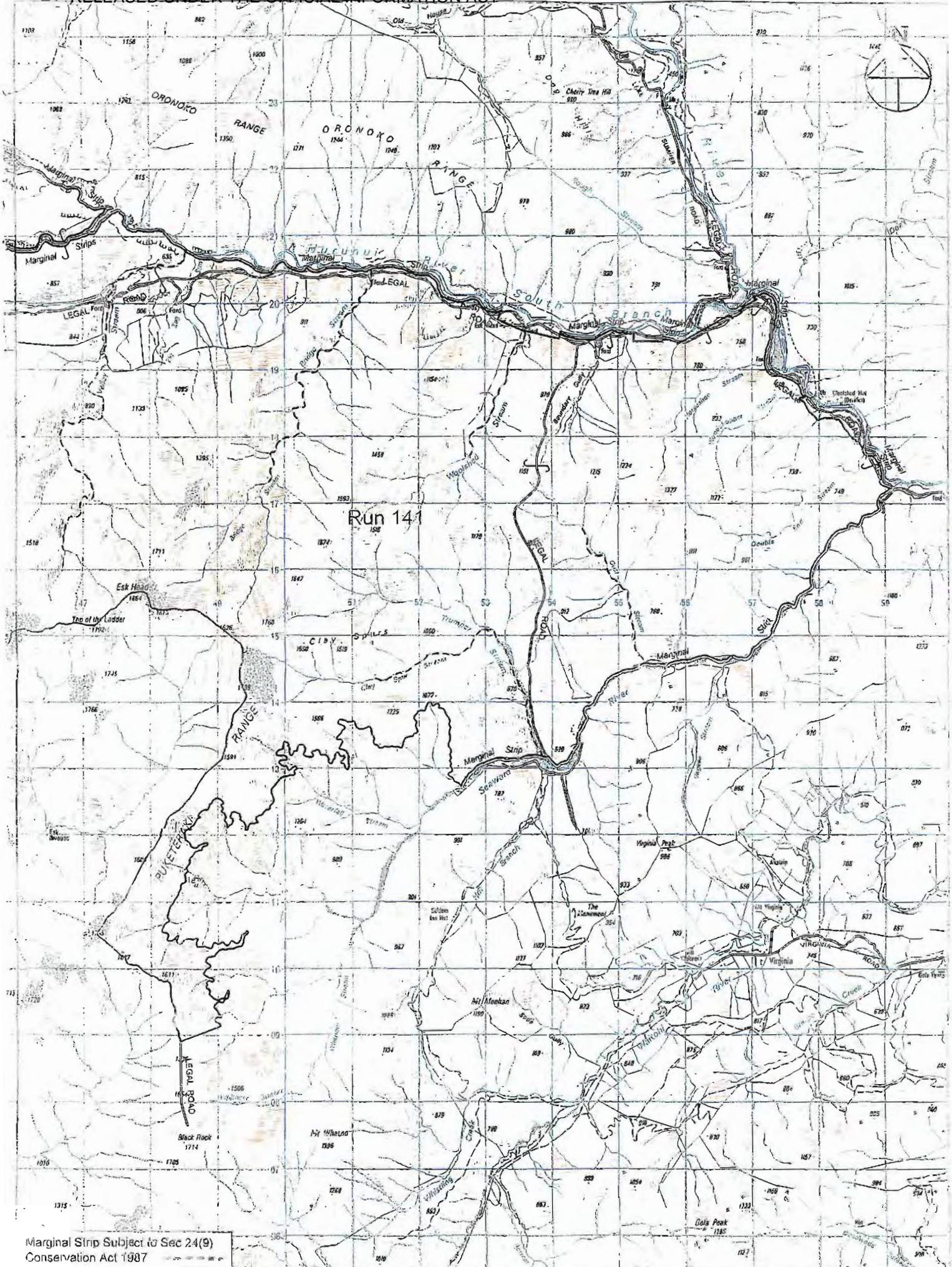
LAND STATUS REPORT for Eskhead

LIPS Ref 12764

Property 1 of 1

Research – continued

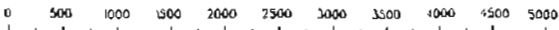
<p>If Crown land – Check Irrigation Maps.</p>	<p>Not applicable</p>
<p>Mining Maps</p>	<p>No licences registered.</p>
<p>If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989 b) By Proc</p>	<p>a) SO Plan Not applicable b) Proc Plan c) Gazette Ref</p>
<p>Other Relevant Information a) Concessions – Advice from DOC or Knight Frank. b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998 c) Mineral Ownership d) Other Info</p>	<p>a) The Department of Conservation has been consulted and no Conservation area status land has been identified within the boundary of this property other than marginal strips along the waterways stated in the "Notes" above b) The Hurunui River which adjoins this lease is subject to a Statutory Acknowledgement in terms of the Ngai Tahu Claims Settlement Act 1998. [MD 112 SO 19848] c) Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under 1857 North Canterbury Purchase. d)</p>



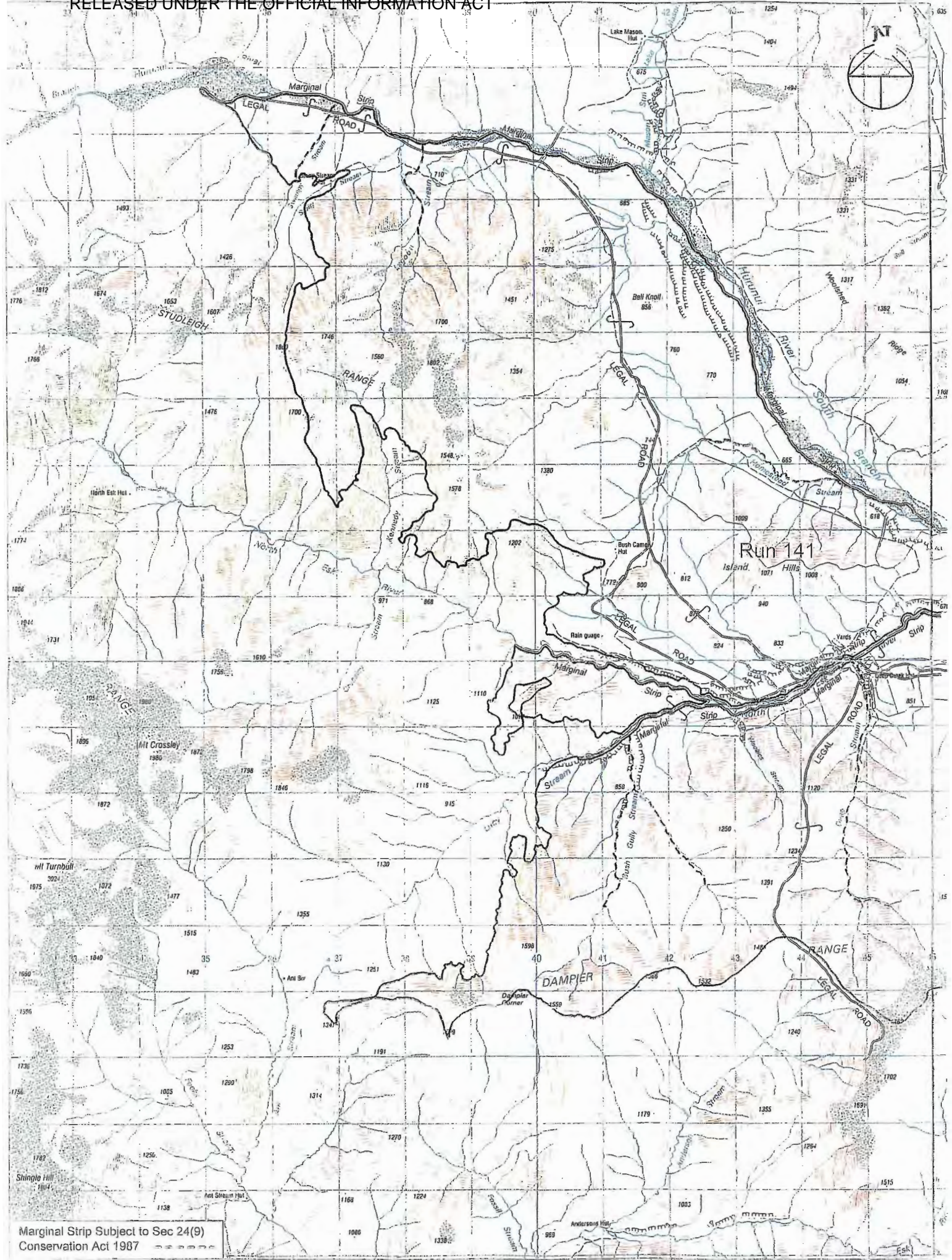
Marginal Strip Subject to Sec 24(9)
 Conservation Act 1987

Esk Head

Scale 1:50000



Version	1	2	3	4	5
Canterbury Land District					Sheet 2 of 2
Topographic Map 260 - L33, M33					Date 19/10/01

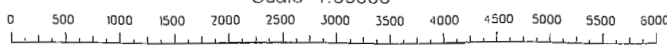


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Conservation Act 1987

Esk Head

Scale 1:50000

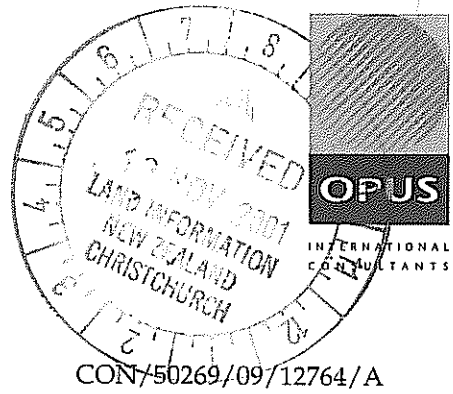
Version	1	2	3	4	5
Canterbury Land District					Sheet 1 of 2
Topographic Map 260 - L33, M33					Date 19/10/01



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7 November 2001

Grant Webley
Crown Property Management
Land Information New Zealand
Private Bag 4721
Christchurch



Dear Grant

Land Status Report – Eskhead

Attached for the consideration of the Commissioner of Crown Lands or delegate is a copy of the status report required in terms of Crown Pastoral Land standard 6 section 3 [project plan 1 of 5 activity 3.3].

We have also enclosed as requested all supporting documents and the original plan relating to this land status report.

Yours sincerely

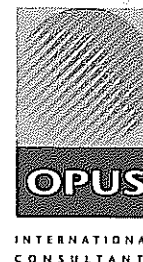
for

Dave Payton
Tenure Review Contract Manager

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Data Correct as at	1/10/2001
[Certification Attached]	Yes

Prepared by	John Kirk 
Crown Accredited Supplier	Opus International Consultants Ltd, Dunedin

LAND STATUS REPORT for Eskhead

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Property 1 of 1

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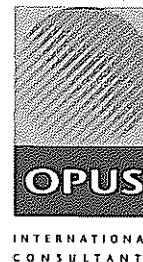
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LAND STATUS REPORT for Eskhead			LIPS Ref 12764
Property	1	of	1

Research – continued

If Crown land – Check Irrigation Maps.	Not applicable
Mining Maps	No licences registered.
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OPUS INTERNATIONAL CONSULTANTS LIMITED APPENDIX B
DUNEDIN OFFICE



Project Number 6NLITR.02/136YC

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Statute	Land Act 1948 and Crown Pastoral Land Act 1998

Data Correct as at	1/10/2001
[Certification Attached]	Yes

Prepared by	John Kirk
Crown Accredited Supplier	Opus International Consultants Ltd, Dunedin

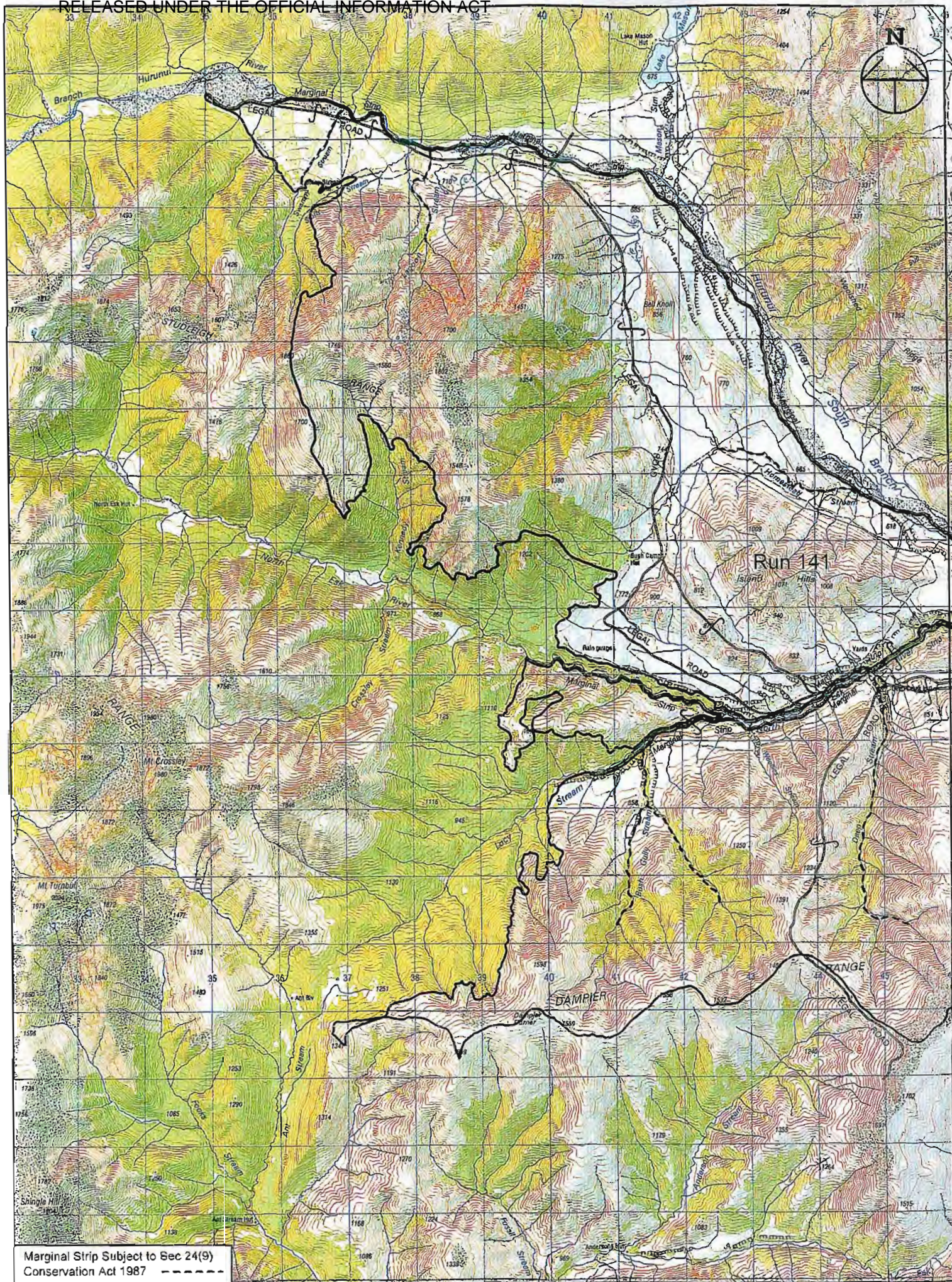
Certification

Pursuant to Section 11(1)(l) of the Survey Act 1986 and acting under delegated authority of the Surveyor-General pursuant to Section 11(2) of that Act, I hereby certify that the land described above is Crown Land under the Land Act 1948 subject to a Pastoral Lease registered as CB529/43

R. Moulton

.....
 Ross Moulton, Chief Surveyor, Canterbury Land District,
 Land Information New Zealand.

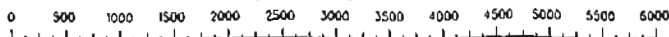
311 10 /2001



Marginal Strip Subject to Sec 24(9)
Conservation Act 1987 - - - - -

Esk Head

Scale 1:50000



Version	1	2	3	4	5
Canterbury Land District					Sheet 1 of 2
Topographic Map 260 - L33, M33					Date 19/10/01