

Crown Pastoral Land Tenure Review

Lease name : ESKHEAD

Lease number : PC 064

Due Diligence Report (including Status Report) - Part 4

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

RELEASED UNDER THE OFFICIAL INFORMATION ACT

John S Kirk

From: loladmin@linz.govt.nz
Sent: Wednesday, 29 August 2001 14:09
To: john.kirk@opus.co.nz
Subject: ESKHEAD



Image for Titles -
CB529-43 - ...

The following images are delivered to you:

Image for Titles - CB529-43 - Current Interests - X A358399.1 - Image

A 358399.1 X

To: Lane Neave Ronaldson
P O Box 13149
CHRISTCHURCH

Land Information
New Zealand



ABSTRACT NUMBER A358399

NOTICE UNDER SECTION 43 OF THE LAND TRANSFER ACT 1952

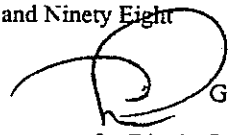
1. **NOTICE** is hereby given that the undermentioned document is returned to you to satisfy the requisition hereafter set out. The fees may be forfeited and the document(s) refused registration pursuant to Section 43 of the Land Transfer Act 1952 unless the requisition below is satisfied within two months of this notice. **Once the requisition is satisfied please return the documents directly to the Help Desk, that is, do not reodge for registration.** If satisfaction of the requisition cannot be completed in the period allowed, the document(s) should be withdrawn from registration.

NB: ALL ALTERATIONS REQUIRE AUTHENTICATION

2. **REQUISITION:**

Please delete reference to " a consent to " from the estate claimed clause of the Caveat.

DATED this 20th day of July One Thousand Nine Hundred and Ninety Eight


G M Anderson
for District Land Registrar

LIST OF DOCUMENTS AND TITLES RETURNED:

Caveat A358399.1

Christchurch Regional Office
Torrens House
195 Hereford Street
Private Bag 4721
Christchurch
New Zealand
Tel 64-3-379 8783
Fax 64-3-379 4007

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CAVEAT

[Caveat forbidding registration of dealing with Estate or Interest]

Land Transfer Act 1952



If there is not enough space in any of the panels below, cross-reference to and use the approved Annexure Schedule: no other format will be received.

Land Registration District

CANTERBURY

Certificate of Title No. All or Part? Area and legal description - Insert only when part or Stratum, CT

529	43	ALL	
-----	----	-----	--

Caveator Sumames must be underlined or in CAPITALS

TELECOM NEW ZEALAND LIMITED

Estate or Interest claimed

As grantee by virtue of ^{OH} ~~the consent~~ easement agreement dated 12 June 1998 between **ESKHEAD STATION LIMITED** the lessee of the above land as grantor and the caveator as grantee whereby the grantors agreed ~~to consent~~ ^{OH} to the grant of easement over a yet to be defined part of the above land to the grantee.

Notice Clause

Take notice that the above-named Caveator forbids the registration of any memorandum of transfer or other instrument affecting the said land until this caveat is withdrawn by me, or by order of the High Court, or until the same has lapsed under the provisions in that regard contained in Section 145 of the Land Transfer Act 1952.

Place where notices may be served

Lane Neave Ronaldson, Solicitors, Price Waterhouse Centre, 119 Armagh Street, Christchurch (P O Box 13149) (McVeagh Fleming, Auckland, Attention: R Bedford TEL245/979)

Address for service of Registered Proprietor

Nicholl Cooney, Solicitors, 243 Tancred Street, Ashburton (P O Box 4115) Attention: Mr L K Cooney

Dated this 29th day of June 1998

Attestation

	Signed in my presence by the Caveator	by its solicitor and duly authorised agent
	Signature of Witness	Victor Ross Alexander BEDFORD
	Witness to complete in BLOCK letters below (unless typewritten or legibly stamped)	
	Witness name	ANDREW BRUCE McINTOSH
	Occupation	SOLICITOR
	Address	AUCKLAND
Signature, or common seal of Caveator		

Certified correct for the purposes of the Land Transfer Act 1952

Solicitor for the Caveator

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Approved by Registrar-General
of Land under No. 1996/6016EF



CAVEAT

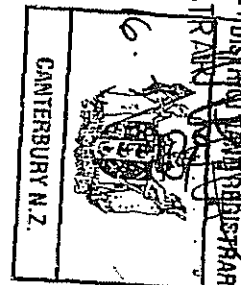
[Caveat forbidding registration of
dealing with Estate or Interest]

Land Transfer Act 1952

12.40 30 JUN 98 A 358399

PARTICULARS ENTERED IN REGISTER
LAND REGISTRY CANTE
ASST. LAND REGISTRAR

SW



Law Firm Acting
McVeagh Fleming
Solicitors
Auckland
TEL245/979RAB

Auckland District Law Society
REF: 4180 /2

This page is for Land Registry Office use only.
(except for "Law Firm Acting")



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John S Kirk

From: loladmin@linz.govt.nz
Sent: Wednesday, 29 August 2001 14:07
To: john.kirk@opus.co.nz
Subject: ESKHEAD



Image for Titles -
CB529-43 - ...

The following images are delivered to you:

Image for Titles - CB529-43 - Current Interests - VL 340272.1 - Image

340272.1 VL

Certificate of Non-Revocation of Power of Attorney

Form I

I, ERNEST EVEREST ENGLAND

of Christchurch

in New Zealand, Solicitor

hereby certify:

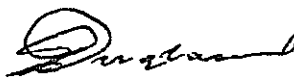
1. That by deed dated 27th April, 1966, CATHERINE MARY CAMERON

of Western Australia, ~~and New Zealand~~ Married Woman

appointed me ^{her} ~~his~~ attorney on the terms and subject to the conditions set out in the said deed, which was deposited in the Land Registry Office at Christchurch as Number 305213/1.

2. That at the date hereof I have not received any notice or information of the revocation of that appointment by the death of the said CATHERINE MARY CAMERON or otherwise.

Signed at Christchurch this 23rd day of June 1981



L. & S.—B. 3

MEMORANDUM OF VARIATION OF LEASE/LICENCE

IN THE MATTER of the Land Transfer Act 1952 and the Land Act 1948,

and

IN THE MATTER of Lease/License No. P 64 registered in Volume 529, folio 43, Canterbury Land Registry, from Her

Majesty the Queen to GUY PALIN DAMPIER-CROSSLEY and CATHERINE MARY CAMERON

The covenants conditions and restrictions contained or implied in the above-mentioned Lease/License registered in Volume 529, Folio 43, Canterbury Land Registry, are hereby varied as follows:

1. That should the lessee/licensee with the consent of the Land Settlement Board, transfer, sublet or otherwise dispose of his interest in the land affected by the said lease/license or any part thereof to a company incorporated under the Companies Act 1955, then 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 the said lease/license notwithstanding the transfer or other disposition to such company 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 subclauses (a) and (b) hereof shall be deemed to be a breach of the covenants conditions and restrictions contained in the said lease/license entitling the lessor/licensor to exercise all or any of the powers conferred upon her by the said lease/license in such circumstances.

2. Save as hereby expressly varied all the covenants conditions and restrictions contained or implied in the said Memorandum of Lease/License shall remain in full force.

IN WITNESS WHEREOF the parties have hereunto subscribed their name this 23rd day of June ~~1961~~ 1961

SIGNED by the Commissioner of Crown Lands for the Land District of Canterbury acting for and on behalf of Her Majesty the Queen in the presence of:

[Signature]
DEPUTY Commissioner of Crown Lands,
ASSISTANT

Witness: Kaden Graze

Occupation: Titles Clerk

Address: Lands & Survey Dept

SIGNED by the said CATHERINE MARY CAMERON as lessee/licensee in the presence of by her attorney ERNEST EVEREST ENGLAND in the presence of :- [Signature] Lessee/Licensee.

Witness: [Signature]

Occupation: Solicitor

Address: Chitwood

Correct for the purposes of the Land Transfer Act.

[Signature]
DEPUTY Commissioner of Crown Lands,
ASSISTANT

SIGNED by the said GUY PALIN DAMPIER-CROSSLEY as Lessee in the presence of: [Signature] Solicitor Chitwood

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Registered - Duplicate
CERTIFICATE OF ALTERATION

HER MAJESTY THE QUEEN { Lessor.
Licensor.

{ Lessee.
Licensee.

PARTICULARS entered in the Register-book,

Volume _____, folio _____

the _____ day of _____ 197 _____

at _____ o'clock.

District Land Registrar of the
Assistant

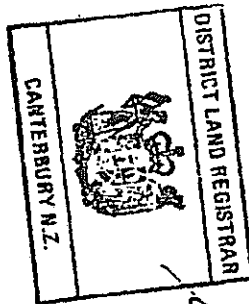
District of _____

FEES PAID HEREON

AVAILABLE

TO 10/10/81

A.L.R.



34,0272
529/43
District Land Registry
Christchurch No. 1

Aug 17 11 20 AM '81

W. Smith



RELEASED UNDER THE OFFICIAL INFORMATION ACT

John S Kirk

From: loladmin@linz.govt.nz
Sent: Wednesday, 29 August 2001 14:09
To: john.kirk@opus.co.nz
Subject: ESKHEAD



Image for Titles -
CB529-43 - ...

The following images are delivered to you:

Image for Titles - CB529-43 - Current Interests - VL A155820.1 - Image

RELEASED UNDER THE OFFICIAL INFORMATION ACT

A155820.1 V.L.

IN THE MATTER

of the Land Transfer Act 1952 and the Land Act 1948

AND

IN THE MATTER

of Pastoral Lease No P64, registered in Volume 529, Folio 43 Canterbury Land Registry, from HER MAJESTY THE QUEEN to ESKHEAD STATION LIMITED at Christchurch.

Pursuant to Section 170 of the Land Act 1948 the term of the abovementioned lease registered in Volume 529, Folio 43, Canterbury Land Registry, is renewed for a term of 33 years commencing on the 1st day of July 1990. The Covenant to pay rent and the Rental Value contained in the lease is hereby varied by deleting the said covenant and substituting the following:

Yielding and paying therefore for the first 11 years of the said term unto Landcorp Property Limited as agent for the Crown at Christchurch the annual rent of \$5,025.00 (exclusive of GST) calculated on a Rental value of \$335,000 (exclusive of GST) 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 period of 11 years, and for the next two successive periods of 11 years of the said term a rent determined in respect of each of those periods in the manner provided in Section 132A of the Land Act 1948.

Save as hereby expressly varied all the covenants conditions and restrictions contained or implied in the said Memorandum of Lease shall remain in full force.

IN WITNESS WHEREOF the parties have hereunto subscribed their name this

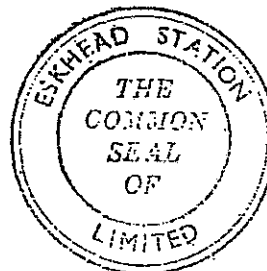
21st day of November 1994.

SIGNED for and on behalf of
HER MAJESTY THE QUEEN by *Acberg*
THE COMMISSIONER OF CROWN LANDS
in the presence of:

[Signature]

WITNESS: *[Signature]*
OCCUPATION: *Department of Survey and Land Information*
ADDRESS: *Wellington*

THE COMMON SEAL OF
ESKHEAD STATION LIMITED
as Lessee was hereunto affixed in the
presence of:



[Signature]
[Signature]

[Signature] (Director)
[Signature] (Director)


RELEASED UNDER THE OFFICIAL INFORMATION ACT

MEMORANDUM OF RENEWAL

Correct for the purposes of the Land Transfer Act:

HER MAJESTY THE QUEEN

Lessor


Solicitor for Lessor

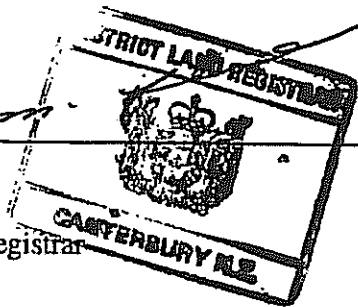
ESKHEAD STATION LIMITED

Lessee


Particulars entered in the Register on

Date and at the time recorded below

District
Assistant Land Registrar



Landcorp Property Ltd
CHRISTCHURCH

REGISTER
11.59 27.JAN95 A 1.55820
PARTICULARS ENTERED IN REGISTER
AND REGISTERED IN CANTEBURY
1995 A 1.55820


10 FEB 1987

Description: Run 141 "Eskhead"
 Situated in: Esk, Katrine Nobe and Okuku Survey Districts.
 S.O. Plan: _____ Local Authority: Hurumu County Council Area: 15859.6303 m²/ha

DETAILS OF LEASE OR LICENCE							
Main File	Selector	File	Date of Selection	Term Years / From	R.V. Price	A/Rent Instalment	Det. Exp.
		P64	1.3.57	33 1.7.57		960 : 00	30/6/90

DETAILS OF RESERVATIONS							
Purpose or Classification	Gazette		Administering Body	Vested		Control & Management	
	Year	Page		Year	Page	Year	Page

Valuation Ref: 21380 - 10 C.L./C.T./Deeds Ref: 529 / 43

Name of Reserve/Locality: _____
 Description: Run 141 "Eskhead"

Land Information Property System (LIPS)

File Edit Property Contract Performance Budget Mark E-Mail's Editor Window Help

Property Details - Property 12764:ESKHEAD

General More Conrcts Valuatn Accntng Liability Risk Disposal Interests Photo Events

Property ID: 12764 Date Entered: 12/29/97 Current Date Closed: / /

Legal Description: RUN 141 'ESKHEAD' KATRINE ESK Property Type: Crown Pastoral Leases

Region: Christchurch Property Officer: Bob Lysaght

Property Name: ESKHEAD Land District: Canterbury

Property Address: Eskhead Prop Contractor: Contractor 50213

CT / Gazette Ref: CT 529/43 Acq Contractor: Disp Contractor:

LINZ Asset Other

Managed Acquisition Disposal Other

Notes

Save Print Budget New Project Disposal Details Acquisition Details Close

Mark with a tick if this is a current property

Start GroupWise - Mailbox Land Information Pro... Microsoft Word - Docume... 09:30

The screenshot displays the Land Information Property System (LIPS) software interface. The main window is titled "Property Details - Property 12764:ESKHEAD". It features a menu bar with options: File, Edit, Property, Contract, Performance, Budget, Maint, E-Mails, Admin, Window, Help. Below the menu bar is a toolbar with various icons. The main content area contains a table with the following data:

Identifier	Type	Other Party	Commencement Date	Expiry Date	Rental/Fees
12764/01	Pastoral	ESKHEAD	01/07/1990	30/06/2033	\$5,025.00
12764/02	Easement	Telecom NZ Ltd	14/07/2000	13/07/2060	\$500.00

Below the table are buttons for "Add", "Change", and "Delete". At the bottom of the window are buttons for "Save", "Print", "Budget", "New Project", "Disposal Details", "Acquisition Details", and "Close". The taskbar at the bottom shows the Start button, GroupWise - Mailbox, Land Information Pro..., Microsoft Word - Docume..., and the system clock showing 09:31.

Land Information Property System (LIPS)

File Edit Property Contact Performance Budget Maint E-Mail Admin Window Help

Interest - 12764 - ESKHEAD

Interests (Leases, Easements etc)		Green Field Location	
Identifier	12764/01	Rental	\$5,025.00
Other Party	ESKHEAD STATION LIMITED	Address	C/- PG & HM Heddel
Type / Purpose	Pastoral Lease		PO Box 33 AMBERLEY
Term	33 YEARS	Phone	
Commencement Date	01/07/1990	Fax	
Expiry Date	30/06/2023	Is the Interest current <input checked="" type="checkbox"/>	
Contingent Events		Add a new Event e.g. Fee Review, Interest Renewal <input type="button" value="New Event"/>	
Conditions			
Notes	KF File Ref: Pc 064		

Save Close

The unique identification number. If no number is allocated use the property ID number eg. 13785/1

Start GroupWise - Mailbox Land Information Pro... Microsoft Word - Docume... 09:31

Land Information Property System (LIPS)

File Edit Property Contract Performance Budget Maint E-Mails Admin Window Help

Desktop

Interest - 12764 - ESKHEAD

Interests (Leases, Easements etc)		Grant Interest License	
Identifier	12764/02	Rental	\$500.00
Other Party	Telecom NZ Ltd	Address	McVeagh Flemming, Lawyers Box 4099 AUCKLAND
Type / Purpose	Easement	Phone	
Term	60 years	Fax	
Commencement Date	14/07/2000	Is the Interest current	
Expiry Date	13/07/2060	Yes	
Contingent Events		Add a new Event e.g. Fee Review, Interest Renewal	
Conditions		New Event	
Notes	KF File Ref: Ec 004 Easement for telephonic transmission. Once only fee of \$500.00 plus GST		

Save Close

The unique identification number. If no number is allocated use the property ID number eg 13786/1

Start GroupWise - Mailbox Land Information Pro... Microsoft Word - Decume... NOV 09:31

6 September 2001

Conservator
Department of Conservation
Private Bag 4715
CHRISTCHURCH

ATTENTION: Robert Cant

Dear Sir

PASTORAL LEASE STATUS CHECKS

I have been requested to undertake a number of Land Status Reports on behalf of Opus International Consultants Limited for the purpose of the Pastoral Lease Tenure Review.

I have a number of leases within your Conservancy (all in the Canterbury Land District) to deal with and am operating under reasonably strict deadlines to complete the process in the following priority order.

- 1) Upper Lake Heron
- 2) Cora Lynn
- 3) Glenhope
- 4) Glenfalloch
- 5) Clent Hills

Attached are cadastral and topo plans of these properties as well as current copies of registered leases.

Can you please identify/ascertain the conservation area status of any land included within the peripheral boundary of each of the respective properties and provide details (including plans if appropriate) of any current concessions and any other known interests. The plans provided with the batches of properties dealt with last year were most helpful and it would be appreciated if they could be provided again.

The most urgent of the above at this stage are (1 and 2) above and to fulfil my deadline of the end of this month I would need to have your response by 14 September with the remaining properties (3-5) by 28 September. I would be most grateful if you were able to accommodate this request.

In addition I have a programme involving the following properties and will progressively be forwarding the supporting plans and titles for your consideration (once again in priority order):

- 6) Island Hills
- 7) Eskhead
- 8) Lake Sumner

There is a deadline for (6 - 8) above for 6 October and therefore your response would be required for those by 22 September. I will get the plans and title copies to you at the earliest possible date so you have as much time as possible.

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The requirements for the remaining properties are a little more relaxed but it would still be appreciated if your responses on (9-14) could be available progressively before the **end of October** in the following priority groupings and for (15-21) by **14 November**.

- 9) Mt Hutt
- 10) Snowdale
- 11) Mt Oakden

- 12) Grays Hills
- 13) Ben McLeod
- 14) Wairua Downs

- 15) Rata Peaks
- 16) Waitangi
- 17) Hunter Hills

- 18) Bauchops Hill
- 19) Airies
- 20) Bush Spurs
- 21) Mt Potts

Thank you. Please advise if there are likely to be any difficulties in meeting these deadlines.

Yours faithfully


Don McGregor
Accredited Supplier

Encls

m:\don\letter to doc.doc



Department of Conservation
Te Papa Atawhai

Our ref: PAR 019, PTR 125, PTR 064

17 September 2001

Don McGregor
McGregor Property Services
6 Cumberland Place
Kaiapoi

Dear Don

PASTORAL LEASE STATUS CHECK - ESKHEAD AND GLENFALLOCH

I refer to your letter of 6 September 2001.

ESKHEAD

I have checked the Department of Conservation's land records. The only areas of public conservation estate within the boundary are potential marginal strips. I have commented on these below. Conservation Estate does adjoin the majority property and is listed below.

The following public conservation lands adjoin the Eskhead Pastoral Lease. These are listed clockwise from the northwestern corner of the property:

L32/501 - Lake Sumner Conservation Park - held under Conservation Act 1987.

L32/010, L32/011, L32/012 = Hurunui River Marginal Strips. Formerly held pursuant to Section 58 Land Act 1948, now held under Conservation Act 1987.

L33/13, L33/14, L33/19 = South Hurunui River Marginal Strips. Formerly held pursuant to Section 58 Land Act 1948, now held under Conservation Act 1987.

M33/52, M33/61, M33/55, M33/56 = Hurunui River Marginal Strips. Formerly held pursuant to Section 58 Land Act 1948, now held under Conservation Act 1987.

M33/57, M33/59 = Seaward River Marginal Strips. Formerly held pursuant to Section 58 Land Act 1948, now held under Conservation Act 1987.

M33/25, L33/23 = Seaward Forest Conservation Area, and The Den Retirement Area. Stewardship Lands under Conservation Act 1987.

L33/15, L33/16, L33/17 = North Esk Marginal Strips. Formerly held pursuant to Section 58 Land Act 1948, now held under Conservation Act 1987.

L33/18 = Lucy River Marginal Strips. Formerly held pursuant to Section 58 Land Act 1948, now held under Conservation Act 1987.

Given the scale of the public conservation land adjoining the Eskhead, and in particular the Lake Sumner Forest Park, there will certainly be concessions issued over the above lands. As all these areas are technically outside the lease boundary, I have not made any enquiries. A plan is attached showing Eskhead property, with the public conservation land shaded. Given the large scale of the map, it is difficult to clearly mark all the individual sites, but I hope this is of some assistance.

GLENFALLOCH

I have checked the Department of Conservation's land records. The only areas of public conservation estate within the boundary are potential marginal strips. I have commented on these below. Conservation Estate does adjoin a very small part of this property and is listed below.

J35/9 = Local purpose reserve, for a Stock Resting Place, subject to the Reserves Act 1977.

In this instance, I can find no record of any concession issued over this parcel, but it would not surprise me if the land wasn't fenced out from the surrounding property. As such it may be occupied by the owners of the station. Again a plan is enclosed.

MARGINAL STRIPS:

Eskhead was renewed in 1990, and therefore the marginal strip provisions of the Conservation Act 1987 would appear to apply to it, as far as any other qualifying waterways are concerned. Plainly there were marginal strips already in existence before the renewal in 1990, but I would be hesitant to say that there are no more marginal strips on some other waterways within the property, but not covered by Section 58 strips.

Glenfalloch expires in 2003, so the provisions of Part IVA of the Conservation Act 1987 will not apply. I see a Section 58 memorial on the title, but as you are aware there is some doubt as to the legal standing of this memorial, given the Section 58 strips are not defined on any survey plan to my knowledge.

It is practically impossible to identify with any certainty whether a marginal strip is in place if it is not shown on a survey plan. Some marginal strips are shown on the DOC estate maps, and others are not. If there is no marginal strip shown on our allocation records, I have not identified them.

None of the marginal strips on either property will have had concessions issued over them, save for some generic concessions covering the majority of the conservation estate in Canterbury.

Yours faithfully



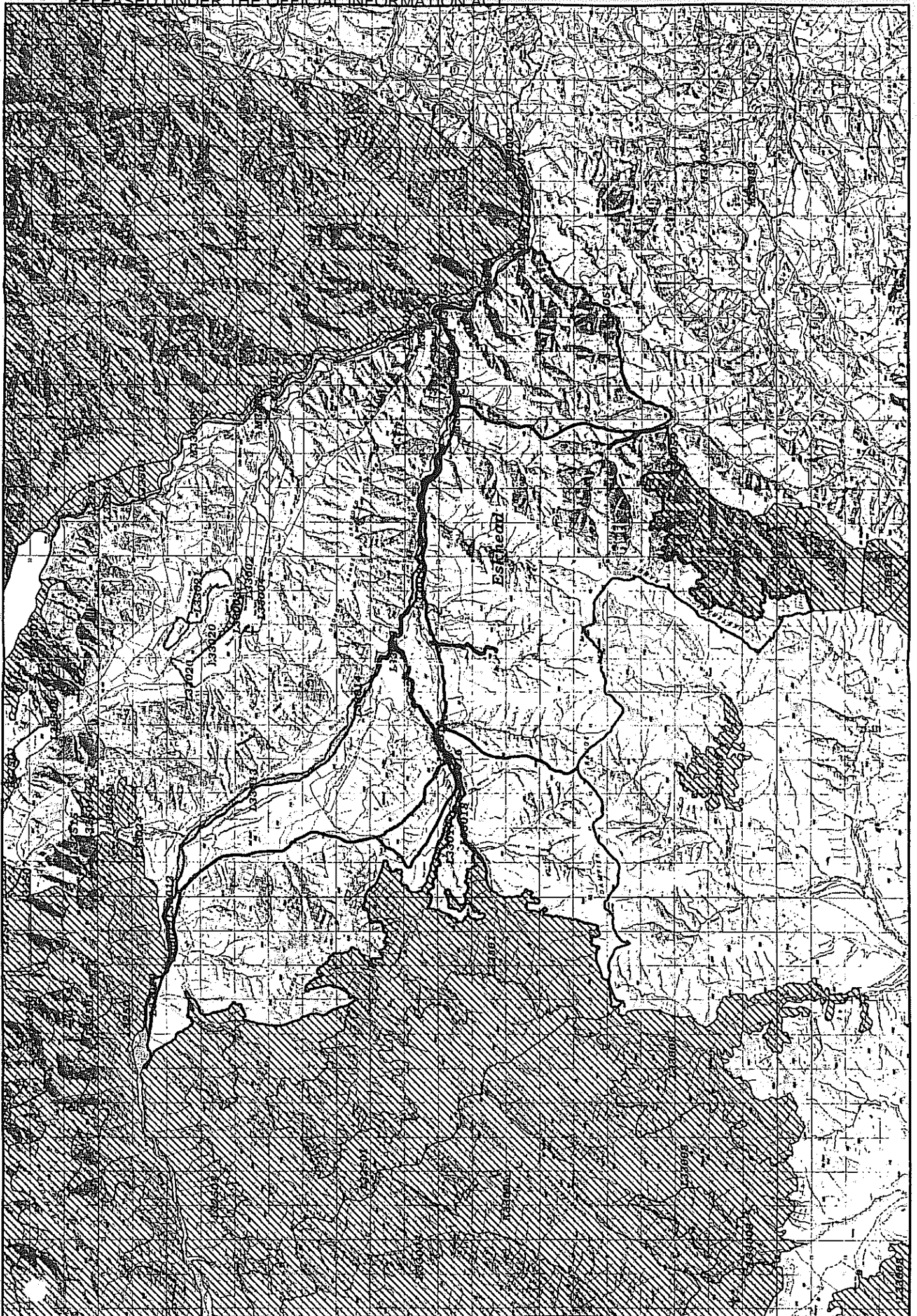
Robert Cant

Statutory Land Management Officer (Community Relations)

For Conservator, Canterbury

Email: Rcant@doc.govt.nz

Eskhead



Glenfalloch

