

Crown Pastoral Land Tenure Review

Lease name : GALLOWAY STATION

Lease number: PO 180

Due Diligence Report (including Status Report) - Part 6

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

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PASTORAL LEASE LAND TENURE REVIEW

LAND STATUS CHECK

GALLOWAY

ABERCROMBIE & ASSOCIATES LIMITED

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ABERCROMBIE and associates limited

AOPERTY MANAGERS AND CONSULTANTS

P 0 BOX 5056 MORAY PLACE DUNEDIN PHONE (03) 471 9496 FACSIMILE (03) 471 9455 EMAIL office@abercrombie.co.nz

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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			GALLOWAY	P 180	[LIPS Ref. 12489]
Property	1	of	1		

Land District	Otago
Legal Description	Sections 9 and 63, Block VI, Tiger Hill Survey District, Part Run 565 and Run 565A, situated in Tiger Hill, Cairnside, Cairnhill, Long Valley and Manor Survey Districts.
Area	11275.0463 hectares, by image view title.
Status	Crown Land subject to Pastoral Lease P 180
Instrument of Lease	Reg Vol OT386/91 registered in Land Transfer Office but not under Land Transfer Act. Lease varied by 328690 and renewed by 757133.
Encumbrances	 279960 - compensation agreement. 3583087 - Land Improvement Agreement. 376984 - Compensation agreement. 806857 - Caveat by Minister of Conservation. 872991 - Land Improvement Agreement. 885685.1 - Easement in gross. 885685.2 - Easement in gross. 8856873 - Easement in gross. Subject to marginal strip along Manor Burn, Manorburn Reservoir and Greenland Reservoir, pursuant to Land Act 1948, and marginal strip adjoining Manorburn Dam pursuant to Sections 24(2) & (9) Conservation Act 1987 [SO 11994]
Mineral Ownership	Crown [see comment below]
Statute	Land Act 1948, Crown Pastoral Land Act 1998

Data Correct as at:	29 November, 2001
Accredited Supplier certification	As attached

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

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Certified correct as to status?

Chief Surveyor Land Information New Zealand, Dunedin

3 1/2 / 2001

Notes: This information does not affect the status of the land but was identified as possibly requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6 paragraph 6.	There is no legal access between the northern portion of Part Run 565 and Part Run 565A. They meet at a point.
	The current area and appellation is a mixture of original surveyed boundaries, subsequent amendments to the original plans, compilation from compass survey, compiled plans, recent survey plans and diagrams on instrument. Given recent and current conventions for altering boundaries, appellations and parcel areas the early modifications were rather unorthodox. While the accuracy of the leased area was once challenged by a former lessee the area was proved to be essentially correct apart from minor differences due to the vagaries of metric conversion.
	The gazette action has not been completed as associated with Compensation Agreement 279960. It essentially protects use of the land concerned [approximately 20] acres by the formed Ministry of Works for the purpose of grazing horses required in connection with maintenance work on water races in the locality of the upper Manorburn Dam.
	The gazette action has not been completed as associated with Compensation Agreement 376984 [see also LSB case 71/481]. The intention is to ultimately take 30 acres for Soil Conservation and River Control Services.
	The intended conservation covenant for part of the land has not been registered but is the intention is protected by Caveat 806857 by Minister of Conservation.
	Parts of the land were [are] infested with Nassell Tussock which a previous lessee contended was introduced by the former Electricity Department.

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Research Data: Some items may not be applicable

SDI Print obtained	Yes [See attached]
NZMS 261 Ref	G42
Local Authority	Central Otago District Council
Crown Acquisition Map	Yes To determine agreement for purchase from Ngai Tahu
SO Plan	574, 575, 577, 579, 863, 4497, 7714, 7836, 11994, 12386, 12458, 16337, 21109, 24363. [See evidence attached]
Relevant Gazette Notices	Nil
CT Reference / Lease Reference	Pastoral Lease P 180, Reg Vol OT386/91 Lease varied by 328690 and renewed by 757133 NOTE: For history of land see below [See evidence attached]
Legislation Cards	Not applicable
CLR	Yes [See evidence attached]
Allocation Maps [if applicable]	Not applicable
QVNZ Reference	28462/24001 28471/13400
Crown Grant Maps	Yes There are no references for the subject property

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Research - continued

If Crown land - Check Irrigation Maps. Mining Maps		Yes There are no references for the subject property Yes There are no references for the subject property	
a] b]	Concessions - Advice from DoC	a]	Nil [See evidence attached from DoC]
c]	Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998	b]	Only on divestment of freehold or a lease of fifty years or greater by LINZ as a Crown Body
d]	Mineral Ownership	c]	Mines and Minerals are owned by the Crown because apart from Section 9, Block VI, Tiger Hill SD, the land has never been alienated from the Crown since its acquisition from Ngai Tahu by way of the Kemp Purchase. As Section 9 was transferred with no statutory restriction, the minerals are deemed an asset of the Crown by succession.
e]	Other Information		

History of ownership:

Purchased from Ngai Tahu by the Kemp Purchase of 1848.

Section 9, Block VI, Tiger Hill SD

First record of title being issued [OT61/138] is to R Campbell on 17 October 1881 for an area of 63a 2r 00p. No record of crown grant sourced. Authority for sale was pursuant to Discharged Soldiers Settlement Act 1915 [see gazette 1920 p 2150].

Transferred to Crown on 4 July 1916 by transfer 64232 [Note: As there was no statutory restriction relating to retention of ownership of minerals, all minerals are deemed to have transferred to crown ownership by succession].

Sections 9 and 63, Block VI, Tiger Hill SD

Selected for leasing and hence occupation by way of License to occupy Crown Lands for Pastoral Purposes by lease number 1535 in 1916 as recorded in register volume 335 folio 35 [Note: the title area {69a 1r 32p} excluded water races {2a 1r 29p - see comments below for amalgamation} and road {0a 1r 18p} through the land. Strictly speaking the description should be Part Sections 9 and 63 but alterations at the time were often made to areas on survey plans with the original appellation being retained [see SO 863].

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Run 565

No record of crown grants having been made. Selected for leasing and hence occupation by way of License to occupy Crown Lands for Pastoral Purposes by lease number 1534 in 1916 as recorded in register volume 335 folio 34.

Run 565A

No record of crown grants having been made. Selected for leasing and hence occupation by way of License to occupy Crown Lands for Pastoral Purposes by lease number 1536 in 1916 as recorded in register volume 335 folio 36.

Combined land

Pastoral Run Licence 2004 was then issued on 1 March 1949 as recorded in register volume 338 folio 7 [area of 27314a 1r 32p].

By X14142 an irrigation agreement was entered into.

By X17917 a portion of Part Run 565 was surrendered comprising an area 3a 0r 11.5p [see SO 11994 & LSB case R.56/109].

Following surrender of the above lease, various amendments to parcel boundaries by SO plan alterations were made together with subsequent alterations or regularisations in area. Appellations remained unaltered as recorded on the relevant SO plans.

The lease was surrendered by X20375 and Lease P180 granted as recorded in register volume 386 folio 91 [residual area of 28307a 1r 09.5p - see further comments below]. Boundary and hence area modifications made from the earlier leased areas were by:

Adding:

Part Run 565 - from P 80 by LSB case 4361 and comprising an area of 726 acres [see SO 579].

Part Run 565 - from former Part Section 8 comprising 27a 2r 00p.

Part Run 565A - from P147 by LSB case 4760 and comprising an area of 850 acres [see SO 12386].

Part Sections 9 and 63 - including land used for former water races comprising 2a 1r 29p [see file P180 folio 415 and SO 863].

Deducting:

Part Run 565 - transferred to P 80 by LSB case 4361 and comprised an area of 85 acres [see SO 577].

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Part Run 565A - transferred to P147 by LSB case 4760 and comprised an area of 370acres [see SO 12386].

This lease was also variation of the earlier lease to regularised lease boundaries to match then statutory requirements by excluding:

Part Run 565 - retained for riverbank reserve [see above mentioned marginal strip] and comprising an area of 100acres [see SO's 575, 577 and 579].

Part Run 565A - retained for riverbank reserve [see above mentioned marginal strip] and comprising an area of 45 acres [see SO 577].

The alterations reconcile with the above mentioned residual area for issue of P 180 recorded in register volume 386 folio 91.

Compensation agreement 279960 - to protect [the former] Ministry of Works interest for access to an area of approximately 20acres for the purpose of grazing horses required in connection with maintenance work on water races in the locality of the upper Manorburn Dam.

Lease varied by 328690 in respect to dealings by a company owner.

By new appellation 349019 part of Run 565 described as Section 14, Block XIX, Tiger Hill SD [see SO 16822].

Surrender of Section 14 by 356010 [area of 110 acres - see SO 16822 & LSB case 69/28].

Agreement 358984 pursuant to Section 30A of Soil Conservation and Rivers Control Act 1941.

Compensation agreement 376984 - to protect crown interest to take leasehold interest of 30 acres for Soil Conservation and River Control Services.

Surrender by 614582/1 of Part Run 565 [area of 136 ha - see plan with document].

Area by image view title is 11275.0463 ha [considered the correct balance title area calculation and not 11455.5617 ha as shown on the computer interest titles].

Status, description of land and area are now as indicated above.

ABERCROMBIE AND ASSOCIATES LIMITED

DPERTY MANAGERS AND CONSULTANTS

P O BOX 5056 MORAY PLACE DUNEDIN

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

7 November, 2001

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The Chief Surveyor Land Information New Zealand Private Bag 1929 DUNEDIN

Dear Sir

PROPERTY STATUS REPORT: GALLOWAY OTAGO LAND DISTRICT

References	- Client:		
	 Accredited Supplier: 	19	

LIPS 12489 193/02/01

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Please find enclosed:

- In accordance with CCPO Crown Pastoral Land Standard 6 and OSG Standard 1999/5 Chief Surveyor Land Status Certifications, a status report for your consideration and decision.
- 2 Evidencing the result of the investigation for the land concerned and set out in appendix order copies of:

Appendix 1	A locality plan
Appendix 2	SDI print
Appendix 3	Relevant survey plans
Appendix 4	Registered leases [current and historical]
Appendix 5	Documents registered against the current pastoral lease
Appendix 6	Extract from Crown Land Register
Appendix 7	Quotable Value New Zealand valuation record
Appendix 8	Advice from Department of Conservation
Appendix 9	Other relevant information [if any]

As required by Crown Property Management in specifications for complying with instructions on reporting for land status checks in terms of Crown Pastoral Land Standard 6 a certificate of authorisation.

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A cheque at the amount of \$32.00, inclusive of GST, being the prescribed fee for your certification [Please forward a receipt for this amount as soon as possible].

Could you please consider the enclosed status report and, if you concur, complete your certification and return the report to me. Because of the programme established by Crown Property Management, LINZ, it would be appreciated if this request could be treated as a matter of expediency.

Should any matter require clarification please do not hesitate to contact me any time at your convenience.

Thanking you in anticipation.

Yours, faithfully

David J Abercrombie

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ABERCROMBIE AND ASSOCIATES LIMITED

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CERTIFICATION

PRE TENURE REVIEW; LAND STATUS CHECK Galloway

REFERENCE: LIPS 12489

- 1. I, David J Abercrombie [Nominated Person for Accredited Supplier Abercrombie & Associates Limited] gives an assurance that:
 - a. I am authorised to undertake status checks by virtue of an agreement between Land Information New Zealand and Abercrombie & Associates Limited, and.
 - b. I am authorised to undertake the status check in relation to a tenure review of the land concerned, and
 - c. The Land Status Report enclosed with this certificate is in order for signature.
- 2. The decision when made will comply with the following statutory requirements: *[State statutory authority in full]*

Crown Pastoral Land Act 1998

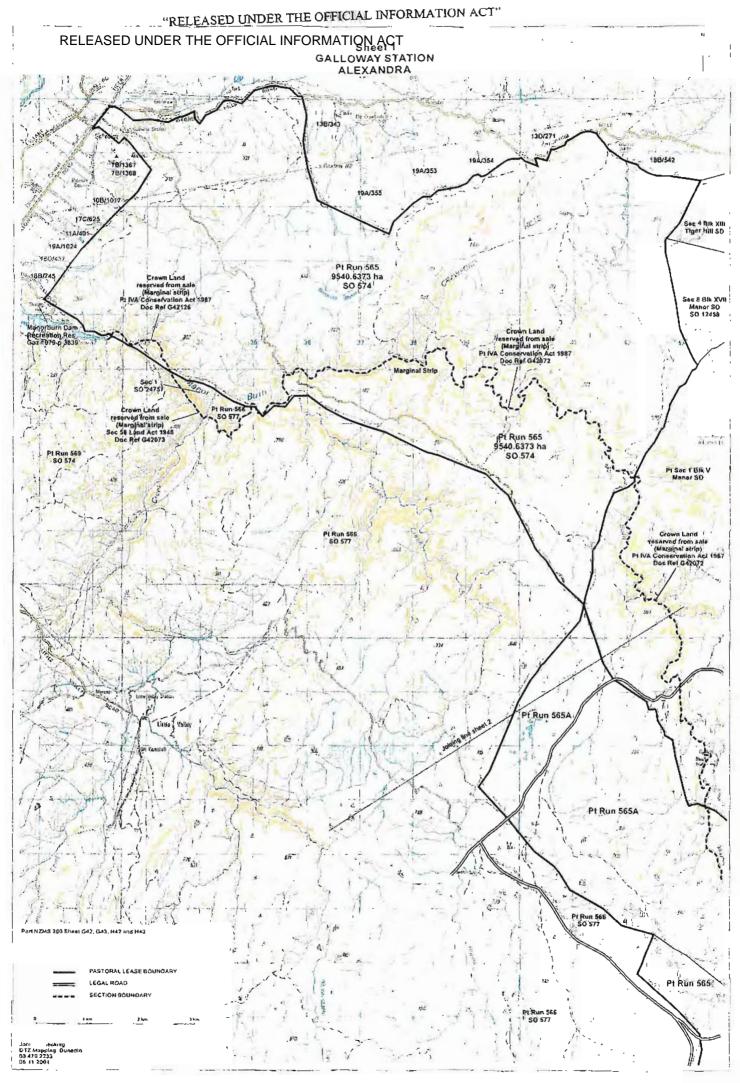
3. In giving this assurance David J Abercrombie undertakes that all relevant policy instructions, legal requirements, court judgements and any other matters have been taken into account and applied where appropriate. *[List all policy instructions, legal requirements, etc.]*

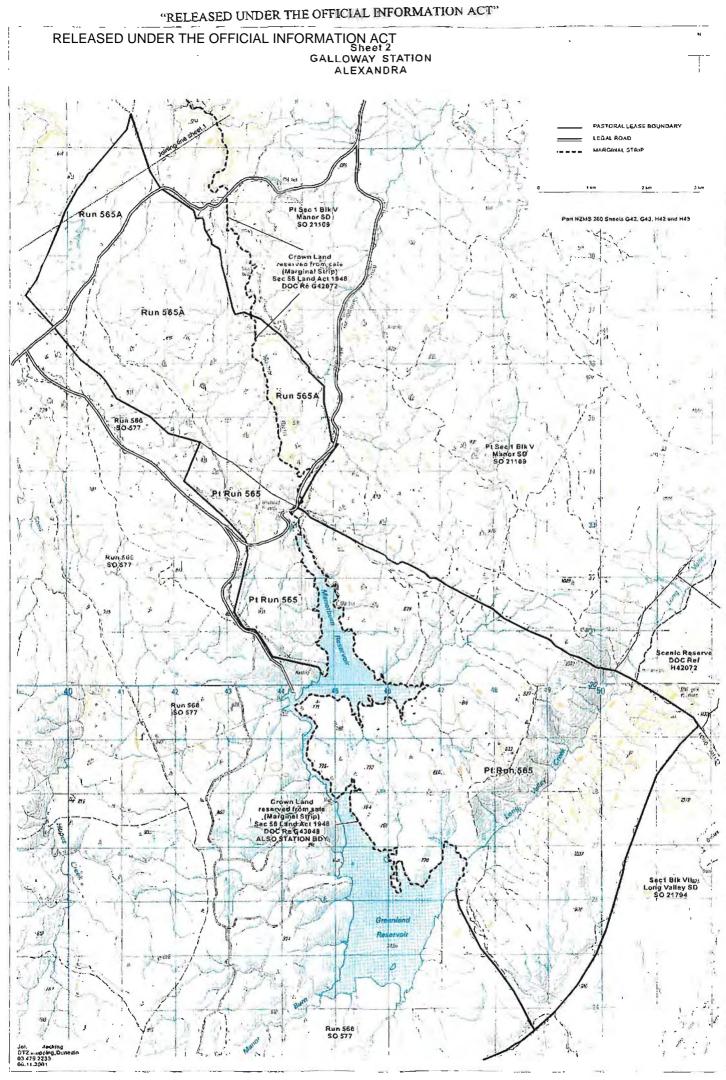
Instructions issued by CCPO, Crown Property Management

CCPO, Crown Pastoral Land Standard 6 Paragraph 7.1 Appendix 3

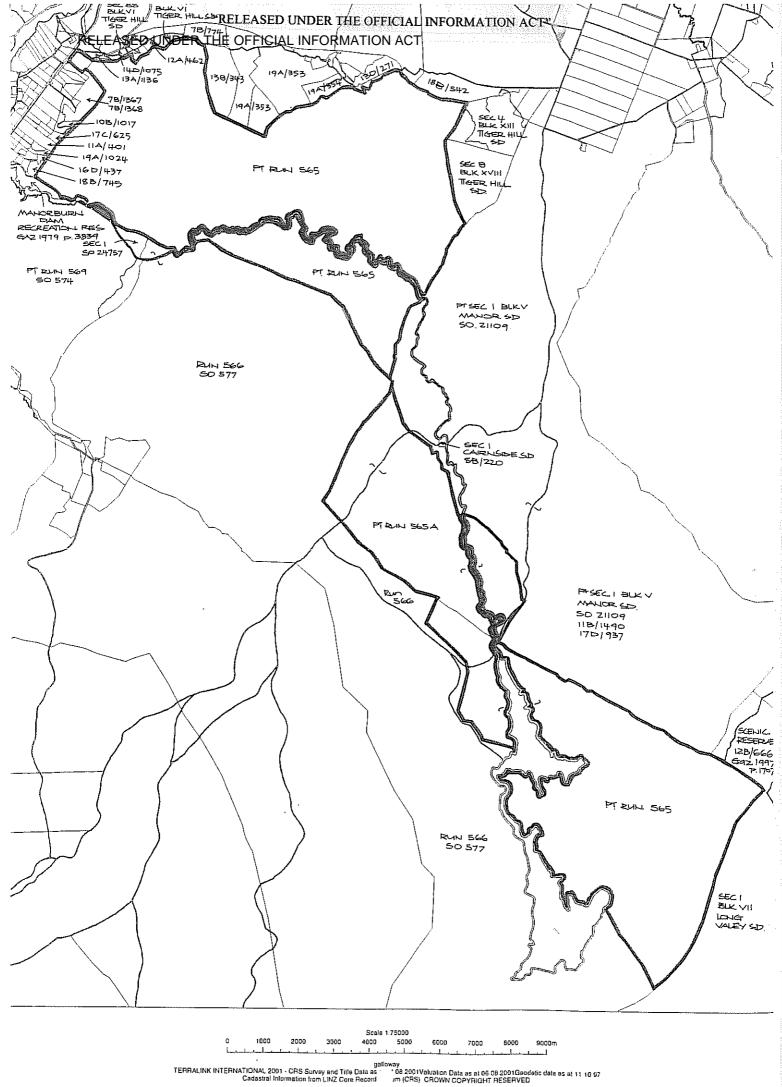
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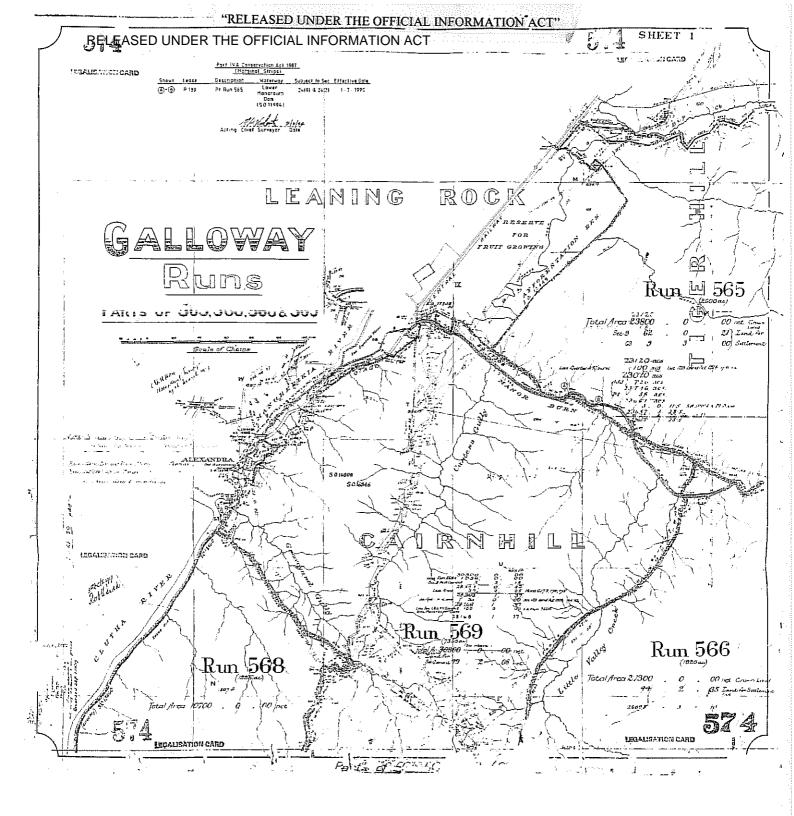
David J Abererombie Accredited Supplier

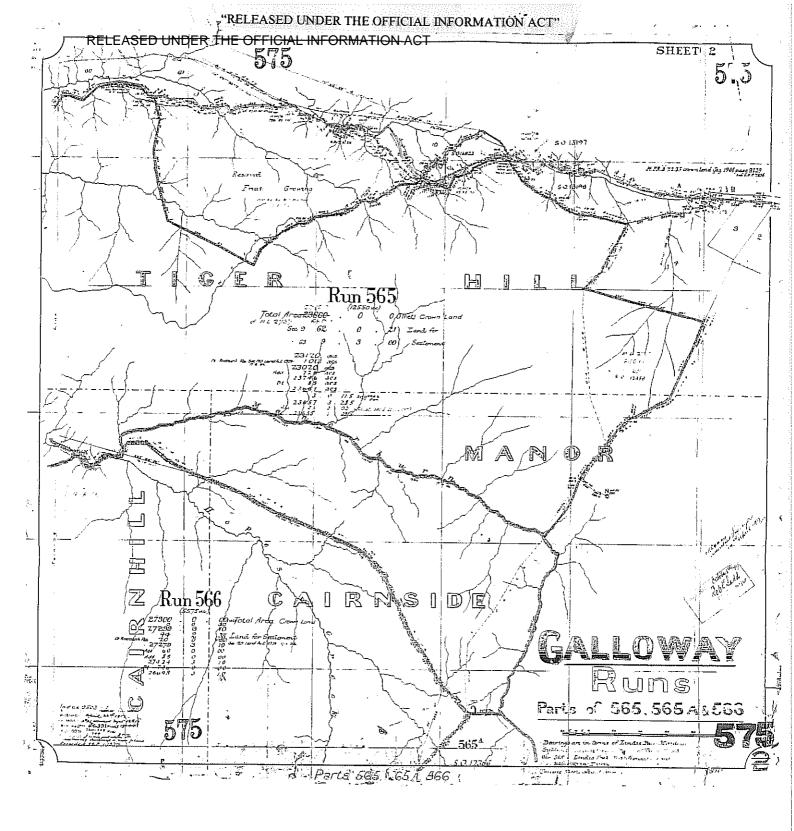


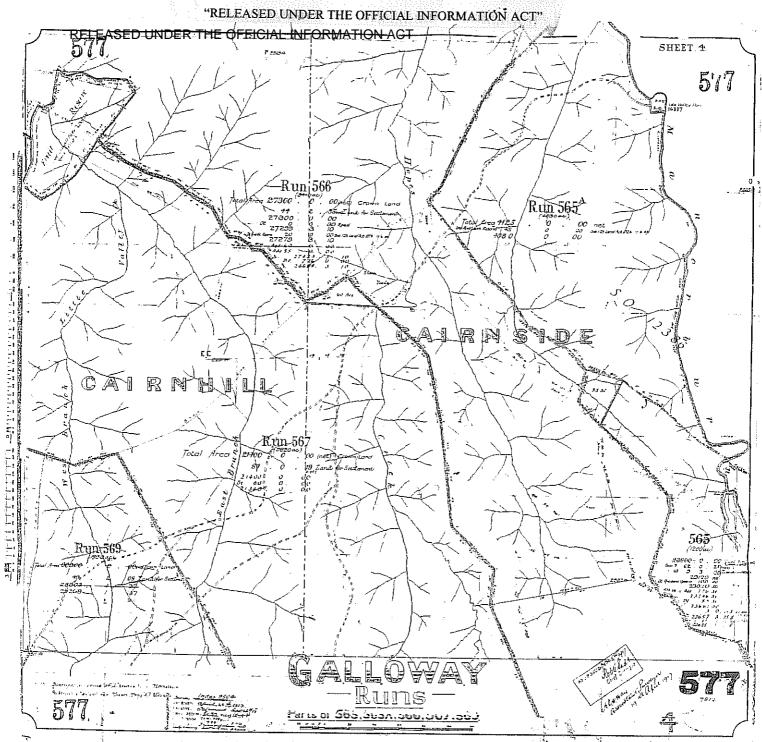


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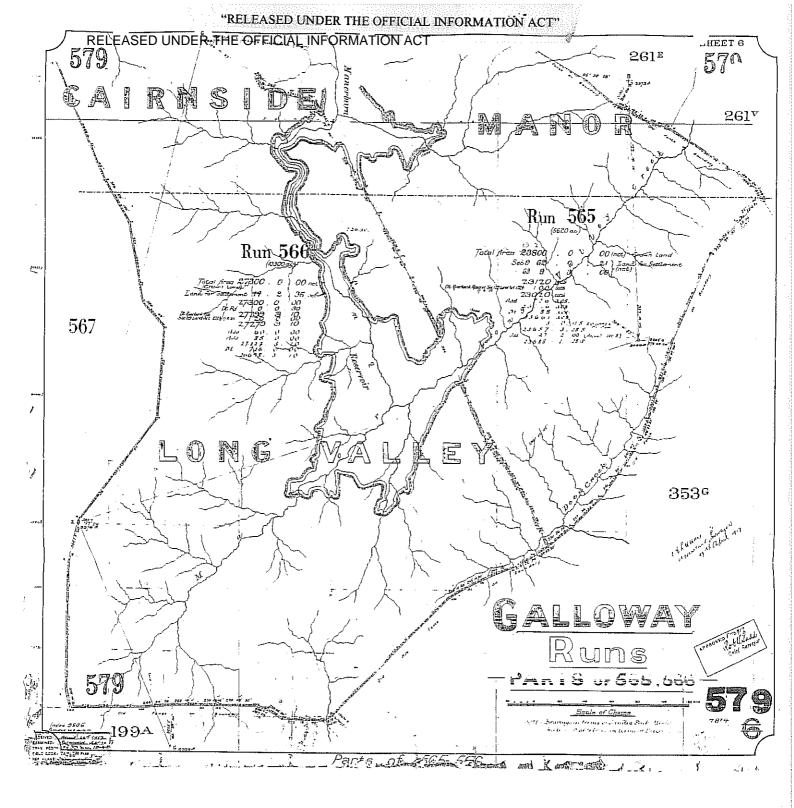


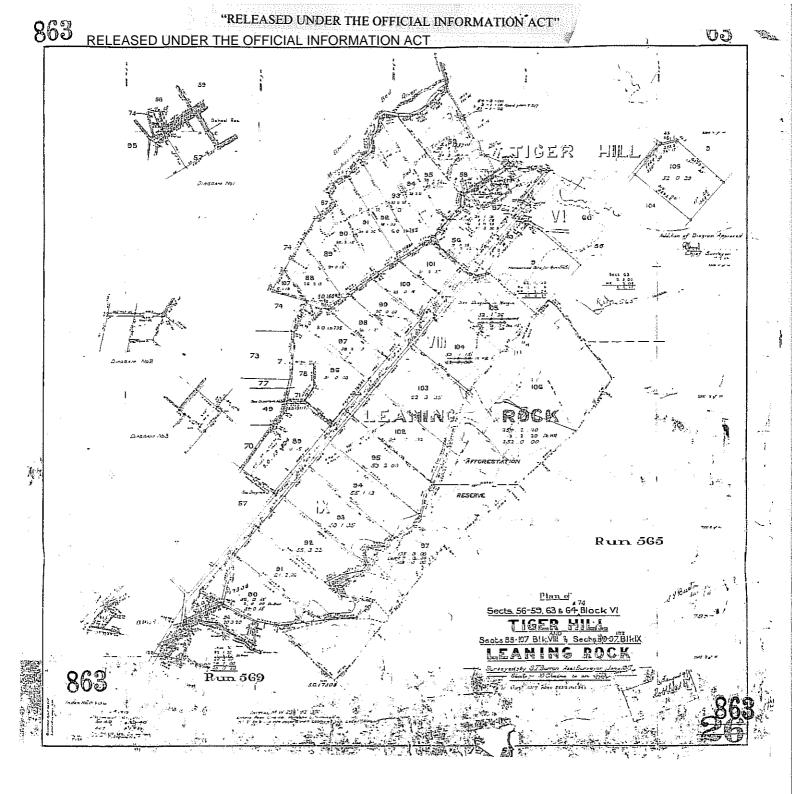


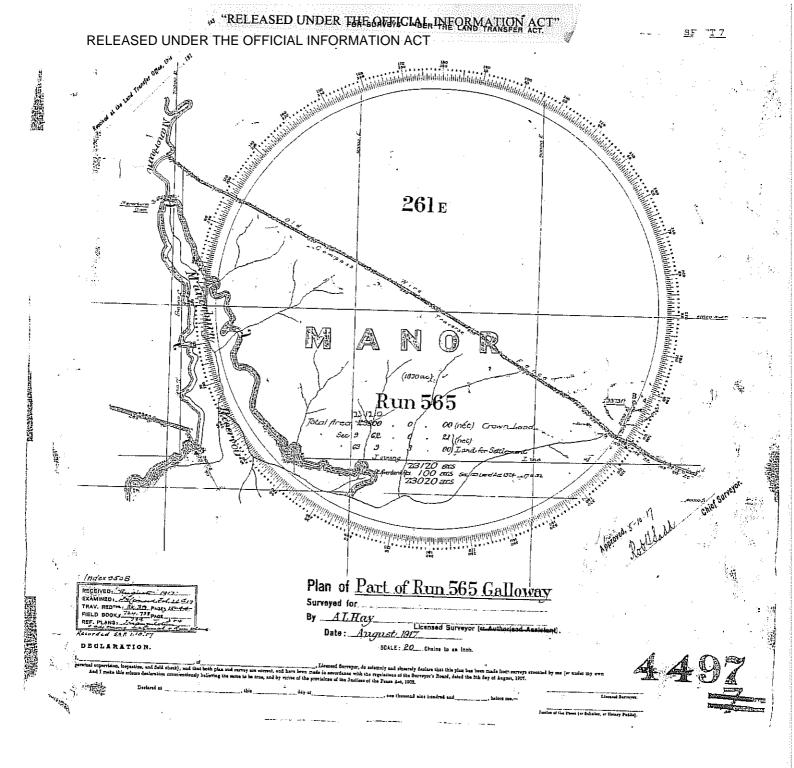
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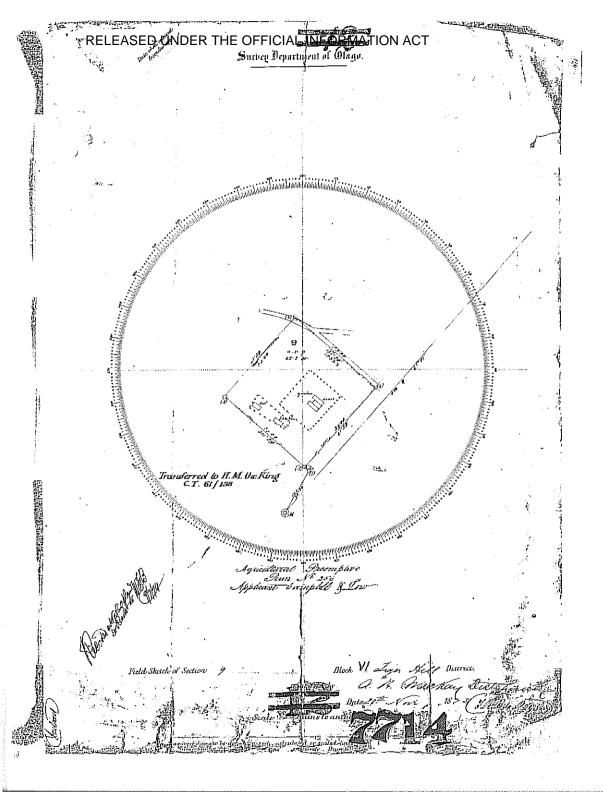
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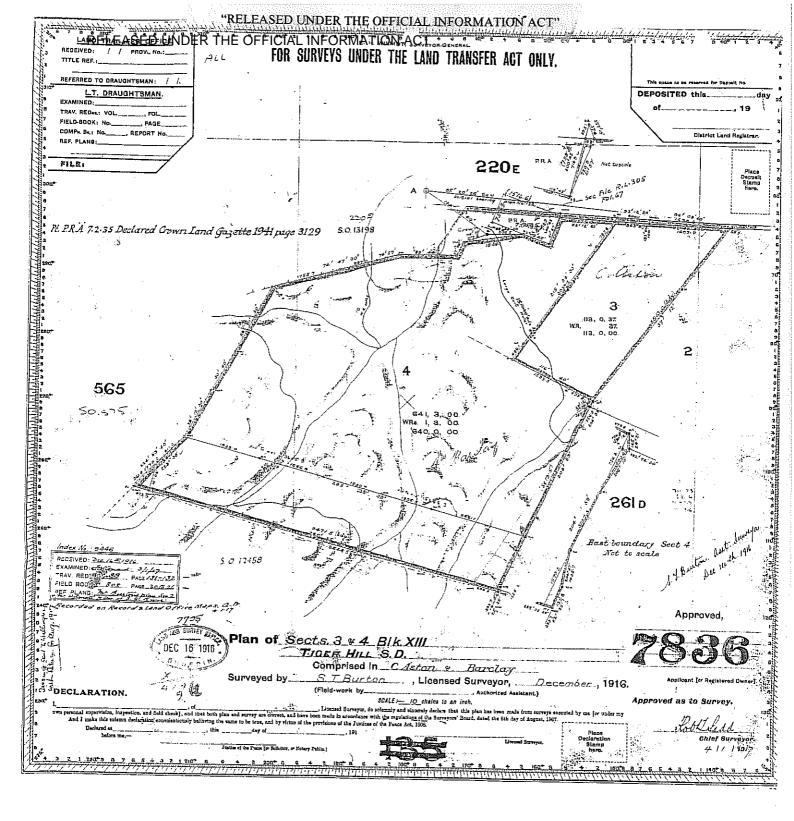
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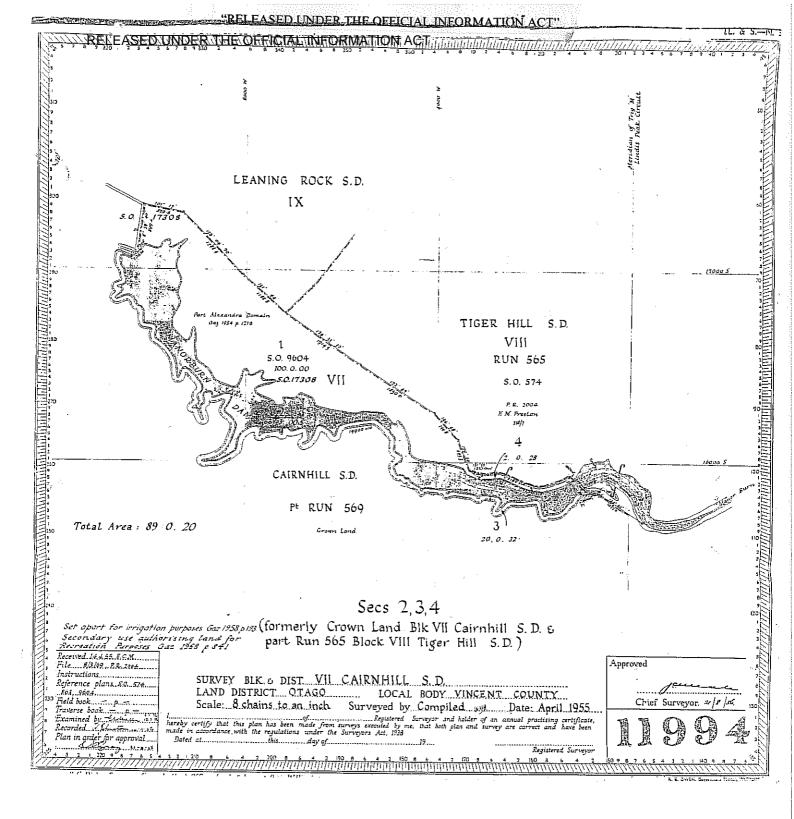


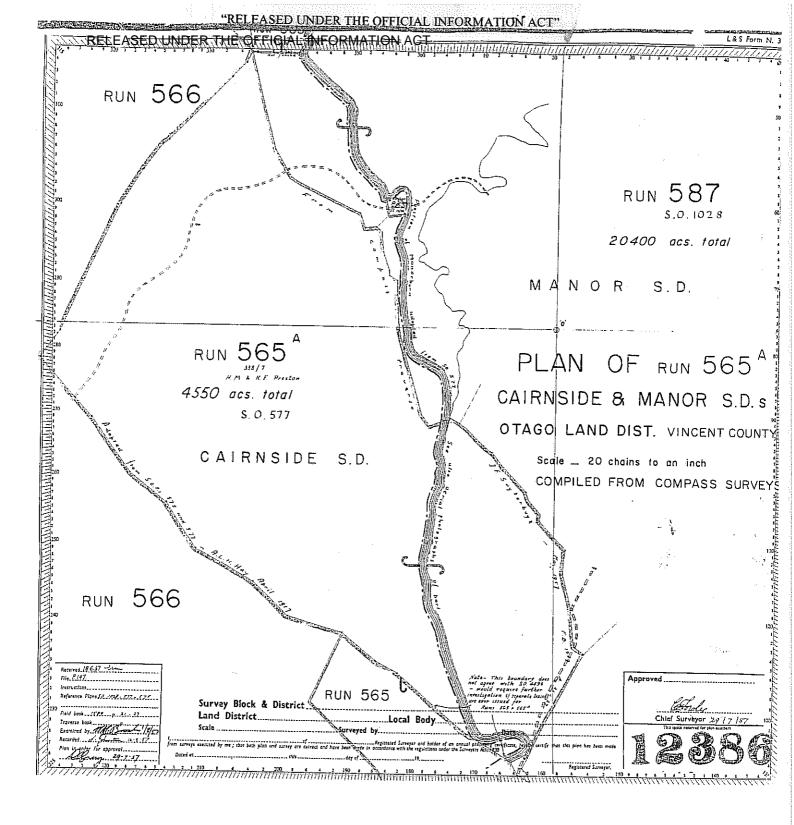


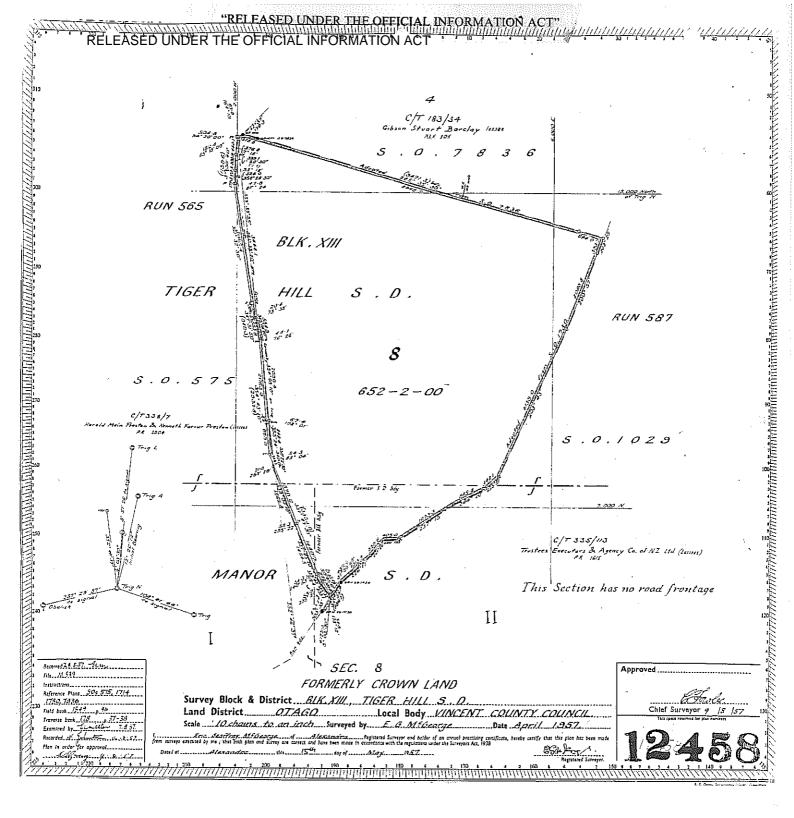


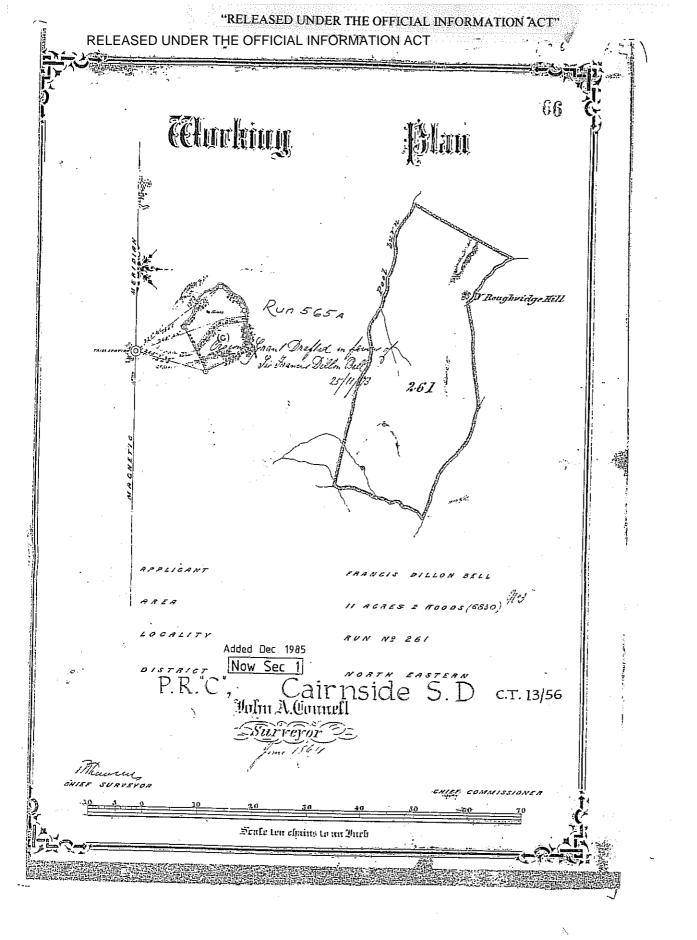


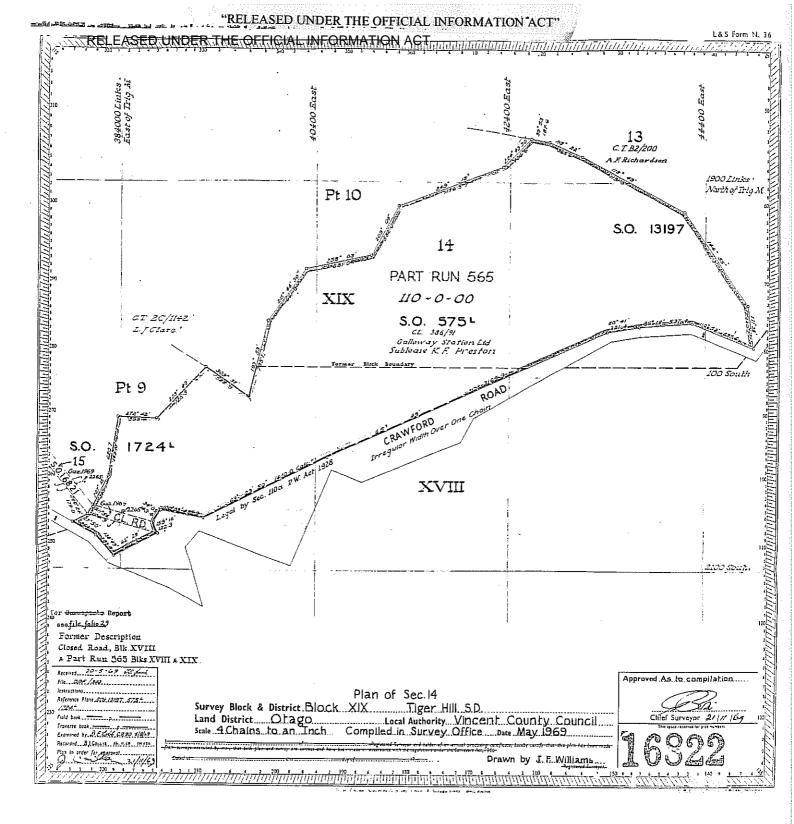


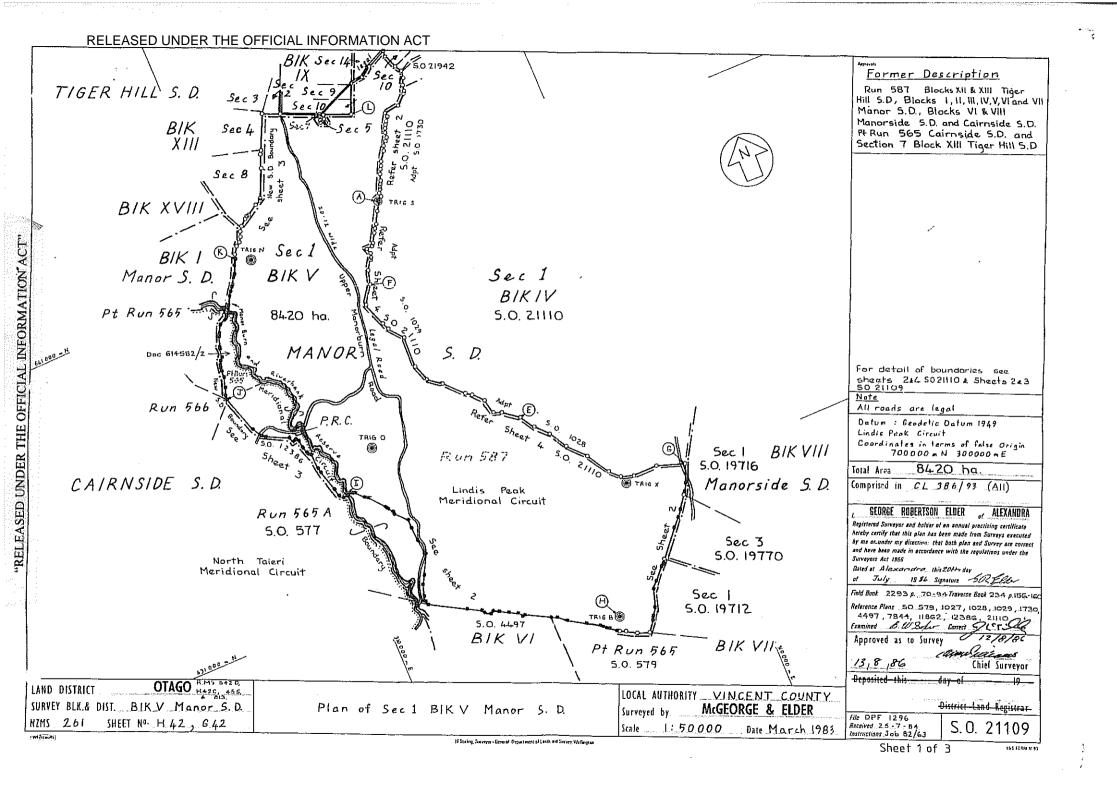


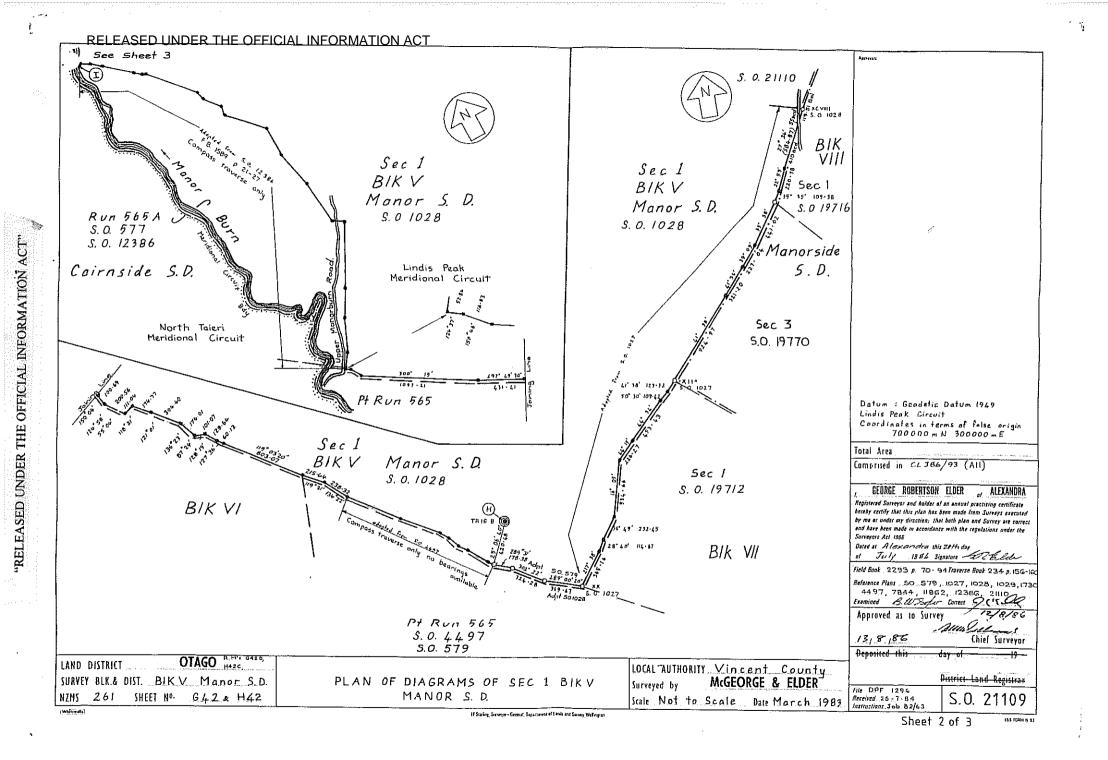


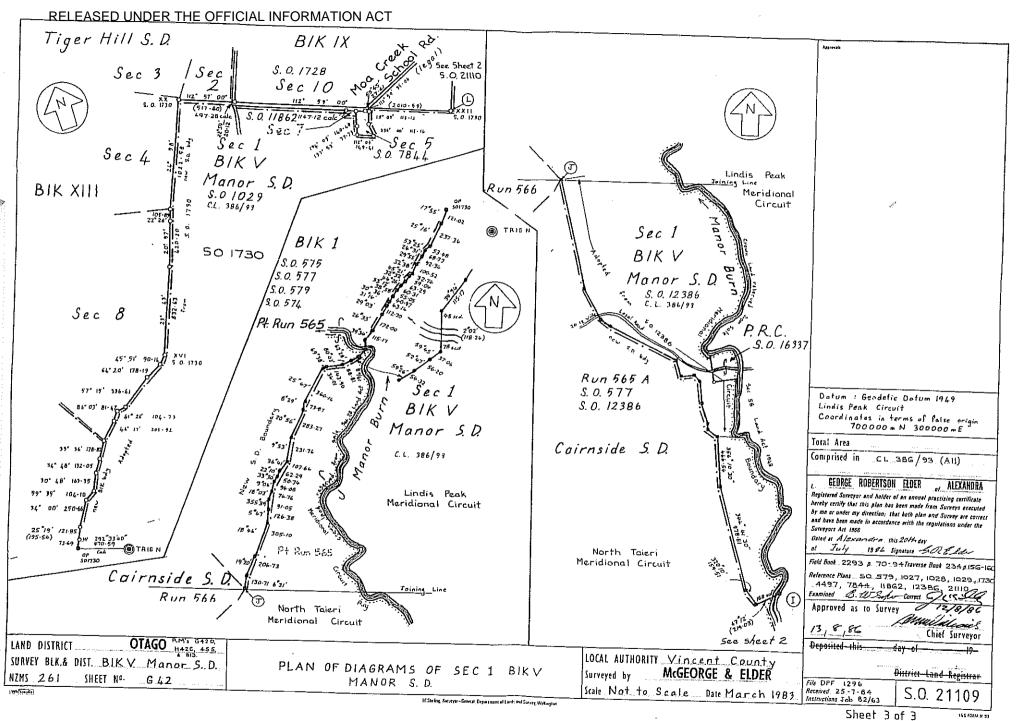








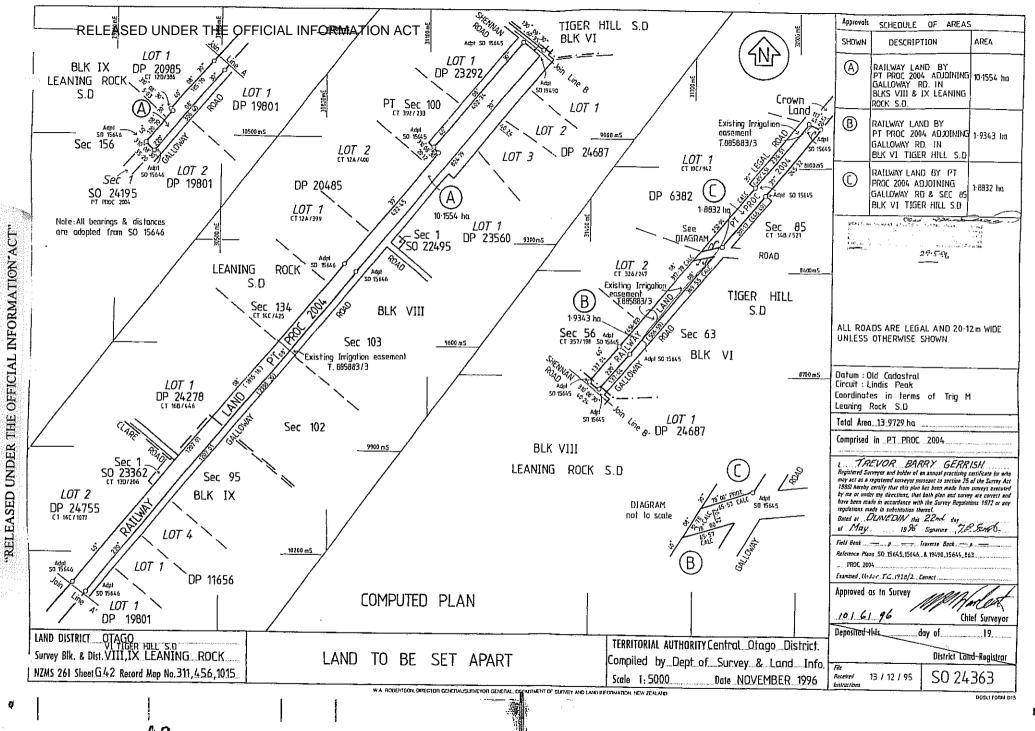




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