

## **Crown Pastoral Land Tenure Review**

**Lease name : ISLAY DOWNS**

**Lease number : PO 363**

### **Due Diligence Report (including Status Report)**

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.

December

05



**(1) Details of lease:**

**Lease Name:** Islay Downs

**Location:** Pig Root, Palmerston

**Lessee:** David John Andrew, Judith Clare Andrew and Robert Norman Macassey each with a one-third share as tenants in common (*jointly inter se*).

**Term:** 33 years from 1 July 1986

**Annual Rent:** \$ 1,845

**Rental Value:** \$82,000

**Date of Next Review:** 1 July 2007

**Land Registry Folio Ref:** 338/46 (*Otago Registry*)

**Legal Description:** Section 1 Block VI, Section 3 and part Section 8 Block X, Swinburn Survey District, Section 1 Block XV Kakanui Survey District.

**Area:** 1509.9659 hectares

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

<i>File Reference</i>	<i>Volume</i>	<i>First Folio</i>	<i>Date</i>	<i>Last Folio</i>	<i>Date</i>
Po035	1	1	25/5/1934	187	26/6/1978
Po363	2	188	19/9/1978	324	8/6/1996
Po363	3	1	19/3/1995	8	8/6/1999

**Other relevant files held by LINZ:**

<i>File Reference</i>	<i>Volume</i>	<i>First Folio</i>	<i>Date</i>	<i>Last Folio</i>	<i>Date</i>
CPL/04/11/12603 ZCH	1	1	21/2/97	4	1/9/1998
7900/04/P363	1	1	24/1/1992	1	24/1/1992
5200/D14/101/DCH	1	1	15/8/1993	3	12/9/1996

**(3) Summary of lease document:****Terms of lease:**

- (a) Commencement of first lease 1 July 1953, lease renewed for a further 33 years 1 July 1986. This agrees with the file information.
- (b) Lease stock limit - Clause F, 770 sheep August to February inclusive, 3630 sheep March to May inclusive. Clause G, no sheep June and July inclusive.

**Area adjustments:**

- (a) A Gazette Notice proclaimed part of Section 8 (*pastoral lease*), 174 metres, to be taken from the lease for road, registered 5 January 1978. This area change appears as an area alteration (*as 175 m<sup>2</sup>*) on the CL. File records show Crown approval to be taking of 9.6 perches (*174.5 m<sup>2</sup>*) for roading.
- (b) The same Gazette Notice as above proclaimed part of State Highway 85 (*1335 m<sup>2</sup>*) adjoining and intersecting but not part of Section 8 Block X to be vested (*as freehold personally*) to Norman McLeod Freeland, the then lessee.

Although the 1335 m<sup>2</sup> (*comprised of two narrow strips*) of closed road adjoined and intersected Section 8 Block X of the pastoral lease, this land became freehold land. It seems there was no obligation to incorporate this land into the pastoral lease despite the land being located on the pastoral lease side of State Highway 8 ie not adjoining freehold land.

**Registered interests:**

907466/3 Mortgage to the National Bank of New Zealand Limited, registered 8 May 1996.

**Unregistered interests:**

We are not aware of any unregistered interests.

**(4) Summarise any Government programmes approved for the lease:**

A Run Plan was in operation in the early 1970's. The Plan did not involve any retirement of land, it appears that all obligations were met, the registered agreement has been discharged from the CL.

**(5) Summary of Land Status Report:**

The Land Status Report did not identify any outstanding issues relating to due diligence matters.

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**(6) Review of topographical and Cadastral data:**

- (a) Larger sections of the legal boundary are unfenced resulting in significant stock trespass between the lease and Po265 Balmoral and the Kakanui Peak Conservation Area. The Shag River (*Waihemo Branch*) forms the western boundary, the upper portion of the river is unfenced.
- (b) The lease boundary near State Highway 85 is not fenced, and does not adjoin the current legal road. There is a long narrow section of freehold land between the existing legal highway and the legal lease boundary.
- (c) The southern legal boundary is not fenced from freehold land or the adjoining unformed (*not State Highway 85*) legal road. The file does not indicate if other boundary fences are on the correct legal line or not.
- (d) Kakanui Peak (*1528 m.a.s.l.*) is on the northern tip of the lease, we do not consider that this or any other summits on the lease have potential to be suited for telecommunication purposes.
- (e) There are no legal roads within the lease.
- (f) The remains of a stone hut is located near the Shag River, it may have been a boundary riders hut. The Hyde water race begins on this lease. These features do not seem to be highly significant.

**(7) Details of any neighbouring Crown or conservation land:**

- (a) The Kakanui Peak Conservation Area (*Conservation Unit No I41 089, 690 ha*) is located over the western boundary at the higher northern end of the lease. There is no case to include this area as reviewable land.
- (b) The lower two-thirds of the Shag River (*Waihemo Branch*) has a marginal strip.

**(8) Summarise any uncompleted actions or potential liabilities:**

We have not identified any contingencies that may affect the legal ability of the Commissioner of Crown Lands to complete a review of the lease.

# OPUS INTERNATIONAL CONSULTANTS LIMITED

## DUNEDIN OFFICE

Project Number 6NLI11.02 016YD

This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50177 dated September 1999 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.



<b>LAND STATUS REPORT for Islay Downs</b>		LIPS Ref 12603
Property	1	of 1

<b>Land District</b>	Otago
<b>Legal Description</b>	Section 1 Block VI, Sections 3 and part Section 8 Block X Swinburn SD and Section 1 Block XV Kakanui SD
<b>Area</b>	1509.9659 ha
<b>Status</b>	Crown Land held under Pastoral Lease 348
<b>Instrument of title / lease</b>	CL 338/46
<b>Encumbrances</b>	None registered on lease.
<b>Mineral Ownership</b>	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 1848 Kemp Purchase.
<b>Statute</b>	Land Act 1948 and Crown Pastoral Land Act 1998.
<b>Marginal Strips</b>	Sec 24(3) shown on SO 1617.

<b>Data Correct as at</b>	22 October 1999
<b>[Certification Attached]</b>	

<b>Prepared by</b>	G Patrick
<b>Crown Accredited Agent</b>	Opus International Consultants Ltd, Dunedin

### Certification – as to status

Pursuant to Section 11(1)(1) 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

<b>LAND STATUS REPORT for Islay Downs</b>				LIPS Ref 12603
Property	1	of	1	

under the Land Act 1948 subject to Pastoral Lease registered as 338/46.



**Max Haydn Warburton**  
**Chief Surveyor**  
**Land Information New Zealand, Dunedin.**

*4 1 11 /1999*

**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.**

Nothing found on file.



**LAND STATUS REPORT for Islay Downs**

LIPS Ref 12603

Property 1 of 1

**Research Data: Some Items may be not applicable**

SDI Print Obtained	Yes / No
NZMS 261 Ref	I41 & I42
Local Authority	Waitaki District Council
Crown Acquisition Map	Kemp
SO Plan	SO 701 approved January 1919 being a plan of Sec 1 Blk XV Kakanui SD. SO 1617 approved January 1919 being a plan of Secs 3 & 8 Blk X Swinburn SD. SO 7285 of 1883 being a plan of Sec 1 Blk VI Swinburn SD.
Relevant Gazette Notices	GN 490412 being New Zealand Gazette 1977 page 3258 Land for Road and Road Stopped.
CL Ref / Lease Ref	1. CL 338/46 2. Memorandum of Renewal registered as 767395
Plan Index	Cards attached for Blocks VI & X Swinburn and Block XV Kakanui SD's.
Legalisation Cards	SO 701 - no card SO 1617 - attached SO 7285 - no card
CLR	Confirms Pastoral status
Allocation Maps (if applicable)	Nothing shown on I41 or I42
VZ Ref - if known	26170/08100 & 26371/1
Crown Grant Maps	Not searched.
<b>If Subject land Marginal Strip :</b>	
a) Type [Sec 24(9) or Sec 58]	a) Sec 24(3)
b) Date Created	b) Pre 1987
c) Plan Reference	c) SO 1617

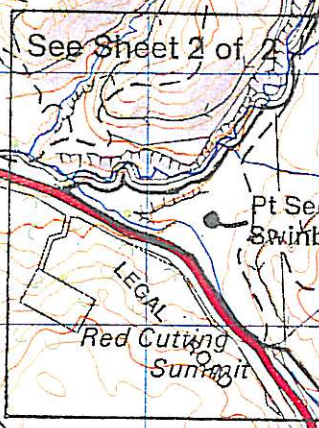
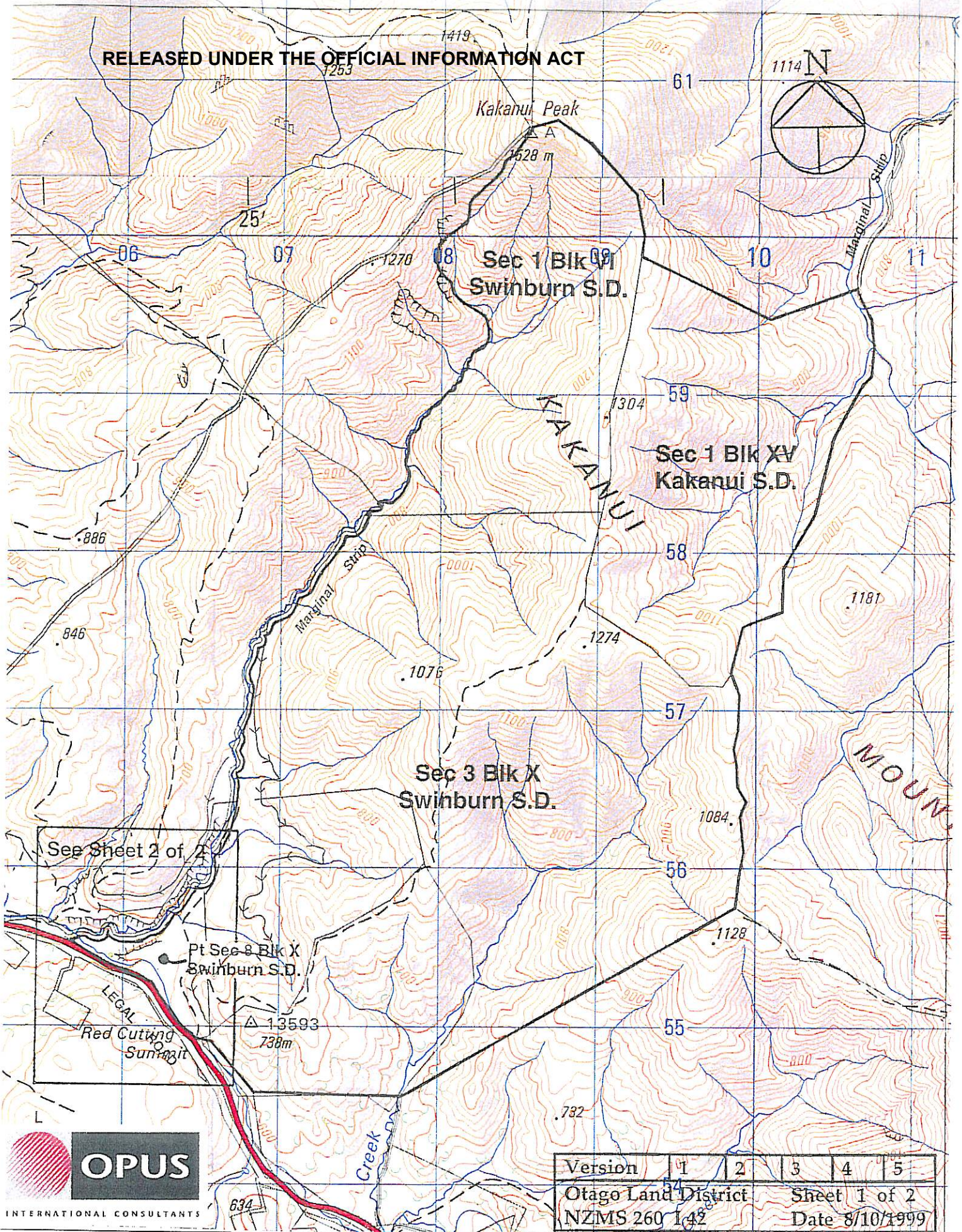
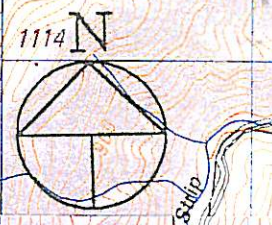
<b>LAND STATUS REPORT for Islay Downs</b>				LIPS Ref 12603
Property	1	of	1	

**Research – continued**

If Crown land – Check Irrigation Maps.	I41 Nothing for subject area. No map or documents for I42.
Mining Maps	I 41 & I42 Map shows mining privilege PPA39143 by Macraes Mining Co Ltd. There is no reference to this however in the Mining Index. No interest registered on CL 338/94.
<p><b>If Road</b></p> <p>a) <b>Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989</b></p> <p>b) <b>By Proc</b></p>	<p>a) SO Plan - Not applicable</p> <p>b) Proc Plan</p> <p>c) Gazette Ref</p>
<p>Other Relevant Information</p> <p>a) Concessions – Advice from DOC or Knight Frank.</p> <p>b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998</p> <p>c) Mineral Ownership</p> <p>d) Other Info</p>	<p>a) No advice received of any concessions.</p> <p>b) None known.</p> <p>c)</p> <p><input checked="" type="checkbox"/> 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 1848 Kemp Purchase.</p> <p><input type="checkbox"/> Contained in [provide evidence].</p> <p>d)</p>



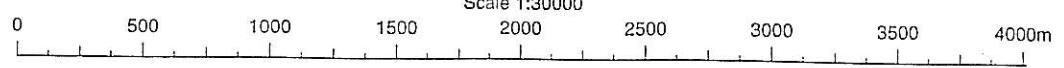
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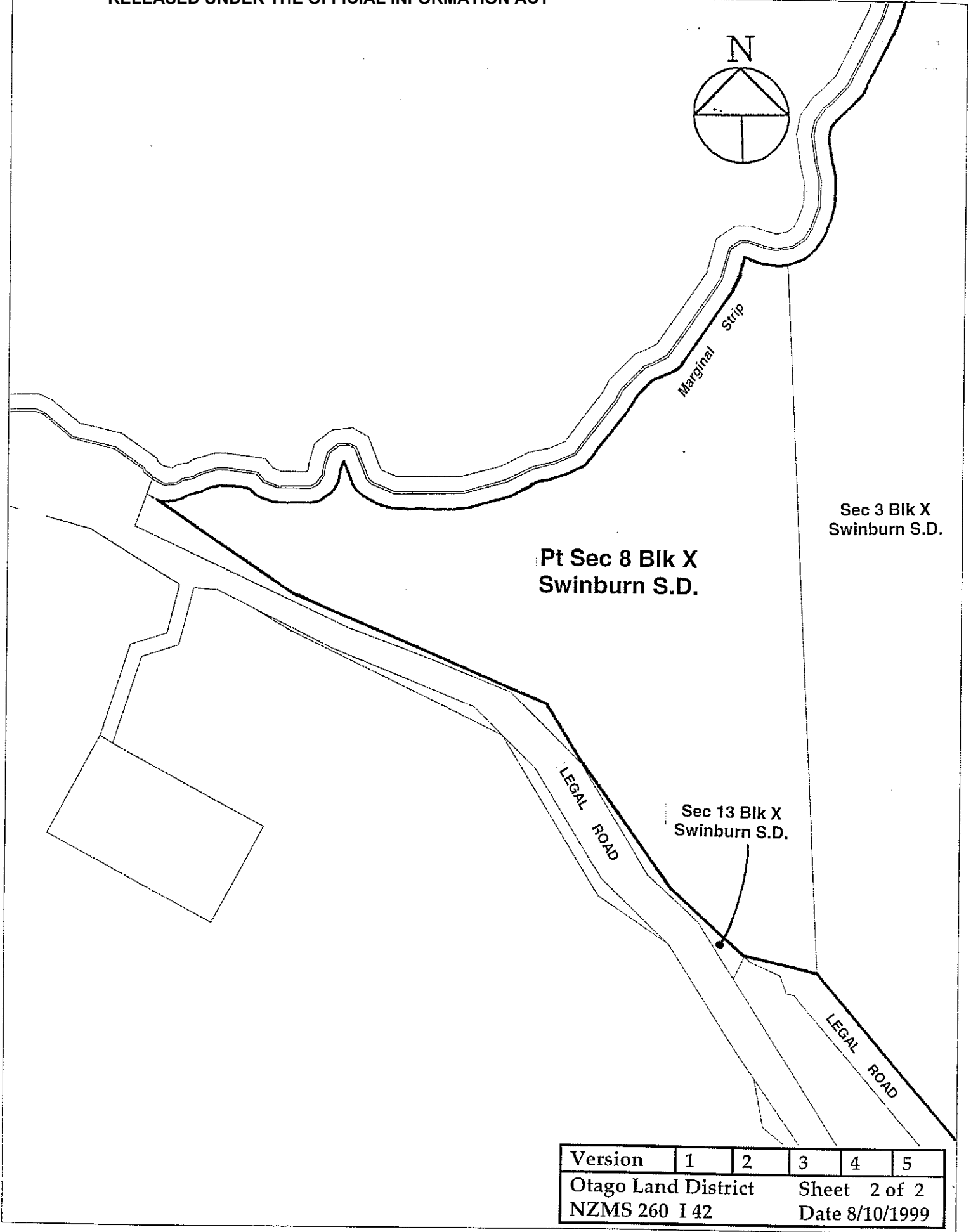
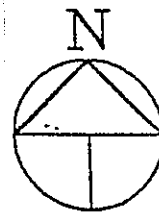
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Otago Land District	Sheet 1 of 2				
NZMS 260 142	Date 8/10/1999				

### Islay Downs

Scale 1:30000







Pt Sec 8 Blk X  
Swinburn S.D.

Sec 3 Blk X  
Swinburn S.D.

Sec 13 Blk X  
Swinburn S.D.

LEGAL ROAD

LEGAL ROAD

Version	1	2	3	4	5
Otago Land District	Sheet 2 of 2				
NZMS 260 I 42	Date 8/10/1999				

### Islay Downs

Scale 1:6580

