

Crown Pastoral Land Tenure Review

Lease name : MANAHUNE

Lease number : PT 091

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.

November

05

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

MANAHUNE

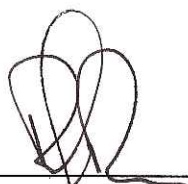
File Ref: CON/50269/09/12708/A	Report No: CH0153	Report Date: 17/6/2002
Office of Agent: Christchurch	LINZ Case No:	Date sent to LINZ: 17/6/2002

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** that no incomplete actions were identified which require action by the Manager Crown Property Contracts *[or other party]*;

Signed by Opus:

Peer Reviewed



R J Ross
Property Consultant

Mike Todd
Property Consultant

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

Name:

Date of decision: / /

1. Details of lease:

Lease Name: Manahune
Location: Farlie
Lessee: Andrew Grant McNab, Susanne Kay
 McNab and Stephen John Mc Farlane
Tenure: Pastoral Lease
Term: 33 years from 1 July 1962 extended for 33
 years from 1.7.1995
Annual Rent: \$1,800.00
Rental Value: \$120,000.00
Date of Next Review: 1 July 2006
Land Registry Folio Ref: CB895/55
Legal Description: Run 291 situated in Blocks IX, XIII and XIV
 Tengawai Survey Districts.
Area: 1246.4317 hectares

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

File Reference	Volume	First Folio Number	Date	Last Folio Number	Date
CON/50269/09/12708/A-ZNO	1	1	8/3/02	5	6/02

Other relevant files held by LINZ:

File Reference	Volume	First Folio Number	Date	Last Folio Number	Date
Pt/091-SCH-01	1		9/9/59		27/4/90
Pt/091-SCH-02	2		27/4/90		30/6/00
Pt/091-SCH-03	3		6/8/40		19/8/88
Pt/091/A-SCH		Plans Only			
CON/50213/09/12708/A-ZNO	-		1/7/00	-	Present

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

Pastoral lease under the Land Act 1948 issued for 33 years from 1 July 1962 extended for 33 years from 1 July 1995. The lease has a base stock limit of 1705 sheep (including 385 breeding ewes). The current personal exemption to this limit is 3500 sheep (including 3000 breeding ewes) or alternatively 470 cattle (including 180 breeding cows).

Area adjustments

There have been no transactions affecting the area of the lease.

Registered interests

- 800890 Memorandum of Variation of the terms of the within lease –
29.6.1970
*Variation requiring CCL consent to the transfer of shares in a
lessee company.*
- 258052.1 Land Improvement Agreement pursuant to Section 30A Soil
conservation and Rivers Control Act 1941- 9.1.1980 and
varied 28.4.1988
*Recording the terms and conditions of agreements entered into by
the lessee and the South Canterbury Catchment Board for the
development of parts of the lease.*
- A1367121.1 Variation and extension of the lease for a term of 33 years
commencing 1.7.1995
*Renewing the lease for a further term of 33 years and varying it
by replacing the covenant to pay rent.*
- 5096237.3 Mortgage to Rabobank New Zealand Limited – 17.10.2001
Registered first mortgage.

Unregistered interests

There are no known unregistered interests and while a Commercial Recreation Permit was discussed in 1988 and approved in principle there was no evidence found of a formal application or approval.

Summarise any Government programmes approved for the lease:

A land improvement agreement with amendments is registered against the lease. Although the work in the amended schedule was due for completion in 1992 the agreement is still current and imposes future obligations on the landowner in respect to maintenance of works and rights of access for the Crown and the Board.

Summary of Land Status Report:

Field inspection may be required to ascertain whether streams within this lease are subject to Section 24 of the conservation Act 1987.

This matter is not considered to be relevant to the tenure review of the lease.

There appears to be a "sliver" of Run 291 which is not clearly defined on CT CB 895/55.

This land is in the lease and the fact that the CT does not clearly depict the area is not considered relevant to the tenure review.

Correspondence was entered into regarding a Recreation Permit Application in 1988-89 but there is no evidence of it proceeding.

This matter is not considered to be relevant to the tenure review of the lease as no approval of this application could be found on file.

Correspondence was entered into regarding a proposed Bush Reserve. There was no evidence found of the proposal proceeding.

This matter is not considered to be relevant to the tenure review of the lease as no approval of this proposal was found on file.

Review of topographical and cadastral data:

There are no features of note shown on the topographical and cadastral data for this property.

Details of any neighbouring Crown or conservation land

There is no adjoining conservation land (with the possible exception of undefined marginal strips) nor is there any adjoining Crown land save for the Chetwynd and Silver Hills pastoral leases.

Summarise any uncompleted actions or potential liabilities:

No uncompleted actions or potential liabilities have been identified.

Appendices

Appendix 1 – Land Status Check and Plan.

OPUS INTERNATIONAL CONSULTANTS LIMITED
CHRISTCHURCH OFFICE
APPENDIX A

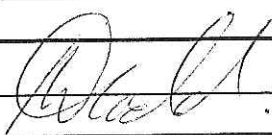
Project Number 6NLITR.02/YC

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 Manahune				LIPS Ref 12708/01
Property	1	of	1	

Land District	Canterbury
Legal Description	Run 291 situated in IX, XIII and XIV Tengawai S.D.
Area	1246.4318 hectares (subject to survey)
Status	Crown Land subject to Pastoral Lease P.91
Instrument of title / lease	Pastoral Lease CB895/55 pursuant to Section 66 and registered under Section 83 of the Land Act 1948
Encumbrances	Subject to: <ul style="list-style-type: none"> Section 24(9) Conservation Act 1987 (Marginal Strips) 258052.1 Land Improvement Agreement.
Mineral Ownership	<ul style="list-style-type: none"> Minerals are owned by the Crown as historical Rural Sections alienated from the Crown within the boundaries of Run 291 (RS's 28661 and 28662, and Pt RS's 18029, 28663, and 32072) subsequently transferred back to HMQ all their estates and interests for the purposes of the Land for Settlements Act 1894. Refer T.44542 and T.44950. <p>The earliest reference found for underlying Small Grazing Run No.54 within the Canterbury Registry was CL 428/061 which shows the lease as registered on 21 March 1932, but commencing on 1 March 1920.</p> <ul style="list-style-type: none"> Also refer to CB 895/55 Agreement (b). Minerals are reserved to the Crown with right of access.
Statute	Land Act 1948 and Crown Pastoral Land Act 1998

Data Correct as at	8 March 2002
[Certification Attached]	Yes

Prepared by	Mike Todd 
Crown Accredited Agent	Opus International Consultants Ltd, Christchurch

LAND STATUS REPORT for Manahune				LIPS Ref 12708/01
Property	1	of	1	

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.

1. Field inspection may be required to ascertain whether Ducks Stream and other streams within this pastoral lease are subject to Section 24 of the Conservation Act 1987. No evidence has been found to prove that the widths and extents of streams within Run 291 have been determined. CB 895/55 is shown as being "Subject to the provisions of Section 58 of the Land Act 1948".
2. There appears to be a "sliver" of Run 291, which lies, between the Legal Road and the Tengawai River at the easternmost corner. Tengawai Block Sheet XIV, Road Legality Sheet J38/1.2 and Landonline give the clearest depiction of this area. The copy of CB 895/55 does not clearly show this area.
3. Correspondence on Files P091 Closed Vols 1 & 3 dated 15/9/89, 25/11/88 and 19/8/88 regarding a Recreation Permit Application by B Patterson. No evidence found of application proceeding beyond letter of 15/9/89.
4. Correspondence on File P091 Closed Vol 3 dated 3/4/85, 21/3/85, 16/3/84 regarding a Proposed Bush Reserve by B Patterson. No evidence found of proposal proceeding beyond memo of 3/4/85.

LAND STATUS REPORT for Manahune				LIPS Ref 12708/01
Property	1	of	1	

Research Data: *Some Items may be not applicable*

SDI Print/ Land on Line Print Obtained	Yes
NZMS 261 Ref	I38, J38
Local Authority	Mackenzie District
Crown Acquisition Map	Kemp Purchase
SO Plan	<p>TP 19123 (Dated 1882) – Shows rural section 32072 now part of Run 291</p> <p>SO 2830 (Dated 1884) – Shows rural sections now part of Run 291</p> <p>SO 2844 (Dated 1884) – Shows rural sections now part of Run 291</p> <p>Tengawai Block Sheets IX, XIII and XIV depict Run 291 and area. A note on Sheet XIII reads “Runs 51 & 54 were compiled from data on tracing attached to papers S167”.</p> <p>SO17057 (I38) and SO17064 (J38) – SOE Land Allocation Maps.</p>
Relevant Gazette Notices and / or Computer interest register.	Nil
CT Ref / Lease Ref	CB 895/55 – VL800890, LIA258052.1, VLA136712.1.
Plan Index	SO 2830, SO 2844
Legalisation Cards	No card for SO 2830 or SO 2844
Statutory Actions (Landonline)	SO 2830, SO 2844 and Tengawai Block Sheets IX, XIII – no Statutory Action shown.
CLR	Supports Pastoral status
Allocation Maps (if applicable)	DOC and SOE allocation maps sighted – no allocations within lease area.
VNZ Ref - if known	25280 00301 & 25270 14100
Crown Grant Maps	Not applicable
If Subject land Marginal Strip: a) Type [Sec 24(9) or Sec 58]	a) CB 895/55 refers to Sec 58 Strips however these are not defined on any survey plan. Section 24(9) Conservation Act 1987 applies.

LAND STATUS REPORT for Manahune				LIPS Ref 12708/01
Property	1	of	1	

<p>If Subject land Marginal Strip:</p> <p>b) Date Created</p> <p>c) Plan Reference</p>	<p>b) 1 July 1995 on renewal of this lease</p> <p>c) Tengawai Block Plans IX, XIII, and XIV. No determination which rivers or streams are over 3 metres wide, and their extent</p>
If Crown land – Check Irrigation Maps.	Not applicable
Mining Maps	No registered permits have been found. NZMS 261 Mining Map J38 sighted. Map I38 unable to be located by LINZ staff on 1/3/02.
<p>If Road</p> <p>a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989</p> <p>b) By Proc</p>	<p>Yes</p> <p>Not applicable</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) Other Info</p>	<p>a) The Department of Conservation has been consulted and no public conservation land has been identified within the boundary of this property.</p> <p>b) Searched - nothing found.</p> <p>c)</p> <ul style="list-style-type: none"> Topomaps I38 and J38 show two power lines on pylons running across the southern portions of Run 291. Lessees also farm CB 35D/592 and CB 35D/709 adjacent (southeast of Run 291). Pastoral Lease P.99 Chetwynd (Run 309) adjoins and is part of the Pastoral Lease Tenure Review.