

Crown Pastoral Land Tenure Review

Lease name : MT PROSPECT

Lease number : PS 085

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.

July 04



DUE DILIGENCE REPORT
CPL PRE TENURE REVIEW ASSESSMENT STANDARD 6:
MOUNT PROSPECT PASTORAL LEASE


File Ref: CON/50239/09/12663/A Report No: DN0013 Report Date: 15/01/2001
Office of Agent: Dunedin LINZ Case No: TRO/41 Date sent to LINZ: 16/01/2001

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 incomplete actions which require action by the Manager Crown Property Contracts *[or other party]*;


The access to the Telecom site does not appear to have been legalised.

Signed by Opus:


Michael Brown
Consultant


D Payton
Contract Manager

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


Name: MICHAEL JOHN TODD
Date of decision: 23/2/2001

1. Details of lease:

Lease Name: Mount Prospect
Location: Kakapo Road, 20 kilometres east of Te Anau
Lessee: George Ross Cockburn (½ share) and Grant William and Rachel Jane Cockburn(½ share)
Tenure: Pastoral Lease under section 66 of the Land Act 1948 and registered under section 83 of the Land Act 1948
Term: 33 Years from 1 July 1993
Annual Rent: \$3,000
Rental Value: \$200,000
Date of Next Rent Review: 30 June 2004
Land Registry Folio Ref: C.L. 6A/1438
Legal Description: Part Run 640 situated in Block I, Te Anau Survey District and Blocks V, VI, VII and VIII, Mararoa Survey District
Area: 3433.1056 hectares

2. File Search

Files held by Agent (Knight Frank (NZ) Ltd) on behalf of LINZ:

File Reference	Volume	From	To
<i>Ps85</i>	6	6/8/1982	30/6/2000
<i>Ps85</i>	7	1/7/2000	<i>Current</i>

Files held by Agent (Opus International Consultants) on behalf of LINZ:

File Reference	CON/50239/09/12663/A-ZNO		
Volume	1		
First Folio Number	1		
Date	1/11/2000		
Last Folio Number	-		
Date	Current (comprises extracts of Tenure Review files)		

Other relevant files held by LINZ:

File Reference	Volume	From	To
<i>P85 (P52)</i>	1	1957	1964
<i>P85 (P52)</i>	2	1964	1967
<i>P85 (P52/P75)</i>	3	1967	1970
<i>P85</i>	4	1970	1978
<i>P85</i>	5	1978	1982

(File references in brackets represent path of documents through two subdivisions of the former Mararoa Station.)

3. Summary of lease document:

Terms of lease

Stock Limitation in the Lease:

2002 Sheep (including 1292 breeding ewes)
55 Cattle

Commencement Date:

1 July 1993

Special Provisions:

There are no special provisions in the lease.

Area adjustments

The total area shown in CL 6A/1438 is incorrect. Incorporation Certificate (058155.1) formalises the current land within the lease. It does not take the form of an addition of land.

Registered interests

Compensation Certificate

Compensation Certificate 012676.1 registered on the lease pursuant to section 17 of the Public Works Amendment Act 1948, notifies of the Crown's intention to acquire 3 hectares approximately together with access for a microwave site on Mount Prospect. A title has been raised in the name of Telecom New Zealand Limited to the microwave site, but the access does not appear to have been legalised. SO 11957 defines the access easements. Correspondence recorded on the file from 1996 notes that it was intended to create the easement immediately following the creation of title to the land. This has not occurred.

Land Improvement Agreement

A Land Improvement agreement was entered into between the lessee and the Southland Catchment Board pursuant to the Soil Conservation and Rivers Control Amendment Act 1959, and is registered against the lease as memorial 285176. The agreement outlines a programme of fencing, cultivation, over sowing and topdressing.

Mortgages

273508.2 Of the half share of Grant William Cockburn and Rachel Jane
Cockburn to George Ross Cockburn, 2/6/2000

149060.2 To Rural Banking and Finance Corporation of New Zealand, now the National Bank, 29/2/1988. No change of name has been registered.

Encumbrances

276397.1 To George Ross Cockburn and Jean Margaret Cockburn, 11/10/2000

Unregistered interests

There are no known unregistered interests upon this lease.

4. Summarise any Government programmes approved for the lease:

Other than the Land Improvement Agreement referred to above, there are no known Government approved programmes for this lease.

5. Summary of Land Status Report:

A Land Status Report was undertaken by Opus International Consultants Limited on 15 November 2000. This confirms the status of the land as Crown Land under the Land Act 1948, pursuant to section 66 of the Land Act 1948, and registered under section 83 of the Land Act 1948.

The following items were identified for possible consideration in the Context of Due Diligence:

1. The total area shown in CL 6A/1438 is incorrect. The Incorporation Certificate (058155.1) only formalises the current land within the lease. It does not take the form of an addition of land.
2. It is noted that there is a variation in the north eastern boundary between the survey plan for the lease (SO 8645) and plan defining the adjoining conservation area (Sec 5 SO 12090). Terraview shows the boundary of the Mount Prospect lease based in definition of the conservation plan SO 12090 but this is not supported by legal documentation, that is a certificate under section 113 of the Land Act 1948. The plan for this status check shows the definition of the lease as shown in the cadastral record.
3. A field inspection may be required to ascertain if Moat Creak, and other streams within this pastoral lease could be subject to section 24 of the Conservation Act 1987. No evidence has been found that this aspect was considered on renewal of this lease on 1 July 1993. A letter to DOSLI dated 4 September is on file requesting advice on this aspect, however no reply has been found.

4. The Crown Land Reserved from Sale under section 58 of the Land Act 1948 along the Whitestone River, and around Lake Thomas is now deemed to be a marginal strip of the same width (s24(3) Conservation Act 1987 effective date 10/4/1990). The boundaries of the marginal strip do not change (s24G(7) Conservation Act 1987).
5. Compensation certificate (12676.1) action is incomplete. The agreement requires access to be supplied by right of way, this has not been formalised. Refer to SO 11957.

6. Review of topographical and cadastral data:

A review of the topographical plans attached to the Land Status Report identifies the Telecom site surrendered from the lease and the access to the site which has not been formalised.

The topographic map indicates there is an airstrip towards the north of the property, just south of the formed road to the Telecom site at the top of Mount Prospect.

No other facilities were identified on the plans.

7. Details of any neighbouring Crown or conservation land

	<i>Legal Description</i>	<i>Status</i>	<i>Owner</i>
<i>North</i>	Nil		
<i>South</i>	Crown Land Block VI Mararoa Survey District	Crown Land Reserved from Sale (Marginal Strip) section 58 Land Act 1948	Department of Conservation
<i>West</i>	Crown Land Block VIII Mararoa Survey District	Crown Land Reserved from Sale (Marginal Strip) section 58 Land Act 1948	Department of Conservation
<i>East</i>	Nil		

8. Summarise any uncompleted actions or potential liabilities:

The Compensation Certificate registered for the site now owned by Telecom provides for access. There is no registration against the lease to suggest that this aspect has been formalised.

“RELEASED UNDER THE OFFICIAL INFORMATION ACT”

SCHEDULE A
LAND STATUS REPORT
MOUNT PROSPECT PASTORAL LEASE

**OPUS INTERNATIONAL CONSULTANTS LIMITED
DUNEDIN OFFICE**

Project Number 6NL663.TR / 016YD



This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50239 dated 1 November 2000 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Mt Prospect Tenure Review	LIPS Ref 12663
Property 1 of 2	

Land District	Southland
Legal Description	Part Run 640 situated in Block I, Te Anau Survey District and Blocks V, VI, VII and VIII, Mararoa Survey District.
Area	3433.1056 hectares 3430.8944
Status	Crown Land under the Land Act 1948 subject to Pastoral Lease P.85 under Section 66, of the Land Act 1948 and registered under Section 83 of the Land Act 1948
Instrument of title / lease	C.L. 6A/1438
Encumbrances	Subject to:- <ul style="list-style-type: none"> • 12676.1 Compensation Certificate against part pursuant to Section 17 Public Works Amendment Act 1948 • 285176 Land Improvement Agreement pursuant to the Soil Conservation and Rivers Control Amendment Act 1959
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 1853 Murihiku Purchase.
Statute	Land Act 1948 & Crown Pastoral Land Act 1998

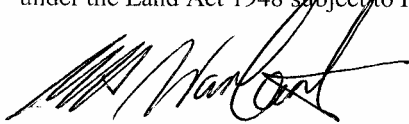
Data Correct as at	15/11/2000
[Certification Attached]	

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

LAND STATUS REPORT for Mt Prospect Tenure			LIPS Ref 12663
Review			
Property	1	of	2

Certification

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 under the Land Act 1948 subject to Pastoral Lease C.L. 6A/1438 [Southland Registry].



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

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<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>	<ul style="list-style-type: none"> • The total area as shown in CL 6A/1438 is not correct. Area 1.3678 ha incorporated into this lease [058155.1] is underlying Run 640 and is included as part of total area 3432 ha. Incorporation Certificate [058155.1] only formalises the land contained within this lease, the area of the lease doesn't change. • It is noted that there is a variation in the northeastern boundary between the survey plan for the lease [SO 8645] and plan defining the adjoining Conservation area [Sec 5 SO12090]. Terraview shows the boundary of the Mt Prospect lease based on definition of the conservation plan SO 12090 but this is not supported by legal documentation ie a Certificate under Section 113 Land Act 1948. The plan for this status check shows the definition of the lease as shown in the cadastral record. • A field inspection may be required to ascertain if Moat Creek, and other streams within this pastoral lease could be subject to Section 24 of the Conservation Act 1987. No evidence has been found that this aspect was considered on renewal of this lease on 1 July 1993. A letter to DOSLI 4 September 1992 is on file requesting advice on this aspect, however no reply has been found. • The C.L Reserved from Sale under Section 58 of the Land Act 1948 along Whitestone River, and around Lake Thomes is 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). • Compensation certificate [12676.1] action is incomplete. The agreement requires access to be supplied by right of way, this has not been formalised. Ref SO 11957.
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LAND STATUS REPORT for Mt Prospect Tenure			LIPS Ref 12663
Rewiew			
Property	1	of	2

Research Data: Some Items may be not applicable

SDI Print Obtained	Yes
NZMS 261 Ref	D43
Local Authority	Southland District
Crown Acquisition Map	Murihiku Purchase
SO Plan	<p>SO 852- Plan of Survey Control SO 1615- Plan of Survey Control SO 1618- Plan of Survey Control SO 2878- Plan of Survey Control</p> <p>SO 6940- Plan of Runs 566 & 566A Compiled September 1961]</p> <p>SO 7732-Plan of Runs 603 & 604 [Compiled August 1967]</p> <p>SO 8427- Plan of survey data over part Run 604 situated in Block VIII, Mararoa Survey District.[May 1973]</p> <p>SO 8567- Plan of part Run 604 situated in Block VI, Mararoa Survey District.[September 1973]</p> <p>SO 8605- Plan of Section 1 & part Run 604 situated in Block VIII, Mararoa Survey District.[November 1973]</p> <p>SO 8645-Plan of Run 640 (formerly part Run 604 and Section 1 Block VIII, Mararoa Survey District) [February 1974]</p> <p>SO 11957- Plan of land to be set apart & Right of Ways [August 1996]</p> <p>SO 12090-Plan for the purposes of sec 7(10 of the Conservation Act 1987.Approved for Gazette Purposes only [September 1995]</p>
Relevant Gazette Notices	<p>Gazette 1998 page 1111 Gazette of adjoining land for Conservation Purposes pursuant to section 7(1) of the Conservation Act 1987.</p> <p>Gazette 1996 page 3086 [GN 244748.1] Gazette setting apart land for a Microwave system site. See report 1 of 2</p>
CT Ref / Lease Ref	CL 6A/1438 current lease

LAND STATUS REPORT for Mt Prospect Tenure			LIPS Ref 12663
Rewiew			
Property	1	of	2

	CL A4/675 cancelled
Plan Index	Refer to SO plans above
Legalisation Cards	SO's 8427,8645,8605,8567,11957 & 12090 legalisation cards attached.
CLR	Confirms Pastoral Status
Allocation Maps (if applicable)	DOC Allocation plan allocation plans D43*36 & 33*CO adjoining this lease. LIPS map Ref 14971 doesn't adjoin this lease
VNZ Ref - if known	30431 68900
Crown Grant Maps	Not applicable
If Subject land Marginal Strip : a) Type [Sec 24(9) or Sec 58] b) Date Created c) Plan Reference	a) I) Sec 58 Lake Thomas II) Sec 58 adjoining Whitestone b) I) September 1961 II) February 1974 c) I) SO 6940 II) SO 8645

LAND STATUS REPORT for Mt Prospect Tenure			LIPS Ref 12663
Review			
Property	1	of	2

Research – continued

If Crown land – Check Irrigation Maps.	Not applicable
Mining Maps	Nothing registered
<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>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)</p> <p>b) Nothing found</p> <p>c) Either</p> <p><input 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 1853 Murihiku Purchase.</p> <p><input type="checkbox"/> Contained in [provide evidence].</p> <p>d) Compensation Certificate 012676.1 is for the setting apart of land for a microwave site and access track. This action is only partly complete. Copy of agreement contained on file CON/50239/09/12663/A-ZNO</p>

**OPUS INTERNATIONAL CONSULTANTS LIMITED
DUNEDIN OFFICE**

Project Number 6NL663.TR / 016YD



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LAND STATUS REPORT for Mt Prospect Tenure				LIPS Ref no reference
Review				
Property	2	of	2	Freehold

Land District	Southland
Legal Description	Section 1 S. O. Plan 11957
Area	1.1056 hectares
Status	Freehold under the Land Transfer Act 1952
Instrument of title / lease	C.T. 11B/990 in the name of Telecom New Zealand Ltd
Encumbrances	Subject to Part IVA Conservation Act 1987 & Section 11 of the Crown Minerals Act 1991
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 1853 Murihiku Purchase.
Statute	Land transfer Act 1952.

Data Correct as at	16/11/2000
[Certification Attached]	

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

LAND STATUS REPORT for Mt Prospect Tenure				LIPS Ref no reference	
Review					
Property	2	of	2		

Certification

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 Freehold Land subject to the Land Transfer Act contained in CT 11B/990 (Southland Registry).



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

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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.	Legal access to this site is required. Compensation certificate [12676.1] action is incomplete. The agreement states that access to be supplied by right of way, this has not been formalised. Ref SO 11957.
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LAND STATUS REPORT for Mt Prospect Tenure Review			LIPS Ref no reference
Property	2	of	2

Research Data: Some Items may be not applicable

SDI Print Obtained	Yes
NZMS 261 Ref	D43
Local Authority	Southland District
Crown Acquisition Map	Murihiku Purchase
SO Plan	SO 11957- Plan of section I and Proposed easement to this site
Relevant Gazette Notices	Gazette notice 244748.1 Gazette 1996 page3086 acquiring the leasehold interest acquired by the Crown in Block VII, Mararoa Survey District
CT Ref / Lease Ref	CT 11B/990 [live] CL 6A/1438 [prior reference before acquisition]
Plan Index	SO 11957
Legalisation Cards	“D” set apart for Microwave System Site
CLR	Not applicable
Allocation Maps (if applicable)	Not applicable
VNZ Ref - if known	Not known
Crown Grant Maps	Not applicable
If Subject land Marginal Strip : a) Type [Sec 24(9) or Sec 58] b) Date Created c) Plan Reference	a) Not applicable b) c)

LAND STATUS REPORT for Mt Prospect Tenure			LIPS Ref no reference
Review			
Property	2	of	2

Research – continued

If Crown land – Check Irrigation Maps.	Not applicable
Mining Maps	Nothing Registered
<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>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)</p> <p>b) Not applicable freehold</p> <p>c) Either</p> <p><input 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 1853 Murihiku Purchase.</p> <p><input type="checkbox"/> Contained in [provide evidence].</p> <p>d)</p>