

## **Crown Pastoral Land Tenure Review**

**Lease name : Obelisk Creek**

**Lease number : PO 377**

**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.

**Copied October 2002**

**DUE DILIGENCE REPORT  
TO THE  
COMMISSIONER OF CROWN LANDS**

**KF REF:** Po 377/1      **LINZ REF:**      **CASE NO:**

**LEASE NAME:** Obelisk Creek      **LESSEE:** Peter Richard Dunbier  
and Jennifer Lesley Dunbier

**LOCATION:**

Obelisk Creek Station is located on the eastern slopes of the Old Man Range on State Highway 8 approximately 16 km south of Alexandra at Fruitlands. The Run stretches from the Fruitlands Flats to the top of the Old Man Range encompassing the majority of the catchment area of Coal Creek.

**DATE OF THIS REPORT:**

9 July 1999

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**LEASE DETAIL:**

*Land Tenure:* Pastoral Lease under Section 66 of the Land Act 1948.  
(Lease No Po377).

*Legal Description:* Pastoral Lease, Run 496 Block II Cairnhill, Survey District being all that land in Certificate of Title 13A/1349 (Otago Registry).

*Area:* 530.1382 hectares

*Term:* 33 years from 1 July 1992 to 30 June 2025

*Rental Value:* \$52,000

*Annual Rent:* \$780 (excluding GST)

*Date of Next Review:* 30 June 2003

*Stock Limitation :* Nil (None in lease document)

Personal Stock Limit:*Pastoral Lease:*

1000 Sheep (including not more than 750 breeding ewes)  
 20 Cattle  
 100 Goats on specified blocks

*When run in conjunction with 145 ha of other freehold and leasehold land:*

3500 Sheep (including not more than 2250 breeding ewes)  
 25 Cattle  
 300 Goats

*Conservation Covenant Stock Limit:*

400 Two-tooth ewes for 6 weeks during February to April.

**LAND STATUS REPORT SUMMARY:**

Land Status Report prepared by approved person attached.

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**SUMMARY OF FEATURES FROM TOPOGRAPHICAL AND CADASTRAL DATA:**

No communication sites are marked as present. No national grid power transmission lines cross the property.

No riparian margins are recorded on the Obelisk Creek property for Coal Creek (*none were deemed as necessary at lease renewal in 1992 - Obelisk Creek Folio 52*).

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No legal or paper roads are present within the lease. A short unformed paper road exists along the eastern boundary with the freehold land on the lower margins of the hill country.

The only feature of note is the historic Dr Hydes Water Race that crosses the property at 1200 m.a.s.l. Another section of water race established by Dr Hyde at a much lower level has been extensively modified (*a bulldozed bench*) and is now in use as part of the Last Chance Irrigation Scheme.

All fenced boundaries are on or near to their legal line as far as can be determined without a full survey.

The district, and even the freehold land associated with this lease, has a wealth of historic mining sites but no mining remnants of significance are known to exist on the lease.

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**SUMMARY OF LEASE DOCUMENT (*Certificate of Title*):**

The legal description, area, and commencement date of the pastoral lease on Crown files held by Knight Frank are in agreement with the Certificate of Title.

**Po 377 Obelisk Creek (CT 13A/1349 Otago Registry):**

This lease was created in 1989 with the split up of the original Courthill lease (Po240) with Run 497 going to the adjoining Gorge Creek and Run 496 going to Dunbier (Obelisk Creek).

The certificate of title contains no base stock limitation associated with the lease.

Apart from routine ownership transfer, the following registrations are noteworthy:

452094 - Discharged (1996) Soil And Water Conservation Agreement - Farm Plan.

753613/3 Fencing Provision (Agreement releasing Courthill Stn Ltd from any liability for boundary fencing after sale of runs).

877430 Memorandum renewing the term of the within lease for a further period of 33 years commencing on 1 July 1992 and fixing for the first 11 years the annual rent at \$780 calculated on the rental value of \$52,000 - 17 March 1995.

885293 Transfer affecting the estate of Her Majesty the Queen in fee simple, being a grant of a right of way (*in gross*) to convey water over part herein shown marked as a black line on the diagram annexed thereto together with incidental rights in favour of Last Chance Irrigation Company Limited. 30.6.1995 - Certificate of Title 16D/707 issued.

822925/2 Conservation Covenant over part of the within land under Section 77 Reserves Act 1977 - 3 February 1993. (See file search section for details of this covenant).

No other easements, right of ways or area alterations are registered.

No exploration, prospecting, or mining licences over the area are registered or known of.

The Status Check has identified a condition of the previous lease (Po 240 Certificate of Title 386/132) that the Crown reserved the right to enter onto the land to lay, construct, maintain, repair etc water races or other works without compensation. It suggests that this condition may still apply to this lease.

copy of Po 378 Courthill  
fencing provision attached as 5

## DETAILS OF ANY NEIGHBOURING CROWN OR CONSERVATION LAND:

No land has been identified within the lease.

Neighbouring land of note includes the headwaters of the Fraser Basin in Earnsclough Station that has been surrendered and is in the process of transfer to DoC for reserve. This area bounds the property on the range tops.

Creek Coal, the only significant waterway, has no riparian strip and was judged as not being requiring during lease renewal in 1992.

The PNAP survey of the Old Man Ecological District identifies a Priority 1 Recommended Area for Protection (*Old Man 1/7 Obelisk - Old Man Ranges*) part of which occupies the headwaters of Coal Creek down to approximately 1370 m.a.s.l.

Values of alpine flora, glaciated and mass movement landform, and rock tors are quoted. This area, plus an extension covering land down to 1200 m.a.s.l., is the subject of the conservation covenant registered on the Certificate of Title.

No other land was identified from the Otago Conservation Management Strategy Land Inventory or the Land Status Check.

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### FILE SEARCH:

The property records for Obelisk creek have been searched and all folios recorded by volume, folio number, date, content summary, and categorised into four general categories (*title related/unimproved data/conservation/lease administration*).

Hard copy of these are held on Crown files held by Knight Frank (*See Attachment 2 for details*). The files of the original un-subdivided property (*Po240 Courthill*) were also searched for relevant detail.

With the exception of volume 1 of Courthill (*Po240*), which was missing (*Folios 1-126 pre-1967-archives?*), records are complete. Some folio numberings jump (*date sequences are continuous*) and a very few folios are missing. Confidence is held that all important data has been searched.

The only noteworthy actions were the creation of the conservation covenant on the top country and irrigation easement in favour of the Last Chance Irrigation Company.

1220 The conservation covenant (*under Section 77 of the Reserves Act 1977*) covers 129.95 ha of land covering all the upper catchment of Coal Creek including all the identified RAP area and a Landscape Protection Zone below. It extends down to approximately 1200 m.a.s.l. and includes the historic Dr Hydes Water Race. The agreement is for 20 years from 9 May 1991 and restricts any development or burning without the prior approval of the Minister of Conservation but allows for limited grazing (*400 two-tooth ewes for 6 weeks during February-April or agreed changes*). Upon any reduction requested by the Minister of Conservation, based on monitoring results, compensation will be payable for lost grazing.

The Irrigation Agreement (*Registered 1995*) is a typical agreement to convey water over the land, rights of entry and maintenance plus bye-wash water. The easement is forever. The map associated with it shows one main race passing through the lower margin of the property, plus two small sub races.

No uncompleted actions were identified.

#### GOVERNMENT APPROVED PROGRAMMES APPROVED FOR LEASE:

A Catchment Board Run Plan was carried out on the Courthill Lease (*between 1975 - 1982*) involving cattle proofing boundary fences, erosion control fencing and grazing limitations on the top block.

All obligations related to this work have expired and the registered agreement was removed from the title in 1996. The grazing limitations on the top block have been replaced by the conservation covenant registered in 1993.

No implications are seen from this expired plan.

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The lease was not part of the Rabbit and Land Management Programme.

#### UNCOMPLETED ACTIONS AND POTENTIAL LIABILITIES TO THE COMMISSIONER:

This lease has a relatively simple history with few complicating factors (*no roads communication sites, illegal huts, boundary alterations, compensation certificates or farm plan legal agreements on the CT or riparian issues*) that could cause processing time problems or liabilities to the Commissioner in the tenure review process. The clear definition of the RAP land and the existing conservation covenant will assist in defining conservation requirements. The irrigation right of way for the Last Chance Irrigation Scheme races should be outside any land retained by the Crown.

The only area of potential problem has identified :

- (1) The Status Report identifies a special condition of entry for works associated with irrigation (*without compensation*) that was in the original lease (*Po240*) that may still apply to this lease. The Irrigation Easement registered in favour of the Last Chance Irrigation Scheme does not cover the whole property or appear to go as far as this special condition in exclusion from compensation. The Commissioner should be aware that disputes on damage and restoration have occurred on the neighbouring property of Gorge Creek. A legal opinion on the transfer of rights to the Irrigation Company and possible future ramifications is recommended.

No uncompleted actions or other significant potential liabilities to the Commissioner were identified.

We are satisfied we have fulfilled our duty of reasonable care, using the information we have available, to inform the Commissioner of all incomplete action and potential liabilities concerning the above named lease. No inspection of the lease has been undertaken.

We have relied on Land Status Check and survey information provided to us by qualified persons as being true and correct.

Signed for Knight Frank (NZ) Limited:

P. R. Davis  
Consultant 25 18199

Janet R Taylor  
Manager 25/8/99

Approved/Declined

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Commissioner of Crown Lands

/ /

**ATTACHMENTS:**

- (1) Recent title search for each tile considered.
- (2) Full list of information sources considered.
- (3) Land Status Check report from qualified person.
- (4) Copy of title search for Po240.

L. & S. - 4. 4

Former Ref. Vol. Pt 386 fol. 132

L. & S. Ref. No. #377

Attachment

8-7-1999

1

Entered in the Register-book, the

4 day of May

1990, at 10.23 o'clock.

REGISTER

*[Signature]*  
Asst Land Registrar.

No. 13A/1349

Pastoral Lease under the Land Act 1948

Issued pursuant to Section 93 of the Land Act 1948 on the subdivision of the land contained in Pastoral Lease No #240

This Deed, made the 19th day of February 1989 (hereinafter referred to as "the Lessor") of the one part, and

COUNTHILL STATION LIMITED of Alexandra

between HER MAJESTY THE QUEEN

(hereinafter referred to as "the Lessee"), of the other part: WITNESSETH that, in consideration of the rent hereinafter reserved, and of the covenants, conditions, and agreements herein contained and implied, and on the part of the Lessee to be paid, observed, and performed, the Lessor doth hereby demise and lease unto the Lessee, all that parcel of land containing by estimation 530.1382 ha more or less, situated in the Land District of Otago, and being Run 496

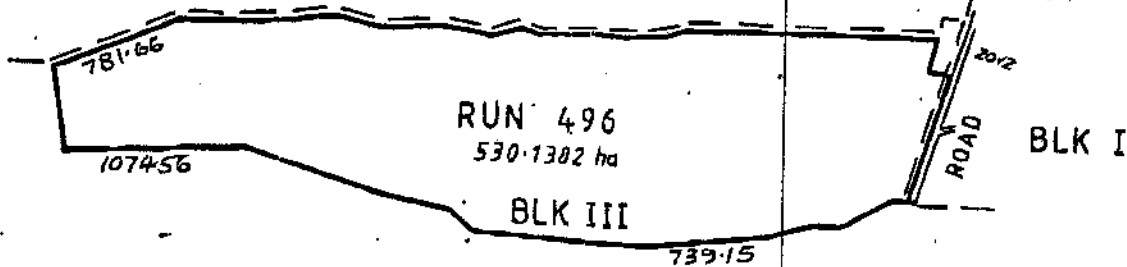
as the same is more particularly delineated with bold black lines on the plan hereon; together with the rights,

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BLK II

CAIRNHILL S.D.



Total Area 530.1382 ha

Scale 1:40000 approx.  
SO 1164

40.

No. 13A/1349



means, and appliances thereto ~~being~~ **7** ~~1919~~ **1999** premises intended to be hereby demised  
 on the 1st day of ~~January~~ **July** 19 ~~19~~ **59**, together  
 with the period between the date of this lease and the aforesaid 1st day of ~~January~~ **July** 19 ~~19~~ **59**, YIELDING  
 and paying therefor for the ~~first 11 years~~ of the said term into the Department of Lands and Survey at  
 Landcorp ~~Limited~~ **Limited** at Dunedin the annual rent of \$~~90.00~~ **90.00** 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 deter-  
 mined in respect of each of those periods in the manner provided in Section 66 (1A) of the Land Act 1948,  
 AND also paying in respect of the improvements specified in the Schedule hereto the sum of \$~~\_\_\_\_\_~~  
 by a deposit of \$~~\_\_\_\_\_~~ (which has already been paid) and thereafter by ~~\_\_\_\_\_~~ half yearly  
 instalments of \$~~\_\_\_\_\_~~ on the 1st day of January and the 1st day of July in each and every year.

AND the Lessee doth hereby covenant with the Lessor as follows:

1. That without derogating from or restricting the covenants contained and implied in this lease and on the  
 part of the Lessee to be performed or complied with the Lessee will not at any time during the said term de-  
 pasture on the land hereby demised more than ~~\_\_\_\_\_~~ sheep which number shall not include more than  
 breeding ewes nor more than ~~\_\_\_\_\_~~ cattle which number shall not include more than ~~\_\_\_\_\_~~ breeding  
 cows PROVIDED HOWEVER that the Lessee may with the prior written consent of the Land Settlement Board  
 carry such additional stock on such terms and conditions as may therein be specified subject nevertheless to the  
 right of the Land Settlement Board to revoke or vary such consent at any time.

2. That the Lessee will at all times farm the land hereby demised in a manner to promote soil conservation and  
 prevent erosion and will comply with the provisions of the Soil Conservation and Rivers Control Act 1941.

AND it is hereby agreed and declared by and between the Lessor and Lessee:

AT pursuant to the provisions of the Noxious Animals Act 1956 officers and employees of the New Zealand  
 Forest Service and other authorised persons shall at all times have a right of ingress, egress, and regress over the  
 land comprised in this lease for the purpose of determining whether such land or any adjoining land is infested  
 with deer, wild goats, wild pigs, opossums, or other animals which the said Service is charged with the duty of ex-  
 terminating or controlling, or for the purpose of destroying any such animals: Provided that such officers,  
 employees, and other authorised persons in the performance of the said duties shall at all times avoid undue  
 disturbance of the Lessee's stock.

AND it is hereby declared and agreed that these presents are intended to take effect as a Pastoral Lease of pastoral  
 land under Section 66 of the Land Act 1948, and the provisions of the said Act and of the regulations made there-  
 under applicable to such leases shall be binding in all respects upon the parties hereto in the same manner as if  
 such provisions had been fully set out herein.

SCHEDULE OF IMPROVEMENTS BELONGING TO THE CROWN

NIL

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~~In witness whereof the Commissioner of Crown Lands for the said Land District, on behalf of the Lessor, has hereunto set  
 his hand, and these presents have also been signed by the said Lessee.~~

~~Signed by the said Commissioner on behalf of the Lessor, in the presence of—~~

~~Witness: \_\_\_\_\_~~

~~Occupation: \_\_\_\_\_~~

~~Address: \_\_\_\_\_~~

Commissioner of Crown Lands.

~~Signed by the above-named Lessee, in the presence of—~~

~~Witness: \_\_\_\_\_~~

~~Occupation: \_\_\_\_\_~~

~~Address: \_\_\_\_\_~~

Lessee.

62274J-B6PTK

8-7-1999

REGISTER

SIGNED for and on behalf of  
HER MAJESTY THE QUEEN pursuant to  
a Deed lodged with the District Land  
Registrar as No. 681189/2 by  
LAND CORPORATION LIMITED  
by its Attorney

LAND CORPORATION LIMITED  
by its Attorney

ROBERT PAUL WOODHOUSE  
in the presence of

Witness: *[Signature]*

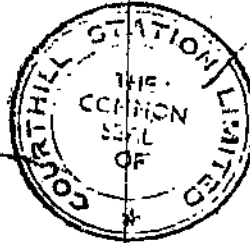
Occupation: *Property Officer, Landcorp*

Address: *Dunedin*

*7000*

The common seal of COURTHILL  
STATION LIMITED was hereunto  
affixed in the presence of: )

*[Signature]*  
*R. W. W.*



Interest at date of issue:

**DISCHARGED**  
452094 Land Charge Agreement  
pursuant to Section 30 of the Soil  
Conservation and Rivers Control Act  
1941 at 10.17 am

*[Signature]*  
A.L.R.

877430 Memorandum renewing the term of  
the within lease for a further period of  
33 years commencing on 1.7.1992 and  
fixing (for the first 11 years) the  
annual rent at \$780 calculated on a  
rental value of \$52000 - 7.3.1995 at  
10.30am

*Jumarett*

753613/3 Transfer to Peter Richard  
Dunbier of Fruitlands farmer and Jennifer  
Lesley Dunbier his wife - 4.5.1990 at  
10.23 am

*[Signature]*  
A.L.R.

88562 Transfer affecting the estate of  
Her Majesty the Queen in fee simple being  
a grant of a right (in gross) to convey  
water over part herein shown marked as a  
black line on the diagram annexed thereto  
together with incidental rights in favour  
of Last Chance Irrigation Company Limited  
- 30.6.1993 at 12.52pm  
CT 160/707 issued

*Jumarett*

753613/3 Fencing Provision

*[Signature]*  
A.L.R.

A.L.R.

**WITHDRAWN**  
779646 Deed affecting part by Minister  
of Conservation entered 21.5.1991 at  
10.48am

*[Signature]*  
A.L.R.

822925/2 Conservation Covenant over part of the  
within land under Section 77 Reserves Act 1977  
- 3.2.1993 at 10.45am

*[Signature]*  
A.L.R.

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10:23 04 MAY 90 753613/2  
PARTICULARS ENTERED IN REGISTERS  
LAND REGISTRY  
ASST LAND REGISTRAR  
586132

Attachment

2

**ATTACHMENT 2:**

**List of information sources considered:**

- (1) ***Certificate of Title*** (386/132 Otago - Registry - Courthill Po240)  
(13A/1349 Otago - Registry - Obelisk Creek Po377)

- (2) ***Crown files for Pastoral Lease Po377:***

**Held by Knight Frank Alexandra**

***Volume 1*** (Opened 1 February 1989 Folios 1 - 69) Last entry 26 November 1995)

Crown files for Pastoral Lease Po240

**Held by Knight Frank Alexandra**

***Volume 2*** (Opened 28 August 1967 Folios 126-238) Last entry 26 June 1989)

**LINZ Christchurch**

CPL 04-11-12616

(Opened 1 March 1997 Folios 1 - 9) Last entry 4 August 1999)

**LINZ Dunedin**

7900-04-T377-1-DDN

(Opened 24 June 1992 Folios 1) Last entry 27 January 1992

- (3) ***Cadastral Maps***

NZMS 261 G42- Alexandra

- (4) ***Topographical Maps***

NZMS 260 G42- Alexandra

- (5) ***Otago Conservation Management Strategy Land Inventory Document:***

- (6) ***The Central Otago District Scheme Plans plus maps:***

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**OPUS INTERNATIONAL CONSULTANTS LIMITED  
DUNEDIN OFFICE**

Project number NLI 0201 075YD

This report has been prepared on the instruction of Knight Frank (New Zealand) Ltd, Alexandra by letter dated 29 March 1999 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.



**LAND STATUS REPORT for Obelisk Creek**  
Property 1 of 1

<b>Land District</b>	Otago
<b>Legal Description</b>	Run 496 Cairnhill SD
<b>Area</b>	530.1382 ha
<b>Status</b>	Crown Land held under Pastoral Lease P 377
<b>Instrument of title / lease</b>	13A/1349
<b>Encumbrances</b>	1) Fencing Covenant contained in Memorandum of Transfer 753613/3 2) Conservation Covenant registered as 822925/2 3) Right to Convey Water as contained in CT 16D/707
<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 then 1848 Kemp Purchase
<b>Statute</b>	Land Act 1948. and Crown Pastoral Land Act 1998
<b>Notes (if any)</b>	<p>1) A field inspection may be required to ascertain if Coal Creek shown on SO 1164 could be subject to Section 24 of the Conservation Act 1987. This aspect may have been satisfied on renewal of the lease in 1992 however I have no evidence of this. There is no legalisation Card for SO 1164.</p> <p>2) This Pastoral Lease issued on subdivision of P240 registered as 386/132. A condition of that lease was that the Crown reserved the right to enter onto the land to lay construct, maintain, repair etc water races drains or other works without compensation. <b>This condition may still be applicable</b></p>

*Folio 55/54  
No 377 main file  
refer*

*Refer Pg 4  
line 6 of  
Due Diligence P  
Refer folio 54/  
of P 377  
Obelisk Creek  
main file  
for Ast  
Surveyor stating  
No Requirement  
for Marginal Str*

Data Correct as at 8 April 1999

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Prepared by	G Patrick
Crown Accredited Agent	Opus International Consultants Ltd, Dunedin

Certified correct as to status

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

415 /1999

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Research Data: Some Items may be not applicable

Proper	1	of	1	
SDI Pr. Obtained	Yes / No			
NZMS 261 Ref	G42			
Local Authority	Central Otago District Council			
Crown Acquisition Map	Kemp			
SO Plan	<p>1) SO 1164 - a plan of Mt Benger Runs [in particular Runs 496 - 499] dated March 1911.</p> <p>2) SO 3534 - a plan of mining Sections 52 &amp; 53 Block II Cairnhill SD dated December 1898.</p> <p>3) SO 23771 - a plan to define the Conservation Covenant over pt Run 496. Dated June 1992.</p>			
Relevant Gazette Notices	N/A			
CT Ref / Lease Ref	<p>13A/1349</p> <p>386/132 [See note 2]</p> <p>336/24 [a Licence to Occupy for Pastoral Purposes issued from 1 March 1924. No 1722].</p>			
Legalisation Cards	No card found.			
Plan Index	Shows only SO 1164			
CLR	Confirms Pastoral Status.			
Allocation Maps (if applicable)	N/A			
VNZ Ref - if known	N/A			
Crown Grant Maps	N/A			
<p>If Subject land Marginal Strip :</p> <p>a) Type [Sec 24(9) or Sec 58]</p> <p>b) Date Created</p> <p>c) Plan Reference</p>	<p>a) See notes page 1. SO 1164 shows Coal Creek as a blue topo feature but has not width.</p> <p>b)</p> <p>c)</p>			

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**Research - continued**

Property	1	of	1
If Crown Land - Check Irrigation Maps.	N/A		
Mining Maps	Nothing shown on G42 sheet.		
<p><b>If Road</b></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 N/A</p> <p>b) Proc Plan</p> <p>c) Gazette Ref</p>		
<p><b>Other Relevant Information</b></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) No</p> <p>c) Either</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 then 1848 Kemp Purchase</p> <p><input type="checkbox"/> Contained in [provide evidence].</p> <p>d)</p>		

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