

## Crown Pastoral Land Tenure Review

Lease name : OMARAMA

Lease number : PO 369

### Due diligence report (including status report) - Pt 1

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 04

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

**OMARAMA PASTORAL LEASE**

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<b>File Ref:</b> CON/50214/09/12608/A-ZNO	<b>Report No:</b> DN0179	<b>Report Date:</b> 25/07/2002
<b>Office of Agent:</b> Dunedin	<b>LINZ Case No:</b>	<b>Date sent to LINZ:</b>

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**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:

A Queen Elizabeth II Open Space Covenant has been agreed to between the Commissioner of Crown Lands, the Lessee and the Queen Elizabeth the Second National Trust over two areas within the lease. This covenant has yet to be registered against the lease.

**Signed by Opus:**

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M Brown  
Property Consultant

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D Payton  
Contract Manager

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

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Name:

Date of decision:     /     /

**1. Details of lease:**

**Lease Name:** Omarama  
**Location:** On State Highway 8 at Omarama  
**Lessee:** Omarama Station Limited  
**Tenure:** Pastoral Lease under the Land Act 1948 - Po/369  
**Term:** 33 years from 1 July 1984  
**Annual Rent:** \$11,250  
**Rental Value:** \$500,000  
**Date of Next Review:** 30 June 2006  
**Land Registry Folio Ref:** OT338/23  
**Legal Description:** Part Run 322B situated in Ahuriri, Benmore, Gala and Hawkdun Survey Districts  
**Area:** 8781.2103 hectares

**2. File Search**

**Files held by DTZ New Zealand Limited on behalf of LINZ:**

File Reference	Volume	From	To
CON/50213/09/12608/A-ZNO-02	2	7/02/2002	Date
CON/50213/09/12608/A-ZNO	1	30/06/2002	5/02/2002
Po/369-SDN-01	1	17/03/1986	30/06/2000

**Files held by Opus International Consultants Limited on behalf of LINZ:**

File Reference	Volume	From	To
CON/50269/09/12608/A-ZNO	1	14/02/2002	Date

**Other relevant files held by LINZ:**

File Reference	Volume	From	To
Po/018-SDN-04	4	10/08/1977	28/02/1986
Po/018-SDN-03	3	14/07/1964	24/06/1977
Po/018-SDN-02	2	14/03/1940	10/06/1964
Po/018-SDN-01	1	7/01/1915	19/02/1948

**3. Summary of lease document:**

**Terms of lease**

*Stock Limitation in lease*

6710 sheep

*Commencement Date*

1 July 1984

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*Special Provisions*

The lease document was altered upon issue of the original lease on 1 July 1951 by the addition of the following clauses:

- (i) That pursuant to section 8 of the Coal Mines Amendment Act 1950, this lease is subject to the reservation to the Lessor of all coal existing on or under the surface of the land, and subject also to the reservation to the Lessor of the power to grant coal mining rights over the Land under Part I of the Coal Mines Act 1925.
- (j) Pursuant to section 278(12) of the Public Works Act 1923, this lease is issued subject to the following conditions in respect of the land contained within the Hawkdun Survey District:
  - 1. The right is reserved to the Crown at any time and from time to time without being deemed to commit a trespass and without payment of compensation to enter upon the said land and thereon take, lay, construct, maintain, inspect, repair or reconstruct water-races, drains, and all other works which the Minister of Works deems necessary for the supply of water to the said land or to any other land.
  - 2. The Lessee will be required to take such water as is available for irrigation from races provided for irrigation purposes, at a price to be fixed by the Crown.
  - 3. The Crown will no be liable for any damage caused by any overflow or breakaway of any race or channel.

The lease was further amended in 1957 by Memorial X18717, which varied the conditions and restrictions as follows:

- 1. That should the lessee, with the consent of the Land Settlement Board, transfer, sublet or otherwise dispose of her interest in the land affected by the said Lease or any part thereof to a Company incorporated under the companies Act 1955 then the following provisions shall apply:
  - (a) The provisions of section 89 of the Land Act 1948 shall apply to all transfers and other dispositions of shares in such Company as of such shares were interests in the said land and no share or shares in such Company shall be transferred or otherwise disposed of by any shareholder without consent of the Land Settlement Board.
  - (b) The provisions of the Land Act 1948, with regard to residence shall continue to be applicable to the said lease notwithstanding the transfer or other disposition to such Company provided however that such provisions shall be deemed to be complied with by such Company only if and when there resides on the said land a person who manages the land on behalf of such Company and who has been approved in writing for that purpose by the Land Settlement Board.
  - (c) A breach by the Company or by any shareholder of all or any of the provisions of subclauses (a) and (b) hereof shall be deemed to be a breach of the covenants conditions and restrictions contained in the said lease

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entitling the lessor to exercise any or all of the powers conferred upon her by the said lease in such circumstances.

2. Save as hereby expressly varied all the covenants conditions and restrictions contained or implied in the said Memorandum of Lease shall remain in full force.

#### **Area adjustments**

There are no unregistered area adjustments

#### **Registered interests**

Subject to section 8 Coal Mines Amendment Act 1950

Subject to Part I Coal Mines Act 1925

Subject to section 278(12) Public Works Act 1928

X18717 Variation of within Lease conditions and restrictions - 9.5.1957

219540 Electricity Agreement under section 2 Electricity Amendment Act 1948 - 16.5.1960

Discharge of Electricity Agreement 21950 as to part (7.4867 ha) - 22.4.1964

240665 Surrender as to part (7.4867 ha) 22.4.1964

272872 Mortgage to Ruth Mary Wardell - 12.6.1964

384759 Gazette Notice proclaiming part within land (2656 m<sup>2</sup>) taken for road - 24.4.1972

Appurtenant hereto is a right to convey water created by Transfer 434125 - 9.12.1974

437584 Surrender from within lease of Section 113 Block I Benmore Survey District (8095 m<sup>2</sup>) CT OT6A/1091 issued - 12.3.1975

Appurtenant hereto is a right to convey water created by Transfer 494001.1 - 4.4.1978

Appurtenant hereto is a right to convey water created by Transfer 494001.2 - 4.4.1978

Appurtenant hereto is a right to convey water created by Transfer 494001.3 - 4.4.1978

Appurtenant hereto is a right to convey water created by Transfer 494001.4 - 4.4.1978

Appurtenant hereto is a right to convey water created by Transfer 494001.5 - 4.4.1978

Appurtenant hereto is a right to convey water created by Transfer 494001.6 - 4.4.1978

#### **Unregistered interests**

A Queen Elizabeth II Open Space Covenant has been agreed to between the Commissioner of Crown Lands, the Lessee and the Queen Elizabeth the Second National Trust over two areas within the lease. The purpose of this covenant is to protect and maintain native flora and fauna, and their associated landscape values, and to promote management of the land for pastoral farming that best conforms to this purpose.

**4. Summarise any Government programmes approved for the lease:**

A soil and water conservation plan was approved for the lease, commencing in 1955. Works completed include the establishment of windbreaks, oversowing, topdressing, subdivision fencing, and the cattle proofing of existing fences. All work was noted as completed in a 1988 routine inspection report.

**5. Summary of Land Status Report:**

Opus International Consultants Limited undertook a Land Status check on 9 July 2002. This check confirms the status of the land as Crown Land under the Land Act 1948, subject to Pastoral Lease P0/369.

The following items were noted for information:

- Pursuant to Section 278(12) of the Public Works Act 1928, the lease is subject to the Crown reserving the right at any time to enter the land to take, lay, construct, maintain, inspect, repair or reconstruct water races, drains and all other works for the supply of water to the land or any other land and the lessee will be required to take water fro irrigation from the races provided at a price fixed by the Crown. The Crown will not be liable for any damage caused by overflow or breakaway of any races or channels.
- There appears to be an error in the Cadastral record in that that portion of Part Run 322B shown adjoining Section 2 Block I Benmore Survey District is in fact part of Section 2. SO 1382 and SO 16353 verify this. That part of Run 322B is held in Certificate of Title OT296/204 being Section 2 Block I Benmore Survey District [440.4939 hectares].

A copy of the report is attached as Schedule A to this report.

**6. Review of topographical and cadastral data:**

A review of the topographic and cadastral information reveals the following:

- There are discrepancies between the fenced and legal boundaries around the southern corner of the lease.
- There are gravel pits at about NZMG H39 677236
- There is a stock bridge at about NZMG H39 667279

**7. Details of any neighbouring Crown or conservation land**

Neighbouring Crown or Conservation Lands are detailed as follows:

	Legal Description	Status	Owner/Lessee
North	Crown Land (Water Race)	Crown Land	Her Majesty the Queen
	Section 2 Block I Ahururi Survey District	Crown Land – Reserve	Minister of Conservation

	Legal Description	Status	Owner/Lessee
<b>South</b>	Section 3 Block II Gala Survey District	Pastoral Lease – Otamatapaio Station	Her Majesty the Queen/ Otamatapaio Station Ltd
<b>West</b>	Run 322 E	Pastoral Lease – Berwen Station	Her Majesty the Queen/ SR & PE Croft
	Section 1 SO 23872	Hill & High Country Research Facility	AgResearch Limited

There is no indication that any of these parcels should be included in the tenure review.

**8. Summarise any uncompleted actions or potential liabilities:**

A Queen Elizabeth II Open Space Covenant has been agreed to between the Commissioner of Crown Lands, the Lessee and the Queen Elizabeth the Second National Trust over two areas within the lease. The purpose of this covenant is to protect and maintain native flora and fauna, and their associated landscape values, and to promote management of the land for pastoral farming that best conforms to this purpose. This covenant has yet to be registered against the lease. A copy of the covenant together with related folios are attached as Schedule B to this report.

***Schedule A – Land Status Report***



**OPUS INTERNATIONAL CONSULTANTS LIMITED  
DUNEDIN OFFICE**

Project Number 6NLITR.02/466YD

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.

<b>LAND STATUS REPORT for Omarama Station</b>				LIPS Ref 12608
Property	1	of	1	

<b>Land District</b>	Otago
<b>Legal Description</b>	Part Run 322B situated in Ahuriri, Benmore, Gala and Hawkdun Survey District.
<b>Area</b>	8781.2103 hectares
<b>Status</b>	Crown Land under the Land Act 1948 subject to Pastoral Lease P. 369
<b>Instrument of title / lease</b>	CL 338/23
<b>Encumbrances</b>	Electricity Agreement registered as 219540
<b>Mineral Ownership</b>	The Crown owns mines and Minerals 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>Data Correct as at</b>	9 July 2002
<b>[Certification below]</b>	

I, Michael John Kerr, Property Consultant, Opus International Consultants Limited certify that the above status is in order for approval.

In giving this certification I undertake that the status report has been completed in compliance with all relevant policy instructions and in particular OSG Standard 1999/05 and the Regulatory Chiefs' Land Status Investigations Guidelines 1999/01.

<b>Prepared by</b>	Mike Kerr
<b>Crown Accredited Agent</b>	Opus International Consultants Ltd, Dunedin

Peer reviewed by G Patrick / /2002

<b>LAND STATUS REPORT for Omarama Station</b>				LIPS Ref 12608
Property	1	of	1	

<p><b>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.</b></p>	<p>Pursuant to Section 278(12) of the Public Works Act 1928 the lease is subject to the Crown reserving the right at any time to enter the land to take, lay, construct, maintain, inspect, repair or reconstruct water races, drains and all other works for the supply of water to the land or any other land and the lessee will be required to take water for irrigation from the races provided at a price fixed by the Crown. The Crown will not be liable for any damage caused by overflow or break-away of any races of channel.</p> <p>There appears to be an error in the Cadastral record in that That portion of part run 322B shown adjoining Section 2 Block I Benmore Survey District is in fact part of Section 2. This is verified by SO 1382 and SO 16353. That part of Run 322B is held in Certificate of Title OT296/204 being Section 2 Block I Benmore Survey District 440.4939 hectares.</p>
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<b>LAND STATUS REPORT for Omarama Station</b>				LIPS Ref 12608
Property	1	of	1	

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

SDI Print Obtained	Yes The location of a part of the boundary of Run adjoining Section 2 Block I Benmore Survey District does not appear to be shown correctly. SO 1382 and SO 16353 clarify the common boundary between Run 322B and Section 2. That small portion of Run 322B shown on the attached Terraview Plan blue is in fact part of Section 2 and not included in Run 322B or the Pastoral Lease.
NZMS 261 Ref	H39 H40
Local Authority	Waitaki District
Crown Acquisition Map	Kemp Purchase
SO Plan	SO 1378, 1379, 1381, 1382 and 1383 are part plans defining the Omarama Runs. Those plans defined Runs 322.  SO 3334, 8882, 8886, 16352 have been sighted but are not relevant to the status.
Relevant Gazette Notices and / or Computer interest register.	OT338/23, Surrenders 270665 and 437584, GN 384759 taking land for road.
CT Ref / Lease Ref	OT 338/23 being the Pastoral lease, OT 334/126 being the previous Licence to Occupy for grazing of pastoral Land.
Plan Index	Plans not listed
Legalisation Cards	No legalisation cards for the above plans.
Statutory Actions (Landonline)	None
CLR	Part Run 622B Ahuriri, Benmore, Gala and Hawkdun Survey Districts, 8781.2104 hectares being held in Pastoral Lease P 239 for 33 years from 1 July 1984. Part Run 322B Ahuriri, Gala and Hawkdun Survey Districts, 7.4867 hectares held on Special Lease for 33 Years from 1 July 1962 by the Omarama Sale Yards Ltd. That land was surrendered by the Pastoral Lease over the balance of Run 322B by surrender 270665.
Allocation Maps (if applicable)	No entries
VNZ Ref - if known	26050/11300

<b>LAND STATUS REPORT for Omarama Station</b>			LIPS Ref 12608
<b>Property</b>	<b>1</b>	<b>of</b>	<b>1</b>

Crown Grant Maps	No sighted
If Subject land Marginal Strip: a) Type [Sec 24(9) or Sec 58] b) Date Created c) Plan Reference	a)None b) c)
If Crown land – Check Irrigation Maps.	
Mining Maps	No map for H 39, No rights are shown over Run 322b on H40.
If Road N/A Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989 b) By Proc	a) SO Plan b) Proc Plan c) Gazette Ref
Other Relevant Information a) Concessions – Advice from DOC or Knight Frank. b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998 c) Mineral Ownership d) Other Info	a) No record of any other interest in LIPS. The Department of Conservation advised it has no interest in any land within the peripheral boundary of the lease. b) Nothing found c) Either <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 1848 Kemp purchase. d)