

## **Crown Pastoral Land Tenure Review**

**Lease name : OTEMATATA  
STATION II**

**Lease number : PO 305**

### **Due Diligence Report (including Status Report) - Part 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.

**July 09**

## DUE DILIGENCE REPORT

### REVIEW OF OTHER CROWN LAND

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File Ref:	CON50268 <sup>522</sup> 12424 (Po305)	Report No: AT2023	Report Date: 27 June 2002
Contractor's Office	Alexandra	LINZ Case No:	Date sent to LINZ: 27/6/02

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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 incomplete actions which require action by the Manager of Crown Property Contracts.
  - 2.1 The Ministry of Works established a pipe under the main road (*State Highway 83*) from Rostriever to cater for a water supply for a future homestead on the lease (*folio 86 - see Attachment 2*). The Crown had agreed to establish an easement for this as part of the settlement prior to lease issue. It appears the proposed take of water may be on the legal road line and no easement will be required (*folio 76 - see Attachment 3*). No map of the proposal is held on file. No file evidence was found that this easement was processed. Verification that no easement is required to meet the original agreement appears warranted.

Signed for DTZ New Zealand Limited:



P R Diver:

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:** Otematata II

**Location:** The lease is located on the south side of State Highway 83 west of the Otematata township in the Waitaki Valley. The lease extends southwards up the Hawkdun Range face with the Otamatapaio River forming its western boundary. The lease is run in conjunction with adjoining Po304 (*Otematata I*) and 85 ha of adjoining freehold land and another freehold property at Awakino. The homestead is located on Po304 immediately west of Otematata township 90 km from Oamaru, the nearest major service centre.

**Lessee:** Otematata Station Limited

**Tenure:** Pastoral lease under the Land Act 1948 and Crown Pastoral Land Act 1998. Pastoral Lease number 305

**Term:** 33 years from 1 January 1998 to 1 January 2031.

**Annual Rent:** \$5,850 (*excluding GST*)

**Rental Value:** \$390,000

**Date of Next Review:** 1 January 2009

**Land Registry Folio Ref:** OT2C/586

**Legal Description:** Part Run 743 situated in Gala and Turnagain Survey Districts being all the land contained in Instrument of Title OT2C/586.

**Area:** 12787.3814 hectares

2. **File Search:**

*Files held by Agent in Alexandra 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>
Po305	1	1	14/5/1964	403	8/6/1999
Po304	2	1	3/7/2000	8	18/8/2000

With the exception of a very few missing folios and the Ministry of Works compensation files, that were not available for search, the records are complete. Confidence is held that all important data has been searched.

An Oamaru Harbour Board lease over Part Runs 160C, D, E and F was held by Otematata Station Limited expiring on 28 February 1964 (*Crown S.68*). In 1959 areas totalling 448 acres 2 roods 4.8 perches was taken for Water Power Development from the runs. This land involved the future township area of Otematata. The Crown purchased the interests of the Harbour Board in 1964 and granted a licence to occupy (*S.68*) on a year to year basis over a total of 62575 acres.

Otematata Station Limited was offered two new pastoral leases (*P304 - 31, 300 acres and P305 - 31.600 acres*) but did not include 4442 acres divided between Rostriever and Bog Roy, and a future earth electrode site. They objected to the loss of land concerned greatly about access to water supply from the Otamatapaio River and Corbies Creek. The Land Settlement Board gave a commitment to provide easements from these sources to give access but did not guarantee to provide the water. A commitment was also made to pay for boundary fencing required on the new boundaries (*folio 6*).

While accepting the loss they argued strongly that an additional section at the mouth of Corbies Creek that the water race passed through should remain in the lease to give access to water and tried (*unsuccessfully*) to push for the Crown to accept the responsibility to provide water.

Neighbouring Otamatapaio Station was pushing to change the boundary with Otematata Station for them to gain a large sunny face (*3000 acres*) above the Otamatapaio River. They were twice turned down by the Land settlement Board.

The boundary of the proposed lease was altered near Corbies Creek to include a length of the new water race to be established.

A rabbit outbreak requiring poison and slow boundary fence erection delayed the transition of the separated areas to Bog Roy and Rostriever and Otematata stock continued to graze the areas. Cameron maintained he had no ability to stop them until the Crown completed its fencing.

A pastoral lease (*P305*) was issued to Otematata Station Limited for 33 years from 1 January 1965 (*plus a broken period*) with a stock limitation of 6375 merino sheep (*including not more than 1500 breeding ewes*) and 60 cattle (*including 50 breeding cows*) over a newly defined Run 742 of 31.300 acres.

The Ministry of Works established a pipe under the main road (*State Highway 83*) from Rostriever to cater for a water supply for a future homestead that the Crown had agreed (*as part of the settlement*) to establish an easement for (*folio 76, 86*). No map of the proposal is held on file but it appears the take of water may be on the legal road line and no easement will be required (*folio 76*). No file evidence was found that this easement was processed.

A small freehold section was purchased from the company by the Crown and incorporated into Bog Roy in 1966.

Ten miles of boundary cattleproofing of fences was approved under grant assistance from the Waitaki Catchment Commission in 1967.

Otamatapaio Station appealed to the Ombudsman in 1968 on the run boundaries but no changes were recommended.

In 1968 1 acre 2 roods and 30.8 perches of land (*four small areas*) alongside State Highway 83 were taken by Gazette Notice for roading.

A firebreak access track system was undertaken in 1970 under grant assistance from the Waitaki Catchment Commission covering both leases.

A Conservation Run Plan was approved in 1971 involving boundary cattleproofing, conservation fencing, onsite oversowing and top dressing, disc drilling, stock ponds and windbreaks covering both leases.

Approval to cultivate 600 acres at the "Back Yards" and 400 acres at the "Homestead" was granted in 1971.

Permission to construct a further 25 km of access tracking in the Wether Block was granted in 1977.

Negotiations to return surplus land taken for water power development on the boundary of Otematata township were undertaken from 1977 onwards resulting in the return of 113.4638 ha. This did not affect Po305.

Permission to construct a further 14.4 km of access tracking in was granted in 1977.

A nassella tussock infestation was discovered in 1980 on some 200 ha and a control programme instigated.

An escaped campfire caused a 2000 ha burn in 1982 mostly on Otematata I (P304) in the headwater of Clear Stream.

Routine burning and cultivation consents were processed in the next few years.

Mr H Cameron was approved as manager for the combined leases and a personal stock exemption was granted in 1989 for the combined leases (P304 and 305) of 16000 sheep (*including not more than 6000 breeding ewes*) and 450 cattle (*including 220 breeding cows*) but while worked with freehold an overall limitation of 19000 sheep (*including 6000 breeding ewes*) and 450 cattle (*including 220 breeding cows*).

Consent was granted for 375 ha of oversowing, 100 ha of direct drilling and 12.4 km of access tracking in 1989 covering both leases.

A large scale Rabbit and Land Management Programme was entered into in 1992. This involved primary and secondary control works with associated netting of fences. A large cover restoration programme through oversowing depleted lands (2800 ha) with suitable species was also proposed. An airstrip was installed for community use and well as the purchase of ground control equipment. The plan did not involve any permanent destocking, or surrender commitments.

Consents to oversow with seed (900 ha), topdressing (900 ha) and planting trees (1.5 km) were granted in 1998 covering both leases.

The lease was renewed for 33 years from the 1 January 1998 with annual rent of \$5,850 (plus GST) based on a rental value of \$390,000.

Although requested (folio 389) no file reference can be found from the Chief Surveyor defining the marginal strips on the lease.

Consent to topdress and sow seed (renewal of pastures) on 120 ha was granted in 1999 covering both leases.

A large block of overall consents to topdress 3710 ha and sow seed on already developed land was granted in 2000 covering both leases.

### 3. Summary of lease document:

#### *Terms of lease:*

The commencement date of the pastoral lease on Crown files is in agreement with the Lease Document (OT 2C/586).

The lease over Run 742 was issued on 1 December 1964 under the Land Act 1948 for a term of 33 years from 1 January 1965 and covered the period from 1 December 1964 to 1 January 1965. The lease was renewed for a further 33 years commencing on 1 January 1998.

A non-standard condition is recorded being a special covenant:

*"That the lessee will when required by the Commissioner of Crown Lands execute on such terms and conditions as may be prescribed by any grant of easement necessary for the right to convey water originating in Corbies Creek to the adjoining Run 745, Benmore and Gala Survey districts being the land comprised in lease No. P309."*

This condition has been met by the registration of that easement (Memorial 325135).

The legal description on the Computer Interest Register agrees with the Status Check.

#### *Original Lease Stock Limit:*

6375 Merino Sheep (including not more than 1500 breeding ewes).  
60 Cattle (including not more than 50 breeding cows).

#### *Personal Stock Exemption (1989) (P304 and P305 combined):*

16000 Sheep (including not more than 6000 breeding ewes).  
450 Cattle (including not more than 220 breeding cows).

#### *Overall limitation when run with Awakino Downs and Wharekuri freehold:*

19000 Sheep (including not more than 6000 breeding ewes).  
450 Cattle (including not more than 220 breeding cows).

**Renewals and variations:**

935982.1 Memorial renewing the term of the lease registered on 4 September 1997 (renewing the term for a further period of 33 years commencing on 1 January 1998 and fixing for the first 11 years the annual rent at \$5,850 calculated on a rental value of \$390,000).

**Area adjustments:**

	<i>Acres</i>	<i>Roods</i>	<i>Perches</i>	
Original lease area	31600	0	0	
Less taken for road	1	2	30.8	Memorial 339854
Total	31598	1	09.2	
Metric equivalent	12787.3814 ha			

This area is in agreement with the Status Check and the Computer Interest Register cover sheet.

**Registered interests:**

**Mortgages:**

511103 Mortgage to National Bank of New Zealand Limited – 15 February 1979.

**Other Interests:**

325135 Transfer granting the right to convey water over part within land appurtenant to Run 745 (3A/513) to Alexandra Hannah Munro – 19 March 1968 (easement to convey water from Corbies Creek as contained in the special lease condition).

Appurtenant hereto is a right to convey water over part Run 744 (part CT 2D/450) created by transfer 325135 (right to convey water over Part Run 744 "Bog Roy" from the Corbies Creek).

854438 Land Improvement Agreement pursuant to Section 30 A Soil Conservation and Rivers Control Act 1941 – 2 May 1994 (Rabbit and Land Management Programme agreement containing commitment to maintain works. This expires in 2010 and contains no issues that would affect tenure review).

No Electricity Agreement is registered on the lease document.

No Conservation Farm Plan agreement is registered.

No Compensation Certificates are registered.

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

An extensive firebreak access tracking programme (39 miles) was approved and installed on the combined leases (Po304 and Po305) under single subsidy assistance by the Waitaki Catchment Commission in 1970.

One Waitaki Catchment Commission Farm Plan Programme was carried out on the combined leases (Po304 and Po305) between 1971 and 1981. Works involved boundary cattleproofing, conservation fencing, onsite oversowing and top dressing, disc drilling, stock ponds and windbreaks. The plan did not involve de-stocking, temporary retirement or surrender agreement. The work program was mostly completed. No second stage plan was undertaken. No legal agreement was ever registered on the lease document. No issues for tenure review were identified.

A Rabbit and Land Management Plan was undertaken on the combined leases (Po304 and Po305) between 1990 and 1995. This involved primary and secondary control works with associated netting of fences. A large cover restoration program through oversowing depleted lands (2800 ha) with suitable species was also proposed. An airstrip was installed for community use and well as purchase of ground control equipment. The plan did not involve any permanent de-stocking, or surrender commitments. From files it appears that much of the large program did not get executed due to the limited grant assistance available.

A legal agreement is registered on the lease related to this and covers maintenance of capital works that were grant assisted through to 2010. No issues for tenure review were identified.

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

Copy attached as Schedule A.

**5.1 The Pastoral Lease:**

The Land Status Report confirms the Crown Land Status under the Land Act 1948 and Crown Pastoral Land Act 1998 subject to PL registered as CIR OT2C/586.

It records three encumbrances on the lease being:

- |        |   |
|--------|---|
| 325135 | Transfer granting the right to convey water over part within land appurtenant to Run 745 (3A/513) to Alexandra Hannah Munro – 19 March 1968 (easement to convey from Corbies Creek as contained in the special lease condition).  |
| 854438 | Land Improvement Agreement pursuant to Section 30 A Soil Conservation and Rivers Control Act 1941 – 2 May 1994 (Rabbit and Land Management Programme agreement containing commitment to maintain works. This expires in 2010 and contains no issues that would affect tenure review). |

Subject to part IVA the Conservation Act 1987.

These agree with the lease details section of this report.

The legal description is confirmed as that being used in this Due Diligence Report which agrees with the Computer Interest Register cover sheet.



The Crown retains minerals ownership.

The area is confirmed as 12787.3814 ha. This agrees with the Computer Interest Register cover sheet.

The Status Check does not identify any recreation permits, DoC concessions or UCL land within the lease.

No recorded mining interests noted on the National Mining Index.

DoC Christchurch identifies that a DoC administered Hawkdun Conservation Area (H40/107) adjoins the lease on the southern boundary. This is stewardship land held pursuant to Section 62 of the Conservation Act 1987 and was formally Crown Land allocated at the Lands and Survey split. Marginal strips were identified on the Otamatapaio River (H39/86) and Corbies Creek (H40/16) (*recognised in this report see Section 7 - Details of Neighbouring Crown or Conservation Land*).

Issues identified requiring possible future investigation at the Due Diligence stage were:

1. *A explanation of the history of the lease as Oamaru Harbour Board Endowment Land purchased by the Crown in 1964 is made and why it is deemed to be subject to 'the Land Acts' while administered by the Board before the Crown purchase of their interests. (No comment on this is explanation is seen to be required).*

**Other Land:**

No other areas are reported on.

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

A very short section of water race is shown cutting through the lease in Otamatapaio Valley near the formed road. This is known to be the race that was subject to many debates at lease formation for water supply. The topographical map shows no other water races within the lease.

State Highway 83 forms the northern boundary of the lease.

A formed gravel road is shown entering from the Otamatapaio River valley to the north, cutting through the lease and the adjoining lease (P304) to the Otematata River. Within the lease a short branch of this road climbs to a ridge crest and terminates next to the boundary with Bog Roy to the west.

The internal farm access track system is extensive giving access to all areas of the property and in many cases linking with tracks outside the boundary to the south (P304).

Local supply electricity pylons cross the lease alongside the State Highway 83. A set of "stone yards" just inside the lease boundary, next to the gravel road that cuts through the lease to the Otematata River is serviced by local power supply lines that traverses P304 from the homestead area.

No transmission sites are marked within the lease boundary.

The fenced boundaries appear to approximately follow their legal line in most areas except in the south-eastern corner, at the head of the Glen Bouie Stream, where a large area (*approximately 1000 ha*) of the neighbouring lease (*P304*) appears to be fenced into the lease and a 300 ha area fenced out. A narrow margin of river flats of the Otamatapaio River below the confluence of Alfreds Creek is marked as fenced out of the lease.

The range top at the head of the Otamatapaio River and Clear Steam appears unfenced. The Status Check map overlay of the legal boundaries appears to contain a minor offset distortion along the south-eastern boundary line.

A hut is marked on the Otamatapaio River flat below the confluence of Alfreds Creek within the lease. A hut is marked on the valley floor of the Upper Otamatapaio River just outside the lease boundary on the opposite side of the river on Otamatapaio Station.

No airstrip is identified within the lease boundary.

The Cadastral map shows two marginal strips affecting the lease being one on the Otamatapaio River against the western lease boundary from the flats to terminate below Dog Gully, and a very short distance of Corbies Creek within the lease. It should be noted that the Cadastral map overlay on the topographical map has a distortion that puts the marginal strip in Corbies Creek on a nearby ridge top.

State Highway 83 which is tar sealed, double fenced, and on its appears to be on its correct legal line adjoins the northern boundary of the lease.

A legal road is shown entering from the Otamatapaio River valley to the north, cutting through the lease (*and the adjoining lease P304*) to the Otematata River. A formed unfenced gravel road is marked on this approximate line.

A second legal road enters the lease from the Otamatapaio River valley to the north at Corbies Creek and cuts through the lease to exit into the neighbouring P304 lease following Glen Bouie Creek. This road travels outside the lease up Glen Bouie Creek and re-enters the lease to cut through the back country to terminate on the western boundary near the range top. No formed road or track exists on these lines. A branch of this road, before it leaves the lease on the lower section, links up with the first legal road noted above. No formed road or track exists on this line either.

A legal road terminates against the lease boundary near the Otamatapaio River. No formed road exists on this line but a farm track is marked in the general vicinity.

Similarly a legal road terminates against the lease boundary on the southern range top. No formed road exists on this line but a farm track is marked in the general vicinity.

The Proposed and Transitional Waitaki District Scheme Plans have no sites marked or issues that would affect the tenure review process.

**7. Details of neighbouring Crown or Conservation land:**

No conservation lands or unoccupied Crown land within the lease were identified.

A conservation area (H40/107 - *Hawkdun Conservation Area* – 3988 ha) is adjacent to the south-eastern boundary of the lease. This land is held pursuant to Section 62 of the Conservation Act 1987 and was formally Crown land allocated at the Lands and Survey split. This area is identified as having botanical and recreational values.

Marginal strips were identified on the Otamatapaio River (H39/86) against the western lease boundary from the flats to terminate below Dog Gully, and a short distance of Corbies Creek (H40/16).

The Due Diligence Report for the adjoining Otamatapaio Station identified possible UCL land. "Against the boundary in the headwaters of the Otamatapaio River for 3.5 km is a long narrow ribbon of land (18 ha) marked as "Crown land" on old Cadastral maps that has no title. This land was leased under Licence to Occupy (M988), on a 5 yearly basis in the 1970's, to Otamatapaio Station. In 1977 an application was made to incorporate it into the then lease P210 but, because it formed part of the area planned for retirement, no action was taken. No renewal of the Licence to Occupy was found. The area is fenced into the Otamatapaio lease. As far as can be ascertained the land is not held under the Reserves Act and remains Un-alienated Crown Land".

This has no implications for tenure review for Otematata Station II.

No PNA Survey has been carried out on the lease.

**8. Summary of uncompleted actions or potential liabilities:**

- 8.1 The Ministry of works established a pipe under the main road (*State Highway 83*) from Rostriever to cater for a water supply for a future homestead on the lease (*folio 86 - see Attachment 2*). The Crown had agreed to establish an easement for this as part of the settlement prior to lease issue. It appears the proposed take of water may be on the legal road line and no easement will be required (*folio 76 - see Attachment 3*). No map of the proposal is held on file. No file evidence was found that this easement was processed. Verification that no easement is required to meet the original agreement appears warranted.

*The following issues are brought to your attention to note only:*

- The Status Check Cadastral map overlay on the topographical map has a distortion that puts the marginal strip in Corbies Creek on a nearby ridge top.
- Approximately 1000 ha of the neighbouring lease (P304) appears to be fenced into the lease and a 300 ha area fenced out at the head of the Glen Bouie Stream on the south-eastern boundary. A narrow margin of river flats of the Otamatapaio River below the confluence of Alfreds Creek is marked as fenced out of the lease.
- A section of UCL land may exist against the boundary in the upper Otamatapaio River, farmed by the neighbouring Otamatapaio Station (P343). This matter is addressed in the Due Diligence report for that property.

***ATTACHMENTS:***

- Schedule A. - Status Check.
- Attachment 1 - Recent Copy of Lease Document OT 2C/586.
- Attachment 2 - Ministry of Works pipe establishment - folio 86.
- Attachment 3 - Crown to grant easement - folio 76.

**SCHEDULE 1:**

Status Check.

**DTZ NEW ZEALAND**

**Appendix A**

This report has been prepared on the instruction of Land Information New Zealand in terms of the contract number 50268 dated September 2001 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

<b>LAND STATUS REPORT for OTEMATATA - ii</b>				[LIPS ref.12562]
<b>Property</b>	1	<b>of</b>	1	

<b>Land District</b>	Otago
<b>Legal Description</b>	Part Run 743 situated in Gala and Turnagain Survey Districts.
<b>Area</b>	12,787.3814 hectares.
<b>Status</b>	Crown land subject to The Land Act 1948.
<b>Instrument of lease</b>	Balance CIR OT 2C/586.
<b>Encumbrances</b>	- Subject to and appurtenant hereto is a right to convey water created by Transfer No. 325135.  - 854438 Land Improvement Agreement pursuant to Section 30A Soil Conservation and Rivers Control Act 1941.  - Subject to Part IVA Conservation Act 1987.
<b>Mineral Ownership</b>	Minerals remain with the Crown as the land has never been alienated since its acquisition for settlement purposes from the former Maori owners under The Kemp Deed of Purchase.
<b>Statute</b>	Land Act 1948 & Crown Pastoral Land Act 1998.

<b>Data Correct as at</b>	18 April 2002
<b>[Certification Attached]</b>	Yes

<b>Prepared by</b>	Murray Bradley 
<b>Crown Accredited Agent</b>	DTZ New Zealand

**DTZ NEW ZEALAND**

**Appendix B**

This land status report has been prepared on the instruction of Land Information New Zealand in terms of the contract number 50268 dated September 2001 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

<b>LAND STATUS REPORT for OTEMATATA II</b>				[LIPS ref.12562]
<b>Property</b>	<b>1</b>	<b>of</b>	<b>1</b>	

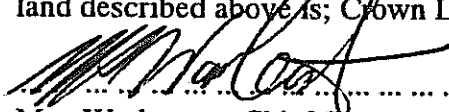
<b>Land District</b>	Otago
<b>Legal Description</b>	Part Run situated in [743] Gala and Turnagain Survey Districts.
<b>Area</b>	12,787.3814 hectares.
<b>Status</b>	Crown Land subject to The Land Act 1948.
<b>Instrument of lease</b>	Balance CIR OT 2C/586.
<b>Encumbrances</b>	- Subject to and appurtenant hereto is a right to convey water created by Transfer No. 325135.  - 854438 Land Improvement Agreement pursuant to Section 30A Soil Conservation and Rivers Control Act 1941.  - Subject to Part IVA Conservation Act 1987.
<b>Statute</b>	Land Act 1948 & Crown Pastoral Land Act 1998.

<b>Data Correct as at</b>	18 April 2002
<b>[Certification Attached]</b>	Yes

<b>Prepared by</b>	Murray Bradley 
<b>Crown Accredited Agent</b>	DTZ New Zealand

**Certification:**

Pursuant to section 11(1)(l) 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 subject to the Land Act 1948.



Date... 15 / 5 / 2002

Max Warburton, Chief Surveyor  
Land Information New Zealand, Dunedin

**OTEMATATA RESEARCH - Property 1 of 1**

<b>Notes :</b> 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	Note: Run 743 was former Oamaru Harbour Board Endowment Land. The land was originally vested in the Oamaru Harbour Board by virtue of the "Oamaru Harbour Board Act 1881". Section 3 of that Act stated that the land shall remain subject to the provisions of the " Land Act 1887". The Crown purchased the Oamaru Harbour Board's interest in the land in 1964 and took over the lease along with others.  Consequently, the land was Oamaru Harbour Board Endowment land prior to the issue of the lease under CT No. 2C/586. The overall effect is that the land was still Crown
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	<p>land subject to the Land Act but managed by the Oamaru Harbour Board until the lease was issued.</p> <p>A legal opinion dated November 1922 from Hislop and Creagh confirms that the former Oamaru Harbour Board Endowment land was still subject to "the Land Acts" in the same manner as other similar Crown Lands.</p>
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**LAND STATUS REPORT for OTEMATATA - ii**

[LIPS ref.12562]

**Property** | 1 | of | 1

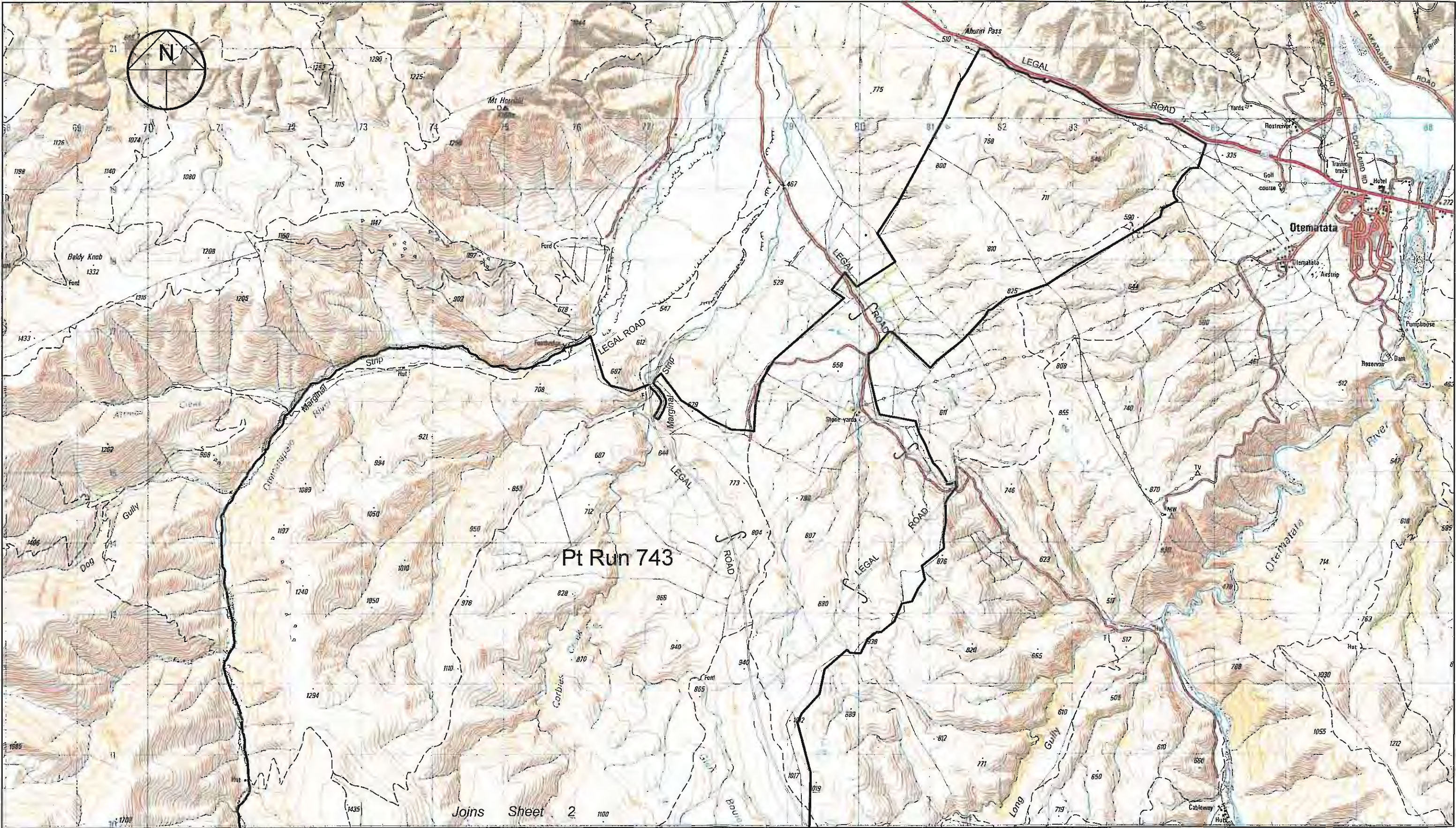
**Research Data: *Some Items may be not applicable***

<b>Property</b>	1	of	1	
SDI Print Obtained	Yes			
NZMS 261 Ref	H39 and H40.			
Local Authority	Waitaki District Council.			
Crown Acquisition Map	Kemp Deed of Purchase.			
SO Plan	SO 13766 (1965), Defines Run 743. SO 16562 (1967) shows plan of road to be closed and taken for the development of water power.			
Relevant Gazette Notices	N/A			
CT Ref / Lease Ref	Balance CIR OT 2C/586.			
Legalisation Cards	13766 – No legalisation Card. 16562 – No legalisation Card..			
CLR	The CLR records the following:  CT No: 2C/586. Area: 31,598 acres 1 rood 9.2 perches (12,787.3814 ha). SO Plans: 13766, 16562. File Reference: P305. Notes: Run 743 previously part of Runs 160C, 160D, 160E and 160F.			
Allocation Maps (if applicable)	A check of the SOE/DOC/UCL Allocation Maps Schedules revealed no allocations within the boundaries of the lease.			
VNZ Ref - if known	Part 26050-9500.			
Crown Grant Maps	The Crown Grant Map for the Gala and Turnagain Survey Districts did not identify Run 743.			
<b>If subject land Marginal Strip:</b>				
(a) Type [Sec 24(9) or Sec 58]	(a) Section 24(9) of The Conservation Act 1987.			
(b) Date Created	(b) 1 January 1998.			
(c) Plan Reference	(c) OT 2C/586.			

<b>LAND STATUS REPORT for OTEMATATA - ii</b>		<i>[LIPS ref.12562]</i>	
<b>Property</b>	<b>1</b>	<b>of</b>	<b>1</b>

**Research – continued**

<b>Property</b>	<b>1</b>	<b>Of</b>	<b>1</b>
<b>If Crown land - Check Irrigation Maps.</b>		N/A	
<b>Mining Maps</b>		There are no mining interests recorded within the boundaries of the Pastoral Lease in the National Mining Index.	
<b>If Road</b>		Crown Grant and Section 110 A Public Works Act 1928.	
a) <b>Is it created on a Block Plan - Section 43(1)(d) Transit NZ Act 1989</b>		(a) N/A.	
b) <b>By Proc</b>		(b) Proc 339854/340318	
c) <b>Plan No</b>		(c) SO Plan 17273 and SO 16562	
<b>Other Relevant Information</b>		(a) Nil	
a) <b>Concessions - Advice from DOC or Knight Frank.</b>		(b) Subject to Part 9 of The Ngai Tahu Claims Settlement Act 1998.	
b) <b>Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998.</b>		(c) Mines and minerals are owned by the Crown because the land has never been alienated since its acquisition for settlement purposes from the former Maori owners under The Kemp Deed of Purchase (1848). Contained in : CT OT 2C/586 being the earliest lease issued in the Land Transfer Office.	
c) <b>Mineral Ownership</b>			
(d) <b>Other Information</b>		d)Note: Run 743 was former Oamaru Harbour Board Endowment Land. The land was originally vested in the Oamaru Harbour Board by virtue of the "Oamaru Harbour Board Act 1881".Section 3 of that Act stated that the land shall remain subject to the provisions of the" Land Act 1887". The Crown purchased the Oamaru Harbour Board's interest in the land in 1964 and took over the lease along with others. Consequently, the land was Oamaru Harbour Board Endowment land prior to the issue of the lease under CT No. 2C/586. The overall effect is that the land was still Crown land subject to the Land Act but managed by the Oamaru Harbour Board until the lease was issued. A legal opinion dated November 1922 from Hislop and Creagh confirms that the former Oamaru Harbour Board Endowment land was still subject to "the Land Acts" in the same manner as other similar	



PO Box 13-343  
Christchurch  
Ph: 03 379 9901

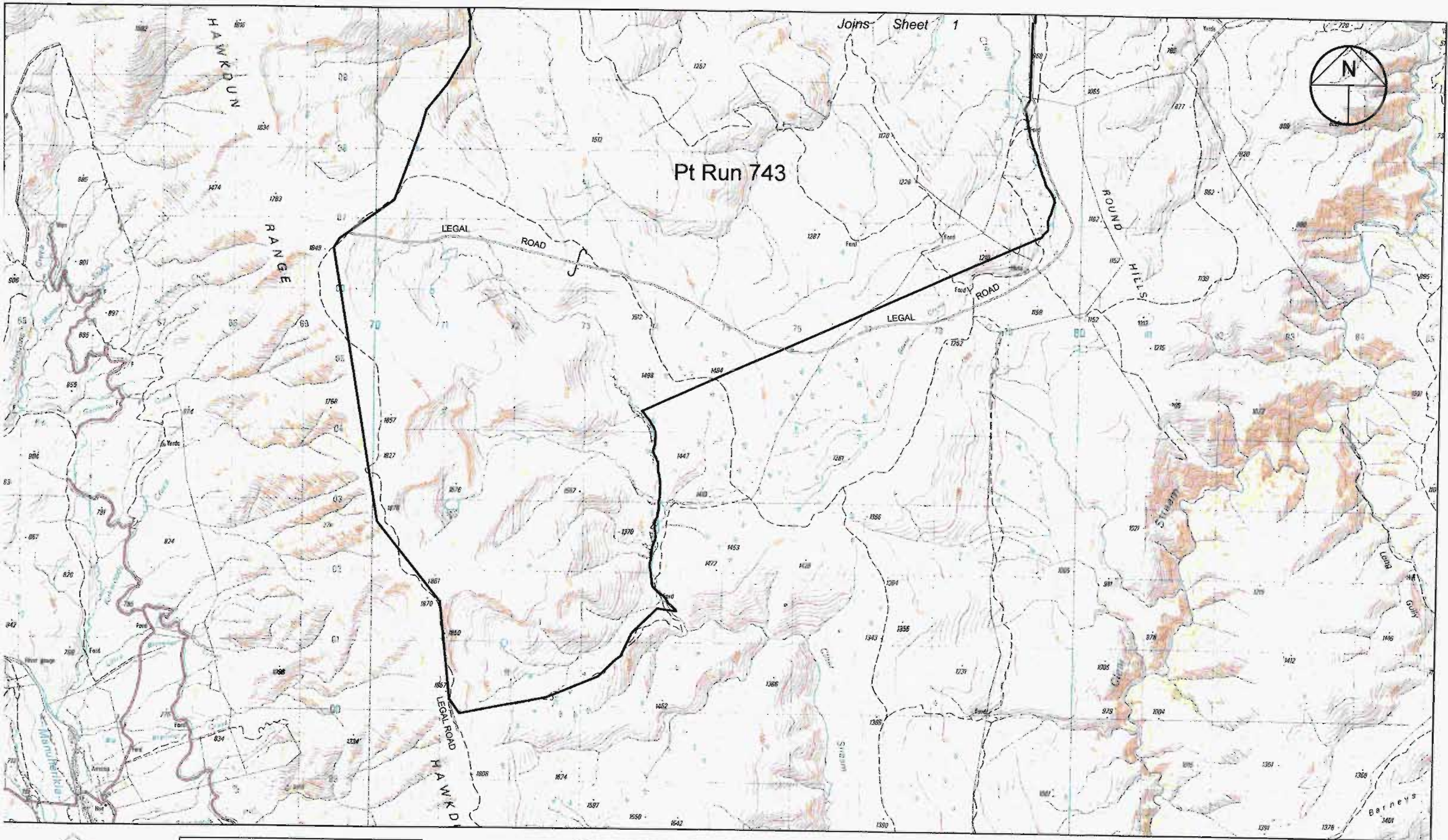
Marginal Strip Subject to Sec 24(9)  
Conservation Act 1987 -----

## Otematata No. 2

Scale 1:50000

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Version	1	2	3	4	5
Otago Land District Topographic map 260 - H39, H40	Sheet 1 of 2				Date: 17/05/02



Marginal Strip Subject to Sec 24(9)  
 Conservation Act 1987 -----

## Otematata No. 2

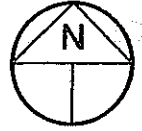
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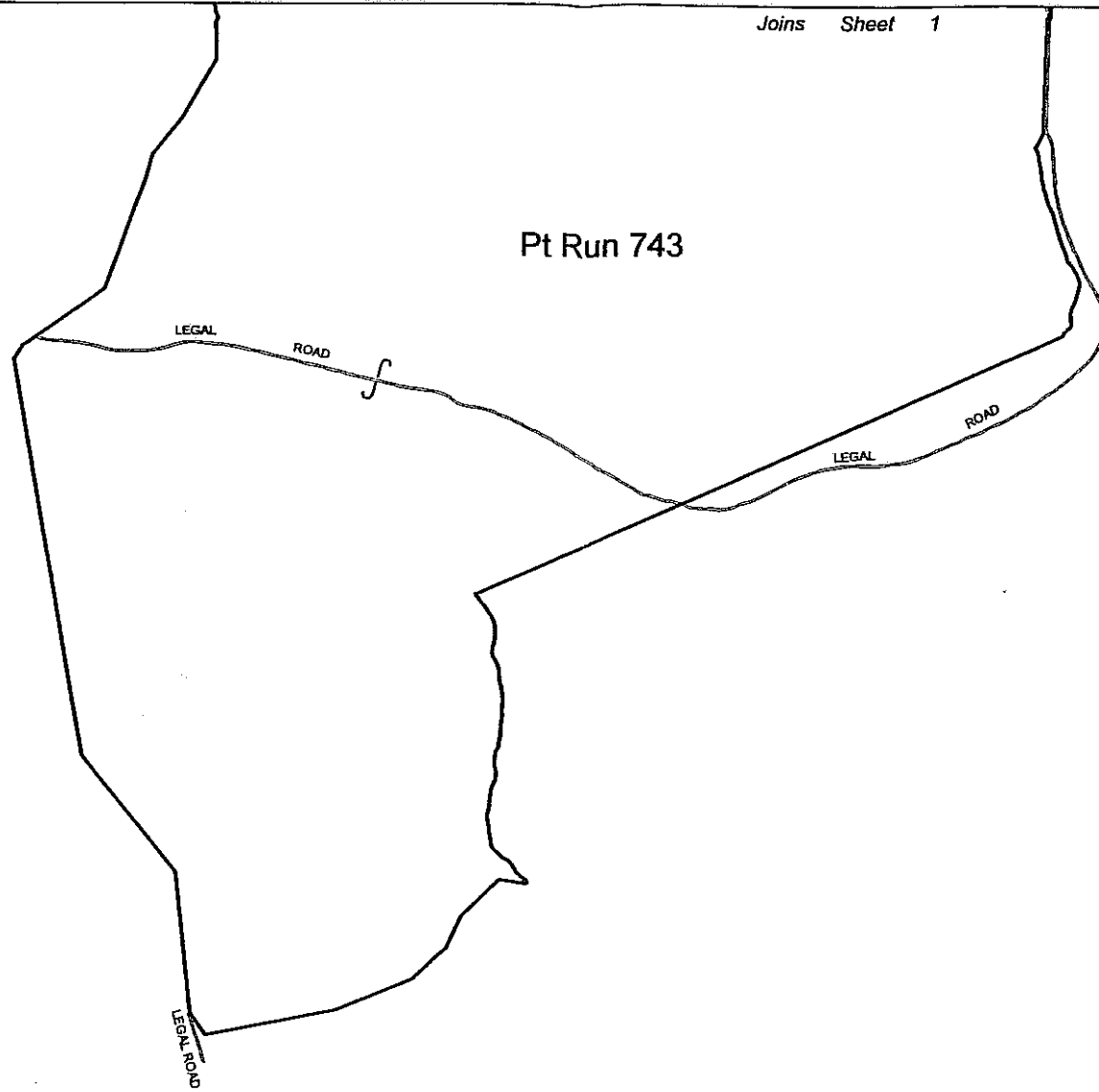
Version	1	2	3	4	5
Otago Land District					Sheet 2 of 2
Topographic map 260 - H39, H40					Date: 17/05/02

ANDERSEN & ASSOCIATES  
 REGISTERED SURVEYORS

PO Box 13-343  
 Christchurch  
 Ph: 03 379 9901



Pt Run 743



RELEASED UNDER THE OFFICIAL INFORMATION ACT

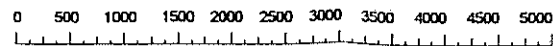


PO Box 13-343  
Christchurch  
Ph: 03 379 9901

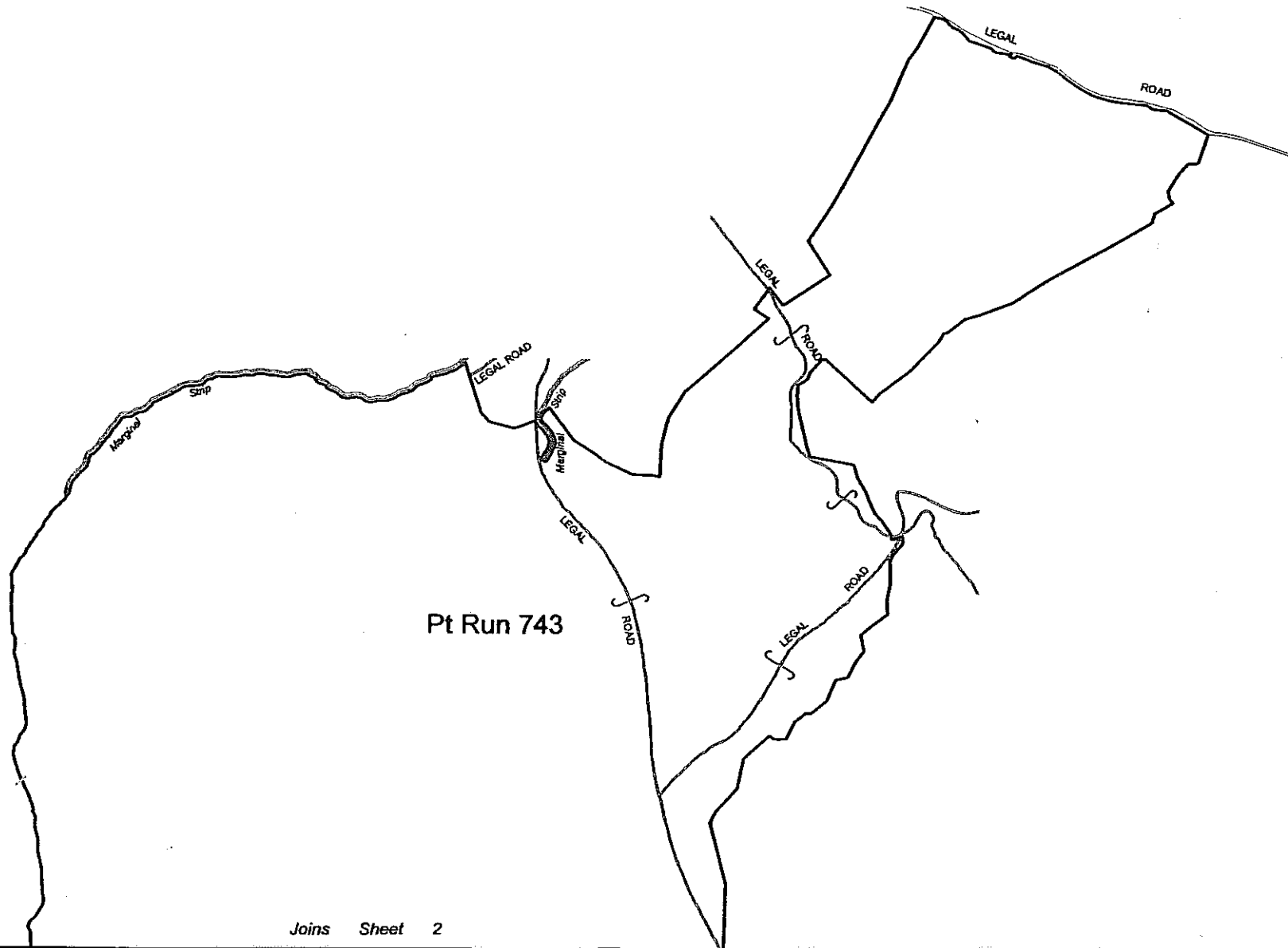
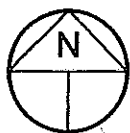
Marginal Strip Subject to Sec 24(9)  
Conservation Act 1987 -----

### Otematata No. 2

Scale 1:50000



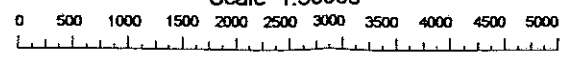
Version	1	2	3	4	5
Otago Land District					
Topographic map 260 - H39, H40					
				Sheet 2 of 2	
				Date: 17/05/02	



Joins Sheet 2

# Otematata No. 2

Scale 1:50000



Marginal Strip Subject to Sec 24(9)  
Conservation Act 1987 -----



PO Box 13-343  
Christchurch  
Ph: 03 379 6601

Version	1	2	3	4	5
Otago Land District					
Topographic map 260 - H39, H40					
	Sheet 1 of 2				
	Date: 17/05/02				

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

**ATTACHMENT 1:**

Recent Copy of Lease Document OT 2C/586



COMPUTER INTEREST REGISTER  
UNDER LAND TRANSFER ACT 1952

Historical Search Copy

H40 2  
H39



R. W. Muir  
Registrar-General  
of Land

Identifier **OT2C/586**  
Land Registration District **Otago**  
Date Registered 26 November 1965 02:04 pm

---

Type	Lease under s83 Land Act 1948		
Area	12787.3814 hectares more or less	Term	33 years years commencing on the 1st day of January 1965 and extended to 1.1.2031

Legal Description Part Run 743

Original Proprietors  
Otematata Station Limited

---

**Interests**

Subject to a right to convey water over part herein appurtenant to Run 745 (CT OT3A/513) created by Transfer 325135 - 19.3.1968 at 2.30 pm

Appurtenant hereto is a right to convey water over part Run 744 (CT OT2D/450) created by Transfer 325135 - 19.3.1968 at 2.30 pm

511103 Mortgage to The National Bank of New Zealand Limited - 15.2.1979 at 9.23 am

854438 Land Improvement Agreement pursuant to Section 30A Soil Conservation and Rivers Control Act 1941 - 2.5.1994 at 9.38 am

911293 Variation of Mortgage 511103 - 4.7.1996 at 9.44 am

935982.1 Variation and extension of term of within Lease - 4.9.1997 at 12.50 pm



L. & S.—B. 4

Former Ref. Vol. - fol.

L. & S. Ref. No. P.305

**PART - CANCELLED  
REGISTER  
PART TAKEN BY GAZETTE  
NOTICE**

Entered in the Register-book, the  
26th day of November

No. 2C/586



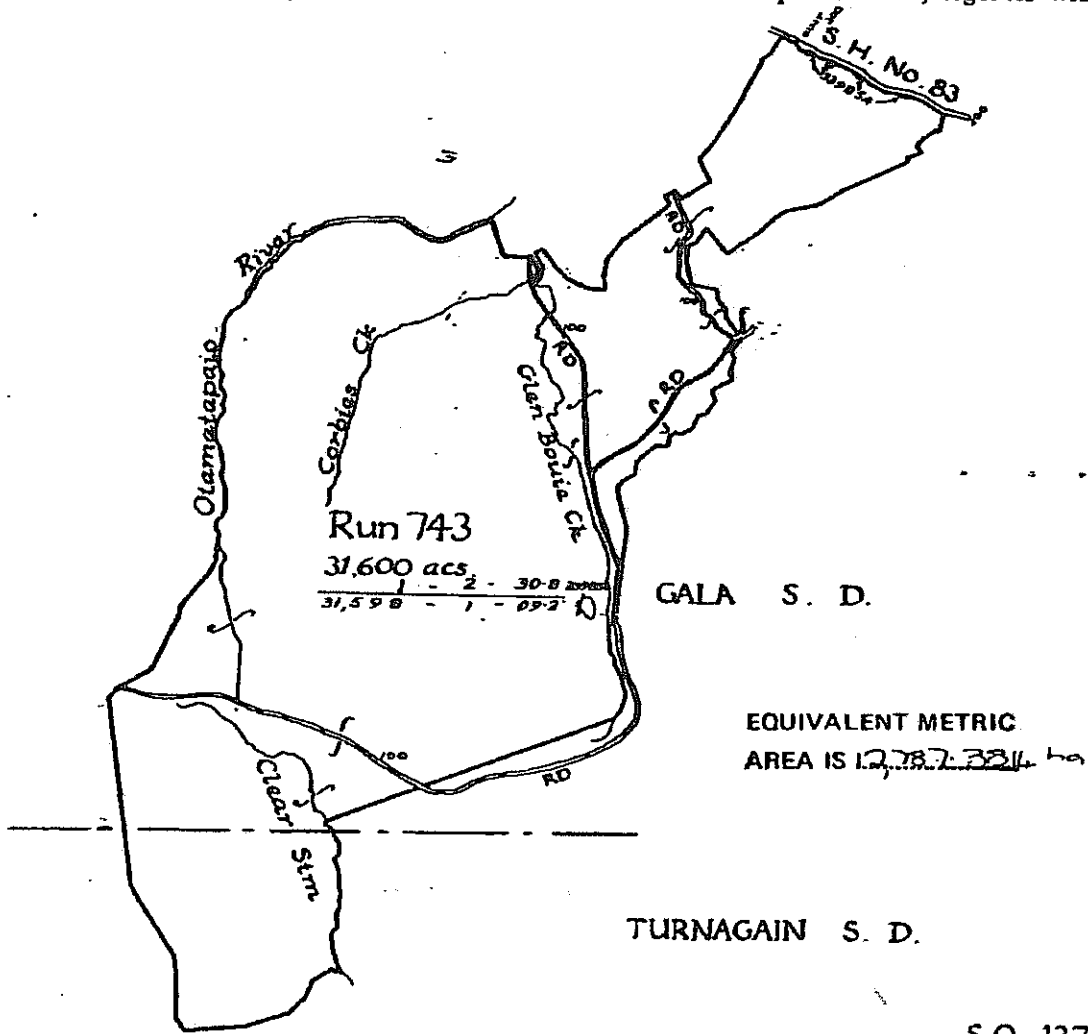
*Hayes*  
Land Registrar

**Pastoral Lease under the Land Act 1948**

**This Deed**, made the 1st day of December 1964 between HER MAJESTY THE QUEEN (hereinafter referred to as "the Lessor") of the one part, and OTEMATATA STATION LIMITED a duly incorporated company having its registered office at Dunedin .....

(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 31,600 acres more or less, situated in the Land District of Otago, and being Run 743, Gala and Turnagain Survey Districts .....

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



Scale: 2 miles to an inch.  
A.L.O.D.

S.O. 13766

No. 2C/586

easements, and appurtenances thereto belonging. TO HOLD the said premises intended to be hereby demised unto the Lessee for the term of 33 years, commencing on the 1st day of January 19 65, together with the period between the date of this lease and the aforesaid 1st day of January 1965, YIELDING and paying therefor unto the Department of Lands and Survey at Dunedin the annual rent of £ 425.0.0 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 term. 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 depasture on the land hereby demised more than 6375/m<sup>2</sup> sheep which number shall not include more than 1500 breeding ewes nor more than 60 cattle which number shall not include more than 50 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:

THAT 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 exterminating 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 thereunder 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.

Special Covenant

That the lessee will when required by the Commissioner of Crown Lands execute on such terms and conditions as may be prescribed any Grant of Easement necessary for the right to convey water originating in Corbies Creek to the adjoining Run 745, Benmore and Gala Survey Districts being the land comprised in Pastoral Lease No. P.309.

SCHEDULE OF IMPROVEMENTS BELONGING TO THE CROWN

Nil.

IN WITNESS whereof the <sup>Assistant</sup> 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.

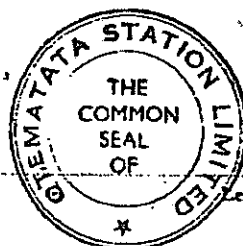
Signed by the said <sup>Assistant</sup> Commissioner on behalf of the Lessor, in the presence of—

Witness: [Signature]  
Occupation: Club Land Survey Dept  
Address: Dunedin

[Signature]  
Assistant Commissioner of Crown Lands.

The Common Seal of Otematata Station Limited, was hereunto affixed Signed by the above-named Lessee, in the presence of—

Witness: [Signature]  
Director  
Occupation: Director  
Address: J. F. Cameron



C.T.20/586

325135 Transfer granting the right to convey water over part within land appurtenant to Run 745 (3A/513) to Alexandria Hannah Munro - 19.3.1968 at 2.30pm



A.L.R.

Appurtenant hereto is a right to convey water over part Run 744 (pt C.T. 2D/450) created by Transfer 325135.



A.L.R.

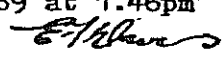
DISCHARGED

331405 Compensation Certificate pursuant to Section 17 of the Public Works Amendment Act 1948 - 5.9.1968 at 10.41 am.



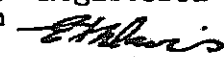
A.L.R.

339854 Gazette Notice declaring the leasehold estate in the part indicated on the plan hereon (1 acre:2 roods 30.8 perches) to be taken for the purposes of a road from and after 21 April 1969. Registered 28.4.1969 at 1.46pm



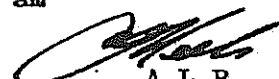
A.L.R.

340318 Gazette Notice declaring the land in Gazette Notice 339854 to be Set Apart for Road from and after 28 April 1969. Registered 7.5.1969 at 11.30am



A.L.R.

511103 Mortgage to the National Bank of New Zealand Limited - 15.2.1979 at 9.23 am



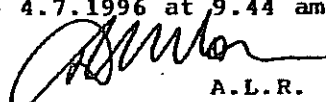
A.L.R.

854438 Land Improvement Agreement under Section 30A of the Soil Conservation and Rivers Control Act 1941 - 2.5.1994 at 9.38am



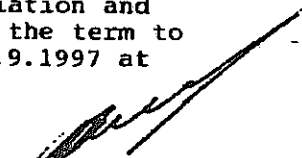
A.L.R.

911293 Variation of Mortgage 511103 - 4.7.1996 at 9.44 am



A.L.R.

935982.1 Variation and extension of the term to 1.1.2031 - 4.9.1997 at 12.50.



for DLR

<b>BALANCE REMAINING</b>
AREA: 12787.3814 ha
DESCRIPTION: part Run 743
Gala t Tumogain SD

<b>LAND &amp; DEEDS</b>	
Nature:	<i>Postal lease</i>
Firm:	<i>C.C.L.</i>
<b>26 NOV 1965</b>	
Time:	<i>2.04</i>
Fee:	<i>£ - 15 -</i>
Abstract No.	<i>456</i>



**ATTACHMENT 2:**

Ministry of Works pipe establishment - folio 86.

86-

P.W. 150C  
(Rev. 4/54)



IN REPLY PLEASE QUOTE

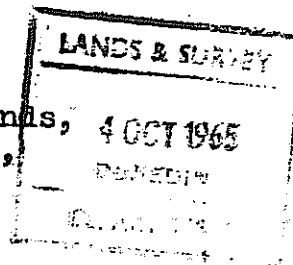
P.W. 92/12/46/6/2

MINISTRY OF WORKS

P.O. BOX 451  
DUNEDIN

1 October 1965

The Commissioner of Crown Lands,  
Department of Lands & Survey,  
P.O. Box 896,  
DUNEDIN.



BENMORE POWER SCHEME : OTEMATATA STATION

Your P.305 of 7 July 1965 refers. — fol. 76

A suitable pipe has been placed in the highway in a position approved by Mr J. Cameron. The cost of the work is not known as yet but it was a fairly minor figure and if necessary it will taken into account in the negotiations for settlement of Cameron's claims.

It will not be possible to grant an easement over the legal road or any right to the water but arrangements will be made for Cameron to complete the usual form of licence granted for pipes beneath the highway.

J. F. Henderson  
District Commissioner of Works

Per: *[Signature]*

L. L. McClintock

LEASES SECTION

**ATTACHMENT 3:**

Crown to grant easement - folio 76.

GM:WIA

76-971  
P. 303

896,  
DUNEDIN.

McMillan

7 July 1965

The District Commissioner  
of Works,  
Ministry of Works,  
P.O. Box 491,  
DUNEDIN.

LANDS & SURVEY  
DUNEDIN  
8 JUL 1965  
DISPATCHED  
DEPARTMENT

BANNER POWER SCHEME - OTAMATATA STATION LTD

As part of the negotiations with the Camerons of Otamatata Station, necessitated by the Banner power scheme, it was agreed that the Crown would grant an easement in favour of Otamatata Station Ltd to take water from a creek running alongside the Camaro-Omaru State Highway on the Rectriever side. The proposal at some future date is for the Camerons to erect a new homestead in approximately the position marked on the attached plan and the water supply is needed to serve this. It involves of course the taking of the water across the highway onto the Camerons' own property.

It is understood that the point at which the Camerons' envisage a connection is actually on legal readings, not on part of Run 1622. Whether or not this is so it appears that a culvert of some sort is necessary to bring the water across the road and the Camerons have requested that provision be made for this in the course of the road improvement works which are at present under way.

This is considered to be a reasonable request in all the circumstances and it would be very much appreciated if you could arrange accordingly. It is suggested that Mr J. Cameron be contacted as he will be able to point out the exact location where it is desired to have the culvert.

Could you please confirm that your Department will be able to help in this matter.

G.K. Eville  
Commissioner of Crown Lands.

Encl: - Plan of Banner Herb. Bd.  
lands suitably marked.  
Em

Per: *Em*