

Crown Pastoral Land Tenure Review

Lease name : STYX RUN

Lease number : PO 333

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.

December

05

DUE DILIGENCE REPORT

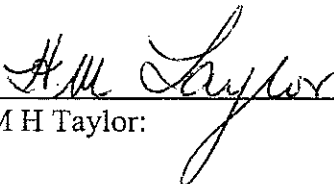
CPL PRE TENURE REVIEW ASSESSMENT STANDARD 6:

File Ref:	Po333	Report No:	AT0108	Report Date:	12 June 2000
Office of Agent:	Alexandra	LINZ Case No:		Date sent to LINZ:	17/6/00

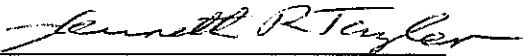
RECOMMENDATIONS:

- (1) That the Commissioner of Crown Lands or his delegate **note** this Due Diligence Report which has been prepared in accordance with the Pre Tenure Review Assessment Standard;
- (2) That the Commissioner of Crown Lands or his delegate **note** that there are no incomplete actions which require action by the Manager Crown Property Contracts

Signed for Knight Frank (NZ) Limited:



 M H Taylor:



 Manager:

Approved/Declined by:

 Name:
 Date of decision: / /

(1) Details of lease:

Lease Name: Styx Run

Location: This property is at Paerau, 22 kms from Patearoa township, and 41 kms from Ranfurly. It lies on the south-western end of the Rock and Pillar Range, and extends from the Taieri River to the crest of the range. The Old Dunstan Road forms the western boundary.

Lessee: R M Lawrence (*Run 248 Limited*).

Tenure: Pastoral Lease under Land Act 1948 and Lease No Po333.

Term: 33 years from 1 July 1972 to 30 June 2005.

Annual Rent: \$414

Rental Value: \$180,000

Date of Next Review: 1 July 2005

Land Registry Folio Ref: CL 5A/202 (*Otago Registry*).

Legal Description: Part Run 248M Loganburn and Upper Taieri Survey Districts.

Area: 3132.5440 hectares

(2) File Search:

Files held by Agent 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>
Po333	I	Unnumbered	28/8/1963	785	1/6/1988
	II	1	30/9/1992	20	18/4/2000

Other relevant files held by LINZ:

<i>File Reference</i>	<i>Volume</i>	<i>First Folio</i>	<i>Date</i>	<i>Last Folio</i>	<i>Date</i>
CPL/04/11/12580 ZCH			1/3/1997		
7900/04/P333 - 1 DDN			1/1/1800		1/1/1998
CPR/01/01/20/78 - ZNO			5/5/1999		

The files have been searched, including those held in Christchurch, Dunedin and Alexandra.

The file records are detailed and complete with the exception of one missing folio. The first entry is from 1961 and the files span the following 39 years up to the latest entry in 2000. Significant entries noted during the file search are as follows:

In 1961 Run 248M was not an economic unit in its own right. The lease was used mainly as summer grazing for two downland properties..

The joint lessees were E C, M W Carr, and G B Hall. The property was leased under provisions of Section 282 of the Land Act 1924 as a renewal of Pastoral Licence PR 1568.

Very little development was done up until 1972 when the lease was renewed.

At renewal the cover was noted as "completely native vegetation and tussocks".

In 1973 a Soil Conservation Farm Plan was approved for the property. The plan was for 5 years initially. It involved, fencing, oversowing and topdressing and a stock dam.

By 1976 the development on the lease had made progress, however the Annual Report recorded, no power and poor subdivision, with the boundary fences needing upgrading in places.

Routine entries continued through the 1970's.

1981 entries mentions a small area taken from the lease for the Paerau diversion works (*Maniototo Irrigation Scheme*).

Through the early 1980's development speeded up with further oversowing, topdressing, tracking and subdivision fencing.

The Annual Report in 1985 records a large amount of oversowing, topdressing and subdivision since 1983 with the Farm Plan still operating.

Development continued throughout the 1980's.

A half-share in the lease was transferred from E R Carr and others to E R Carr in 1989. The other half-share was held by G B Hall.

By 1989 hieracium was being noted as a major problem on the River Blocks. Its invasion continued so that by 1992 a file entry records hieracium as also being halfway up some Hill Blocks.

In 1990 Carr's 50% share in Styx Run was purchased by G B Hall Partnership who also purchased the 50% held by G B Hall. Thus the partnership now held total ownership of the lease. A subsequent transfer to a family trust is recorded.

A transfer in 1994 saw the lease pass to Peter McDonald; by 1996 the lessee was adjudged bankrupt, and the Sale and Purchase Agreement overturned by Court Order (*Attachment 1*).

A DoC report in 1996 identified a number of significant fauna, including rare wetas.

The historic Styx gaol, hotel and stables, which are on adjoining freehold are noted. The hillside forming the backdrop behind these buildings, was noted as a significant cultural landscape, warranting protection. This hillside is part of the lease.

During this time of financial stress the property's condition declined rapidly with entries recording problem levels of rabbits, hieracium, gorse and broom.

The lease was transferred to R M Lawrence, (*Run 248 Limited*) in 1997. Mr Lawrence (*who had no farming background*) employed the former lessee as manager on this property.

Routine entries, relating to such topics as burning and topdressing complete the file records.

(3) Summary of lease document:

Terms of lease:

The legal description, area and commencement date of the pastoral lease on Crown files are in agreement with the Instrument of Title (*CL 5A/202, Otago Registry*).

Commencement date:

The lease was issued on 1 July 1972.

Stock limit:

1700 wethers all year and 1800 ewes for 3 months, mid January to mid April.

No more than 30 cattle of which no more than 25 shall be breeding cows.

There are no non-standard conditions contained in CL 5A/202.

Apart from mortgage registrations and routine transfer the following significant entries are noted.

736574 Gazette Notice (*1989*) which records 9.84 ha acquired from the lease of the Paerau diversion works (*part of the Maniototo Irrigation Scheme*) (*Attachment 1*).

94319.4 Variation of lease. This allowed the lease to be transferred to a company 1997 (*Attachment 3*).

Area adjustments:

736574 This area adjustment is correctly recorded on the lease (*Attachment 1*).

Registered interests:***Mortgages:***

943519.6 Mortgage to ANZ Banking Group (New Zealand) Limited.

No effect on tenure review.

Encumbrances:

None

Unregistered interests:

We are not aware of any unregistered interests.

(4) *Summarise any Government programmes approved for the lease:*

Soil and Water Conservation Plan No 138, was approved 29 January 1973. This plan included conservation fencing, oversowing and topdressing and a stock dam. The development was successfully implemented and subsequently the Farm Plan was discharged in 1993.

(5) *Summary of Land Status Report:*

The Land Status Report is attached (*Schedule A*), pastoral status is confirmed.

GN 736574 New Zealand Gazette - 1989, Page 3767, records land set apart for irrigation (9.840 ha) and marginal strips on Taieri River.

(6) *Review of topographical and Cadastral data:*

No telecommunication sites are present.

No historic sites are marked on this property.

There is a marginal strip along the Taieri River, which forms the north-eastern boundary.

An area of reserved Crown land also exists along the north-eastern boundary. This is for the Paerau diversion works (GN 736574) (*Attachment 1*).

Two unformed legal roads cut right through the property from east to west - one at the northern end and one close to the southern boundary.

(7) Details of any neighbouring Crown or conservation land:

Styx Run borders three other pastoral leases; Po280, Kelvin Grove, Po277, Brookdale and Po306 Carrickmore. The portion of Brookdale adjoining will shortly become a conservation area on completion of a tenure review of the lease.

An area of Crown land reserved for the Paerau diversion works (*Maniototo Irrigation Scheme*) exists on the north-eastern boundary.

(8) Summarise any uncompleted actions or potential liabilities:

There are no uncompleted actions or potential liabilities.

We draw your attention to the following:

- Small boundary irregularities (*Attachment 2*).

(7) Details of any neighbouring Crown or conservation land:

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- Small boundary irregularities (*Attachment 2*).

SCHEDULE A

STATUS CHECK

RELEASED UNDER THE OFFICIAL INFORMATION ACT
OPUS INTERNATIONAL CONSULTANTS LIMITED
DUNEDIN OFFICE

Project Number 6NLI11.01 016YD

This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50175 dated September 1999 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.



LAND STATUS REPORT for The Styx			LIPS Ref 12580
Property	1	of	1

Land District	Otago
Legal Description	Part Run 248M
Area	3132.5440 ha
Status	Crown Land under the Land Act 1948 subject to Pastoral Lease 333
Instrument of title / lease	CL 5A/202
Encumbrances	No registered encumbrances
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 1848 Kemp Purchase.
Statute	Land Act 1948 & Crown Pastoral Land Act 1998.

Data Correct as at	12 November 1999
[Certification Attached]	

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

Certified - correct as to status

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 under the Land Act 1948 subject to Pastoral Lease registered as 5A/202

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

16 / 11 / 1999

LAND STATUS REPORT for The Styx

LIPS Ref 12580

Property 1 of 1

Notes : This information does not affect the status of the land but was identified as possibly requiring further investigation at the due diligence stage : See Crown Pastoral Standard 6 paragraph 6.

Nothing found on file.

LAND STATUS REPORT for The Styx

LIPS Ref 12580

Property 1 of 1

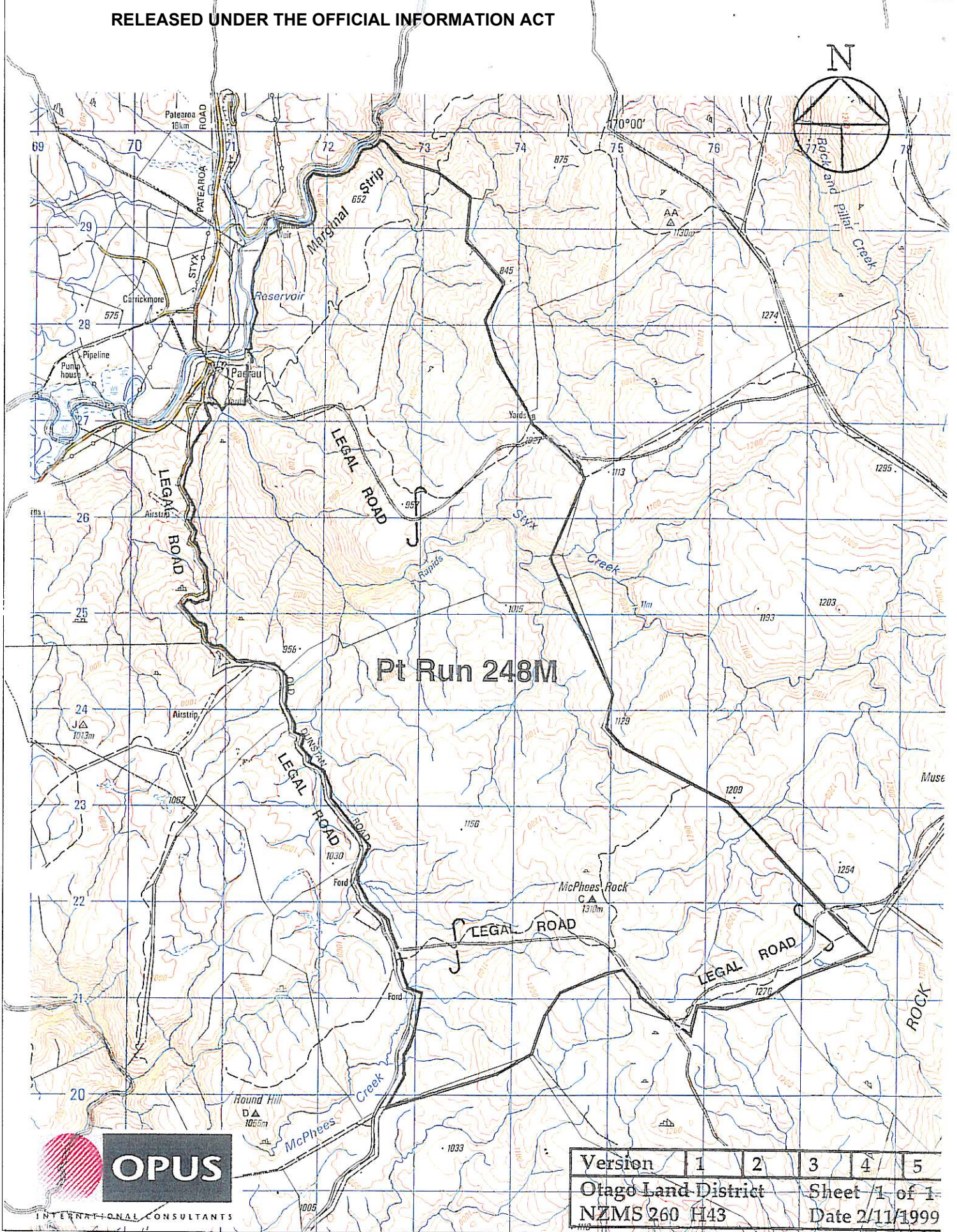
Research Data: *Some Items may be not applicable*

SDI Print Obtained	Yes
NZMS 261 Ref	H42 & H43
Local Authority	Central Otago District Council
Crown Acquisition Map	Kemp Purchase
SO Plan	SO 1826 of March 1904 being a plan of Small Grazing Runs including Run 248L. SO's 21593 – 21595 approved January 1986 being plans of land for irrigation and power generation.
Relevant Gazette Notices	GN 736574 being New Zealand Gazette 1989 page 3767 – land set apart for irrigation and power generation.
CT Ref / Lease Ref	CL 5A/202 [live] CL 377/81 sighted but not copied. Term of Pastoral Licence 1/3/37.
Plan Index	Attached.
Legalisation Cards	SO 1826 attached. SO's 21593 – 21595 attached.
CLR	Confirms Crown Land [Pastoral Land] Status.
Allocation Maps (if applicable)	Checked no allocations to SOE's DOC & Other SOE's
VNZ Ref - if known	28340/03400 & 28290/00400
Crown Grant Maps	N/A
If Subject land Marginal Strip : a) Type [Sec 24(9) or Sec 58] b) Date Created c) Plan Reference	a) i) Sec 24(3) ii) Marginal strip subject to Section 24(9) of the Conservation Act 1987. b) i) Prior to the Conservation Act 1987. ii) created on renewal of this lease on 1/7/98 c) i & ii) Defined on SO 1826

LAND STATUS REPORT for The Styx				LIPS Ref 12580
Property	1	of	1	

Research – continued

If Crown land – Check Irrigation Maps.	No map
Mining Maps	Northing found
<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>c) Gazette Ref</p>	<p>a)</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) Nothing found.</p> <p>b) None found</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 the 1848 Kemp Purchase.</p> <p><input type="checkbox"/> Contained in [provide evidence].</p> <p>d)</p>



Version	1	2	3	4	5
Otago Land District	Sheet 1 of 1				
NZMS 260 H43	Date 2/11/1999				

Styx Run

Scale 1:50000

