

Crown Pastoral Land Tenure Review

Lease name : SUNNY PEAKS

Lease number : PO 259

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.

December 05

PASTORAL LEASE
LAND TENURE
REVIEW

DUE DILIGENCE

SUNNY PEAKS

LIPS 12535 P 259
OTAGO LAND DISTRICT

2001

ABERCROMBIE & ASSOCIATES LIMITED

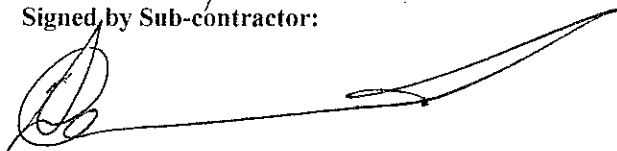
**DUE DILIGENCE REPORT
CROWN PASTORAL LAND PRE TENURE REVIEW ASSESSMENT STANDARD 6**

File Ref:	CON / 50241 / 09 / 12535 / A-ZNO	Report No:	Q V V 123	Report Date:	15 February, 2001
Accredited Supplier	ABERCROMBIE & ASSOCIATES LTD	LINZ Case No:	TRO1103	Date sent to LINZ	

RECOMMENDATIONS

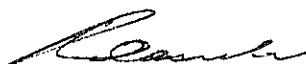
- 1 That the Commissioner of Crown Lands or his delegate **note** this Due Diligence Report which has been prepared in accordance with the Pre Tenure Review Assessment Standard;
- 2 That the Commissioner of Crown Lands or his delegate note the following incomplete actions which require action by the Manager, Crown Property Management *[or other party]*;
 - Road access to Awakino Ski Field [on adjoining DoC land] is not over legal road for most of it's formation/alignment through the subject land [northern part of the eastern portion].

Signed by Sub-contractor:



David J Abercrombie
Nominated Person for Accredited Supplier

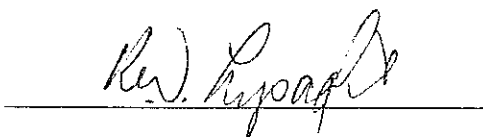
Signed by contractor:



Barry Dench
Team Leader for Tenure Review
Quotable Value [Valuations]

Approved / Declined

[pursuant to a delegation from the Commissioner of Crown Lands], by:



[_____]

Date of decision: 16/ 5 /01

1 Details of lease:

Lease name: Sunny Peaks

Location: Awakino Road, Kurow, Waitaki Valley

Lessee: Awakino Station Limited

Tenure: Pastoral Lease of pastoral land pursuant to the Land Act 1948

Term: 33 years from 1 July 1960 as renewed for a further term of 33 years from 1 July 1993 by memorandum 838114

Annual rent: \$2250

Rental value: \$150 000.00

Date of next review: 1 July 2004

Land registry folio ref: A2/1223 [see appendix 1]

Legal description: Part Run 3 of 23, 4 of 23 and 362B, situated in Kurow and Mt Buster Survey Districts

Area: 2496.096 ha

2 File Search

Files held by an accredited supplier on behalf of LINZ:

File reference	Volume	First folio number	Date	Last folio number	Date
Nil					

Other relevant files held by LINZ

File reference	Volume	First folio number	Date	Last folio number	Date
Po 259		I	14/11/1997	N/A	N/A
[also known as CON/50213/09/12535/A-ZNO]					
Po 259 CV	V	730	02/03/2000	731	06/06/2000
Po 259 CV	IV	667	23/04/1992	729	09/02/2000
P 259 CV	III	561	28/05/1980	666	17/02/1992
P 259 CV	II	381	14/05/1962	560	05/05/1980
P 259 CV	I	192	24/10/1939	379	22/02/1962
[previously known as SGR 1224]					

Other relevant files held by Archives New Zealand

File reference	Volume	First folio number	Date	Last folio number	Date
Nil					

Folios relating to uncompleted actions are:

File reference	Volume	Folio number	Date
P 259	II	419	11/08/1969
		421	10/09/1969
		486	01/06/1972
		492	26/05/1975
		520	05/08/1976
P 259	III	601	18/07/1986
		603	04/08/1986
		623	17/09/1987
		646	19/01/1990

See section 8 of this report for further details.

3 Summary of lease document

Terms of lease

Lease number:	P 259
Renewal instrument number:	838114 [see appendix 2]
Commencement date:	33 years from 1 July 1960 as renewed for a further term of 33 years from 1 July 1993
Lease stock limits:	3080 sheep. Note that personal stock limit to current manager [Mr A Plunket] is 4500 sheep plus 100 cattle but with an overall personal stock limit of 6000 sheep plus 100 cattle when farmed in conjunction with the associated freehold and crown renewable lease land.
Memorandum of Variation	811941/5 Minor alteration to lease conditions in respect to satisfying residence conditions when the lessee is a company [ie can use an approved manager] [see appendix 3]

Area adjustments

The area comprising the Marginal Strips have not been deducted from the area of land leased except through application of Part IV of the Conservation Act on renewal of the lease by Memorandum 838114 [see SO 23869].

Registered interests

SUBSTANTIAL INTEREST	SUMMARY
620161 Land improvement agreement	Plan is for three year period from 9 July 1984 but there is a carry over period of 33 years. See also comments below.
687612 variation of land improvement agreement	Modifies 620161. See comments below.
742045 Variation of land improvement agreement [Note: Register copy of document is missing from LINZ records]	Presumed to further modify 620161. See comments below.
811941.5 Variation of terms, covenants and conditions of lease	Minor alteration to lease conditions in respect to satisfying residence conditions when the lessee is a company [ie can use an approved manager]

811941 Transfer to Awakino Station Limited	Personal to lessee with prior CCL consent
838114 Memorandum renewing term of lease	Renewed for a further term of 33 years from 1 July 1993

Where not included elsewhere as an appendix to this due diligence report or the Land Status Check report, relevant details are included as appendix 5.

Unregistered interests

INTEREST	SUMMARY
Recreation permits	There is no record on file of any recreation permits over the lease
Unsecured debts	None known

4 Summarise any Government programmes approved for the lease:

Two Soil and Water Conservation Plan agreements [Number 131 in 1984 {620161} and 1985 {687612}] were once fully operative and resulting from the second an area of land [Kurow side and Otematata side of St Mary's Range] was surrendered from the lease. There is still a carry over period until 2017.

[See appendix 4]

5 Summary of Land Status Report

The land the subject of this report is Crown Land subject to Pastoral Lease P 259 as certified by the Chief Surveyor, Dunedin.

A copy of the certified land status report is appended as Schedule A.

6 Review of topographical and cadastral data

Telecommunications facilities	None identified
Electricity transmission facilities	None identified
Historic places	None identified
Discrepancies between fenced and legal boundaries	No major discrepancies identified
Formed Roads	<p>Road access to Awakino Ski field [on adjoining DoC land] is not over legal road for most of it's alignment/formation through the subject land [known as Awakino Road].</p> <p>The access easement between the two portions of the leased land is over land held for conservation purposes and administered by Department of Conservation.</p> <p>In every other instance, the various formed roads [tracks] do not follow a legal road alignment.</p>
Paper roads	A paper [legal] road exists (1) generally along the eastern side of the eastern portion, and (2) for a short distance at the northern boundary of the eastern portion.
Marginal strips	Marginal strips exist along Awamoko River [West Branch], Awamoko River [East Branch], Hut Creek and a tributary of Hut Creek [all as shown on SO Plan 23869] pursuant to section 24(9), Conservation Act 1987 on lease renewal by Memorandum 838114.
Other [specify]	Believed to be not applicable

[For a copy of the topographical map and cadastral plan see appendix 5]

7 Details of any neighbouring Crown or conservation land

In a clockwise manner the Crown [including land of the crown] or conservation land adjoining/adjacent to the land the subject of this report is:

Eastern portion

Sections 1 & 2, SO Plan 23803

SITUATION	STATUS
North of leased land	Crown Land subject to Pastoral Lease P 205

Section 31, Block VIII, Kurow Survey District

SITUATION	STATUS
South of leased land	Crown Land subject to pastoral occupation licence O 90 [Register volume 12A/1075]

Sections 4 & 5, SO 22988

SITUATION	STATUS
West of leased land	Set apart for conservation purposes by Gazette 1999 page 838

Western portion

Part Run 766 situated in Kurow, Mt Buster and Otamatakau Survey Districts and Sections 2 & 8 SO Plan 22988

SITUATION	STATUS
North of leased land	Crown Land subject to Pastoral Lease P145 [register volume OT386/43]

Section 6, SO Plan 22988

SITUATION	STATUS
East of leased land	Set apart for conservation purposes by gazette 1999 page 838

Section 1, SO Plan 23004

SITUATION	STATUS
South east of leased land	Set apart for conservation purposes by gazette 1998 page 4352

Part Runs 574 and 741, situated in Mount Buster Survey District

SITUATION	STATUS
South of leased land	Crown Land subject to Pastoral Lease [register volume OT386/89]

Part Runs 362B and 362B, situated in Mt Buster Survey District

SITUATION	STATUS
West and south west of leased land	Crown Land subject to pastoral occupation licence O 90 [Register volume 7C/1500]

8 Summarise any uncompleted actions or potential liabilities

Your attention is drawn to the following:

Road access to Awakino Ski field [situated on adjoining Department of Conservation land] is not over legal road for most of it's alignment/formation through the subject land [northern part of the eastern portion].

Copies of the relevant folios are attached as *appendix 6*]

ATTACHMENTS

- Schedule A Land status check report [excluding enclosures]
- Appendix 1 Register volume copy of pastoral lease
- Appendix 2 Memorandum of renewal of lease
- Appendix 3 Memorandum of variation of lease
- Appendix 4 Copy of relevant registered instruments [ie where not included as an appendix elsewhere or attached to the Land Status Check report already forwarded]
- [Note: Register copy of document 742045 being variation of land improvement agreement is missing from LINZ records]
- Appendix 5 Map of pastoral lease and SDI cadastral plan print
- Appendix 6 Copies of relevant supporting folios referenced in this due diligence report

ABERCROMBIE AND ASSOCIATES LIMITED

PROPERTY MANAGERS AND CONSULTANTS

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MORAY PLACE
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EMAIL office@abercrombie.co.nz

C:\DATA\CONSULT\CLIENT\QVNZ\Sunny CS Status Cert.wpd

This report has been prepared on the instructions of Crown Property Management, Land Information New Zealand, and is undertaken for the purposes of the Crown Pastoral Leases Act 1998.

LAND STATUS REPORT		SUNNY PEAKS P 259		[LIPS Ref. 12535]
Property	1	of	1	

Land District	Otago
Legal Description	Part Runs 3 of 23, 4 of 23 and 362B, situated in Kurow and Mt Buster Survey Districts
Area	2496.096 ha
Status	Crown Land subject to Pastoral Lease P 259
Instrument of Lease	Reg Vol A2/1223 registered in Land Transfer Office but not under Land Transfer Act
Encumbrances	620161 - Land improvement agreement [as varied by 687612 & 742045] Subject to marginal strips along Awamoko River [West Branch], Awamoko River [East Branch], Hut Creek and a tributary of Hut Creek [all as shown on SO Plan 23869] pursuant to section 24(9), Conservation Act 1987 on lease renewal by Memorandum 838114.
Mineral Ownership	Crown [see comment below]
Statute	Land Act 1948, Crown Pastoral Land Act 1998

Data Correct as at:	3 January, 2001
Accredited Supplier certification	As attached

Prepared by	David J Abercrombie
Crown Accredited Supplier	Abercrombie & Associates Limited

Certified correct as to status:



Chief Surveyor
Land Information New Zealand, Dunedin

5 1 2 1 2001

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

The formed road adjacent to the eastern boundary of Pt Run 3 does not follow the legal road along the majority of its length.

Road access to Awakino Ski field [on adjoining DoC land] is not over legal road for most of the distance through the subject land.

The access easement between the two portions of the leased land is over land held for conservation purposes and administered by Department of Conservation.

Research Data: Some items may not be applicable

SDI Print obtained	Yes [See attached]
NZMS 261 Ref	140
Local Authority	Waitaki District Council
Crown Acquisition Map	Yes To determine agreement for purchase from Ngai Tahu
SO Plan	786, 1347, 4763, 22988, 23869 [See evidence attached]
Relevant Gazette Notices	Nil
CT Reference / Lease Reference	Pastoral Lease P 259, Reg Vol A2/1223. Lease renewed by 838114 NOTE: For history of land see below [See evidence attached]
Legislation Cards	Nil
CLR	Yes [See evidence attached]
Allocation Maps [if applicable]	Not applicable
QVNZ Reference	26050/8800 [area matches MCPC, LINZ and lease records]
Crown Grant Maps	Yes - There are no references for the subject property

Research - continued

If Crown land - Check Irrigation Maps.	Yes There are no references for the subject property
Mining Maps	Yes There are no current references for the subject property. The maps do show part of the land subject to Prospecting Permit 39 057 to G M Crisp but this expired on 29 May 1997 [CT 9D/519 refers].
<p>Other Relevant Information</p> <p>a) Concessions - Advice from DoC</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) The only land within the boundary of the pastoral lease are the marginal strips. No concessions have been issued save for some generic concessions issued for the conservation estate within the Canterbury Conservancy. <i>[See evidence attached from DoC]</i></p> <p>b) Only on divestment of freehold or a lease of fifty years or greater by LINZ as a Crown Body</p> <p>c) Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition from Ngai Tahu by way of the Kemp Purchase.</p>

History of ownership:

Purchased from Ngai Tahu by the Kemp Purchase of 1848.

No record of crown grants having been made.

Run 3 of 23

SGR 119 issued on 10 May 1888 as recorded on Reg Vol 90/84.

Run 4 of 23

SGR 120 issued on 10 May 1888 as recorded in Reg Vol 90/85.

Runs 3 of 23 and 4 of 23

SGR 355 issued on 17 February 1897 as recorded in Reg Vol 103/127.

SGR 786 issued on 13 December 1916 as recorded in Reg Vol 183/116.

Run 3 of 23

SGR 1037 issued on 8 May 1929 as recorded in Reg Vol 228/124.

SGR 1224 issued on 1 March 1939 as recorded in Reg Vol 290/112.

Run 4 of 23

SGR 1038 issued on 8 May 1929 as recorded in Reg Vol 228/125.

SGR 1225 issued on 1 March 1939 as recorded in Reg Vol 290/104.

Part Run 362B

Previously unalienated Crown Land - no record of any lease(s) exist.

Runs 3 of 23 and 4 of 23 and Part Run 362B

Pastoral lease 259 issued on 1 March 1960 as recorded in Reg Vol 424/13 [subsequently cancelled].

Pastoral Lease P 259 re-issued as at 1 March 1960 as recorded by Registered Volume A2/1223.

620161 Land improvement agreement pursuant to Section 30A, Soil Conservation and Rivers Control Act 1941.

687612 Variation of Land improvement agreement 620161

742045 Variation of Land improvement agreement 620161

811941/4 Surrender of part of lease being sections 4, 5 & 6, SO Plan 22988 [area reduced by 3817 ha]

Lease renewed by Memorandum 838114 for a term of 33 years from 1 July 1993 and upon renewal the land became subject to marginal strips along Awamoko River [West Branch], Awamoko River [East Branch], Hut Creek and a tributary of Hut Creek [all as shown on SO Plan 23869] pursuant to section 24(9), Conservation Act 1987.

Status, description of land and area are now as indicated above.