

Crown Pastoral Land Tenure Review

Lease name : THE DASHER

Lease number : PO 022

Due Diligence Report (including Status Report)

This report and attachments results from a pre-Tenure Review assessment of the pastoral lease for the purpose of confirming land available for Tenure Review and any issues, rights or obligations attaching to it. The information is gathered from files and other sources available to the LINZ contractor.

Part of the information relates to research on the status of the land, resulting in a Status Report that is signed off by a LINZ approving officer. The remainder of the information is not analysed for relevancy or possible action until required, and LINZ does not guarantee its accuracy or completeness as presented.

The report attached is released under the Official Information Act 1982.

December 05



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

THE DASHER PASTORAL LEASE

File Ref: CON/50239/09/12434/A Report No: DN0022 Report Date: 16/3/2001

Office of Agent: Dunedin LINZ Case No: TK01/70 Date sent to LINZ: 16/3/2001

RECOMMENDATIONS

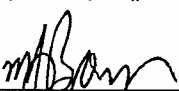
1. That the Commissioner of Crown Lands or his delegate note this Due Diligence Report which has been prepared in accordance with the Pre Tenure Review Assessment Standard;

2. That the Commissioner of Crown Lands or his delegate note the following incomplete actions;

There is a noted uncertainty with the status of the right-of-way to the police transmitter on Mount Obi.

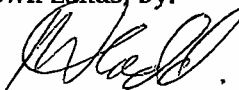
The mining permit registered as OT9D/622 expired on 26 February 2001. Crown Minerals, Ministry of Economic Development has received an application from the licence holder to extend the duration of the licence, however, approval has not yet been granted. In the interim, the licence holder has been granted a special 6-month extension to the licence, while their application is being heard.

Signed by Opus:


Michael Brown
Property Consultant


D Payton
Contract Manager

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


Name: MICHAEL JOHN TODD
Date of decision: 21/3/2001

1. Details of lease:

Lease Name: The Dasher
Location: 40 kilometres west of Oamaru on the eastern side of the Kakanui Range
Lessee: AH McDonald
Tenure: Pastoral Lease under section 66 of the Land Act 1948 and registered under section 83 of the Land Act 1948
Term: 33 years from 1 July 1985
Annual Rent: \$7,087.50
Rental Value: \$315,000
Date of Next Review: 30 June 2007
Land Registry Folio Ref: C.L. 338/24
Legal Description: Part Run 572 situated in Blocks IX, XI, XII, XIII, & XIV Waihemo Survey District, Blocks XIII, XIV Kakanui Survey District, Blocks VI, VII Kauru Survey District and Block XV, Otepopo Survey District.
Area: 6224.0005 hectares

2. File Search

Files held by Agent (Knight Frank (NZ) Ltd) on behalf of LINZ:

File Reference	Volume	From	To
Po22	3	1984	Current

Files held by Agent (Opus International Consultants) on behalf of LINZ

File Reference	CON/50239/09/12434/A-ZNO		
Volume	1		
First Folio Number	1		
Date	1/11/2000		
Last Folio Number	-		
Date	Current (comprises extracts of Tenure Review files)		

Other relevant files held by LINZ:

File Reference	Volume	From	To
P22	1	1919	1956
P22	2	1956	1984

3. Summary of lease document:

Terms of lease

Stock limitation in Lease

5500 Sheep

Commencement Date

1 July 1985

Special Provisions

There are no special provisions in the lease

Area adjustments

There are no discrepancies in the lease area.

Registered interests

Prospecting Permit

Macraes Mining Company Limited has a Prospecting Licence registered as OT9D/622. This is noted on the lease. This licence expired on 26 February 2001, however, the licence holder has submitted an application to Crown Minerals, Ministry of Economic Development for an extension of the duration. A special interim extension has been granted while their application is being processed.

Right-of-way

Computer interest OT18A/409 indicates a right-of-way over the property to Section 1 Block XI Waihemo Survey District, marked as area "A" on SO 22172.

Unregistered interests

There are no known unregistered interests.

4. Summarise any Government programmes approved for the lease:

A search of the file indicates there are no Government programmes approved for the lease.

5. Summary of Land Status Report:

Opus International Consultants Limited undertook a Land Status Report on 1 December 2000. This report confirms the status of the land as Crown Land under the Land Act 1948, pursuant to section 66 of the Land Act 1948, and registered under section 83 of the Land Act 1948.

The following items were identified for possible consideration in the context of Due Diligence:

1. Prospecting Permit 39/143 covers part of this lease under the Crown Minerals Act 1991, permit holder Macraes Mining Company Limited.

The permit is for a period of two years commencing on 26 February 1999. Registered as OT9D/622 [Otago Registry].

2. A field Inspection may be required to ascertain if Mackerras Creek, Hughie Stream, Waddels Creek, Jimmys Creek, Kauru River and other streams within the pastoral lease could be subject to section 24 of the Conservation Act 1987. No evidence has been found that this aspect was considered in renewal of this lease on July 1 1985.
3. The lease adjoins an area of land of the Crown allocated to the Department of Conservation pursuant to section 62 of the Conservation Act 1987, Stewardship Land [Reference D*I42*24*CO no SO 22265]. Conservation Management Strategy-Ōtago Conservancy I42056 Horse Range-Morrisons].
4. There is a New Zealand Police Radio Site at Mount Obi. The land for this site has been surrendered from this pastoral lease [surrender document 925291/2]. Section 1 Block XI, Waihemo Survey District, together with rights easements and appurtenances [shown as area "A" on so 22172]. The ROW is over this pastoral lease. The site and easements are registered as computer interest OT18A/409, which is a Special Lease of Pastoral Land under section 67 of the Land Act 1948. It is not obvious that the lessee has consented to the creation of ROW "A" on SO 22172.
5. The re-definition and issue of C.L. 9C/1135 has severed an area of land being Part Run 217B [approximately 3 hectares] adjoining this lease and the adjoining pastoral lease [P341 Mt Stalker]. This land is now not contained in any lease.
6. SO 21566 – [not approved as to survey] as a plan of Run 822 being a plan of all the land contained in this lease [CL OT338/24] was lodged for examination on 22/7/1985 and subsequently withdrawn 26/7/1995.

6. Review of topographical and cadastral data:

A review of the topographical and cadastral plans attached to the Land Status Report reveals that there are no long distance transmission lines, airstrips, or other facilities on the property. The topographic map indicates there is a slate quarry on the property near the end of the formed section of The Dasher Road.

There does not appear to be any major discrepancies between the fence lines indicated on the topographic map, and the property boundaries from the cadastral map.

The topographic map does not indicate the presence of the police transmitter on Mount Obi.

7. Details of any neighbouring Crown or conservation land

<i>Boundary</i>	<i>Legal Description</i>	<i>Status</i>	<i>Owner(s)</i>
North	Crown Land Block VI Kauru Survey District SO 19696	Marginal Strip	Minister of Conservation
	Run 571 SO 702	Pastoral Lease	Rosebank Farm Balclutha Ltd
South	Run 819 SO 21520	Pastoral Lease	TG Gunn
	Run 807 SO 20540	Pastoral Lease	Van Reenan DL & PR
	Crown Land Block XII and XIII Waihemo Survey District SO 20540	Marginal Strip	Minister of Conservation
	Part Run 217B SO 703	Unallocated Crown Land	Her Majesty The Queen
East	Not Applicable		
West	Section 2 Block X Swinburn Survey District SO 1617 SO 701	Pastoral Lease	Crutchley CJ & GR, Dalziell JW, Foley JM & Gran SJ
	Section 3 Block IX Waihemo Survey District SO 701	Pastoral Lease	TD & AM Pator
	Crown Land Block IX Waihemo Survey District	Stewardship Land	Minister of Conservation

8. Summarise any uncompleted actions or potential liabilities:

It will need to be ascertained if the lessee has consented to the right-of-way to the police transmitter. The special lease does not mention the inclusion of the right-of-way to the site in the description of the property. A copy of the relevant certificate title, together with a copy of SO 22172 and the lease documents for Section 1 Block XI Waihemo Survey District is attached to this report.

The Mining Licence registered as 9D/622, an unregistered interest against this property has expired. Information received from Crown Minerals, Ministry of Economic Development states that the licence holders have applied for an extension of the duration of the permit, but it has yet to be approved. A

special interim extension for six months has been granted while the extension application is being heard.

A copy of the mining licence and the file note outlining the discussion with Crown Minerals, Ministry of Economic Development have been attached to this report.

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**OPUS INTERNATIONAL CONSULTANTS LIMITED
DUNEDIN OFFICE**

Project Number 6NL497.TR / 016YD



This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50239 dated 1 November 2000 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for The Dasher Tenure Review	LIPS Ref 12434
Property 1 of 1	

Land District	Otago
Legal Description	Part Run 572 situated in Blocks IX, XI, XII, XIII & XIV Waihemo Survey District, Blocks XIII, XIV Kakanui Survey District, Blocks VI, VII Kauru Survey District and Block XV, Otepopo Survey District.
Area	6224.0005 hectares
Status	Crown Land under the Land Act 1948 subject to Pastoral Lease P.22 under Section 66, of the Land Act 1948 and registered under Section 83 of the Land Act 1948
Instrument of title / lease	C.L. OT338/24
Encumbrances	Subject to :- <ul style="list-style-type: none"> • Prospecting Permit registered as OT9D/622 • The right of way marked "A" on SO 22172 contained in computer interest OT18A/409
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 the 1848 Kemp Purchase.
Statute	Land Act 1948 & Crown Pastoral Land Act 1998

Data Correct as at	1/12/2000
[Certification Attached]	

Prepared by	John Kirk
Crown Accredited Agent	Opus International Consultants Ltd, Dunedin

LAND STATUS REPORT for The Dasher Tenure				LIPS Ref 12434
Review				
Pro	ty	1	of	1

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 under the Land Act 1948 subject to Pastoral Lease OT338/24.



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

3/1 / 2001
~~2000~~

<p>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.</p>	<ul style="list-style-type: none"> • Part of this lease is covered by Prospecting Permit 39/143 under the Crown Minerals Act 1991 Permit holder Macraes Mining Company Limited. The permit is for a period of two years commencing on 26 February 1999. Registered as OT9D/622 [Otago Registry] • A field inspection may be required to ascertain if Mackerras Creek, Hughie Stream, Waddells Creek, Jimmys Creek, Kauru River and other streams within this pastoral lease could be subject to Section 24 of the Conservation Act 1987. No evidence has been found that this aspect was considered on renewal of this lease on 1 July 1985. • This lease adjoins an area of land of the Crown allocated to the Department of Conservation pursuant to section 62 of the Conservation Act 1987, Stewardship Land. [Reference D*I42*24*CO no SO 22265]. Conservation Management Strategy-Otago Conservancy I42056 Horse Rance-Morrisons]. • There is a New Zealand Police Radio Site at Mount Obi. The land for this site has been surrendered from this pastoral lease [surrender document 925291/2]. Section 1, Block XI, Waihemo Survey District, together with rights easements and appurtenances [shown as area "A " on SO 22172]. The ROW is over this Pastoral Lease. The site and easements are registered as computer interest OT18A/409, which is a Special Lease of Pastoral Land under Section 67 of the Land Act 1948. It is not obvious that the lessee
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LAND STATUS REPORT for The Dasher Tenure Review		LIPS Ref 12434
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Research Data: *Some Items may be not applicable*

SDI Print Obtained	Yes
NZMS 261 Ref	I42
Local Authority	Waitaki District Council
Crown Acquisition Map	Kemp Purchase
SO Plan	<p>NE Roll 1880- being the original definition of Runs 217b & 209</p> <p>SO 701-Plan of Crown Lands between Blocks VI, X and XIV Swinburn Survey District and Kakanui, Kauru and Waihemo Survey Districts. [Jan 1919] definition of adjoining land</p> <p>SO 703- Plan of Part Run 572 and Part Run 571 Kakanui & Waihemo Survey District. [July 1916]</p> <p>SO 704- Plan of Part Run 572 and Part Run 571 Kakanui & Waihemo Survey District. [July 1916]</p> <p>SO 707- Plan of survey control 1864</p> <p>SO 723- Plan of Runs 98 and 98a Kauru and Kakanui Survey Districts. [June 1914] definition of adjoining land.</p> <p>SO 17832-Plan of Sections 58A and 59A Kauru Hill Settlement [Jan 1974] definition of adjoining land.</p> <p>SO 19696-Plan of Section 8, Block VI, Kauru Survey District. [Oct 1980] definition of adjoining land.</p> <p>SO 20385-Plan of Section 1, Block VII, Kauru Survey District [Sept 1982] definition of adjoining land.</p> <p>SO 20540-Plan of Run 807. [Jan 1983] definition of adjoining land.</p> <p>SO 21566- [not approved as to Survey] Plan of Run 822 being a plan of all the land contained in CL OT338/24. This plan was lodged for examination on 22/7/1985 at subsequently Withdrawn 26/7/1995.</p>

LAND STATUS REPORT for The Dasher Tenure				LIPS Ref 12434
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Pro	ty	1	of	1

Relevant Gazette Notices	Nothing found
CT Ref / Lease Ref	C L OT338/24
Plan Index	Copies attached
Legalisation Cards	No cards for the above plans found.
CLR	Supports Pastoral Status
Allocation Maps (if applicable)	LIPS maps- searched no land found DOC allocation- D*142*24*CO shown on SO 22265 an adjoining allocation Other SOEs- searched nothing found
VNZ Ref - if known	26170 13700
Crown Grant Maps	Nothing found
If Subject land Marginal Strip : a) Type [Sec 24(9) or Sec 58] b) Date Created c) Plan Reference	a) Nothing found-no evidence has been found that marginal strips were created on renewal of this lease. b) c)

LAND STATUS REPORT for The Dasher Tenure		LIPS Ref 12434
Review		
Pro	ty	1 of 1

Research – continued

If Crown land – Check Irrigation Maps.	No record found
Mining Maps	Part of PPA 39/143 no record of any registration
If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989 b) By Proc	a) SO Plan 703 b) Proc Plan no gazette action 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) 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 <input type="checkbox"/> Contained in [provide evidence]. d)

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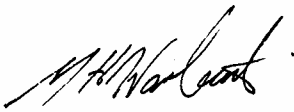
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Max Haydn Warburton
Chief Surveyor
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3/1 / 12000²⁰⁰¹

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	<p>has consented to the creation of ROW "A" on SO 22172.</p> <ul style="list-style-type: none">• The re-definition and issue of C.L. 9C/1135 has severed an area of land being Part Run 217B [approximately 3 hectares] adjoining this lease and the adjoining pastoral lease [P.341 Mt Stalker]. This land is how not contained in any lease.• SO 21566- [not approved as to Survey] as a plan of Run 822 being a plan of all the land contained in this lease [CL OT338/24]. This plan was lodged for examination on 22/7/1985 at subsequently Withdrawn 26/7/1995.
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