

Crown Pastoral Land Tenure Review

Lease name : Omahau Downs

Lease number : Pt 092/2

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.

Copied February 2003

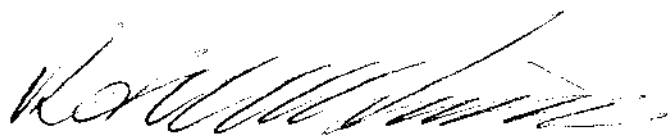
**DUE DILIGENCE REPORT
CPL PRE TENURE REVIEW ASSESSMENT STANDARD 6:**

File Ref:	Pt 141.01	Report No:	R1139	Report Date:	18 April 2001
LINZ Ref:	CON/50240/09/16639/A-ZNO				
Office of Agent:	Timaru	LINZ Case No:	01/	Date sent to LINZ:	19 April 2001

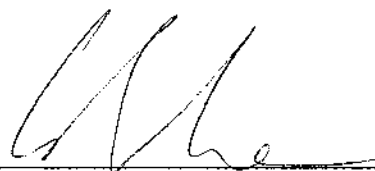
RECOMMENDATIONS

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 which require action by the Manager Crown Property Contract;
 - i) There are five compensation certificates still registered against the lease, which do not appear to have been fully satisfied.
 - a) 734590 Compensation Certificate pursuant to Section 17 Public Works Act 1948 registered 5 April 1968.
 - b) 795515 Compensation Certificate pursuant to Section 17 Public Works Act 1948 registered 7 May 1970.
 - c) 802568 Compensation Certificate pursuant to Section 17 Public Works Act 1948 registered 15 July 1970.
 - d) 463781.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 registered 24 November 1983.
 - e) 808647.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 registered 7 June 1989.
 - ii) At the time of consent to transfer it was discovered that three places of residence, not authorised, existed on the lease. Resolution of the matter is still outstanding, the lessee having been given a temporary reprieve. Letter from Commissioner of Crown Lands 27 February 1998 at Folio 571 on file Pt 092.
 - iii) SO 11669 shows a proposed easement for an Electric Power Line. There is no previous or subsequent reference to this other than it also being recorded on SO 11678.

Signed for Knight Frank (NZ) Limited



R A Ward-Smith Manager - Timaru



G L Holgate LRD Manager

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1. Details of lease:

Lease Name: Omahau Downs
 Location: Twizel, South Canterbury
 Lessee: Neil Joseph Lyons
 Tenure: Pastoral Lease
 Term: 33 years from 1 July 1995
 Annual Rent: \$525 plus GST
 Rental Value: \$35,000
 Date of Next Review: 1 July 2006
 Land Registry Folio Ref: 47C/170
 Legal Description: Sections 1,2,3, 8 and 9 SO 20049 and Part Run 292 Block VII Strachey Survey District
 Area: 188.045 hectares

2. File Search

Files held by Agent on behalf of LINZ:

File Reference	Volume	First Folio Number	Date	Last Folio Number	Date
Pt/092-SCH-01	I	232	22 August 1933	193	29 October 1968
Pt/092-SCH-02	II	194	8 November 1968	315	3 August 1982
Pt 092-	III	316	19 August 1982	449	13 July 1990
Pt 092	IV	450	13 July 1990	588	2 April 1998
Pt 092	V	589	10 March 1998	689	3 March 2000

Note: File closed after 3 March 2000 and new files opened for three new subdivided leases.

File Reference	Volume	First Folio Number	Date	Last Folio Number	Date
Pt 141	I	1	3 March 2000	5	23 May 2000

Other relevant files held by LINZ:

File Reference	Volume	First Folio Number	Date	Last Folio Number	Date
5200/D13/50 2-1-DNO	I		10 May 1993		28 February 1997

3. Summary of lease document:

Terms of lease

Lease issued in the name of Allan James Hubbard of Timaru, Chartered Accountant, and Roseann

Mary Walls of Twizel, married woman, lessees, subsequent to lease P92 (CT 529/231 Canterbury Registry) having been subdivided and this lease issued in substitution thereof pursuant to Section 93 Land Act 1948. The new legal description being Sections 1, 2, 3, 8 and 9 on SO plan 20049 and Part Run 292 as shown on SO 20049 containing 188.0450 hectares as contained in Certificate of Title 47C/170 Canterbury Registry. The term is 33 years from 1 July 1995 expiring 30 June 2028. Note the expiry date has been amended to the above as the result of Variation A454853.4 registered 18 April 2000. Transferred to Neil Joseph Lyons 18 April 2000.

Stock limit in the lease as the result of subdivision is 400 sheep including 300 breeding ewes.

The lease is subject to Section 241(2) Resource Management Act 1991.

Area adjustments

The area on the title 188.0450 hectares is as recorded on the file.

NB: The originating lease, Pt 92 Omahau, had a title area of 4,894.0689 Ha and the combined areas of the three new leases is 4878.8450 hectares leaving a difference of 15.2239 hectares, explained by the surveyor as being due to recalculation and planimetry of areas based on new plans. The 15.2239 ha includes 9.6950 ha covered by running water in the Twizel River.

Registered interests

- 1 734590 Compensation Certificate pursuant to Section 17 Public Works Act 1948 registered 5 April 1968.
- 2 795515 Compensation Certificate pursuant to Section 17 Public Works Act 1948 registered 7 May 1970.
- 3 802568 Compensation Certificate pursuant to Section 17 Public Works Act 1948 registered 15 July 1970.
- 4 463781.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 registered 24 November 1983.
- 5 808647.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 registered 7 June 1989.
- 6 817132 Gazette Notice declaring the State Highway Twizel-Omarama Road adjoining the within land to be a limited access road registered 9 December 1970
- 7 89397.1 Gazette Notice granting right to drain sewage in gross over Part Section 2 herein marked "B" and over Part Section 3 herein marked "A" all on SO Plan 20049 to the Mackenzie District Council registered 15 July 1976
- 8 Subject to a right to drain sewage over Part Section 2 herein marked "B" and over Part Section 3 herein marked "A" all on SO Plan 20049 appurtenant to Section 1 SO Plan 18355 CT 45A/677 created by Deed of Easement 45A/687 registered 14 October 1998.
- 9 Subject to a right to drain sewage in gross over Part Section 2 herein marked "B" and over Part Section 3 herein marked "A" all on SO Plan 20049 in favour of the Mackenzie District Council created by Deed of Easement 45A/688 registered 14 October 1998.
- 10 990830.1 Land Improvement Agreement under Section 30A Soil Conservation and Rivers Control Act 1941 registered 29 April 1992.
- 11 A454853.4 Variation of the Term of the Lease to expire 30 June 2028.
- 12 A454853.7 Transfer to Neil Joseph Lyons 18 April 2000
- 13 A454853.8 Mortgage to Southland Building Society 18 April 2000

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Unregistered interests

Recreation permit under Sec 66A Land Act 1948, issued to Omahau Downs Limited for a period of 27 years and 8 months commencing on the 1st day of November 2000, expiring at the end of the lease 30 June 2028, for a bed and breakfast operation using the shearers' quarters and/or a dwelling within the steading area on Omahau Downs Pastoral Lease. (RPt 82).

4. Summarise any Government programmes approved for the lease:

Rabbit and Land Management Programme established for the whole pastoral lease prior to subdivision which involved extensive oversowing and topdressing plus monitoring and \$12,000 of rabbit netting fences. The oversowing and topdressing largely enhanced previously oversowing and topdressing plus adding 508 hectares of new oversowing and topdressing. While much of the work took place on the hill block, not the subject of this lease, nevertheless the whole of the lease under review was topdressed under the programme.

5. Summary of Land Status Report:

Crown Land subject to the Land Act 1948

All land in CT 47C/170 pursuant to Sect 93 Land Act 1948 as registered under Sec 83 Land Act 1948. Legal description and area as set out under (1) above.

Subject to Section 241 (2) Resource Management act 1991.

Subject to Part IVa Conservation Act 1987 upon disposition.

Minerals remain with the Crown.

6. Review of topographical and cadastral data:

A small flat land property bounded by SH8 and Ruataniwha Road adjoining the town of Twizel. Road boundaries are fenced as is the boundary with Ben Ohau to the north and the Twizel River to the west although this latter fence may not be on the legal boundary. Towards the south-west the Twizel River transects the property and is not fenced.

There is no certainty that the Twizel River flows in its designated bed and in places is known to be flowing outside its bed as depicted on SO 20049.

In addition to the normal range of steading buildings which includes two dwellings and an old dwelling which serves a shearer's quarters and bed and breakfast accommodation, there are three other places of residence. No file record of their authorisation can be found on file and they were the subject of a rehearing at transfer and a decision by the Commissioner dated 27 February 1998 at Folio 571. The lessee was advised in a letter dated 3 March 1998 folio 580. A dwelling on R4679 SO 8533 may encroach onto Section 3 and formed access to the house crosses Section 3. There is no

legal right to this occupation.

7. Details of any neighbouring Crown or conservation land

There is no neighbouring conservation or Crown Land known that has potential to be included in the tenure review.

Note that there is a legal road (unformed) in and about the Twizel River which is a further complication in being able to tidy up what is a messy river, road and property boundary area.

8. Summarise any uncompleted actions or potential liabilities:

- 1 There are five compensation certificates still registered against the lease, which do not appear to have been fully satisfied.
- 2 A Land Improvement Agreement is registered against the lease to protect the investment of the Rabbit and Land Management Programme.
- 3 An easement to drain sewage is registered and needs to be noted but should not impinge on being able to complete a tenure review.
- 4 The Status Check has a note raising the issue of 9.6950 ha (Pt Run 292) as being covered by running water and was to have been excluded from the leasehold title. There is no evidence that the land was to be excluded from the title except for a notation on SO 20049 but is not supported by any decision of the Commissioner of Crown Lands or his delegate, in fact the Commissioner of Crown Lands' delegate specifically agreed with the DLR that the area should remain in the lease to issue the new title and that removal of the area could occur at some time in the future, ie on freeholding or at lease renewal. It is an issue that can be dealt with through the tenure review process.
- 5 At the time of consent to transfer it was discovered that three places of residence, not authorised, existed on the lease. Resolution of the matter is still outstanding, the lessee having been given a temporary reprieve. Letter from Commissioner of Crown Lands 27 February 1998 at Folio 571 on file Pt 092.
- 6 There is encroachment by the dwelling on Reserve 4679 SO 8533 (pers. comm. RWS). There is no known liability to the Crown.
- 7 SO 11669 shows a proposed easement for an Electric Power Line. There is no previous or subsequent reference to this other than it also being recorded on SO 11678.

PLEASE OPEN THE
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APPENDICES

- 1 Schedule A: Land Status Report
- 2 Letter from Commissioner of Crown Lands dated 27 February 1998
- 3 Letter to N J Lyons 3 March 1998
- 4 SO 11669, SO 11678

SCHEDULE A

LAND STATUS REPORT

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

KNIGHT FRANK (NZ) LIMITED

OFFICIAL INFORMATION ACT

This report has been prepared on the instruction of Land Information New Zealand in terms of the contract number 50240 dated 1 November 2000 and is undertaken for the purposes of the Crown Pastoral Leases Act 1998.

LAND STATUS REPORT OMAHAU DOWNS				[LIPS ref.16639]
Property	1	of	1	

Land District	Canterbury
Legal Description	Sections 1 – 3, 8 and 9 SO 20049 and Parts of Run 292 ,Block VII Strachey Survey District.
Area	188.0450 hectares
Status	Crown Land subject to the Land Act 1948
Instrument of title / lease	All CL 47C/170 pursuant to section 93 as registered under section 83 Land Act 1948.
Encumbrances	<p>Subject to:</p> <p>section 241 (2) Resource Management Act 1991 (affects SO 20049)</p> <p>Compensation Certificate 734590 pursuant to section 17 Public Works Act 1948</p> <p>Compensation Certificate 795515 pursuant to section 17 Public Works Act 1948.</p> <p>Compensation Certificate 802568 pursuant to section 17 Public Works Act 1948.</p> <p>GN 817132 declaring the State Highway Twizel - Omarama Road adjoining the subject land to be a limited access road</p> <p>A right to drain sewage in gross over part section 2 (shown B, SO 20049) and part section 3 (shown A, SO 20049) to the Mackenzie District Council by GN 89397.1</p> <p>Compensation Certificate 463781.1 pursuant to section 17 Public Works Act 1948.</p> <p>Compensation Certificate 808647.1 pursuant to section 17 Public Works Act 1948.</p> <p>990830.1 Land Improvement Agreement under section 30A Conservation and Rivers Control Act 1941</p> <p>A right to drain sewage over part section 2 (shown B, SO 20049) and part section 3 (shown A, SO 20049) appurtenant to section 1 SO 18355 by Deed of Easement 45A/687</p> <p>A right to drain sewage in gross over part section 2 (shown B, SO 20049) and part section 3 (shown A, SO 20049) in favour of the Mackenzie District Council by Deed of Easement 45A/688</p> <p>Subject to Part IVA of the Conservation Act 1987 upon disposition.</p>
Statute	Land Act 1948 and Pastoral Lands Act 1998

Data Correct as at	26 March 2001
[Certification Attached]	Yes

Prepared by	Murray Bradley <i>M Bradley</i>
Crown Accredited Agent	Knight Frank (NZ) Limited <i>26/3/01</i>

Certification:

Pursuant to section 11(1)(I) of the Survey Act 1986 and acting under the 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.

R. Moulton

**R Moulton Chief Surveyor
Land Information New Zealand, Christchurch.**

5 / 4 /2001

<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"> - Deed of Easement 45A/687 is attached to this report but it does not contain any useful data or diagrammatic information. - SO 20049 (1999) defined a total 9.6950 hectares of Part Run 292 as being covered by running water. These parts of Run 292 (5 areas) were to have been excluded from the leasehold title. However this action has not been completed. Therefore parts of Run 292 as defined on SO 5619 remain within the current lease. - The gazette notice taking the Lessors interest of Part Run 292(91ac-3r-12p) has not been registered against the leasehold title(NZ Gaz 1970 p 1665). - We note that the former leasehold title(CT 529/231) was subject to the provisions of Section 58 of the Land Act 1948. This provision has not been memorialised on the current Leasehold title CT 47C/170. - NB: In view of LINZ letter dated 13/11/1997 regarding Lilybank and Minsterial Co –ordinating Committee/State Owned Enterprises Paper 271 dated 31 March 1987(Dept of Justice), it would appear this memorial to have no substance unless a one chain strip was laid off by definition on a plan in the Chief Surveyor's records.
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OFFICIAL INFORMATION ACT

KNIGHT FRANK (NZ) LIMITED

This report has been prepared on the instruction of Land Information New Zealand in terms of the contract number 50240 dated 1 November 2000 and is undertaken for the purposes of the Crown Pastoral Lands Act 1998.

LAND STATUS REPORT OMAHAU DOWNS				[LIPS ref.16639]
Property	1	of	1	

Land District	Canterbury
Legal Description	Sections 1 – 3, 8 and 9 SO 20049 and Parts of 292 Block V11 Strachey Survey District.
Area	188.0450 hectares
Status	Crown Land subject to the Land Act 1948
Instrument of title / lease	All CL 47C/170 pursuant to section 93 as registered under section 83 Land Act 1948.
Encumbrances	<p>Subject to:</p> <p>section 241 (2) Resource Management Act 1991 (affects SO 20049)</p> <p>Compensation Certificate 734590 pursuant to section 17 Public Works Act 1948</p> <p>Compensation Certificate 795515 pursuant to section 17 Public Works Act 1948.</p> <p>Compensation Certificate 802568 pursuant to section 17 Public Works Act 1948.</p> <p>GN 817132 declaring the State Highway Twizel - Omarama Road adjoining the subject land to be a limited access road</p> <p>A right to drain sewage in gross over part section 2 (shown B, SO 20049) and part section 3 (shown A, SO 20049) to the Mackenzie District Council by GN 89397.1</p> <p>Compensation Certificate 463781.1 pursuant to section 17 Public Works Act 1948.</p> <p>Compensation Certificate 808647.1 pursuant to section 17 Public Works Act 1948.</p> <p>990830.1 Land Improvement Agreement under section 30A Conservation and Rivers Control Act 1941</p> <p>A right to drain sewage over part section 2 (shown B, SO 20049) and part section 3 (shown A, SO 20049) appurtenant to section 1 SO 18355 by Deed of Easement 45A/687</p> <p>A right to drain sewage in gross over part section 2 (shown B, SO 20049) and part section 3 (shown A, SO 20049) in favour of the Mackenzie District Council by Deed of Easement 45A/688</p> <p>Subject to Part IVA of the Conservation Act 1987 upon disposition..</p>
Mineral Ownership	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 Purchase 1848 and or its acquisition as Crown Land subject to the Land Act 1948.
Statute	Land Act 1948 and Pastoral Lands Act 1998

Data Correct as at	26 March 2001
[Certification Attached]	Yes

Prepared by	Murray Bradley <i>M Bradley - 26/3/01</i>
Crown Accredited Agent	Knight Frank (NZ) Limited

<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"> - Deed of Easement 45A/687 is attached to this report but it does not contain any useful data or diagrammatic information. - SO 20049 (1999) defined a total 9.6950 hectares of Part Run 292 as being covered by running water. These parts of Run 292 (5 areas) were to have been excluded from the leasehold title. However this action has not been completed. Therefore parts of Run 292 as defined on SO 5619 remain within the current lease. - The gazette notice taking the Lessors interest of Part Run 292(91ac-3r-12p) has not been registered against the leasehold title(NZ Gaz 1970 p 1665). - We note that the former leasehold title(CT 529/231) was subject to the provisions of Section 58 of the Land Act 1948. This provision has not been memorialised on the current Leasehold title CT 47C/170. NB: In view of LINZ letter dated 13/11/1997 regarding Lilybank and Ministerial Co -ordinating Committee/State Owned Enterprises Paper 271 dated 31 March 1987(Dept of Justice), it would appear this memorial to have no substance unless a one chain strip was laid off by definition on a plan in the Chief Surveyor's records
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LAND STATUS REPORT OMAHAU DOWNS				[LIPS ref.16639]
Property	1	of	1	

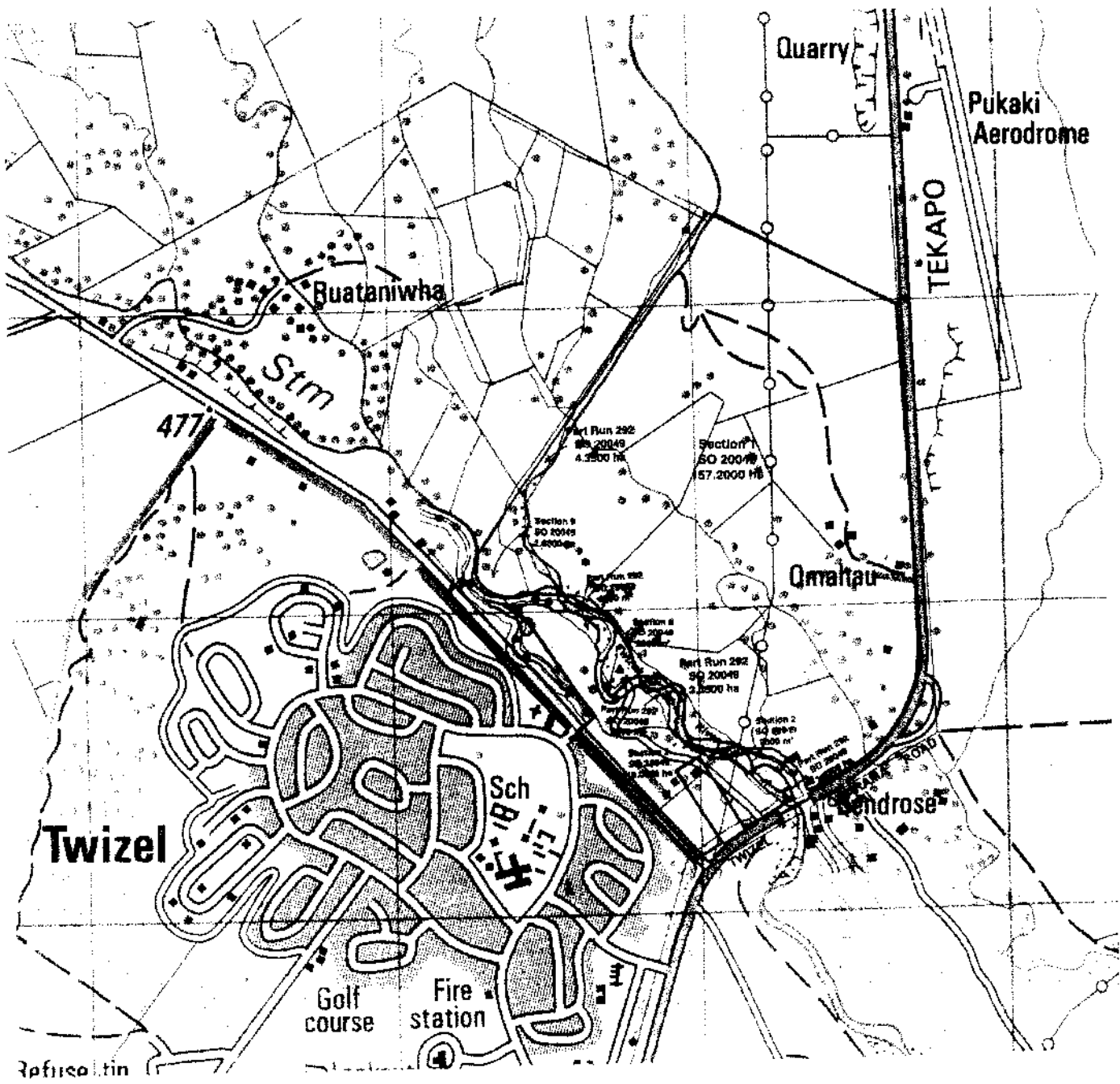
Research Data: Some Items may be not applicable

Property	1	of	1	
SDI Print Obtained				Yes
NZMS 261 Ref				H38
Local Authority				Mackenzie District Council
Crown Acquisition Map				Kemp Purchase
SO Plan				SO 20049 (1999) SO 5619 (1920) SO 8533 (1953)
Relevant Gazette Notices				GN 817132 GN 89397.1
CT Ref / Lease Ref				All CL 47C /170
Legalisation Cards				SO 20049 – action not completed SO 8533 – action completed SO 5619 – N/A
CLR				N/A
Allocation Maps (if applicable)				N/A
VNZ Ref - if known				Assessment 25320 400
Crown Grant Maps				N/A
If Subject land Marginal Strip:				
a) Type [Sec 24(9) or Sec 58]				a) Sec 24 (1)
b) Date Created				b) 14 February 2000
c) Plan Reference				c) SO 20049

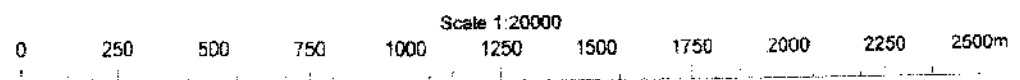
LAND STATUS REPORT OMAHAU DOWNS				[LIPS ref.16639]
Property	1	of	1	

Research – continued

Property	1	of	1	
If Crown land - Check Irrigation Maps.				N/A
Mining Maps				N/A
If Road				
a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989				a) SO Plan - N/A
b) By Proc				b) Proc Plan - N/A
				c) Gazette Ref - N/A
Other Relevant Information				
a) Concessions - Advice from DOC or Knight Frank.				<p>a) section 241 (2) Resource Management Act 1991 (affects SO 20049)</p> <p>Compensation Certificate 734590 pursuant to section 17 Public Works Act 1948</p> <p>Compensation Certificate 795515 pursuant to section 17 Public Works Act 1948.</p> <p>Compensation Certificate 802568 pursuant to section 17 Public Works Act 1948.</p> <p>GN 817132 declaring the State Highway Twizel - Omarama Road adjoining the subject land to be a limited access road</p> <p>a right to drain sewage in gross over part section 2 (shown B, SO 20049) and part section 3 (shown A, SO 20049) to the Mackenzie District Council by GN 89397.1</p> <p>Compensation Certificate 463781.1 pursuant to section 17 Public Works Act 1948.</p> <p>Compensation Certificate 808647.1 pursuant to section 17 Public Works Act 1948.</p> <p>990830.1 Land Improvement Agreement under section 30A Conservation and Rivers Control Act 1941</p> <p>a right to drain sewage over part section 2 (shown B, SO 20049) and part section 3 (shown A, SO 20049) appurtenant to section 1 SO 18355 by Deed of Easement 45A/687</p> <p>a right to drain sewage in gross over part section 2 (shown B, SO 20049) and part section 3 (shown A, SO 20049) in favour of the Mackenzie District Council by Deed of Easement 45A/688</p> <p>A454853.4 variation of term of lease to amend the expiry date to 30 June 2028.</p>
b) Subject to any provisions of the Ngai Tahu				

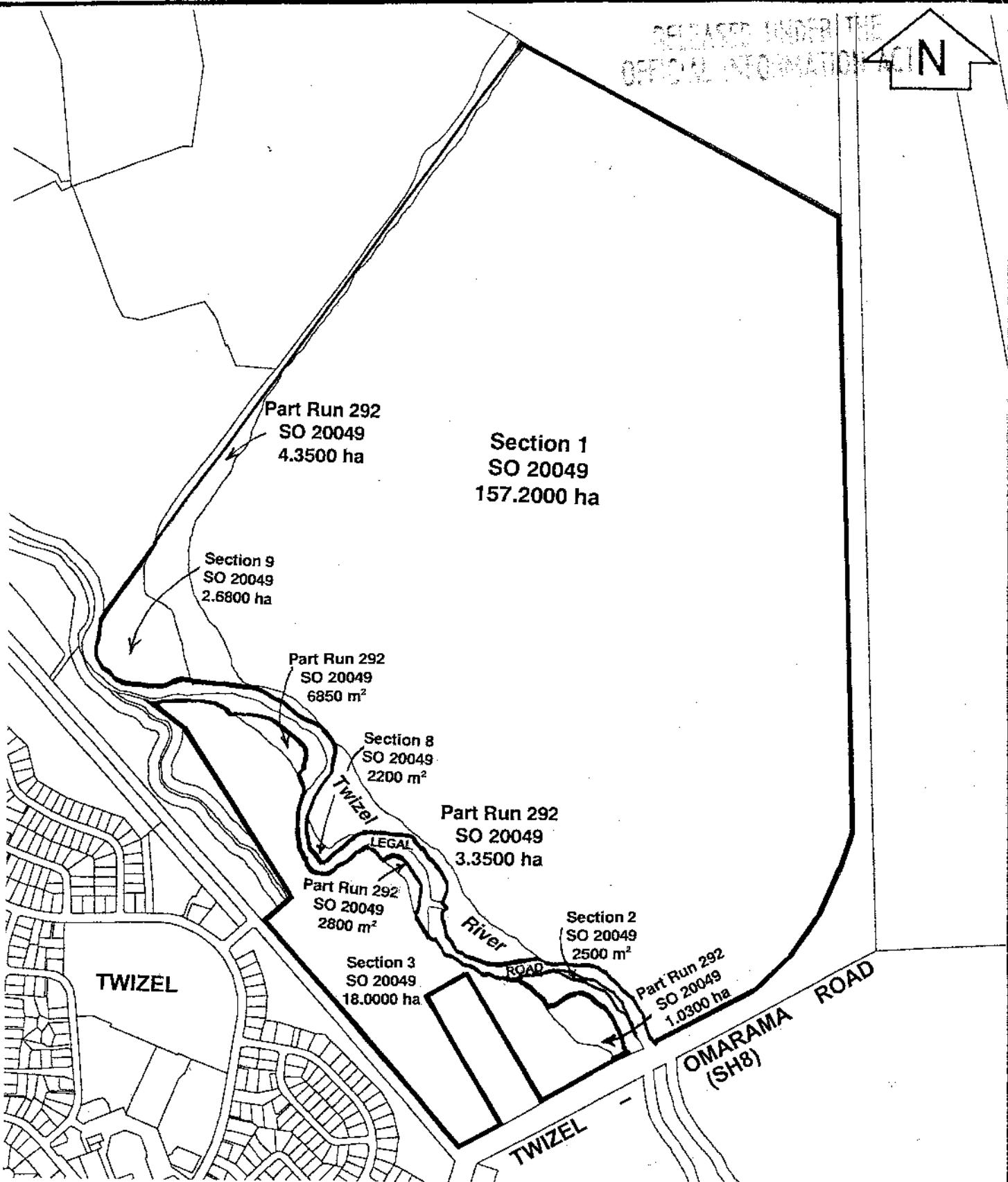


**OMAHAU DOWNS
(SECTIONS 1 - 3, 8 AND 9 SO 20049 AND
PARTS RUN 292 SO 20049)**

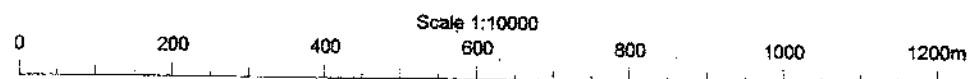


**EXCLUDES ALL LEGAL ROADS
AND MARGINAL STRIPS (IF ANY)**

Version	1	2	3	4	5
Canterbury Land District					Sheet 1 of 1
NZMS 260 H38					Date 22/01/2001



**OMAHAU DOWNS
(SECTIONS 1 - 3, 8 AND 9 SO 20049 AND
PARTS RUN 292 SO 20049)**



Note: All legal roads and or marginal strips are excluded from pastoral run "Omahau Downs".

Canterbury Land District
Cadastral data correct
as at 22/01/2001
Reference NZMS 260 - H38

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Our Ref: CPL/04/10/12787

Your Ref: Pt 092



27 February 1998

R A Ward-Smith
Manager
Knight Frank (NZ) Ltd
Box 564
TIMARU

RECEIVED

1 MAR 1998

Dear Sir

Application For Rehearing - Omahau Pastoral Lease

I refer to your letter of 27 January 1998 and submission.

Following receipt of your submission I sought further legal advice, a copy of which is attached. I have now had an opportunity to consider your submission and the further legal advice and I have made the following decisions :-

1. I have decided to grant a rehearing
2. As a result, I have decided to modified my earlier decision as detailed in Condition 11 of your letter of 12 December 1997 as follows;
 - (a) The transferor, transferee and occupiers are to be advised that the occupation is not authorised under the terms of the pastoral lease or the Land Act 1948.
 - (b) That being the case, it is appropriate that the issue of the future tenure of the land is addressed with the lessee or that action is taken to require the removal of the unauthorised dwellings on the lease. Accordingly, I therefore give notice that the incoming lessee has a period of two years expiring 31 March 2000 to address the future tenure of the land subject to the lease with me. In the interim period, I will take no action in respect of the unauthorised occupation. The matter of tenure is to be addressed in accordance with the Land Act 1948.
 - (c) If the matter is not satisfactorily resolved by 31 March 2000, I will consider taking action under the Land Act for the unauthorised occupation.

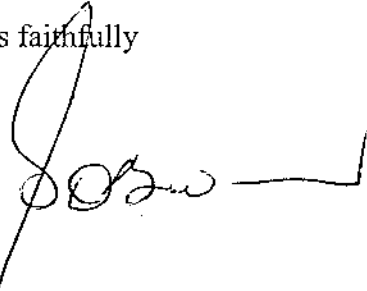
It is a condition of my decision that the transferor and transferee must acknowledge this condition in writing, and further that the transferor must obtain

acknowledgement in writing from the occupiers that they are aware of this condition.

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3. The transferor, transferee and occupiers are to be advised that they have a right to apply for a rehearing of my decision as outlined under 2 above. You should therefore recite section 17 of the Land Act 1948 fully when advising the parties of my decision.

Yours faithfully



SD Brown
Commissioner of Crown Lands

cc Ms C Mason
Knight Frank (NZ) Ltd
Box 142
CHRISTCHURCH

File Ref: Pt 092

LAND RESOURCES DIVISION

1st Floor, Public Trust Building
 Cnr Church & Sophia Streets
 PO Box 564
 TIMARU
 Telephone (03) 684-8340
 Facsimile (03) 688-0407

03 March 1998

Mr Neil Lyons
 50 Marne St
 Waverley
 DUNEDIN

OFFICIAL INFORMATION ACT

Dear Sir

APPLICATION TO TRANSFER PASTORAL LEASE : OMAHAU

I refer to your letter dated 5 January 1998 appealing Clause 11 of the conditions of consent to subdivide and transfer the Omaha Pastoral Lease. In considering the application pursuant to Section 17 Land Act 1948, the Commissioner has made the following decisions:

- 1 He has decided to grant a re-hearing.
- 2 As a result, he has decided to modify his earlier decision as detailed in Condition 11 of the letter from this office of 12 December 1997 as follows:
 - (a) The transferor, transferee and occupiers are to be advised that the occupation is not authorised under the terms of the pastoral lease or the Land Act 1948.
 - (b) That being the case, it is appropriate that the issue of the further tenure of the land is addressed with the lessee or that action is taken to require the removal of the unauthorised dwellings on the lease. Accordingly, the Commissioner of Crown Lands therefore gives notice that the incoming lessee has a period of two years expiring 31 March 2000 to address the future tenure of the land subject to the lease with the Commissioner. In the interim period, he will take no action in respect of the unauthorised occupation. The matter of tenure is to be addressed in accordance with the Land Act 1948.
 - (c) If the matter is not satisfactorily resolved by 31 March 2000, the Commissioner will consider taking action under the Land Act for the unauthorised occupation.

.../2

Corporate Offices

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 16 Offices Nationwide

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France	Japan	Sweden	Zimbabwe

Knight Frank (NZ) Limited
 (An LPL Group Company)
INTERNATIONAL PROPERTY CONSULTANTS

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 2

Mr Neil Lyons
Application to Transfer Pastoral Lease
Omaha Pt 092
3 March 1998

It is a further condition of this decision that the transferor and the transferee must acknowledge this condition in writing, and further that the transferor must obtain the acknowledgement in writing from the occupiers that they are aware of this condition.

3 The transferor, transferee and occupiers are hereby advised that they have a right to apply for a rehearing of the decision as outlined under 2 above.

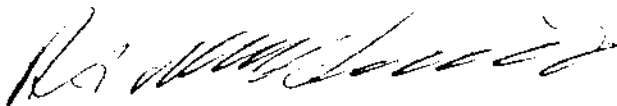
Please note that under the provisions of Section 17, Land Act 1948 you have the right to apply for a rehearing of the Commissioner's decision. Section S17(1) states:

17. Application for rehearing - (1) Any person aggrieved by any decision of the Commissioner or any determination of an administrative nature by the Commissioner may, within 21 days after being notified of that decision or determination, apply to the Commissioner for a rehearing, and the Commissioner may, at any time within one month after receiving the application, grant a rehearing of the case if he/she thinks justice requires it and on the rehearing may reverse, alter, modify or confirm the previous decision or determination in the same case.

Provided that the Commissioner shall not grant a rehearing where the decision or determination relates to the allotment of land to any person other than the person aggrieved unless that land has been allotted by the Commissioner pursuant to the powers conferred on him/her by Section 54 of this Act.

If you wish to apply for a rehearing, please notify this office within 21 days of receiving this letter. Your application should clearly state the grounds on which you wish to apply for a rehearing.

Yours faithfully
KNIGHT FRANK (NZ) LIMITED



R A WARD-SMITH
MANAGER - TIMARU

cc Mr Peter Hutt
Tripp Rolleston & Co
PO Box 27
Timaru
Agent for the transferor

cc The Higgins Family
C/- Kevin & Erin Higgins
PO Box 16
Twizel

scig-lrd-wp/wardsmir\RS083

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

58

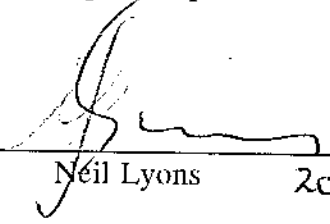


KNIGHT FRANK (NZ) LTD
LAND RESOURCES DIVISION

1st Floor, Public Trust Building
Cnr Church & Sophia Streets
PO Box 564
TIMARU
Telephone (03) 684-8340
Facsimile (03) 688-0407

RECEIVED
24 MAR 1998

I/We acknowledge receipt of the attached letter dated 3 March 1998



Neil Lyons 20/ March / 1998

RELEASED UNDER THE
OFFICIAL INFORMATION ACT



KNIGHT FRANK (NZ) LTD
LAND RESOURCES DIVISION

1st Floor, Bible Trust Building
1st Church & Sophia Streets
PO Box 564
TIMARU
Telephone (03) 684 8340
Facsimile (03) 688 0497

I/We acknowledge receipt of the attached letter dated 3 March 1998

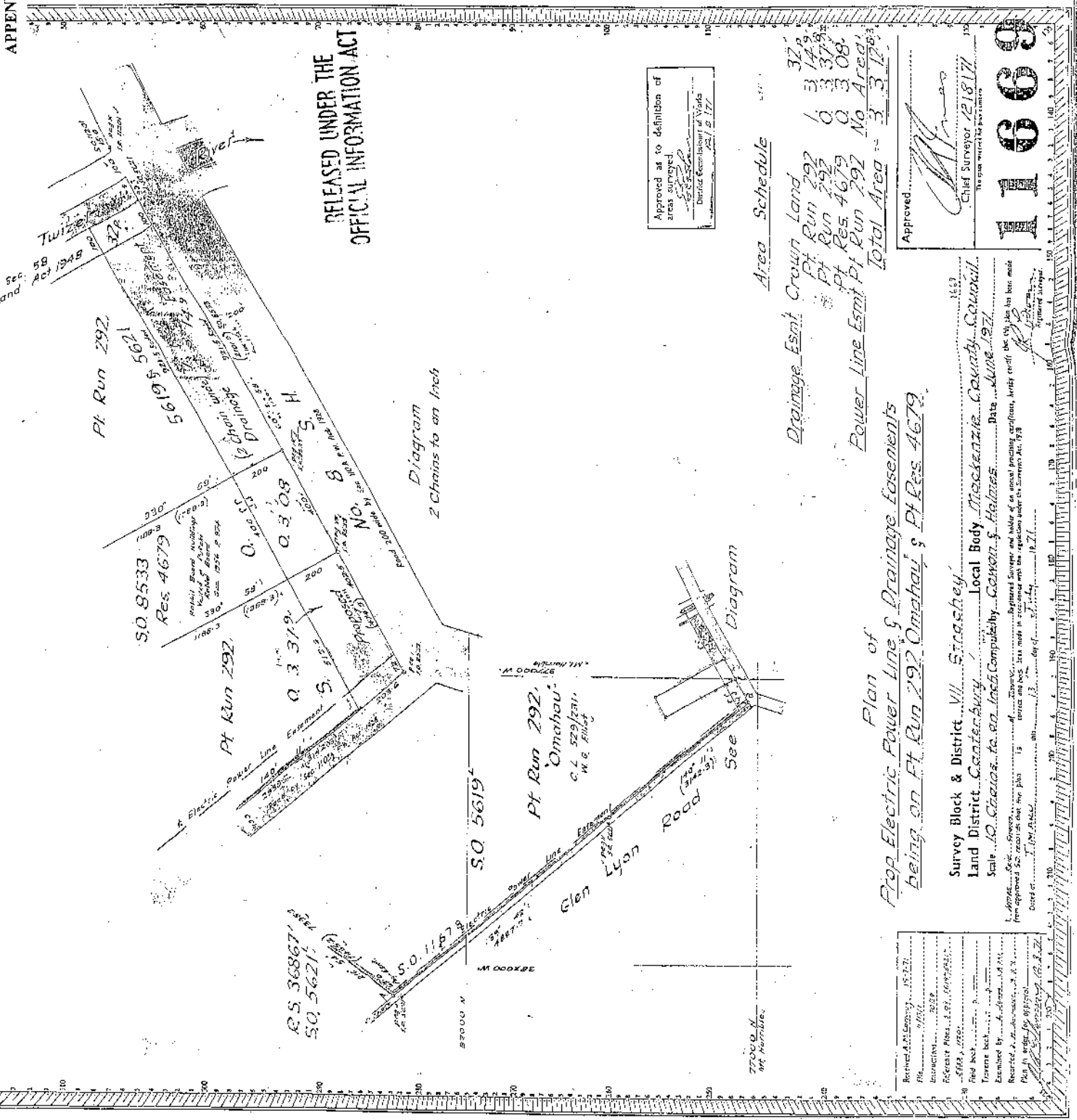
M J Higgins
Michael Higgins 1 16-3/1998

Elizabeth M Higgins
Elizabeth Higgins 16/03/1998

K P Higgins
Kevin Higgins 1 16-03-98 / 1998

E Higgins
Erin Higgins 1 16-03-98 / 1998

J Higgins
John Higgins 1 16/3/98 / 1998



RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Approved as to definition of
area surveyed
Director Examination of Maps
22/5/77

Area Schedule

Drainage Esmt.	Crown Land	37.0
	Pt. Run 292	3.14
	Pt. Run 292	0.37
	Pt. Res. 4679	0.308
Power Line Esmt.	Pt. Run 292	No Area
Total Area		3.32

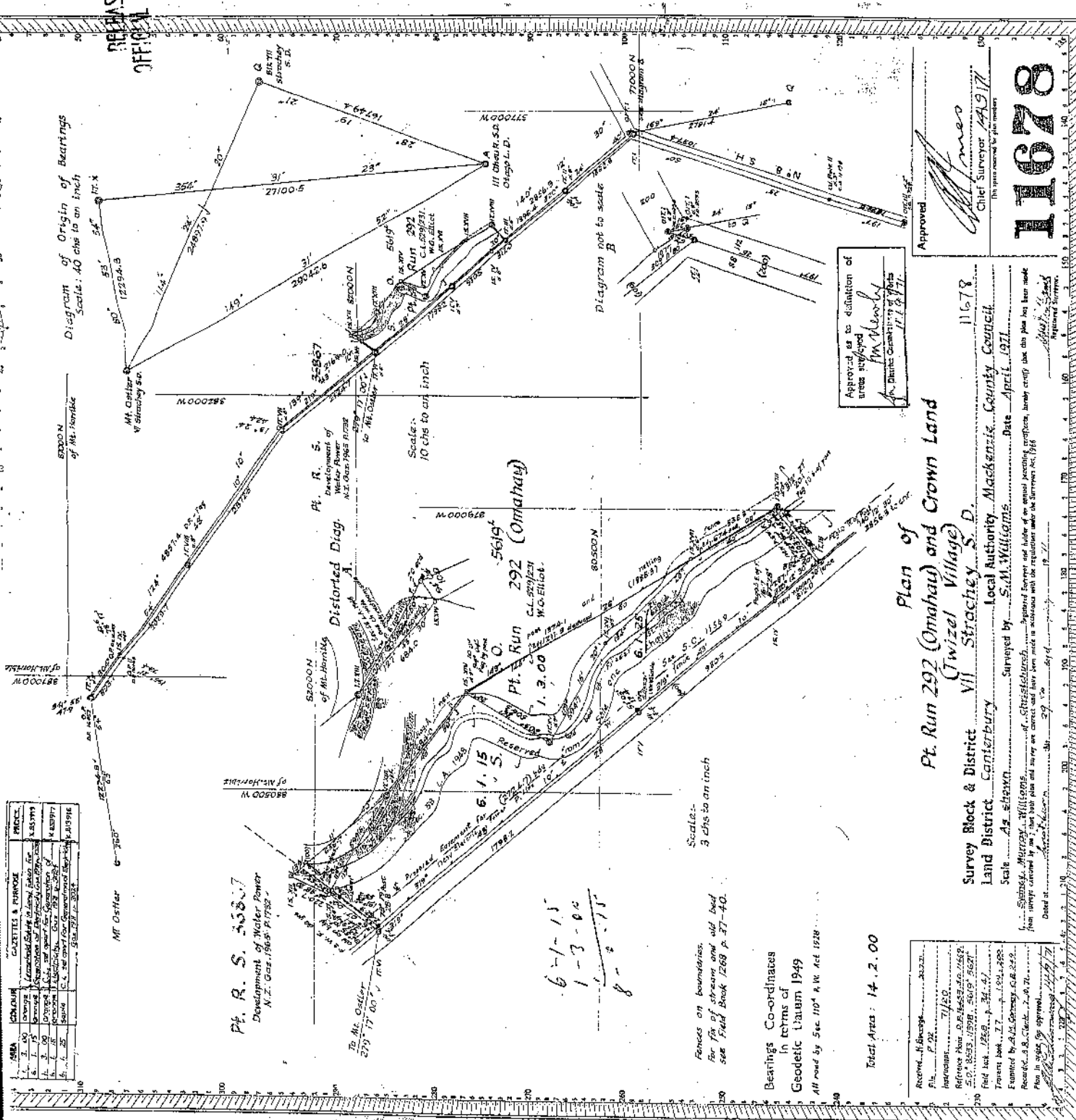
Plan of
Prop Electric Power Line & Drainage Easements
being on Pt. Run 292, Omaha, & Pt. Res. 4679.

Received At Pt. Survey	18/7/77
File	9/1971
Inspector	3038
Recorder	1287, 1047, 1048, 1049
Field Book	
Traverse Book	
Examined by	
Resurveyed by	
Plan in original approved	
Plan in original approved	18/7/77

Survey Block & District... VII. Strachey
Land District... Canterbury... Local Body... Mackenzie County Council.
Scale... 10 Chains to an Inch... Competibly... Coxe & Hazles
Date... June 1977
I, Approved... Surveyor and holder of an annual practicing certificate, hereby certify that this plan has been made from approved S.O. plans and that this plan is correct and has been made in accordance with the regulations under the Survey Act, 1978
Signed at... 18/7/77
Date of... 18/7/77

Approved
Chief Surveyor 12/18/77
11669

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OFFICIAL INFORMATION ACT



NO.	DESCRIPTION	PRICE
1	Survey	1,000.00
2	Plan	500.00
3	Field work	1,500.00
4	Office work	1,000.00
5	Printing	200.00
6	Stationery	100.00
7	Tools	500.00
8	Travel	1,000.00
9	Other	100.00
10	Total	7,800.00

Pt. R. S. 308.7
Development of Water Power
N.Z. Gas 1965 P.1782

6-1-15
1-3-60
8-2-15

Fences on boundaries.
For fit of stream and old bed
See Field Book 1268 p. 37-40.

Bearings Co-ordinates
in terms of
Geodetic Datum 1949

Total Area: 14.2.00

Received by	...
File No.	...
Instrument	...
Reference No.	...
Field book	...
Transit book	...
Examined by	...
Revised by	...
Plan is valid by approval	...

Approved as to definition of
areas surveyed
M. Williams
District Commissioner of Works
11/1/71

Approved
James
Chief Surveyor 14917
11678

Plan of
Pt. Run 292 (Omaha) and Crown Land
(Twizel Village) S. D.
Survey Block & District Canterbury
Land District Canterbury
Local Authority Mackenzie County Council
Surveyed by S.M. Williams
Scale As shown
Date April 1971
11678