

## **Crown Pastoral Land Tenure Review**

Lease name : GLENCOE - East Otago

Lease number : PO 366

### **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.

February

06

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

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|                  |           |               |        |                    |              |
|------------------|-----------|---------------|--------|--------------------|--------------|
| File Ref:        | Po366     | Report No:    | AT0130 | Report Date:       | 21 June 2000 |
| Office of Agent: | Alexandra | LINZ Case No: |        | Date sent to LINZ: | 27/6/00      |

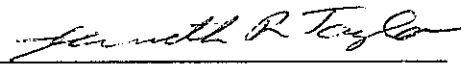
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**RECOMMENDATIONS:**

- (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** that there are no incomplete actions which require action by the Manager Crown Property Contracts.

**Signed for Knight Frank (NZ) Limited**

  
\_\_\_\_\_  
H Taylor

  
\_\_\_\_\_  
Manager

**Approved/Declined by:**

"D.J. Gallen"  
\_\_\_\_\_

Name:

Date of decision: 4 / 7 / 00

**(1) Details of lease:**

**Lease Name:** Glencoe

**Location:** 10 kms west of Herbert and 25 kms south of Oamaru adjacent to the western boundary of Herbert Forest. The lease is located at the eastern end of the Kakanui Range on the south side of the North Branch of the Waianakarua River.

**Lessee:** B J Thom

**Tenure:** Crown land held under the Land Act 1948 subject to Pastoral Lease P366.

**Term:** 33 years from 1 July 1994 to 30 June 2027.

**Annual Rent:** [REDACTED]

**Rental Value:** [REDACTED]

**Date of Next Review:** 1 July 2005

**Land Registry Folio Ref:** 11B/1498 (Otago Registry)

**Legal Description:** Section 5 Block XIV Otepopo Survey District.

**Area:** 1900 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> |
|-----------------------|---------------|--------------------|-------------|-------------------|-------------|
| Po273                 | I             | 248                | 12/10/1949  | 415               | 9/3/1962    |
|                       | II            | 416                | 3/4/1963    | 573               | 19/11/1980  |
|                       | III           | 574                | 3/12/1980   | 715               | 12/6/1986   |
| Po366                 | I             | 717                | 16/6/1986   | 850               | 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/04/11/12606 ZCH   |               | 1                  | 1/9/1998    | 5                 | 1/11/1998   |
| 7900/04/P366 DDN      |               | 1                  | 24/1/1992   |                   |             |
| 5200/D14/G05 DCH      |               | 1                  | 8/6/1995    |                   |             |

The file search covered files held in Christchurch, Dunedin and Alexandra.

The file records cover the end of 1949 through to 2000, and are largely complete.

A number of significant entries were noted, and include the following:

The lease was selected on 29 December 1912 with renewal due in 1926. The lessee in 1925 was a Mr Bell. At this stage, the lease was surrendered and a new licence issued under Section 277, Land Act 1924. This licence was issued from 1 March 1926, for a term of 35 years. In 1933, the lease was transferred to David Matheson.

The lease was a dry sheep only property, largely undeveloped, with the only building being a shepherd's hut.

In 1949 an area was surrendered from the lease; it became part of the Herbert State Forest.

1957 saw transfer from D G Matheson to his sons D R Matheson and G R Matheson.

In 1958 the lease was renewed, and file notes report relatively little development, with large areas in native vegetation.

A wether flock was run, and it was noted that it was an only marginally economic unit, with no power or telephone.

Little development occurred in the years leading up to lease renewal in 1961 (*term 33 years from 1 July 1961*). Stock limit was 2475 dry sheep.

Subsequent to lease renewal, development was undertaken. By 1966 large areas were being developed annually.

Between 1963 and 1966 stock numbers increased from 2900 to 5600 wethers.

Extensive development continued through the later 1960's and early 1970's with large increases in stock numbers.

However, the property still had large areas of native bush.

1947 saw the transfer of G R Matheson's (*half share*) to his nephew D J Matheson, who lived on an adjoining property and planned to farm this lease in partnership with his father D G Matheson (*who held the other half share*).

1975 file entries note that development was continuing, at a slower rate than earlier.

A small area of the lease was surrendered and transferred to the NZFS in 1979 (*Volume 3, Folio 587*) Section 3, Block XIV Otepopo Survey District (*24 ha*).

By 1980 development was continuing with the help of Rural Bank finance. The property now had good fencing and a new woolshed (*erected 1980*).

The 1981 entries record continuing development, including pasture improvement, subdivision, and track maintenance plus the planting of exotic trees in gullies.

In 1982 the possibility of the creation of a reserve was being discussed with DoC (*Volume 3, Folio 648*). This discussion was drawn out until 1985.

By 1984 a run plan was being prepared by Otago Catchment Board. This was never implemented because in 1986, 1605 ha was planned to be surrendered for the Waianakarua Reserve (*Volume 3, Folio 709*).

Meanwhile by 1987 the Matheson family had encountered major financial problems, and a mortgagee auction had occurred, with the Trust Bank of Otago having the lease transferred to them, as the property failed to sell at auction (*Volume I, Folio 782, Po366*).

Subsequently in 1988 the lease was transferred to J D O Thelning and G J Thelning.

There had been little development since 1980. File records that in the past the lease had undergone a rapid development programme, but there had not been follow up fertiliser application to consolidate this development.

The new lessees began on a programme of pasture renewal, subdivision fencing and other redevelopment. This programme continued from 1988 through to 1995, when the file entries record that these lessees were also struggling financially, and the property was transferred to B J Thom. Lease renewal occurred in 1994 (*Volume 1, Folio 812*).

Routine entries are recorded until 1999 when the lease was once again offered for sale. Subsequent entries continued to be routine matters.

**(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 11B/1498 Otago Registry*).

***Commencement Date:***

The lease was issued on 11 July 1986 for the balance of the term of 33 years from 1 July 1961.

The lease was renewed in 1 January 1994 under the Land Act 1948.

***Stock Limit:***

2475 dry sheep.

There are **no** non-standard conditions contained in CL 11B/1498.

Apart from mortgage registrations and routine transfers the only significant entry noted is:  
877573 Memorandum renewing the term of the lease for a further 33 years (1994).

***Area adjustments:***

There have been no area adjustments during the term of this lease.

***Registered interests:***

***Mortgages:***

893861 Mortgage to National Bank of New Zealand Limited, 1995.

No effect on tenure review process that we are aware of.

***Encumbrances:***

None that we are aware of.

***Unregistered interests:***

Marginal strip on the North Branch of the Waianakarua River. No effect on tenure review process.

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

None approved.

**(5) Summary of Land Status Report:**

The Land Status Report is attached (*Schedule A*).

Pastoral land status is confirmed.

The lease is not subject to any recreational permits or other concessions as at 3 November 1999.

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

No telecommunication sites are present.

We are not aware of any historic sties, and none are marked on the maps.

There is a marginal strip running the length of the North Branch of the Waianakarua River which borders the northern boundary of the property, and also a Crown land strip which comes into the property in places (*Attachment II*).

There is legal access to the property via Mount Misery Road. This legal road extends right through the centre of the property, to Bell's Saddle on the western boundary with Kinross (Po348).

A side branch of this road cuts north, about the centre of the property and runs down to North Branch of the Waianakarua River, where it continues into Mount Stalker (Po341).

A further legal road winds along the southern boundary until it eventually branches up to join the main Mount Misery unformed legal road.

The main track along the ridge is on or near the legal road (*Mount Misery Road*). Rough tracks exist on the legal road north to the North Branch of the Waianakarua River, and south into the scenic reserve (*these two tracks do not usefully connect anywhere*).

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

Kinross Pastoral Lease (Po348) lies on the western boundary of the property, the Waianakarua Scenic Reserve to the south and Mount Stalker Pastoral Lease (Po341) lies on the northern boundary, across the North Branch of the Waianakarua River.

The Waianakarua River has a fixed marginal strip along its full length with this property and a Crown land strip comes into the property in places (*however it deviates widely from the river, which it was probably originally meant to follow*).

There is bush clad freehold land on Mount Stalker (Po341) located on the northern side of the North Branch of the Waianakarua River. This is covered by a conservation covenant administered by DoC.

To the southwest Shag Valley Pastoral Lease (Po331) touches the lease at one point.

**(8) Summarise any uncompleted actions or potential liabilities:**

There are no uncompleted actions or potential liabilities identified in the course of our research.

**SCHEDULE A**

**STATUS CHECK**



**OPUS INTERNATIONAL CONSULTANTS LIMITED  
DUNEDIN OFFICE**

Project number 6NI11 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.



|                                       |   |    |                |
|---------------------------------------|---|----|----------------|
| <b>LAND STATUS REPORT for Glencoe</b> |   |    | LIPS Ref 12606 |
| Property                              | 1 | of | 1              |

|                                    |   |
|------------------------------------|---|
| <b>Land District</b>               | Otago   |
| <b>Legal Description</b>           | Section 5 Block XIV Otepopo SD  |
| <b>Area</b>                        | 1900 ha   |
| <b>Status</b>                      | Crown Land held under the Land Act 1948 subject to Pastoral Lease P 366.  |
| <b>Instrument of title / lease</b> | 11B/1498  |
| <b>Encumbrances</b>                | No registered encumbrances.   |
| <b>Mineral Ownership</b>           | 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. |
| <b>Statute</b>                     | Land Act 1948 and Crown Pastoral Land Act 1998.   |

|                           |                 |
|---------------------------|-----------------|
| <b>Data Correct as at</b> | 3 November 1999 |
| [Certification Attached]  |                 |

|                               |   |
|-------------------------------|---|
| <b>Prepared by</b>            | G Patrick                                   |
| <b>Crown Accredited Agent</b> | Opus International Consultants Ltd, Dunedin |

**Certification – as to status**

Pursuant to Section 11(1)(1) 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 11B/1498.

**Max Haydn Warburton  
Chief Surveyor**

**Land Information New Zealand, Dunedin.**

11 / 11 / 1999

|                                       |   |    |   |                |
|---------------------------------------|---|----|---|----------------|
| <b>LAND STATUS REPORT for Glencoe</b> |   |    |   | LIPS Ref 12606 |
| 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. | File not sighted as at 2/11. |
|---|------------------------------|

|                                       |   |    |   |                |
|---------------------------------------|---|----|---|----------------|
| <b>LAND STATUS REPORT for Glencoe</b> |   |    |   | LIPS Ref 12606 |
| Property                              | 1 | of | 1 |                |

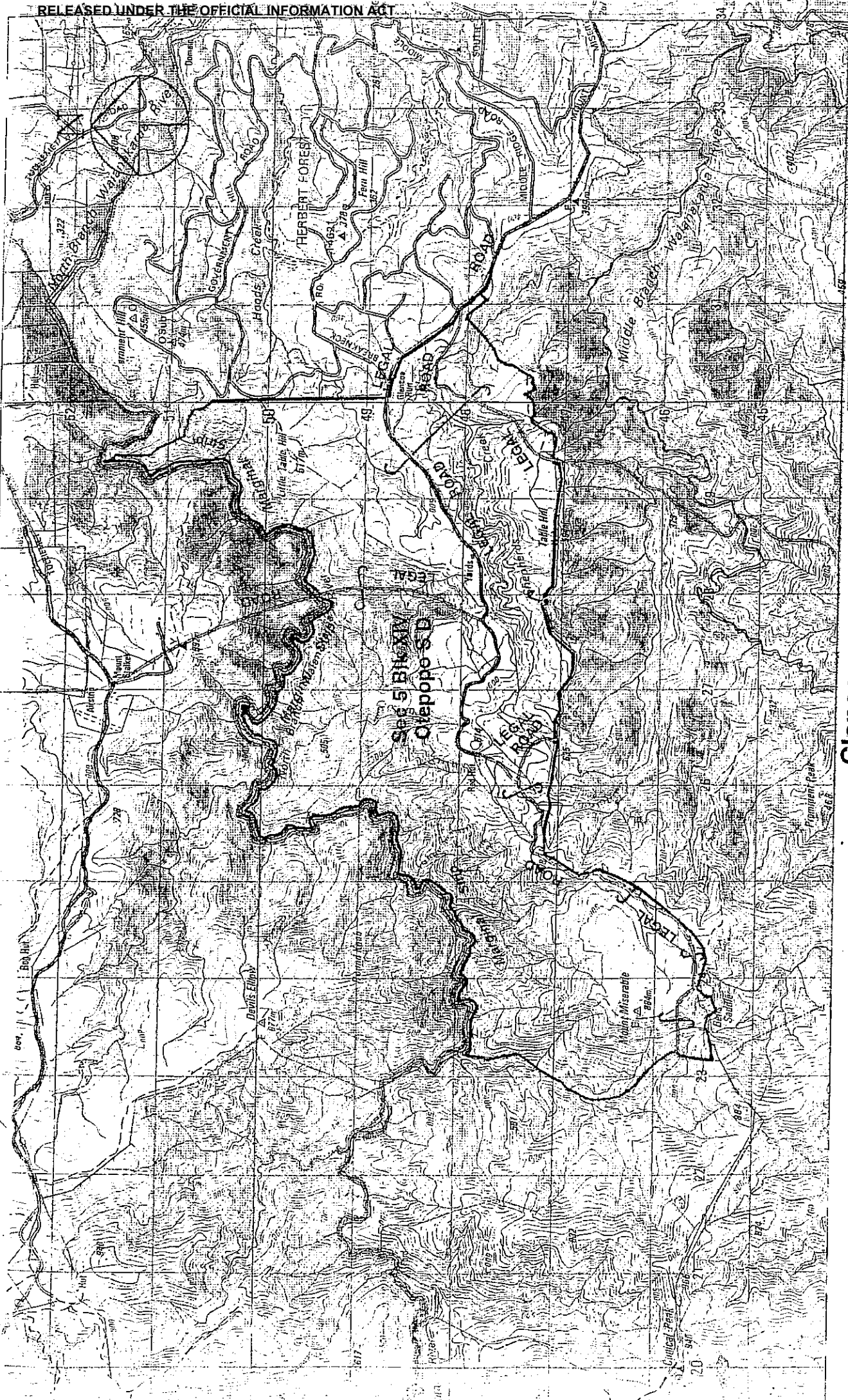
Rese. ch Data: Some Items may be not applicable

|  |   |
|--|---|
| SDI Print Obtained   | Yes / No  |
| NZMS 261 Ref   | I42 & J42   |
| Local Authority  | Waitaki District Council  |
| Crown Acquisition Map  | Kemp  |
| SO Plan  | SO 22149 approved February 1987 being a plan of Sections 5, 6 and 7 Block XIV Otepopo SD.   |
| Relevant Gazette Notices   | No relevant gazette notices.  |
| CT Ref / Lease Ref   | 11B/1498 [live].<br>A2/1207 [cancelled].<br>337/6 - Sighted but not copied. Held on pastoral Licence to Occupy since at least 1/3/26.<br>Memorandum of Renewal 877573 |
| Plan Index   | Attached.   |
| Legalisation Cards   | SO 22149 – attached   |
| CLR  | Confirms Pastoral Status.   |
| Allocation Maps (if applicable)  | I42 & J42 Nothing showing affecting this land.  |
| VNZ Ref - if known   | Not known.  |
| Crown Grant Maps   | Not searched.   |
| <b>If Subject land Marginal Strip :</b><br>a) Type [Sec 24(9) or Sec 58]<br><br>b) Date Created<br><br>c) Plan Reference | a) Sec 24(3)<br><br>b) pre 1987<br><br>c) SO 22149 – Sections 6 and 7   |

|                                       |   |    |   |                |
|---------------------------------------|---|----|---|----------------|
| <b>LAND STATUS REPORT for Glencoe</b> |   |    |   | LIPS Ref 12606 |
| Property                              | 1 | of | 1 |                |

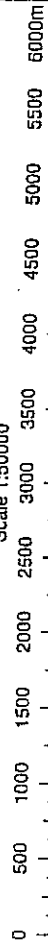
**Research - continued**

|  |   |
|--|---|
| If Crown land - Check Irrigation Maps.   | No maps for I42 & J42   |
| Mining Maps  | I42 & J42 - Nothing in respect to subject land.   |
| <p><b>If Road</b></p> <p>a) <b>Is it created on a Block Plan - Section 43(1)(d) Transit NZ Act 1989</b></p> <p>b) <b>By Proc</b></p> <p>c) <b>Gazette Ref</b></p>  | <p>a) SO Plan - Not applicable.</p> <p>b) Proc Plan</p> <p>c) Gazette Ref</p>   |
| <p><b>Other Relevant Information</b></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) No information found.</p> <p>b) None known.</p> <p>c) Either<br/> <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. File shows held on pastoral tenure since at least 1927.<br/><br/> <input type="checkbox"/> Contained in [provide evidence].</p> <p>d)</p> |



# Glencoe

Scale 1:50000



|                     |   |   |   |   |   |
|---------------------|---|---|---|---|---|
| Version             | 1 | 2 | 3 | 4 | 5 |
| Ofago Land District |   |   |   |   |   |
| NZMS 260 I42 & J42  |   |   |   |   |   |
| Sheet 1 of 1        |   |   |   |   |   |
| Date 3/11/1999      |   |   |   |   |   |



INTERNATIONAL CONSULTANTS

TERRALINK NZ LTD(Terraviv.

.DB Data as at 1.10.1999Tile & Valuation data as at 1.10.1999Geode... data as at 11.10.97.

**SCHEDULE B**

**SOURCES OF INFORMATION**

**SCHEDULE B:***List of information sources:*

- (1) Instrument of Title:  
Attachment I  
CL 11B/1498 (*Otago Registry*)
- (2) Crown files for Pastoral Lease Po273 and Po 366:  
*Held by Knight Frank, Alexandra*  
Lease Po273:  
Volumes 1 - 3 (*12 October 1949 - 12 June 1986*)  
Lease Po366:  
Volume 1 (*16 June 1986 - 18 April 2000*)  
*LINZ files (Dunedin and Christchurch)*
- (3) Cadastral maps  
NZMS 261 I42, J42
- (4) Topographical maps  
NZMS 260 I42, J42
- (5) Waitaki District Council Proposed District Plan
- (6) Glencoe - description of Conservation Resource and Assessment of Significance  
(*Unpublished DoC Report 2000*)
- (7) Department of Conservation (*1998*) Otago Conservation Management Strategy.

**SCHEDULE C**

**ATTACHMENTS**



**SCHEDULE C:**

*Attachments:*

- I Lease document
- II Map - showing legal roads and marginal strip

L. & S.-B. 16

130600  
NEW ZEALAND

Entered in the Register Book,  
the 24th day of September

No. 11B 1498

Abstract 687482/3  
Issued in Lieu of Leases  
former references P 273

PART Vol. A2 Fol. 1207  
Vol. Fol.

L. and S. Ref. P 366

PASTORAL LEASE OF PASTORAL  
LAND UNDER THE LAND ACT 1948



**This Deed**, made the 11th day of July 19 86, between HER MAJESTY THE  
QUEEN (hereinafter referred to as "the Lessor"), of the one part, and TRUSTEES BANK OTAGO  
a Bank duly incorporated under and by virtue of "The Trustee Banks Act 1983"  
(hereinafter referred to as "the Lessee"), of the other part, WITNESSETH that, in consideration of the rent

hereinafter, reserved, and of the covenants, condi-  
tions, and agreements herein contained or implied and  
on the part of the Lessee to be paid, observed, and  
performed, the Lessor does hereby demise and lease  
unto the Lessee ALL that parcel of land containing  
by admeasurement 1900 hectares more or less,  
situated in the Land District of Otago  
and being Section 5 Block XIV Otepopo  
Survey District

SEE DIAGRAM  
ON SEPARATE SHEET

as the same is more particularly delineated with bold  
black lines on the plan hereon; together with rights,  
easements, and appurtenances thereto belonging. TO  
HOLD the said premises intended to be hereby de-  
mised unto the Lessee for the balance of the term of  
33 years from 1 July 19 61 .  
Yielding and paying therefor unto the Department of  
Lands and Survey at Corporation Limited at  
the annual rental of [redacted] payable without  
demand by 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.

Land  
Dunedin

AND it is hereby declared and agreed that these presents are intended to take effect as a Pastoral  
Lease under the Land Act 1948

and that subject as aforesaid the terms and conditions thereof are, with the necessary modifications, the  
same as those contained or implied in Pastoral Lease No P 273

registered as Vol A2 Folio 1207 Otago Registry.

Base Stock Limitation: 2475 dry sheep  
Property Manager, Land Corporation Limited, Dunedin

IN WITNESS whereof the 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 executed by the said Lessee.

Signed by the said Commissioner, on behalf of the Lessor,  
in the presence of-

Witness:.....  
Occupation:.....  
Address:.....

Commissioner of Crown Lands.

Signed by the above-named Lessee in the presence of-

Witness:.....  
Occupation:.....  
Address:.....

Lessee.

49272C-300/6/80 MK

130600

REGISTER

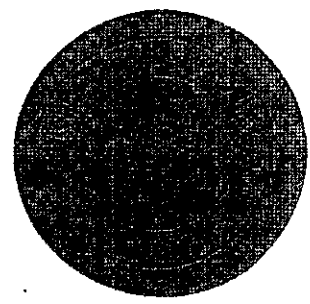
SIGNED for and on behalf of HER MAJESTY THE QUEEN pursuant to a Deed lodged with the District Land Registrar as No. 681189/2 by LAND CORPORATION LIMITED by its Attorney GEOFFREY LYNN HOLGATE in the presence of:

LAND CORPORATION LIMITED by its Attorney

*G. L. Holgate*

Witness: *[Signature]*  
Occupation: *Property Officer Landcorp*  
Address: *Dunedin*

The Common Seal of TRUST BANK OTAGO was hereunto affixed in the presence of:



Witness: \_\_\_\_\_  
Occupation: \_\_\_\_\_  
Address: \_\_\_\_\_

785887/3 ~~Discharge to~~ The Rural Bank Limited 15.10.1999 at 10.17am

DISCHARGED  
15 OCT 1999  
*[Signature]*  
A.L.R.

785887/4 Memorandum of Priority ranking Mortgage 785887/3 as a first mortgage and Mortgage 757831 as a second mortgage - 15.8.1991 at 10.17am

*[Signature]*  
A.L.R.

699767/1 Transfer to John Dene Oscar Thelning of The Dasher in North Otago Farmer and Carolyn Joyce Thelning his wife - 8.4.1988 at 9.37 am.

699767/2 Mortgage to Trust Bank Otago 13.1.1988 at 9.37 am.

DISCHARGE OF MORTGAGE  
A.L.R.  
15 AUG 1991  
*[Signature]*  
DISCHARGE OF MORTGAGE  
A.L.R.  
*[Signature]*

699767/3 Mortgage to Judith Marion Kane 8.4.1988 at 9.37 am.

A.L.R.

757831 Mortgage to Wrightson Farmers Finance Limited - 3.7.1990 at 10.17am

DISCHARGED  
13 OCT 1995  
*[Signature]*  
A.L.R.

A.L.R.

877573 Memorandum renewing the term of the ~~with~~ lease for a further period of 33 years commencing on 1st January 1994 and fixing (for the first 11 years) the annual rent at [redacted] calculated on a rental value of [redacted] - 9.3.1995 at 9.13am

*[Signature]*  
A.L.R.

893421/3 Transfer to Barry John Thom of Dunedin Farmer - 13.10.1995 at 10.31am

*[Signature]*  
A.L.R.

Over

130600

11B/1498

893861 Mortgage to The National Bank  
of New Zealand Limited - 20.10.1995  
at 9.51am

*[Handwritten signature]*  
A.L.R.

COPY

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, GEOFFREY LYNN HOLGATE of Dunedin, Property Manager

HEREBY CERTIFY -

1. THAT by Deed dated the 12th day of June 1987 copies of which are deposited in the Land Registry Offices at -

- AUCKLAND (North Auckland Registry) and there numbered B678573
- BLENHEIM (Marlborough Registry) and there numbered 136439
- CHRISTCHURCH (Canterbury Registry) and there numbered 686366/2
- DUNEDIN (Otago Registry) and there numbered 681189/1
- GISBORNE (Poverty Bay Registry) and there numbered 167089.2
- HAMILTON (South Auckland Registry) and there numbered H734777
- HOKITIKA (Westland Registry) and there numbered 076748
- INVERCARGILL (Southland Registry) and there numbered 141782
- NAPIER (Hawkes Bay Registry) and there numbered 478751.2
- NELSON (Nelson Registry) and there numbered 26992.1
- NEW PLYMOUTH (Taranaki Registry) and there numbered 341775
- WELLINGTON (Wellington Registry) and there numbered 860782.2

LAND CORPORATION LIMITED at Wellington carrying on the business of land management appointed me its Attorney on the terms and subject to the conditions set out in the said Deed.

2. THAT at the date hereof I was a Property Manager of the said Corporation.

3. THAT at the date hereof I have not received any notice or information of the revocation of that appointment by the winding up or dissolution of the said LAND CORPORATION LIMITED or otherwise.

SIGNED at DUNEDIN  
this 5th day of August  
1987

)  
)  
)  
G L Holgate

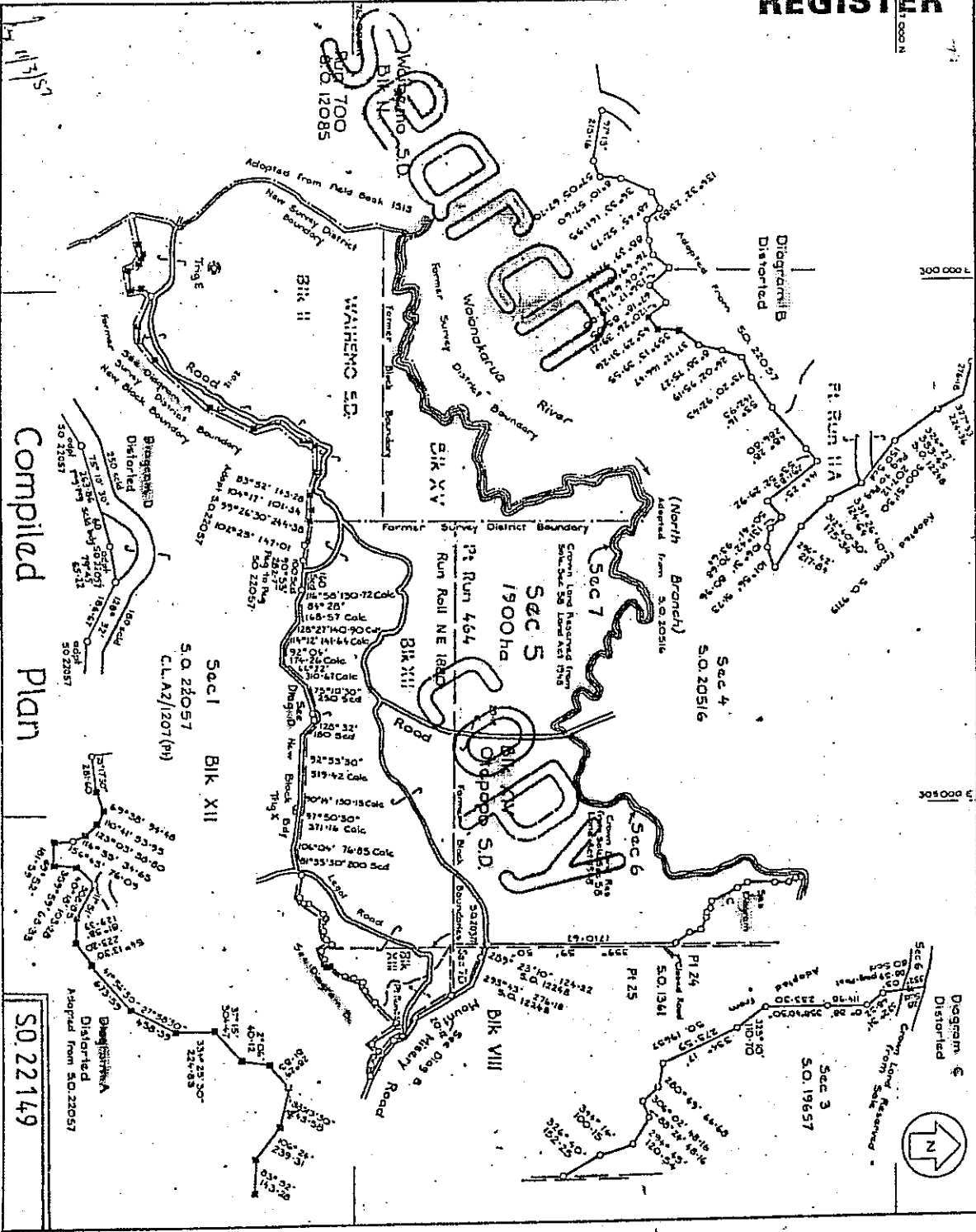


130600

Total Area  
Sec 5 =  
1900 ha

Attachment II

REGISTER



Compiled Plan

S022149

Legal: Roads (unformed)  
Marginal strips