

## **Crown Pastoral Land Tenure Review**

**Lease name : GLENFALLOCH**

**Lease number : PC 125**

### **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.

**June**

**05**

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

File Ref: CON/50269/09/12777/A Report No: CH0110 Report Date: 5 February 2002

Office of Agent: Christchurch LINZ Case No: Date sent to LINZ: 5 February 2002

TR 02/308

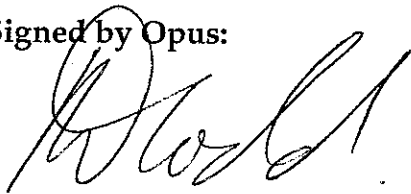
**RECOMMENDATIONS**

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;

There are no incomplete actions or potential liabilities.

Signed by Opus:



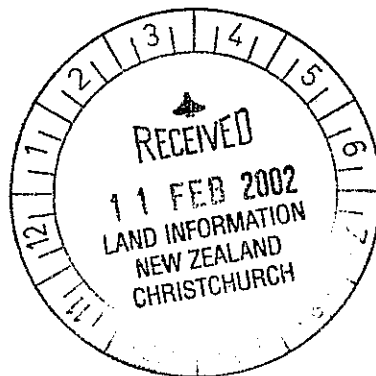
Mike Todd

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



Name: GRANT KASPER WEBLEY

Date of decision: 13 / 2 / 02



**1. Details of lease:**

**Lease Name:** Glenfalloch  
**Location:** Upper Rakaia  
**Lessee:** Glenfalloch Holdings Ltd  
**Tenure:** Pastoral Lease  
**Term:** 33 Years  
**Annual Rent:** \$760.00  
**Rental Value:** \$400,000.00  
**Date of Next Review:** 30 June 2003  
**Land Registry Folio Ref:** CB 9K/997  
**Legal Description:** Run 118 situated in Blocks, XI, XII, XV and XVI, Whitcombe, IV and VII, Glenrock, III and IV, Heron and I Somers Survey Districts.  
**Area:** 10,898.1843 hectares

**2. File Search**

**Files held by Agent on behalf of LINZ:**

File Reference	Volume	From	To
CON/50269/09/12777/A	1	22/08/2002	Present

**Other relevant files held by LINZ:**

File Reference	Volume	First Folio Number	Date	Last Folio Number	Date
Pc/125-SCH-01	1	169	Feb 1948	341	Feb 1978
Pc/125-SCH-02	2	342	Feb 1978	433	Dec 1991
Pc/125-SCH-03	3	434	April 93	-	June 2000
CON/50213/09/12777/A	-	-	July 2000	-	Present

**3. Summary of lease document:**

**Terms of lease**

Pastoral lease under the Land Act 1948 issued for 33 years from 1 July 1970. The lease has a base stock limit of 5,000 sheep including not more than 2,000 breeding ewes, and 50 cattle including not more than 45 breeding cows. The lease contains a special provision that while it is being worked in conjunction with 2,000 acres of freehold the stock limitation for sheep may be increased to 6,500 sheep including not more than 2,200 breeding ewes. The lease also contains an obligation on the holder to at all times endeavour as far as practicable to keep stock off all class VIII country (as indicated on the diagram contained within the lease).

The personal exemption to the stock limitation allows the holder to carry up to 9,650 sheep including not more than 3,000 breeding ewes and up to 350 cattle including not more than 150 breeding cows.

The lease was varied by memorandum registered 6 May 1996, which added the requirement for CCL consent to transfers in the shares of the lessee company.

#### **Area adjustments**

There have been no area adjustments affecting this lease and the area of the lease as recorded in computer interest register CB9K/997 is correct.

#### **Registered interests**

- A235139/1      Variation of lease.  
*Added requirement for CCL consent to the transfer of shares in the lessee company.*
- A432121.1      Mortgage to Bank of New Zealand Ltd  
*Registered first mortgage.*

#### **Unregistered interests**

There is one current recreation permit application over this property from Methven Heliski Partnership for heliskiing on this and adjoining properties. The recreation permit had not been granted at the time of writing.

#### **4. Summarise any Government programmes approved for the lease:**

There are no approved programmes for this lease.

#### **5. Summary of Land Status Report:**

A Land Status Report was undertaken by McGregor Property Services Limited for and on behalf of Opus in October 2001. The following item was identified for consideration in the context of Due Diligence:

- CL CB9K/997 contains a notation that the lease is subject to Section 58 of the Land Act 1948 as does SO 11026 applying in respect of all rivers and streams in excess of 3 metres in width. **However such strips are 'notional' only pending disposition of the land.**
- The attached supporting topographical map shows that the existing fenced boundaries (with the adjoining 'Upper Lake Heron' pastoral lease in the south western sector of the lease do not correlate with the legal boundaries.

**6. Review of topographical and cadastral data:**

A review of this data shows a discrepancy between the boundary of the property and the fence line along the south western boundary with the Upper Lake Heron pastoral lease.

Double Hill Run Road is formed to well past the homestead but its formed line does not correspond at all to the legal road line.

**7. Details of any neighbouring Crown or conservation land**

This property has extensive boundaries with Crown land (river bed) being Lake Stream and the Rakaia River.

The only adjoining conservation land is a very small Local Purpose Reserve (Stock Resting Place), which is in the north western corner of the property and shown as on sheet 2 of the land status check plan.

**8. Summarise any uncompleted actions or potential liabilities:**

There are no uncompleted actions or potential liabilities relevant to this property.

**Appendices**

Appendix 1 – Status Check and Plan

## **Appendix 1 – Status Check and Plan**

Project Number 6NL.12777.TR

This report has been prepared on the instruction of Land information New Zealand in terms of Contract No. 50269 (as yet undated) and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

<b>LAND STATUS REPORT for Glenfalloch Tenure Review</b>	LIPS Ref: 12777
Property 1 of 2	

<b>Land District</b>	Canterbury.
<b>Legal Description</b>	Run 118 situated in Blocks XI XII XV and XVI Whitcombe, IV and VII Glenrock, III and IV Heron and I Somers Survey Districts.
<b>Area</b>	10898.1843 hectares.
<b>Status</b>	Crown land subject to the Land Act 1948.
<b>Instrument of title / lease</b>	Pastoral Lease CL CB9K/997 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
<b>Encumbrances</b>	Subject to Part IVA of the Conservation Act 1987, upon disposition.
<b>Mineral Ownership</b>	The 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 Deed of Purchase.
<b>Statute</b>	Land Act 1948 and Crown Pastoral Land Act 1998.

<b>Data Correct as at</b>	30 October 2001.
<b>[Certification Attached]</b>	Yes.



<b>Prepared by Crown Accredited Supplier</b>	Don McGregor, McGregor Property Services Limited, Christchurch for and on behalf of Opus International Consultants Limited.
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<b>NOTES: This information does not affect the status of the land but was identified as possible requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6</b>	<ol style="list-style-type: none"> <li>1. CL CB9K/997 contains a notation that the lease is subject to Section 58 of the Land Act 1948 as does SO 11026 applying in respect of all rivers and streams in excess of 3 metres in width. However such strips are 'notional' only pending disposition of the land.</li> <li>2. The attached supporting topographical map shows that the existing fenced boundaries (with the adjoining "Upper Lake Heron" Pastoral Lease in the south-western sector of the lease do not correlate with the legal boundaries.</li> </ol>
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<b>LAND STATUS REPORT for Glenfalloch Tenure Review</b>	LIPS Ref: 12777
<b>Property 1 of 2</b>	

**Research Data:** Some Items may not be applicable

SDI Print Obtained	Yes.
NZMS 261 Ref	J 35.
Local Authority	Ashburton District Council.
Crown Acquisition Map	Kemp Deed of Purchase.
SO Plans	<p><b>SO 5977</b> – Plan of Runs 118 and 118A (Approved May 1911).</p> <p><b>SO 7058</b> – Plan of Stock Reserve being part of Run 118.</p> <p><b>SO 11026</b> – Topographical survey Plan of Runs in Lake Heron area (Approved 1968).</p> <p><b>SO 17112</b> – DoC Allocation plan.</p>
Gazette Notices	Not applicable.
Lease Ref	CL CB9K/997 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
Legalisation Cards	Searched. Not applicable.
CLR	Confirms Pastoral Lease tenure.
Allocation Maps (if applicable)	<p>Searched. No DoC or SOE Allocations.</p> <p>Extracts of Allocation Map J35 (S.O.17112) attached.</p>
VNZ Ref – if known	VR 24390/600.
Crown Grant Maps	Not applicable.
<p><b>Subject Land Marginal Strip:</b></p> <p><b>a) Type [Sec 24(9) or Sec 58]</b></p> <p><b>b) Date Created</b></p> <p><b>c) Plan Reference</b></p>	<p>a) See "Notes" above.</p> <p>b) Not applicable.</p> <p>c) Not applicable</p>



<b>LAND STATUS REPORT for Glenfalloch Tenure Review</b>	<b>LIPS Ref 12777</b>
<b>Property 1 of 2</b>	

<b>If Crown land – Check Irrigation Maps</b>	Searched – Not applicable.
<b>Mining Maps</b>	Searched – Not applicable.
<b>If Road</b> a) <b>Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989</b>  b) <b>By Proc</b>	a) <b>SO Plan 11026</b> denoted Roads coloured burnt sienna are legal by Section 110A of the Public Works Act 1928 and as shown on Topo Plans 8G, 23G and 32G.  b) Proc Plan Not applicable.  c) Gazette Ref Not applicable.
<b>Other relevant information</b> a) <b>Concessions – Advice from DOC or Knight Frank.</b>  b) <b>Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998</b>  c) <b>Mineral Ownership</b>  d) <b>Other Info</b>	a) No current DOC concessions exist within the lease boundaries. The only DOC interests are in the Marginal Strips yet to be defined.  Knight Frank administers a recreation permit to Alpine Guides (Aoraki) Limited over Upper Lake Heron and Glenfalloch for a term of 10 years from 01/01 2001 (expires 31/12/2010) at the base rental of \$1000 plus 2.5%of gross revenue.  b) Searched. Not applicable.  c) 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 Deed of Purchase.  d) Not applicable.