

Crown Pastoral Land Tenure Review

Lease name : GLENFELLAN

Lease number : PS 038

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.

November 04

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

GLENFALLAN STATION PASTORAL LEASE

File Ref: CON/50269/09/12656/A-ZNO	Report No: DN0169	Report Date: 20/06/2002
Office of Agent: Dunedin	LINZ Case No:	Date sent to LINZ: 24/06/2002

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;
 - The July 2002 rental review values have yet to be determined by the Land Valuation Tribunal.
 - There is a major variation between the formed Nevis Road and its legal alignment.

Signed by Opus:

M Brown
Property Consultant

D Payton
Contract Manager

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

Name:
Date of decision: / /

1. Details of lease:

Lease Name: Glenfellan Station
Location: On the Garston - Nevis Road approximately 5 kilometres northeast of Garston, 30 kilometres north of Lumsden and 130 kilometres north of Invercargill.
Lessee: DR & DN McMillan
Tenure: Crown Land under the Land Act 1948 subject to Pastoral Lease under the Land Act 1948 Ps038
Term: 33 years from 1 July 1991
Annual Rent: \$1,050
Rental Value: \$70,000.00
Date of Next Review: 1 July 2002 - This review is currently with the Land Valuation Tribunal in order to set the rental value for the next review period
Land Registry Folio Ref: SL 201/55 (Southland Land Registry)
Legal Description: Run 323C situated in Kingston Survey District
Area: 1563.3006 hectares

2. File Search

Files held by DTZ New Zealand Limited on behalf of LINZ:

File Reference	Volume	From	To
CON/50213/09/12656/A-ZNO	1	1/07/2000	Date
Ps/038-SIN-02	2	16/07/1985	30/06/2000

Files held by Opus International Consultants Limited on behalf of LINZ:

File Reference	Volume	From	To
CON/50269/09/12656/A-ZNO	1	14/02/2002	Date

Other relevant files held by LINZ:

File Reference	Volume	From	To
Ps/038-SIN-01	1	18/06/1947	22/06/1984

3. Summary of lease document:

Terms of lease

Stock Limitation in Lease

880 wethers year round or 1155 wethers for the six summer months of the year.

Commencement Date

1 July 1991

Special Provisions

There are no special provisions in the lease.

Area adjustments

There are no registered or unregistered area discrepancies.

Registered interests

- 146008.2 Mortgage to The Rural Bank Limited – 3.11.1987
- 205941.1 Variation or Mortgage 146008.2 – 9.2.1993
- 205941.2 Variation of the within Lease renewing the term and increasing the annual rental to \$1050 and the rental value to \$70,000 – 9.2.1993
- 272413.1 Mortgage to Rabobank New Zealand Limited

Unregistered interests

There are no known unregistered interests in the lease.

4. Summarise any Government programmes approved for the lease:

There are no Government Programmes approved for the lease.

5. Summary of Land Status Report:

Opus International Consultants Limited undertook a Land Status Check on 17 June 2002. This check confirms the status of the land as Crown Land under the Land Act 1948, subject to Pastoral Lease Ps038.

The following item was noted for information:

- On renewal of the lease in 1991 a field inspection was undertaken within this pastoral lease to investigate if rivers or streams could be subject to section 24 of the Conservation Act 1987. The inspection revealed that no marginal strips were required. The Crown Land reserved from sale created under section 58 of the Land Act 1948 along the Nokomai River is on an adjacent property. The eastern boundary follows the true right bank of the Nokomai River.

A copy of the Land Status Report is attached as Schedule A to this report.

6. Review of topographical and cadastral data:

A review of the topographical and cadastral information reveals the following:

- There are a number of disused water races throughout the property.
- There is a hut at about NZMG F43 774196.
- There is a major discrepancy between the formed Nevis Road and its legal alignment.

7. Details of any neighbouring Crown or conservation land

Neighbouring Crown or Conservation Lands are detailed as follows:

	Legal Description	Status	Owner/Lessee
North	Part Run 323B	Pastoral Lease - Lorne Peak	Her Majesty the Queen/ PE & JF Tayler
	Run 625	Pastoral Lease - Nokomai Station	Her Majesty the Queen/ BL & MA Hore
West	Crown Land Block VIII Nokomai Survey District	Marginal Strip	Minister of Conservation

There is no indication that any of these parcels should be included in the tenure review.

8. Summarise any uncompleted actions or potential liabilities:

- The July 2002 rental review values have yet to be determined by the Land Valuation Tribunal.
- There is a major variation between the formed Nevis Road and its legal alignment.

Schedule A – Land Status Report

**OPUS INTERNATIONAL CONSULTANTS LIMITED
DUNEDIN OFFICE**

Project Number 6NLITR.02/516YD



This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50269 dated September 2001 and is undertaken for the purposes of Tenure Review in terms the Crown Pastoral Land Act 1998.


LAND STATUS REPORT for Glenfellan		LIPS Ref 12656
Property	1	of 1

Land District	Southland
Legal Description	Run 323C situated in Kingston Survey District.
Area	1563.3006 ha
Status	Crown Land under the Land Act 1948 subject to Pastoral Lease Ps.38
Instrument of title / lease	SL201/55
Encumbrances	There are no encumbrances
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 and Crown Pastoral Land Act 1998

Data Correct as at	17 June 2002
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I John Stephen Kirk, Property Consultant, Opus International Consultants Limited certify at the above status is in order for approval.

In giving this certification I undertake that the status report has been completed in compliance with all relevant policy instructions and in particular OSG Standard 1999/05 and the Regulatory Chiefs' Land Status Investigations Guidelines 1999/01.

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

Peer reviewed by G Patrick

17/ 6 /2002

LAND STATUS REPORT for Glenfellan			LIPS Ref 12656
Property	1	of	1

<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">On renewal of this lease on 1 July 1991 a field inspection was undertaken within this pastoral lease to investigation if rivers or streams could be subject to Section 24 of the Conservation Act 1987. The inspection revealed that no marginal strips were required. The Crown Land reserved from sale created under section 58 of the Land Act 1948 along Nokamai River is on an adjacent property. The eastern boundary follows the true right bank of the Nokamai River.
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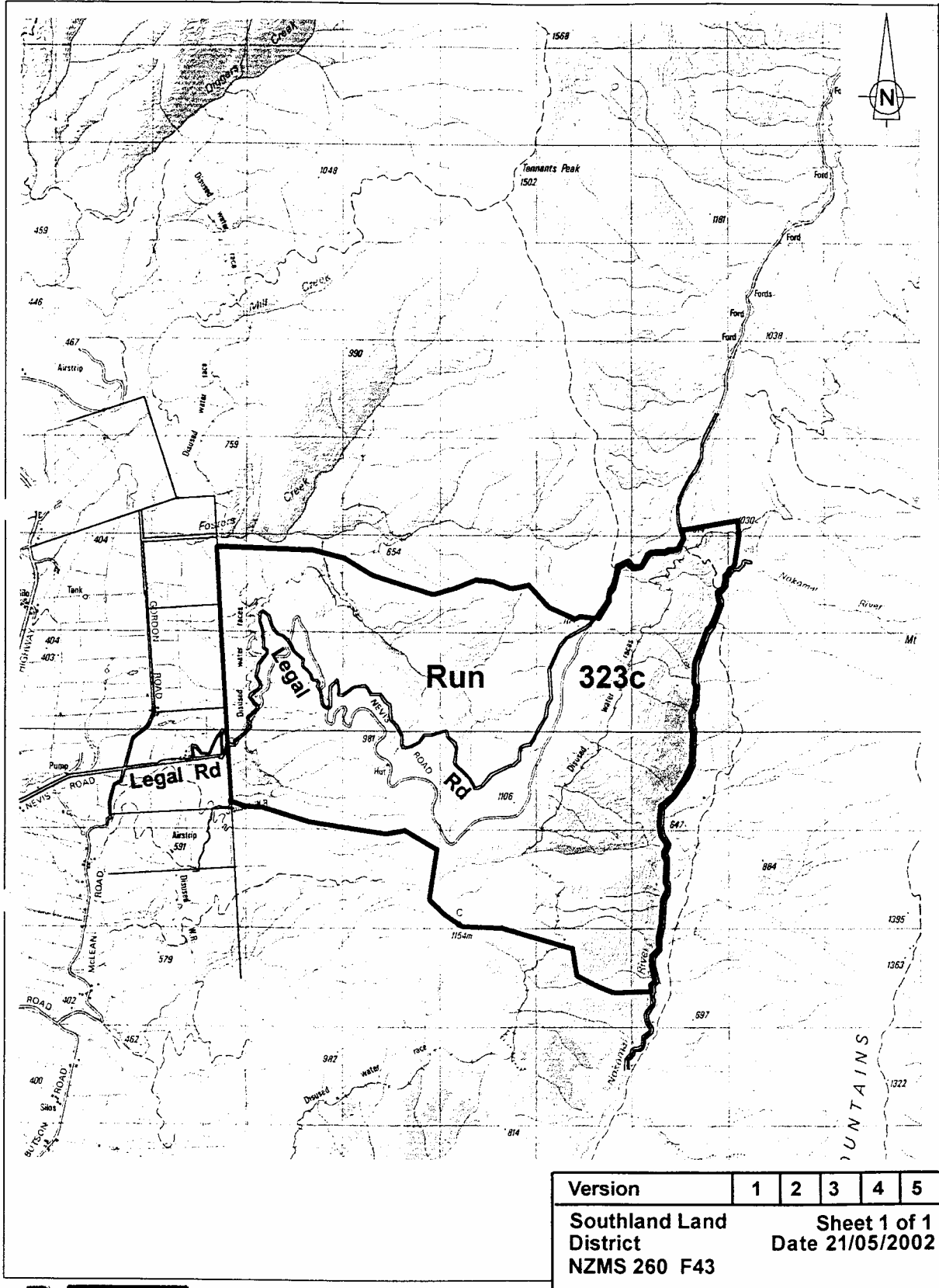
LAND STATUS REPORT for Glenfellan			LIPS Ref 12656
Property	1	of	1

Research Data: *Some Items may be not applicable*

SDI Print Obtained	Yes
NZMS 261 Ref	F43
Local Authority	Southland District
Crown Acquisition Map	Kemp Purchase
SO Plan	SO 1271, 1279, 2336 plans of Topographical data SO 1272, 1285, 4725 plans of Triangulation data SO 4720- Plan of parts Runs 354B, 323A & 323B Kingston Survey District [August 1922] (adjoining runs) SO 4721- Plan of part Run 323B & Run 323C situated in Blocks II, III, IV, VI, & VIII Kingston Survey District [September 1922] SO 5507- Plan of land taken for road & road to be closed through Runs 323A & 323B Blocks I, II, IV & V Kingston Survey District [April 1939] (effects adjoining runs) SO 11177- F43 - Plan of allocations to the Department of Conservation pursuant to Section 62 of the Conservation Act 1987. [April 1987]
Relevant Gazette Notices and / or Computer interest register.	Nothing relevant found
CT Ref / Lease Ref	Current pastoral lease - SL 201/55 Historic Interest, licence to occupy National Endowment lands for pastoral purposes- SL 167/86
Plan Index	Run 323C SO's 4721 and 5507
Legalisation Cards	No cards found
Statutory Actions (Landonline)	SO 4725 – no statutory actions recorded for Run 323C
CLR	Confirms pastoral status
Allocation Maps (if applicable)	LIPS maps, DOC allocations & Other SOE.s- searched nothing found
VNZ Ref - if known	29300 33700
Crown Grant Maps	Not applicable
If Subject land Marginal Strip:	a) No marginal strips found

LAND STATUS REPORT for Glenfellan			LIPS Ref 12656
Property	1	of	1

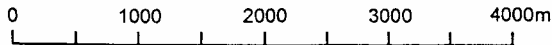
<p>a) Type [Sec 24(9) or Sec 58]</p> <p>b) Date Created</p> <p>c) Plan Reference</p>	<p>b)</p> <p>c)</p>
If Crown land – Check Irrigation Maps.	Not applicable no maps found
Planning Maps	Searched no reference found
<p>If Road</p> <p>a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989</p> <p>b) By Proc</p>	<p>a) SO Plan Not applicable</p> <p>b) Proc Plan</p> <p>c) Gazette Ref</p>
<p>Other Relevant Information</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) The Department of Conservation has been consulted and no Conservation area status land has been identified within the boundary of this property.[Marginal strip Conservation area F4300013 is adjacent to this area]</p> <p>b) Nothing found</p> <p>c) Either</p> <p><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</p> <p>d)</p>



Version	1	2	3	4	5
Southland Land District			Sheet 1 of 1		
NZMS 260 F43			Date 21/05/2002		



Glenfellan
Scale 1 : 50000



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