

Crown Pastoral Land Tenure Review

Lease name : Maitaura Valley

Lease number : Ps 090

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 July 2003

DUE DILIGENCE REPORT
CPL PRE TENURE REVIEW ASSESSMENT STANDARD 6:

**RELEASED UNDER THE
OFFICIAL INFORMATION ACT**

File Ref:	Ps090	Report No:	AT0133	Report Date:	27 June 2000
Office of Agent:	Alexandra	LINZ Case No:		Date sent to LINZ:	28/6/00

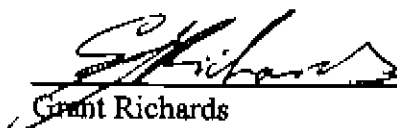
RECOMMENDATIONS:

- (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 Contracts

Various folios within Volume III refer to a proposed easement or agreement in favour of the Crown over Fairlight Station to provide for access to the airstrip and infrastructure situated on Fairlight Station prior to the Crown purchasing Part of Run 585 for addition to Cainard Farm Settlement in 1980. The last time this matter was discussed was on Folio 456 dated 1 September 1986. The need for the access and use agreement is dependant upon the continued need of the current lessee.

History associated with the subdivision and freeholding of land now identified as Part Run 585 records the Crowns intention to grant an easement over Cainard Farm Settlement to allow for access to Part Run 585. Correspondence on file records that the proposed road was to be dedicated to the Lake County Council. Land Status Report Sheet 2 of 3 shows a road north of the Mataura River to a point where the topographical map now identifies a bridge over the Mataura River. The road line in use is not within Part Run 585 and it is not identified as legal road in the Land Status Report. The bridge is not shown on Sheet 2 of 3 of the Land Status Report. The status of legal access to Part Run 585 requires clarification.

Signed for Knight Frank (NZ) Limited


Grant Richards


Manager

Approved/Declined by:

Name:
Date of decision: / /

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(1) *Details of lease:*

Lease Name: Mataura Valley Station
Location: Southland
Lessee: C J Parker
Tenure: Pastoral Lease
Term: 33 years from 1 July 1994
Annual Rent: \$5,850
Rental Value: \$390,000
Date of Next Review: 1 July 2005
Land Registry Folio Ref: 6C/383 (*Southland Registry*)
Legal Description: Part Run 585, Blocks XI, XIX, XXI, XXII, XXIII, XXV and XXVI Eyre Survey District and Section 1 SO 12009
Area: 7851 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>
Ps090	I	212	4/2/1963	291	12/9/1980
	II	291B	6/8/1980	382	16/6/1982
	III	383	14/6/1982	474	18/6/1990
	IV	1	30/8/1990	93	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/04/12/126642CH		1	8/8/1997	8	27/10/1997
5200 D15 M02 DCH		16/3/1992	16/3/1992	8/9/1995	8/9/1995

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Relevant Folios:

The pastoral lease was acquired by the current holder, C J Parker, in 1991 from J A, D F, O R and C J Parker who had interests in the lease since 1989. The lease was previously held by P G & M R Risk and E O Sullivan who leased the property since 1983. PL 090 was previously held under CT 235/58, being Run 585. CT 6C/383 is dated from 1981. A Pastoral licence to occupy was issued 1 March 1932 in lieu of PHL 346 and 347.

The current lease was previously known as (*part*) Fairlight Station, originally surveyed in 1872.

Prior to issue of the current lease the land area now comprising Ps090 was contained within Run 585, file reference Ps080. Subdivision of Run 585 and subsequent reclassification of the balance of the run resulted in the issue of lease 6C/383 held on file Ps090.

PL 090 was renewed for a further term of 33 years from 1 July 1994.

Files associated with the previous lease, Ps080, have not been searched on the basis that all matters pertaining to the lease should have been correct at the time of subdivision of Run 585, Fairlight Station, in 1981. Refer to Volume II, Folio 339.

Volume II, Folio 318, 319 and 323 consider reclassification and access to what is now Part Run 585. Folio 323 dated 16 March 1981 records the Crown being prepared to grant an access easement over approximately 2 km of existing track through Cainard Farm Settlement from the termination of the legal road to a suitable river crossing subject to four conditions. Folio 339 dated 3 July 1981 records the decision of the Land Settlement Board, Case No 81/185 whereby roading and bridge access associated with access to the part run is to be to County standards arranged and financed by Messrs McPherson Bros. Folio 353 dated 3 September 1981 records that the Lake County Council has agreed to accept dedication of the new road following construction to council standards. Access to Part Run 585 is via this road extension, there is no record of the land, upon which the road line is located being transferred, leased or sold to the county. Processes associated with "dedication" are not clear but it is noted that an easement over Crown land making provision for access was to be created. There is no record on 6C/383 of any right of access being reserved.

Volume III, Folio 409a dated 25 August 1983 is a copy of Certificate of Title 111/99 in respect of freehold Sections 46 and 47 Block XXV Eyre Survey District located within Part Run 585. Please refer to Land Status Report 2 of 2 dealing with these sections.

Volume III Folio 439 dated 31 July 1985 is a 12 month agreement between the lessee of Ps090 and the Crown (*Cainard Farm Settlement*) recording the lessees proposed use of the airstrip, super bin, shearers quarters, woolshed, dip and sheep yards. This matter is further referred to in Folio 455 - dated 16 June 1986, being letter from the CCL to the lessee recording the agreement for the use of Cainard infrastructure expires 30 June 1986. CCL notes the lessee now has his own woolshed and that further agreement is required for ongoing use and rental payment for the further use of any facilities. A hand written note on Folio 455 records a discussion with the lessee dated 14 August 1986 recording that it is preferable to have the matter confirmed in another letter, Folio 456 dated 1 September 1986. Folio 452B is a letter from Landcorp advising an approval of transfer to new lessees. This matter is raised in Land Status Report 1 of 2.

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Volume III, Folio 454a records the access to Run 584 (area 1303 ha) held by the lessee of Ps090 under pastoral occupation licence until 1982 as being through Maitara Valley via 4WD track.

(3) Summary of lease document:

Terms of lease:

Lease Stock Limits

4500 sheep and 150 cattle.

Commencement Date

1 July 1994

Differences Between Registered Title and Lease File Records

Nil

Area adjustments:

230045.3 Certificate of alteration dated 11 April 1995 incorporating Section 1 SO 12009 (626 ha) into the lease is recorded on 6C/383.

Registered interests:

180318 Land Improvement Agreement under the Soil Conservation and Rivers Control Amendment Act 1959, nil effect on land tenure review.

230045.2 Variation of within lease for term of 33 years commencing on 1 July 1994 and altering the annual rent and rental value dated 11 April 1995.

Unregistered interests:

Encumbrance or Interest:

Prior to subdivision, Run 585 was subject to an agreement, being a right of access, to the airstrip and infrastructure situated on Fairlight Station. It is unclear if this agreement is still required.

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

180318 Land Improvement Agreement under the Soil Conservation and Rivers Control Amendment Act 1959 Wind Break and Tree Planting Plan No 775, for a term to 2020 or until such sooner time as may be agreed between the parties.

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(5) Summary of Land Status Report:

A Land Status Report approved by an approved person is attached. We note that the Land Status Report contains reports for two properties. Report 1 of 2 in relation to Part Run 585. Land Status Report 2 of 2 deals with freehold sections 46 and 47 Block XXV Eyre Survey District contained within Part Run 585. A copy of the relevant Certificate of Title 111/99 dated 25 August 1983 is held on file, reference Volume III, Folio 409a.

The Land Status Report confirmed the pastoral status.

(6) Review of topographical and Cadastral data:

The boundaries of Part Run 585 are shown on the topographical plan accompanying the Land Status Report as being fenced in places, otherwise bounding the Maitaura River (and associated marginal strip) and marginal strips within Pig Creek and Thompson Creek catchments, and generally following leading ridges and spurs.

There are no known historic sites identified within Part Run 585. The following schedules of the Southland District Plan have been searched;

Section 6.8 Archaeological sites.

Section 6.9 Registered historic buildings places and sites.

Section 6.10 Local h significance (unregistered).

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

The lease adjoins the Eyre Mountains Conservation Area to the northwest. No other Crown land or conservation reserves are known to exist.

(8) Summarise any uncompleted actions or potential liabilities:

Various folios within Volume III refer to a proposed easement or agreement in favour of the Crown over Fairlight Station to provide for access to the airstrip and infrastructure situated on Fairlight Station prior to the Crown purchasing Part of Run 585 for addition to Cainard Farm Settlement in 1980. The last time this matter was discussed was on Folio 456 dated 1 September 1986. The need for the access and use agreement is dependent upon the continued need of the current lessee.

History associated with the subdivision and freeholding of land now identified as Part Run 585 records the Crown's intention to grant an easement over Cainard Farm Settlement to allow for access to Part Run 585. Correspondence on file records that the proposed road was to be dedicated to the Lake County Council. Land Status Report Sheet 2 of 3 shows a road north of the Maitaura River to a point where the topographical map now identifies a bridge over the Maitaura River. The road line in use is not within Part Run 585 and it is not identified as legal road in the Land Status Report. The bridge is not shown on Sheet 2 of 3 of the Land Status Report. The status of legal access to Part Run 585 requires clarification.

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SCHEDULES:

- (a) Land Status Report
- (b) Lease Document

**OPUS INTERNATIONAL CONSULTANTS LIMITED
DUNEDIN OFFICE**

Project Number 6NLI11 01 016YD

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OPUS

INTERNATIONAL
CONSULTANTS

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.

LAND STATUS REPORT for Mataura		LIPS Ref 12664
Property	1	of 2

Land District	Southland
Legal Description	Part Run 585 situated in Blocks XI, XIX, XXI, XXII, XXIII, XXV and XXVI Eyre SD and Section 1 SO 12009.
Area	7851 ha
Status	Crown Land under the Land Act 1948 subject to Pastoral Lease P 90.
Instrument of title / lease	CL 6C/383
Encumbrances	Subject to Agreement under Water and Soil Conservation and Rivers Control Amendment Act 1959 registered as 180318.1
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 Murihiku Purchase of 1853.
Statutes	Land Act 1948 and Crown Pastoral Land Act 1998.

Data Correct as at	24 November 1999
[Certification Attached]	

Prepared by	G Patrick
Crown Accredited Agent	Opus International Consultants Ltd, Dunedin

Certified - correct as to status

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

LAND STATUS REPORT for Mataura			LIPS Ref 12664
Property	1	of	2

under the Land Act 1948 subject to Pastoral Lease registered as 6C/383.

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W. Blaikie

Dep.
Chief Surveyor
Land Information New Zealand, Invercargill.
103/12/1999

<p>Notes : This information does not affect the status of the land but was identified as possibly requiring further investigation the due diligence stage : See Crown Pastoral Standard 6 paragraph 6.</p>	<p>It is noted that there is a variation in the southeastern boundary between the survey plan for the lease and survey plans [SO's 10836 & 11128]. Terraview shows the boundary of Mataura Station based on these plans but this is not supported by legal documentation ie a Certificate under Section 113 Land Act 1948. The Mataura Lease occupies land that was formerly part of Run 629 and at the southern and parts of Section 217 contain land that is within the lease.</p> <p>Folio 456 of 1 September 1986 - Use of Airstrip Super Bin and Shearers Quarters on adjoining property still required. See Agreement dated 31 July 1985.</p>
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W.B.
Q.B.

LAND STATUS REPORT for Mataura

LIPS Ref 12664

Property 1 of 2

 Research Data: Some Items may be not applicable
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SDI Print Obtained	Yes/No
NZMS 261 Ref	E43
Local Authority	Southland District Council
Crown Acquisition Map	Murihiku
SO Plan	SO 8291 approved May 1972 being a plan of Runs 584 and 585 SO 10155 approved [for leasing purposes] January 1982 being a plan of Part Run 585. SO 12009 approved [for leasing purposes] February 1994 being a plan of Section 1. SO 10836 approved March 1990 being a plan of Sections 206 and 217. SO 11128 approved September 1993 being a plan of Sections 219.
Relevant Gazette Notices & Documents	<ol style="list-style-type: none"> Memorandum of Renewal registered as 230045.2 Agreement under Water and Soil Conservation and Rivers Control Amendment Act 1959 registered as 180381.1 Certificate of Incorporation registered as 230045.3
CT Ref / Lease Ref	<ol style="list-style-type: none"> 6C/383 [live] 235/58 [cancelled] 167/75 [Pastoral Licence to Occupy issued 1/3/1932 - Notes issued in lieu of PHL's 346 & 377].
Plan Index	Attached
Legalisation Cards	SO 12009 attached.
CLR	Confirms Pastoral status.
Allocation Maps (if applicable)	DOC & SOE maps - no allocations within lease area.
VNZ Ref - if known	29280/40800 & 40801
Crown Grant Maps	Not searched.
If Subject land Marginal Strip :	
a) Type [Sec 24(9) or Sec 58]	a) i) Sec 24(3) ii) Sec 24(9)
b) Date Created	b) i) 1/7/1961 ii) 9/8/1994
c) Plan Reference	c) i) SO 8291 ii) SO 12009

If Crown Land – Check Irrigation Maps.	Not searched. No instruments registered on lease.
Mining Maps	Not searched. No instruments registered on lease.
If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989 b) By Proc	a) SO Plan – Not applicable. b) Proc Plan 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) No information found on file. b) The Mataura River is subject to a Deed of Recognition dated 22 October 1998. c) Either <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 Murihiku Purchase of 1853 <input type="checkbox"/> Contained in [provide evidence]. d)

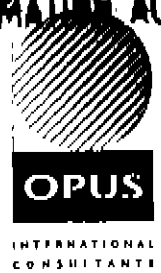
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**OPUS INTERNATIONAL CONSULTANTS LIMITED
DUNEDIN OFFICE**

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Project Number 6NLI11 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.



LAND STATUS REPORT for Maitaura			LIPS Ref
Property	2	of	2
			Freehold

Land District	Southland
Legal Description	Sections 46 and 47 Block XXV Eyre SD
Area	23.9574 ha
Status	Freehold under the Land Transfer Act 1952.
Instrument of title / lease	CT 111/99
Encumbrances	No registered encumbrances.
Mineral Ownership	Ownership not examined. However it is likely that the minerals run with the title. The first title to the land was issued on 29 November 1875 [CT 5/212]. The statutory authority is unknown but few if any of the early Acts retained minerals in Crown ownership. <i>QB</i>
Statutes	Land Transfer Act 1952

Data Correct as at	24 November 1999
Verification Attached	

Prepared by	G Patrick
Crown Accredited Agent	Opus International Consultants Ltd, Dunedin

Certified - correct 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 freehold land contained in CT 111/99

G. Patrick

Dep
Chief Surveyor
Land Information New Zealand, Invercargill.

1 03/12/1999

LAND STATUS REPORT for Mataura

LIPS Ref 12664

Property 1 of 2

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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.

Not applicable.

LAND STATUS REPORT for Mataura			LIPS Ref 12664
Property	1	of	2

Research Data: Some Items may be not applicable

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SDI Print Obtained	Yes / No
NZMS 261 Ref	E43
Local Authority	Southland District Council
Crown Acquisition Map	Murihiku
SO Plan	SO 865 of 1871 being a plan of Sections 46 & 47
Relevant Gazette Notices & Documents	
CT Ref / Lease Ref	CT 111/99 [live] CT 5/212 [cancelled - by Land Title Link]
Plan Index	Attached
Legalisation Cards	
CLR	Confirms Pastoral status.
Allocation Maps (if applicable)	
VNZ Ref - if known	
Crown Grant Maps	Not searched.
If Subject land Marginal Strip : a) Type [Sec 24(9) or Sec 58]	a) Not applicable
b) Date Created	b)
c) Plan Reference	c)

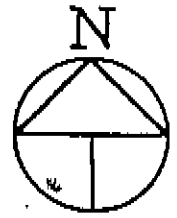
LAND STATUS REPORT for Mataura

LIPS Ref 12664

Property 1 of 2

Research - continued

If Crown land - Check Irrigation Maps.	Not searched. <p style="text-align: right;">RELEASED UNDER THE OFFICIAL INFORMATION ACT</p>
Mining Maps	Not searched.
If Road a) Is it created on a Block Plan - Section 43(1)(d) Transit NZ Act 1989 b) By Proc	a) SO Plan - Not applicable. b) Proc Plan 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) Not applicable b) Not applicable c) Either <input checked="" type="checkbox"/> Mines and Minerals not searched <input type="checkbox"/> Contained in [provide evidence]. d)



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Pt Run 585

Sec 46
Eyre SD

Sec 47
Eyre SD

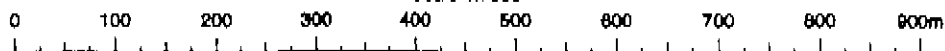
LEGAL ROAD

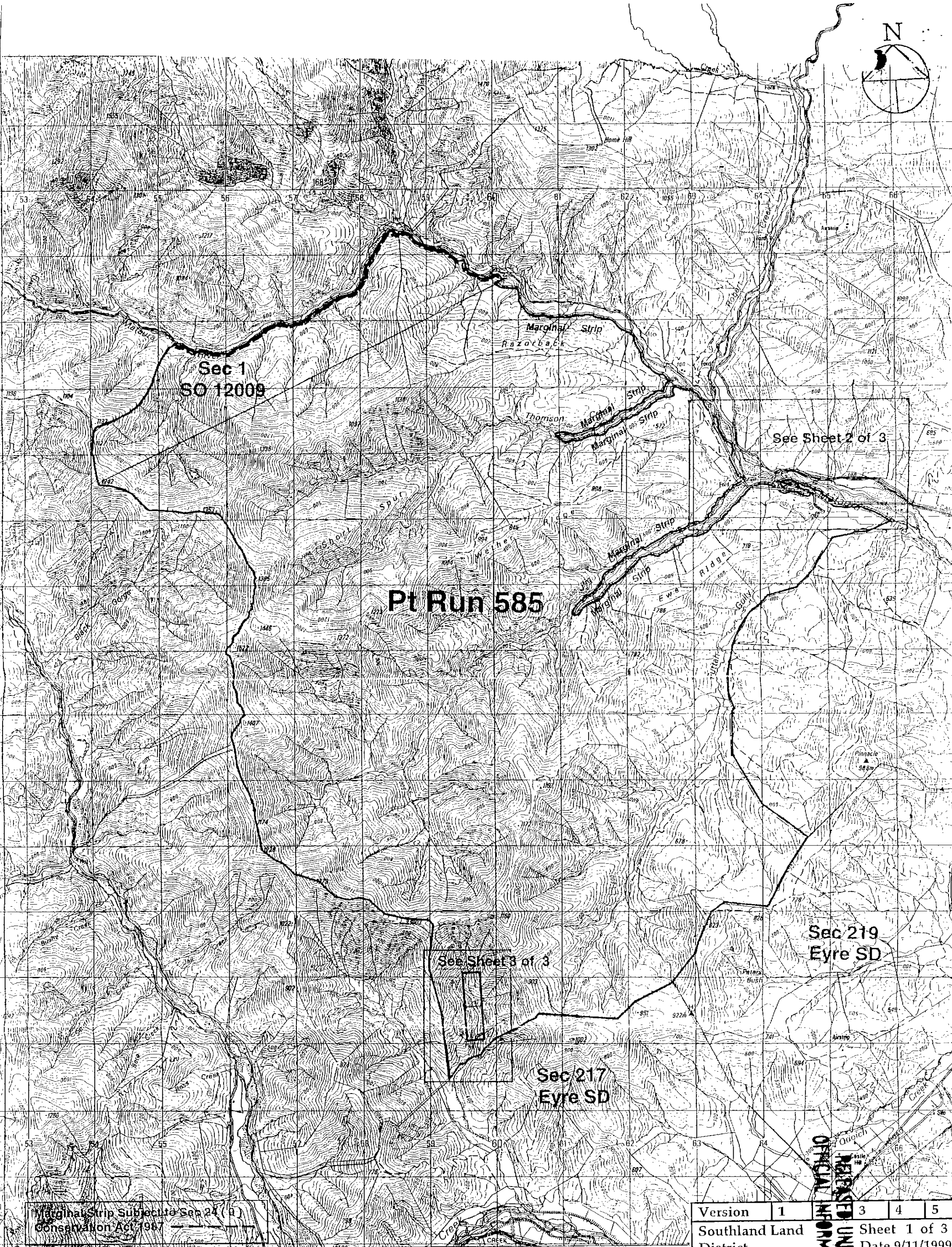
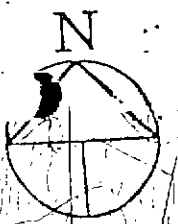
Sec 217
Eyre SD

Version	1	2	3	4	5
Southland Land District	Sheet 3 of 3				
NZMS 260 E43	Date 9/11/1999				

Mataura Valley

Scale 1:7500





Pt Run 585

**Sec 1
SO 12009**

See Sheet 2 of 3

See Sheet 3 of 3

**Sec 219
Eyre SD**

**Sec 217
Eyre SD**

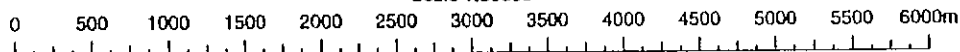
Marginal Strip Subject to Sec 24 (1)
Conservation Act 1987

Version	1	3	4	5
Southland Land District				
NZMS 260 E43				

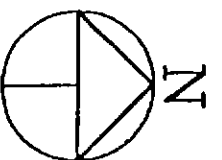
Sheet 1 of 3
Date 9/11/1999

Matura Valley

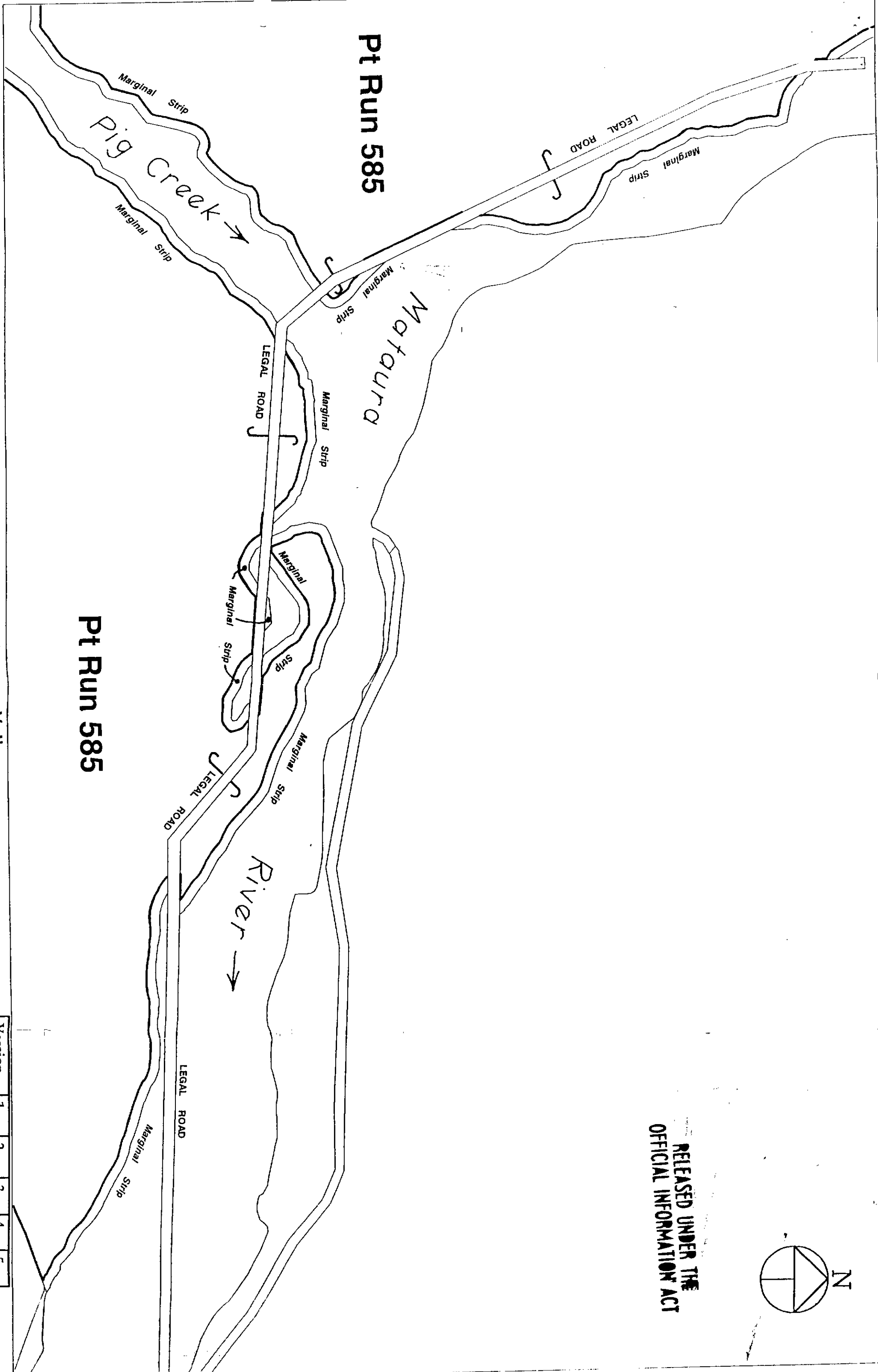
Scale 1:50000



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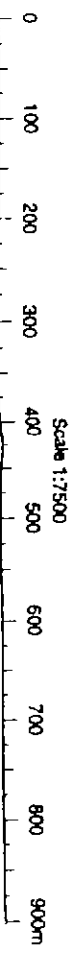


Pt Run 585

Pt Run 585

Matura Valley

Scale 1:7500



Version	1	2	3	4	5
Southland Land District	NZMS 260 E43				
Sheet 2 of 3	Date 9/11/1999				

TERRALINK NZ LTD (Terraviva) - OCOB Data as at 1.10.1997 Title & Valuation data as at 1.10.1999 Geographic data as at 1.1.10.97.
Cadastral Information from LINZ Digital Cadastral Database (DCDB). CROWN COPYRIGHT RESERVED.



COMPUTER INTEREST REGISTER
UNDER LAND TRANSFER ACT 1952



Search Copy

R. W. Muir
Registrar-General
of Land

Identifier **SL6C/383**
Land Registration District **Southland**
Date Registered 08 April 1982 09:13 am

Prior References
SL235/58

Type	Lease under s83 Land Act 1948	
Area	7851.0000 hectares more or less	Term 33 years commencing on the 1st day of July 1961 and renewed for a further term of 33 years commencing on 1.7.1994

Legal Description Part Run 585 and Section 1 Survey Office
Plan 12009

Proprietors

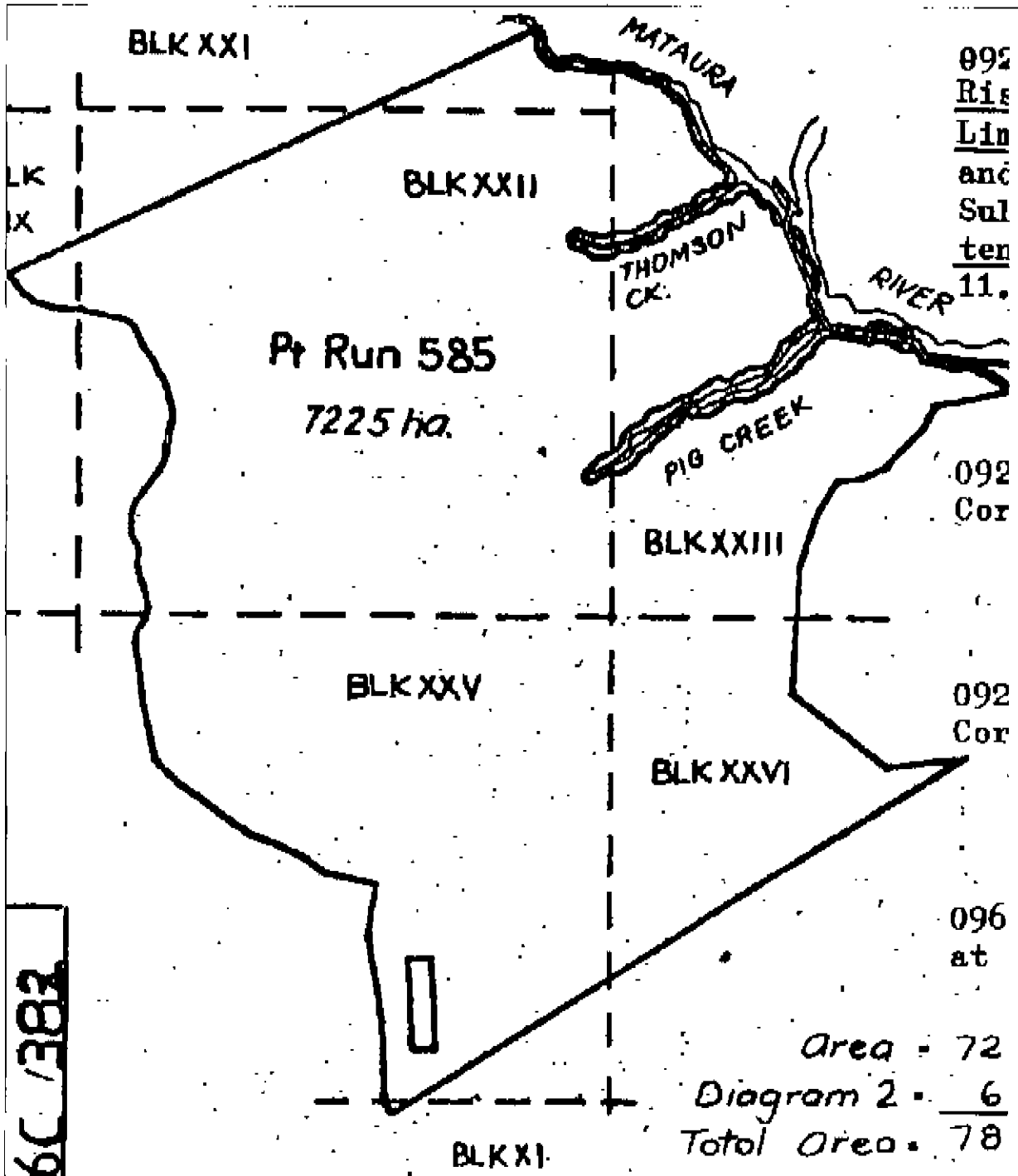
Christopher John Parker as to a 1/3 share
David Francis Parker as to a 1/3 share
Olive Robyn Parker as to a 1/3 share

Interests

180318.1 Land Improvement Agreement under the Soil Conservation and Rivers Control Amendment Act 1959 - 11.10.1990 at 10.31 am
191665.6 Mortgage to The National Bank of New Zealand Limited - 22.10.1991 at 11.27 am
230045.2 Renewal of Crown Lease for a further term of 33 years commencing on 1.7.1994 and altering the annual rent and rental value - 11.4.1995 at 11.05 am

Identifier

SL6C/383





**COMPUTER INTEREST REGISTER
UNDER LAND TRANSFER ACT 1952**



Historical Search Copy

R. W. Muir
Registrar-General
of Land

Identifier SL6C/383
Land Registration District Southland
Date Registered 08 April 1982 09:13 am

Prior References
SL235/58

Type	Lease under s83 Land Act 1948		
Area	7851.0000 hectares more or less	Term	33 years commencing on the 1st day of July 1961 and renewed for a further term of 33 years commencing on 1.7.1994

Legal Description Part Run 585 and Section 1 Survey Office
Plan 12009

Original Proprietors
Christopher John Parker

Interests

180318.1 Land Improvement Agreement under the Soil Conservation and Rivers Control Amendment Act 1959 - 11.10.1990 at 10.31 am

191665.6 Mortgage to The National Bank of New Zealand Limited - 22.10.1991 at 11.27 am

230045.2 Renewal of Crown Lease for a further term of 33 years commencing on 1.7.1994 and altering the annual rent and rental value - 11.4.1995 at 11.05 am

5112764.1 Transfer to Christopher John Parker (1/3 share), David Francis Parker (1/3 share) and Olive Brown Parker (1/3 share) - 23.11.2001 at 9:00 am



COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952



Search Copy

R. W. Muir
Registrar-General
of Land

Identifier SL111/99
Land Registration District Southland
Date Issued 09 September 1919

Prior References
SL 81/79

Estate Fee Simple
Area 23.9574 hectares more or less
Legal Description Section 46-47 Block XXV Eyre Survey
District

Proprietors
Christopher John Parker as to a 1/3 share
David Francis Parker as to a 1/3 share
Olive Robyn Parker as to a 1/3 share

Interests
191665.6 Mortgage to The National Bank of New Zealand Limited - 22.10.1991 at 11.27 am

Identifier

SL111/99

~~REDACTED~~ UNDER THE
OFFICIAL INFORMATION ACT

