

Crown Pastoral Land Tenure Review

Lease name : MOUTERE

Lease number : PO 360

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.

August

07




DUE DILIGENCE REPORT
CPL PRE TENURE REVIEW ASSESSMENT STANDARD 6:
MOUTERE PASTORAL LEASE

File Ref: CON/50269/09/12600/A-ZNO Report No: DN0172 Report Date: 08/07/2002
Office of Agent: Dunedin LINZ Case No: *TRC 3/41* Date sent to LINZ: 10/07/2002

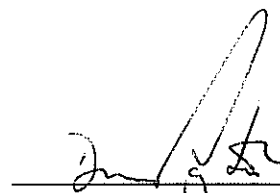
RECOMMENDATIONS

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 incomplete action;
 - File records indicate this property was progressing through an exchange of land interests under section 61 of the Land Act 1948, to protect areas identified during the Protected Natural Areas Programme. It appears that agreement was reached between the lessee and the Department of Conservation. A request for consent to the proposal was made to the Commissioner of Crown Lands in November 1991. No reply is noted on the file. A file note dated 29/9/1999 indicated that the process ran into complications, compounded by the death of the then station manager and shareholder in Moutere Station Limited.

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: GRANT KASPER WEBLEY
Date of decision: *12 / 7 / 02*

1. Details of lease:

Lease Name: Moutere
Location: Approximately 25 kilometres northeast of Alexandra on Moutere Disputed Spur Road.
Lessee: Moutere Station Limited
Tenure: Pastoral Lease under the Land Act 1948 - Po360
Term: 33 years from 1 January 1984
Annual Rent: \$3,825
Rental Value: \$170,000
Date of Next Review: 1 January 2006
Land Registry Folio Ref: OT 10C/1472
Legal Description: Run 817 situated in Blocks XIV and XV Wakefield Survey District and Block IV Leaning Rock Survey District
Area: 2360 hectares

2. File Search

Files held by DTZ New Zealand on behalf of LINZ:

File Reference	Volume	From	To
CON/50213/09/12600/A-ZNO	1	1/07/2000	Date
Po/360-SDN-04	4	8/07/1999	30/06/2000
Ps/360-SDN-03	3	14/06/1984	8/06/1999

Files held by Opus International Consultants Limited on behalf of LINZ

File Reference	Volume	From	To
CON/50269/09/12600/A-ZNO	1	14/02/2002	Date

Other relevant files held by LINZ:

File Reference	Volume	From	To
Po/360-SDN-02	2	9/07/1920	19/12/1960
PR1602-SDN	1	2/09/1914	23/06/1920

Note: while researching the above files, it is apparent that there is a gap in the record between files Po/360-SDN-02 and Po/360-SDN-03 of approximately 24 years.

3. Summary of lease document:**Terms of lease***Stock Limitation in Lease*

1500 sheep not including more than 800 breeding ewes

Commencement Date

1 January 1984

Special Provisions

This lease was issued subject to section 89 of the Land Act 1948 that imposed conditions and restrictions on the transfer of shares while the lessee was a company.

Area adjustments

There have been no adjustments to the area of the lease since its issue in 1984.

Registered interests

- 657095 Compensation Certificate pursuant to section 19 Public Works Act 1981 – 3.6.1986
- 769806 Renewal of Crown Lease renewing the term of the within lease for a further period of 33 years commencing on 1.1.1984 and fixing (for the first 11 years) the annual rent at \$2,625.00 calculated on a rental values of \$175,000.00 – 14.12.1990

Unregistered interests

There are no unregistered interests

4. Summarise any Government programmes approved for the lease:

There are no Government programmes approved for this lease.

5. Summary of Land Status Report:

Opus International Consultants Limited undertook a Land Status Check on 14 June 2002. This check confirms the status of the Land as Crown Land under the Land Act 1948 subject to Pastoral Lease Po360.

The following item was noted for information:

- Compensation Certificate 657095 dated 12 May 1986 notes the Crowns intention to sublease an area of 50m² for the purpose of installing, maintaining and using one seismograph recorder and transmitter. Nominal consideration. Access over Pastoral Lease and other land as per plan attached to comp cert.

A copy of this report is attached as Schedule A to this report.

6. Review of topographical and cadastral data:

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

- There are some discrepancies between the fenced and legal boundary along the northeastern and southwestern boundaries.
- There is a set of yards at about NZMG G41 275606.

7. Details of any neighbouring Crown or conservation land

Neighbouring Crown or Conservation Lands are detailed as follows:

	Legal Description	Status	Owner/Lessee
Southeast	Crown Land (Water Race) Block IV Leaning Rock Survey District	Crown Land	Her Majesty the Queen
	Crown Land (Tail Race) Block IV Leaning Rock Survey District	Crown Land	Her Majesty the Queen

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

8. Summarise any uncompleted actions or potential liabilities:

File records indicate this property was progressing through an exchange of land interests under section 61 of the Land Act 1948, to protect areas identified during the Protected Natural Areas Programme. A request for consent to the proposal was made to the Commissioner of Crown Lands in November 1991. No reply is noted on the file. A file note dated 29/9/1999 indicated that the process ran into complications, compounded by the death of the then station manager and shareholder in Moutere Station Limited. Copies of the relevant file records are attached as Schedule B to this report.

Schedule A - Land Status Report

RELEASED UNDER THE OFFICIAL INFORMATION ACT
OPUS INTERNATIONAL CONSULTANTS LIMITED
DUNEDIN OFFICE

Project Number 6NLITR.02/426YD

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 Moutere Station				LIPS Ref 12600
Property	1	of	1	

Land District	Otago
Legal Description	Run 817 situated in Blocks XIV and XV Wakefield Survey District and Block IV Leaning Rock Survey District.
Area	2360 ha
status	Crown Land under the Land Act 1948 subject to Pastoral Lease P. 345
Instrument of title / lease	OT 10C/1472.
Encumbrances	657095 Compensation Certificate pursuant to Section 19 Public Works Act 1981.
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 Kemp Purchase
Statute	Land Act 1948 and Crown Pastoral Land Act 1998
Data Correct as at	14 June 2002

Jarry Raymond Patrick, Property Consultant, Opus International Consultants Limited certify that 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	Garry Patrick
Crown Accredited Agent	Opus International Consultants Ltd, Dunedin

Peer reviewed by J Kirk

17/6/2002

LAND STATUS REPORT for Moutere Station				LIPS Ref 12600
Pro	y	1	of	1

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.

Administration files not available at time of completion of this status report.

Compensation Certificate 657095 dated 12 May 1986 notes the Crowns intention to sublease an area of 50m² for the purposes of installing, maintaining and using one seismograph recorder and transmitter. Nominal consideration. Access over Pastoral lease and other land as per plan attached to comp cert.

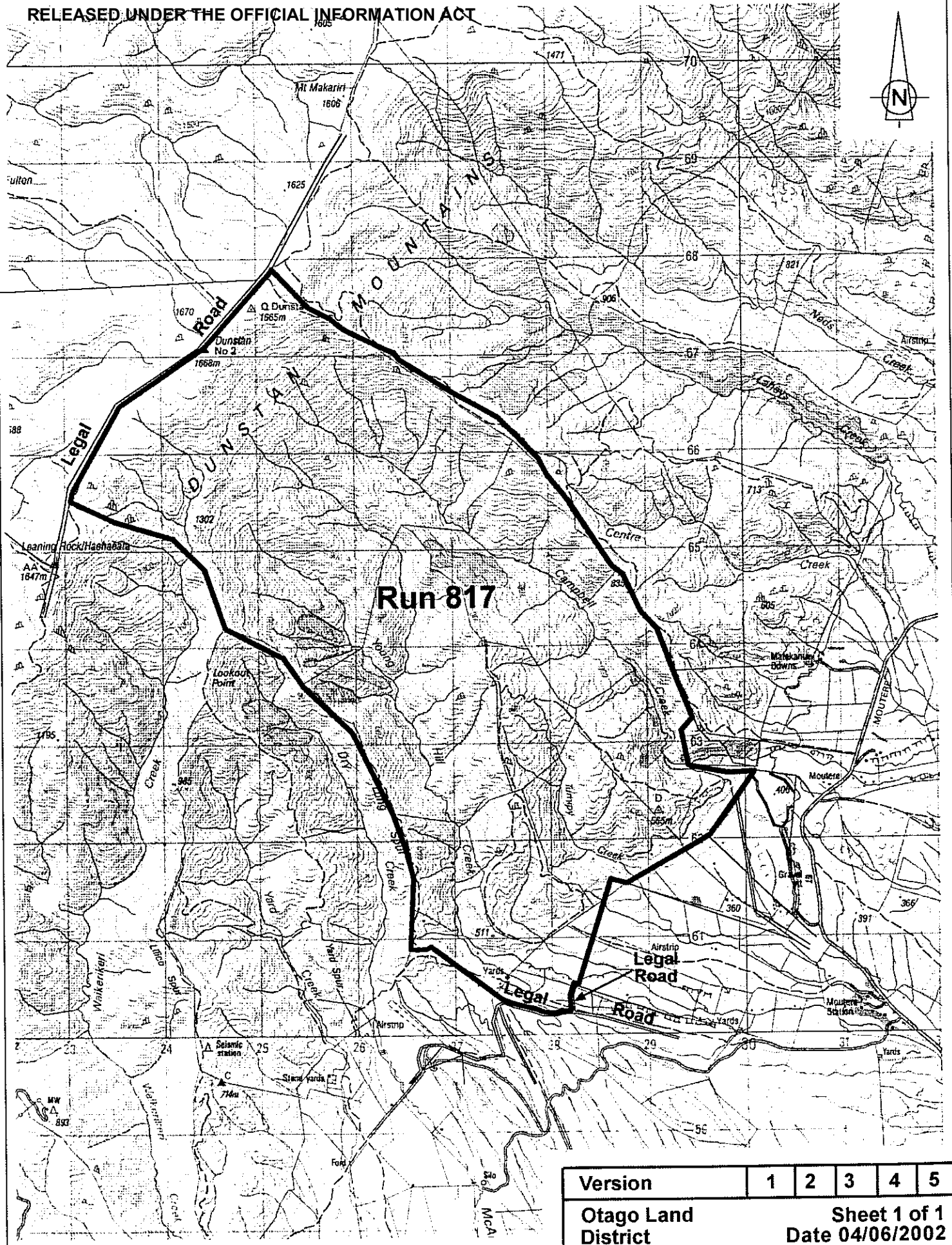
LAND STATUS REPORT for Moutere Station				LIPS Ref 12600
Pro	ty	1	of	1

Research Data: *Some Items may be not applicable*

SDI Print Obtained	Yes
NZMS 261 Ref	G 41
Local Authority	Central Otago District Council
Crown Acquisition Map	Kemp
SO Plan	SO 21318 of Nov 1985 being a compiled plan of plan of Run 817 [approved for Pastoral Lease Purposes only]. SO 1163 of January 1919 being a plan of Runs 589 and 590. Sighted but not relevant to status SO's 839 [Trig], 840 [Trig], 1985 [Trig] and 8893 [Record Purposes – topo]
Relevant Gazette Notices and / or Computer interest register.	None found.
CT Ref / Lease Ref	OT10C/1472 – Current lease. OT10C/1472 – Historical. CL OT338/13 – Original pastoral lease issued 1951. CL OT335/100 – Licence to Occupy Crown Land for Pastoral Purposes from 1/3/1920.
Plan Index	Notes SO21318 for Run 817.
Legalisation Cards	SO 21318 sighted but nothing noted for this plan.
Statutory Actions (Landonline)	None found.
CLR	Sighted. Confirms Pastoral Status.
Allocation Maps (if applicable)	G41 – SOE/Proposed SOE/DoC nothing found within or immediately adjoining the lease.
VNZ Ref - if known	28462/3600
Crown Grant Maps	Not sighted.
If Subject land Marginal Strip: a) Type [Sec 24(9) or Sec 58]	a) No strips noted on any plan.
b) Date Created	b)
c) Plan Reference	c)

LAND STATUS REPORT for Moutere Station				LIPS Ref 12600
Pro	ty	1	of	1

If Crown land – Check Irrigation Maps.	G41 – nothing affecting subject area.
Mining Maps	Shows PP 39050 issued to G M Chrisp. This however expired in Feb 1999.
<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>c) By Gazette</p>	<p>a) SO Plan N/A</p> <p>b) Proc Plan</p> <p>c) Gazette Ref</p>
<p>Other Relevant Information</p> <p>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) DoC has advised that there are no conservation lands within or adjoining the boundaries of the lease.</p> <p>b) No.</p> <p>c) Either</p> <p><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.</p> <p><input type="checkbox"/> Contained in [provide evidence].</p> <p>d)</p>



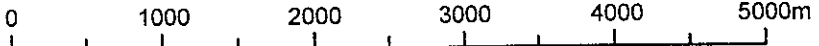
Run 817

Version	1	2	3	4	5
Otago Land District	Sheet 1 of 1				
NZMS 260 G.41	Date 04/06/2002				

Moulera Station

Scale 1 : 50000

Graphics by :
TL Survey Services Ltd DUNEDIN



*Schedule B - File records relating to the PNAP Tenure Review proposal under the
Land Act 1948*

Mike Tuohy (DOC) and I inspected the ppty with the l'ee 28/9/99. At the end of the day the l'ee asked some questions about Tenure Review.

Tony Jopp's understanding is that Moutere was well progressed through TR under the LA '48 but several complications occurred and then Robert died.

Tony wants to know if TR can be re-activated under the old system and can they hold/gain priority ranking on the list to get back to where they were. I said these are all matters for the CCL.

Tony rang 29/9/99 wanting me to tell him what was on file re: their TR and what was our estimation of how things would go from here. Said all file info can be sourced under OIA and that the CCL decides these things.

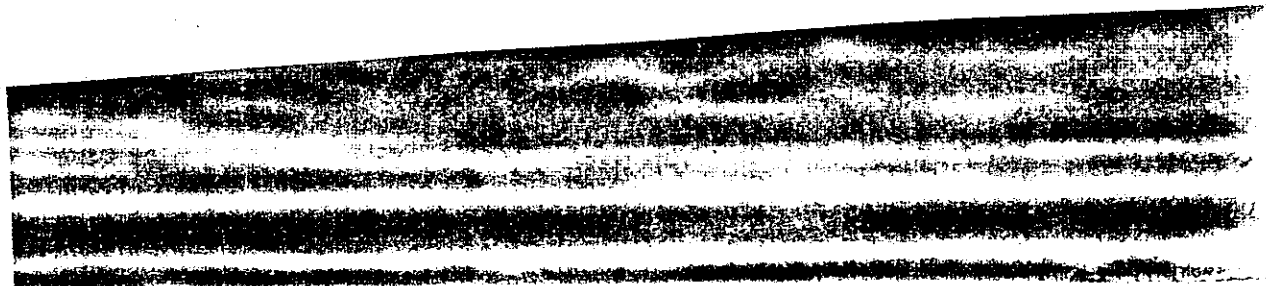
Told Tony :

- things have changed since he went through TR on Mt Difficulty
- to get a copy of the CPLA '98
- to put his requests in writing to the CCL as I wasn't acting on them. Requests in writing a more efficient way of dealing with what he had raised.

Caroline Crawford

29/9/99

Noted
[Signature]





CONSERVATION
TE PAPA ATAWHAI

25 November 1991

Manager
Landcorp
Box 27
ALEXANDRA

LAND CORPORATION ALEXANDRA
RECEIVED
- 2 DEC 1991
A. P. M. ALEXANDRA

David

Dear Sir

MOUTERE STATION - EXCHANGE OF LAND INTERESTS

Full copies of the various reports on this proposition have previously been forwarded to you and to Dave Gullen of the Office of Crown Lands, Wellington.

As instructed by OCL, the aspect of any Ngai Tahu interest or concern was not investigated by the Department of Conservation but arranged by OCL. Trevor Howse of the Ngai Tahu Trust Board has inspected the land involved and has presumably reported direct to Dave Gullen.

Agreement in principle has been reached with Moutere Station Ltd.

The Department of Conservation has approved the necessary funding. It now requires the formal consent of the Commissioner of Crown Lands so that an offer may be made to Moutere Station Ltd.

The proposition in summary is to exchange the Crown's interest in area A on the attached map for Moutere Station Ltd's interest in area B; CT 10C/1472 is pastoral lease, CT 13A/132 is freehold.

The areas to be exchanged are approximately equal at an estimated 1440 hectares. The Office of Crown Lands advised us the proposition would be considered as an exchange under section 61 of the Land Act 1948. The objective is to acquire an area of high conservation value land for a reserve.

Location

Dunstan Range 20 km NE of Alexandra.

Land Tenure

Pastoral lease and freehold.
Lessee/owner - Moutere Station Limited.

Conservation Values

The PNAP survey report which covers the Dunstan Ecological District recommended two areas owned by Moutere Station Limited for protection - RAP A7 and RAP B10.

A7 is an extensive area (1190 ha) that extends from the summit of the Dunstan Range to around 600 metres. It features an altitudinal sequence of tussocklands with important montane-subalpine shrublands and alpine cushionfield components.

This RAP has a number of distinctive features. It includes a summit tor landscape that is considered to be New Zealand's best because of the concentration of large and varied tors. There is also an area of slim tussockland which is one of only two substantial areas in the southern Dunstans.

Important shrublands of bog pine, snow totara, Hall's totara and manuka are found at lower altitudes, particularly around rock outcrops and on steep, stony soils. A7 contains the most extensive manuka shrubland and the largest area of bog pine shrubland in the ecological district.

The snow totara shrubland is in better condition and is more diverse than is typical.

The PNAP survey report made the following assessment of this RAP:

Representativeness	- H -	Good representation of shrubland, tussockland and high alpine communities of the southern Dunstans.
Diversity	- H -	Many vegetation communities over an extensive altitudinal sequence.
Naturalness	- H -	Overall high, despite probably induced nature of most alpine cushionfield, and some depletion and exotic species in fescue tussockland at low altitude.
Special Features	- H -	Several forest relic species and communities, and other uncommon species; spectacular tor landscape.
Viability	- H -	With exception of lancewood, most species and communities vigorous.
Buffering	- M -	Woody vegetation generally in deeply incised valleys and concentrated around fire refuges. Vegetation patterns similar in adjacent catchments.
Threat	- M -	Fire, pastoral development at lower altitude.
Landform	- H -	Small area of summit plateau and good representation of the full range of landform types of the fault scarpface of the moutere land system, with exception of maturely dissected lower ridges.

RAP DUN B10 adjoins A7. It is 110 hectares in area and lies between 670 metres and 1200 metres in altitude.

A landscape assessment of the uplands owned/leased by Moutere Station was conducted by Queenstown SCO (Landscape).

The whole of the south Dunstan Crest extending down to around 1500 metres was identified as a priority area for landscape protection. It is described as a "spectacular periglacial landscape dominated by large tors ...". Other characteristics include its vast scale, barrenness and sense of isolation. This priority area coincides with the upper part of A7 and the additional area to the north which is to be protected.

The PNA implementation team inspected both RAPs in 1990 and found that the conservation values remained relatively unchanged.

Modifications

Fencing the land to be acquired and removing stock from most of it initially, and all of it within 10 years will enhance the condition of the vegetation and promote regeneration of the shrublands.

Planning Protection

The land is zoned Rural 1 in the Vincent County Council District Scheme. Reserves are a predominant use.

a Legal description

Part Run 817, Block XV, Wakefield SD (part pastoral lease 360). 10C/1472.
Part Section 5, Block V, Leaning Rock SD. CT 13A/143 (freehold).

Conditions of Exchange

DOC will meet half the cost of renewing the subdivision fence which becomes the boundary between the conservation area and Moutere Station.

DOC will also meet the full cost of a new fence along the boundary of B10.

Moutere Station will grant permission for a formal walkway along the lines indicated on the attached plan. The walkway will be closed for lambing and associated activities from 1 September to 1 November each year. DOC will meet full costs associated with the walkway.

The "Moutere Tops" block within A7 will be available for grazing by up to 2000 sheep for a maximum of eight weeks per annum. This will be for an adjustment period not exceeding 10 years.

Moutere Station has an agreement with Electronic Services Ltd which will be honoured by DOC. See attached appendix.

The annual hunting trip arranged between Moutere Station and the local club will continue to take place. A permit to allow shooting within the conservation area will be granted unless exceptional circumstances exist. The walkway will be closed for up to a week when the hunt takes place (usually 15-20 November).

DOC will not decline any burning permit application on Moutere Station on the grounds of proximity to the reserve alone, though special conditions relating to containment may apply.

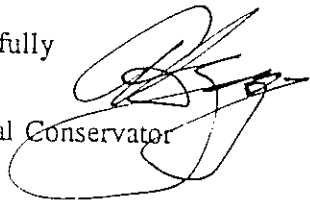
Survey costs (other than for the walkway, which DOC will meet) will be shared half each.

Each party will meet their own legal costs (other than the walkway).

In view of the time this proposition has been pending and the need to complete surveying and fencing this summer, urgency would be much appreciated.

Yours faithfully

D Gage
for Regional Conservator





CONSERVATION
TE PAPA ATAWHAI

Our ref: RAP DUN A7/2

19 June 1991


Commissioner of Crown Lands
DOSLI
CPO Box 170
WELLINGTON

ATTENTION Dave Gullen

PNA IMPLEMENTATION : MOUTERE STATION LTD

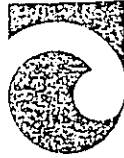
As discussed with Ken Stewart, I have attached an edited version of the Moutere proposal, the PLC's comments on it and our reply to the PLC.

I understand that you now intend to discuss the proposal with Ngai Tahu representatives, before making a decision on whether it can proceed. I look forward to hearing from you in due course.

 19/6

Dinah Wakelin
for Regional Conservator

DEPARTMENT OF CONSERVATION
Otago Conservancy
P.O.Box 5244 Moray Place Dunedin
77 Stuart Street Dunedin New Zealand
Telephone (03) 4770 677 Fax (03) 4778 626



CONSERVATION
TE PAPA ATAWHAI

Our ref: RAP DUN 7/2

11 June 1991

Mr B Mason
10 Bayne Terrace
Macandrew Bay
DUNEDIN

Dear Mr Mason

MOUTERE STATION

Your letter of 14 March 1991 and the issues you have raised are acknowledged.

Other than for some minor points we are largely in agreement, however, DOC is unable to achieve some of our preferred options for various reasons.

In reply to your specific concerns:

Paragraph 5 - Inequity of Exchange

The values assessed were for lessee's interest and lessor's interest for the separate parts of the pastoral lease. In this case because of the terms of the lease the lessor's interest is significantly less than the LEI.

The Crown has no interest in the former DPL area involved, as it is now freehold.

There is an overall disparity in favour of Moutere, but this is considered modest in terms of the overall scale of the deal and the gains for conservation. Further the difference is not sufficiently large that it would raise any unrealistic expectations in the minds of other landholders even if it were to become known.

It is considered the actual figures should remain confidential.

We would point out that the likelihood of Moutere disclosing these details to anyone and thereby leading to the disadvantage of conservation objectives in other negotiations is considered very remote.

Paragraphs 6 and 7 - Access

We agree that a more direct route to the tops, open to the public all year round, is desirable, however, we have the difficult task of trying to satisfy the divergent requirements of a number of different interested parties.

- 1 Vehicle Access - The present proposed walkway and an alternative suggested by way of Brassknocker Road are virtually identical in length unless vehicle access is available. Moutere will not agree to vehicle access.
- 2 Our Alexandra office reports a growing demand for walks in the area but the majority are looking for historical or "rural walk" experience and only a minority for tramping to the tops by whatever route. From this aspect the proposed walk past the "Redfern" buildings and along the race is more attractive.
- 3 Closed Season - Moutere has very valuable stock including a large stud flock and understandably will not agree to any walkway remaining open through the lambing/marking season.
- 4 Probably the best alternative walking route to the tops would lie by way of Waikerikeri Valley Road, however, to date the prospects of the relevant landholder agreeing to public access are not good though discussions are continuing.

Following your submissions we have reviewed the access aspect and had further discussions with Moutere. We now propose an additional more direct route to the tops up the ridge to the south of Campbell Creek as discussed with you. It is still intended the entry be past the Redfern buildings and a walkway along the large race be negotiated as well.

Paragraph 8 - Fire Buffer

Bulldozed firebreaks or "protective" burns within the conservation area will not be necessary. The extent and frequency of burning on Moutere will be minimal. Moutere will still have to apply to DOC to burn within 1 km of the reserve and DOC still retains the right to impose conditions that safeguard the reserve.

The fact that escaped authorised fires cause most fire damage in the high country is accepted however we see the position here as much more controlled than the "average" and do not consider that waiving the right to refuse consent for the sole reason of 1 km proximity, if in fact we ever had that right, constitutes a potential threat in this case.


This concession will not apply to the other neighbours, only to Moutere.

This question has been reviewed following your submission, however, our decision has been not to change our recommendation.

In conclusion we thank you for your support and your constructive comments.

A copy of your submission and this reply has been forwarded to the Commissioner of Crown Lands for his consideration.

Yours faithfully

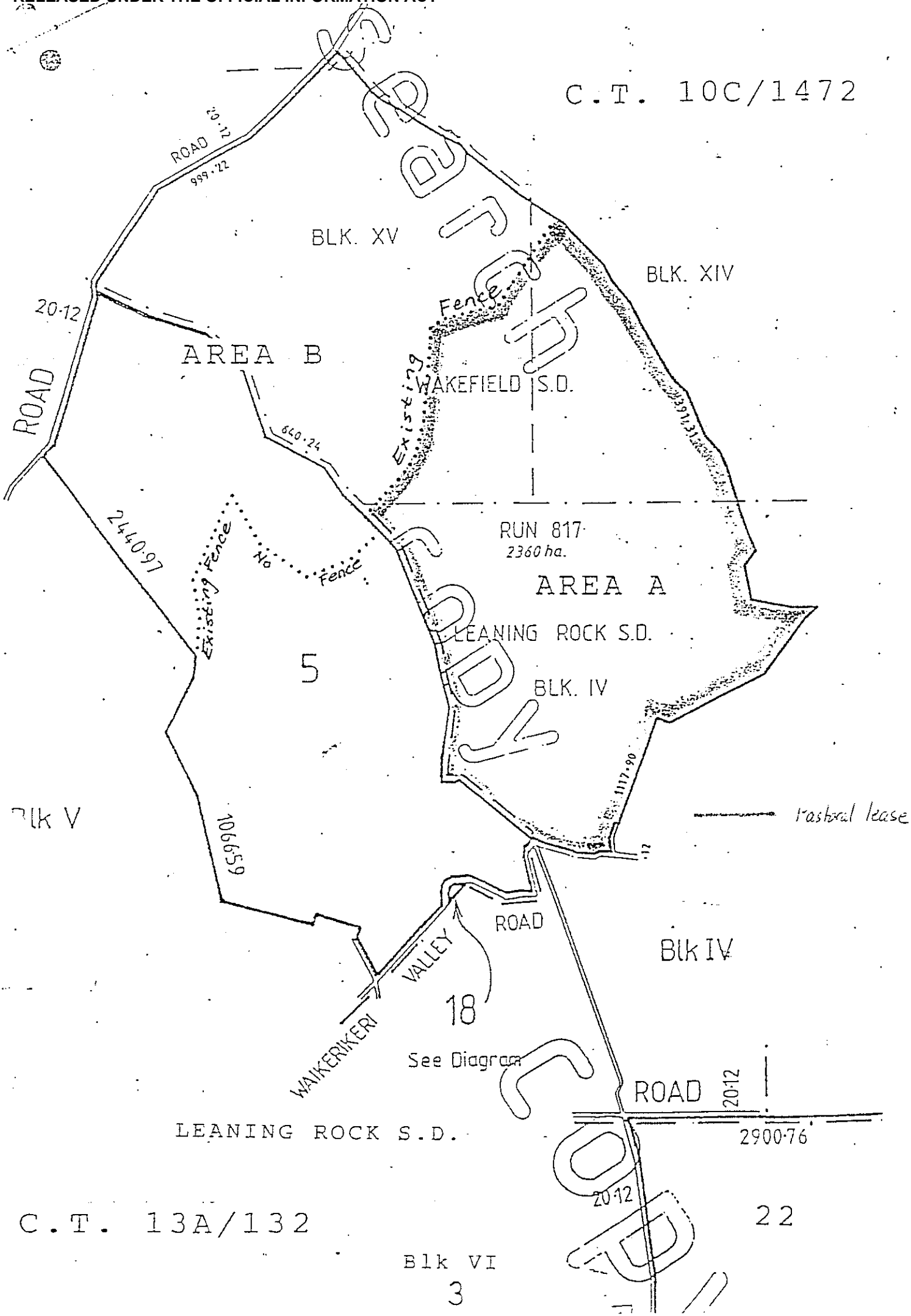


Jeff Connell
Regional Conservator

A copy of our response to PLC.

No further response from PLC has been received.

C.T. 10C/1472



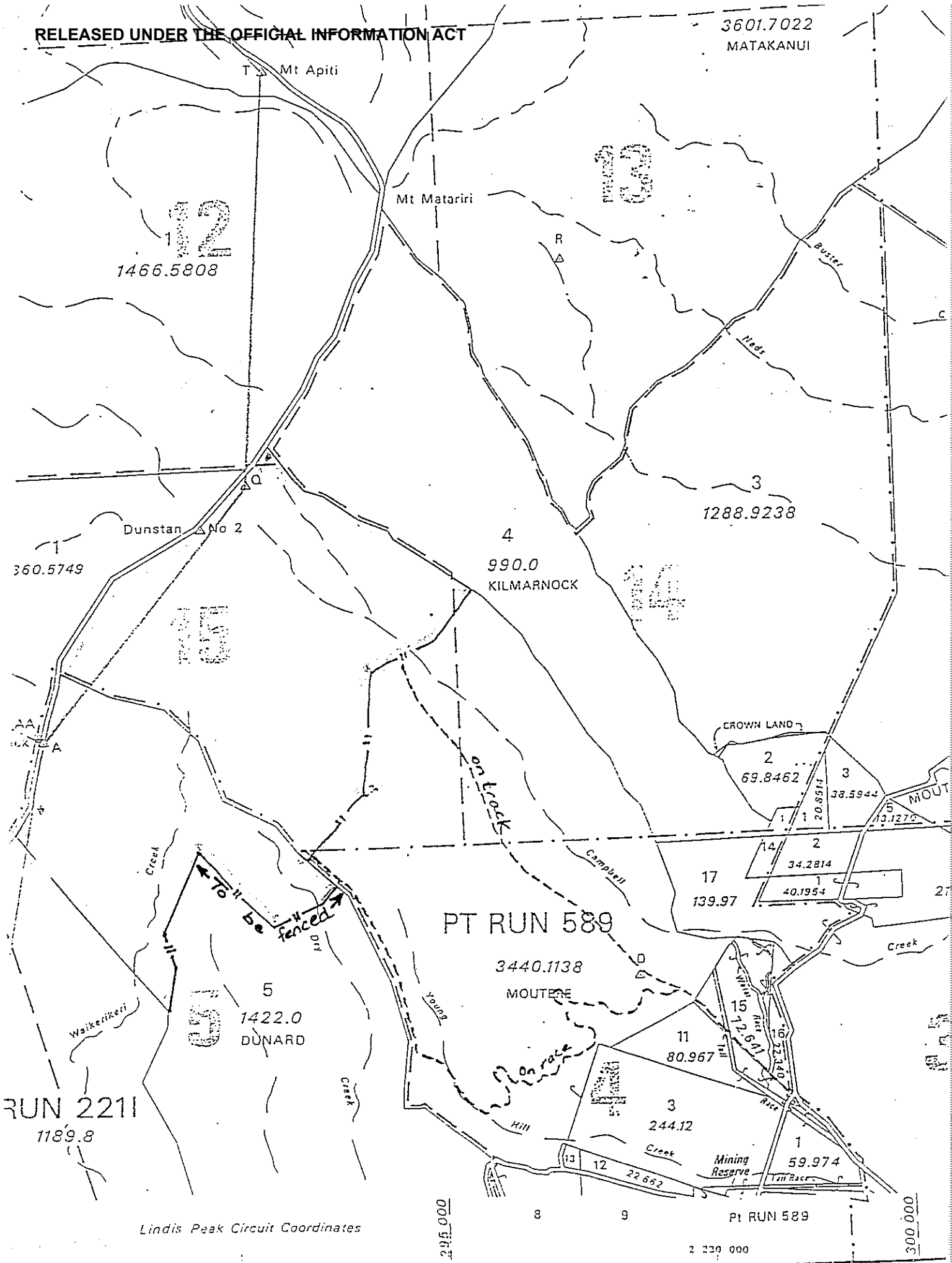
LEANING ROCK S.D.

C.T. 13A/132

Blk VI

3

22



Walkway -----

Reserve