

Crown Pastoral Land Tenure Review

Lease name : MT PEEL

Lease number : PT 138

Lease name : WAIKARI HILLS

Lease number : PT 137

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 04



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

File Ref: Pt 138.01	Report No: R0277	Report Date: 12 July 2000
LINZ Ref: CPR01/01/20/56		
Office of Agent: Timaru	LINZ Case No:	Date sent to LINZ: 18 July 2000

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;

Signed for Knight Frank (NZ) Limited

Handwritten signature of R A Ward-Smith in black ink.

R A Ward-Smith Manager - Timaru

Handwritten signature of G L Holgate in black ink.

G L Holgate LRD Manager

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

Name:

Date of decision: / /

1. Details of lease:

Lease Name: Mount Peel
Location: Peel Forest, South Canterbury
Lessee: Mount Peel Holdings Limited
Tenure: Pastoral Lease
Term: 33 years from 1 July 1984
Annual Rent: \$1,687.50
Rental Value: \$75,000
Date of Next Review: 1 July 2006
Land Registry Folio Ref: 27F/732
Legal Description: Run 355 “Mount Peel” Block XV Mount Peel, Blocks III and IV Acland, Block IV Four Peaks, and Blocks I and II Orari Survey Districts
Area: 2,870 hectares

2. File Search

Files held by Agent on behalf of LINZ:

File Reference	Volume	First Folio Number	Date	Last Folio Number	Date
P18	I	1	2 November 1895	160	22 September 1948
P18	II	161	8 July 1949	217	20 April 1967
P18	III	220	9 June 1967	381	13 April 1983
P138	IV	382	13 April 1983	508	21 May 1986
P138	V	509	4 June 1986	586	8 June 1999
P138	VI	587	12 November 1999	589	14 April 2000

Other relevant files held by LINZ:

File Reference	Volume	First Folio Number	Date	Last Folio Number	Date
5200-D13-M22	I		11 November 1992		28 February 1997
CPL 0410-12734	I		1 March 1997		Current File

3. Summary of lease document:

Terms of lease

The pastoral lease was registered on 9 August 1985 for a period of 33 years from the 1st day of July 1984 to Mount Peel Station Limited containing an area by estimation of 2,870 hectares being Run 355 “Mount Peel” situated in Mount Peel, Acland, Four Peaks and Orari Survey Districts. The initial rental was \$374. The stock limit determined that not more than 1,350 sheep

nor more than 80 cattle be depastured. The lease is noted as being subject to the provisions of section 58 of the Land Act 1948. The rent has been reviewed as at 1 July 1995 at a rental of \$1,687.50 based on a rental value of \$75,000.

Area adjustments

There have been no adjustments to the area since the lease was issued.

Registered interests

- 1 Land Improvement Agreement under the Soil Conservation and Rivers Control Act 1941 registered as Document 881567 on 20 September 1972
- 2 Change of name of the registered proprietor to Mount Peel Holdings Limited registered as document A73567/1 on 29 September 1993.

Encumbrance:

- 1 Note there is no Certificate of Alteration limiting the transfer of shares of the lessee company. Previous title had such variation registered but is has not been brought down on the current lease title.

Unregistered interests

None known. There are no recreation permits.

4. Summarise any Government programmes approved for the lease:

The Land Improvement Agreement secured a Soil and Water Conservation Plan. The agreement secures work that was carried out on both pastoral lease and the freehold. Work involved conservation fencing, internal cattle proofing of fences, tree planting, tracking and oversowing and topdressing.

5. Summary of Land Status Report:

The Land Status Report was supplied to your agent on 3 May 1999 under Contract 50178. It shows that the status of the land is Crown Land subject to the Land Act 1948, is leased pursuant to Section 66 of the Land Act 1948 and was registered under Section 83 of the same act. Encumbrances include the Land Improvement Agreement referred to above, and the land is subject to part 4A Conservation Act 1987 upon disposition.

Minerals remain with the Crown as the land has never been alienated since acquisition by the Crown. A copy of the Land Status Report is appended.

6. Review of topographical and cadastral data:

The cadastral data overlaid on the representation of the topographical features indicates legal road access from the Rangitata Gorge Road which traverses the south-eastern corner of the lease.

There is also legal unformed road from the Rangitata Gorge Road at two points south of Lynn Stream.

Except for the flattened remains of a fence along the ridge north of Little Mount Peel, there appears to be no effective boundary fencing with the pastoral lease to the west or north. To the south, the property adjoins Peel Forest Scenic Reserve, and with heavy vegetation each side of the boundary, there is little need for fencing. To the east and north-east, the lease adjoins the holder's freehold, and there is no fencing along the boundary line. There is some internal fencing linked to fencing on the freehold.

7. Details of any neighbouring Crown or conservation land

To the south is Peel Forest Scenic Reserve being one of the Conservation gems of South Canterbury.

To the west and north are two adjoining pastoral leases, being Lochaber and Waikari Hills, the latter being included in tenure review. To the north-east is the holder's freehold.

8. Summarise any uncompleted actions or potential liabilities:

There are no uncompleted actions of potential liabilities known that would impede tenure review.

APPENDICES

- 1 Status Check
- 2 Plan



Your Ref :

Our Ref : Contract 50178

03 May 1999

Knight Frank (NZ) Limited
Land Resources Division
PO Box 142
CHRISTCHURCH

4th Floor, Knight Frank House
76 Cashel Street, Christchurch
Telephone: (03) 379 9787
Facsimile: (03) 379 8440

13 OCT 1999

Attention : Mr G Holgate

Dear Sir

STATUS INVESTIGATIONS - PASTORAL TENURE REVIEW
CONTRACT 50178

Attached as required by Schedule Two of the LINZ Services Agreement (page 11) item 2;

- Status Check Report
- One colour photocopy of the plan
- Original colour plan and cadastral overlay

for the first six (6) pastoral runs on contract 50178 being:

Glentanner
Brooksdale
Mt Pember
Barrosa
Kaiwarua
Mt Peel.

Please acknowledge receipt of the status checks and plans to my attention at this office, thankyou.

Yours faithfully
Knight Frank (NZ) Limited

Peter M King
Crown Accredited Agent

Encl.

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Postal Address:

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New Zealand

Knight Frank (NZ) Limited MREINZ
(An LPL Group Company)

INTERNATIONAL PROPERTY CONSULTANTS

KNIGHT FRANK (NZ) LIMITED

Appendix A

This report has been prepared on the instruction of Land Information New Zealand in terms of the contract number 50178 dated September 1999 and is undertaken for the purposes of the Crown Pastoral Leases Act 1998.

LAND STATUS REPORT for Mt PEEL				[LIPS ref. 12734]
Property	1	of	1	

Land District	Canterbury
Legal Description	Run 355 situated in Block XV Mt Peel, Blocks III & IV Acland, IV Four Peaks & I & II Orari Survey Districts
Area	2870.0000 hectares
Status	Crown Land subject to the Land Act 1948
Instrument of lease	All Pastoral Lease 27F/732 pursuant to section 66 as registered under section 83 Land Act 1948.
Encumbrances	Land Improvement Agreement No. 881567 under the provisions of Soil Conservation and Rivers Control Act 1941. Subject to Part IVA Conservation Act 1987 upon disposition.
Mineral Ownership	Minerals remain with the Crown as the land has never been alienated since its acquisition for settlement purposes, from the former Maori owners under the Kemp purchase 1848 and or purchased in fee simple by Her Majesty the Queen.
Statute	Land Act 1948 & Crown Pastoral Land Act 1998

Data Correct as at	01 October 1999
[Certification Attached]	Yes

Prepared by	Peter M King
Crown Accredited Agent	Knight Frank (NZ) Limited

KNIGHT FRANK (NZ) LIMITED

Appendix B

This report has been prepared on the instruction of Land Information New Zealand in terms of the contract number 50178 dated September 1999 and is undertaken for the purposes of the Crown Pastoral Leases Act 1998.

LAND STATUS REPORT for Mt PEEL				[LIPS ref. 12734]
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Statute	Land Act 1948 & Crown Pastoral Land Act 1998

Data Correct as at	01 October 1999
[Certification Attached]	Yes

Prepared by	Peter M King
Crown Accredited Agent	Knight Frank (NZ) Limited

Certification:

Pursuant to section 11(1)(D) 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 subject to the Land Act 1948.

R. Moulton
.....

Date... *6 / 10 / 1999*

R Moulton, Chief Surveyor
Land Information New Zealand, Christchurch

MT PEEL RESEARCH - 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">(i) Cadastral boundary common to the Rangitata River (east of Rangitata Gorge Road), would appear to have suffered equal amounts of erosion and avulsion. Riparian right investigation refer LINZ CH file 23/16/1 folios 193 & 195A (Ad Medium Filum Aquae Rights apply to Crown).(ii) File P138 (1983-1986) contains a considerable number of folios pertaining to a CCL submission (1986) in respect, to a lease renewal. It would appear over time the recommendations; ie rationalise fencing, covenant areas, land exchanges and surrender, upon lease renewal to have no further impact ?(iii) Reconciliation of fence boundaries can only be identified upon survey.(iv) Current definition on a compiled plan from previous surveys and photogrammetric plots.
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LAND STATUS REPORT for Mt PEEL				[LIPS ref.12734]
Property	1	of	1	

Research Data: Some Items may be not applicable

Property	1	of	1	
SDI Print Obtained	Yes			
NZMS 261 Ref	J37/K37			
Local Authority	Timaru & Mackenzie District Councils			
Crown Acquisition Map	Kemp Purchase			
SO Plan	Run 355 (SO 16241)			
Relevant Gazette Notices	N/A			
CT Ref / Lease Ref	All Pastoral Lease 27F/732.			
Legalisation Cards	N/A			
CLR	N/A			
Allocation Maps (if applicable)	J37/K37 - No interest identified.			
VNZ Ref - if known	All assessment 254640-02301 (1348.3820ha) Timaru District & All assessment 25290-12305 (1521.6180ha) Mackenzie District Assessments are split owing to "Territorial Local Authority Boundaries".			
Crown Grant Maps	Mt Peel (1881), Four Peaks (1880), Acland (1881), Orari (1880), BM 246 (circa 1860).			
If Subject land Marginal Strip:	<p>Note: Subject to the provisions of section 58 of the Land Act 1948 on lease 27F/732 and SO 16241. In view of LINZ letter dated 13 November 1997 regarding "Lilybank" and Ministerial Co-ordinating Committee/State Owned Enterprises paper 271 dated 31 March 1987 (Dept of Justice) it would appear this memorial to have no substance unless a one chain strip was laid off by definition on a plan in the Chief Surveyors records. A part of the northern boundary (Lynn Stream) is affected by this opinion.</p>			
a) Type [Sec 24(9) or Sec 58]				
b) Date Created				
c) Plan Reference				

LAND STATUS REPORT for Mt PEEL		<i>[LIPS ref.12734]</i>	
Property	1	of	1

Research – continued

Property	1	of	1
If Crown land - Check Irrigation Maps.		N/A	
Mining Maps		J37/K37- No interest identified.	
If Road			
a) Is it created on a Block Plan - Section 43(1)(d) Transit NZ Act 1989		a) SO Plan: BM 246 (Crown Grant)	
b) By Proc		b) Proc Plan :	
		c) Gazette Ref :	
Other Relevant Information			
a) Concessions - Advice from DOC or Knight Frank.		a) N/A	
b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998.		b) Subject to Part 9 Ngai Tahu Claims Settlement Act 1998.	
c) Mineral Ownership		c) Run 3 & Pt Run 1 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 Kemp Purchase 1848 Contained in [provide evidence]: Run 355, PR 502 (1937) earliest lease available after Canterbury gazette 1867 page 160 & 161 (No 268, 308, 410), confirmation of runs under the Canterbury Land Regulations. RS 4036, 4557, 4556, 4276, 24568 & 24568X: Freehold estate in fee simple purchased by Her Majesty the Queen (CT 279/130-T96671).	
d) Other Info		d) N/A	



File Reference : LINZ (LIPS) 12734

4th Floor, Knight Frank House
76 Cashel Street, Christchurch
Telephone: (03) 379 9787
Facsimile: (03) 379 8440

CERTIFICATE OF AUTHORISATION

PROPERTY ADDRESS:

**MT PEEL - BLANDSWOOD
CANTERBURY**

ASSURANCE

Knight Frank (NZ) Limited gives an assurance that the document attached to this certificate is in order for signature.

The decision when made will comply with the following statutory requirements:

- The New Standards & Guidelines Manuals CCPO; Legalisation/Roading, OSG Standard 1995/05.
- Land Act 1948
- Crown Pastoral Land Act 1998

In giving this assurance **Knight Frank (NZ) Limited** undertakes that all relevant policy instructions, legal requirements, court judgements and any other matters have been taken into account and applied where appropriate.

Peter M King
Crown Accredited Agent

Date: 01 October 1999

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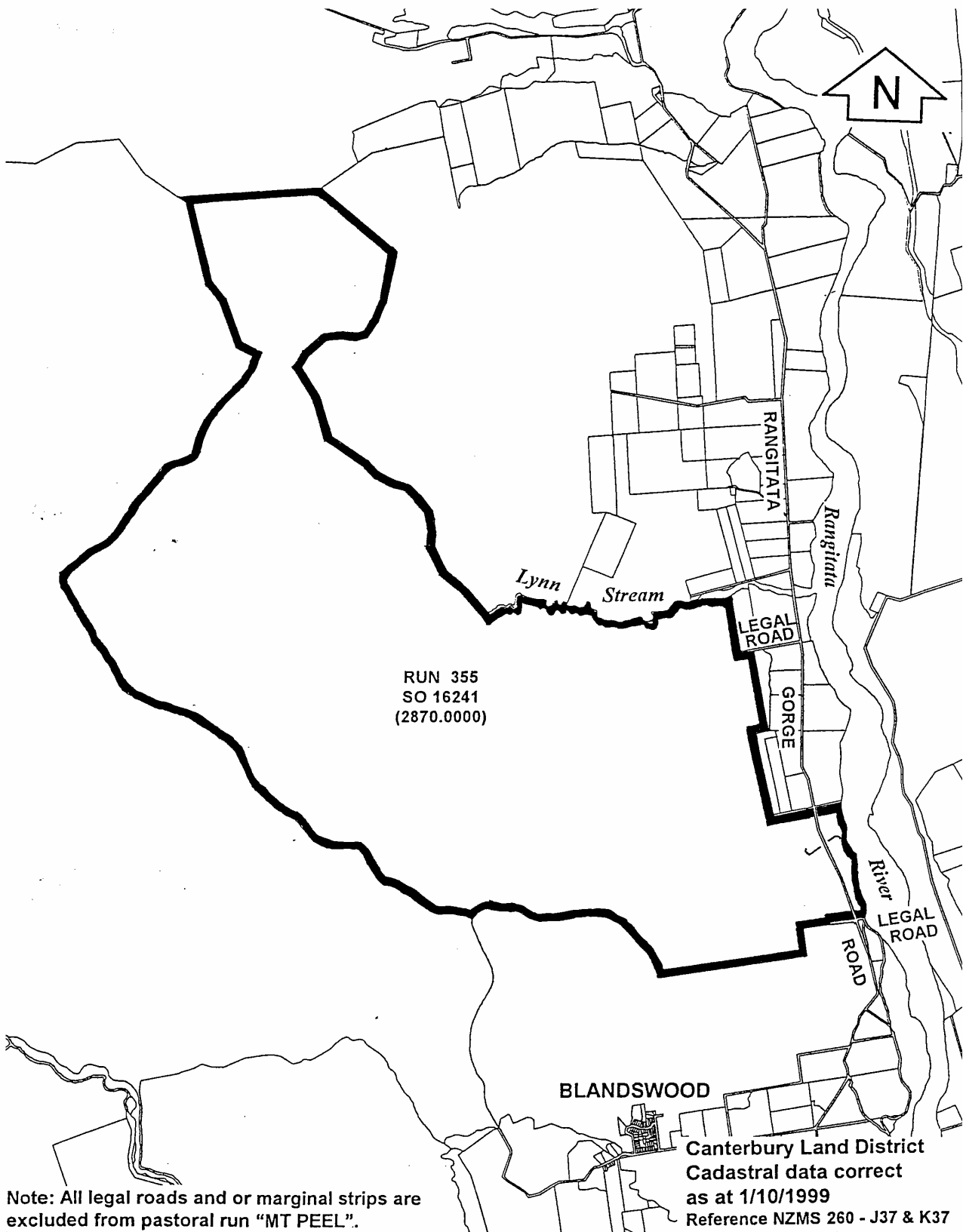
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INTERNATIONAL PROPERTY CONSULTANTS



MT PEEL (Run 355)

