

Crown Pastoral Land Tenure Review

Lease name : RATA PEAKS

Lease number : PT 070

Due Diligence Report (including Status Report) - Part 1

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.

July 09

DUE DILIGENCE REPORT

**for
Tenure Review**

RATA PEAKS

**Prepared by Don McGregor McGregor Property Services
for and on behalf of Q.V. Valuations**

February 2002


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

File Ref: CON 50272/09/12697/A-ZNO **Report No:** QVV 219 **Report Date:** 08/02/2002
Office of Agent: CHRISTCHURCH **LINZ Case No:** 02/ **Date sent to LINZ:** 11/02/2002

RECOMMENDATIONS

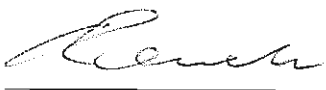
1. That the Commissioner of Crown Lands or his delegate **note** this Due Diligence Report which has been prepared in accordance with the Pre Tenure Review Assessment Standard;
2. That the Commissioner of Crown Lands or his delegate **note** the following incomplete actions:
 - a) The creation of a ROW Easement to legalise an existing access lane along the eastern common boundary with the Stew Point Pastoral lease adjoining to the Rangitata River.
 - b) The creation of Easements in favour of the local community (presumably represented by the local authority) to legalise the housing of the Community Fire Tender and TV Repeater installations.
 - c) The creation of a ROW Easement over Areas "A" and "B" on S.O. 19616 in favour of the Pastoral lease following declaration of the land for Conservation purposes.
3. That the Commissioner of Crown Lands or his delegate **note** that no potential liabilities have been identified as a result of the file search.
4. That the Commissioner or his delegate **note** that:
 - (a) The adjoining DoC stewardship land (Section 1, S.O. 19616) has not yet been declared Conservation land subject to the Conservation Act 1987.
 - (b) The current lessee has previously expressed interest in the inclusion of Crown Land - Reserve 3862 into the lease (See Land Status Report 2 of 4).
 - (c) It appears that the adjoining Crown land access strip (shown as "Pack Track Reserve" on SO 4940) may be important in considering the access requirements of a number of adjoining leases.
 - (d) The Land Improvement Agreement 942202 should be partially discharged as to the land in CT CB443/95 that is no longer run in conjunction with the Pastoral lease.

Signed by Sub – Contractor:



Name: D. McGregor
McGregor Property Services Limited
Accredited Agent

Signed by Contractor



Name: B. Dench
Team Leader for Tenure Review
Quotable Value (Valuations)

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

Name:

Date of Decision: / /

1. Details of Lease:

Lease Name: Rata Peaks.

Location: Situated on Rangitata Gorge Road approximately 90 kilometres North-West of Timaru.

Lessee: Malcolm Reginald Bruce TAYLOR and Janet Margaret TAYLOR.

Tenure: Pastoral Lease of pastoral land under Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal No. 881045.1.

Term: 33 years from 1 July 1990 (expires 30 June 2023).

Annual Rent: \$4162.50 (Reviewed as at 1 July 2001).

Rental Value: \$185,000 Reviewed as at 1 July 2001).

Date of Next Review: 30 June 2012.

Land Registry Folio Ref: C.L. CB529/84 (Canterbury Registry).

Legal Description: Part Run 302, situated in Blocks II, III, V and VI, Mount Peel Survey District.

Area: 1836.0298 hectares.

2. File Search

Files held by Knight Frank (NZ) Ltd on behalf of LINZ:

File Reference	Volume	First Folio Number	Date	Last Folio Number	Date
<i>Pt 070-SCH-01</i>	1	-	25/04/1936	153	17/06/1955
<i>Pt 070-SCH-02</i>	2	154	22/09/1955	342	20/10/1976
<i>Pt 070-SCH-03</i>	3	343	19/01/1977	-	03/07/1990
<i>Pt 070-SCH-04</i>	4	-	05/07/1990	-	03/08/1998
<i>Pt 070-SCH-05</i>	5	-	06/04/1998	-	30/06/2000
<i>Pt 070-SCH-06</i>	6	-	04/02/1994	-	03/02/1990
<i>Pt 070A (Plans only)</i>	-	-	01/01/1980	-	Current
<i>CON/50213/09/12697/A-ZNO</i>	1	-	01/07/2000	-	09/04/2001
<i>CON/50213/09/12697/A-ZNO</i>	2	-	10/04/2001	-	Current

Files held by Q.V. Valuations on behalf of LINZ:

File Reference: CON/50272/09/12697/A-ZNO-01

Volume: 1

First folio: 1

Date: August 2001.

Last folio note: -

Date: Current

3. Summary of Lease document: (Copy of CL CB529/84 attached as *Appendix 1*).

3.1 Terms of Lease

A 33 year term from 1 July 1990 at the Annual rental of \$4162.50 based on the Rental Value of \$185,000 (Rental reviewed 1 July 2001).

Stock limitation in Lease:

2915 sheep (2650 sheep plus 10%).

Commencement Date:

The original lease was issued 1 July 1957 at a rental of \$551.50 based on the stock limitation of 2915 sheep. It was renewed for a further term of 33 years from 1 July 1990 by Memorandum of Renewal of Lease No. 881045.1 (registered on 13 June 1990) whereupon the Annual rental of \$5115 was calculated on the Rental Value of \$341,000. Subsequently the rental review offer was accepted by the lessee and adjusted the Rental value (\$182,000) and Annual Rental (\$5625) with effect from 1 July 2001.

Other Provisions:

Nil.

3.2 Area adjustments

There are no area discrepancies.

The only adjustments to the lease since issue of the original lease in 1957 have been partial surrenders. In 1967 a 4047 m² house site was surrendered - RS 39454 (Partial Surrender 709708) and 853 9156 ha - Section 1, S.O 19616 - was surrendered in 1998 (Partial Surrender A 346616.1) in accordance with the Land Improvement Agreement. This latter area is still to be declared for Conservation purposes.

3.3 Registered Interests

Mortgages

815059.7 to Rural Bank Limited (now National Bank of New Zealand Limited) registered on 11 July 1989 and varied on 13 October 1992.

815059.8 to National Bank of New Zealand Limited registered 11 July 1989.

Easements

733250 Transfer creating an Easement right to Convey Water across Part Run 302 in favour of Rural Section 39454 (CT CB7A/926).

A51323 Transfer creating an Easement right to Convey Water across Part Run 302 in favour of Rural Section 36722 (CT CB443/95).

Land Improvement Agreement

942202 Soil Conservation Agreement pursuant to Section 30 of the Soil Conservation and River Control Act 1941 and Variation.

3.4 Unregistered Interests

Recreation Permit

A Recreation permit issued under Section 66A Land Act 1948 for a period of nine years from 1 January 2000 to Donald Andrew AUBREY (lessee of Ben McLeod Pastoral lease) as Trustee for the D.A. AUBREY FAMILY TRUST to operate fair chase guided hunting, four wheel drive tours and a horse trekking operation including staying overnight in huts, quarters or cottages. The operational area for fair chase guided hunting, four wheel drive tours and horse trekking operation is over Ben McLeod and the operational area for four wheel drive tours is over the Ben McLeod, Rata Peaks and Dry Creek Pastoral leases.

Copy of Recreation permit attached as Appendix 2.

Easements

Deed of Easement in gross (in perpetuity) between the Commissioner of Crown Lands and the Institute of Geological and Nuclear Sciences Limited, dated 28 March 2001, granted rights pursuant to Section 60 of the Land Act 1948 to construct, operate and maintain a seismic monitoring system over part of the lease near the Rata Peaks Homestead.

It is specified in the lease that the easement may be registered pursuant to Section 60 of the Land Act 1948 and that the parties will do all things necessary to enable registration. Registration action has not as yet been pursued.

Copy of the Deed of Easement attached as Appendix 3

Unregistered Mortgages / debts

None known.

4. Summarise any Government programmes approved for the lease:

A Land Improvement Agreement (LIA) registered as Document 942202 secured a SWCP executed on 12 December 1973 between the then lessee and the South Canterbury Catchment Board over the lease and freehold land held in CT CB443/95. The works involved retirement, boundary and cattle-proof fencing, oversowing and topdressing to enable the retirement and surrender of 709 acres and the provision of off- site grazing. The LIA enures for 99 years from commencement or otherwise by mutual agreement between the parties.

An extension to the original LIA executed on 18 June 1982 provided for additional fencing an alternative grazing to enable retirement and surrender of an increased area of 627 ha from the lease.

The retired area (now Section 1, S.O. 19616 – 853 .9156 ha) was formally surrendered in 1998.

It should be noted that the Freehold (CT CB443/95) is no longer run in conjunction with the lease and the LIA should be discharged as to that area.

The property is not part of any Rabbit and Land Management Plan.

5. Summary of Land Status Report:

A Land Status Report undertaken by McGregor Property Services Limited for and on behalf of Q V Valuations on 15 January 2002, confirms the status of the land as Crown Land, leased pursuant to Section 66 of the Land Act 1948, and registered under Section 83 of the same Act.

The land is subject to the registered interests included in *Clause 3.3* above and Part IVA of the Conservation Act 1987, upon disposition.

The minerals remain with the Crown as the land has never been alienated since its acquisition from the original Maori owners under the Kemp Purchase.

The report notes that:

- 1) The adjoining DoC Stewardship land (Section 1, SO 19616) surrendered from the lease in 1998 has not yet been declared Conservation land subject to the Conservation Act 1987.
- 2) SO 19616 provides for a Right of Way Easement over an access track through the DoC land (shown Areas "A" and "B" on SO 19616) in favour of Part Run 302 (Rata Peaks Pastoral lease). Legalisation of the Easement is outstanding and would appear to have been held in abeyance pending declaration of the land as Conservation land.
- 3) The North - eastern boundary of the lease is flanked by part of a 10.8987 ha strip of unalienated Crown land (shown marked as "Pack Track Reserve" on SO 4940). This land was confirmed as Crown Land subject to the Land Act 1948 in Appendix A3 of the Land Status Report of the Tenure Review for Lochaber Pastoral lease (a copy of which is attached).

This Crown land access strip also adjoins and traverses Run 297 (Stew Point / Coal Hill Pastoral lease) to the boundary with Lochaber Pastoral lease and it would appear to provide the opportunity for legal access to and from the Rangitata Gorge Road to those leases (and possibly other leases).

The topographical map appears to imply that the Crown Land access strip is fenced in with "Rata Peaks". Furthermore as indicated in the Lochaber Land Status Report (Appendix A3) the formed access track conforms to much of the Crown land strip except in the vicinity of the Rangitata Gorge Road where it deviates across part of Rata Peaks.

The opportunity would appear to be available to incorporate the Crown land area into the lease(s) in exchange for a multiple interest access easement over the full length of the formed track.

A copy of the Land Status Report is attached as *Schedule A*

6. Review of Topographical and Cadastral data:

Both maps attached to the Land Status Report show there are no known transmission or local power lines, telecommunication installations, huts, airstrips, dams or water races on the property.

6.1 Legal Roads – formed and paper

The Land Status Report indicates that S.O.'s 4940 and 11388 denoted the roads abutting the property are legal by Section 110A of the Public Works Act 1928.

[The Chief Surveyors notation recorded on SO 4940 indicates that the strip of land coloured burnt sienna along the banks of the Rangitata River is Crown land pursuant to Section 122 of the Land Act 1908 and the strip coloured burnt sienna and marked "Pack Track Reserve" is unalienated Crown land (Status of this area confirmed as Crown Land subject to the Land Act 1948 in Land Status Report- Appendix A3- compiled for Lochaber Tenure Review)].

6.2 Fenced Boundaries v Legal Boundaries (peripheral):

There appear to be minor boundary discrepancies on the western boundary with the adjoining Ben McLeod Pastoral Lease and on the eastern boundary where part of the length the adjoining Crown land "Pack Track Reserve" appears to be fenced into the lease.

7. Details of any neighbouring Crown or Conservation land:

Western Boundary	Run 241 (Ben McLeod Pastoral lease).
Southern Boundary	Section 1, S.O. 19616 – Stewardship land held by DoC pursuant to Section 62 of the Conservation Act 1987. Part Run 2 (Dry Creek Pastoral lease).
Eastern Boundary	Part Run 297 (Stew Point Pastoral lease).
Internal Boundary	Reserve 3862 - Crown Land subject to the Land Act 1948 (Refer to Land Status Report 2 of 4).

8. Summarise any uncompleted actions or potential liabilities:

8.1 Legalisation of informal arrangement with the South Canterbury Acclimatisation Society to provide access for recreational users to the Rangitata River

In November 1977 the South Canterbury Acclimatisation Society sought public access to the Rangitata River to formalise an access arrangement the then lessee (Maxwell) had made with the Society (*folio 354*). The lessee subsequently advised the department of his intention to allow land on the eastern boundary to be used for access and possibly development as a rest area but subject to exchange for other Crown Land ie part of the "Pack Track Reserve" - unalienated Crown Land adjoining (*folio 379*).

A report undertaken in May 1983 (*folio 413*) recorded that the lessee had allowed the Society "to fence out a one chain wide access strip of about three chains long to the edge of the terrace together with a stile and small bridge over a creek providing access down the common boundary with Rata Peaks and the adjoining Stew Point Pastoral lease". Although the lessee was insisting on an exchange the Crown was not in favour of the disposition of the "Reserve". The upshot was that the Society was informed on 31 October 1983 (*folio 415*) that the current access arrangement would suffice but that in the event of the run being transferred the access would be legalised.

The property was transferred to the current lessees in 1989. The information sheet that formed part of the Agreement for Sale And Purchase provided that the lessee would continue to provide access to the Rangitata River.

The creation of an appropriate access Easement is still outstanding.

A copy of the relevant folios are attached as Appendix 4.

8.2 Legalisation of TV transmission installation at Turnagain Point and Fire Tender shed beside RS 39454

The Agreement for Sale and Purchase referred to in *Clause 8.1* above also recorded that the former Lessee had entered into an agreement with the Rangitata Gorge Community to allow the housing of the Community Fire Tender on the lease near RS 39454 and the installation of two TV repeater aerials (connected by a cable and powered by a 12 volt system) on the roadside of the road fence that crosses Turnagain Point.

The Agreement provided that the vendor would register an easement and the current lessees would be bound by it. Action to create such easements to the Community are still outstanding.

A copy of the relevant folios are attached as Appendix 5.

8.3 Legalisation of Access across Lessees track over Section 1, SO 19616

Section 1, S.O. 19616 was surrendered out of the lease in 1998 and is to be declared for Conservation purposes subject to the Conservation Act 1987.

The survey plan provided for R.O.W. Easements to be created over parts of Section 1 (existing farm access tracks) in favour of the Rata Peaks Pastoral lease (Pt Run 302) and shown on the plan as Areas "A" and "B".

The creation of this ROW is still outstanding probably subject to the prior declaration of the land for Conservation purposes.

A copy of S.O. 19616 is attached as Appendix 6.

Schedule A – Land Status Report.

APPENDICES

- 1. Copy of Lease Document.**
- 2. Copy of Recreation Permit.**
- 3. Copy of Deed of Easement between HMQ and the Institute of Geological and Nuclear Sciences Ltd**
- 4. Copy of relevant folios - Access to Rangitata River.**
- 5. Copy of relevant folios - Easements to Community for Housing Fire Tender and TV Repeater installations**
- 6. Copy of SO 19616.**

DUE DILIGENCE

RATA PEAKS

SUPPORTING FILE SUMMARY

File Summary – [Rata Peaks]

FOLIO	DATE	TO	FROM	DETAILS

Pt 070 – SCH – 01 (25/04/1936 to 17/06/1955) – Volume 1 -(Folios ?- 153)

146	25/11/1954	-	-	<p>NZ Gazette 1954 p1875 Assignment of G L Kirkpatrick of his Rights Powers and Privileges under OIC to A E Allan authorising use of Water for generating electricity.</p> <p>NZ Gazette 1936 p.1124 granted a licence pursuant to the PW Act 1928 to the lessee to obstruct or divert the Powerhouse Creek and to construct use and maintain Headworks, Tailrace and a Power house.</p> <p>IN THE EVENT HAT THE WORKS ARE CONSTTRUCTED THEY WOULD BE PRIVATE WORKS NOW ADMINISTERED BY THE CRC (ECAN) UNDER THE RESOURCE MANAGEMENT ACT. THE ONLY IMPLICATIONS MAY BE PUBLIC ACCESS ONES RELATIVE TO THE IMPACT SUCH WORKS MIGHT HAVE ON THE CREATION OF MARGINAL STRIPS ON DISPOSITION..</p>
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Pt 070 – SCH – 02 (22/09/1955 to 20/10/1976) – Volume 2 -(Folios 154- 342)

158	02/11/1955	-	LSB	By Case No. 4788 of 02/11/1955 approved that RS 36722 be held on Pastoral Lease by A E Allan for 33 years from 01/07/1957 AR \$551.50 based on Stock limitation of 2650 sheep plus 10 percent (includes Crown Impts).
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File Summary – [Rata Peaks]

FOLIO	DATE	TO	FROM	DETAILS
				Lease deemed to have been accepted and registered as CL 529/84 on 23/07/1957. ACTION COMPLETED
-	14/12/1961	-	-	Change of Appellation registered as 568803 on 12/01/1962. - the description of the lease changed from RS 36722 to Run 302. (SO's 4940 & 6767).
204	22/02/1966	CCL	Rangitata Gorge Rabbit Board	Request for transfer of a half acre area approx of the lease for Rabbit Board housing. CCL Case No.1966/142 of 04/04/1966 accepted surrender of 1 acre of lease (Part Run 302) for disposal to the Rangitata Gorge Rabbit Board for housing (f 210). One acre surveyed as SO 10781 and new appellation for area surrendered as disposed of RS 39454. Surrender of RS 39454 from lease registered as 709708 on 02/05/1967 and Freehold title issued to Rabbit Board (CT 7A/926). ACTION COMPLETE
234	01/05/1967	CCL	Solicitors	Request for a pipeline easement to service RS 39454.

File Summary – [Rata Peaks]

				DETAILS
FOLIO	DATE	TO	FROM	

				<p>By Case No. 1967/261 of 14/08/1967 approval to water easement over lease under s.60 Land Act 1948 in favour of Rabbit Board.</p> <p>Memo of Transfer of Easement registered as T733250 on 20/03/1968 granted an easement right to convey water over part of the lease as shown coloured blue on the transfer copy of SO 10781 in favour of RS 39454.</p> <p>ACTION COMPLETE.</p>
-	-09/12/1969	-	-	Lease transferred from A E Allan to I A Maxwell by T783320.
311	07/09/1972	CCL	SFO Timaru	<p>Recommends support for run plan proposals including retirement of 709 acres, retirement fencing boundary and cattle proof fencing, 320 acres of OS and TD and wind break fencing</p> <p>Land Improvement Agreement dated 12/12/1973 and registered as 942202 of 21/12/1973 secured an agreement for 99 years relating to the above works and specifically on the provision of alternative grazing, the retirement and surrender of the 709 acres (327 hectares).</p>
341	05/10/1976	CCL	SFO Timaru	Discussions with South Canterbury Catchment Board involved additional Run plan proposal including boundary and internal cattleproof fencing and wind break plantings.

Pt 070 – SCH – 03 (19/01/1977 to 03/07/1900) Volume 3 -(Folios 343- 03/07/1990)

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

File Summary – [Rata Peaks]

DETAILS				
FOLIO	DATE	TO	FROM	
351	15/06/1977	-	LSB	By Case No. 9148 of the 8 January 1977 approved the surrender of the area of 327 hectares as at 1 January 1977 without alteration to annual rent or stock limitation. This area to be subject to a management plan prepared by CCL in consultation with the Catchment Board.
354	17/11/1977	CCL	South Canterbury Acclimatisation Society	Society advises of informal arrangement with Lessee for access to Forest Creek
357	08/12/1977	SFO Timaru	CCL	SFO to discuss with Lessee and South Canterbury Acclimatisation Society an issue of access to the River and see if an arrangement can be made without the need for formalisation at that time.
366	01/06/1979	SFO Timaru	CCL	CCL Agreed in principle to FO report of 15 May 1979 (f.365) recommending the retirement of an additional 600 ha definition of area to be agreed between the Catchment Board and FO, Timaru
371	01/06/1979	CCL Timaru	SFO Timaru	SFO report on the second run plan included the Catchment Board's report and recommendations that an area of 581 hectares be retired in addition to the adjacent 327 ha and that the combined 908ha be subject to a Management Plan. The Run Plan also to provide off site works, fencing and river protection works.
379	23/04/1980	CCL	Lessee	Indicated intention to designate part lease on the eastern boundary for access to the riverbed and possible development as a rest area with Council assistance. Suggested swapping access to the riverbed for a strip of land on the hill

File Summary – [Rata Peaks]

FOLIO	DATE	TO	FROM	DETAILS
				(presume the UCL "Pack Track Reserve").
380	16/05/1980	CCL	DGL	DGL supports the Run Plan subject to surrender of 581 ha on completion of the Run Plan and implementation of a Management Plan over the retired 908ha
-	26/06/1982	-	-	Variation of Soil Conservation Agreement 942202 registered 28/06/1982 provided for retirement and surrender of 627ha (increased from 581 ha) subject to alternative grazing being provided.
413	23 /05/1983	CCL	SFO Timaru	S Cant Acclimatisation Society by arrangement with the lessee has fenced out a one chain access for about three chains to the edge of the terrace together with a stile and small bridge over the creek providing access down the boundary between Rata Peaks and the adjoining Stew Point to the Rangitata River. Lessee still keen to exchange this access for incorporation of the UCL access strip into the lease. Recommended that this access be legalised upon any transfer of the lease. Lessee. Acclimatisation Society advised on 31/10/1983 (f.415) that the access will be legalised in the event of the transfer of the lease.
438	03/11/1986	-	-	File note by ACCL of danger that surrender under Run Plan could be overlooked. In 1972 the Lessee agreed to surrender the 327ha under the agreed RunPlan. Investigation as to the surrender of the additional 581 ha (627 ha) required.

File Summary – [Rata Peaks]

FOLIO	DATE	TO	FROM	DETAILS
				<p>SCCB on approach advised on 13/01/1987 (f.443) that the off site benefits on the 1982 Run Plan had been completed but that 760m of new fence on Block D1 and 1900m of fence upgraded on Block B1 is required to be completed to enable the de-stocking.</p> <p>ACCL on 21/01/1987 (f.444) still concerned about the formal surrender and matter to be checked with SCCB as to progress in 12 months.</p>
-	19/10/1988	Lessee	Landcorp	<p>Notice under s.131 Land Act 1948 informing the lessee of values for renewal purposes as at 1 July 1990– Impts \$259,000 and LEI \$341,000 (AR of \$5115.00).</p> <p>Property transferred and new lessee deemed to have accepted renewal values.</p> <p>Memorandum of Lease renewal registered as C881045/1 dated 13/06/1990.</p> <p>ACTION COMPLETED</p>
Under 460	30/12/1988	Landcorp	Solicitors	<p>Application to Transfer of Lease from Lessee to M R B and J M Taylor.</p> <p>Agreement for Sale and Purchase making provision for :</p> <ol style="list-style-type: none"> 1) Protection of the water supply and electric power to Harper Lodge (CT CB443/95) by way of easement in perpetuity. 2) Agreement by the incoming lessee to allow the TV transmission installation at Turnagain Point and fire tender shed beside RS 39454 to remain under their present arrangements and an easement to the

File Summary – [Rata Peaks]

FOLIO	DATE	TO	FROM	DETAILS
				<p>Community or a Deed of Agreement being entered into.</p> <p>3) The purchaser agreeing to be bound by the provisions of the Run Plan.</p> <p>4) The eradication of all goats on the property prior to transfer.</p> <p>5) Purchaser accepting responsibility for fencing under the Run Plan.</p> <p>6) The purchaser entering into a bond in respect of 4 and 5 above.</p> <p>7) The purchaser continuing to provide access to the Rangitata River along the fenced access lane on the boundary of Stew Point.</p>
Under 466	30/01/1989	Solicitors	Landcorp	<p>Approval to Transfer with consent available subject to certain conditions including the purchaser entering into a \$20,000 bond with Landcorp to cover eradication of goats and completion of retirement fencing (to be completed by 30/06/1989) and signing an undertaking as to the surrender of the 914 ha.</p> <p>Transfer registered as T815059/6 to M R B and J M Taylor on 11 July 1989.</p> <p>TRANSFER ACTION ONLY COMPLETED CREATION OF AN EASEMENT(S) OR DEED OF AGREEMENT, AS APPROPRIATE, OVER THE LEASE IN FAVOUR OF THE USERS TO PROTECT THE TV INSTALLATION AT TURNAGAIN POINT AND FIRE TENDER FACILITIES THAT MAY STILL EXIST.</p> <p>CREATION OF AN EASEMENT TO PROVIDE LEGAL AND PRACTICAL FOOT ACCESS TO THE RANGITATA RIVER ON THE BOUNDARY WITH STEW POINT.</p>
472	09/02/1989	Landcorp	Solicitors	<p>Provided the undertaking as to the surrender of the 914 ha.</p>

File Summary – [Rata Peaks]

FOLIO	DATE	TO	FROM	DETAILS
-	21/03/1990	-	-	Landcorp Consultant reports fencing still incomplete –bond to stay in place and lessees have questioned the surrender of 914 ha and reopening this through their solicitors. Lessee attached representations made (02/03/1990) to Landcorp.
Pt 070 – SCH – 04 (05/07/1990 to 03/08/1998) Volume 4				
-	27/07/1990	Landcorp	Cant. Regional Council	Following report on retirement surrender issues by Landcorp Consultant CRC advised it was reluctant to reverse the current retirement surrender proposals.
-	27/07/1990	Landcorp	Findlay Lobb and Bell	Submission of water supply Easement Plan over lease in favour of Mrs Maxwell for execution (duly completed and returned). SO 18458 defining proposed easement right to convey approved 21/11/1990. On 03/02/1992 Tripp Rolleston submitted Transfer of Easement document to DOSLI for execution subsequently referred to Landcorp. Transfer documents executed by CCL. Transfer of Easement registered on 13/05/1993

File Summary – [Rata Peaks]

FOLIO	DATE	TO	FROM	DETAILS
				ACTION COMPLETED ON WATER SUPPLY EASEMENT.
-	03/03/1991	Landcorp	Lessee	Reminder regards obligations to complete fencing.
-	30/07/1993	Lessee	Cant Regional Council	Traversed the retirement and surrender issues outstanding and suggested a joint inspection also involving Landcorp. Following the joint inspection Solicitors, on 28/10/1993 advised that 1900m of fencing still to be erected.
	27/10/1993	Landcorp	Raymond Sullivan McGlashan	Advised lessee contemplating sale. Enquired regards procedure for incorporation of Reserve 3862 into the lease. Landcorp reply indicated CCL consent required whereupon a Certificate of Alteration registered against the title NOT AN UNCOMPLETED ACTION BUT LSC FOR THIS LAND UNDERTAKEN FOR POSSIBLE INCORPORATION INTO LEASE AS PART OF TENURE REVIEW
	23/11/1993	Sinclair Horder O'Malley	Cant Regional Council	Advised majority of LIA requirements complied with and reiterated the requirement to surrender 914 ha.
	12/01/1996	Lessees	Min of Lands	Following reports through the CCL the Minister advised that the question of the

File Summary – [Rata Peaks]

				DETAILS
FOLIO	DATE	TO	FROM	
				ACTION COMPLETED ON WATER SUPPLY EASEMENT.
-	03/03/1991	Landcorp	Lessee	Reminder regards obligations to complete fencing.
-	30/07/1993	Lessee	Cant Regional Council	Traversed the retirement and surrender issues outstanding and suggested a joint inspection also involving Landcorp. Following the joint inspection Solicitors, on 28/10/1993 advised that 1900m of fencing still to be erected.
	27/10/1993	Landcorp	Raymond Sullivan McGlashan	Advised lessee contemplating sale. Enquired regards procedure for incorporation of Reserve 3862 into the lease. Landcorp reply indicated CCL consent required whereupon a Certificate of Alteration registered against the title NOT AN UNCOMPLETED ACTION BUT LSC FOR THIS LAND UNDERTAKEN FOR POSSIBLE INCORPORATION INTO LEASE AS PART OF TENURE REVIEW
	23/11/1993	Sinclair Horder O'Malley	Cant Regional Council	Advised majority of LIA requirements complied with and reiterated the requirement to surrender 914 ha.
	12/01/1996	Lessees	Min of Lands	Following reports through the CCL the Minister advised that the question of the

File Summary – [Rata Peaks]

FOLIO	DATE	TO	FROM	DETAILS
				surrender of a lesser area than that already agreed would only be accepted by the CCL following negotiations with CRC and DOC. Unless the Lessee negotiated an amendment within 6 months expiring 30/04/1996 the CCL would enforce surrender, call in the bond to complete fencing and take legal surrender the 914 ha.
	21/02/1996	KFL	CRC	In response to a request from the CCL the CRC advised that there appeared to be no liability related to the Run Plan implementation.
	29/07/1996	-	-	SO 19616 approved as to survey defining area for surrender as Sec. 1 (Area 853.9156 ha). Note that Rata Peaks access across parts of proposed surrender area (shown areas A and B on plan). New Appellation A 255282/1 registered as Section 1, SO 19616. On 28/08/1996.
	20/08/1996	-	-	File note indicating that CRC has had no approach from the Lessees for re-negotiation of the Agreement. Boundary fencing in compliance with Run Plan completed. CCL by Case No. 1996/117 of 22/10/1996 approved discharge of the bond entered into by the lessee of Rata Peaks entered into in 1989. Lessees advised 25/10/1996.
	13/01/1997	KFL	CCL	Approved Partial Surrender of Section 1, SO 19616.

File Summary – [Rata Peaks]

FOLIO	DATE	TO	FROM	DETAILS
				<p>Partial Surrender registered on 7 April 1998 as to Sec1, SO 19616 – document A 346616.1</p> <p>KFL sought CCL approval to transfer of Management of Sec 1, SO 19616 to DOC pending gazettal for Conservation purposes.</p> <p>CREATION OF RIGHT OF WAY EASEMENT OF LESSEES ACCESS TRACK ACROSS SURRENDER AREA (AREAS A AND B SO 19616) OUTSTANDING</p> <p>ACTION OUTSTANDING TO DECLARE SECTION 1, SO 19616 FOR CONSERVATION PURPOSES</p>
<p>Pt 070 – SCH – 05 (06/04/1998 to 30/06/2000) Volume 5 -</p>				
	22/12/199	KFLI	Geological Nuclear Sciences	<p>Request for consent for earth disturbance to install a permanent seismograph station near the Rata Peaks farm house. The facility involves the installation of an earthquake recorder, small shed for seismic equipment serviced by an underground power cable and a satellite dish.</p> <p>KFL referred application to Pastoral Contract for guidance.</p>

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

File Summary – [Rata Peaks]

FOLIO	DATE	TO	FROM	DETAILS
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Pt 070 – SCH – 06 (04/02/1994 to 03/02/1990) Volume 6 -

Timaru Office Files – Majority of the folios duplicates

	09/11/1988	Landcorp	D A Aubrey Lessee Ben McLeod	<p>Sought access up the Zig Zag (UCL - Pack Track Reserve) next to Stew Point where the track meets with the Stew Point Track for the purposes of access to Ben McLeod.</p> <p>Landcorp advised matter receiving consideration. Instruction to Landcorp Timaru saw instructions following the impending sale of Rata Peaks as an opportunity to consider this matter further.</p> <p>Transfer was approved in January 1989 without consideration to this application by Aubrey therefore the opportunity was missed.</p> <p>THE UCL “PACK TRACK RESERVE” WOULD APPEAR FENCED IN TO RATA PEAKS. THIS TRACK PROVIDES LEGAL BUT NOT FORMED ACCESS OVER ITS TOTAL LENGTH AND ESPECIALLY IN THE VINICITY OF THE RANGITATA GORGE ROAD WHERE IT DEVIATES ACROSS PART OF RATA PEAKS.</p>
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Pt 70/A - SCH - PLANS ONLY

No relevant folios

File Summary – [Rata Peaks]

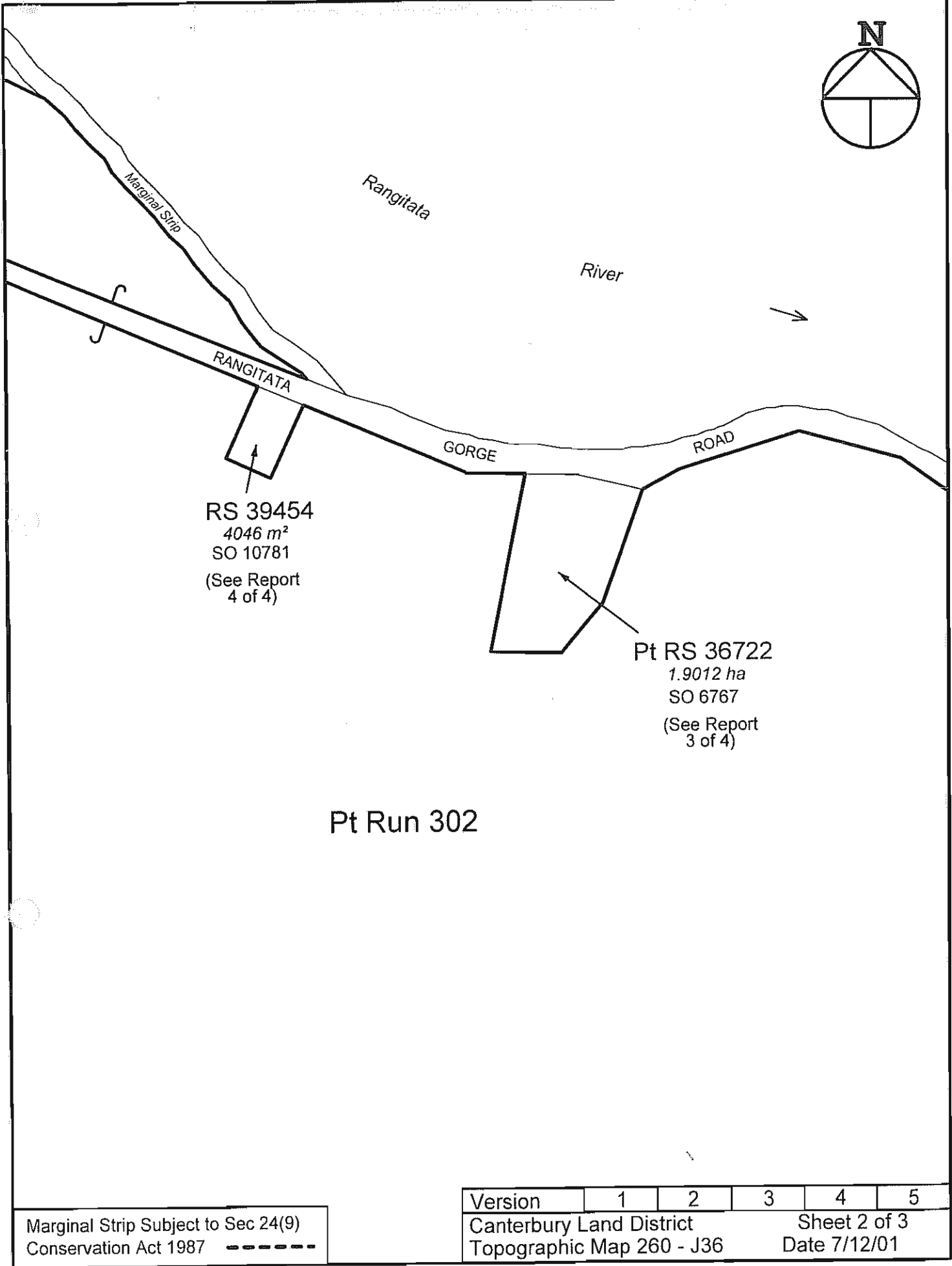
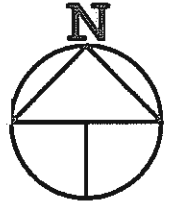
FOLIO	DATE	TO	FROM	DETAILS
CON/50213/09/12697/A-ZNO (01/07/2000 to 09/04/2001)				
	15/09/2000	-	CCL Delegate	<p>LINZ Case No.01/87 approved the rental review and determined the annual rental of \$4162.50 based on the LEI value of \$185,000 with the rental review to be effective from 1 July 2001.</p> <p>Lessee notified 29/09/2000 and accepted the reviewed rental.</p> <p>ACTION COMPLETED – ADMINISTRATIVE ONLY</p>
	03/10/2000	CCL Delegate	Geological Nuclear Sciences	<p>Application for easement under s.60 of the Land Act 1948 for the installation of a seismic recorder and associated facilities received following advice from CCL.</p> <p>LINZ Case No. 01/278 of 03/12/2000 approved the application for easement for the seismic recorder and associated facilities.</p> <p>Deed of Grant of Easement fully executed and dated 28/03/2001</p> <p>FACILITIES LAYOUT NOT COMMITTED TO SURVEY HENCE GRANT OF EASEMENT REGISTRATION MAY BE OUTSTANDING (THE DEED SHOWS THE EASEMENT “MAY BE REGISTERED”</p>

File Summary - [Rata Peaks]

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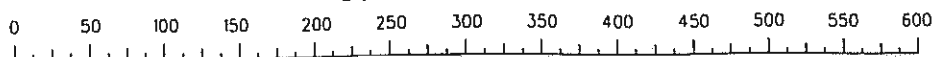
FOLIO	DATE	TO	FROM	DETAILS
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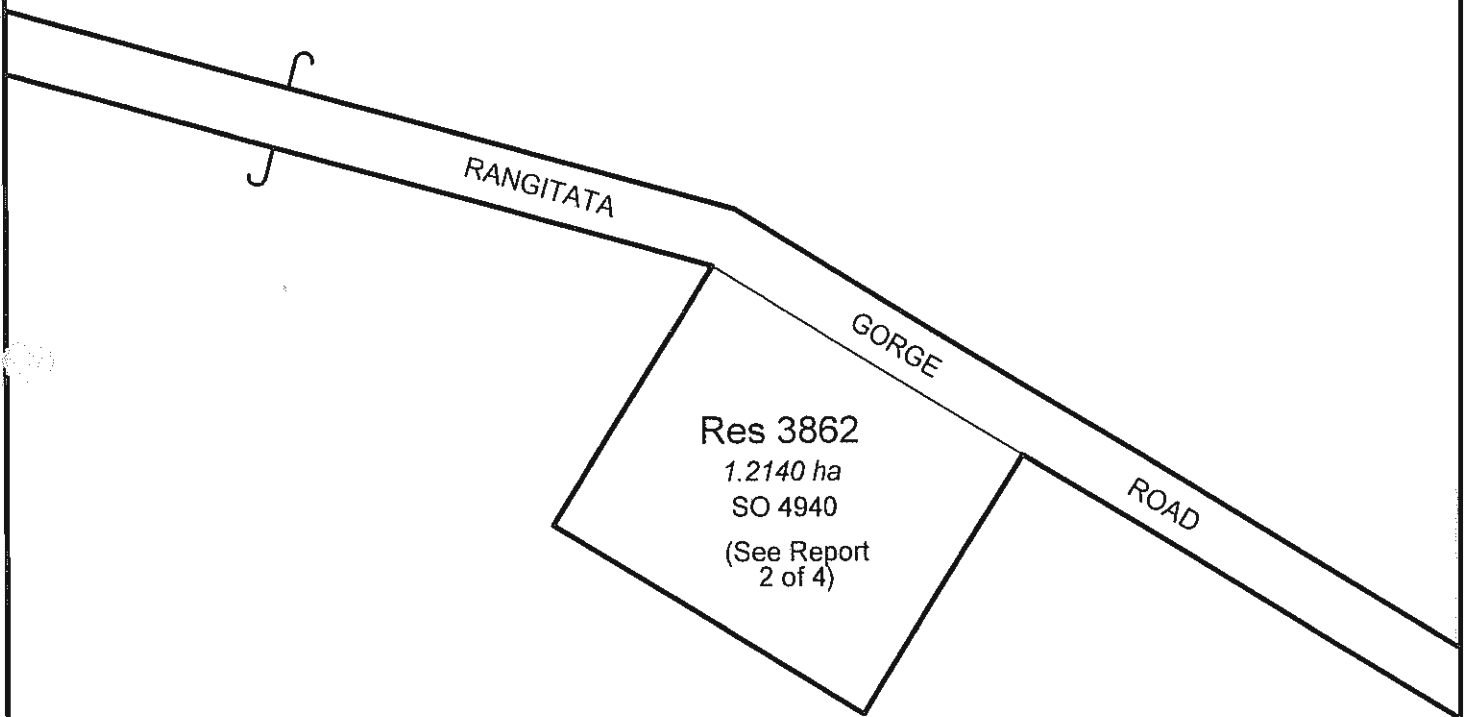
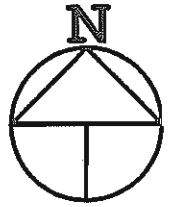
No relevant folios	CON/50213/09/12697/A-ZNO - 02 (10/04/2001 to current)			
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Rata Peaks

Scale 1:5000





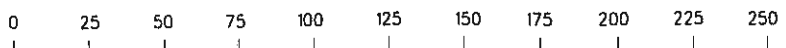
Pt Run 302

Marginal Strip Subject to Sec 24(9)
Conservation Act 1987 - - - - -

Version	1	2	3	4	5
Canterbury Land District					Sheet 3 of 3
Topographic Map 260 - J36					Date 7/12/01

Rata Peaks

Scale 1:2500



LAND STATUS REPORT

**for
Tenure Review**

RATA PEAKS

**Prepared by Don McGregor, McGregor Property Services Limited
for and on behalf of Q.V. Valuations**

January 2002

CONTENTS

PROPERTY 1 OF 4

Appendix A – Land Status Report (and Supporting plans).

- Additional Plans
- Extract of CLR
- DOC Consultation
- Information supporting Mineral investigation
- Information supporting Notes to report
- Other information

Appendix B – Land Status Report (Certified by Chief Surveyor).

PROPERTY 2 OF 4

Appendix A – Land Status Report (and Supporting plans).

Appendix B – Land Status Report (Certified by Chief Surveyor).

PROPERTY 3 OF 4

Appendix A – Land Status Report (and Supporting plans).

PROPERTY 4 OF 4

Appendix A – Land Status Report (and Supporting plans).

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

PROPERTY 1 OF 4

**Appendix A – Land Status Report
(and supporting plans)**

**Q.V. VALUATIONS
CHRISTCHURCH OFFICE**

APPENDIX A1

Project Number :QVV:218

This report has been prepared on the instruction of Land information New Zealand in terms of Contract No. 50272 (as yet undated) and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Rata Peaks Tenure Review	LIPS Ref: 12697
Property 1 of 4	

Land District	Canterbury.
Legal Description	Part Run 302, situated in Blocks II, III, V and VI, Mount Peel Survey District.
Area	1836.0298 hectares.
Status	Crown land subject to the Land Act 1948.
Instrument of lease	Pastoral Lease CL CB529/84 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal No. 881045.1.
Encumbrances	Subject to: 1) Part IVA of the Conservation Act 1987, upon disposition. 2) 733250 Transfer creating an Easement right to Convey Water across Part Run 302 in favour of Rural Section 39454 (CT CB7A/926). 3) 942202 Soil Conservation Agreement pursuant to Section 30 of the Soil Conservation and Rivers Control Act 1941. 4) A51323.1 Transfer creating an Easement right to Convey Water across Part Run 302 in favour of Part Rural Section 36722 (CT CB443/95).
Mineral Ownership	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.
Statute	Land Act 1948 and Crown Pastoral Land Act 1998.

Data Correct as at	15 January 2002.
[Certification Attached]	Yes.

Prepared by Crown Accredited Supplier	Don McGregor, McGregor Property Services Limited, Christchurch for and on behalf of Q.V. Valuations.
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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

- 1) Please note additional Reports within the periphery of / adjoining the lease.
- 2) The adjoining DoC Stewardship land (Section 1, SO 19616) surrendered from the lease in 1998 has not yet been declared Conservation land subject to the Conservation Act 1987.
- 3) SO 19616 provides for a Right of Way Easement over an access track through the DoC land (shown Areas "A" and "B" on SO 19616) in favour of Part Run 302 (Rata Peaks Pastoral lease). Legalisation of the Easement is outstanding and would appear to have been held in abeyance pending declaration of the land as Conservation land.
- 4) The North - eastern boundary of the lease is flanked by part of a 10.8987 ha strip of unalienated Crown land (shown marked as "Pack Track Reserve" on SO 4940). This land was confirmed as Crown Land subject to the Land Act 1948 in Appendix A3 of the Land Status Report of the Tenure Review for Lochaber Pastoral lease (a copy of which is attached).

This Crown land access strip also adjoins and traverses Run 297 (Stew Point / Coal Hill Pastoral lease) to the boundary with Lochaber Pastoral lease and it would appear to provide the opportunity for legal access to and from the Rangitata Gorge Road to those leases (and possibly other leases).

The topographical map appears to imply that the Crown Land access strip is fenced in with "Rata Peaks". Furthermore as indicated in the Lochaber Land Status Report (Appendix A3) the formed access track conforms to much of the Crown land strip except in the vicinity of the Rangitata Gorge Road where it deviates across part of Rata Peaks.

The opportunity would appear to be available to incorporate the Crown land area into the lease(s) in exchange for a multiple interest access easement over the full length of the formed track..

LAND STATUS REPORT for Rata Peaks Tenure Review	LIPS Ref: 12697
Property 1 of 4	
Research Data: <u>Some Items may not be applicable</u>	

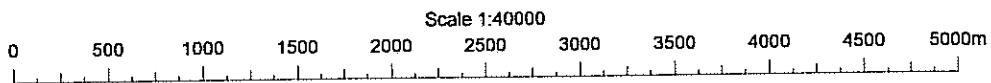
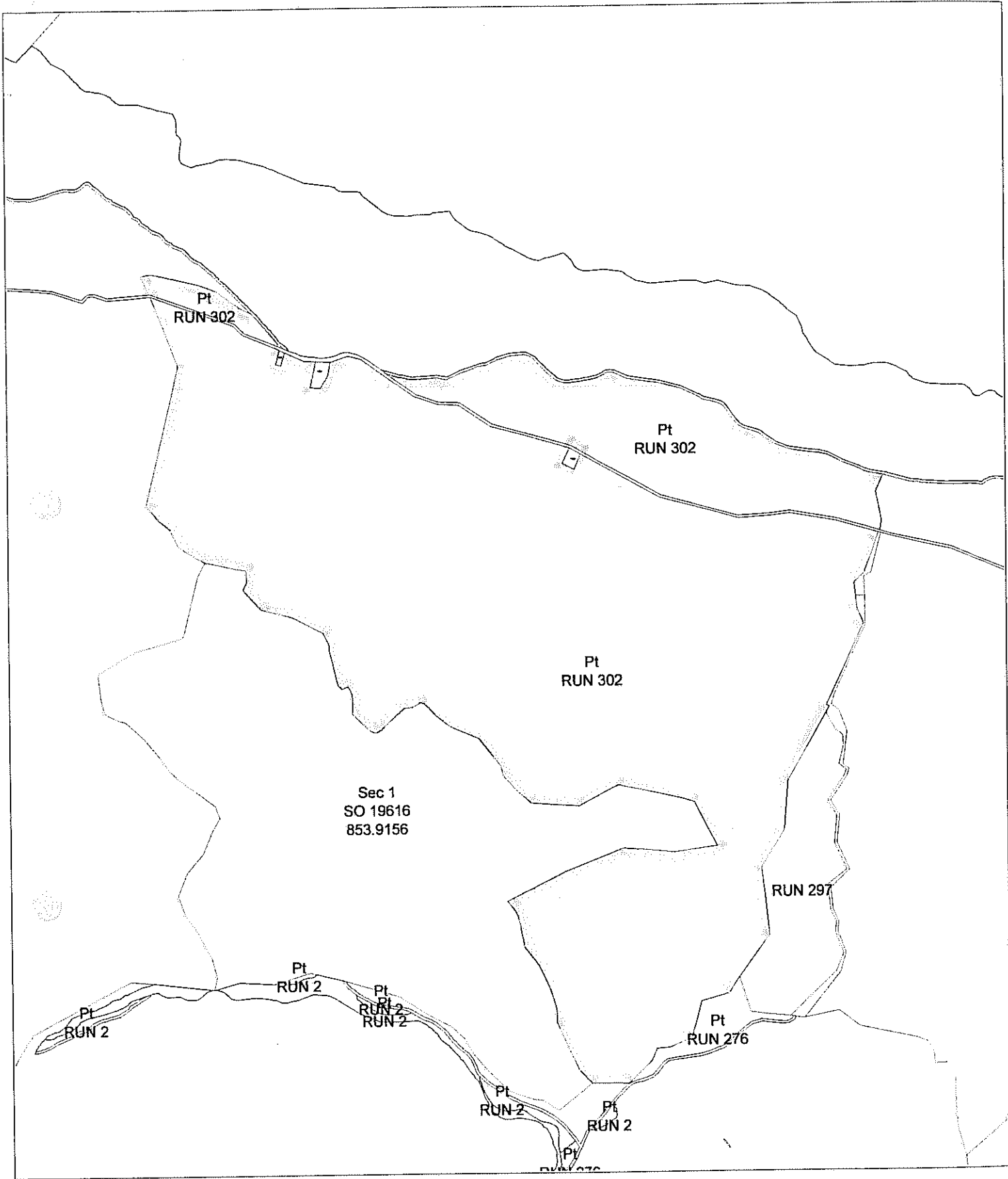
SDI Print Obtained	Yes.
NZMS 261 Ref	J 36.
Local Authority	Timaru District Council.
Crown Acquisition Map	Kemp Deed of Purchase.
SO Plans	<p>SO 4940 - Plan of Mount Peel Exchanges - Small Grazing Runs (22 June 1912).</p> <p>SO 6767 - Plan of Part R.S. 36722, Block II, Mt Peel S.D. (Approved 06 December 1934).</p> <p>SO 10781 - Plan of R.S. 39454 (formerly Part Run 302), Block II, Mt Peel S.D (Approved 23 February 1967).</p> <p>SO 11388 - Plan of Mt Somers area showing Runs (Approved 17 June 1970).</p> <p>SO 11748 - Plan of Runs in Mt Peel area (Approved 10 February 1972).</p> <p>SO 17062 - SOE Allocation plan.</p> <p>SO 17113 - DOC Allocation plans.</p> <p>SO 18458 - Plan of Proposed Easements over Part Run 302 (Approved 21 November 1990).</p> <p>SO 19616 - Plan of Section 1 (Approved 29 July 1996).</p> <p>SO 19851 - Plan Rangitata River - Areas Referred to in the Deed of Settlement for the Ngai Tahu Claim</p>
Gazette Notices	Not applicable.
Lease Ref	Pastoral Lease CL CB529/84 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal 881045.1.
Legalisation Cards	<p>Searched. SO 19616 of adjoining DoC stewardship land.</p> <p>No card however a search has revealed that this area is yet to be declared Conservation land subject to the Conservation Act 1987.</p>
CLR	Confirms Pastoral Lease tenure.
Allocation Maps (if applicable)	<p>Searched. No DoC or SOE Allocations are within the lease.</p> <p>Res 3862 (See Report 2 of 4) adjoining under dispute held by Department of Lands (U*J36*2A*CO) was previously allocated to Landcorp (L*J36*3*CO) and DoC (D*J36*6*CO). Now on Crown Balance Sheet.</p>

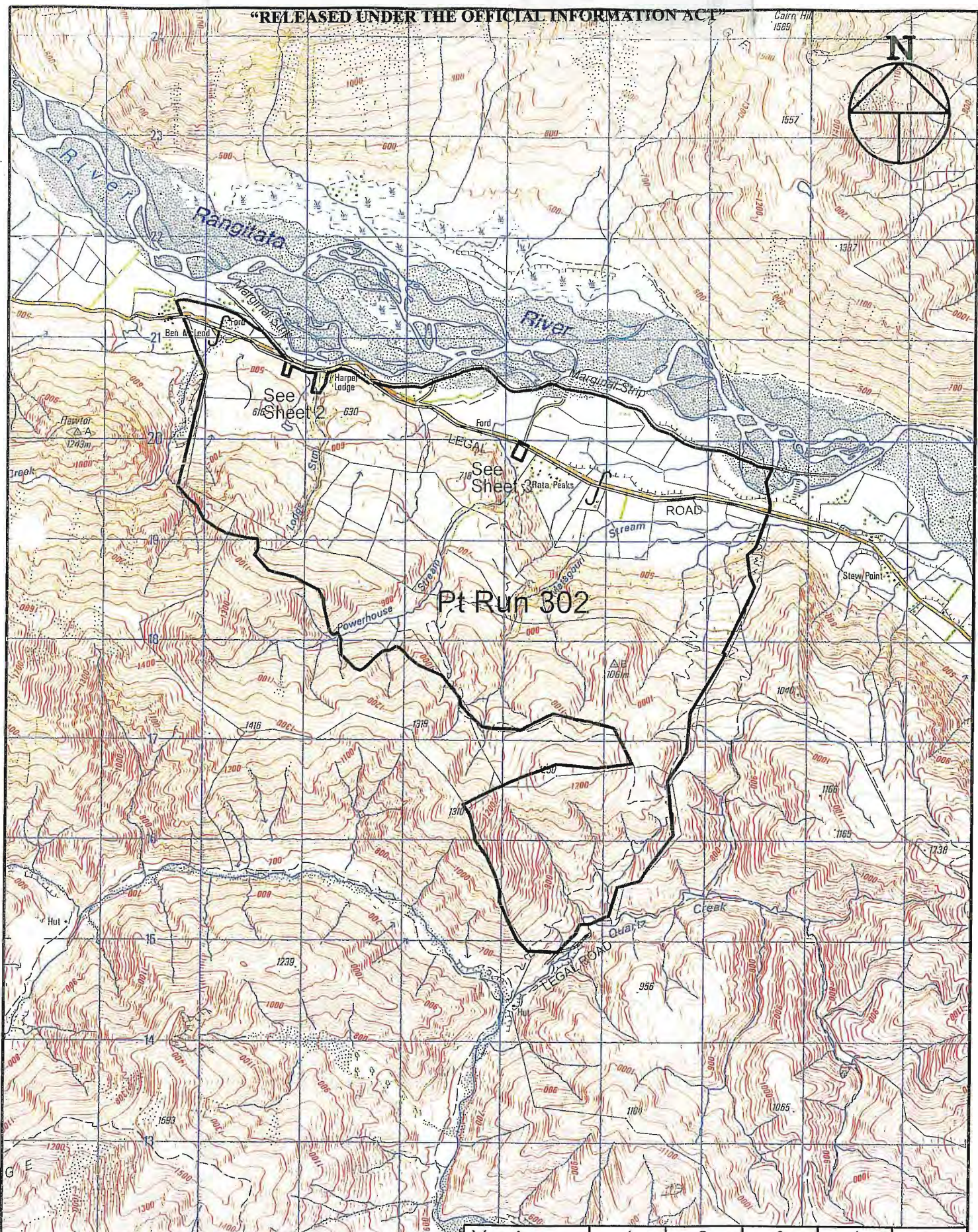
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	Extracts of Allocation Maps and Schedules attached.
VNZ Ref – if known	VR 24640/1200.
Crown Grant Maps	Not applicable.
Subject Land Marginal Strip: a) Type [Sec 24(9) or Sec 58] b) Date Created c) Plan Reference	a) Section 122 Land Act 1908 (now Section 24(3) of the Conservation Act 1987) along the Rangitata River. b) 22 February 1979 (The Chief Surveyor's notation on SO 4940 is relevant). c) S.O. 4940.

LAND STATUS REPORT for Rata Peaks Tenure Review	LIPS Ref 12697
Property 1 of 4	

IF Crown land – Check Irrigation Maps	Searched – Not applicable.
Mining Maps	Searched – Not applicable.
If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989 b) By Proclamation c) Gazette Ref:	a) SO Plan 4940 and supported by S.O. 11388 denoted Roads coloured burnt sienna as legal by Section 110A of the Public Works Act 1928. The Chief Surveyors notation recorded on SO 4940 indicates that the strip of land coloured burnt sienna along the banks of the Rangitata River is Crown land pursuant to Section 122 of the Land Act 1908 and the strip coloured burnt sienna and marked "Pack Track Reserve" is unalienated Crown land (Status of this area confirmed as Crown Land subject to the Land Act 1948 in Land Status Report Appendix A3 compiled for Lochaber Tenure Review). b) Not applicable. c) Not Applicable.
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 current DOC concessions exist within the lease boundaries. The only DOC interests are in the Marginal Strips existing and those yet to be defined. Knight Frank administers a Recreation permit to the D.A. Aubrey Family Trust to undertake fair chase guided hunting, four wheel drive tours and horse trekking over Ben McLeod Pastoral Lease and four wheel drive tours over Ben McLeod, Rata Peaks and Dry Creek Pastoral leases for a term of nine years from 1 January 2000 at the base of \$1250 with additional fees according to gross revenue levels and subject to three yearly reviews. b) The adjacent Rangitata River is recorded as a Statutory Acknowledgement in Schedule 55 (S.O. 19851) of the Ngai Tahu Claims Settlement Act 1998. 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.



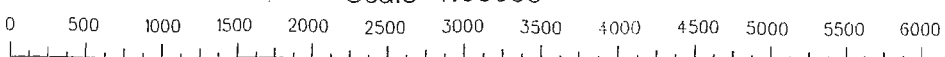


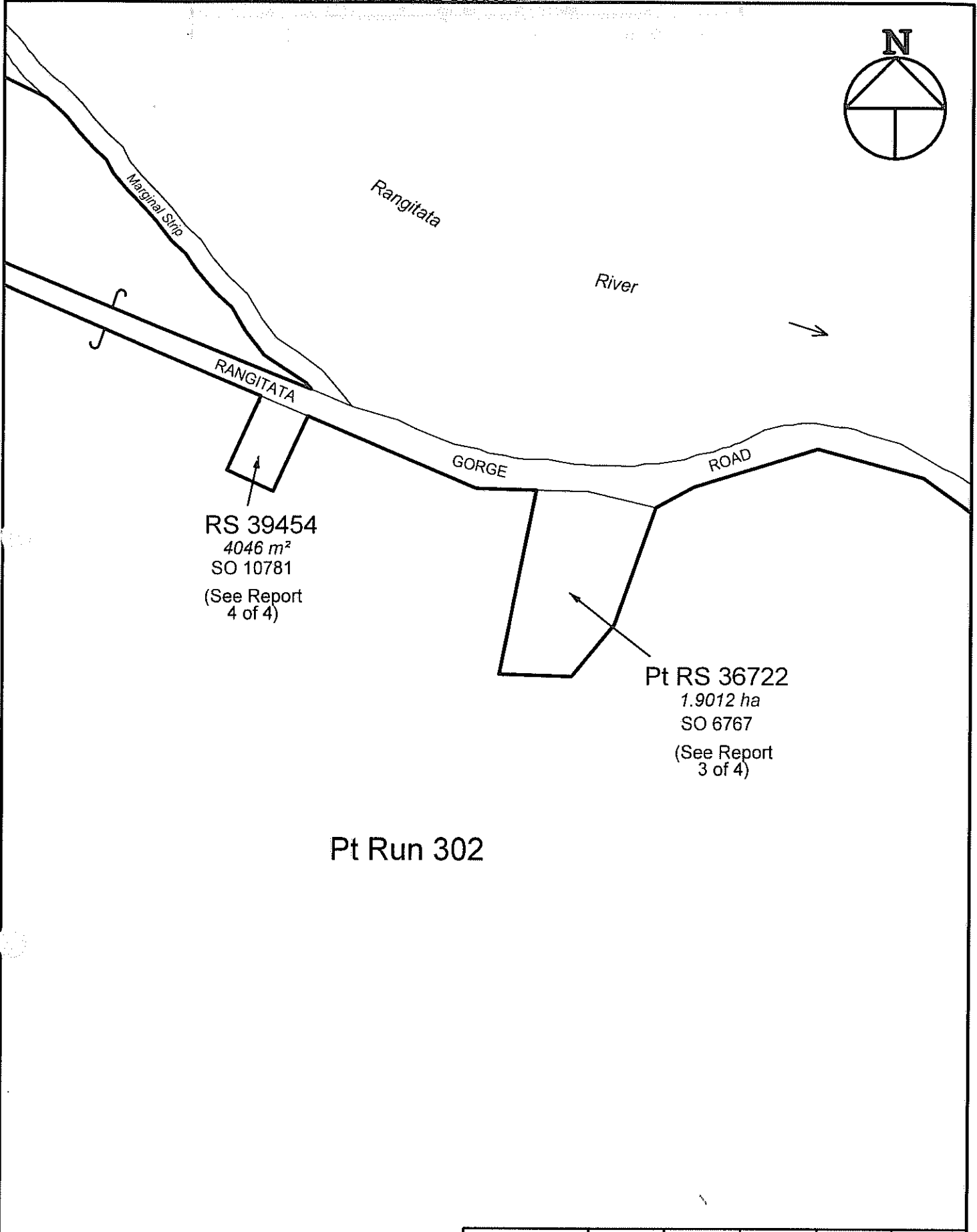
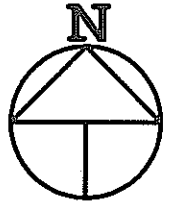
Marginal Strip Subject to Sec 24(9)
Conservation Act 1987

Version	1	2	3	4	5
Canterbury Land District	Sheet 1 of 3				
Topographic Map 260 - J36	Date 7/12/01				

Rata Peaks

Scale 1:50000





RS 39454
4046 m²
SO 10781
(See Report
4 of 4)

Pt RS 36722
1.9012 ha
SO 6767
(See Report
3 of 4)

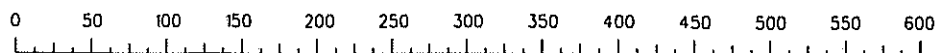
Pt Run 302

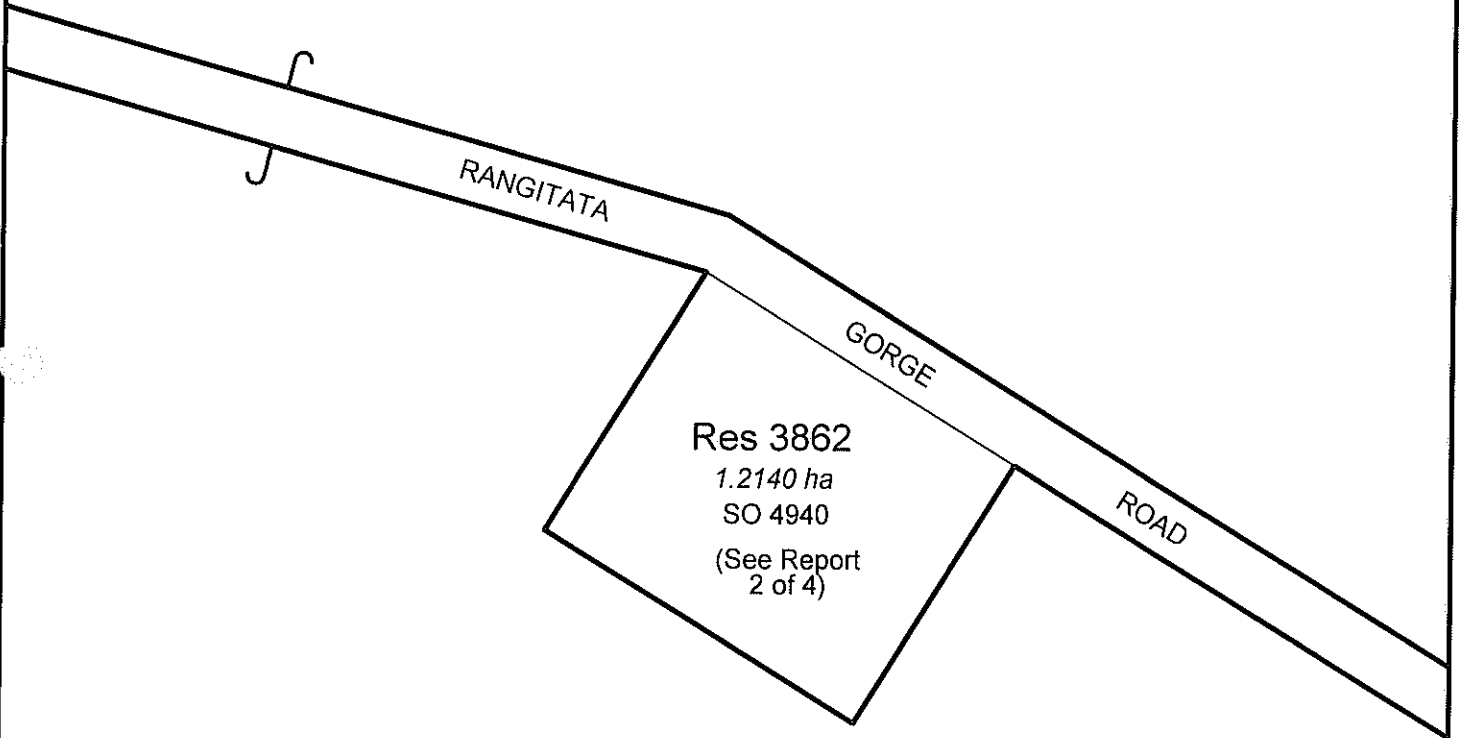
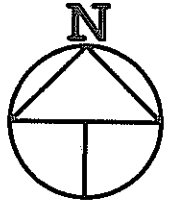
Marginal Strip Subject to Sec 24(9)
Conservation Act 1987 -----

Version	1	2	3	4	5
Canterbury Land District	Sheet 2 of 3				
Topographic Map 260 - J36	Date 7/12/01				

Rata Peaks

Scale 1:5000





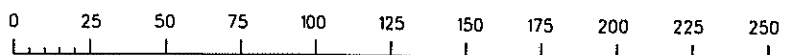
Pt Run 302

Marginal Strip Subject to Sec 24(9)
Conservation Act 1987 -----

Version	1	2	3	4	5
Canterbury Land District					Sheet 3 of 3
Topographic Map 260 - J36					Date 7/12/01

Rata Peaks

Scale 1:2500

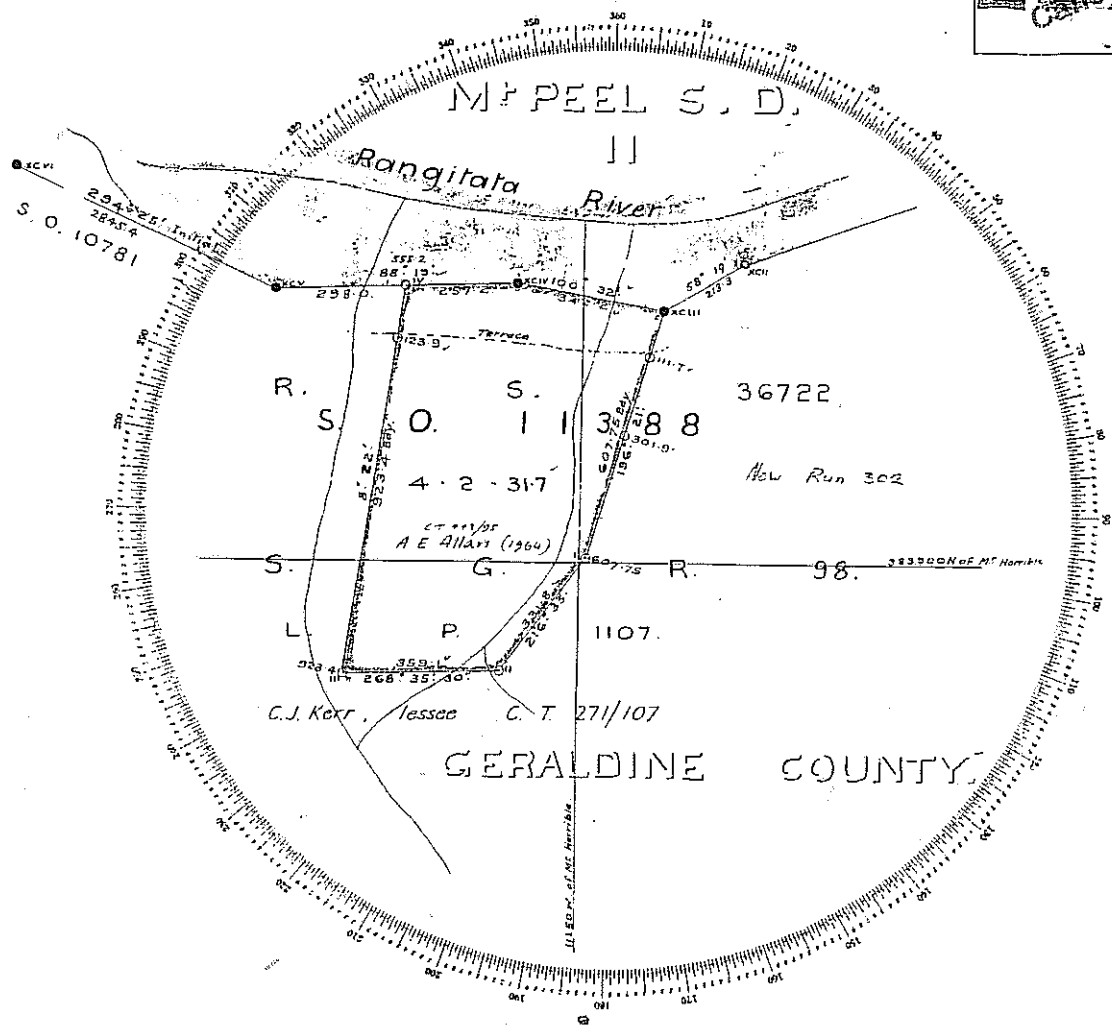
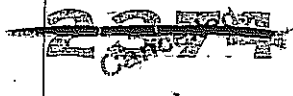


SO Plans (Additional)

Land edged red hereon ceases to be set apart for National Endowment Gng. 1935 page 1265
 (SOLD)

(Lands-N. 38.)

LAND DISTRICT
 N.L.C. DISTRICT



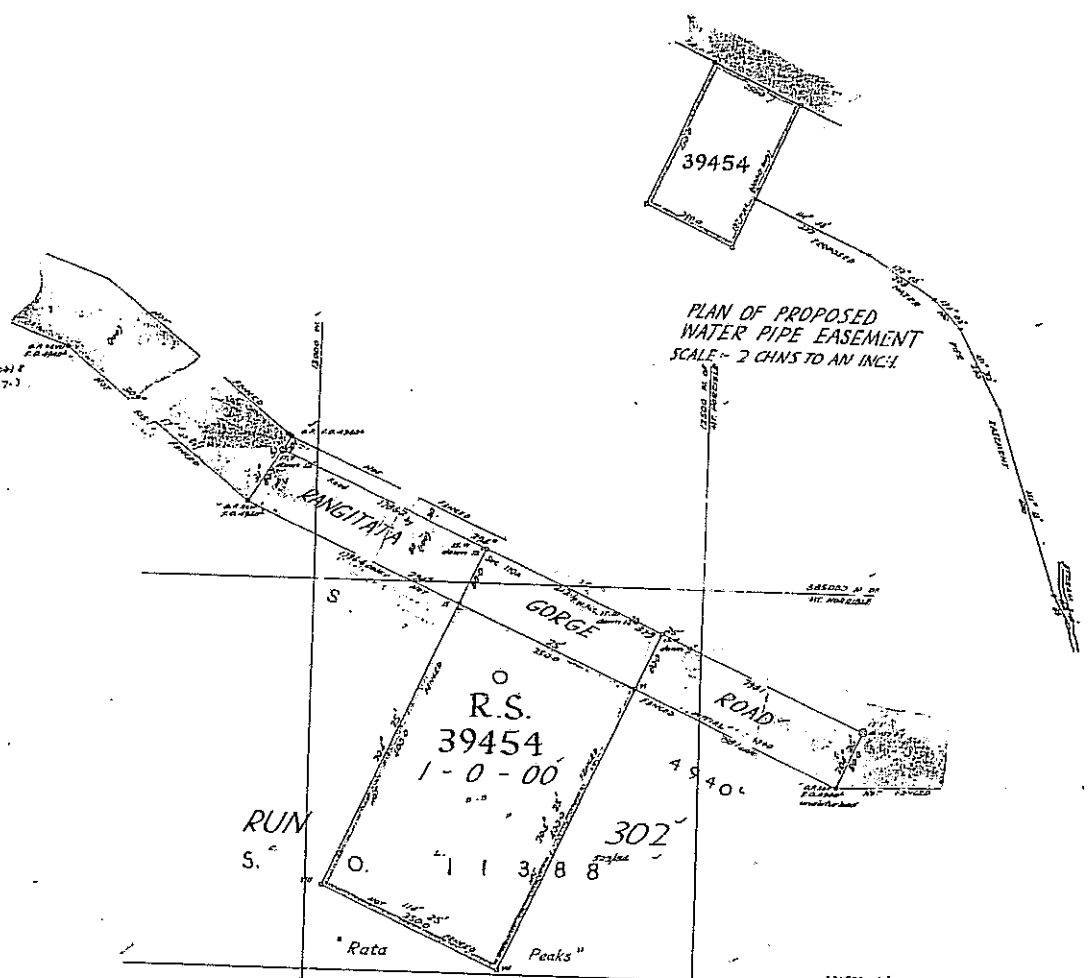
FILE: S.G.R. 126
 AUTHORITY:
 PARENT PLAN:
 REF. PLANS:
 Received: _____ No. _____
 Matchbook: 265p-1d. 598 p. 78
 Traverse-book: Vol. 40 File: 147
 Contained: No. 5. 1234
 Recorded: _____
 Plan in order and ready for approval:

PLAN OF P.R.S. 36722 BIK. II. M^T PEEL S. D.
 Surveyed for
 By E.C. Barker, Registered Surveyor.
 Date: October, 1934
 SCALE: 2. CHAINS TO AN INCH.
 I, E.C. Barker of Christchurch, Registered Surveyor, hereby certify that this plan has been made from surveys executed by me, that both plan and survey are correct, and have been made in accordance with the rules of the Survey Board.
 Dated at Ch. Ch. this 6th day of Dec., 1934
E.C. Barker, R. S. 1.
 Registered Surveyor.

Approved as to survey,
B.E. Ellis
 Deputy Chief Surveyor
 C. 112137
 Plan No. 6767
6767
 Registered Surveyor,

Indexed in Register, D.C.M. 11435

“RELEASED UNDER THE OFFICIAL INFORMATION ACT”



Scheme Plan 58/29 Approved
S. fil. P 70 folio 2.27

PLAN OF R.S. 39454 FORMERLY PART RUN 302

Survey Block & District BLK. II, MOUNT PEEL S.D.
 Land District CANTERBURY Local Body GERALDINE COUNTY COUNCIL
 Scale CHAINS TO AN INCH Surveyed by BRIDGES, MUIRY & EDWARDS Date DECEMBER, 1967

TOTAL AREA - 1-0-00

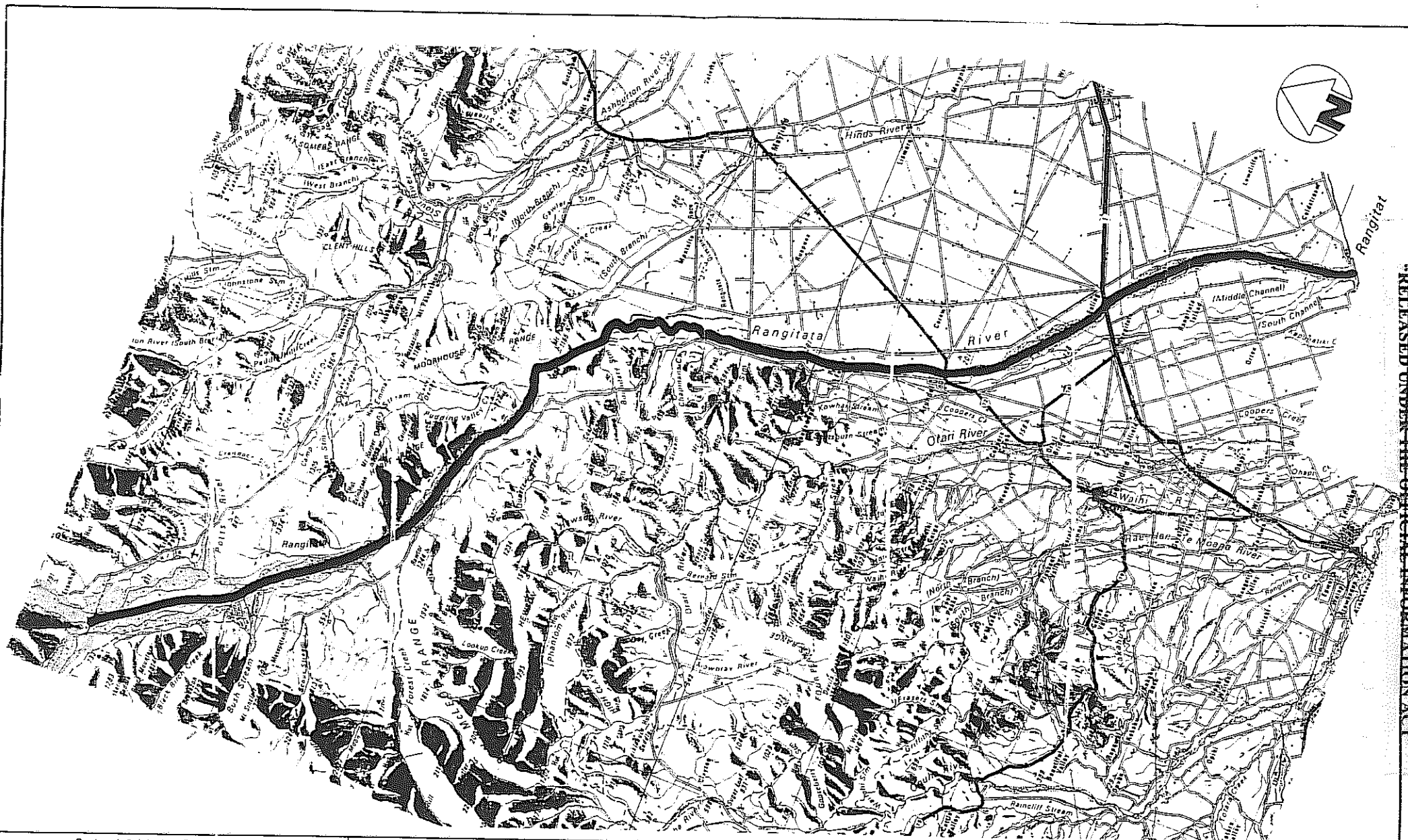
Approved: _____
 Chief Surveyor 2912167

I, George Robert McLeod, Registered Surveyor and holder of an exempt practicing certificate, hereby certify that this plan has been made from surveys conducted by me; that both plan and survey are correct and have been made in accordance with the regulations under the Survey Act, 1950.
 Dated at Timaru this 14th day of JANUARY 1968

G.R.McLeod
 Registered Surveyor

10781

Received	1 June 1967
File	279
Instructions	
Reference Plans	J.R. 1966
Field book	1912 p. 12
Transfer book	25 p. 46
Examined by	S.B.H.L.
Recorded	
Plan in order for approval	
<u>H. Mackay</u>	22/1/68



RELEASED UNDER THE ORIGINAL INFORMATION ACT

Scale of Original 1:250000



Rangitata River

Approved as to boundaries:

[Signature] 21/11/92
for Te Rūnanga o Ngāi Tahu

[Signature] 21/11/92
on behalf of the Crown

Canterbury Land District
Territorial Authority: Ashburton/Timaru District
Terralink NZ Ltd
Survey Services
Christchurch



Areas referred to in the Deed of Settlement for the
Ngāi Tahu Claim

MD 115

Extract of CLR

10 FEB 1987

Description: Run 302 "Rata Peaks"

Situated in: Blocks II, III, V, VI Mount Peel Survey District.

S.O. 1: Local Authority: Strathallan County Council Area: 2689.9 m²/ha

DETAILS OF LEASE OR LICENCE							
File	Selector	File	Date of Selection	Term Years / From	R.V. Price	A/Rent Instalment	Det. Exp.
	<u>1 P 11111111</u>	<u>P70</u>	<u>1.3.57</u>	<u>23 1 July 57</u>	<u>11100.00</u>	<u>551.50</u>	<u>30/6/90</u>

DETAILS OF RESERVATIONS							
Purpose or Classification	Gazette		Administering Body	Vested		Control & Management	
	Year	Page		Year	Page	Year	Page

Valuation Ref: 24640 12 C.L./C.T./Deeds Ref: 529 /84

Name of Reserve/Locality:

Description: Run 302 "Rata Peaks"