

Crown Pastoral Land Tenure Review

Lease name : Rhoboro Downs

Lease number : PT 093

**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 October 2002

DUE DILIGENCE REPORT

**TO THE
COMMISSIONER OF CROWN LANDS**

KNIGHT FRANK (NZ) LTD, PO BOX 564, TIMARU

KF REF:	Pt 093.01	LINZ REF:	CASE NO: 00/
LEASE NAME:	Rhoboro Downs		
LESSEE:	Rhoborough Downs Limited		
LOCATION:	Twizel, South Canterbury		
DATE OF THIS REPORT:	29 September 1999		
LEASE DETAIL:			
Land Tenure:	Pastoral Lease		
Legal Description:	Parts Run 290 (SOs 13326, 14552, 16043 and 17243, Closed Road (SO 16043 and 17243), Part Reserves 4677 and 4443 (SO 16043 and 17243) Hopkins, Campbell, Pukaki West and Strachey Survey Districts, Canterbury Land District,		
Certificate of Title:	5C/1019		
Area:	7559.2656 hectares		
Term:	33 years from 1 July 1995		
Rental Value:	\$80,000		
Annual Rent:	\$1,200		
Date of Next Review:	1 July 2006		
Stock Limit in Lease:	4,510 Sheep (including 1,430 breeding ewes)		

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LAND STATUS REPORT SUMMARY

Land Status Report prepared by an approved person is appended, without supporting papers, which are held on file.

The report states that; "... the current land holding and its variations from its origins, has always remained in the Crown's interest for over 130 years. There are no requirements under Section 40 Public Works Act 1981 to offer the land back to a former owner(s) and/or successor(s)... ..Crown Land subject to the Land Act 1948."

Compensation Certificate No 696629/1 and 696888/1 cannot be discharged until all land adjustment requirements have been completed. A search dated 23 August 1999 shows these as still in force.

*Due Diligence Report
Rhoboro Downs - September 1999*

Under Clause (c) of Survey Requirements, the following statement is made: "without the benefit of survey definition under Class A or B Standards, there is no immediate guarantee that occupation boundaries coincide with, the current cadastral boundaries". This statement appears to have been made because it is not absolutely certain which side of the legal road, the southern boundary fence is located. This has a legal significance only if the road was ever to be double fenced. In other respects, the boundary fencing is either on or thereabout the boundary, except for the summit of the Ben Ohau range which is unfenced.

We are unaware of a reference to the northern boundary where the fenceline "dips" and cannot discern it from the plan, but believe to be a minor give and take fenceline below spot height 712 to be taken into consideration during tenure review plan development.

Under Clause (c) of Survey Requirements, the following statement is made: "without the benefit of survey definition under Class A or B Standards, there is no immediate guarantee that occupation boundaries coincide with, the current cadastral boundaries".

SUMMARY OF FEATURES FROM TOPOGRAPHICAL AND CADASTRAL DATA

A true high country property on the western shores of Lake Pukaki consisting of approximately two-thirds downs and flats at approximately 550 metres, rising in the west to alpine peaks at an altitude of almost 2,000 meters. Small fringe areas of good silt soil have been developed for hay paddocks and an area of lower hill country oversown and topdressed. The flats have a slight southerly aspect, while the hill and mountain country forms the eastern aspect of the Ben Ohau Range.

Boundaries for practical purposes are fenced, however doubt remains as to which side of the legal road along the southern boundary, the boundary fence is situated. Small adjustments as the result of hydro works are yet to be completed to allow discharge of compensation certificate.

Summary LUC :	Class III	1%	Class VI	34.1%
	Class IV	21.5%	Class VII	25.2%
	Class V	2.7%	Class VIII	15.5%

TOTAL 100%

SUMMARY OF LEASE DOCUMENT (CT)

Legal Description reconciled with KF records. (Records amended)

Term of lease reconciles with KF records.

Area reconciled with Status Check area. (Records amended)

Transfers and Transmissions Registered against the lease.

- 1 1962: Lease issued in the name of Edith May Preston 5/6th and William Logan Preston as to 1/6th
- 2 Transfer 669782 Transfer of Edith Mary Preston's share to William Logan Preston on 1 December 1966.
- 3 Transfer 34359/2 from William Logan Preston to Rhoborough Downs Limited on 9 May 1975

Encumbrances registered against the lease.

- 1 Certificate of Alteration as document 34359/1 limiting transfer of shares in the company registered on 9 May 1975
- 2 Compensation Certificate Documents 696629/1 and 696888/1 registered on 11 August 1987 and 12 August 1987
- 3 Rabbit and Land Management Agreement - LIA registered as document A19402/1 on 16 October 1992

Mortgages registered and not discharged

- 1 A333443.2 to Tripp Rolleston Nominees Limited 24 December 1997
- 2 A371089.1 to Pyne Gould Guinness Limited 1 October 1998
- 3 A373091.01 to Joseph Gordon Butterfield, Roberta Ann Preston and Perpetual Trust Limited on 15 October 1998

DETAILS OF ANY NEIGHBOURING CROWN OR CONSERVATION LAND

Small areas of land at the south end of Lake Pukaki near the junction of Mount Cook Road and State Highway 8 yet to be adjusted as the result of hydro development.

No known Conservation Land to consider.

FILE SEARCH**Details of File Search and Uncompleted Actions:**

This has been a property of comparative inactivity and there are only three closed Pastoral Lease files, one of which is a duplicate that was held in Timaru while the main files were in Christchurch. A file search has been carried out of all Pt 093 Pastoral Lease files, held by Knight Frank (NZ) Ltd, dating back to 22 August 1957.

- 31 Oct 1958 Land taken for development of water power - 4 Acres 1 Rood 38 Perch
Gazette 1958 Page 645
- 5 Jan 1960 Letter of file stating "the land in this licence will be classified as pastoral land, under Section 125 (3) of the Land Act 1948, and the estate of offered a pastoral lease at a rental yet to be determined.
- 25 Oct 1960 Report on pastoral lease for renewal notes about 400 acres aerial seeded and topdressed in 1957, average stocking for previous six years 4,843 sheep. Notes that sweet briar very bad.
- 8 Feb 1961 Land Settlement Board under Case 6451 approved the issue of a pastoral lease pursuant to Section 125 (3) Land Act 1948, with a maximum carrying capacity of 4,100 Sheep (including 1,300 breeding ewes) plus 10%. The lease to run for 33 years from 1 July 1962. It is interesting that the submission notes J W Preston was the original selector on 1 March 1920.

- 30 Nov 1961 Copy of a letter to the lessee to remove broom which was noted at issue of the lease and gives hand-written notes which contradict the first note on this file regarding land taken for water power development.
Gazette Numbers 1952 page 690 36 Acres 3 Roods 0 Perch taken for water power
Gazette 1958 Page 746 - 4 Acres 1 Rood 38 Perch set apart for road
Gazette 1941 page 2013 - 3 Acres 0 Roods 30 Perch taken for road.
Gazette 1941 Page 2013 - 10 acres 1 Rood 26 Perch taken for plantation purposes
- 2 May 1962 Variation - note that stock increase be granted to alter the breeding ewes to 1,600 but the overall stock limit of 4,510 remain. Case No 6812
- 7 Oct 1965 Transfer approved of the remaining 5/6th share of E M Preston to W L Preston. Letter of approval did not transfer the stock increase.
- 21 Feb 1966 Transfer 669782 cancellation of title and issue of new title CT 5C/1019. It is noted that in the title that was cancelled, being 529/211, that there was no legal road shown running up part of the Fraser Stream, however this legal road is now shown in the cadastral plan supplied by Terralink. Note: Road shown on Status Check plan supplied subsequent to Terralink plan referred to above..
- 21 Feb 1966 New title issued 5C/1019 Certificate of Title under Land Transfer Act - Leasehold. This is a different form of document to normal being on Lands and Deeds document 71, it does not have the normal terms of lease that are on usual Lands & Survey B-4 form of lease title and it does not have the stock limit annotated on it.
- 11 Apr 1975 Transfer W L Preston to Rhoborough Downs Limited a company of which the Preston family was still the shareholder. Notes that any change of manager requires the consent of the board. There is no mention of transfer of stock limit. The new title also only shows road on the southern boundary and no road through the property in the region of Fraser Stream.
- 24 Jul 1975 During a re-definition of the run, there was a change of appellation whereby two former Crown Land Reserves formerly gravel reserves containing 4046 m² each were incorporated into the run. The areas were defined on SO 5626 and incorporated on SO 13326.
- 3 May 1984 Letter to the lessee drawing his attention to the wilding tree problem. It appears that there had been considerable previous discussions with the lessee.
- 29 Sept 1975 Certificate 52626/1 registered incorporating 8092 m² and the total area increased to 7,600 hectares by re-definition.
- 2 June 1987 Copy of letter from Ministry of Works with copy of agreement and plan attached referred to as Plan TM 3211 revision "A". It is a good plan that clearly sets out what land was to come out of Rhoboro as a result of lake raising and the area of land that was to go back into Rhoboro. It is noted that closure of the Old Mount Cook

Road at the northern end shows a short length of the road adjacent to Pukaki Downs boundary which was to be incorporated into Rhoboro and which in the Pukaki Downs Tenure Review Report indicates that it should be retained for public access. Note: The area has subsequently been incorporated into Rhoboro Downs. See Doc 817732/1.

- 11 June 1987 Letter to Ministry of Works regarding land taken for water power and various parcels to be incorporated. It raised the subject of Reserve 5075, and if Parcel A, the former Mount Cook Road referred to above, which may be required for public access.
- 9 Jan 1989 Letter from Department of Lands to Landcorp stating that all gazette action regarding adjustments to the above lease in connection with the Upper Waitaki Hydro Development had been completed apart from acquiring Part Reserve 4038 from Department of Conservation, shown as area "J" SO 17243. It requested that the incorporations be done and land coming from R4038 to be incorporated later.
- 27 July 1989 Certificate of Alteration registered as document 817732/1 incorporating 15.2288 hectares being as a result of surplus land from the lake raising work being that land referred to above.
- 19 July 1990 Letter from DOSLI to Landcorp stating that Area "J" SO 17243 has not yet been declared Crown Land and DOSLI would follow up. In response to a letter from this office of 16 July 1990 referring to the acquisition of Part Reserve 4038 (Area J) on SO 17243 (had not been finalised). There is no further correspondence on this matter. To further investigate.
- 25 May 1994 Variation of Lease for renewal registered as document A113635/1. Term extended for 33 years until 30 June 2028.

LINZ (Christchurch) office on 11 March 1997 were requested to advise of any uncompleted actions. In a letter dated 12 June 1997 they advised "*There are a few additions and deductions of a minor nature to be made to lease resulting from water power development project*". Relevant files held by LINZ have also been searched. The files searched are listed below:

40/14/4/1/7
40/14/4/1/21/2

SUMMARY OF ANY GOVERNMENT PROGRAMMES APPROVED FOR THE LEASE

Document A19402/1 registered a Land Improvement Agreement against the title securing the Rabbit and Land Management Programme. The programme consisted of approximately 34% pest control, 17% rabbit netting, and the balance land management works, principally oversowing and topdressing. There is no signed copy of the Programme on file, however a full description of the programme and proposal report is held in a Rabbit and Land Management Property Plan summarised as follows:

Rabbit and Land Management Plan:

4044 Hectares	Pest Control	34%
6490 Metres	Rabbit Netting	17.6%
512 Hectares	Land Development	48.4%

Other than poisoning no works were on the area likely to be retained and transferred to DoC. Therefore there should not be any undue implications for the Regional Council.

UNCOMPLETED ACTIONS AND POTENTIAL LIABILITIES TO THE COMMISSIONER

1 Compensation Certificates 696629/1 and 696888/1. The compensation certificates over the title are not discharged and we understand that they cannot be discharged until various legislative requirements in relation to the land are completed. While these matters could presumably be brought down on the new title, it would be preferable to have all matters pertaining to Government Hydro Development Works, the reason for the Compensation Certificates, completed prior to finalisation of tenure review. (NB: See letter of 19 July 1990)

2 Boundaries

There is no guarantee that boundaries are fenced on the legal line.

3 Land Improvement Agreement

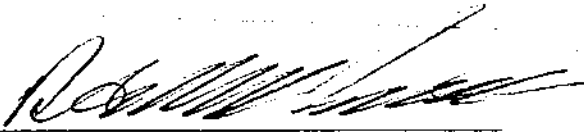
No known structures from the LIA are likely to be on land that would be retained as Conservation Land. Past experience indicates that the CRC would still want DOC to take over the obligations of the LIA over land transferred to it. This would principally involve rabbit control.

We are satisfied we have fulfilled our duty of reasonable care, using the information we have available, to inform the Commissioner of all incomplete actions and potential liabilities concerning the above named lease. No specific inspection of the lease has been undertaken for the purpose of this report.

We have relied on Land Status Check and survey information provided to us by qualified persons as being true and correct.

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Signed for Knight Frank (NZ) Limited



R A Ward-Smith
Manager, Timaru

30 19 1999

G L Holgate

/ /

Approved/Declined

Commissioner of Crown Lands

/ /

ATTACHMENTS:

- (1) Recent title search for each title considered
- (2) Full list of information sources considered
- (3) Land Status Check report from qualified person

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Parent C.T. No. 1
N.C. Order No.
Lease No. 669782
Pastoral Lease No. 529/211

TRANSFER ACT.
REGISTERED UNDER SECTION 83
OF THE LAND ACT 1948.

5C/1019

CERTIFICATE OF TITLE UNDER
LEASEMORTGAGE

PART - CANCELLED REGISTER
PART TAKEN BY GAZETTE
NOTICE

Registered Lease No. Pastoral Lease Volume 529 Folio 211
Name of Lessor Her Majesty the Queen
Term of Lease 33 years commencing on 1/7/1962
Lessor's Title: Vol. Folio Crown Land

This Certificate dated the 21st day of February, one thousand nine hundred and sixty six under the seal of the District Land Registrar of the Land Registration District of Canterbury

WITNESSETH that WILLIAM LOGAN PRESTON of Lake Pukaki Farmer

OBsolete

Seised of an estate of leasehold created by the lease particulars of which are set out above (subject to such reservations, restrictions, encumbrances, liens, and interests are notified by memorials underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing 18,646 acres or thereabouts situated in Blocks XII and XVI of the Hopkins Survey District, Blocks XIII, XIV and XV of the Pukaki West Survey District, Block IV of the Campbell Survey District and Blocks I, II and III of the Strachey Survey District being Run 290 "Rohoro Downs"



A. Preston
Assistant Land Registrar

Interests at date of issue:--

Subject to:

- the provisions of Section 58 of the Land Act 1948
- Electricity Agreement No. 640244 under the Electricity Act 1948

Variation of Mortgage 681586 - 17/10/1966 at 1.35 p.m. **OBsolete**

Variation of Mortgage 681586 - 22/11/1968 at 11.40 a.m. **OBsolete**

Variation of Mortgage 681586 - 21/11/1968 at 12.5 p.m. **OBsolete**

~~Mortgage 675073 to Edith May Preston - 21/2/1966 at 2.5 p.m.~~

Mortgage 681586 to Edith May Preston - 13.5 p.m. **DISCHARGED**

No. 817132 Gazette Notice declaring State Highway adjoining the within land to be a limited access road - 9/12/1970 at 1.55 p.m.

No. 856759 Electricity Agreement under Section 50 of the Electricity Act 1968 - 14/12/1968 at 12.15 p.m.

For diagram see back.

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5C/1019

A. Preston
A.L.R.
OVER

Section of Mortgage 681586
1.30 p.m.

OBSCURE
Mortgage 860488 to The State
Ancestral Corporation - 20/3/1972 at
10 p.m.

Mortgage 860489 to South Mary Preston
10.3.1972 at 11.30 p.m.

Variation of Mortgage 681586 - 27.11.1973
11.45 p.m.

Variation of Mortgage 860489 - 27.11.1973
11.45 p.m.

34350/1 Certificate of Alteration
changing the terms of the within lease
- 5.1975 at 9.23 a.m.

Transfer 34359/2 to ~~Robert~~ ^{Richard} Downh
situated at Timaru
9.5.1975 at 9.23 a.m.

Variation of Mortgage 681586 - 7.8.1975
at 9.48 a.m.

Variation of Mortgage 860489 - 7.8.1975
at 9.48 a.m.

No. 52626/1 Certificate of Alteration incorporating
Crown Land situated in Block III Strachey Survey
District (8092m²) and increasing the total area to
7600 hectares by redefinition - 29/9/1975 at 9.03
a.m.

Mortgage 68947/1 to The Rural Banking
and Finance Corporation of New Zealand -
18.2.1976 at 1.43 p.m.

Variation of Mortgage 681586 - 1.4.1977 at
10.10 a.m. (Mortgage 675073).

Variation of Mortgage 681586 - 19-9-1978 at 10.01a.m.
(See Mortgage 675073)

Transmission 194448/2 of Mortgage 681586 to The Public
Trustee - 19-9-1978 at 10.01a.m.

Mortgage 233851/3 to The Rural Banking and Finance
- 6.7.1979 at 10.53 a.m.

No 233851/4 Memorandum of Priority making
Mortgage 233851/3 first mortgage, Mortgage
860488 second mortgage and Mortgage 68947/1
third mortgage - 6.7.1979 at 10.53 am.

Mortgage 233851/5 to The Bank of New South
Wales - 6.7.1979 at 10.53 am.

Certificate No. 49826/2 that
the within Mortgage No. 860488
is vested in the Rural Banking
and Finance Corporation of New
Zealand 23/7/1984 at 9.07

Mortgage 504755/2 to Guinness Limited - 28.8.1984 at
11.35 a.m.

No. 504755/3 Memorandum of Priority
making Mortgages 504755/2, 860488,
68947/1 and 233851/5 first, second,
third and fourth mortgages
respectively - 28.8.1984 at
11.35 a.m.

No. 696629/1 Compensation Certificate
pursuant to Section 19 of the Public
Works Act 1981 - 11.8.1987 at 11.57am

No. 696888/1 Compensation Certificate
pursuant to Section 19 of the Public
Works Act 1981 - 12.8.1987 at 11.41am

Variation of Mortgage 504755/2 -
25.10.1988 at 9.29am

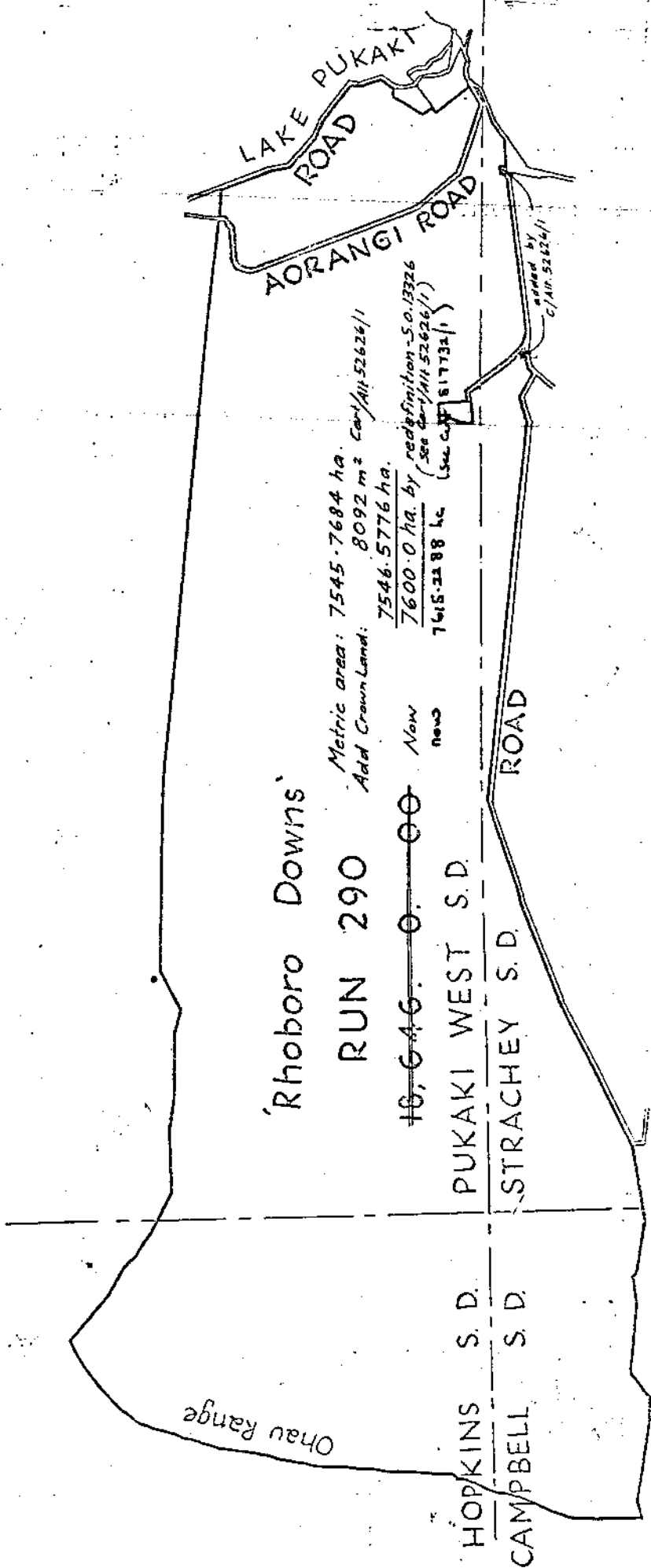
Gazette Notice 781865/1 declaring parts
(8.8523 hectares) of the road adjoining
the within land to be stopped - 21.12.1988
at 11.48am

Gazette Notice 782736/1 Declaring parts
(50.1306 hectares) of the Leasehold estate
herein to be acquired for the generation
of electricity - 6.1.1989 at 10.57am

Gazette Notice 782736/2 Declaring parts
of the within land (4.6290 hectares) to
be road - 6.1.1989 at 10.52am

OVER
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Gazette Notice 782736/3 Declaring part (1.2034 hectares) of the within land to be road - 6.1.1989 at 10.52am

A373091.1 Mortgage to Joseph Gordon Butterfield, Roberta Ann Preston and Perpetual Trust Limited - 15.10.1998 at 10.45

[Signature]
for A.L.R.

[Signature]
for DLR

No. 817732/1 Certificate of Alteration incorporating parts Run 290 and part Reserve 4677 and 4443 and increasing the area to 7615.2288 hectares - 25.7.1989 at 11.39am

[Signature]
for A.L.R.

Mortgage 913132/2 to PGG Trust Limited - 18.12.1990 at 9.46am

[Signature]
for A.L.R.

No. 913132/3 Memorandum of Priority making Mortgages 913132/2, 860488, 68947/1 and 23381/5 first, second, third and fourth mortgages respectively - 18.12.1990 at 9.46am

[Signature]
for A.L.R.

No. A19402/1 Land Improvement Agreement under Section 30A of the Soil Conservation and Rivers Control Act 1941 - 16.10.1992 at 11.28am

[Signature]
for A.L.R.

No. 917710/1 Change of Name of the mortgagee under Mortgages 68947/1 and 860488 to The Rural Bank Limited - produced 28.1.1991 and produced 23.12.1992 at 11.55am

OBSOLETE

[Signature]
for A.L.R.

Mortgage A31036/5 to PGG Trust Limited - 23.12.1992 at 11.55am

DISCHARGED
24/12/92

[Signature]
for A.L.R.

No. A113635/1 Variation of the within lease and extension of the term until 30.6.2028 - 20.5.1994 at 11.45am

[Signature]
for A.L.R.

A333443.2 Mortgage to Tripp Rolleston Nominees Limited 24.12.1997 at 11.05

[Signature]
for DLR

A371089.1 Mortgage to Pyne Gould Guinness Limited - 1.10.1998 at 1.40

[Signature]
for DLR

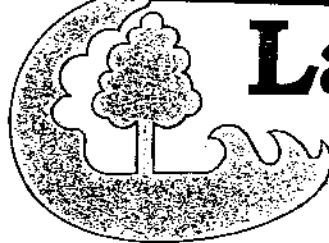
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SEARCH COPY - 29 SEPTEMBER 1999

APPENDIX 2

List of Information Sources Considered.

- Pastoral Lease files held by Knight Frank (NZ) Ltd, Timaru
- Status Check and attachments which included searches of Land Information New Zealand files
- 31 years personal knowledge



Your ref: file: P 93

Project No.:-

Client : Land Information New Zealand

41 Neill Street
Christchurch 8004

Our ref: LAN - 1

Phone (03) 349 2970

Fax (03) 349 2973

A/H (03) 349 4473

30 April 1999

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Rhoboro Downs Pastoral Run

STATUS INVESTIGATION FOR PASTORAL TENURE REVIEW

AUTHORITY :

Land Information New Zealand Christchurch instruction fax dated 25 February 1999.

INTRODUCTION :

This status investigation report has been assembled in parallel with a due diligence report to form support of an application pursuant to section 27 Crown Pastoral Land Act 1998, for Tenure Review of Rhoboro Downs Pastoral Run.

LOCATION :

Rhoboro Downs Station, South Canterbury, approximately 8 kilometres north of Twizel.

NZMS 260 sheet H38 (Appendix I).

PHYSICAL :

Running east to west from Lake Pukaki, the run is almost half gentle rising plain of the MacKenzie Basin and half, moderate mountain terrain of the Ben Ohau Range. Several natural rivers and or streams flow in a southeasterly direction.

Legal road access to the homestead is provided off Rhoboro Downs Road off S.H 8, via Twizel.

LEGAL DESCRIPTION :

7615.2288 hectares more or less being Parts Run 290 (SO 13326/SO 14552, 16043 & 17243), Closed Road (SO 16043 and 17243) and Part Reserves 4677 and 4443 (SO 16043 and 17243) situated in Block XVI Hopkins and IV Campbell and Blocks XIII, XIV and XV Pukaki West and I, II and III Strachey Survey Districts. Canterbury Land District (Appendix II & III).

STATUS :

Crown Land subject to the Land Act 1948 subject to Pastoral Lease 5C/1019 (1962) pursuant to section 66 as registered under section 83 of the Land Act 1948.

MINERAL STATUS :

The land from the origin of the provincial government has always been in Crown ownership.

From the period of the first registered lease (1898), the land has remained under the provisions of the Land Act and its amendments.

The mineral exclusion in favour of the Crown, came into effect by sections 121 and 198 of the Land Act 1892.

Areas of land added to Run 290 taken under the Public Works Act 1928 are deemed to have acquired the mineral ownership after 1939 (vide section 62(1) Statutes Amendment Act 1939).

Areas of Pt Run 290 or its former appellation, taken for a public work under the provisions of the Public Works Act 1981 are deemed, to have acquired the mineral ownership.

In terms of the Public Works Act 1981 this would apply, to those areas of Pt Run 290 shown on legalisation plans and yet to be actioned, by gazette notice.

Mineral ownership of the present lease to date, remains with the Crown.

Upon alienation from the Crown, the area effected will become "subject to section 11 Crown Minerals Act 1991".

ENCUMBRANCES :

- (i) Lease 5C/1019 (1962) carries the memorial; "**Subject to the provisions of Section 58 of the Land Act 1948**" (a strip of land not less than one chain in width along the banks of all rivers and streams which have an average width of not less than 10 feet, are excluded from the lease).
The former lease 529/211 (1962) set up under the Land Act 1948 and the most recent definition plan, SO 13326 also include the above memorial. Dorcy Stream, Fraser Stream, Dry Stream and the Twizel River are clearly depicted on SO 13326 as a pecked line without a one chain strip, having been laid off.
In view of; Land Information New Zealand letter dated 13 November 1997 regarding "Lilybank" and Ministerial Co-Ordinating Committee/State Owned Enterprises paper 271, dated 31 March 1987 (Department 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 or, an alienation from the Crown prior to the Conservation Act 1987.
- (ii) New Zealand gazette 1970 page 1961 (document No. Proc 817132), part of *No.8 State Highway (Timaru - Milton) to be a limited access road*.
- (iii) Subject to Soil Conservation and Rivers Control Act 1941, vide section 170.

RIPARIAN RIGHTS :

Upon alienation of the land from the Crown, the land becomes subject to Part IVA Conservation Act 1987, ie Marginal strip provision of 20 metre width, along rivers and streams of 3 metre width or greater whether they exist or not.

Their boundary identification would be shown on the alienation definition, plan face and plan panel.

In the situation above, Pt Run 290 does not have a common boundary with the river or stream. The Crown has demonstrated its intention to retain ownership for the river/stream bed by denying a common boundary.

Therefore river/stream bed fronting and or adjoining "marginal strips" are (or will be) "Riverbed lands of the Crown".

VALUATION :

Valuation Reference 25320/02100 under the Rating Powers Act 1988;
(Appendix V)

Dated 01/09/1997

Land value \$320 000.00
Capital value \$480 000.00

ZONING :

Mackenzie District Council

The council currently operates under both the;

(i) Transitional District Scheme dated 10 March 1986, zoned "Rural 1" and

(ii) Proposed District Plan as notified dated 28 February 1997, zoned "Rural".

An area of this nature (Pastoral Run) in the proposed plan, is designated as a "site of natural significance" (SONS).

Pukaki Airfield, adjoining Pt Run 336 (Ben Ohau off Twizel Road (S.H.8) has been designated in the proposed plan. The proposal contains; flight clearance sectors and outdoor lighting restrictions that will effect Pts Run 290 (Appendix V).

CONTINGENT LIABILITY/CONTAMINATION ISSUES :

No outstanding issues known, at time of report.

SURVEY PLAN REQUIREMENTS :

(a) Definition:

Run 290 original plan was a compilation of underlying plans. Survey standards at that period (1974) did not require, the right lining of certain boundaries, legal roads where a traverse did not exist similarly one chain strips pursuant to section 58 Land Act 1948.

Further variable additions and or deductions, have altered the current lease (5C/1019) by approximately some 70 hectares although, it is noted that these do not reconcile between the lease and legalisation plans (ie Cert of Alteration 817732/1).

The Conservation Act 1987 provides for the identification of all rivers and streams, 3 metres of width or greater and lakes of area 8 hectares or greater, to have a 20 metre width marginal strip, etc.

In conclusion to suitably identify the balance land and cover the statutory/regulatory requirements a conventional survey office (SO) plan definition would be required upto class C (Hill)/B(Lowland) standard although, this may alter with the introduction of the revised Survey Regulations this year (1999).

It is recommended the Chief Surveyor Christchurch, be consulted prior to this requirement.

(b) Legalisation:

(i) Legal roads in general, border the pastoral run east and south boundaries.

These consist of both formed and unformed roads. The formation is of a variable standard and in places deviates from the legal road position.

Refer to topographical/cadastral 1:50 000 plan attached.

This is noticeable along the southern boundary along Rhoboro Downs Road and the road branching off this west, towards Darts Bush Stream.

It will be necessary to seek the local authorities opinion and for them, to identify their future road requirements (vide sections 316 and 323 Local Government Act 1974) especially situations where the legal road is not formed.

(ii) Completion of Public Works Act 1981 agreements and subsequent removal of compensation certificates 696629/1 and 696888/1 (Appendix V) from lease 5C/1019.

- (a) Compensation Certificate 696629/1: This agreement provides for the taking of land for Water Power Development, land to be added to Pt Run 290 and land to be returned to Pt Run 290 upon completion of the project.

However to complicate this agreement, it has to be read in conjunction with that contained in item (b) below.

This agreement with supporting plan TM 3211/A identifies those areas shown on SO Plans 16043 and 17243 for legalisation and identifies the lessees costs of \$3,942.24 to be paid as compensation.

The compensation value above has been paid; letter 14/08/87 file 40/14/4/1/7 volume I.

SO Plan 17243 area "D" – formerly Pt Res 5075, has not been added to Pt Run 290 as provided by the agreement.

It was suggested at an earlier date, that this small area "D" be included with and taken for water power with parcel "C" SO 17243 (ie all of Res 5075).

This appears to have been ignored as parcel "C" has been gazetted for water power development; Gazette 1998 page 4180.

Parcel "D" SO 17243 (Pt R 5075) is Crown Land, by section 17 Reserves and Other Lands Disposal Act 1963. Refer to "acquisition" below, for its historical origins.

SO Plan 17243 area "J" – formerly Pt Res 4038, has not been added to Pt Run 290 as provided by the agreement.

I can locate no other intention other than that, in the agreement ?

Perusal of SO 17243, area "G" SO 17243 (Road to be stopped) and "K" (also formerly Pt R 4038, Lake Wardell) are scheduled for water power development. Area "K", by agreement with the Department of Conservation (Case study dated 11/10/91 file 40/14/4/1/7 volume II) is currently in abeyance by, Treasury request (LINZ file 40/14/4/1/21). These latter two area issues donot impact on Pt Run 290 unless, a change in their future purpose is decided.

- (b) Compensation Certificate 696888/1: This agreement provides for incorporation of land, returning of land and the amount of compensation payable (\$20,000), in respect to taking those parcels above in (a).

Compensation for the land has been paid; letter dated 18/03/87 file 40/14/4/1/7 volume I and letter dated 14/08/87 volume II, "full and final".

~~SO 16043 area "D"~~ — also shown above as area "D" SO 17243.
 This area forms part of "C" on plan WP 297 attached to the agreement.
 It is intended area "C", to be incorporated into Pt Run 290.
 To date the portion marked "D" SO 160 43, has not been incorporated
 into Pt Run 290.

In conclusion, regarding legalisation plans SO 16043 and SO 17243.
 Neither of the compensation certificates can be discharged, from PL 5C/1019 until
 the full requirements have been completed, under the agreements (Appendix V).

(c) Reconciliation of Boundaries:

From file P 93 the indications are that the cadastral boundaries of the run, to be generally fenced similarly those "new" boundaries formed by Public Works Act 1981 agreements. Refer to fence plan appendix I.

The exception being, the boundary line of the Ben Ohau Range and the extreme southeast corner to which legalisation has not been completed. There is a small portion of the north boundary (about midway) that the fenceline "dips", following the terrace. It would appear, this small area of land is used by "Pukaki Downs".

Without the benefit of survey definition under Class A or B standards, there is no immediate guarantee that occupation boundaries coincide with, the current cadastral boundaries.

The run homestead is excluded from Pt Run 290. Contained in freehold certificate of title 16A/945 as defined on SO 5626.

TITLE REQUIREMENTS :

The Crown Pastoral Land Act 1998 provides the initial mechanism to alienation.

Legislation currently in place requires;

- (i) Section 24(2A) Conservation Act 1987, consultation with the Department of Conservation in regard to marginal strips.
- (ii) Part 9 Ngai Tahu Claims Settlement Act 1998, consultation with Te Rununga O Ngai Tahu (Right of First Refusal).

Upon completion of a suitable plan, certificate of title can issue pursuant to section 116 Land Act 1948 or its equivalent, subject to the mandatory Crown memorials.

AQUISITION HISTORY (PURPOSES SEC 40 PUBLIC WORKS ACT 1981):

Note: where an addition to the Run has been noted, its "background" has been addressed within the acquisition item as numbered (Appendix II, III & IV).

- (i) 1840 – The Treaty of Waitangi, authority for the Crown to authorise the purchase of land for colonisation within New Zealand.
- (ii) 1848 – Kemp Purchase of 12 June 1848 on behalf of the Governor of New Zealand, from the Ngai Tahu people.
- (iii) 1850 – Canterbury Association Charter and Land Regulations, Canterbury Runs Act 1850.
- (iv) 1851 – New pastoral regulations issued by J.R. Godley for Canterbury for Class I, II and III runs.
- (v) 1854 – W.G Britten (Commissioner of Crown Lands) re-issued new licences over and re-numbered, runs between the Hurunui/Waitaki Rivers.
- (vi) 1856 - Waste Lands Regulations, NZ gazette 1856 page 27 Part X.

continued...

- (vii) 1864 - Area known as "Rhuborough Downs" approximately 40,000 acres leased by J. Watson and W.R. Browne (reference "Early South Canterbury Runs" Robert Pinney).
- (viii) 1867 - Canterbury Provincial gazette 1867 pages 157 (45), 158 (68) and 159 (171) confirmation of application for Class III runs under the Canterbury Land Regulations, to Watson and Browne.

The period upto the 1870s, from the provincial government to the national government were very poor in official records. Unfortunately those that did exist upto this period history notes, were often lost at the transition stage.

- (ix) 1892 - Land Act 1892.
- (x) 1898 - License to occupy Crown Lands for Pastoral Purposes PR 151, Run 88 "Rhuboro Downs Station" 64,600 acres to G. McMillan (21 years).
- (xi) 1920 - License to occupy Crown Lands for Pastoral Purposes PR 427, Run 88 (RS 36863) "Rhuboro Downs Station" 18,770 acres to J.W. Preston (21 years).
- (xii) 1939 - License to occupy Crown Lands for Pastoral Purposes PR 531, Part Run 88 (RS 36863) "Rhuboro Downs Station" 18,753 acres to J.W. Preston (21 years).
- (xiii) 1962 - Pastoral lease 529/211 Run 290 "Rhuboro Downs" 18,646 acres to E.M. Preston (5/6 share) and W.L. Preston (1/6 share) (33 years).
- (xiv) 1966 - Pastoral Lease 5C/1019, Run 290 "Rhuboro Downs" 18,646 acres to W.L. Preston (33 years).
- (xv) 1975 - PL 5C/1019, memorial Certificate of Alteration 52626/1 adds 0.8092 hectares of Unalienated Crown Land (2 parcels of 0.4046ha each on SO 5626) to Run 290 by redefinition (SO 13326) of total area now of 7600.0000 hectares.
Both areas of Crown Land were formerly changed to Pt Run 290 by "Change of Appellation" on 18/07/75.
- (xvi) 1989 - PL 5C/1019, memorial Certificate of Alteration 817732/1 (1989) adds 15.2288 hectares being; Closed Road (W) SO 16043, Closed Road (E & F) SO 17243, Pt R 4677 (C) SO 16043 and Pt R 4443 (I) SO 17243 to the lease. No change of appellation has taken place, for these parcels.

Closed Road:

- "W" SO 16043, formerly taken by NZ gazette 1962 page 58 (Public Works Act 1928) SO 9658 (1959), formerly Pt Run 88.
- "E" SO 17243, formerly taken by NZ gazette 1962 page 58 (Public Works Act 1928) SO 9659 (1959), formerly Pt Run 88.
- "F" SO 17243, formerly taken by NZ gazette 1941 page 2013 (Land Act 1924) SO 7224 (1940), formerly Pt Reserve 4038 and Pt RS 36863 (Pt Run 88).
- The background to R 4038 is covered below under R 4443.
- NZ gazette 1988 page 4340 (item (i) Appendix IV) declares the parcels above to be "Stopped Road to be dealt with as Crown Land" under the Land Act 1948 and hence, their addition to Run 290 (formerly Run 88).

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R4677:

- SO 8531 (1952) defines R 4677 (formerly Pt Run 88) for the purpose of Rabbit Board Buildings. Reserved and vested by NZ gazette 1956 page 974 (Land Act 1948) document Proc 45656007, in the Pukaki Rabbit Board.
- NZ gazette 1978 page 538 sets apart all of R 4677 SO 8531 for the Generation of Electricity (Public Works Act 1928).
- NZ gazette 1988 page 4340 (item (ii) Appendix IV) declares parcel "C" SO 16043 (Pt R 4677) to be Crown Land subject to the Land Act 1948 (section 42 Public Works Act 1981) and subsequently, added to Run 290 (formerly Run 88).

R 4443:

- SO 9899 (1961) defines R 4443 formerly Pt Run 88 and Closed Road (formerly legal road by, section 110A Public Works Act 1928, SO 5626 1919) by NZ gazette 1941 page 2013. Note the gazette notice, incorrectly identifies area 8-2-14 (Pt Run 88/RS 36863) as Reserve 4038/RS 36863.
- NZ gazette sets apart R 4443 as a reserve for Plantation purposes and adds this to R 4038.
- To avoid confusion, the background to R 4038 came about by a Crown exchange of R 2928 (NZ gazette 1891 page 1049) for R 4038 SO 5618 (NZ gazette 1922 page 3077). Each reserve, demonstrated by the gazette was reserved originally from the "Crowns estate" for Plantation purposes.
- R 4038 was later vested in the local authority by NZ gazette 1923 page 534.
- R 4443 (SO 9899) was later set apart by NZ gazette 1978 page 538 (Public Works Act 1928) document GN 171402/1, for Generation of Electricity.
- NZ gazette 1988 page 4340 (item (ii) Appendix IV) declares parcel "I" SO 17243 (Pt R 4443) to be Crown Land subject to the Land Act 1948 (section 42 Public Works Act 1981) and subsequently, added to Run 290 (formerly Run 88).

R 5075 (refer to legalisation (ii)(b)above):

- This reserve began as R 183 (SO 3156) area 180 acres; temporary reservation by Canterbury Provincial gazette 1861 page 132 and "confirmed" by the Canterbury Provincial Council Journal (session XVII) of the 18 December 1861, "For a Ferry".
- NZ gazette 1904 page 1115 (section 235 Land Act 1892) temporarily reserves R 3702 (formerly R 183) "For a recreation reserve" and permanent reservation by, NZ gazette 1904 page 1495.
- NZ gazette 1941 page 1921, provides for the name "Pukaki Domain" and NZ gazette 1908 page 849 vests control and administration.
- CT 474/257 (1942) to His Majesty the King for recreation reserve.

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continued....

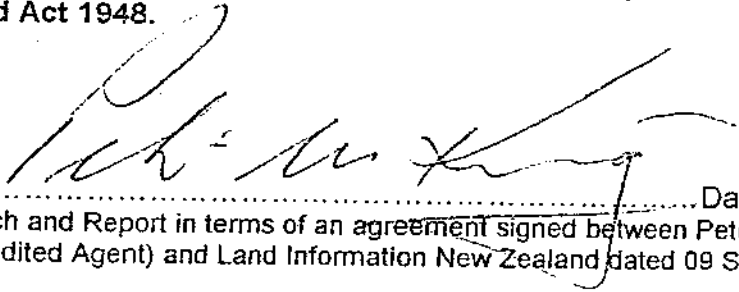
- Redefined by SO 9655, for the purposes of, section 17 Reserves and Other Lands Disposal Act 1963 as Res 5075 and declared, Crown Land subject to the Land Act 1948.
- Area "D" (Pt R 5075) shown on SO 16043/17243 has always been in Crown ownership.

SUMMARY :

From an acquisition view, it can be seen from the above the current land holding and its variations from its origins, has always remained in the Crowns interest for over 130 years.

There are no requirements under section 40 Public Works Act 1981 to offer the land back, to a former owner(s) and or successor(s).

* Parts Run 290 (Rohoro Downs), Closed Road (SO 16043 and 17243) and Part Reserves 4677 (SO 16043) and 4443 (SO 17243) are Crown Land subject to the Land Act 1948.



Date... 03/05/1999

Search and Report in terms of an agreement signed between Peter M King (Crown Accredited Agent) and Land Information New Zealand dated 09 September 1998

ATTACHMENTS :

- Appendix I - Location Plan/Cadastral Plan
- Appendix II - Survey Plans
- Appendix III - Leases
- Appendix IV - Gazette Notices/Documents
- Appendix V - Miscellaneous/Valuation/Zoning
- Appendix VI - Legalisation Issues

Scale 1:50 000 Topographic Plan

Scale 1:50 000 Cadastral Overlay Plan

CERTIFICATION :

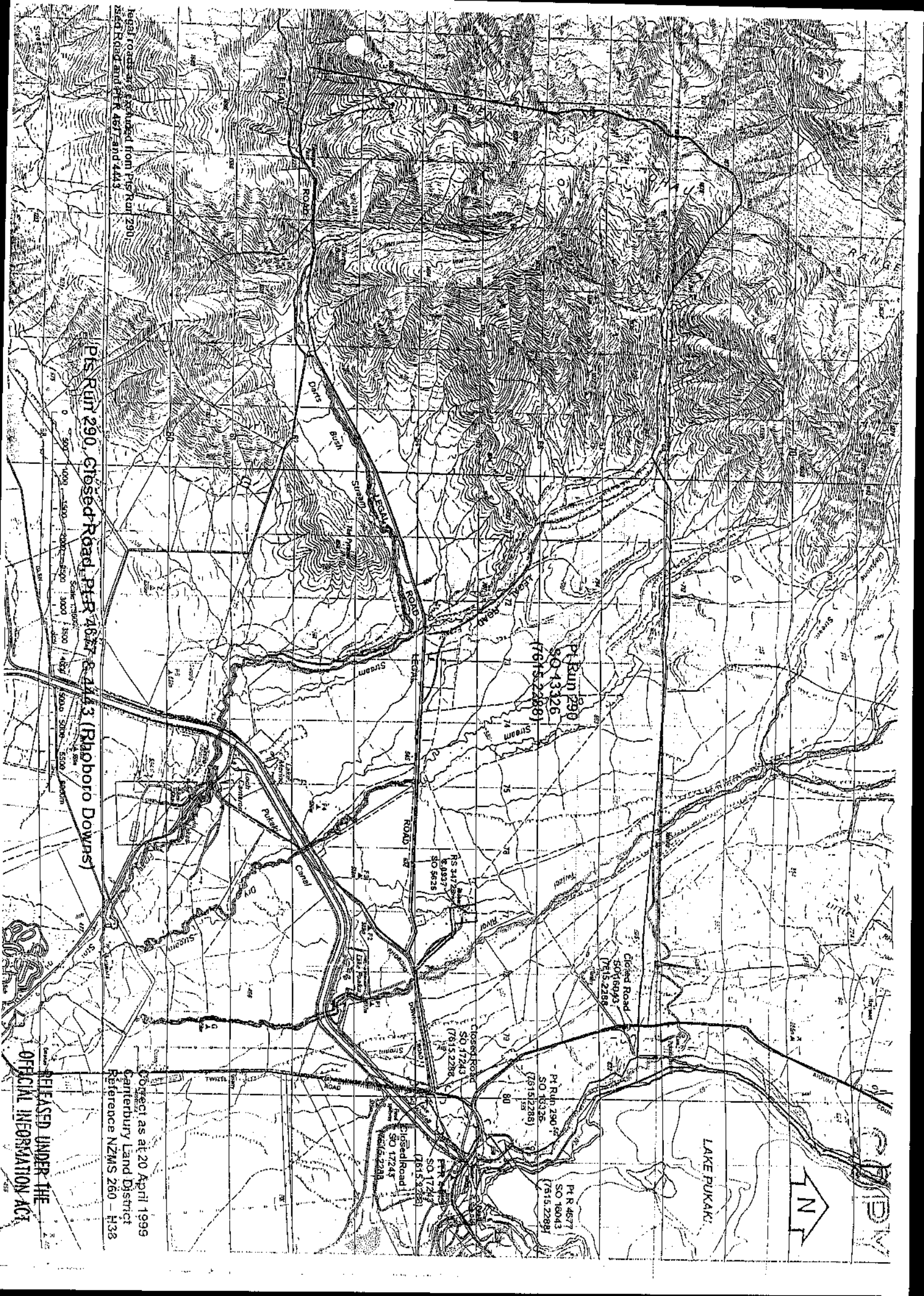
Pursuant to sections 11(1)(l) and 11(2) of the Survey Act 1986, I hereby certify that the described above* is Crown Land subject to the Land Act 1948.



Date: 21.5.1999

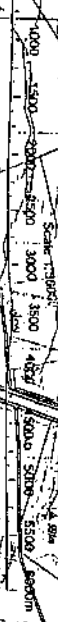
Chief Surveyor
Christchurch
Land Information New Zealand

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Legal footprints extracted from Pt. Run 290
5640 Road and P.R. 4677 and 4443

Pt. Run 290 Closed Road, P.R. 4677 & 4443 (Rhapoboro Downs)



Pt. Run 290
SO 43326
(7615 2286)

Closed Road
SO 68093
(7615 2288)

Pt. Run 290 50
SO 76338
(7615 2288)

Pt. R 4677
SO 16043
(7615 2289)

RS 3473
R 0027
SO 5628

Closed Road
SO 17243
(7615 2286)

P.R. 4677
SO 17247
(7615 2286)
Closed Road
SO 17247
(7615 2286)
SO 17248
(7615 2286)

Correct as at 20 April 1999
Gairdery Land District
Reference NZMS 260 - H38

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