

Crown Pastoral Land Tenure Review

Lease name: STEW POINT

Lease number: PT 113

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 CPL PRE TENURE REVIEW ASSESSMENT STANDARD 6:

STEW POINT

File Ref: CON/50269/09/12722/A Office of Agent: Christchurch

Report No: CH0146 LINZ Case No:

Report Date: 6/6/2002 Date sent to LINZ: 6/6/2002

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;
- That the Commissioner of Crown Lands or his delegate note that no 2. incomplete actions where identified which require action by the Manager Crown Property Contracts [or other party];

3.	unre	at the Commissioner of Crown Lands or delegate note the following registered agreements which will need to be addressed in any tenure iew of this lease;			
	8	_	Ltd in return for acces	Stew Point in favour of ss to a water supply and	
	•	A recreation peri	mit in favour of DA A	Aubrey.	
JM C	Coffey perty	Consultant	ant to a delegation f	Peer Reviewed Mike Todd Property Consultant from the Commissioner of	
Nan Date	_	ecision: /	/		

1. Details of lease:

Lease Name:

Stew Point

Location:

Rangitata Valley, South Canterbury.

Lessee:

Gary James Herbert Rooney

Tenure:

Pastoral Lease

Term:

33 years from 1 July 1964 and extended to 1

July 2030

Annual Rent:

\$6,000

Rental Value:

\$400,000

Date of Next Review:

1 July 2008 Land Registry Folio Ref: CB1D/1466

Legal Description:

Run 297 and part Run 303, situated in Blocks

III, VI, VII, X and XI, Mount Peel Survey

District

Area:

3255.6960 hectares

2. File Search

Files held by Agent on behalf of LINZ:

File Reference	Volume	First Folio Number	Date	Last Folio Number	Date
CON/50269/09/12722/A-Z	NO 1	1	12/4/02	6	4/6/02

Other relevant files held by LINZ:

File Reference	Volume	First Folio Number	Date	Last Folio Number	Date
Pt/068-SCH-01	1	724	8/6/36	905	9/2/59
Pt/068-SCH-02	2	906	11/3/59	942	29/5/64
P/113/A-SCH	1		-	Plans only	
Pt/113-SCH-01	1	214	16/7/62	406	27/9/84
Pt/113-SCH-02	2	-	27/9/84	-	9/12/97
Pt/113-SCH-03	3		9/12/97	•	30/6/00
Pt/113-SCH-04	4	•	3/12/63	-	14/1/84
CON/50213/09/12722/A-ZN	NO 1	-	1/07/00	-	Present

3. Summary of lease document:

Terms of lease

Pastoral lease under the Land Act 1948 issued for 33 years from 1 July 1964 and renewed for a further term of 33 years by variation and renewal registered 12 September 1996. The lease has a base stock limit of 3,850 sheep. The current personal exemption to this limit is 6,100 sheep (4,400 breeding ewes) and 320 cattle (120 breeding cows).

A variation of the lease was registered 30 August 1966, by reserving a water easement appurtent to Rural Section 39047 (CB3D/1031).

Registered interests

692011 Variation of lease registered 30 August 1966.

Reserving a water easement in favour of Rural Section 39047 (CT

CB3D/1031)

A258065.1 Variation and renewal of Lease registered 12 September 1996.

> Renewing the lease for a further term of 33 years and varying it by replacing the covenant to pay rent.

A344365.5 Mortgage registered 23 March 1998.

First mortgage to the Bank of New Zealand

Unregistered interests

- There is an agreement dated 28 October 1997 between Rangitata Rafts Limited, Wakairi Hills (1989) Limited and the then owner DO Kelland giving Rangitata Rafts a right of way over an access track to the Rangitata River in return for the right to use an airstrip and water from a water supply located on Waikari Hills. The agreement is for a term of ten years.
- There is a recreation permit over the property in favour of DA Aubrey, which expires on either 31 December 2008 or 31 December 2010 (information contained within LIPS and supplied by LINZ was unclear on term and expiry date)
- There are no other unregistered interests recorded in the files.

4. Summarise any Government programmes approved for the lease:

This property has been subject to Land Improvement Agreements in the past, however there are no current agreements in place.

5. Summary of Land Status Report:

The land status report identified a number of issues such as Marginal Strips and notes on adjoining Crown Land, most of which are not considered to be relevant to Tenure Review.

Relevant matters identified are as follows:

- The unregistered access agreement between Kelland, Waikari Hills (1989) Ltd and Rangitata Rafts Ltd is noted.
- There appear to be some differences between the legal and fenced boundaries on the Southern boundary with Pt Run 276 however these do not appear to be major

6. Review of topographical and cadastral data:

Other than the small discrepancies in fence lines noted above there are no notable features on the topographical and cadastral data.

7. Details of any neighbouring Crown or conservation land

The property adjoins marginal strip along the Rangitata River and there are also three small parcels of Crown land within the peripheral boundary of the lease. These are clearly shown on the Status check plan.

8. Summarise any uncompleted actions or potential liabilities:

No uncompleted actions or potential liabilities were noted however there are two unregistered agreements that will need to be addressed in any review of this lease:

- An agreement to provide access over Stew Point in favour of Rangitata Rafts Ltd in return for access to a water supply and airstrip located on Waikari Hills.
- A recreation permit in favour of DA Aubrey.

Appendices

Appendix 1 - Land Status Check and Plan.

Appendix 1 – Land Status Check and Plan.

OPUS INTERNATIONAL CONSULTANTS LIMITED CHRISTCHURCH OFFICE

APPENDIX A

Project Number 6NLITR.02/YC

This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50269 dated September 2001and is undertaken for the purposes of Tenure Review in terms the Crown Pastoral Land Act 1998.

LAND STAT	US REPORT for Stew Point	LIPS Ref 12722/01
Property 1 of	1	<u></u>

Land District	Canterbury	
Legal Description	Run 297 and Part Run 303 situated in Blocks III, VI, VII, X	
	and XI Mount Peel Survey District	
Area	3255.6960 hectares (subject to survey)	
Status	Crown Land subject to Pastoral Lease P.113	
Instrument of title / lease	Pastoral Lease CB1D/1466 pursuant to Section 66 and registered under Section 83 of the Land Act 1948	
Encumbrances	Subject to: Section 24(9) Conservation Act 1987 (Marginal Strips) V.L.692011-Water easement appurtenant to RS39047	
Mineral Ownership	 Minerals are owned by the Crown, as historical Rural Sections alienated from the Crown within the boundaries of Run 297 and Part 303 (RS's 24512, 25018, 25019, 25020, 25113, 25114, 28808, 28809, 29286, 29287, 29288, 29399, 29400, 30934, 31155, 31156 and Pt RS's 30935 & 33083) have subsequently transferred back to The Crown all their estates and interests. Refer T.96671. 	
	• The earliest title references found for underlying Small Grazing Runs No.99 and No.100 are CB 271/93 and CB 271/108. These leases were registered in 1912 and 1913 respectively.	
Statute	Land Act 1948 and Crown Pastoral Land Act 1998	

Data Correct as at	26 March 2002	
[Certification Attached]	Yes	```

Prepared by	Mike Todd
Crown Accredited Agent	Opus International Consultants Ltd, Christchurch

LAND STATUS REPORT for Stew Point	LIPS Ref 12722/01
Property 1 of 1	

Notes: This information does not affect the status of the land but was identified as possibly requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6 paragraph 6.

Section 58 Strips / Marginal strips:

- 1. Field inspection may be required to ascertain whether Matagouri Stream, Quartz Creek, Soup Stream, Middle Stream, Coal Creek and other streams within this pastoral lease are subject to Sec 24 of the Conservation Act 1987.
- No evidence has been found to prove that the widths and extents of streams within Part Run 297 and Run 303 have been determined. A DOC memo dated 9/9/83 on File P113 Closed Vol.2 refers to marginal strips being required, as Coal Creek "seems to fall within the minimum three metre category".
- A note signed by the Chief Surveyor on SO's 4940 and 4941 states that "The status of the land coloured burnt sienna along the bank of the Rangitata River is Crown Land pursuant to Section 122, Land Act 1908". (Also refer under Statutory Actions (Landonline) below).
- SO's 11388 and 11748 depict Pt Run 303 and show a side panel note "All Runs are subject to Sec 58 of the Land Act 1948 along rivers and streams over 10 feet wide and lakes".
- CB 1D/1466 is shown as being "Subject to the provisions of Section 58 of the Land Act 1948".

Crown Land adjoining Run 297 and Pt Run 303:

- Records searched show Res 3861 and Res 3863 are Crown Land (No title).
- file Pt113 Closed Vol.3 contains a Conditions of Sale document dated 27/11/97 for Stew Point Station which states that "Reserve 3863...is unalienated Crown Land which the vendor is permitted to use and occupy subject only to the payment of rates relating thereto. The purchaser may, if so desired, apply to the Commissioner of Crown Lands for similar rights of use and occupation"
- A note signed by the Chief Surveyor on SO 4940 states that "The status of the land of the strip coloured burnt sienna containing 26a 3r 29p and marked "Pack Track Reserve" is unalienated Crown Land. See file S.5372 folio 46."

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LAND STATUS REPO	RT for Stew Point	LIPS Ref 12722/01
Property 1 of 1		<u></u>

Due diligence stage See Crown Pastoral Standard 6 paragraph 6.

Miscellaneous:

- A copy of an unregistered Agreement for Access and Water Supply dated 28 October 1997 between lessees of Stew Point and Waikari Hills (1989) Limited, and Rangitata Rafts Limited was obtained from File Pt 113 Closed Vol.3
- Allowing for differences in mapping techniques, there would appear to be some major departures between the northern Run boundary of Run 297 and Pt Run 303 with the Rangitata River that will affect the final area contained within the lease.

There would also appear to be some differences between fencelines on the Topographic database and the Run boundary common with Pt Run 276 to the south. However these differences do not appear to be major.

LIPS printout for Stew Point records a Recreation Permit Reference: 12693/02.

Research Data: Some Items may be not applicable

SDI Print/ Land on Line Print Obtained	Yes
NZMS 261 Ref	J36
Local Authority	Timaru District
Crown Acquisition Map	Kemp Purchase 1848
SO Plan	SO 3788 (Dated 1880) – Shows Rural Sections
BO T Idin	now underlying Run 297 and Pt Run 303
	SO 3789 (Dated 1880) – Shows Pt Rural Section 33083 now underlying Pt Run 303
	SO 3792 (Dated 1880) – Shows Rural Sections now underlying Run 297
	SO 1117 (Dated 1897) – Shows historical Mining claims over Run 297 and Pt Run 303
	SO 4940 & 4941 (Dated 1912) – Shows Small Grazing Runs 99 and 100 now Run 297 and Pt Run 303
	SO 6381 (Dated 1929) – Shows part of S.G.R.100 (now Pt Run 303) proclaimed as Road

LAND STATUS REPORT for Stew Point	LIPS Ref 12722/01
Property 1 of 1	

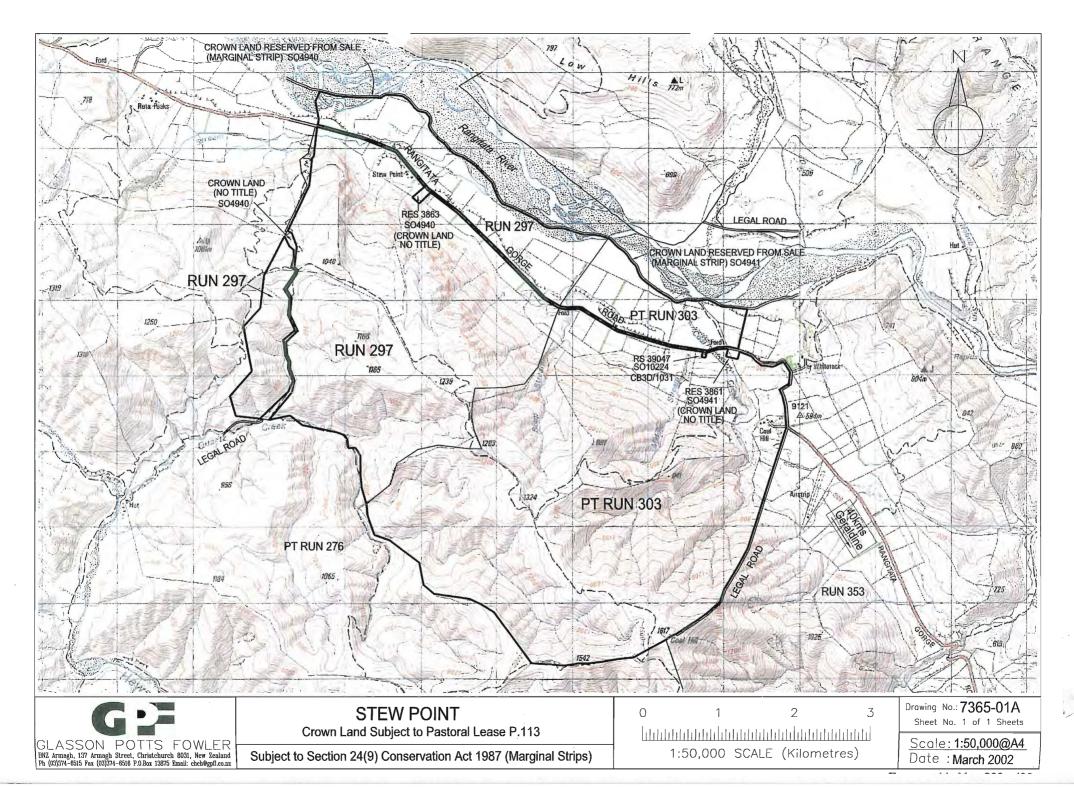
SO Plan (continued)	SO 10224 (Dated 1963) – Shows Pt Run 303 to be taken for Teachers Residence (Now RS39047)
	SO 11388 (Dated 1970) – Shows Pt Run 303 and Run 297
	SO 11748 (Dated 1972) – Shows Pt Run 303 and Run 297
	SO 15997 (Dated 1983)- Adjoining Run 353 (Waikari Hills)
	Mount Peel Survey District 40 Chain to an inch Block Sheet depicts S.G.R 99 and S.G.R 100 and historical Rural Sections now underlying Run 297 and Pt Run 303
	SO17062 (J36)- SOE Land Allocation Map
	SO17113 (J36)- DOC Allocation Map
Relevant Gazette Notices and / or Computer	Nil
interest register.	
CT Ref / Lease Ref	CB 1D/1466 - VL.629011, VL.A258065.1
Plan Index	SO's 1117, 4940, 4941, 6381, 10224, 11388, 11748
Legalisation Cards	No card for SO's 1117, 3788, 3789, 3792, 4940, 6381, 10224, 11748. No relevant entries on cards for SO's 4941 and 11388
Statutory Actions (Landonline)	SO 4940— Statutory Action recorded against Crown Land adjoining Run 297 and the Rangitata River i.e. "Crown Land Reserved from Sale (Marginal Strip)
	No statutory Action recorded against parcel of Crown Land shown as Pack Track Reserve on SO4940.
	SO 4941— Statutory Action recorded against Crown Land adjoining Pt Run 303 and the Rangitata River i.e. "Crown Land Reserved from Sale (Marginal Strip)
:	SO 11388 – no parcel reference for either Run 297 or Pt Run 303
	SO 11748- No Statutory Action recorded against Crown Land adjoining Pt Run 303

LAND STATUS REPORT for Stew Point	LIPS Ref 12722/01
Property 1 of 1	

CLR	Supports Pastoral status
Allocation Maps (if applicable)	DOC and SOE allocation maps sighted – no allocations within lease area.
VNZ Ref - if known	24640 01600
Crown Grant Maps	Not applicable
If Subject land Marginal Strip: a) Type [Sec 24(9) or Sec 58]	a) CB 1D/1466, SO 11388 and SO 11748 refer to Sec 58 Strips. SO's 4940 and 4941 define those strips adjacent to the Rangitata River. No strips adjoining other watercourses are defined on any survey plan. Section 24(9) Conservation Act 1987 applies.
If Subject land Marginal Strip: b) Date Created	b) 1 July 1997 on renewal of this lease
c) Plan Reference	c) SO's 4940 and 4941 define those strips adjacent to the Rangitata River.
If Crown land – Check Irrigation Maps.	Not applicable
Mining Maps	The Ministry of Economic Development confirms that there are no current permits or applications over this pastoral lease.
If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989	a) Rangitata Gorge Road is coloured burnt sienna on Topo Plot 35T. SO 10224 shows "Crown Grant Road".
	The position of Rangitata Gorge Road adjoining RS's 24512 and 28809, as defined clear of the yards shown on SO 4940, differs to that shown on the Crown Grant titles (CsT 80/242 and 108/272).
	SO 3792 and Mount Peel Survey District forty chain to an inch Block Sheet show road positions as defined by SO 4940 and the Crown Grant titles.
	The Crown Grant record Map for Mt Peel District (data constructed 1881) appears to give predominance to the road position as defined on SO 4940.

LAND STATUS REPORT for Stew Point	LIPS Ref 12722/01
Property 1 of 1	

Roads (continued)	SO 15997 depicts the Legal Road adjoining Run 353.
If Road b) By Proc	b) Proc 1139 proclaims part of S.G.R.100 (now Pt Run 303) of 0a 3r 33p as Road (Rangitata Gorge Road).
Other Relevant Information a) Concessions – Advice from DOC or Knight Frank.	a) The Department of Conservation has been consulted and no public conservation land has been identified within the boundary of this property.
b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998	b) Searched – Ngai Tahu Claims Settlement Act 1998 Map SO19851 adjoins (Rangitata River).



APPENDIX A

"RELEASED UNDER THE OFFICIAL INFORMATION ACT" OPUS INTERNATIONAL CONSULTANTS LIMITED CHRISTCHURCH OFFICE

Project Number 6NLITR.02/YC

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Data Correct as at	26 March 2002	
[Certification Attached]	Yes	

Prepared by	Mike Todd
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LAND STATUS REPORT for Stew Point	LIPS Ref 12722/01
Property 1 of 1	

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Property 1 of 1	

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LAND STATUS REPOR	1 for Stew 1 out	
Property 1 of 1		

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Other Relevant Information a) Concessions – Advice from DOC or Knight Frank.	a) The Department of Conservation has been consulted and no public conservation land has been identified within the boundary of this property.
b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998	b) Searched – Ngai Tahu Claims Settlement Act 1998 Map SO19851 adjoins (Rangitata River).

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OPUS INTERNATIONAL CONSULTANTS LIMITED APPENDIX B CHRISTCHURCH OFFICE

Project Number 6NLITR.02/YC

This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50269 dated September 2001and is undertaken for the purposes of Tenure Review in terms the Crown Pastoral Land Act 1998.

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Instrument of title / lease	Pastoral Lease CB1D/1466 pursuant to Section 66 and registered under Section 83 of the Land Act 1948	
Encumbrances	Subject to: Part IVA, Conservation Act 1987 (Marginal Strips) VL692011- Water easement pursuant to section 60 Land Act 1948.	
Statute	Land Act 1948 and Crown Pastoral Land Act 1998	

Data Correct as at	26 March 2002	
[Certification Attached]	Yes	
Prepared by	Mike Todd	
Crown Accredited Supplier	Opus International Consultants Ltd, Christchurch	

Certification

Pursuant to Section 11(1)(1) of the Survey Act 1986 and acting under delegated authority of the Surveyor-General pursuant to Section 11(2) of that Act, I hereby certify that the land described above is Crown Land under the Land Act 1948.

R. Moulles

Ross Moulton, Chief Surveyor (Canterbury Land District) Land Information New Zealand.

29 / 4 /2002

CERTIFICATION

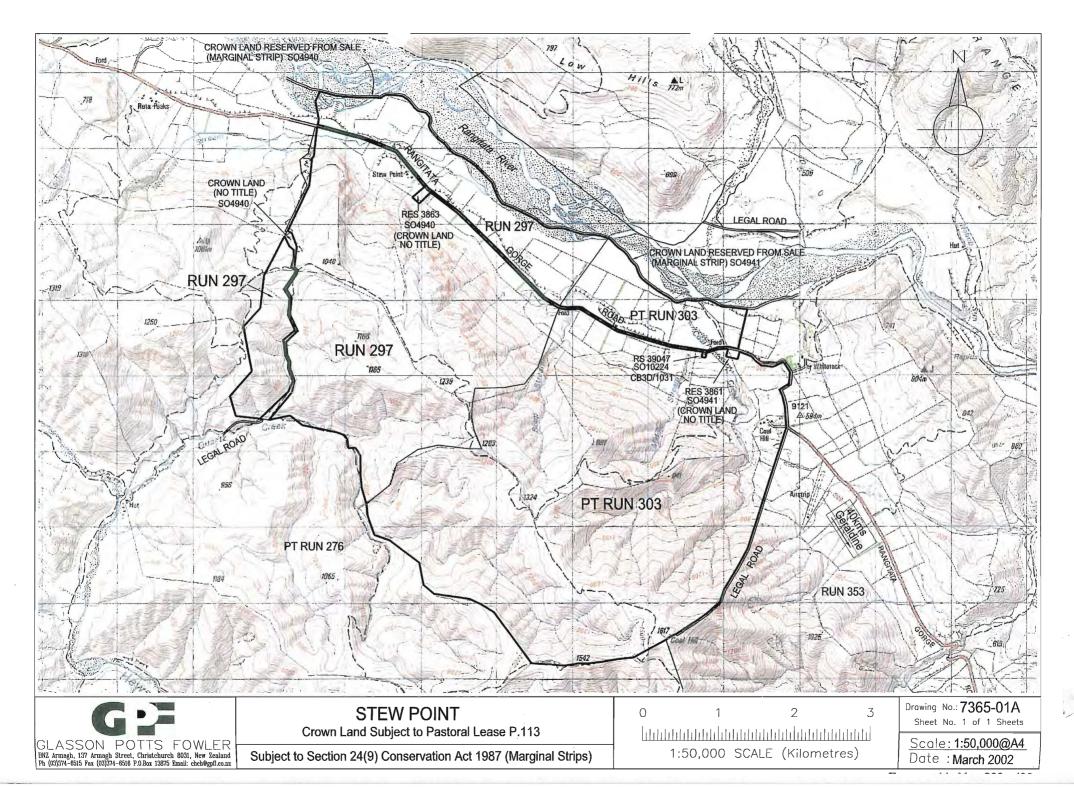
Report to the Chief Surveyor, Christchurch for a certification of a status investigation in respect to Stew Point Pastoral Lease Tenure Review.

- 1 Michael John Todd, Property Consultant, Opus International Consultants Limited certifies that the status reports enclosed for certification are in order for signature.
- In giving this certification, Michael John Todd, Property Consultant, Opus International Consultants Limited undertakes that the status reports have been completed in compliance with all relevant policy instructions and in particular OSG Standard 1999/05 and the Regulatory Chiefs' Land Status Investigations Guidelines 1999/01.

M J Todd

Opus International Consultants Ltd

15/04/2002



Date:

19/03/02

To:

Carl Kelly

Fax Number:

03 3746516

From:

Michelle Stokes

(contact details below)

Priority:

Pages: 1

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SUBJECT: 7365 STEW POINT

There are currently no permits or applications for permits over the area identified in your fax of 19/3/02.

Michelle Stokes

NMI Administrator



FAX

To: Paul Stigley, Manager Minerals

Company: Ministry of Economic Development

Fax No:

(04) 499 0968

No of Pages:

4

From: Carl Kelly

Ref No: 7365 Stew Point

Date: 19 March 2002

Dear Sir

Glasson Potts Fowler Ltd is undertaking several Land Status checks of Pastoral Leases within the Canterbury Land District on behalf of Opus International Consultants Ltd. As part of our investigation we are required to address any mining interests over the Pastoral Lease land.

Perusal of the old Mining Map NZMS 261 Sheet J36 Scale 1:50,000, and the Prospecting Applications (General) Map held at Land Information NZ here in Christchurch show evidence of historical mining interests over the Stew Point Pastoral Lease (Legal description: Run 297 and Pt Run 303 Blocks III, VI, VII, X and XI Mount Peel S.D.) The lease is adjacent to the Rangitata River near Peel Forest approximately 40 kilometres north of Geraldine. Please refer to attached copies of mining maps with the pastoral lease highlighted with a heavy black line.

As these mining maps are no longer maintained I would be grateful if you could consult your records to ascertain whether any current mining interests exist over the Lease. As my timeframes are fairly tight any priority you could give this request would be greatly appreciated.

If you require any further information please contact me using the details at the end of this fax sheet or you can email me at carlk@gpfl.co.nz

Thank you for your assistance.

Yours faithfully

ly cossely Carl Kellv

Quality Control Officer

FAXED

Attached: Copy NZMS261 J36

Copy Prospecting Applications (General) Map

