

Crown Pastoral Land Tenure Review

Lease name : WAIRUA DOWNS

Lease number : PT 056

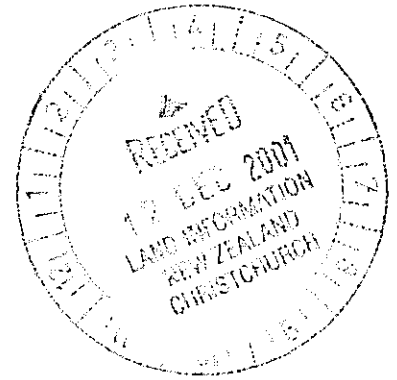
Due Diligence Report (including Status Report) - Part 2

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



LAND STATUS REPORT

**for
Tenure Review**

WAIKUA DOWNS

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

December 2001

CONTENTS

APPENDIX A LAND STATUS REPORTS (and supporting plans)

- **SO Plans (Additional)**
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APPENDIX B LAND STATUS REPORT (Certified Correct by Chief Surveyor)

**APPENDIX A – LAND STATUS REPORT
(and supporting plans)**

**Q V VALUATIONS
CHRISTCHURCH OFFICE**

APPENDIX A

Project Number QVV 216

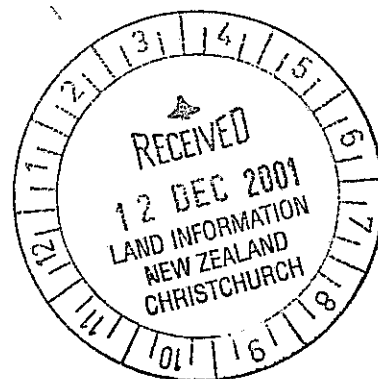
This report has been prepared on the instruction of Land information New Zealand in terms of **Contract No. 50272 (as yet undated)** and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Wairua Downs Tenure Review	LIPS Ref: 12694
Property 1 of 1	

Land District	Canterbury.
Legal Description	Section 2, S.O. 18590.
Area	2840.0000 hectares.
Status	Crown land subject to the Land Act 1948.
Instrument of title/ lease	Pastoral Lease CL CB41A/26 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
Encumbrances	Subject to: 1. Part IVA of the Conservation Act 1987. 2. 266418.1 Land Improvement Agreement pursuant to Section 30A of the Soil Conservation and Rivers Control Act 1941 and Variation. 3. Deed of Grant of Easement CB41A/25 granting Right of Way (on foot only) shown "H" on S.O. 18590 in favour of Her Majesty the Queen.
Mineral Ownership	The Mines and Minerals are owned by the Crown over a significant part of the land because it 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	5 December 2001.
[Certification Attached]	Yes.

Prepared by Crown Accredited Supplier	Don McGregor, McGregor Property Services Limited, Christchurch For and on behalf of QV Valuations
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LAND STATUS REPORT for Wairua Downs Tenure Review

LIPS Ref: 12694

Pro perty 1 of 1

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

The adjoining R.S 42257 was surrendered from the lease, prior to the subdivision of Run 347 in 1989 (by C 840403.6) and allocated to DoC as stewardship land under Section 62 of the Conservation Act 1987. No action has yet been undertaken to formally declare this land as Conservation land under Section 7(1) of the Conservation Act 1987.

LAND STATUS REPORT for Wairua Downs Tenure Review	LIPS Ref: 12694
Property 1 of 1	

Research Data: Some Items may not be applicable

SDI Print Obtained	Yes.
NZMS 261 Ref	J.39.
Local Authority	Waimate District Council.
Crown Acquisition Map	Kemp Deed of Purchase.
SO Plans	<p>SO 3771 – Plan of R.S. 34138, Block V, Nimrod Survey District (1880).</p> <p>SO 11424 – Plan of Pt Run 44, Block V, Nimrod survey District (30 June 1970).</p> <p>SO 14163 – Plan of Run 347" Wairua Downs (30 November 1976).</p> <p>SO 16821 – Plan of R.S. 42257 (Approved 29 August 1986).</p> <p>SO 17116 – DoC Allocation plan.</p> <p>SO 18590 – Plan of Sections 1, 2, 3, and 4 (Approved 11 July 1991).</p>
Relevant Gazette Notices	Not applicable.
Lease Ref	CL CB41A/26 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
Legalisation Cards	S.O. 18590 – but not affected by legalisation action. Two subdivisional Pastoral leases issued.
CLR	Confirms Pastoral Lease tenure over the original "Wairua Downs" (Run 347). That lease has since been subdivided into two Pastoral leases "Wairua Downs" (Section 2, S.O. 18590) and "Asheridge" (Sections 1, 3 and 4, S.O. 18590 (CL CB41A/27).
And	<p>There are no allocations within the periphery of the lease. However the adjoining land (now R.S. 42257) is shown on the DoC Allocation Schedule as Allocation J39/K39.16 and this and the supporting Allocation plan (S.O.17116) is attached.</p> <p>No SOE Allocations within the periphery of or adjoining the lease.</p>
VNZ Ref – if known	VR 25120/14200.
Crown Grant Maps	Not applicable.
Subject Land Marginal Strip:	
a) Type [Sec 24(9) or Sec 58]	a) Lease subject to Part IV of the Conservation Act 1987. No specific provision made on individual rivers and streams.
b) Date Created	b) Not applicable.
c) Plan Reference	c) Not applicable.

LA STATUS REPORT for Wairua Downs Tenure Review		LIPS Ref: 126942
Property 1 of 1		
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 Proc	<p>a) Roads adjoining this parcels are defined on S.O.'s 2703, 3205 and 3207 and are legal as depicted by notation on S.O. 14163 by virtue of Section 110A of the Public Works Act 1928.</p> <p>b) Proc Plan Not applicable.</p> <p>c) Gazette Ref Not applicable.</p>	
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	<p>a) No current DOC concessions. The only DOC interests are in any Marginal Strips yet to be created.</p> <p>No concessions are administered by Knight Frank (NZ) Limited on the property.</p> <p>b) Part 9 of the Ngai Tahu Claims Settlement Act 1998.</p> <p>c) <input type="checkbox"/> Mines and Minerals are owned by the Crown in respect of parts of the current lease 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.</p> <p>This property was formerly part of "Bluecliffs" Run (Run 44) on held on Pastoral Run licence. A freehold area (R.S. 34138) surrounded by the Run was acquired by the Crown and added to the lease in 1970. The former R.S. 34138 is not underlying the land now in Section 1, S.O. 18590.</p> <p>d) Not applicable.</p>	

Pt
RS 36221
787.9229

LOT 3
DP 203
62.523

RS 42257
1790.0000

RUN 293
1477.7096

T 20
135

Sec 1
SO 18590
2060.0000

LOT 20
DP 2135

Pt
RS 36224
740.6506

Sec 4
SO 18590
23.1000

Pt
RS 36224
41.9381

Pt LOT 20
DP 2135

RS 36225
802.0718

Sec 2
SO 18590
2840.0000

Pt
RS 36226
790.5886

Pt LOT 20
DP 2135

RS 36227
23.5729

Sec 1
SO 17957
455.6130

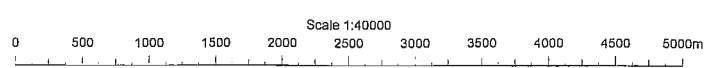
Sec 2
SO 17957
721.7260

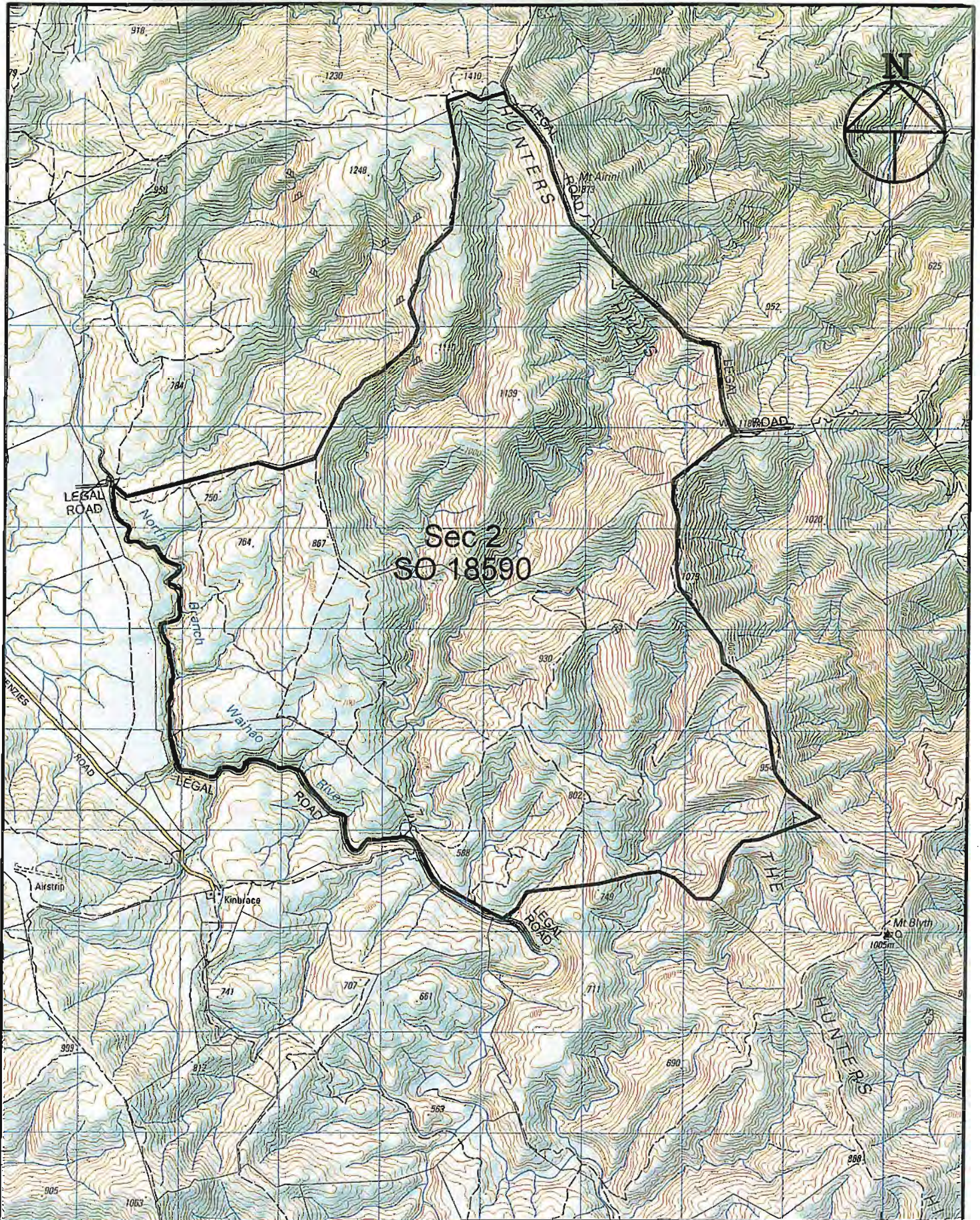
RUN 47A
3700.8502

Sec 3
SO 17957
651.6360

LOT 1
DP 27281
59.4899

LOT 3
DP 27281
233.3013





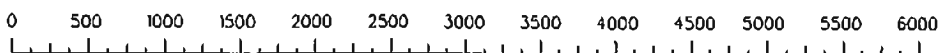
Sec 2
SO 18590

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

Version	1	2	3	4	5
Canterbury Land District	Sheet 1 of 1				
Topographic Map 260 - J39	Date 09/11/01				

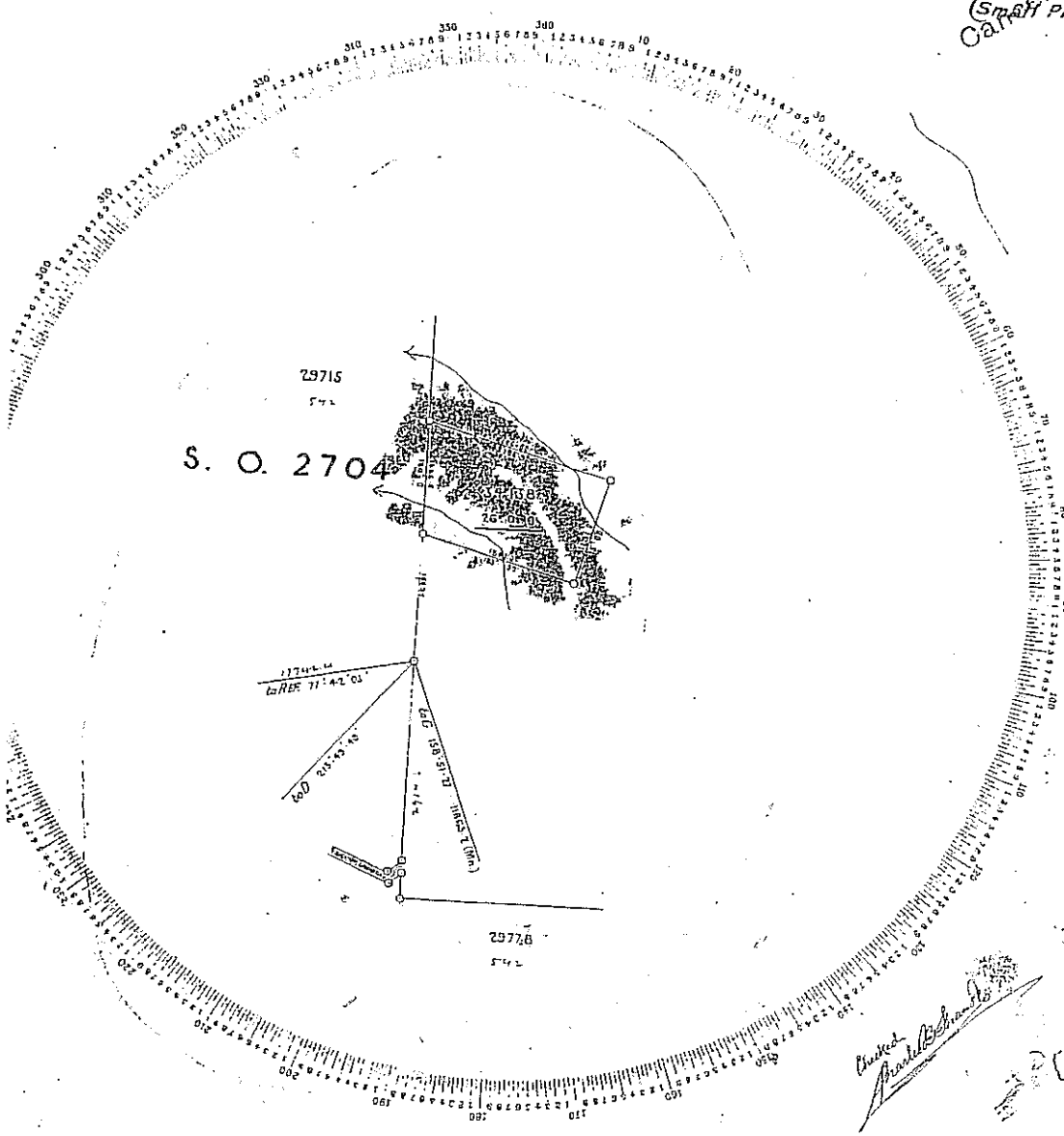
Wairua Downs

Scale 1:50000



SO Plans (Additional)

506
(Small Plot)
Carnegie



Year of application, Station 34138

Survey Office 37
Surveyed by P. A. Sharpe
Block V Nimrod v District

Date 21 June 1880
Scale 10 Chains to an Inch
A. 93-185

3771

Standard lines to be drawn in red, estimated or scaled lines in black, observed bearings in blue, the squares also being in red, black and blue respectively. On red circles round each peg, a double red circle round each tree station. Remarks of Survey to be noted on back hereof.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

10 FEB 1987

Description: Part Run 347 'Wairua Downs'

Situated in: RS42257 and Blocks II, V-VII, IX-XI, XIII-XV Nimrod Survey District.

S.O. Plan: _____ Local Authority: Waikato County Council. Area: 6840 m²/ha

File	DETAILS OF LEASE OR LICENCE						
	Selector	File	Date of Selection	Term Years / From	R.V. Price	A/Rent Instalment	Det. Exp.
	<u>S.T.G.I. Cochrane</u>	<u>P56</u>	<u>1.3.55</u>	<u>33 1.7.55</u>		<u>490:00</u>	<u>30/6/98</u>

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

Valuation Ref: 25170-187 C.L./C.T./Deeds Ref: 529/55

Name of Reserve/Locality: _____

Description: Part Run 347 'Wairua Downs'

Extracts of Allocation maps

00750

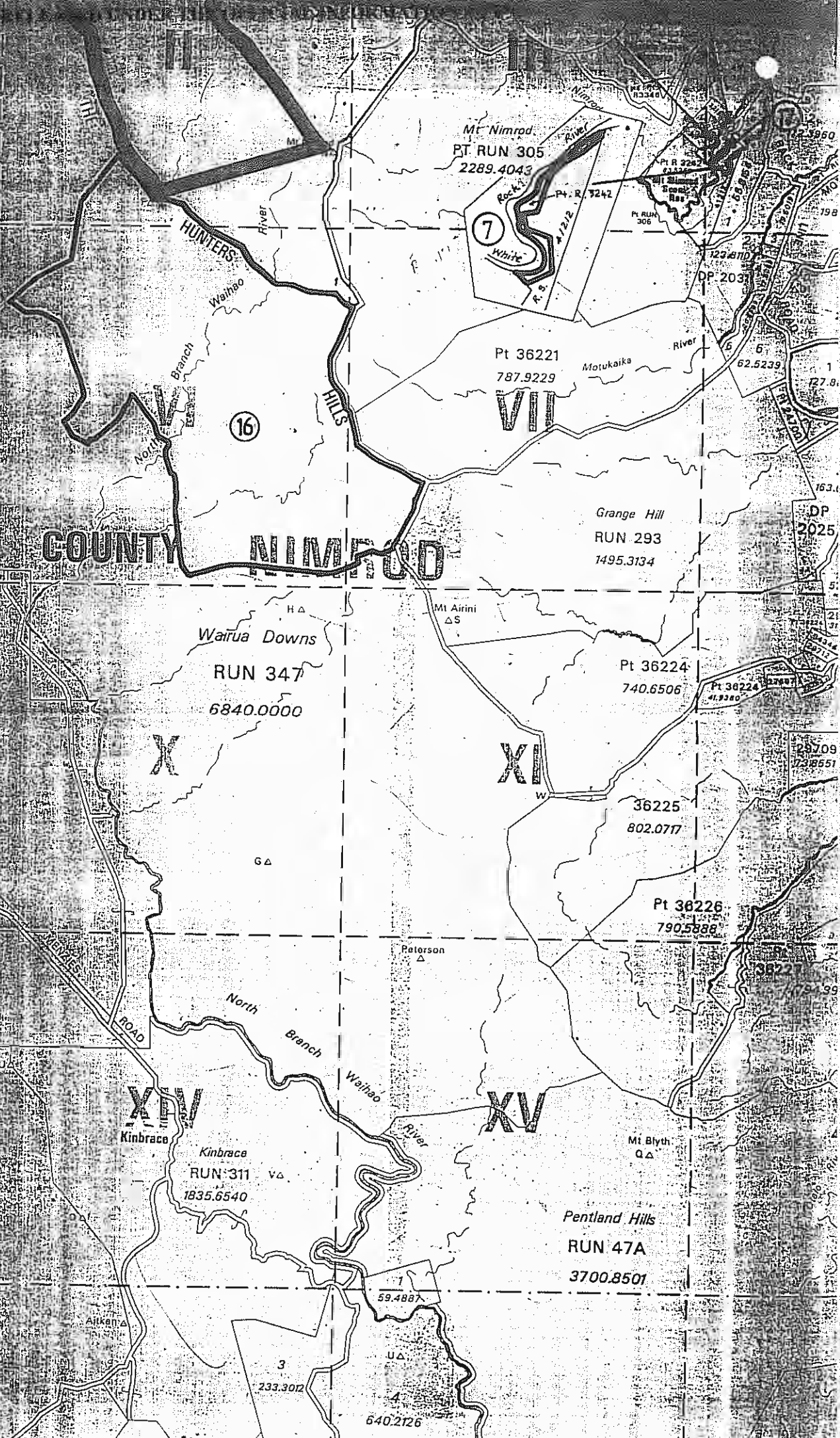
Canterbury Land District

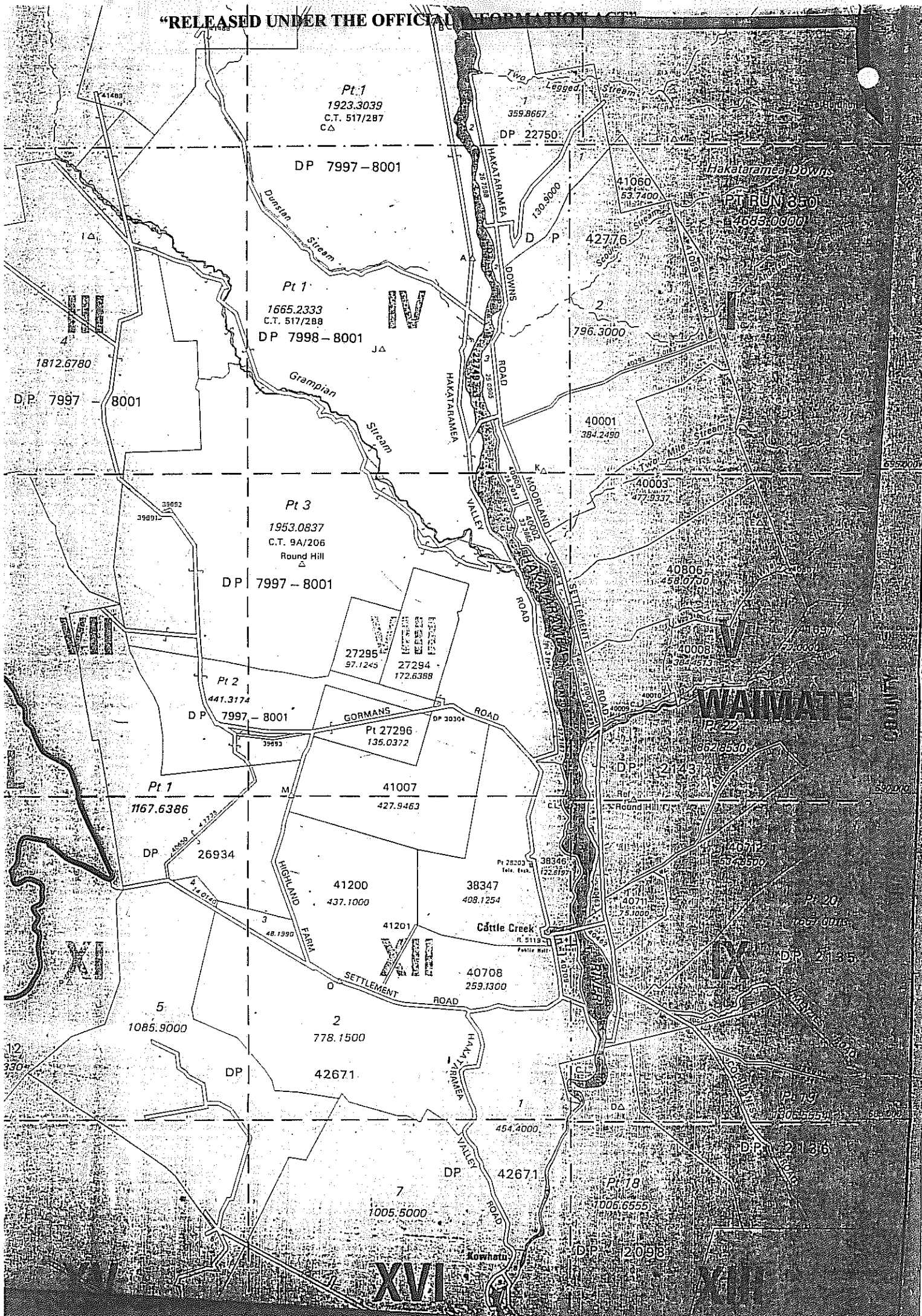
"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

Allocation Number	NZMS 261 Reference	SO Number	Legal Description	Area (Ha)	Sub Rec	Background Notes	Allocation To
12 5017114	J37		Lot 1 DP 48660, Block IV, Orari Survey District	7.5970	*	Indigenous forest for addition to Peel Forest Scenic Reserve	Department of Conservation
✓ 26 5017115	J38		Lots 11, 12 DP 3411, Block V, Geraldine Survey District	0.1356		House site ex NZFS, in Geraldine Borough	Department of Conservation
✓ 27 5017115	J38		Part Lot 9 DP 33, Part Lots 18, 19, 20, 21 DP 103 and RS 41902, Block V, Geraldine Survey District	subject to survey		Headquarters ex NZFS, in Geraldine Borough	Department of Conservation
✓ 28 5017115	J38		Part Reserve 3678, Block VII Opawa Survey District	0.2653		Adjoins historic reserve	Department of Conservation
✓ 29 5017115	J38		Closed road adjoins Section 19B, Rosewill Settlement, Block XI, Opawa Survey District	0.7436			Department of Conservation
✓ 16 5017116	J39/K39		RS 42257, Blocks II, VI, VII, Nimrod Survey District	1790.0000	*	Retired area, Dalsell Crown Land Management Area	Department of Conservation
✓ 17 5017116	J39 K39		Transferred Road adjoining RS 32053, 25393 and Reserve 3242, Block IV, Nimrod Survey District	1.0220	*	For inclusion in Mt Nimrod Scenic Reserve	Department of Conservation
✓ 18 5017116	J39 K39		Transferred Road adjoining ^{Lot 4 DP 43128} RS 25393, Block IV, Nimrod Survey District	0.3060		For inclusion in Mt Nimrod Scenic Reserve	Department of Conservation
✓ 19 5017116	J39/K39		Section 9, R641, Block XVI, Otaio Survey District	0.5463	*	Part of walkway	Department of Conservation
✓ 8 5017117	J40		RS 41427, Block VIII, Waiha Survey District	200.9630	*	Crown Land Management Area	Department of Conservation

WAIWATE

COUNTY NIMROD





Pt 1
1923.3039
C.T. 517/287
C.A

359.8667
DP 22750

DP 7997-8001

Hakataramea Downs
PT RUN 350
4583.0000

Pt 1
1665.2333
C.T. 517/288
DP 7998-8001

796.3000

1812.6780
D.P. 7997-8001

Pt 3
1953.0837
C.T. 9A/206
Round Hill
DP 7997-8001

27295
97.1245

27294
172.6388

Pt 2
441.3174
DP 7997-8001

Pt 27296
135.0372

40008
362.4573

Pt 1
1167.6386

41007
427.9463

DP 26934

41200
437.1060

38346
408.1254

Pt 28203
38346
122.6197

40712
557.48500

XI

XII

5
1085.9000

41201
48.1390

40708
259.1300

40711
75.1000

P. 20
1067.0000
DP 2135

12
330

DP 42671

2
778.1500

454.0000

DP 42671

7
1005.5000

Pt 18
1006.6555

Pt 19
1806.5554

D.P. 2136

DP 21098

XVI

DOC Consultation



Department of Conservation
Te Papa Ataturangi

Our ref: PAR 019, PTR 042 PTR 047, PTR 056

11 October 2001

Don McGregor
McGregor Property Services
6 Cumberland Place
Kaiapoi

Dear Don

PASTORAL LEASE STATUS CHECK - BEN MCLEOD, WAIRAU DOWNS, & GRAYS HILLS

I refer to your letter of 14 September 2001.

I have checked the Department of Conservation's land records. The only areas of public conservation estate within the boundaries are potential marginal strips. I have commented on these below. Conservation Estate does adjoin the properties and is listed below:

BEN MCLEOD (CLOCKWISE FROM WESTERN EXTREMITY)

J36/36 - Marginal Strip - Crown Land reserved from sale pursuant to Section 122 Land Act 1908. Held under Conservation Act 1987.

J36/35 - Marginal Strip - Crown Land reserved from sale pursuant to Section 122 Land Act 1908. Held under Conservation Act 1987.

J36/37 - Marginal Strip - Crown Land reserved from sale pursuant to Section 122 Land Act 1908. Held under Conservation Act 1987.

J36/8 - This land shows up as being under investigation for addition to the public conservation estate. It is in our system as the Rata Peaks retirement area. As it sits outside the lease, I have not made any further enquiries. It is presumably an area surrendered from an adjoining Pastoral Lease, where Gazette action has not been finalised.

J37/102 - This land shows up as being under investigation for addition to the public conservation estate. It is in our system as the Clayton retirement area. As it sits outside the lease, I have not made any further enquiries. It is presumably an area surrendered from an adjoining Pastoral Lease, where Gazette action has not been finalised.

I37/001 - Part Run 77 Surrender - this land is held under Section 62 of the Conservation Act 1987 (deemed to be stewardship land).

As all these areas sit outside the pastoral lease boundary, I have not made any enquiries regarding any concessions.

WAIRAU DOWNS

J39/134 - Hunter Hills Conservation Area - this land is held as Stewardship land under the Conservation Act 1987.

As this area sits outside the pastoral lease boundary, I have not made any enquiries regarding any concessions.

GRAYS HILLS

I38/12 - Part Reserve 3906 - this land is held under Section 62 of the Conservation Act 1987 (deemed to be stewardship land).

I38/19 - Tekapo River Marginal Strip - Former Section 58 Strip now administered under Part IVA of the Conservation Act 1987.

As these areas sit outside the pastoral lease boundary, I have not made any enquiries regarding any concessions.

With respect to marginal strips, Grays Hills was renewed in 1984, so there will be no Conservation Act marginal strips in place. I see a Section 58 memorial on the title but no marginal strips are shown on the Department's records, or on Terraview apart from that mentioned above. As you know, the legality of Section 58 strips not identified on survey plans is in doubt.

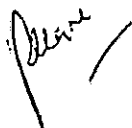
Wairau Downs was renewed in 1988, and the C/T is noted as being subject to Part IVA of the Conservation Act 1987. Once again no marginal strips are shown on the Department's records, or on Terraview (apart from I38/19 mentioned above). If the land is subject to the moveable marginal strips it seems unlikely the property has ever been surveyed with a view to identifying which (if any) waterways qualify for a marginal strip.

Ben McLeod was renewed only a year before Wairau Downs, and yet the C/T makes no mention of marginal strips as far as I can see (either Part IVA or Section 58 strips). This just serves to underline the doubt and uncertainty about which high country properties are subject to Marginal Strips, and if any are subject to such strips, whether they are the fixed or moveable variety.

It is practically impossible to identify with any certainty whether a marginal strip is in place if it is not shown on a survey plan. Some marginal strips are shown on the DOC allocation maps, and others are not. If there is no marginal strip shown on our allocation records, I have not identified them.

If there are any marginal strips in existence, there will be no concessions granted over them, save for a small number of generic concessions covering the majority of the public conservation land in the conservancy.

Yours faithfully



Robert Cant
Statutory Land Management Officer (Community Relations)
For Conservator, Canterbury
Email: Rcant@doc.govt.nz

Wairua Downs

