

Crown Pastoral Land Tenure Review

Lease name : WAITANGI

Lease number : PT 075

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**

WAITANGI

**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 50272/09/12698/A-ZNO **Report No:** QVV 221 **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 formal surrender of the retirement area of 1890 ha approximately (subject to survey) as agreed with the lessee, and
 - b) The subsequent declaration of this area 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 lessee approach to protect "petrified trees" on the lease was reported on in 1978 and subsequent approaches to the lessee in 1979/1980 seeking agreement to a draft Conservation Covenant appear to have foundered. *Copies of the relevant folios are attached as Appendix 3.*

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: **GRANT KASPER WEBLEY**
Date of Decision: 18/2/02

1. Details of Lease:

Lease Name: Waitangi.

Location: Situated on unnamed road approximately 25 kilometres West of Kurow.

Lessee: WAITANGI STATION LIMITED.

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. 829939.1.

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

Annual Rent: \$12397.50 (Reviewed as at 1 July 2001).

Rental Value: \$551,000 (Reviewed as at 1 July 2001).

Date of Next Review: 30 June 2012.

Land Registry Folio Ref: C.L. CB529/85 (Canterbury Registry).

Legal Description: Part Run 282, situated in Blocks III IV V and VI Gibson, I Hakataramea, V VI IX X XIII and XIV Dalzell and VIII XI XII XIV XV and XVI Hewlings Survey Districts.

Area: 19320.0000 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 075-SCH-01</i>	<i>1</i>	<i>1</i>	<i>10/01/1935</i>	<i>155</i>	<i>03/07/1973</i>
<i>Pt 075-SCH-02</i>	<i>2</i>	<i>156</i>	<i>24/07/1973</i>	<i>283</i>	<i>23/07/1991</i>
<i>Pt 075-SCH-03</i>	<i>3</i>	<i>-</i>	<i>24/07/1991</i>	<i>-</i>	<i>30/06/2000</i>
<i>Pt 075A (Plans only)</i>	<i>-</i>	<i>-</i>	<i>01/01/1980</i>	<i>-</i>	<i>Current</i>
<i>CON/50213/09/12698/A-ZNO</i>	<i>1</i>	<i>-</i>	<i>01/07/2000</i>	<i>-</i>	<i>Current</i>

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

File Reference: CON/50272/09/12698/A-ZNO-01
 Volume: 1
 First folio: 1
 Date: August 2001.
 Last folio note: -
 Date: Current

3. Summary of Lease document: (Copy of CL CB529/85 attached as *Appendix 1*).

3.1 Terms of Lease

A 33 year term from 1 July 1990 at the Annual rental of \$12397.50 based on the Rental Value of \$551,000 (Rental reviewed 1 July 2001).

Stock limitation in Lease:

10300 sheep and 50 cattle plus 10%.

Commencement Date:

The original lease was issued 1 July 1957 at a rental of \$1480 based on the stock limitation of 10300 sheep and 50 cattle plus 10%. It was renewed for a further term of 33 years from 1 July 1990 by Memorandum of Renewal of Lease No. 829939.1 (registered on 29 September 1989) whereupon the Annual rental of \$9900 was calculated on the Rental Value of \$660,000. Subsequently a rental review offer was accepted by the lessee and adjusted the Rental value (\$551,000) and Annual Rental (\$12397.50) with effect from 1 July 2001.

Other Provisions:

Nil.

3.2 Area adjustments

There have been no adjustments to the area of the lease since its redefinition in 1976.

3.3 Registered Interests

Mortgages

There are no mortgages over the property.

Land Improvement Agreement

702950.1 *Land Improvement Agreement* pursuant to Section 30A of the Soil Conservation and River Control Act 1941.

3.4 Unregistered Interests

Nil.

Unregistered Mortgages / debts

None known.

4. Summarise any Government programmes approved for the lease:

A Land Improvement Agreement (LIA) registered as Document 702950.1 secured a SWCP executed on 16 September 1987 between the lessee and the Waitaki Catchment Commission. The works involved 56 km of fencing (including retirement fencing) and 341 ha of over-sowing and topdressing to enable the retirement of 1550 ha of erosion prone land. The plan provided for the retention of the retirement area within the lease.

The LIA endures for up to 99 years from commencement or otherwise by mutual agreement between the parties.

8. Summarise any uncompleted actions or potential liabilities:

8.1 Formal surrender of retired land

Land Improvement Agreement 702590.1 provided for the retirement of approximately 1550 Ha of erosion prone country but on the basis of the land remaining in the lease.

An inspection in March 1986 (folio 257) revealed that the lessee was agreeable to retirement and surrender and it was suggested then that it was in order to proceed with an appropriate draft document to achieve surrender pending survey. On 16 May 1986 the District Solicitor was requested to prepare documents (folio 260). On 1 June 1986 (folio 261) the Senior Field Officer at Timaru was asked to confirm that the retirement fencing had been completed and told that documentation would be referred to him later to arrange execution by the lessee.

A draft document diagram of the proposed surrender area (1890 ha approx) is attached. No documents appear to have been completed.

On 29 November 1993 Landcorp Property Ltd advised DOSLI that the lessee was aware of the proposal to carry out survey definition of the retirement area and authorised it to proceed with survey following a check of the draft survey plan. DOSLI conferred and on 7 December confirmation was given to DOSLI that the boundary was on the correct fencelines.

Survey would still appear to be incomplete and therefore formal surrender remains outstanding.

A copy of the relevant folios are attached as Appendix 2.

Schedule A – Land Status Report.

APPENDICES

- 1. Copy of Lease Document.**
- 2. Copy of relevant folios – Partial surrender of retired land.**
- 3. Copy of relevant folios - Conservation covenant to protect petrified trees.**

Schedule A

CONTENTS

PROPERTY 1 OF 3

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

- **Additional Plans**
- **Extract of CLR**
- **Extracts of Allocation maps**
- **DOC Consultation**
- **Information supporting Mineral investigation**
- **Other information**

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

PROPERTY 2 OF 3

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

PROPERTY 3 OF 3

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

**PROPERTY 1 OF 3
LAND STATUS REPORT**

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

**Q.V. VALUATIONS
CHURCH OFFICE**

APPENDIX A1

QVV:220

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 Waitangi Tenure Review	LIPS Ref: 12698
Property 1 of 3	

Land District	Canterbury.
Legal Description	Part Run 282, situated in Blocks III IV V and VI Gibson, I Hakataramea, V VI IX X XIII and XIV Dalzell and VIII XI XII XIV XV and XVI Hewlings Survey Districts.
Area	19320.0000 hectares.
Status	Crown land subject to the Land Act 1948.
Instrument of title / lease	Pastoral Lease CL CB529/85 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal No. 829939.1.
Encumbrances	Subject to 702950.1 Land Improvement Agreement pursuant to Section 30A of the Soil Conservation and Rivers Control Act 1941.
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	21 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	<ol style="list-style-type: none"> 1) Please note additional Reports within the periphery / adjoining the lease. 2) The attached topographical plans indicate that fenced boundaries of the lease in the vicinity of the Waitangi Homestead and the northern boundary with Kirkliston Pastoral Lease do not conform to the legal boundaries.
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LAND STATUS REPORT for Waitangi Tenure Review	LIPS Ref: 12698
Property 1 of 3	

Research Data: Some Items may not be applicable

SDI Print Obtained	Yes.
NZMS 261 Ref	I39, I40.
Local Authority	Waimate District Council.
Crown Acquisition Map	Kemp Deed of Purchase.
SO Plans	<p>SO 2317 – Plan of Gibson Survey District (1876).</p> <p>SO 2700 - Plan of Part Gibson Survey District (1879).</p> <p>SO 2718 - Plan of Part Gibson Survey District (1879).</p> <p>SO 3051 and 3052 – Plans of Sections and Roads Gibson Survey District (1884).</p> <p>SO 5369 - Plan of Road and Driving Track through Runs 66 and 67 (Approved 4 April 1917).</p> <p>SO 5753 - Plan of Runs 66 and 66B (Approved 9 August 1921).</p> <p>SO 5828 - Plan of New Road through Run 66B (Approved 15 March 1923).</p> <p>SO 10530 - Plan of Land to be Acquired for Road and Water Power Development (incl. Pt Run 282) and Road to be Closed (Approved 2 March 1966).</p> <p>SO 10531 - Plan of Land to be Acquired for Water Power Development (incl. Pt Run 282) (Approved 31 March 1966).</p> <p>SO 10532 - Plan of Land to be Acquired for Road and Water Power Development (incl. Pt Run 282) and Road to be Closed (Approved 31 March 1966).</p> <p>SO 10557 - Plan of Land to be Acquired for Road and Water Power Development (incl. Pt Run 282) and Road to be Closed (Approved 31 March 1966).</p> <p>SO 10558 - Plan of Land to be Acquired for Road and Water Power Development (incl. Pt Run 282) and Road to be Closed (Approved 31 March 1966).</p> <p>SO 14043 - Plan of Run 328 "Black Forest" and Run 328 adjoining Run 282 (Approved 19 July 1976).</p> <p>SO 14073 - Plan of Pt. Run 67 "Te Akatarawa" adjoining Run 282 (Approved 11 August 1976).</p> <p>SO 14076 - Plan of Run 329 and 329A "Kirkliston" adjoining Run 282 (Approved 11 August 1976).</p>

	<p>SO 14162 - Plan of Part Run 282 "Waitangi" (Approved 28 October 1976).</p> <p>SO 17108 – DOC Allocation plans.</p> <p>SO 19907 (Otago SO 24731)– Plan of Statutory Acknowledgement for Lake Aviemore in Schedule 37 of the Ngai Tahu Claims Settlement Act 1998.</p>
Gazette Notices	<p>N.Z.Gazette 1967 p1730 (Proclamation 723376), among other things, took the leasehold estate in 1776acres 2 roods 38 perches of the Pastoral lease for the Development of Water Power (Aviemore Power Project).</p> <p>N.Z.Gazette 1967 p1766 (Proclamation 724108), among other things, took the leasehold estate in 12acres 3 roods 01 perches of the Pastoral lease for the Development of Water Power (Aviemore Power Project).</p> <p>N.Z.Gazette 1967 p1896 (K725579), subsequently set apart the 12acres 3 roods 01 perches for road.</p> <p>N.Z.Gazette 1968 p1524 (K747000)), subsequently set apart the 1776acres 2 roods 38 perches of the Pastoral the lease for the Development of Water Power (Aviemore Power Project).</p>
Lease Ref	Pastoral Lease CL CB529/85 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal 829939.1.
Legalisation Cards	Searched. No Cards for SO's 10530-10532, 10557 and 10558. Action completed
CLR	Confirms Pastoral Lease tenure.
Allocation Maps (if applicable)	<p>Searched. No DoC or SOE Allocations are within the periphery of the lease.</p> <p>DOC Allocations I39-3 and 4 (SO 17108) and I40-4 (SO 17109) DoC stewardship land adjoins.</p> <p>Extracts of Allocation Maps attached.</p>
VNZ Ref – if known	VR 25170/13000.
Crown Grant Maps	Not applicable.
<p>Subject Land Marginal Strip:</p> <p>a) Type [Sec 24(9) or Sec 58]</p> <p>b) Date Created</p> <p>c) Plan Reference</p>	<p>a) No Marginal strips provided for. Survey required to define strips.</p> <p>b) Not applicable.</p> <p>c) Not Applicable.</p>

LAND STATUS REPORT for Waitangi Tenure Review	LIPS Ref 12698
Property 1 of 3	

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 Plans 5369 and 5828. S.O. 14162 denoted Roads coloured burnt sienna as legal by Section 110A of the Public Works Act 1928. Refer also Topo Plans 9T, 17T and 18T. 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 yet to be defined. Agreement initiated with lessee for surrender of 1890ha of retired lands but no formal Agreement executed or registered. No concessions over the lease area administered by Knight Frank. b) The adjacent Lake Aviemore is recorded as a Statutory Acknowledgement in Schedule 37 (S.O. 19907 – Otago S.O. 24731) of the Ngai Tahu Claims Settlement Act 1998. c) The current Run 282 (formerly Part Runs 66A and 66B and Reserve 4018) have always been in Crown ownership. Consequently 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. d) Not applicable.



RELEASED UNDER THE OFFICIAL INFORMATION ACT



Marginal Strip Subject to Sec 24(1)
Conservation Act 1987

Waitangi

Scale 1:50000



Version	1	2	3	4	5
Canterbury Land District					Sheet 1 of 2
Topographic Map 250 - 139 140					Date 7/12/01



“RELEASED UNDER THE OFFICIAL INFORMATION ACT”

P.R. 282

Waitangi

Scale 1:50000



Version	1	2	3	4	5
Canterbury Land District					Sheet 2 of 3
Topographic Map 250	139 M0				Date 7/12/01

Marginal Strip Subject to Sec 84(9)
Conservation Act 1987



LAND STATUS REPORT

**for
Tenure Review**

WAITANGI

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

December 2001

**Q.V. VALUATIONS
CHRISTCHURCH OFFICE**

APPENDIX B

Project Number : QVV 220

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 Waitangi Tenure Review				LIPS Ref: 12698
Property	1	of	1	

Land District	Canterbury
Legal Description	Part Run 282, situated in Blocks III IV V and VI Gibson, I Hakataramea, V VI IX X XIII and XIV Dalzell and VIII XI XII XIV XV and XVI Hewlings Survey Districts.
Area	19320.0000 hectares.
Status	Crown land subject to the Land Act 1948.
Instrument of title / lease	Pastoral Lease CL CB529/85 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 varied by Memorandum of Renewal 829939.1.
Encumbrances	Subject to 702950.1 Land Improvement Agreement pursuant to Section 30A of the Soil Conservation and Rivers Control Act 1941.
Statute	Land Act 1948 and Crown Pastoral Land Act 1998.

Data Correct as at	10 December 2001.
[Certification Attached]	Yes

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

Certification:

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

R. Moulton


Date: 20/12/2001

R Moulton, Chief Surveyor
Land Information New Zealand, Christchurch

CERTIFICATION

Report to the Chief Surveyor, Christchurch, for certification of Status Investigation for the WAITANGI Pastoral Lease Tenure Review.

1. I, Donald McGregor of McGregor Property Services Limited, acting for and on behalf of Opus International Consultants Limited, certify that the status report enclosed for certification is in order for signature.
2. In giving this certification I, Donald McGregor of McGregor Property Services Limited, acting for and on behalf of Opus International Consultants Limited, undertake that the status report has 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.



D McGregor
McGregor Property Services Limited
Accredited Supplier
10 December 2001

**Q V VALUATIONS
CHRISTCHURCH OFFICE**

APPENDIX A2

Project Number QVV 220

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 Waitangi Tenure Review (Freehold land)	LIPS Ref: Not Applicable
Property 2 of 3	

Land District	Canterbury.
Legal Description	Rural Section 34939 and 34940, situated in Block III, IV and V, Gibson Survey District.
Area	25.0905 hectares.
Status	Freehold land held by Waitangi Station Limited.
Instrument of title	CT CB134/76.
Encumbrances	702950.1 Land Improvement Agreement pursuant to Section 30A of the Soil Conservation and Rivers Control Act 1941.
Mineral Ownership	The Mines and Minerals are held by the freehold owner.
Statute	Not applicable.

Data Correct as at	21 January 2002.
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Prepared by Crown Accredited Supplier	Don McGregor, McGregor Property Services Limited, Christchurch For and on behalf of QV 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	Not applicable.
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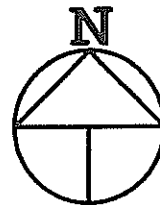
LAND STATUS REPORT for Waitangi Tenure Review (Freehold land)	LIPS Ref Not Applicable
Property 2 of 3	

Research Data: *Some Items may not be applicable*

SDI Print Obtained	Yes.
NZMS 261 Ref	I39, I40.
Local Authority	Waimate District Council.
Crown Acquisition Map	Not applicable.
SO Plans	SO 3051 and 3052 – Sections and Roads Gibson Survey District (1884).
Relevant Gazette Notices	Not applicable.
CT Ref / Lease Ref	CT CB134/76.
Legalisation Cards	Not applicable.
CLR	Not Crown land.
Allocation Maps (if applicable)	Not applicable.
VNZ Ref – if known	Not known.
Crown Grant Maps	SO' s 3051 and 3052.
If Subject Land Marginal Strip: a) Type [Sec 24(9) or Sec 58] b) Date Created c) Plan Reference	a) Not applicable. b) Not applicable. c) Not applicable.

LAND STATUS REPORT for Waitangi Tenure Review (Freehold land)	LIPS Ref Not Applicable
Property 2 of 3	

If Crown land – Check Irrigation Maps	Not Applicable.
Mining Maps	Not Applicable.
If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989 b) By Proc	a) SO Plan 3051. Road adjoining Rural Section 34939 is legal by Section 110A of the Public Works Act 1928. b) Proc Plan Not applicable. c) Gazette Ref 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) Not applicable. b) Not applicable. c) Remains with CT CB134/76. d) Not applicable.



Pt Run 282

(See Report
2 of 3)

RS 34940
8.0937 ha
SO 3052
CB 13476

ROAD

(See Report
3 of 3)

RS 6463
8.0937 ha
SO 2700
CB 406/285

Stream

Deep

AKATARAWA
ROAD

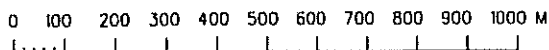
ROAD

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 - 139, 140					Date 7/12/01

Waitangi

Scale 1:15000



**Q V VALUATIONS
CHRISTCHURCH OFFICE**

APPENDIX A3

Project Number QVV 220

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 Waitangi Tenure Review (Freehold land)	LIPS Ref: Not Applicable
Property 3 of 3	

Land District	Canterbury.
Legal Description	Rural Sections 14090, Block III and Rural Sections 6463 and 7412, Block VI, Gibson Survey District.
Area	36.4141 hectares.
Status	Freehold land held by Waitangi Station Limited.
Instrument of title	CT CB406/285 (Limited as to Parcels).
Encumbrances	702950.1 Land Improvement Agreement pursuant to Section 30A of the Soil Conservation and Rivers Control Act 1941.
Mineral Ownership	The Mines and Minerals are held by the freehold owner.
Statute	Not applicable.

Data Correct as at	21 January 2002.
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Prepared by Crown Accredited Supplier	Don McGregor, McGregor Property Services Limited, Christchurch For and on behalf of QV 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	Not applicable.
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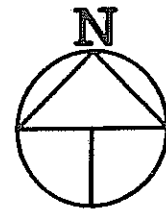
LAND STATUS REPORT for Waitangi Tenure Review (Freehold land)	LIPS Ref Not Applicable
Property 3 of 3	

Research Data: Some Items may not be applicable

SDI Print Obtained	Yes.
NZMS 261 Ref	I39, I40.
Local Authority	Waimate District Council.
Crown Acquisition Map	Not Applicable.
SO Plans	SO 2700 and 2718 – Part of Gibson Survey District (1879).
Relevant Gazette Notices	Not applicable.
CT Ref / Lease Ref	CT CB406/285 (Limited as to Parcels).
Legalisation Cards	Not applicable.
CLR	Not Crown land.
Allocation Maps (if applicable)	Not applicable.
VNZ Ref – if known	Not known.
Crown Grant Maps	SO' s 2700 and 2718.
If Subject Land Marginal Strip:	
a) Type [Sec 24(9) or Sec 58]	a) Not applicable.
b) Date Created	b) Not applicable.
c) Plan Reference	c) Not applicable.

LAND STATUS REPORT for Waitangi Tenure Review (Freehold land)	LIPS Ref Not Applicable
Property 3 of 3	

If Crown land – Check Irrigation Maps	Not Applicable.
Mining Maps	Not Applicable.
If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989 b) By Proc	a) Not applicable. b) Proc Plan Not applicable. c) Gazette Ref 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) Not applicable. b) Not applicable. c) Remains with CT CB406/285 (Limited as to Parcels). d) Not applicable.



Pt Run 282

(See Report
2 of 3)

RS 34940
8.0937 ha
SO 3052
CB 134/76

ROAD

(See Report
3 of 3)

RS 6463
8.0937 ha
SO 2700
CB 406/285

Stream

Deep

TE AKATARAUA
ROAD

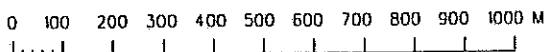
ROAD

Version	1	2	3	4	5
Canterbury Land District			Sheet 3 of 3		
Topographic Map 260 - 139, 140			Date 7/12/01		

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

Waitangi

Scale 1:15000



APPENDIX 1



COMPUTER INTEREST REGISTER UNDER LAND TRANSFER ACT 1952



Historical Search Copy


R. W. Muir
Registrar-General
of Land

Identifier CB529/85
Land Registration District Canterbury
Date Registered 01 October 1957 01:40 pm

Part-Cancelled

Type	Lease under s83 Land Act 1948	
Area	19961.9287 hectares more or less	Term 33 years commencing on 1st July 1957 and extended for 33 years commencing on 1.7.1990

Legal Description Run 282

Original Proprietors
Waitangi Station Limited

Interests

- 723376 Proclamation declaring parts of the within land (1776 acres 2 roods 38 perches) to be taken for the development of Water Power (Aviemore Power Project) - 25.10.1967 at 9.25 am
- 724108 Proclamation declaring part of the within land (12 acres 3 roods 1 perch) to be taken for the development of water power (Aviemore Power Project) - 3.11.1967 at 9.00 am
- 179218.1 Certificate of Alteration increasing the area of the within lease to 19320 hectares - 1.6.1978 at 9.57 am
- 702950.1 Land Improvement Agreement pursuant to Section 30A Soil Conservation and Rivers Control Act 1941 - 21.9.1987 at 9.19 am
- 829939.1 Renewal of within Lease for a further term and variation of terms - 29.9.1989 at 11.10 am

Not Registered under Land Transfer Act.—Registered under Section 83, Land Act, 1948

Issued as a Renewal of (or in Exchange for) Lease

registered on 2nd day of April 1958 P.R. 488 P.R. 488

NEW ZEALAND

Entered in the Register-book, Vol. 509 fol. 85

CANTERBURY LAND DISTRICT

the 1st day of October

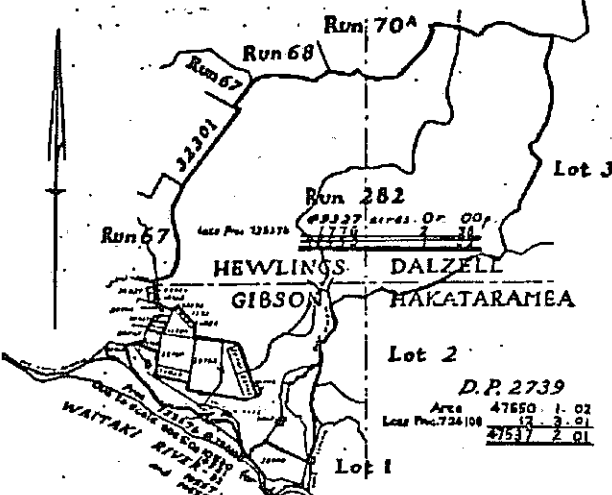
1957 at 1.00 o'clock P.M.

Assistant Land Registrar.

Pastoral Lease of Pastoral Land under the Land Act, 1948

No. P. 75

This Deed, made the first day of April, one thousand nine hundred and fifty-seven between HIS MAJESTY THE KING (who, with his heirs and successors, is hereinafter referred to as "the Lessor"), of the one part, and WAIKATI STATION LIMITED, a Company duly incorporated under the Companies Act of 1955 and having its registered office in Christchurch, of the other part, WITNESSETH that, in consideration of the rent hereinafter reserved, and of the covenants, conditions, and agreements herein contained or implied or on the part of the Lessee to be fully observed, and performed, the Lessor doth hereby demise and lease unto the Lessee All that piece or parcel of land containing by measurement forty-nine thousand three hundred and twenty-seven acres and



and being situated in the Land District of Canterbury, and being Run 282 "Waikeiti" situated in Hewlings, Dalzell, Gibson and Hakataramea Survey Districts, Waikato County

(hereinafter referred to as "the said land"), as the same is more particularly delineated in the plan drawn hereon and therein coloured red in outline; together with the rights, easements, and appurtenances thereto belonging. TO HOLD the said premises intended to be hereby demised unto the Lessee for the term of thirty-three years, commencing on the first day of July one thousand nine hundred and fifty-seven, together with the period between the date of this lease and the aforesaid first day of July Yielding and paying therefor during the said term unto the Department of Lands and Survey at the Principal Land Office for the said Land District of Canterbury the clear annual rent of Seven hundred and forty pounds (£ 740. 0. 0) payable without demand by equal half-yearly payments in advance on the 1st day of January and the 1st day of July in each and every year during the said term. And also paying, in respect of the improvements specified in the Schedule hereto the sum of (£) by a deposit of (£) (the receipt of which sum is hereby acknowledged) and thereafter by () half-yearly instalments of () pounds () shillings and () pence () on the 1st day of January and the 1st day of July in each year in the same manner as rent.

METRIC AREA:—19237.7462 ha Scale: 3 miles to an inch

AND the Lessee doth hereby covenant with the Lessor as follows, that is to say:—

- 1. THAT the Lessee will fully and partially pay the rent hereinafter reserved at the times and in the manner hereinafter named in that behalf; and also will pay and discharge all rates, taxes, assessments, and outgoings whatsoever that now are or hereafter may be assessed, levied, or payable in respect of the said land or any part or parts thereof during the said term.
2. THAT the Lessee will within one year after the date of this lease take up his residence on the said land, and thereafter throughout the term of the lease will reside continuously on the said land.
3. THAT the Lessee will hold and use the said land bona fide for his own use and benefit and will not transfer, assign, sublet, mortgage, charge, or part with possession of the said land or any part thereof without the previous approval of the Land Settlement Board: Provided that such approval will not be necessary in the case of a mortgage to the Crown or to a Department of State.
4. THAT the Lessee will at all times farm the said land diligently and in a husbandlike manner according to the rules of good husbandry and will not in any way commit waste.
5. THAT the Lessee will throughout the term of his lease to the satisfaction of the Commissioner of Crown Lands for the Land District of Canterbury (hereinafter referred to as "the Commissioner") cut and trim all live fences and hedges, clear and keep clear the said land of all noxious weeds, and will comply strictly with the provisions of the Noxious Weeds Act, 1928.
6. THAT the Lessee will keep the said land free from wild animals, rabbits, and other vermin, and generally comply with the provisions of the Rabbit Nuisance Act, 1928.
7. THAT the Lessee will clear and clear from weeds and keep open all creeks, drains, ditches, and watercourses upon the said land, including any drains or ditches which may be constructed by the Commissioner after the commencement of the term of the lease; and will not at any time without the prior consent of the Commissioner alter the channel of any such creek or watercourse or stop or divert the water flowing therein.
8. THAT the Lessee will at all times during the said term repair and maintain and keep in good substantial repair, order, and condition all improvements belonging to the Crown (including those specified in the Schedule hereto which are being purchased by the Lessee) now or hereafter erected on the said land, and will not, without the prior written consent of the Commissioner, pull down or remove them or any part of them.
9. THAT the Lessee will insure all buildings belonging to the Crown (including those specified in the Schedule hereto which are being purchased by the Lessee) now or hereafter erected on the said land to their full insurable value in the name of the Commissioner in some insurance office approved by the Commissioner and will pay all premiums falling due under every such insurance policy and deposit with the Commissioner every such policy and, not later than the forenoon of the day on which any such premium becomes payable, the receipt for that premium.
10. THAT the Lessee will not throughout the term of the lease without the prior consent of the Commissioner, which consent may be given on such terms and conditions (including the payment of royalty) as the Commissioner thinks fit, fell, sell, or remove any timber, tree, or bush growing, standing, or lying on the said land, and that he will throughout the term of the lease prevent the destruction of any such timber, tree, or bush unless the Commissioner otherwise approves: Provided that the consent of the Commissioner as aforesaid shall not be necessary where any such timber or tree is required for any agricultural, pastoral, household, roadmaking, or building purpose on the said land nor where the timber or tree has been planted by the Lessee.
11. THAT the Lessee shall not, except for the purpose of complying with any of the provisions of the Noxious Weeds Act, 1928, burn any tussock, scrub, fern, or grass on the said land, nor permit any tussock, scrub, fern, or grass on the said land to be burned, unless in either case he shall have obtained the prior consent in writing of the Commissioner, which consent may be given subject to such terms and conditions as the Commissioner may deem necessary.
12. THAT officers and employees of the Department of Internal Affairs shall at all times have a right of ingress, egress, and regress over the land comprised in this lease for the purpose of determining whether such land or any adjoining land is infested with deer, wild goats, wild pigs, opossums, or other animals which the said Department is charged with the duty of exterminating or controlling, or for the purpose of destroying any such animals: Provided that such officers and employees in the performance of the said duties shall at all times avoid undue disturbance of the Lessee's stock.

AND it is hereby agreed and declared by and between the Lessor and the Lessee:—

- (a) THAT the Lessee shall have the exclusive right of pasturage over the said land, but shall have no right in the soil.
(b) THAT the Lessee shall have no right, title, or claim whatsoever to any minerals (within the meaning of the Land Act, (1918) or on or under the surface of the soil of the said land, and all such minerals are reserved to His Majesty together with a free right of way over the said land in favour of the Commissioner or of any person authorized by him and of all persons lawfully engaged in the working, extraction, or removal of any mineral on or under the surface of the said land or any adjacent land of the Crown, subject to the payment to the Lessee of compensation for all damage done to improvements on the said land belonging to the Lessee in the working, extraction, or removal of any such minerals: Provided that there shall be no right of way over, or right to work, extract, or remove any mineral from, any part of the said land which is for the time being under crop or used or situated within 40 yards of a yard, garden, orchard, vineyard, nursery, or plantation, or within 100 yards of any building: Provided also that the Lessee may, with the prior consent in writing of the Commissioner, which consent may be given subject to such conditions as the Commissioner thinks fit, use any such minerals for any agricultural, pastoral, household, roadmaking, or building purpose on the said land, but not otherwise.
(c) THAT upon the expiration or effluxion of time of the term hereby granted and thereafter at the expiration of each succeeding term to be granted to the Lessee the outgoing Lessee shall have a right to obtain, in accordance with the provisions of section 66 (2) of the Land Act, 1948, a new lease of the land hereby leased at a rent to be determined by the Commissioner under Part VIII of the said Act for a term of thirty-three years computed from the expiration of the term hereby granted and subject to the same covenants and provisions as this lease, including this present provision for the renewal thereof and all provisions ancillary or in relation thereto.

56

529/85

- (4) THAT the Lessee shall have no right of acquiring the fee-simple of the said land.
- (5) THAT the Lessee may, with the prior consent in writing of the Commissioner given subject to such conditions as the Commissioner may deem necessary:
 - (i) Cultivate any portion of the said land for the purpose of growing winter feed for the stock depastured thereon;
 - (ii) Grow such crops of the said land as is sufficient for the use of himself and family and his employees;
 - (iii) Plough and sow in grass any portion of the said land;
 - (iv) Clear any portion of the said land by felling and burning-bush or scrub and sow the land so cleared in grass;
 - (v) Pasture sow in grass any portion of the said land;
 Provided that the Lessee shall, on the termination of the lease, leave the whole of the area that has been ploughed or cultivated properly laid down in good permanent clover and grasses to the satisfaction of the Commissioner.
- (6) THAT the Lessee shall exercise due care in stocking the said land and shall not overstock; and for the purpose of this clause it is hereby mutually declared and agreed between the Lessee and the Commissioner that the number of stock to be depastured on the said land during the winter months shall not, without the prior consent of the Commissioner, exceed sheep on a basis of a count of one for a dry sheep and of one and a half for breeding ewes.
- (7) THAT if the Lessee shall leave New Zealand or abandon the said land or if he cannot be found or if he shall neglect or fail or refuse to comply with the covenants and conditions herein expressed or implied to the satisfaction of the Land Settlement Board or the Commissioner, as the case may be, or make default for not less than two months in the payment of rent, water levy, or other payments due to the Lessee, then the Land Settlement Board may, subject to the provisions of section 116 of the Land Act, 1948, declare this lease to be forfeit, and that without discharging or releasing the Lessee from liability for rent due or accruing due or for any prior breach of any covenant or condition of the lease.
- (8) THAT these covenants are intended to take effect as a pastoral lease under the Land Act, 1948, and the provisions of the said Act and of the regulations made thereunder applicable to such leases shall be binding in all respects upon the parties hereto in the same manner as if such provisions had been fully set out herein.

(1) See below

SCHEDULE

IMPROVEMENTS BELONGING TO THE CROWN AND BEING PURCHASED BY THE LESSEE

In witness whereof the Commissioner of Crown Lands for the Land District of Canterbury, on behalf of the Lessor, hath hereunto set his hand, and these presents have also been executed by the said Lessee.

Signed by the said Commissioner, on behalf of the Lessor, in the presence of:

Witness: _____

Occupation: _____

Address: _____

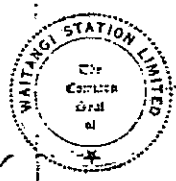
R. Hampton
 Assistant Commissioner of Crown Lands.

THE COMMON SEAL OF WAITANGI STATION LIMITED
 was hereto affixed in the presence of:

Witness: _____

Occupation: *M. D. Sutherland*
 Director.

Address: *Class 1003*
 Secretary.



- (1) THAT as the lessee is a company the provisions of Section 89 of the Land Act 1948 shall apply to all transfers and other dispositions of shares in the said company as if such shares were interest in the said land and no share or shares in the company shall be transferred or otherwise disposed of by any shareholder without the consent of the Land Settlement Board.
- (2) THAT the provisions of the Land Act 1948, with regard to residence shall continue to be applicable to the within lease notwithstanding that the lessee is a company provided however that such provisions shall be deemed to be complied with by such company only if and when there resides on the said land a person who manages the land on behalf of such company and who has been approved in writing for that purpose by the Land Settlement Board.
- (3) THAT a breach by the lessee or by any shareholder of all or any of the provisions of sub-clauses (1) and (2) hereof shall be deemed to be a breach of the covenants conditions and restrictions contained in the within lease entitling the lessor to exercise all or any of the powers conferred upon her by the said lease.
- (4) THAT the Lessee shall exercise due care in stocking the said land and shall not overstock; and for the purpose of this clause the lessee shall be deemed not to have failed to use due care in stocking or to have overstocked so long as the number of sheep depastured on the said land does not exceed 11,350 sheep and 55 cattle (being an increase of ten per cent on the carrying capacity on which is based the rent hereinbefore reserved); but the Commissioner may by notice in writing permit the lessee to depasture thereon any greater number of sheep should he deem it expedient or advisable to do so. Any permission so granted shall be subject to revocation or amendment by the Commissioner at any time and in particular in the event of a transfer, and further any such variation consented to by the Commissioner shall not affect the rent payable hereunder.

Electricity supply to the land... No 63788 Amalgamation Certificate pursuant to Section 116 of the Public Works Amendment Act 1948 - 28.5.48 at 12.09pm

No 72408 Proclamation declaring the within land 112 acres 3 roods 2 perch to be taken for the development of water power (Cavemore Power Project) 25.11.1967 at 4.15 am

LAND A 10525

Nature: *Lease*

From: *to 6h*

Date: *1 OCT 1957*

Time: *1 HD*

Fee: *5 - 1/2*

Address No: *10525*

No 72376 Proclamation declaring parts of the within land (116 acres 2 roods 58 perches) to be taken for the development of water power (Cavemore Power Project) 25/10/1967 at 4.15 am

THIS REPRODUCTION (ON A REDUCED SCALE) CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL REGISTER FOR THE PURPOSES OF SECTION 215A LAND TRANSFER ACT 1952.

J. Simson A.L.B.

No. 179219/1 Certificate of Alteration whereby the area of the land is increased 19320 hectares - 1-6-1978 at 9.57a.m.

over... for A.L.R.

529/85

No. 702950/1 Land Improvement
Agreement pursuant to Section
30A of the Soil Conservation
and Waters Control Act 1941 -
21.9.1987 at 9.19am

C. M. M. M. M.

for A.L.R.

No. 829939/1 Variation of the terms of
the within Lease and extension of the term
for 33 years commencing on 1.7.1990 -
29.9.1989 at 11.10am

A. M. M. M.

for A.L.R.

APPENDIX 2

File Ref: 8075

AFT
File

29 November 1993

The District Manager
Department of Survey & Land Information
Private Bag 4721
CHRISTCHURCH

Attention: D E Brown

Dear Sir

WAITANGI STATION: PARTIAL RUN SURRENDER

I have spoken to the lessee of Waitangi Station and he is now aware of the proposal to carry out the survey definition of the retirement area. This is an area that you may now proceed with. I suggest that when you have a draft of the proposed boundary that you forward it to me for checking because there was quite a lot of new fencing carried out at about the same time including some tracking, therefore it will be necessary to ensure that you have the correct fences.

Yours faithfully
LANDCORP PROPERTY LIMITED



R A Ward-Smith
Manager

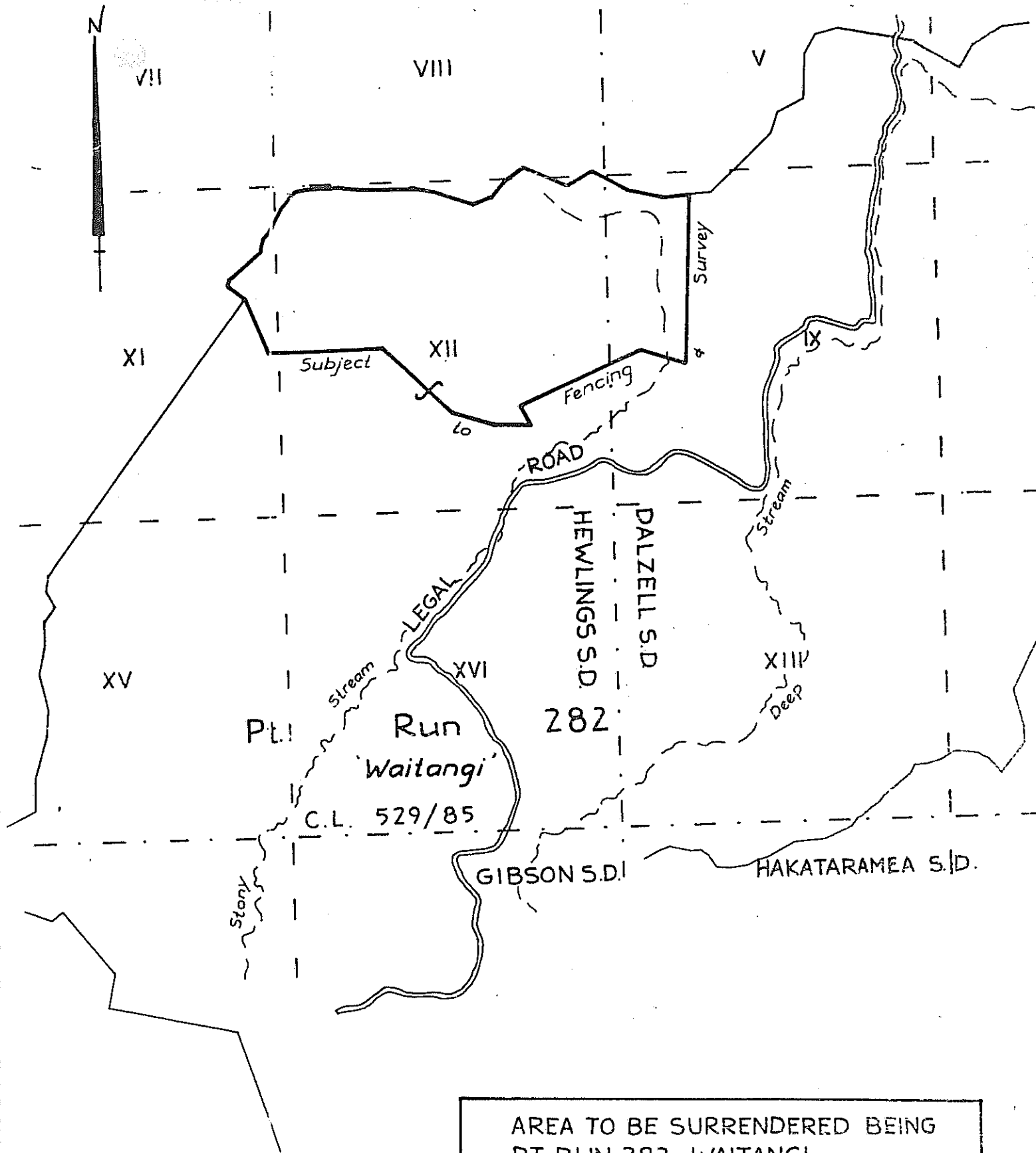
R1815

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"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

Canterbury Land District - Waimate County



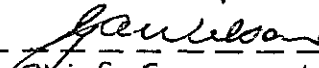
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 CONTRACTOR FOR PURPOSES A.C.

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AREA TO BE SURRENDERED BEING
 PT RUN 282 WAITANGI

TOTAL AREA : 1890 ha (Subject to
 Fencing & Survey)

Certified as being correct for the
 purposes of Sec 58 Land Act 1948


 Chief Surveyor 14/4/85

File Ref: 8075

7 December 1993

District Manager
Department of Survey & Land Information
Private Bag 4721
CHRISTCHURCH

Attention: Mr Derek Brown

Dear Sir

**WAITANGI PASTORAL LEASE: PROPOSED
BOUNDARIES OF LAND TO BE SURRENDERED**

Thank you for your letter of 3 December 1993. I have perused the plan enclosed with that letter and agree that it generally represents the intended area to surrender. Your plan is enclosed. In addition I have enclosed a copy of the proposed surrender^yprior to fencing.

plan

Yours faithfully
LANDCORP PROPERTY LIMITED

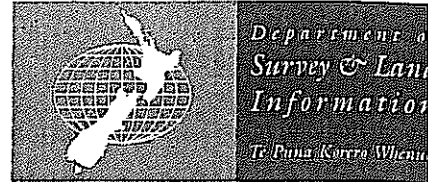
R

R A Ward-Smith
Manager

R1830

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Your Reference:

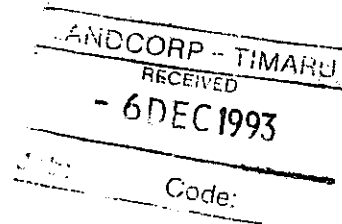
Our Reference:

For verbal enquiries please ask for: Mr Brown

State Insurance Building
116 Worcester Street
Private Bag 4721
Christchurch
Phone (03) 379-9793
Fax (03) 366-6422

3 December 1993

The Branch Manager
Land Corporation Limited
P O Box 564
TIMARU



ATTENTION : Mr R A Ward-Smith

Dear Sir

WAITANGI P L : PROPOSED BOUNDARIES OF LAND TO BE SURRENDERED

With reference to your letter of 29 November 1993 please find enclosed a print of the topo map I39C, marked, with what we understand are to be the boundaries of the land to be surrendered from the Waitangi PL.

The section of fence K-L-M-N-O was marked on the map during the field check in the summer of 1989-90, but not accurately enough for survey purposes.

None of the fenced boundaries are visible on the latest aerial photographs flown in November 1985.

The old fences O-D-F-I-J-K had been flattened by snow, and the new fences K-L-M-N-O hadn't been built. The tracks that are visible were presumably to facilitate the construction of the fence.

Thank you for your offer to check that we have the correct fences for the surrender boundary.

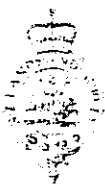
Yours faithfully

A handwritten signature in cursive script, appearing to read "D E Brown".

D E Brown
Senior Surveyor

261

L&S F15



DEPARTMENT OF LANDS AND SURVEY

PLEASE ADDRESS ALL REPLIES TO

Crichtchurch OFFICE

OUR REF: P118

YOUR REF: P118, P119, P75

16 June 1986

SFO

Timiner

Retirements near, Road Forest, Whaitangi & Hurlston.

I refer to my memo of 17 July 1985 enclosing interim surrender agreements for the surrender of 860 ha of land from Road Forest. Please have these documents executed as soon as possible and returned to me for registration against the lease. At the same time please confirm that fencing has been completed to enable survey to commence. would you also confirm that fencing the retirement boundary on Hurlston & Whaitangi is completed as I would like CS to complete the survey of all three boundaries at the same time.

The Districter is currently preparing the interim surrender agreements for Whaitangi and I will forward these for execution as soon as I can.

(H. Broadly)
for CLL

24291H-10,000pads/10/84 MK

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Department: L/A 260
Section: P75
File No. P75
Date: 11/2/86

Subject

To—

District Selector.

Refer folio 257. Diagram attached
to top of file.
Please prepare interim surrender
agreement (along same lines as that
for Black Forest P118) copy below
and provide proaching for a reduction in A
of \$80.

[Handwritten signature]

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L. & S.—F. 14A

DEPARTMENT OF LANDS AND SURVEY

OUR FILE: P. 75

YOUR FILE: P. 75

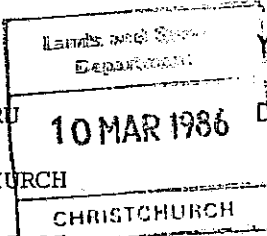
From L & S TIMARU

Date: 6 March 1986

To CCL CHRISTCHURCH

Ref: ~~Over~~ Yours of 15-5-85

Person to consult:



SUBJECT: RETIREMENT AREAS : WAITANGI

RA

I discussed this matter with the lessee, Mr J. Sutton, on 20 February 1986. He is still working on the claim against the Wallaby Board. However the claim is going to be for loss of grazing and costs involved with fencing to permit spelling. The revegetation work has not been carried out and I am due to inspect the area again very shortly in company with Waitaki Catchment Commission.

... The lessee is agreeable to the surrender and retirement and the approximate line of fencing is shown on the attached plan. I feel it is now in order to proceed with the document to achieve retirement pending survey.

Due to the fact that some Class VI land will be included in that area surrendered in the Mt Sutton Basin as the result of the Wallaby Board fire, it is reasonable that there be some permit grazing allowed from time to time. At this stage the soil conservator and myself will be looking at the situation of grazing rising two tooth sheep in the area during the autumn with a limit of approximately 100 stock units. This would be varied from year to year depending on feed availability and conditions prevailing elsewhere on the property.

I note that the document for Black Forest Station does not refer to any reduction in the rental. I understood that it was normal for a nominal \$10 to be deducted from the annual rental which would then permit charging for any grazing allowed under a grazing permit. Alternatively any grazing allowed would be free of any fee until expiry of the current pastoral lease in 1990. I consider the former idea of a nominal reduction in the rent and subsequent charging for permit grazing to be the most satisfactory.

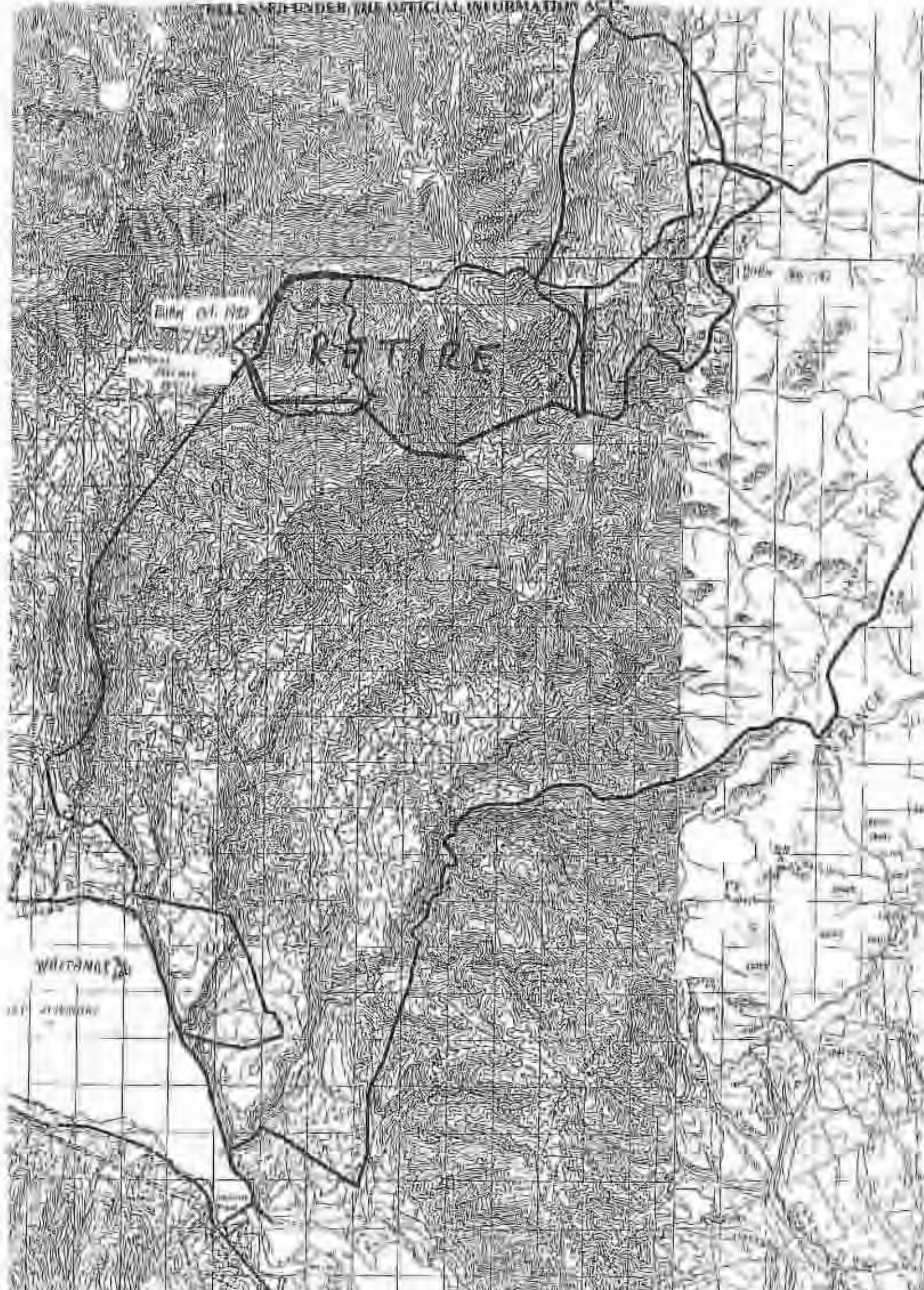
R.A. Ward-Smith
R.A. Ward-Smith
Field Officer

... Enc. 1

Agree
R.A. Ward-Smith
6/3/86

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Scale of Map

1:50,000

RCAF

1964

ONTARIO

1964

APPENDIX 3

Copy for → ~~13/104~~
P 75

rs Coutts

NY

799 760

Private Bag
CHRISTCHURCH

LDMA ✓
to see

22 May 1980

Mr J. Sutton
Manager
Waitangi Station
P.O. Box 11
KUROW

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Dear Mr Sutton

PROPOSED CONSERVATION COVENANT : PETRIFIED TREES

On receipt of your letter last year, I asked staff in this office to reappraise the significance of the petrified trees and advise me if the desired protection could be achieved in conjunction with your Company retaining direct control.

I must say that following this reappraisal I am confident that with discussion, an amicable agreement could be reached. It is not this department's intention to interfere with your Company's activities but to support you in your wish to see the landscape retained in its present form.

Technical reports presented to me emphasize the rarity of the petrified trees and I can see that protection and preservation as a national asset would be most desirable. As the present guardians of this significant asset, I hope your Company can agree that a covenant would be a responsible and positive act to ensure the preservation of the trees for future generations.

In the hope that you are in sympathy with my sentiments, I have taken the liberty of preparing for your perusal, a series of proposed covenant conditions. I ask that you give further consideration to the proposed aims of the covenant and if you are agreeable I would like to discuss them in more detail with you.

I look forward to your favourable reply and to future discussions in the hope that New Zealand will benefit from your generosity.

Yours faithfully

E.J. Davies
Commissioner of Crown Lands

Per

[Handwritten signature]

[Handwritten initials]
22/5/80

Action on 13/10/84

CONSERVATION COVENANT : PROPOSED CONDITIONS

AIM

- That Waitangi Station Limited grant to the Minister of Lands a Conservation Covenant for the purpose and intent of preserving and protecting the petrified trees.

TERM

- That such Covenant would be granted and accepted in perpetuity.

STIPULATIONS

- That Waitangi Station Limited would resist any change in the natural character of the landscape, would not build additional structures or hoardings or allow other works which could cause damage to the petrified trees.
- That the Minister be authorised to carryout such work as may be necessary for the protection or maintenance of the land provided this work shall not interfere with the existing uses of the land.

ACCESS

- That Waitangi Station Limited retain the right to allow access to the area by members of the public on application to the Manager.

APPROVAL

- That any conditions be subject to the Minister of Lands' consent.

Copy for P 75 13/104 197

rs Coutts

NY

799 760

Private Bag
CHRISTCHURCH

12 October 1979

Mr J.C. Sutton
Manager
Waitangi Station
P.O. Box 11
KUROU

[Handwritten initials and scribbles]

Dear Mr Sutton

PROPOSED CONSERVATION COVENANT : PETRIFIED TREES

I understand that some time ago you discussed with officers of this department the possibility of protecting petrified trees on your property. A Conservation Covenant as defined in the Reserves Act 1977 was suggested as being the most suitable form of protection.

Despite my long delays in contacting you further I would like to assure you that I am still interested in the protection of the trees and in arranging some form of agreement with you.

May I suggest that I visit Waitangi Station on Friday 23 November 1979 to discuss this proposal in more depth with you and other representatives of your Company, as desired.

I look forward to hearing from you and hope that you can confirm the date as being suitable.

Yours faithfully

E.J. Davies
Commissioner of Crown Lands

Per "BK Sly"

[Handwritten signature and date]
16.10.79

Action on 13/10/79

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Action FILE 13/1

JOB 78/113

original
Action 13/104

26 July 1978

Commissioner of Crown Lands
OFFICE

ACB
R/S

PETRIFIED TREES - WAITANGI STATION - POSSIBLE RESERVES

Acting on my instruction, Mr W. Lammerink (Geologist) inspected this area with Reserves Ranger, Tony Lilleby (Otematata). His report is attached. I support his recommendation that a conservation covenant is appropriate in this case. The following points will need to be considered in such a covenant.

- (1) The landowner stated that lucerne production may be undertaken some time in the future. This indicates a need for an agreement on procedures to be adhered to if the landowner does want to begin this work. A requirement for him to lease with the Department prior to taking action should be adequate.
- (2) Any earthmoving or construction work either by the landowner or a public body should be subject to a requirement to consult with the Department.
- (3) The Department for its part could undertake to carry out a detailed survey of the area, mapping the important areas for protection, thus eventually producing maps which will help the landowner to plan his farming operations in keeping with the ideal of protecting the trees, and be available for other organizations with an interest in the area.
- (4) It is recommended that no identification of the area on the ground be established, due to the scattered nature and location of the trees making it unlikely that uninitiated people crossing the land would accidentally stumble upon them. The restrictions of the covenant are aimed at "rock-hounds", amateur collectors and scientists who would become aware of the land status during their preliminary research.
- (5) There appears to be no need for allocation of funds for purchase, fencing, rates or signposting under this particular covenant.
- (6) There would be no public right of access. Members of the public will be required to obtain the permission of the landowner before entering the land in the normal way.
- (7) Any agreement should be in perpetuity.

Recommendation:

That a draft conservation covenant be drawn up for consideration by the landowner.

B.E. Arnold B.E. Arnold
Senior Reserves Ranger.

25 July 1978

Senior Reserves Ranger
OFFICEPETRIFIED LOGS - WAITANGI STATION

On July 11 1978, Tony Lilleby (Reserves Ranger, Otematata), Dave Murdoch (Horticulturist) and I visited Waitangi Station in order to inspect petrified logs located over quite a large area of the station.

Our reconnaissance 2 hour search for the petrified logs over part of the area highlighted by Field Officer R.A. Ward-Smith, revealed only about seven such petrified logs. The logs appear to be concentrated along alluvial ridges and are generally partially buried. Most of the specimens located were small fragments less than 0.5 m in length. The largest specimen found was a portion, more than 1 m in length, of a partly buried log. It is evident that after some practice, a searcher soon gets his "eye in" into locating the logs. Hence at present it appears that a would-be collector would have no real problem in locating several of these logs. It is also quite likely that there must be a greater proportion of petrified logs buried under a shallow covering of alluvium. In fact M.O.W. excavations related to Aviemore Dam construction unearthed many petrified logs. Apparently 4 tons of these petrified logs were sent to the Oamaru Botanical Gardens

The manager of Waitangi Station, Mr John Sutton, is keen to give sufficient protection to the petrified logs so that the remainder of the petrified logs remain in situ. He has refused recent requests from "rock hound" clubs to remove the logs and would like this protection formalised, so that it may be continued in perpetuity. Mr Sutton also indicated that while the greatest concentration of petrified logs occur in the area outlined by Mr Ward-Smith, they are also scattered over other parts of the station.

Because the logs are scattered over such a wide area, it seems that both reserve status and protected private land status are unacceptable. However an acceptable conservation covenant will formally give the petrified logs adequate protection. The desired protection should include provision to the effect that: "It is an offence to remove, damage, or excavate for petrified logs on Waitangi Station".

Advantages gained from conservation covenant status include:

- (1) Formalised protection.
- (2) Protection in perpetuity.
- (3) Give Reserves Ranger (Otematata) formalised direct control over the petrified logs.

The permanent land use policy of grazing is quite compatible with the protection and preservation of the logs. However, it is obvious that cultivation is not a compatible land management policy. Mr Sutton indicated that he could foresee the possibility of lucerne production on the flatter areas. Although this could conflict with the preservation of the petrified logs, as noted before they appear to occur in greatest concentration in alluvium ridges which will be unsuitable for cultivation.

Mr Sutton would appreciate copies of the relevant sections of the Reserves Act, 1977 as soon as possible so that he can discuss it with his management advisors in Christchurch.

L & S.—F. 14A

DEPARTMENT OF LANDS AND SURVEY

OUR FILE: P 75 & 13/1 YOUR FILE: 13/1

From L & S TIMARU Date:

To CCL CHRISTCHURCH 3 NOV 1977

Ref.: Ours/XXXX of 16-8-71 Person to consult:

AC 5
11/5

SUBJECT: PETRIFIED TREES - WAITANGI STATION

During a visit to the Station on 7 November 1977 the present manager, Mr John Sutton, for the lessee company raised the question of petrified trees located on Waitangi. As you are aware these were discussed with Mr Sutton's father and reported on in 1971. At that time there was little interest in reserving the area as it was thought fossickers already had considerably damaged and removed specimens. However the present manager and shareholder in the company is quite keen that further measures be taken to prevent fossickers doing any more damage to the area. I was not aware at that stage that petrified logs are spread over quite a considerable area and that the particular location brought to my attention in 1971 is only a very small patch. Other areas and logs were seen over the general area with Mr Sutton on this recent inspection. The logs are fairly scattered and not easy to locate but with the easy access and advent of trail bikes it is not difficult for fossickers to cover a large area and recover the scattered specimens.

Now that Mr Sutton is keen to have further protection for the area it would seem appropriate that the merits of reservation be further investigated. I feel that a private reserve status over the area would be quite sufficient due to the general lack of scientific enthusiasm shown in the correspondence of 1971. If private reserve status is established Mr Sutton would still require full grazing rights as at present which do not harm the area for protection in any way. The whole locality over which logs are generally found is outlined on the attached plan and covers both pastoral lease and freehold land.

If reservation requires the surrender of part of the pastoral lease for reservation purposes Mr Sutton may be reluctant to relinquish his area.

I advised him that we would consider the area and that he would be written to explaining the whole situation especially regarding the merits of a private scenic reserve and if it would be necessary to surrender any part of the pastoral lease whereupon he could consider whether he was prepared to proceed with any suggestion of reservation.

RECOMMENDATION:

Would you please further investigate the reservation of the area as outlined and advise Mr Sutton accordingly.

R.A. Ward-Smith
Field Officer

R.A. Ward-Smith

*action on
13/1*

Enc 1

*H. J. ...
J. M. ...*

DUE DILIGENCE

WAITANGI

SUPPORTING FILE SUMMARY

File Summary – [WAITANGI STATION]

	DATE	TO	FROM	DETAILS
Pt 075 – SCH 01 (10 /01/1935 to 03/07/1973) Volume 1 (Folios 1 – 155)				
45	21/11/1949	-	LSB (HOC)-	<p>Approved incorporation of Reserve 4018 (4acres 3 roods 10 perches) into Pastoral Run License No. 488 as at 4 November 1949 under Section 54 (3) of Land Act 1948 with corresponding increase in Annual rental. Area of License: 28,043 acres 1 rood and 23.6 perches.</p> <p>ACTION COMPLETED (CONFIRMS CROWN OWNERSHIP)</p>
65	05/09/1956	-	LSB	<p>Case No. 5122 approved Part Run 66A & 66B and Occupation Licence 3642 comprising 49231 acres 2roods 06.6 perches being allotted to Estate J.A. SUTTON on Pastoral Lease for a term of 33 years from 1 July 1957 at the Annual rental of \$1480 based on a stock limitation of 10,300 sheep and 50 cattle.</p> <p>Lessee notified (f 66) and terms accepted with solicitors advising and CCL consented to new lease issuing in Waitangi Station Limited.</p>
87	29/04/1957	-	-	<p>Action sheet records Crown awaiting incorporation of the Company "Waitangi Station Ltd" before registration of the lease.</p> <p>Pastoral Lease Registered 01/10/1957 as CL 529/85.</p> <p>ACTION COMPLETED</p>
	28/05/1965	-	-	<p>Compensation Certificate No 653788 registered 24 May 1965 pursuant to Section 17 Public Works Amendment Act 1948.</p>

File Summary – [WAITANGI STATION]

	DATE	TO	FROM	DETAILS
				<p>No details of Agreements or Comp. Cert held on this file (Compensation Certificate subsequently discharged on registration of Proclamations 723376 and 724108 (see details below) –</p> <p>DISCHARGE OF COMP CERT IMPLIES ALL PPROCLAMATION ACTION COMPLETED</p>
Under 104	03/11/1967	CCL	DCW	<p>DCW informs CCL of Proclamation proceeding to take the Lessees interest in lands from the Run for Water Power Development and for Road and advises that settlement of compensation still under negotiation.</p> <p>NZ Gazette 1967 p 1730 page Leasehold interest in lands taken from Run 282 (CL 529/85) taken for Water Power Development – total area 1776:2:38 (affected areas shown on SO' s 10530-10532, 10557 and 10558 – approved 31 March 1966)</p> <p>[Gazette registered on 25/10/1967 as Proclamation 723376].</p> <p>NZ Gazette 1967 p.1766 Leasehold interest in lands taken from Run 282 for Water Power Development - Total area 12:3:01 (affected areas shown on SO's 10530 and 10532- approved 31 March 1966).</p> <p>[Gazette registered on 03/11/1967 as Proclamation 724108].</p> <p>ACQUISITION OF LEASEHOLD INTERESTS COMPLETED.</p>
116	27/03/1968	CCL	DCW	<p>Compensation of \$20,750 in full and final settlement of the Lessors interest agreed and Transfer actioned.</p> <p>ACTION TO SET APART (ACQUIRE THE LESSORS INTEREST) NDERTAKEN [(REFER NZ GAZETTES 1967 p1896 (K725579) AND NZ</p>

File Summary – [WAITANGI STATION]

	DATE	TO	FROM	DETAILS
				GAZETTE 1968 p1524(K747000)].
122	07/11/1968	CCL	CPLO	<p>Information on the Lessee's settlement claim for compensation for the taking of the Lessees interest in the Land For Water Power Development/Road.</p> <p>CPLO indicates necessity to adjust Stock limitation and Annual rental as a consequence of loss in area of P.L.</p> <p>CCL Case No 1969/229 of 13 May 1969 (f 128) in recommending a personal increase in the stock limitation indicated that the lease rental adjustment (based on stock limitation) be left for later investigation.</p> <p>The CCL (after receiving a report on the issue - f 138) subsequently approached the DCW (f 139) and his response (f 140) was to the effect that an allowance for rent was allowed for in the compensation claim and therefore the lessees were not entitled to claim a rental reduction.</p> <p>NO ADJUSTMENT TO SL AND AR REQUIRED AS RESULT OF ACQUISITION OF LAND FOR WATER POWER DEVELOPMENT</p>
123	03/12/1968	CCL	CPLO	<p>Further report enclosing correspondence from solicitors outlining further details of claim for compensation (\$155,976) and seeking confirmation of settlement on that basis.</p> <p>COMPENSATION SETTLED AS PROCLAMATIONS REGISTERED AND COMP CERT DISCHARGED.</p>
151	12/10/1972	CCL	Waitaki Catchment Commission	<p>Submitted proposal to erect 300 chain of fencing on the North and Westerly slopes of the hogget block enabling 1600 acres to be spelled from November to May.</p> <p>Report from SFO Timaru supporting SWCP (f 154) referred to CCL.</p>

File Summary – [WAITANGI STATION]

	DATE	TO	FROM	DETAILS
Pt 075 – SCH 02 (24/07/1973 to 24/07/1991) Volume 2 (Folios 156 – 283)				
157	27/07/1973	Lessee's Solicitors	CCL	LSB Case No 1973/386 of 24 July 1973 approved the transfer of 1000 company shares from W D Sutton to J C Sutton
161	15/11/1976	-	-	<p>Redefinition of Run 282 by topographical mapping. New area for Part Run 282 (SO 14162 – approved 28 /10/1976).</p> <p>Certificate of Alteration 179218.1 registered 1 June 1978 increasing the area of Run 282 to 19320ha.</p> <p>ACTION COMPLETED.</p>
186	26/07/1978	CCL	Sen. Reserves Ranger	<p>Reports on Petrified logs located within Waitangi Station.</p> <p>Following positive discussions with lessee recommended a draft Conservation Covenant be drawn up for consideration.</p> <p>CCL approached the lessee (f.191) interested in securing an agreement to protect the petrified logs.</p> <p>Lessee not interested (f.192) unless it has direct control over the area proposed to be covered by the Covenant.</p>
196	25/5/1980	Lessee	CCL	<p>Conservation Covenant proposal reactivated – emphasised the rarity of the trees and protection as a national asset.</p> <p>ACTION INCOMPLETE - NO AGREEMENTS WITH LESSEE NOTE ONLY</p>

File Summary – [WAITANGI STATION]

	DATE	TO	FROM	DETAILS
				FOR TENURE REVIEW PURPOSES
204	18/06/1982	-	-	FO Report on proposed Soil and Conservation Run Plan – fencing and 341 ha of oversowing and topdressing to facilitate retirement of Class VII and VIII country below Mt Sutton and also enable recuperation spelling of a 1500ha area previously burnt in Feb 1982. SFO recommended retirement area should be surrendered from lease.
252	15/05/1985	CCL	FO Timaru	Indicated the lessee agreeable to surrender of retirement area in Mt Sutton basin as a result of the 1982 fire.
266a	-	-	-	Area to be surrendered 1980 ha (subject to fencing and Survey) diagram certified as being correct by Chief Surveyor (14/04/1986).
	21/09/1987			Land Improvement Agreement 702950/1 pursuant to Section 30A of Soil Conservation and Rivers Control Act 1941 registered on 21/09/1987. This This, among other things, provided for retirement area of 1550 ha to remain in the lease but subject to a block nil stock grazing restriction with the possibility of emergency short term grazing following joint inspection with the Waitaki Catchment Commission. ACTION INCOMPLETE - LIA REGISTERED SURRENDER PENDING FORMAL AGREEMENT WITH LESSEE
268	23/08/88	Lessee	Landcorp	Notice informing lessee of renewal values sent to lessee. Annual rental based on LEI of \$819,000 being \$12,285. Lessee objected – (f.269 of 25/11/1988).

File Summary – [WAITANGI STATION]

	DATE	TO	FROM	DETAILS
				<p>New values subsequently agreed upon and fresh notice issued to lessee on 9 March 1989 (f 272). Lessees Impts \$291,000 LEI \$660,000 AR \$9,900. New rental to take effect from 1 July 1990.</p> <p>Lessee elected to accept new values 20 March 1989(f 273). Memorandum of Renewal C 829939/1 registered on 29 September 1989.</p> <p>LEASE RENEWAL COMPLETED</p>

Pt 075 – SCH 03 (24/07/1991 to 30/06/2000) Volume 3

-	07/12/1993	LINZ Christchurch	Landcorp	<p>Management Agent agrees with plan of areas to be surrendered from the lease</p> <p>NO FORMAL SURRENDER AGREEMENT WITH LESSEE - NO ACTION UNDERTAKEN TO COMPLETE SURRENDER.</p>
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CON/ 50213 / 09 / 12698 / A-ZNO (01/07/2000 – Current).

-	15/09/2000	-	CCL	<p>Case No 2001/88 approved the rental review values and the Annual rental to apply from 1 July 2001. Lessee Impts \$697,000 LEI \$551,000. AR \$12,397.50</p> <p>Lessee notified by KFL ON 26 September 2001.</p>
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File Summary – [WAITANGI STATION]

	DATE	TO	FROM	DETAILS
				Lessee elected to accept the new rental on 7 November 2001. ACTION COMPLETED – ADMINISTRATIVE ONLY.
<p style="text-align: center;">Pt 075 / A SCH PLANS ONLY</p> <p>No relevant information</p>				