

Crown Pastoral Land Review of Other Crown Land

**Lease name :
MT IDA SYNDICATE**

Due diligence report (including status report)

This report and attachments results from a pre tenure review assessment of the pastoral lease for the purpose of confirming land available for tenure review and any issues, rights or obligations attaching to it. The information is gathered from files and other sources available to the LINZ contractor.

Part of the information relates to research on the status of the land, resulting in a status report that is signed off by a LINZ approving officer. The remainder of the information is not analysed for relevancy or possible action until required, and LINZ does not guarantee its accuracy or completeness as presented.

The report attached is released under the Official Information Act 1982.

June 04

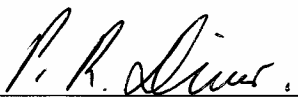
DUE DILIGENCE REPORT
REVIEW OF OTHER CROWN LAND

File Ref: Oo090 **Report No:** A2035 **Report Date:** 23 July 2002
LINZ Ref: 12424
Office of Agent: Alexandra **LINZ Case No:** TRS2/374 **Date sent to LINZ:** 26/7/02

RECOMMENDATIONS:

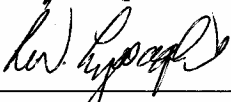
- (1) That the Commissioner of Crown Lands or his delegate **note** this Due Diligence Report which has been prepared in a manner similar to the Pre-Tenure Review Assessment Standard on instructions from the Commissioner of Crown Lands.
- (2) That the Commissioner of Crown Lands or his delegate **note** the following incomplete actions which require action by the Manager of Crown Property Contracts.
 - 2.1 The Status Check identifies that the Computer Interest Register incorrectly records “Part Run 362C” instead of “Run 362C”.
 - 2.2 On 6 November 2001 Mr Scott applied under the Official Information Act for the Conservation Resources Report. This data was forwarded from Knight Frank to Land Information New Zealand on 14 November 2001 but no evidence of delivery to the applicant was found on file.
 - 2.3 The Occupation Licence diagram contained in CIR 8486 contains an error in that a small area east of Guffies Creek containing the Tailings Creek Hut and yards is excluded from the licence area. The Status Check maps show it is included.

Signed by Knight Frank (NZ) Limited:



P Diver:

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



Name:
Date of decision: 14/8/02

(1) Details of lease:

Lease Name: Mount Ida Syndicate

Location: The property is located on the Hawkdun plateau between Clear Stream and the Otematata River, east of the Hawkdun Range and north of the Ida Range. It is very remote but has formed legal access via the Mount Buster Road behind Naseby. It is used by the lessee group to summer ewes from their Maniototo properties.

Ranfurly some 25 km distance is the local service centre, and Dunedin, some 200 kms distance, is the nearest main centre.

Lessee:

- Charles Laurence John Inder as to 1/3 share
- William Murray Scott as to 1/3 share
- Johnstone Douglas Hore as to 1/12 share
- Grant Malcolm Geddes as to 1/12 share
- John Murray Scott as to 1/24 share
- Allan Kenneth Scott as to 1/48 share
- Perpetual Trust Limited as to 1/48 share
- Charles Laurence John Inder, Johnstone Douglas Hore, and Harris Inglis Hunter as to 1/12 share.

Tenure: Crown Land subject to the Land Act 1948. Pastoral Occupation License Number 90.

Term: 5 years from 1 July 1999.

Annual Rent: \$1,080 (*plus GST*).

Rental Value: Not applicable

Date of Next Review: Expires 30 June 2004.

Land Registry Folio Ref: Otago Land Registry - CIR 8486 (*Instrument PL5044335.1*).

Legal Description: Part Run 362B and Run 362C in Mount Buster Survey District, being all the land contained in CIR 8486.

Area: 8041.2739ha (*subject to survey*).

(2) File Search:

Files held by LINZ Christchurch:

<i>File Reference</i>	<i>Volume</i>	<i>First Folio</i>	<i>Date</i>	<i>Last Folio</i>	<i>Date</i>
Oo/41 –SDN-01	1	224	2/12/1957	342	10/11/1963
Oo/60- SDN-02	2	343	12/12/1963	480	12/9/1978

Files held by Agent in Alexandra on behalf of LINZ:

<i>File Reference</i>	<i>Volume</i>	<i>First Folio</i>	<i>Date</i>	<i>Last Folio</i>	<i>Date</i>
Oo/90-SDN-03	3	481	25/9/1978	573	26/11/1999
CON/50213/09/12424A -ZNO	4	1	4/7/2000	35	20/11/2001

No File data pre 1957 was available for search.

A run holder history of the property over the last 100 years is contained in a publication “Beyond The Buster - Mount Ida Syndicate - 1897-1997” compiled by Beth Bain, which was read for general background of history pre 1957.

“Run 262B and Run 262C were taken up by Charles Inder in 1987 for 21 years. In 1901 Inder formed a syndicate of some 7 Maniototo farmers to run stock on the area. In 1918 the lease was renewed under the name of Charles Inder. In 1927 ownership was transferred in equal 1/7 shares to the syndicate members. The lease was renewed in 1934. The property was used to summer ewes with a number of wethers run all year round. No improvements were undertaken except for yards, huts and stockbridge. Shares in the syndicate changed hands regularly but still within the descendants of the original members.”

PR2007 expired on 28 May 1955 and a temporary tenancy was granted to 31 December 1958 plus a Pastoral Occupation Licence O21 for 4 ½ years from 1 January 1958 over Run 362C, Part Runs 362B, 573, and 227D - a total area of 33516 acres.

The stock limitation was 2640 dry sheep for 10 months mid April to mid February and 5500 dry sheep for two months mid February to mid April. Riverbank reserves had been removed from PR2007-31670 acres (27 acres from Run 362B and 27 acres from Run 362). The syndicate members at that time were Francis Edward Hore, Arther Douglas Charles Hore, William Davidson Weir, William Scott, Douglas Scott, Charles James Inder as equal 1/6 share tenants in common.

The short term was designed to allow the lease to expire with others in the area to allow reorganisation of land within the district.

Some share transfer between syndicate members is the only feature of note during this period.

In 1961 debate about the future of the licence began with a strong field recommendation that it not be renewed and together with the adjoining Soldier Syndicate block that a restoration programme be put in place involving destocking for a period of years and possible running of cattle only. Watershed protection was the main grounds for this approach. The future of the combined areas as well as a section of Kyeburn Pastoral lease (Run 574) was debated.

The syndicate members were upset at the possible non-renewal of licence and made representations to the Minister.

A Pastoral Occupation Licence was issued over a reduced area being Run 362C and part Run 362B (20760 acres) for a period of 5 years from 1 July 1963. The stock limit was for not more than 2000 wethers during the months of mid January to mid April, 1500 wethers during the months of mid April to mid November and 4000 ewes during the months of February to mid April. The land south of the west branch of Boundary Creek (*part Runs 573 and 227D*) were retained as Crown Land while part Run 362B was transferred in the adjacent Sunny Peaks Pastoral Lease (*A2/1223*).

The Land Settlement Board required that detailed individual stock records and grazing times are kept by the secretary of the Syndicate.

A commitment to renew the licence for a further 5 years if no further deterioration of the land occurred was given by the Land Settlement Board (*folio 310*). The syndicate members stated that they understood the Minister had promised a longer term being a 33 year period (*folio 323*). The Minister confirmed in writing his commitment to a longer term if no deterioration took place in the 5 years (*folio 324*). The licence was issued without any renewal provision, the Minister's assurance being thought of as sufficient (*folio 330*). The Minister later wrote that his commitment given related to a term longer than the 5 years at next renewal and suggested 10 years (*folio 348*). In 1966 the CCL wrote to the Syndicate to explain the previous commitment to 10 year extension and stated that there was no question of a lease with perpetual rights of renewal (*folio 363*). No other file data related to a possible renewable lease for the area was found (*see Attachment 2 for all relevant folios*).

A burning permit application via the Waitaki Catchment Commission brought up problems with consultation between parties that resulted in clearer lines of communications.

In 1965 vegetation line transects were established by the Waitaki Catchment Commission to gauge any improvement.

A licence was granted (*O60*) for 10 years from the 1 July 1968 over an unaltered area of 20760 acres. The stock limit was for not more than 1500 wethers during the months of mid January to mid November, 500 wethers during the months of mid January to mid April and 4000 ewes during the months of February to mid April. The Land Settlement Board required the same recording conditions

During the late 1960's and early 1970's some tracking and bridging across the Omarama Stream were carried out and the owners became interested in obtaining a longer term at the next renewal to give better security. A large boundary fence with Otomatata Station was being considered.

In 1974 an alteration to stock limitation was granted to 9000 ewes mid January to mid April.

In response to the approach to have a longer term granted at next renewal the Land Settlement Board approved in principle an extension of 10 years in 1975.

Transfers between syndicate members and descendants continued during this period.

A licence was approved (*O90*) for 21 years from the 1 July 1978, subject to a 11 year rent review, over an unaltered area of 20760 acres. The stock limit was for 9000 ewes mid January to mid April. The syndicate objected to the proposed rentals and it was reviewed and eventually amended to \$1,080 per year. The seven syndicate members are listed in folio 492 but some transfers had not be approved by the Crown and a block of transfers were processed to bring ownership up to date.

A file note states that the intended rent review was omitted from the licence so no review was carried out in 1989.

The northern boundary fence was replaced around 1980.

A firebreak access track was approved in 1985.

An application to burn a large block of tussock on the dark face of the Hawkdun Range was declined in 1986 due to the very slow recovery of previous burns.

In 1989 a joint consent to burn a lower face (*300 ha*) was granted. This area was re-applied for each year from 1989 -1996 after which it was withdrawn and syndicate members agreed to suspend burning as a practise.

A PNA survey was carried out in 1991/92 and identified a very large area being RAP 10 Hawkdun 10 Plateau in the centre of the licence.

A DoC report on the review of the Mount Ida Syndicate POL on 1998 and recommended the whole of the area be given conservation land status (*folio 559*).

The landowners stated their case for continued access to grazing of the area (*folio 560*) and applied for a 5year licence. After consultation a formal application by all syndicate members was, made on 16 September 1999.

Pastoral occupation Licence O90 was issued for 5years from 1 July 1999 with annual rental of \$1,080 plus GST over the unaltered area with a stock limitation of 9000 breeding ewes for a period of 12 weeks. Seven members made up the syndicate.

On 6 November 2001 Mr Scott applied under the Official Information Act for the Conservation Resources Report. This data was forwarded from Knight Frank to Land Information New Zealand on 14^h November 2001 but no evidence of delivery to the applicant was found on file.

The Transitional and Proposed Waitaki District Scheme Plan Zones the area as Rural Scenic and has no issues or archaeological sites noted that would affect tenure review

(3) Summary of lease document:

Terms of lease:

The commencement date of the licence on Crown files is in agreement with the licence document (*CRI 8486*).

The Occupation Licence (O90) was issued on 1 July 1999 under Section 83 of the Land Act 1948 for a term of 5 years. The ownership stated and the rental period is the same as used on Crown files and this report.

No non-standard conditions are recorded.

The Crown improvements are listed as nil.

Conditions of :

- No right of renewal
- No right to the soil
- No right to acquire fee simple are included in the licence document.

Stock Limit:

9000 breeding ewes for a period of 12 weeks (*increases subject to written approval and conditions imposed by the licensor*).

Renewals and variations:

Since 1953 six occupation licences (*including O90*) have been issued over this area. See status check for summary.

Area adjustments:

No adjustments have been made to the area of this licence since issued in 1999.

Land was transferred to a neighbouring lease (*Sunny Peaks*) and back to the Crown for conservation purposes at renewal of a previous licence in 1963. Since then the area has remained at 8042.2739 ha. (*see Section 5 Summary of Status Check for licence issue details*).

The Computer Interest Register incorrectly records “Part Run 362C” instead of “Run 362C” correction is required. *agreed*

Registered interests:

Mortgages:

No mortgages are registered.

Other Interests:

5148213.2 Departmental dealing correcting the omission of Part IVA Conservation Act 1987 Memorial.

No farm Plan agreements.

No electricity agreement is registered.

No 417 Certificates under the Resource Management Act are registered.

No recreation permits are issued affecting the lease.

No mining or prospecting permits are issued over the area.

No easements.

Diagram Error:

The lease diagram contained in Occupation Licence document CIR 8486 contains an error in that a small area on the eastern side of Guffies Creek on Run 362C, containing the Tailings Creek Hut and yards, is shown outside the licence area. This area is within the licence. *agreed*

(4) Summarise any Government programmes for the lease:

Some 15 km of boundary fence with Aviemore Station were upgraded with grant assistance in 1982 under Aviemore's Farm Plan.

No farm plan was ever undertaken on the Occupation Licence or agreement registered.

The property was not involved in the Rabbit and Land Management Programme.

No Government programmes have been identified affecting the licence.

(5) Summary of Land Status Report:

Copy attached as Schedule A.

5.1 The Pastoral Occupation Licence:

The Land Status Report confirms the Crown Land Status under the Land Act 1948 subject to Pastoral Occupation Licence registered as CIR 8486

The area of the licence is confirmed as 8401.2739 ha. A full reconciliation sheet is included to show its derivation from the licence (*OT338/54*) issued in 1 September 1953 for 12816.3943 ha to the current area of 8401.2739 ha.

The area was increased on issue of the subsequent licence (*OT386/140*) on 1 January 1968 by the inclusion of Part Runs 573 and 227D to give an area of 13563.4440 ha.

The following licence (*OT1C/421*) issued on 1 July 1963 was reduced by the removal of Part Runs 573 and 227D as well as an area of Part Run 362B to 8401.2739 ha.

Part Runs 573 and 227D and a part of Part Run 362B were transferred to conservation stewardship land while the balance of Part Run 362BB removed was amalgamated into the adjacent Sunny Peaks Pastoral Lease.

No area changes have occurred on the three subsequent licences (*OT3C/75 - issued 10 June 1968, OT 77C/1500 issued 3 December 1979, and the current licence OT8486*).

It records one encumbrance on the licence being:

- Subject to Part IVA Conservation Act 1987 upon disposition.

This are in agreement with the lease details section of this report.

The legal description is confirmed as that being used in this Due Diligence Report.

The Crown retains mineral ownership.

The Status Check confirms that no conservation land exists within the licence boundary. It identifies a 5162 ha conservation area known as the Mount Ida Conservation Area (H41/1) adjoining the licence on the south western boundary and marginal strips adjoining the Otematata River, Guffie's Creek and Boundary Creek (I40/69,70 and 71) held under Section 62 of the Conservation Act 1987.

This is in accord with the findings of this Due Diligence Report.

No UCL land is identified.

The Status Check confirms there are no recreation permits, DoC concessions or mining interests on the licence area.

The Status Check identifies one matter possibly requiring investigation being:

- (1) The errors in legal description recorded on the Computer Interest Register 8486 in that Part Run 326C is quoted instead of Run 326 (*recognised in this report*). *agreed*

No other issues arising from the report were identified.

5.2 Other Land:

No other land is covered in the Status Check.

(6) Review of topographical and Cadastral data:

The topographical map:

All tracks to and within the property are of an internal farm access nature (*4WD*).

Five access tracks to the property boundary are marked. The northern boundary of Part Run 362B is accessed by two tracks from the Otematata side in the general vicinity of two legal roads. Another track is shown down "Walking Spur" from the Hawkdun Range top. The centre ridge of Run 362C is linked to a track on a neighbouring property (*Part Run 573*). The main access to the area from Naseby/Ranfurlly (*via Mount Buster Road*) enters from the south at the southern of Run 362C following Guffies Creek to the Tailings Creek hut and yards.

Internal access on Run 362C includes a centre ridge track only. Run362B has a ridgeline network that links all huts and stock yards and external tracks.

Huts and yards are marked at on Part Run 362B half way up Rambling Gorge and on the ridge crest. A hut is also shown near the northern boundary adjacent to the main access track.

On Run 362C, the Tailing Creek Hut and yards are shown in Guffies Creek, just inside the boundary. *agreed*

All huts marked are known to relate to the licence.

A stock bridge is shown across the marginal strip of Boundary Creek near the main track between Run 362C and 362B.

The fenced boundaries (*two*) appear to closely follow their legal line in most cases with two exceptions. The north-western end of the northern boundary (*Part Run 362B*) has a area of approximately 100 ha fenced out of the licence. The Tailings creek Hut and paddocks in Guffies Creek (*Run 362C*) are marked as outside the licence area (*see Cadastral map section below for more detail*).

The Cadastral map:

No marginal strips are marked within the licence but marginal strips are shown on the eastern boundary on the Otematata River, Guffies Creek and Boundary Creek (*140/69,70 and 71*).

No legal road exists within the licence.

Two unformed legal roads from the north meet the northeastern and north-western boundary of Part Run 362B following the riverbed of the Otematata River and Clear Creek respectively. The topo map shows no tracks formed on these lines.

Two legal roads, also from the north, meet the northern boundary of Part Run 238B following ridge lines. The topo map shows farm tracks in both these areas, but well off the legal lines.

Run 362C has a legal road from the south meeting the southeastern corner in Guffies Creek. A farm access track is shown on the topo map following only very generally the legal line.

Only two areas are fenced, being the northern boundary (*Part Run 362B*) and part of the southern boundary (*Run 362C*) between Boundary and Guffies Creeks. Natural river boundaries bound the rest.

The southern fence appears to follow its correct legal line, but the northwestern end of the northern boundary (*Part Run 362B*) has a area of approximately 100 ha fenced out of the licence. The rest of the northern fence appears close to its legal line, with only small variations.

(7) Details of neighbouring Crown or Conservation land:

A 5162 ha conservation area known as the Mount Ida Conservation Area (*H41/1*) adjoins the licence on the south-western boundary. This is held under Section 62 Conservation Act 1987 and is deemed to be a stewardship area. The area that now bounds the licence was part of Part Run 362B excluded from a prior Occupation Licence in 1963 (*OT 1C/421*).

Botanical values are the main values cited.

Marginal strips adjoining the Otematata River, Guffies Creek and Boundary Creek (*I40/69, 70 and 71*) held under Section 62 of the Conservation Act 1987.

The Hawkdun Ecological District identifies a RAP Hawkdun 10 - Plateau area. This is some 1250 ha of plateau within the POL with identified botanical values (*tussock grasslands and bog plants*). This has no legal standing.

No UCL areas within or adjoining the lease were identified.

(8) Summary of uncompleted actions or potential liabilities:

- 8.1 The Status Check identifies that the Computer Interest Register incorrectly records “Part Run 362C” instead of “Run 362C”. After investigation of the legal status of the Tailings Creek huts and paddocks correction may be required.
- 8.2 On 6 November 2001 Mr Scott applied under the Official Information Act for the Conservation Resources Report. This data was forwarded from Knight Frank to Land Information New Zealand on 14 November 2001 but no evidence of delivery to the applicant was found on file.
- 8.3 The Occupation Licence diagram contained in CIR 8486 contains an error in that a small area east of Guffies Creek containing the Tailings Creek Hut and yards is excluded from the licence area. The Status Check maps show it is included.

The following issues are brought to your attention to note only:

The Minister of Lands gave written assurance that a longer term lease would be considered if land condition improved in 1963. No mention was found in all correspondence that a renewable lease was ever considered and that the term only of the lease was debated.

Eight folios of correspondence on this subject are in Attachment 2 for consideration.

The north-western end of the northern boundary of Run 362B has an area of approximately 100 ha fenced out of the licence.

ATTACHMENTS:

- Schedule A - Status Check.
- Attachment 1 - Recent Copy of Occupation Licence Document CIR 8486.
- Attachment 2 - Correspondence re long term lease issue.
 - Folio 315 Minister Lands to Syndicate.
 - Folio 330 Syndicate to Minister of Lands.
 - Folio 323 Syndicate to Commissioner of Crown Lands.
 - Folio 324 Minister Lands to Syndicate.
 - Folio 330 Director General to Commissioner of Crown Lands.
 - Folio 346 Commissioner of Crown Lands to Syndicate.
 - Folio 348 Director General to Commissioner of Crown Lands.
 - Folio 363 Commissioner of Crown Lands to Syndicate.
- Attachment 3 - Tailings Creek Hut and yards SO 790 and 177 Cadastral maps.
 - Investigations into lease boundary.

SCHEDULE A:

Status Check.