

Crown Pastoral Land Tenure Review

Lease name : RICHMOND

Lease number : PT 087

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.

August

05

RELEASED UNDER THE OFFICIAL INFORMATION ACT
DUE DILIGENCE REPORT
CPL PRE TENURE REVIEW ASSESSMENT STANDARD 6:

File Ref: CON 50231/09/12705/A ZNO

Report No: QVV 67

Report Date: 24/04/2001

Office of Agent: CHRISTCHURCH

LINZ Case No: 01/

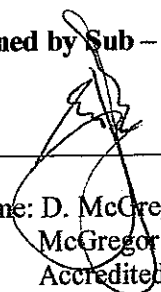
Date sent to LINZ: 27/4/01

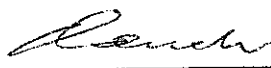
RECOMMENDATIONS

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 uncompleted actions:
 - (a) Creation of a ROW Easement over the lease in favour of DoC and its lessee over the formed access track to provide practical and legal access to the Skifield area adjoining held on Special Lease.
 - (b) The incorporation of three small areas of Closed Road (3240 m²) that were originally to have been incorporated prior to issue of the lease in 1961.
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 of Crown Lands or his delegate **note** the following:
 - (a) That the lessee has entered into an unregistered Deed of Bond with the Commissioner in relation to a Gorse and Broom control programme over part of the lease.
 - (b) That the topographical map shows part of the skifield rope tows being situated on the Pastoral lease.

Signed by Sub – Contractor:

Signed by Contractor


Name: D. McGregor
McGregor Property Services Limited
Accredited Agent


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:

Date of Decision: / /

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1. Details of Lease:

Lease Name: Richmond.

Location: Situated on Lilybank Road, 17 kilometres north of Tekapo.

Lessees: Oskar Johannes RIEDER and Karoline RIEDER.

Tenure: Pastoral Lease pursuant to Section 66 and registered under Section 83 of the Land Act 1948.

Term: 33 years from 1 July 1994 (expires 30 June 2027).

Annual Rent: \$2310.

Rental Value: \$154,000.

Date of Next Review: 30 June 2005.

Land Registry Folio Ref: C.L. CB529/206 (Canterbury Registry).

Legal Description: Part Run 289 situated in Blocks X, XI, XII, XIV, XV and XVI Tekapo North, XIII Fox and II, III, IV, VI and VII, Tekapo Survey Districts.

Area: 9566.7685 hectares.

2. File Search

Files held by agent Knight Frank (NZ) Ltd on behalf of LINZ:

File Reference	Volume	First Folio Number	Date	Last Folio Number	Date
<i>Pt 087-SCH-01</i>	<i>1</i>	<i>300</i>	<i>27/07/1957</i>	<i>443</i>	<i>31/10/1969</i>
<i>Pt 087-SCH-02</i>	<i>2</i>	<i>444</i>	<i>03/09/1969</i>	<i>586</i>	<i>20/02/1979</i>
<i>Pt 087-SCH-03</i>	<i>3</i>	<i>587</i>	<i>23/02/1979</i>	<i>-</i>	<i>07/09/1994</i>
<i>Pt 087-SCH-04</i>	<i>4</i>	<i>-</i>	<i>07/09/1994</i>	<i>-</i>	<i>30/06/2000</i>
<i>Pt 087-SCH</i>	<i>1</i>	<i>-</i>	<i>Plans only</i>	<i>-</i>	<i>-</i>
<i>CON/50180/09/12705/A-ZNO</i>	<i>1</i>	<i>-</i>	<i>09/10/1992</i>	<i>-</i>	<i>Current</i>
<i>CON50213/09/12705/A-ZNO</i>	<i>1</i>	<i>-</i>	<i>01/07/2000</i>	<i>-</i>	<i>Current</i>

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

File Reference: CON/50231/09/12705/A-ZNO

Volume: 1

First folio: 1

Date: August 2000.

Last folio note: -

Date: Current

3. Summary of Lease document: (Copy of Lease attached as Appendix 1)

3.1 Terms of Lease

A 33 year term from 1 July 1994 at the Annual rental of \$2310 based on the Rental Value of \$154,000.

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Stock limitation in Lease.

4950 sheep (including 1500 Breeding ewes) and 50 Breeding cows.

Commencement Date:

1 July 1961. Renewed for a further term of 33 years from 1 July 1994 by Memorandum of Renewal of Lease No. A130872/1 (registered on 25 August 1994).

Other Provisions:

No other relevant provisions in the lease.

3.2 Area adjustments

The only adjustments to the lease since issue related to historical surrender. It should be noted however that three small areas of Closed Road (by N.Z. Gazette 1955 p2018) totalling 3540 m² were to have been incorporated prior to lease issue in 1961 but that action appears to have been overlooked.

3.3 Registered Interests

Land Improvement Agreement

Land Improvement Agreement No. 597732/1 registered on 17 April 1986.

Mortgages

No registered mortgages.

3.4 Unregistered Interests

Recreation Permits

A search of available records did not reveal the existence of any Recreation permits.

Bond by Deed

The CCL consented to transfer to the current lessees subject to a Bond of \$5,000 to ensure that a broom and gorse eradication programme is undertaken to the Commissioners' satisfaction. The Agreement that sets out the programme (to be completed 31 December 2002) accepted by the lessees on 12 February 1999.

Unregistered Mortgages / debts

None known.

4. Summarise any Government programmes approved for the lease:

A Land Improvement Agreement (L.I.A.) is registered as Document 597732/1 secures a SWC Plan executed on 3 April 1986 between the then lessee and the Waitaki Catchment Commission. The works involved the establishment of 7.37km of 4 row windbreaks to protect erosion prone land. The LIA enures for 33 years from commencement or by mutual agreement of the parties.

The property is not part of any Rabbit and Land Management Plan.

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Summary of Land Status Report:

A Land Status Report undertaken by McGregor Property Services Limited for and on behalf of Q V Valuations on 15 April 2001, confirms the status of the land as Crown Land, leased pursuant to Section 66 of the Land Act 1948, and registered under Section 83 of the same Act.

The land is subject to the registered interests included in *Clause 3.3* above and Part IVA of the Conservation Act 1987 upon disposition.

The minerals remain with the Crown as the land has never been alienated since its acquisition from the original Maori owners under the Kemp Purchase.

The report noted that:

1. CL 529/206 contains a notation that the lease is subject to Section 58 of the Land Act 1948 as does **SO 11998**. However such strips are 'notional' only pending disposition of the land.
2. The lessee has entered into an unregistered Deed of Bond with the Commissioner of Crown Lands in relation to a Gorse and Broom Control Programme for part of the lease (expiring 31 December 2002).
3. The adjoining land (R.S.'s 40135 and 40136) held by DoC under Section 62 of the Conservation Act 1987 is subject to a Special Lease issued under Section 67 of the Land Act 1948 (C.L. 12B/1161) for a term of 25 years from 1 July 1994 to Tekapo Skifield Limited.

Legal access is via legal road through the Pastoral lease but practical access (as shown on the attached topographical map) appears to be at the pleasure of the Pastoral lessee.

4. Three small areas of land (Closed Road by Proclamation 439478- N.Z. Gazette 1955 p2018) comprising 3540 m² (3 roods 20 perches) as shown on S.O. 8575 adjoin the lease and the lakeside road. These areas were part of a larger area of 1.1382 (2 acres 3 roods 10 perches) that was to have been incorporated into the lease. Contrary to the intention it would appear that action has been overlooked in respect of the 3540 m² notwithstanding that the other parcels (on S.O.'s 8250 and 8574) were absorbed into the redefined Run 289 by S.O. 11198.

A copy of the Land Status Report is attached as *Schedule A*

6. Review of Topographical and Cadastral data:

Both maps attached to the Land Status Report show there are no known huts, transmission lines, telecommunications or hilltop installations, water races or historic sites on the property.

However the topographical map reveals the existence of:

- i) Two airstrips between Lilybank Road and Lake Tekapo.
- ii) Local Power lines.
- iii) Physical access to the skifield area adjoining that deviates from the legal road.
- iv) Minor encroachment on to the lease area by the skifield rope tows.

6.2 Legal Roads – formed and paper

The Land Status Report indicates that the original plan denoted the roads to be legal by Crown Grant or Section 110A of the Public Works Act 1928.

6.3 Fenced Boundaries v Legal Boundaries (peripheral):

There appears to be no boundary discrepancies other than the than Closed road situation as recorded in Clauses 3.2 and 8.2.

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7. ~~Details of any neighbouring Crown or Conservation land.~~

Northern Boundary	-	Sections 6 & 7, SO 17867 (Mt Gerald Pastoral Lease).
North Eastern Boundary	-	Sections 1, 4 and 5, SO 17867 – Conservation Land by NZ Gazette 1997 p4269.
Eastern Boundary	-	RS's 40135 & 40136 – Stewardship land pursuant to Section 62 of the Conservation Act 1987 (subject to Special Lease).
Southern Boundary	-	Run 348 (Mt Hay Pastoral Lease).

8. Summarise any uncompleted actions or potential liabilities:

8.1 Legalisation of Access to Skifield

The adjoining land (R.S.'s 40135 and 40136) held by DoC is subject to a Special Lease issued under Section 67 of the Land Act 1948 (C.L. 12B/1161) and has been developed as a skifield.

The access to the Special Lease is via legal road that intersects the Pastoral lease. However practical access formed does not conform to the legal road and is at the pleasure of the lessee.

A copy of the Special lease is attached as **Appendix 2**.

8.2 Incorporation of Closed Roads

Three small areas of land (Closed Road by Proclamation 439478- N.Z. Gazette 1955 p2018) comprising 3540 m² (3 roods 20 perches) as shown on S.O. 8575 adjoin the lease and the lakeside road. These areas were part of a larger area of 1.1382 (2 acres 3 roods 10 perches) that was to have been incorporated prior to the issue of the Pastoral lease. Contrary to the intention it would appear that action has been overlooked in respect of the 3540 m² notwithstanding that the other parcels (on S.O.'s 8250 and 8574) were absorbed into the redefined Run 289 by S.O. 11198.

Copies of the Gazette Notices and Action Sheets (dated 1957 and 1960) implying the intention to incorporate the areas into the lease are attached as **Appendix 3**.

Schedule A – Copy of Land Status Report

APPENDICES

1. Copy of Lease Document.
2. Copy of Special Lease – Legalisation of Access to Skifield.
3. Copy of GN and relevant folios from file - Incorporation of Closed Roads.

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Q V VALUATIONS **APPENDIX A**
CHRISTCHURCH OFFICE

Project Number :QVV 66

This report has been prepared on the instruction of Land information New Zealand in terms of Contract No. 50139 dated August 2000 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Richmond Tenure Review	LIPS Ref: 12705
Property 1 of 1	

Land District	Canterbury.
Legal Description	Part Run 289 situated in Blocks X IX XII XIV XV and XVI Tekapo North, XIII Fox and II III IV VI and VII Tekapo Survey Districts.
Area	9566.7685 hectares.
Status	Crown land subject to the Land act 1948.
Instrument of / lease	Pastoral Lease CL 529/206 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal A130872/1.
Encumbrances	Subject to: 1. No. 597732/1 Land Improvement Agreement pursuant to Section 30A of the Soil Conservation and Rivers Control Act 1941. 2. Part IVA of the Conservation Act 1987, upon disposition.
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	15 April 2001
[Certification Attached]	Yes

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

1. CL 529/206 contains a notation that the lease is subject to Section 58 of the Land Act 1948 as does SO 11998. However such strips are 'notional' only pending disposition of the land.
2. The lessee has entered into an unregistered Deed of Bond with the Commissioner of Crown Lands in relation to a Gorse and Broom Control Programme for part of the lease (expiring 31 December 2002).
3. The adjoining land (R.S.'s 40135 and 40136) held by DoC under Section 62 of the Conservation Act 1987 is subject to a Special Lease issued under Section 67 of the Land Act 1948 (C.L. 12B/1161) for a term of 25 years from 1 July 1994 to Tekapo Skifield Limited.

Legal access is via legal road through the Pastoral lease but practical access (as shown on the attached topographical map) appears to be at the pleasure of the Pastoral lessee.

4. Three small areas of land (Closed Road by Proclamation 439478-N.Z. Gazette 1955 p2018) comprising 3540 m² (3 roods 20 perches) as shown on S.O. 8575 adjoin the lease and the lakeside road. These areas were part of a larger area of 1.1382 (2 acres 3 roods 10 perches) that was to have been incorporated into the lease. Contrary to the intention it would appear that action has been overlooked in respect of the 3540 m² notwithstanding that the other parcels (on S.O.'s 8250 and 8574) were absorbed into the redefined Run 289 by S.O. 11198.

Property 1 of 1

Research Data: Some Items may not be applicable

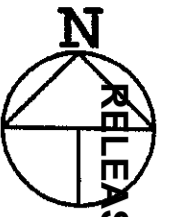
SDI Print Obtained	Yes.
NZMS 261 Ref	I36; I37.
Local Authority	Mackenzie District Council.
Crown Acquisition Map	Kemp Deed of Purchase.
SO Plans	<p>SO 108 -- Plan of Godley Fox and Tekapo SD's (1910).</p> <p>SO 8250 -- Plan of land to be taken for Public Works (including Run 77 and Run 270) and Road to be closed (Approved 15 November 1954).</p> <p>SO 8574 -- Plan of land to be taken for Public Works (including Pts Run 77 and CL) and Road to be closed (Approved 15 November 1954).</p> <p>SO 8575 -- Plan of land to be taken for Public Works (Pts Run 77) and Road to be closed (Approved 15 November 1954).</p> <p>SO 8576 -- Plan of Plan of land to be taken for Public Works (including Pts Runs 77, 77A and 80 and CL and Road to be closed (Approved 15 November 1954).</p> <p>SO 11791 -- Plan of RS's 40135 and 40136 (Approved 10 April 1972).</p> <p>SO 11998 -- Plan of Lake Tekapo (Approved 30 March 1976).</p> <p>SO 17687 -- Plan section 1-9 being Pt Run 77A - adjoining land (Approved 9 August 1989).</p>
Relevant Gazette Notices	Not applicable.
Lease Ref	CL 529/206 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal A130872/1.
Legalisation Cards	Searched. No cards.
CLR	Confirms Pastoral Lease tenure.
Allocation Maps (if applicable)	<p>Extracts of DOC Allocation maps I37 (SO17106) attached. No allocations within the periphery of the lease. Adjacent land is stewardship land held pursuant to Section 62 of the Conservation Act 1987 by DOC (Allocation I37-2).</p> <p>SOE Allocation maps searched and copy of Electricorp I37 attached. No other SOE interests.</p>
VNZ Ref - if known	VR 25300/15100.
Crown Grant Maps	Not applicable.

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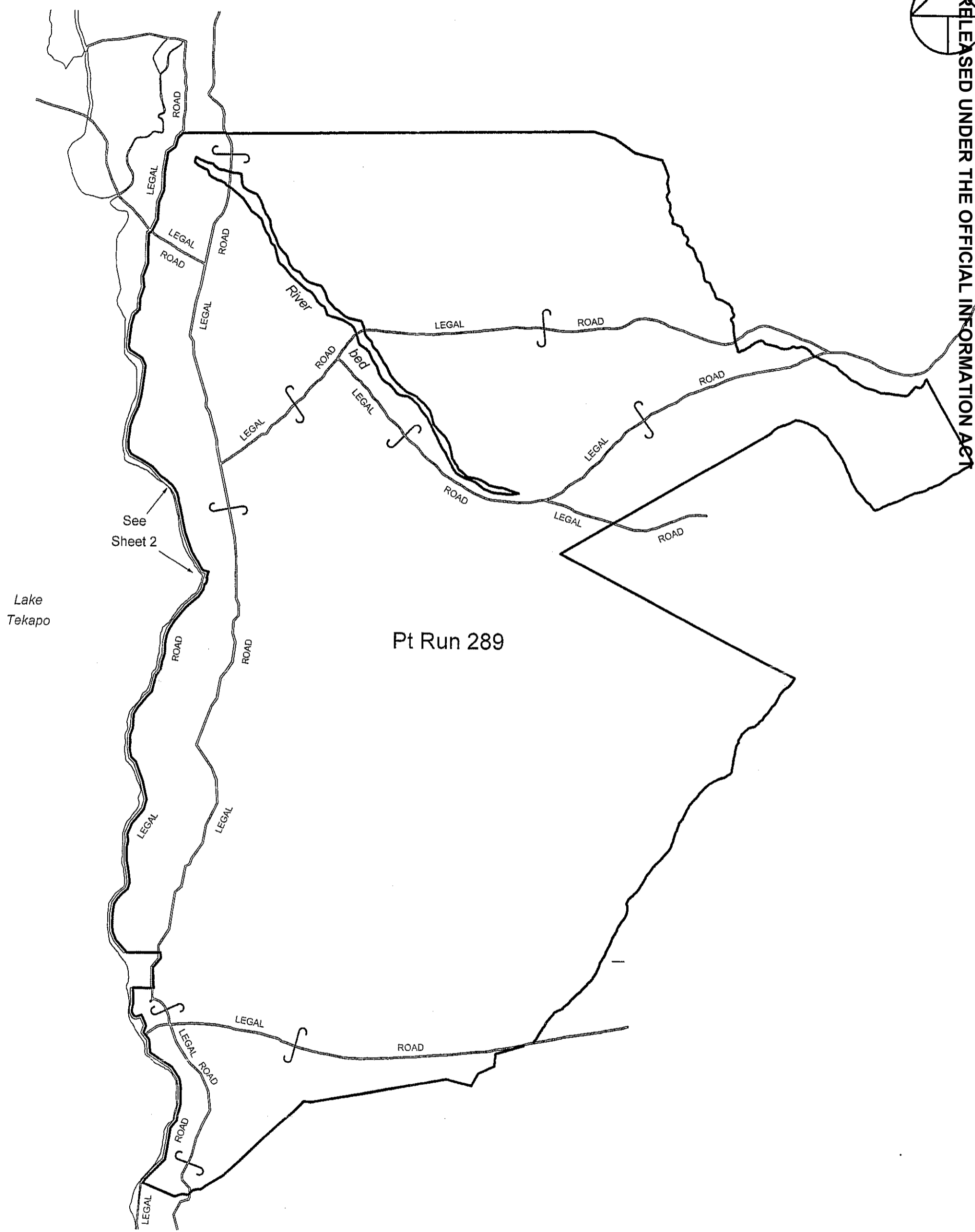
LAND STATUS REPORT for Richmond Tenure Review	LIPS Ref 12705
Property 1 of 1	

Research Continued

If Subject Land Marginal Strip: a) Type [Sec 24(9) or Sec 58] b) Date Created c) Plan Reference	a) See notes in (1) above. b) Not Applicable c) Not Applicable
If Crown land – Check Irrigation Maps	Searched – Not applicable
Mining Maps	Searched – Not applicable
If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989 b) By Proc	a) SO Plan 11998 denotes all roads coloured burnt sienna to be legal by Section 110A of the Public Works Act 1928. Confirmed by Topo Plans 56T and 58T. b) Proc Plans. S.O.'s 8250 and S.O.'s 8574 –8576. c) Gazette Ref N.Z. Gazette 1957 pages 614-618.
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) There are no current DoC land interests or concessions within the periphery of the lease boundaries. The only interests are marginal strips as yet undetermined pending disposition. There are no current concessions administered by Knight Frank (NZ) Limited on the property. b) A Statutory Acknowledgement is recorded for the adjacent “Takapo” (Lake Tekapo) in terms of Section 57 of the Ngai Tahu Claims Settlement Act 1998. c) 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 1948 Kemp Deed of Purchase. d) Attached is a copy of plans showing the boundaries of the Lake Tekapo Operating Easement (Meridian Energy).



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Pt Run 289

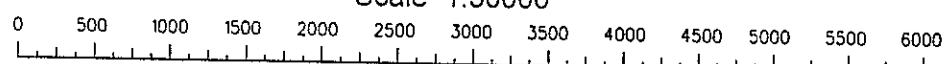
Lake Tekapo

See Sheet 2

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

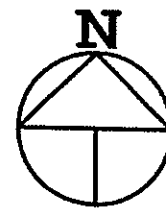
Richmond

Scale 1:50000



Version	1	2	3	4	5
Canterbury Land District					Sheet 1 of 2
Topographic Map 260 - I36, I37					Date 24/11/00

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Closed Road
SO 8575
2782 m²



LILYBANK
ROAD

Legal
Road

Pt Run 289

Lake Tekapo

Closed Road
SO 8575
151 m²

Closed Road
SO 8575
607 m²

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

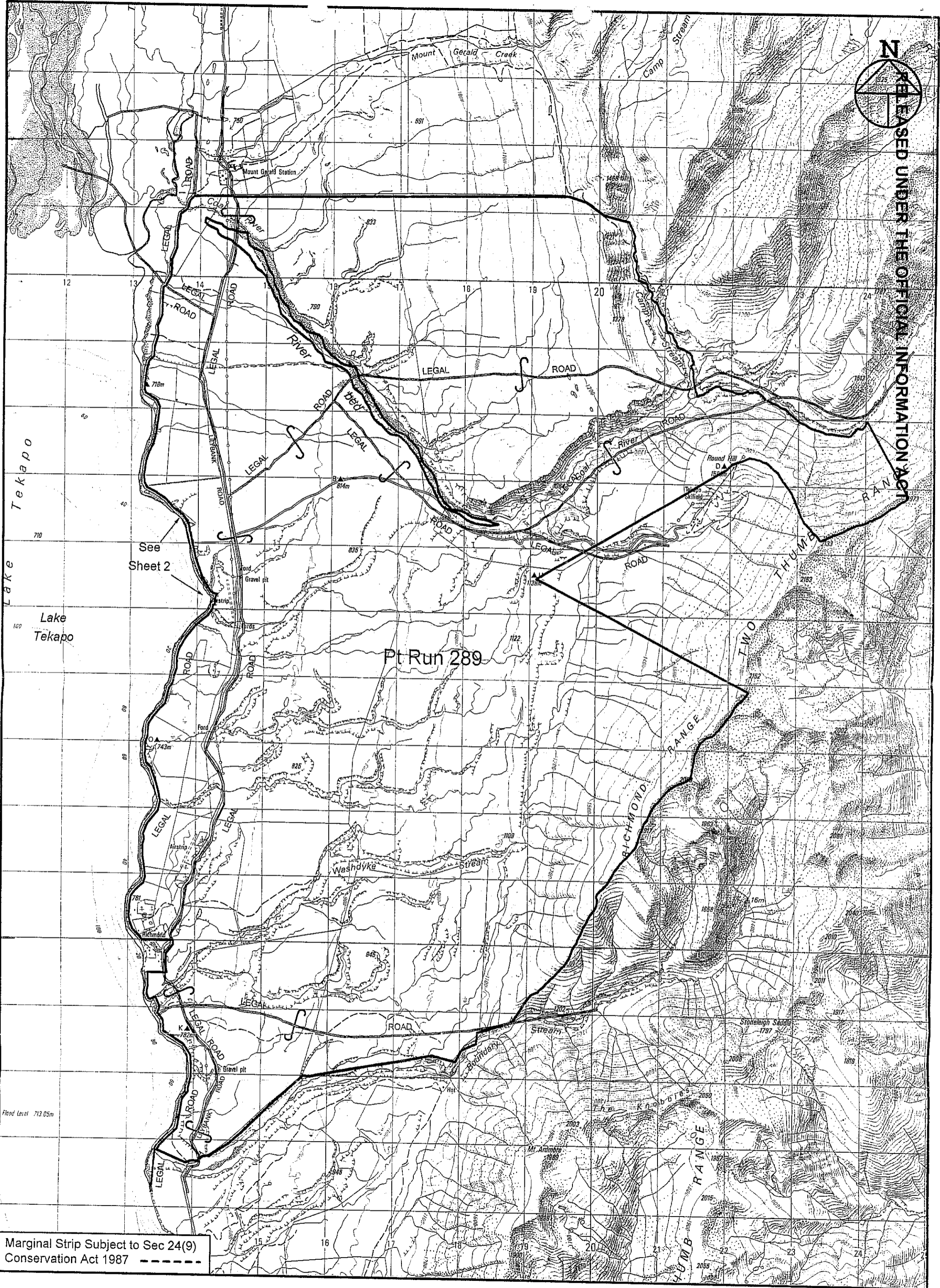
Version	1	2	3	4	5
Canterbury Land District			Sheet 2 of 2		
Topographic Map 260 - 136, 137			Date 24/11/00		

Richmond

Not to Scale



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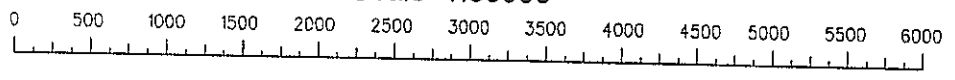
See Sheet 2

Pt Run 289

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

Richmond

Scale 1:50000



Version	1	2	3	4	5
Canterbury Land District					
Topographic Map 260 - 136, 137					
				Sheet 1 of 2	
				Date 24/11/00	

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Project Number : QVV 66

This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No : 50241 dated 6 November 2000 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Richmond Tenure Review				LIPS Ref: 12705
Property	1	of	1	

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Statute	Land Act 1948 and Crown Pastoral Land Act 1998.

Data Correct as at	8 March 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: 26/3/2001

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R Moulton, Chief Surveyor
Land Information New Zealand, Christchurch

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CERTIFICATION

Report to the Chief Surveyor, Christchurch, for a certification of a Status Investigation in respect of the RICHMOND PASTORAL LEASE TENURE REVIEW.

1. I, Donald McGregor of McGregor Property Services Limited, acting for and on behalf of Q.V.Valuations, 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 Q.V. Valuations, 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
7 February 2001