

Crown Pastoral Land Tenure Review

Lease name : CASCADE

Lease number : PH 003

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.

July 04



**DUE DILIGENCE REPORT
CPL PRE TENURE REVIEW ASSESSMENT STANDARD 6:
CASCADE PASTORAL LEASE**

File Ref: CON/50239/09/12633/A Report No: DN0018 Report Date: 16/3/2001

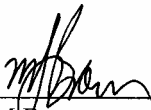
Office of Agent: Dunedin LINZ Case No: TR01/71 Date sent to LINZ: 16/3/2001

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;

Access to the Pastoral Lease has yet to be legalised.

Signed by Agent:



M Brown
Consultant



D Payton
Contract Manager

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



Name: **MICHAEL JOHN TODD**
Date of decision: *21/ 3 /2001*

1. Details of lease:

Lease Name: Cascade
Location: Cascade River, Upper Southland
Lessee: Malcolm Stanley McDonald and Fredrika Riekie McDonald
Tenure: Pastoral Lease subject to section 66 of the Land Act 1948 and registered under section 83 of the Land Act 1948
Term: 33 years from 1 July 1987
Annual Rent: \$3,600
Rental Value: \$160,000
Date of Next Review: 30 June 2009
Land Registry Folio Ref: C.L. 1C/77
Legal Description: Part Res. 1692 [known as part Runs 69 and 77] situated in Blocks X, XI and XV Cascade Survey District
Area: 1214.0569 hectares

2. File Search

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

File Reference	Volume	From	To
P003		1/9/1961	30/6/2000
P003		1/7/2000	Current

Other Files held by Agent (Opus International Consultants) on behalf of LINZ

File Reference	CON/50239/09/12633/A-ZNO		
Volume	1		
First Folio Number	1		
Date	1/11/2000		
Last Folio Number	-		
Date	Current (comprises extracts of Tenure Review Files)		

Other relevant files held by LINZ:

File Reference	Volume	From	To
-			

3. Summary of lease document:

Terms of lease

Stock Limitation in the Lease

200 cows, 150 calves and 50 other cattle

Commencement Date

1 July 1987

Special Provisions

Clause (i) That pursuant to section 108 of the Land Act 1948, the lease shall carry the right to improve over an area of two thousand one hundred and eighty acres (882.2147 hectares).

Area adjustments

There are no discrepancies in the lease area

Registered interests

There are no registered interests in the property.

Unregistered interests

A search of the file indicates there are no unregistered interests in the property.

4. Summarise any Government programmes approved for the lease:

There are no known Government programmes approved for the lease.

5. Summary of Land Status Report:

Opus International Consultants Limited undertook a Land Status Report on 17 November 2000. This report confirms the status of the land as Crown Land under the Land Act 1948, pursuant to section 66 of the Land Act 1948, and registered under section 83 of the Land Act 1948.

The following items were identified for possible consideration in the context of Due Diligence:

1. A field inspection may be required if Cascade River, Martyr River, Laschellies Creek, Colin Creek and other streams within this pastoral lease could be subject to Section 24 of the Conservation Act 1987. No evidence has been found that this aspect was considered on renewal of this lease on 1 July 1987.
2. This pastoral lease has no legal access. Areas “S” on SO 11883 and “A” on SO 12519 show areas of land required for road. If all areas on these plans are actioned, legal access will be provided to this lease.
3. There is a small area of the adjoining pastoral lease CL 1C/76 within the peripheral boundary of this subject lease. Correspondence on file suggests that this area is for a holding paddock. This has not been confirmed by field inspection.

6. Review of topographical and cadastral data:

A review of the topographical and cadastral plans attached to the Land Status Report reveals there are no communication sites, long distance transmission lines, or other facilities on the property.

The cadastral map indicates a small paddock within the peripheral boundary of the lease that belongs to the adjoining lease. It would appear that this has been used as a holding paddock; however, there is no indication that it has been fenced in anyway.

7. Details of any neighbouring Crown or conservation land

	<i>Legal Description</i>	<i>Status</i>	<i>Owner</i>
<i>North</i>	Part Res 1692 Gaz 1919 p 1284 (Section 62 Conservation Act 1987)	Stewardship Land	Minister of Conservation
<i>South</i>	Part Res 1692 Gaz 1919 p 1284 (Section 62 Conservation Act 1987)	Stewardship Land	Minister of Conservation
<i>East</i>	Part Res 1692 Gaz 1919 p 1284 (Section 62 Conservation Act 1987)	Stewardship Land	Minister of Conservation
<i>West</i>	Part Res 1692	Pastoral Lease	MFG and KM Nolan

8. Summarise any uncompleted actions or potential liabilities:

The Pastoral Lease has yet to have access legalised. The topographic map and the status check indicate there is a formed road to the lease, and that a survey has been conducted, however, this has yet to be gazetted. Survey Office plan numbers 11883 and 12519 are a result of this survey.

Copies of file information have been attached to this report. The Survey Office plans have been attached to the Land Information New Zealand file CON/50239/09/12633/A-ZNO. Further copies of these plans can be supplied if required.

ATTACHMENTS

220 57
ACCL

FS E.5

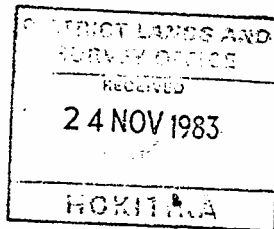


New Zealand Forest Service

Telegrams "Forestry" - Telex 4301 - P. O. Box 138, Hokitika

FS 8/1/2
Yr 9/4/4/3A
DMCN:YDW

23 November 1983



The Commissioner of Crown Lands
Department of Lands and Survey
PO Box 123
HOKITIKA

Attention : Mr T Bryant

JACKSON RIVER - CASCADE ROAD

1 The main area of concern to this Department in your memorandum of 11 November 1983 is the action to be taken regarding the formalising of the roadline to the pastoral lease areas.

Thus roadline has been the subject of much discussion between Ministry of Works and Development, Westland County Council, Lands and Survey and this Department.

The outcome of these discussions is, as far as this Department is aware is as follows :

- (a) Westland County Council and Ministry of Works and Development consider due to expenditure on the roadline, it is legal.
- (b) Chief Surveyor, (Lands and Survey) in discussion with the undersigned in April 1982 agreed that the arguments put forward by Ministry of Works and Development and Westland County Council in relation to the road legality were a reasonable basis for legality, but not definition of the formation line.
- (c) Lands and Survey were to carry out a centreline survey to enable definition of the line, New Zealand Forest Service staff were to assist. Consequently, this would indicate that this Department has no reason to object to the definition of the legal road through State Forest to the Cascade River pastoral lease areas.

F.S. E23

NEW ZEALAND FOREST SERVICE

CONT. NO.

2

- 2 In regard to the Marty Saddle area, it would be preferable to do the transfer to State Forest at the same time the road is defined. We have no objections, however, if you wish to carry out this as a two stage transaction.
- 3 The area to be released to Crown Lands in the Cascade River under Land Tenure Rationalisation has not yet been defined. There is at present the interdepartmental programme - (South Westland Management Evaluation) looking generally at South Westland - this may be a suitable medium for the investigation. However, I have requested the District Ranger, Harihari, to comment on this and will advise you further when his reply is received.

D M McNab

D M McNab
for P J Berg
CONSERVATOR OF FORESTS

Copy for
P3

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9/4/4/3A

r Bryant

585

HOKITIKA

123

11 November 1983

The Conservator of Forests
NZ Forest Service
Box 138
HOKITIKA

JACKSON RIVER - CASCADE ROAD

This unsealed road runs from the Arawata River along the western bank of the Jackson River, passes over the the Martyr saddle then down Monkey Puzzle Gorge and into the Cascade Valley. The formation ends near the homestead on the Pastoral Lease in the valley. The road was formed by the County in the mid 1970's with back country roading fund assistance from the Roads Board.

In the Cascade Valley are two Pastoral Leases. Neither is seen by my Head Office as containing land that is normally associated with Pastoral Leases and as a consequence has asked this office to investigate the reclassification of both leases to a more appropriate tenure. Without wishing to prejudge the classification exercise a 'more appropriate tenure' is almost certain to be a Crown Renewable Lease, a tenure which carries with it a right of freehold and also an obligation on the Department to provide legal access.

The road mentioned is not legal, thus upon reclassification it will be necessary to take legalisation action. For the most part the road would be on Crown land in the Jackson River valley but in this area it could deviate into State Forest a little and as well Stat: Forest land (Cascade SF1) is involved near the Arawata River bridge, the Martyr Saddle and Monkey Puzzle Gorge. At this time the Martyr Saddle area is still Crown land but it has been agreed under the Land Tenure Rationalisation exercise that this area be set apart as State Forest. My file records that the reason this action has not been finalised is the matter of dealing with (legalising) the formed road through the area.

My purpose in writing now, in advance of any decision about re-classifying the two leases is to acquaint you with the position and to seek your agreement to legalising the road should the re-classification of the Pastoral Leases to Renewable Leases proceed. The writer did discuss this briefly with you some time ago and you indicated you could see no problem in legalising the road.

Insofar as the Martyr saddle area is concerned, we could proceed now to set apart this area as State Forest in the knowledge that possibly in due course some of it would be taken for road. Your views would be appreciated.

On the subject of the Land Tenure Rationalisation (LTR) exercise, an area of State Forest west and north of the Pastoral Leases is to be transferred to this Department. This action has not proceeded pending a joint inspection to identify a suitable northern boundary. Inspections of the Pastoral Leases will be required as part of the reclassification exercise and it would seem logical to carry out at the same time the inspection to determine a suitable northern boundary of the State Forest area to be transferred under the LTR exercise.

I assume you would have no objection to this in which event I will ask Departmental staff involved to contact your office to fix suitable dates for the inspection.



T A Bryant
for Commissioner of Crown Lands

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P2, P3

8/7/47, 8/7/62

HOKITIKA

6 October 1983

Director General of Lands, WELLINGTON

PASTORAL LEASES: LEGAL ACCESS

Your memo of 22 July 1983 refers.

The District Solicitor has been consulted and advises that upon reclassification the Crown should provide legal access to the two new leases whether they be renewable or special leases. He says the access does not have to be formed and under Section 321(3)(c) of the Local Government Act 1974 legal access can be by way of easement.

I do not know why you raised the matter of an easement as I would see this as totally impracticable in view that a formed road exists into the Cascade Valley to the homestead on the LIP. The only issue to be resolved was whether an obligation existed to provide legal access upon reclassification and the District Solicitor has confirmed this to be the case. Now that he has provided this opinion and having regard to the contents of my memoranda of 10 March 1983 and 20 October 1982 (this latter memo on your file 46/2982) I believe the action now required is for the Chief Surveyor to be authorised to undertake the survey. As pointed out in my memo of 10 March the Chief Surveyor had issued instructions to survey the road to Barn Bay but was asked to defer this by the Surveyor General because such action was seen as possibly fanning controversy about opening up the land to development. Although the current legislation proposal is to effect legal access upon reclassification and thus would only extend to the boundary between P2 and P3, the Chief Surveyor is reluctant to act without the approval of the Surveyor General. I would appreciate it therefore if you would take up the matter with the Surveyor General.

The Director of Planning Mr Garratt has had an involvement in the past in connection with roading development in the Cascade region and during a discussion with him a few days ago about the necessity to provide legal access upon reclassification he advised that it was his recommendation to the Surveyor General that the survey be deferred.

I advised Mr Garratt that I would be suggesting to you that a discussion be held with the Surveyor General with a view to his now authorising the Chief Surveyor to survey that section of road necessary to effect reclassification.



Copy on
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T A Bryant
for Commissioner of Crown Lands

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L. & S.—F. 14A

DEPARTMENT OF LANDS AND SURVEY

IN REPLY PLEASE QUOTE
 OUR FILE: 3/216/1
 From CHRISTCHURCH
 To The Commissioner of Crown Lands, HOKITIKA
 Ref.: Ours/Yours of 18 August 1983

23 SEP 1983

YOUR FILE: P2, P3

Date: 20 September 1983

ATTENTION : Mr C.W. Thorpe
Person to consult:

ASB
[Signature]
[Signature]

SUBJECT: PASTORAL LEASES - RECLASSIFICATION - LEGAL ACCESS

I have considered your memoranda of 20 October 1982 and 10 March 1983 to Head Office and their reply of 22 July 1983 and my following comments are made without reference to plans, directions etc as referred to in the correspondence.

It concerns me that the local authority and Ministry of Works and Development say that they are legal roads and the Surveyor General says they are not. It appears from the first two paragraphs of page 1 of 20 October memo that consideration was given to Section 121(1)(d) Public Works Act 1981. "Roads" were shown as pecked lines on the assumption of "the doubtful legal status of the roads". It may well be that on earlier plans the "roads" were properly shown in which case I would want to know why the change to pecked lines. Why show a pecked line at all? Was it identifying a physical feature that "road" did exist on the ground as suggested by the local authority? This department considered there was sufficient evidence from the local authority (supported by Ministry of Works and Development) that public funds had been spent and therefore according to the last paragraph, page 1 of 10 March memo, survey instructions issued to produce a plan to satisfy the road definition under Section 121(1)(d). The department therefore recognised physical road and the reason given for not recognising the road legal was "the continuing controversy surrounding environmentalists". A rather nebulous or dangerous ground for not recognising something that actually exists.

The correspondence therefore indicates roads shown as a pecked line and physical formation on these lines, public use and public funds being spent and a decision not to survey which I consider would not hold up if the issue was pressed by the local authority and the public. There may of course be political reasons for the non-survey.

Head Office questions are answered as follows:-

1. Yes, we should as a matter of policy (you could check the policy) provide legal access. Section 321 Local Government Act 1974 provides for access. Section 724(2) provides that the Crown is not bound by Section 321 but I consider that this does not give the department an open cheque to lay off farm blocks without access. If it was a residential section then the Crown is bound by Section 272.
2. Legal access does not necessarily have to be formed. The law merely requires that there should be legal access to each allotment.
3. Legal access by Section 321(3)(c) can be by way of an easement.

[Signature]
 C.D. Mouat
 District Solicitor

Pp.

49.

file
~~file~~ P3

r Thorpe
585

HOKITIKA
123

18 August 1983


District Solicitor
Department of Lands and Survey
Private Bag
CHRISTCHURCH

PASTORAL LEASES - RECLASSIFICATION - LEGAL ACCESS

This District is presently investigating the reclassification of two pastoral leases in the Cascade Valley. The proposal is that since the land cannot be classed as pastoral it will be reclassified as farmland and the lessees offered either a renewable lease or special lease option. The reclassification as farmland raises the issue of legal access to the leases. This question has been the subject of correspondence between this office and Head Office and you will see from copy of Head Office memorandum attached, that there are a number of points which require your comment.

Copies of relevent information are attached and I would appreciate your early comments - specifically points 1, 2, and 3 in Head Office memo of 22nd July 1983.

B/K
B/K for EO
J 16/9/83


C W Thorpe
for Acting Commissioner of Crown Lands

encls

JA

L. & S.—F. 14A

DEPARTMENT OF LANDS AND SURVEY

OUR FILE: 8/7/47, 8/7/62

YOUR FILE: P2, P3

From HEAD OFFICE

Date: 22 July 1983

To CCL HOKITIKA

Ref.: Ours/Yours of

Person to consult:

SUBJECT: PASTORAL LEASES : LEGAL ACCESS

I refer to previous correspondence and the discussion Pemberton/Bryant in this office on 22 July 1983 with regard to the reclassification of the two pastoral leases in your district and the need or otherwise to provide legal access subsequent to reclassification.

This matter has received preliminary consideration in Head Office and a number of questions have been raised which should be considered by your District Solicitor:

- 1) Would the issue of a renewable lease mean we have to provide legal access?
- 2) If legal access is provided does it have to be formed?
- 3) Would an easement be sufficient as legal access (NB the status of Mr Eggeling's special lease will be of importance here)?

Returned on P 2.

Other points raised and which were briefly discussed with ACCL Bryant were the likely attitude of the Westland County Council and also NZFS as it may be that parts of the access road are in fact situated on State forest land.

As you have pointed out controversy has surrounded the opening up of this area for development and ~~the~~ legalising of access is likely to spark off further controversy.

You have mentioned the possibility of issuing a special lease and while this is a possibility by way of surrender and preferential allocation, there would be no right of freehold conferred on the lessees and they may therefore not be in favour of this tenure. ACCL Bryant's advice that one of the lessees recently transferred his interest in his lease for a price in excess of \$100,000 would reinforce any argument the lessees have for the issue of a renewable lease with the subsequent right of freehold following reclassification.

I await your advice on the above matters.

C C T Smith
for Director-General

Ps. The delay in getting back to you on this is regretted.

YMD

P2 and P3

8/7/47

HOKITIKA
DIRECTOR GENERAL OF LANDS
WELLINGTON

10 March 1983

PASTORAL LEASES - RECLASSIFICATION

I refer to your memoranda going back to 15 September 1982 and apologise for not replying sooner.

Instructions were issued some time ago to the DFO to report on reclassification of the two pastoral leases in this district and in doing this to liaise with the CPLD, Christchurch. Unfortunately pressure of other work has to date not permitted the inspection and report to be carried out but it will be attended to as soon as possible.

The two pastoral leases involved adjoin and are located in the Cascade Valley, South Westland. Without wishing to anticipate the outcome of the field inspection, the general feeling in this office is that neither lease covers land which is of the type usually categorised as pastoral. This being the case the land will be classified as farm land and lessees offered either a renewable or special lease option. The reclassification as farmland raises the issue of legal access to the leases. If a renewable lease option is offered with its attendant freeholding rights it is understood that such an offer must carry with it the Crown's obligation to provide legal access. However I understand such an obligation is not necessary where a Special lease is offered as this would not contain a right to freehold. Can you please confirm or otherwise that my understanding is correct.

I gather that a renewable lease option is the usual offer upon reclassification of pastoral to farm land in which event you are probably wondering why I have referred, in relation to legal access, to a special lease with no right of freehold. The Cascade Valley in South Westland is an isolated region and the matter of roads in the area is a sensitive one. In this connection I would refer you to file 16/2982 and in particular my memorandum of 20 October 1982 and the plans attached to that memorandum. Once you have read this and perused the file (you may also need to refer to 16/3282) you will see why the matter of roading is a sensitive one and how it relates to the issue of legal access in terms of reclassification of the two leases.

On the basis of the SG's memorandum of 1.4.81 (16/3282) the Chief Surveyor issued instructions for a centre line traverse survey of the formed road (refer topo plan attached to my memorandum of 20.10.82) from the Arawata river up the western bank of the Jackson river to the homestead on LIP 411 and from there along one of the existing tracks across P3 and P2 to Barn Bay. This survey would define the road on a plan sufficient for it to become legal pursuant to S121(d) of the Public Works Act 1981. However before the survey commenced the SG's memorandum of 13.9.82 (16/2982) was received with the result that the Chief Surveyor cancelled the survey instruction. It is apparent that the SG's request to stop the survey resulted from the continuing controversy surrounding environmentalist objections to any action which would have the effect of opening up the region to development.

If upon reclassification a renewable lease option is offered and we are obligated to provide legal access it will be necessary to issue new survey instructions to survey the road from the Arawata river to the boundary between P2 and P3. There is no difficulty with this if you consider legalising the road for this distance will not create any problems in regard to the environmental issues. Personally I do not foresee any problem as for most of the distance the road is already physically in place. The most sensitive problem areas, i.e. Barn Bay and the Pyke Valley road will not be surveyed and thus not affected by legalising access to the leases. If however you would be reluctant for legal access to be provided, then upon reclassification I presume a special lease would be granted as such a lease does not require legal access. The lease would not contain a right of freehold but it could make provision for renewals.

I would appreciate your advice on the matter of providing legal access in relation to a renewable lease option and you may also wish to comment on whether such access should be made available having regard to the general controversy over the years of environmental objections to roading development.



T A Bryant
for Commissioner of Crown Lands.

Copy for P3⁴⁸

9/4/4/3A

16/2982

YMD

HOKIETIKA
DIRECTOR GENERAL OF LANDS
WELLINGTON

20 October 1982

CASCADE - BARN BAY ROADING

Your memorandum of 20 September 1982 to our Dunedin office has been referred to this office for reply. The Cascade - Barn Bay area is in this Land District.

Our land interests in this area are four leases - two pastoral (presently under consideration for reclassification as renewable leases), one LIP and one special lease. All other land is state forest. The position is illustrated on the attached topographical plan and you will see from this the location of roads and tracks. The unsealed road along the western bank of the Jackson River from the Arawata River now extends into the Cascade Valley to the homestead on the LIP. This road is in good condition (suitable for cars) and was constructed by the County with back country roading fund assistance from the Roads Board. From the homestead, although not shown on the plan, there are tracks across P3 which connect to the Barn Bay - Cascade 'road' on P2. This access to Barn Bay has existed for many years and some work was done on it in 1977 so that a greenstone boulder could be removed from Barn Bay. I am not aware of any work by the County to upgrade this access but I am aware that the County says it has spent money on this 'road' in the past.

The plan also shows the Pyke Valley Road. This runs through state forest and it is this 'road' linking with the Jackson River - Cascade road that people talk about as providing access for a tourist link to the Hollyford Valley.

The NCC letter to the Minister refers to unformed paper roads on the old NZMS 177 series, sheets 96 and 97. Attached is a copy of S96. You will see that all the roads are shown but as a pecked line and not in the usual manner of legal roads. The Chief Surveyor assumes the pecked line was used because of the doubtful legal status of the roads. One thing you will note from this plan is that there is a road shown from Jacksons Bay to the Cascade River. I mention this as the NCC letter refers to a road link from Jacksons Bay to Hollyford (6th paragraph) and from Jacksons Bay to Cascade (8th paragraph). The mention of Jacksons Bay is not I think correct and I believe what NCC are really referring to is the road into the Cascade along the Jackson river and not the Jackson Bay - Cascade road as marked on S96.

The opinion of the Chief Surveyor supported by the Surveyor General is that none of these roads are legal. The County, in conjunction with MWD take a contrary opinion and you will find correspondence about this on your file 16/3232. One thing is certain however, the road along the western bank of the Jackson River from the Arawata River to near Saddle Creek is not legal. At no time has there been

a plan drawn which showed a roadline along this bank. Interestingly, in 1974 the County wrote to this office to state that funds were available and a road was to be constructed along the western bank of the river. The response of this office at the time was to take no action.

If the two Pastoral Leases are reclassified as Renewable Leases and as a consequence can be freeholded, I presume we will be required to provide legal frontage. This means the Jackson River - Cascade Valley will need to be legalised as well as access across P3 to P2.

Turning to the Director of Planning's note of 20 September, in particular paragraph 5, this office was not approached by the Mining Company for access for its machinery across the Pastoral leases. However this is not surprising having regard to the County's view that the Cascade - Barn Bay road is legal. I do not know if any construction work was necessary to get the machinery on site and I note the Director General of Forests in his memorandum to the Minister of 10 August 1982 says no road was being formed. Apart from giving access approval to the Mining Company for its machinery the County has not, I understand, carried out any actual road construction works since it completed the Jackson River - Cascade road. If it has no immediate plans for further construction or upgrading works it is possible that reclassification of the pastoral leases and their subsequent freeholding along with the LIP could well overtake matters and leave us with no land interests at all in the area.

The NCC letter to the Minister asked that NZFS and this department report with a view to making a decision on whether access is really necessary. Unfortunately I do not see the solution as being this easy for the reason that the County believes the roads to be legal and simply acts on this basis. It has no interest in what the NCC thinks of the wilderness qualities of the region and I further doubt it would have any interest in an exercise as suggested in the concluding paragraph of the Director of Planning's note. As I see it the road legality problem will have to be resolved. If it were resolved in favour of the department the wider issues canvassed by the Director of Planning can be pursued or alternatively as there will be no legal roads, except presumably those required to provide legal frontage to the pastoral leases, the matter will become a non-issue and can be dropped. However if the legal status of the roads is resolved in favour of the County an approach as suggested by the Director of Planning may be of interest to the County if it can be assured that an investigation will include identification and legalisation of suitable roadlines that minimise environmental impacts. Such an investigation however is unlikely to meet with NCC approval in view of its attitude to roading and access in the area.



T A Bryant
for Commissioner of Crown Lands

Encls

**OPUS INTERNATIONAL CONSULTANTS LIMITED
DUNEDIN OFFICE**

Project Number 6NL633.TR / 016YD



This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50239 dated 1 November 2000 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Cascade Tenure				LIPS Ref 12633	
Review					
Property	1	of	1		

Land District	Westland
Legal Description	Part Res. 1692 [known as part Runs 69 and 77] situated in Blocks X, XI and XV Cascade Survey District.
Area	1214.0569 hectares
Status	Crown Land under the Land Act 1948 subject to Pastoral Lease P. 3 under Section 66, of the Land Act 1948 and registered under Section 83 of the Land Act 1948
Instrument of title / lease	C.L. 1C/77
Encumbrances	Nil
Mineral Ownership	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 Purchase . <i>Mackay Purchase.</i>
Statute	Land Act 1948 & Crown Pastoral Land Act 1998

Data Correct as at	17/11/00
[Certification Attached]	

Prepared by	John Kirk <i>[Signature]</i>
Crown Accredited Agent	Opus International Consultants Ltd, Dunedin

LAND STATUS REPORT for Cascade Tenure Review			LIPS Ref 12633
Property	1	of	1

Certification

Pursuant to Section 11(1)(l) of the Survey Act 1986 and acting under delegated authority of the Surveyor-General pursuant to Section 11(2) of that Act, I hereby certify that the land described above is Crown Land under the Land Act 1948 subject to Pastoral Lease C L 1C/77.



Norman William Richards
Chief Surveyor
Land Information New Zealand, Hokitika.

8 / 12 / 2000

<p>Notes : This information does not affect the status of the land but was identified as possibly requiring further investigation at the due diligence stage : See Crown Pastoral Standard 6 paragraph 6.</p>	<ul style="list-style-type: none">• A field inspection may be required to ascertain if Cascade River, Martyr River, Laschelles Creek, Colin Creek and other streams within this pastoral lease could be subject to Section 24 of the Conservation Act 1987. No evidence has been found that this aspect was considered on renewal of this lease on 1 July 1987.• This pastoral lease has no legal access. Area's "S" on SO 11883 and "A" on SO 12519 shown areas of land required for road. If all areas on these two plans are actioned, legal access will be provided to this lease.• There is a small area of the adjoining pastoral lease CL 1C/76 within the peripheral boundary of this subject lease. Correspondence on file suggests that this area is for a holding paddock. This has not been confirmed by field inspection.
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LAND STATUS REPORT for Cascade Tenure Review			LIPS Ref 12633
Property	1	of	1

Research Data: *Some Items may be not applicable*

SDI Print Obtained	Yes
NZMS 261 Ref	E48
Local Authority	Westland District
Crown Acquisition Map	1848 Kemp Purchase <i>Maikay Purchase</i>
SO Plan	<p>SO 1033- Plan of Section R.S. 2530 Block XI, Cascade Survey District this defines an adjoining property.</p> <p>SO 5690- Plan of topographic data SO 8702- Plan of topographic data SO 8988- Plan of topographic data</p> <p>SO 11883- Plan of land required for road Blocks VI, IX & X Arawata and Blocks XI, XII, XV & XVI Cascade Survey Districts.</p> <p>SO 12519- Plan of land to be declared road Blocks IX, X, XI & XV Cascade and Block XII Barn Bay Survey Districts.</p> <p>I have been unable to find a survey definition for runs 69 & 77 and Res 1692</p>
Relevant Gazette Notices	<p>Adjoining land now conservation land:- Gazette 1919 page 1284 (Proc 867)-Lands set apart as Provisional State Forest</p> <p>Gazette 1930 page 73-land set apart as Provisional State Forest declared to be subject to the Land Act, 1924</p> <p>Gazette 1933 page 8- Provisional State Forests and Crown Land set apart as Permanent State Forest</p>
CT Ref / Lease Ref	<p>CL 1C/77 -current pastoral lease subject to this report [formerly indexed as 62/252]. CL 1C/76- adjoining pastoral lease [formerly indexed as 62/251]. CL 50/47 – Original pastoral lease subdivided 62/252 & 62/251 created.</p>
Plan Index	Not searched
Legalisation Cards	No legalisation cards exist for the plans shown above.
CLR	No card found for Runs 69 & 77 or Res 1692 in

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	CLR held by DOC Hokitika.
Allocation Maps (if applicable)	For adjoining land DOC allocation plans reference E38*8*CO a category 23 allocation to the Department of Conservation for the purposes of Section 62 of the Conservation Act 1987 as stewardship land. This DOC area surrounds this lease.
VNZ Ref - if known	25810 35500
Crown Grant Maps	Not applicable no grants within peripheral boundary of subject lease.
If Subject land Marginal Strip : a) Type [Sec 24(9) or Sec 58] b) Date Created c) Plan Reference	a) Nothing found b) c)

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Research – continued

If Crown land – Check Irrigation Maps.	Not applicable
Mining Maps	No record found
If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989 b) By Proc	a) SO Plan –this lease has no legal access b) Proc Plan c) Gazette Ref
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) b) No sites found c) Either <input type="checkbox"/> 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 1848 Kemp Purchase. <i>Mackay Purchase</i> <input type="checkbox"/> Contained in [provide evidence]. d)