

Crown Pastoral Land Tenure Review

Lease name : GEM LAKE

Lease number : PO 122

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.

December 05



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

GEM LAKE PASTORAL LEASE


File Ref: CON/50239/09/12465/A Report No: DN0014 Report Date: 16/1/2001
Office of Agent: Dunedin LINZ Case No: *TRO1/43* Date sent to LINZ: 16/1/2001

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 which require action by the Manager Crown Property Contracts *[or other party]*;

The power lines that cross Run 755 do not appear to have been legalised by an easement. The nature of the holding may need to be ascertained.

Signed by Agent:

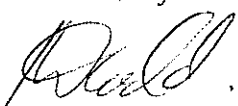


M. Brown
Consultant



D Payton
Contract Manager

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



Name: **MICHAEL JOHN TODD**
Date of decision: *16 / 3 / 2001*

1. Details of lease:

Lease Name: Gem Lake
Location: Aitcheson Runs Road and Wilden Runs Road
Lessee: SR, BJ and KS Norman
Tenure: Pastoral Lease P122 under section 66 of the Land Act 1948 and registered under section 83 of the Land Act 1948
Term: 33 years from 1 January 1989 (expires 31 December 2022)
Annual Rent: \$1,800.00
Rental Value: \$120,000.00
 The rental review of 1 January 2000, and subsequent appeal to the Land Valuation Tribunal which fixed the LEI at \$152,000, has yet to be registered.
Date of Next Review: 31 December 2011
Land Registry Folio Ref: C.L. 386/14
Legal Description: Run 754, situated in Whitecomb and Wart Hill Survey District, and Run 755, situated in Block XVIII, Wart Hill Survey District
Area: 5612.8861 hectares

2. File Search**Files held by Agent (Knight Frank (NZ) Limited) on behalf of LINZ:**

File Reference	Volume	From	To
P 122	4	11/5/1981	30/6/2000
Po122	5	1/7/2000	Current

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

File Reference	CON/50239/09/12465/A-ZNO		
Volume	1		
First Folio Number	1		
Date	1 November 2000		
Last Folio Number	-		
Date	Current (Comprises extracts of tenure review files)		

Other relevant files held by LINZ:

File Reference	Volume	From	To
P122	1	1924	1957
P122	2	1958	1968
P122	3	1970	1981

3. Summary of lease document:**Terms of lease***Stock Limitation in Lease*

7370 Sheep

Commencement Date

1 January 1989

Special Provisions

The Lessee shall take a half share as tenant-in-common over a licence to occupy issued under section 68 of the Land Act 1948, over Section 1, Block XIII and Section 1 Block XIV Wart Hill Survey District.

The Lessee shall at all times, together with the Licensee of Run 609, Wart Hill Survey District, maintain the sheep-bridge over the Pomahaka River at Section 1, Block XIII Wart Hill Survey District, in good order and condition to the satisfaction of the Commissioner.

Area adjustments

There have been no area changes since the lease was renewed in 1989.

Registered interests*Electricity Agreement*

The property is subject to X12258 Electricity Agreement under the Electricity Agreement Act 1948. The agreement outlines the conditions upon which the Southland Electric Power Board will supply electricity to the lease.

Water Right

Transfer 206413 describes the grant of rights to take and convey water from a spring over part of the land described in Certificate of Title 228/212

Unregistered interests

There are no known unregistered interests against the lease.

4. Summarise any Government programmes approved for the lease:

A search of the file indicates that there are no Government programmes approved or operating in the lease.

5. Summary of Land Status Report:

A Land Status Report was undertaken by Opus International Consultants Limited on 24 November 2000. This 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. Appurtenant right created by Transfer 206413 is appurtenant to Section 2, Block XVIII, Wart Hill Survey District. Surrender Document 326048 has surrendered this area from the lease.
2. A condition of this lease is that the Lessee shall at all times maintain the sheep-bridge at present existing over the Pomahaka River at Section 1, Block XIII, Wart Hill Survey District in good order and condition to the satisfaction of the Commissioner.
3. A field inspection may be required to ascertain if Gem Lake, Gem Creek, Jordan or Black Creek, Island 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 January 1989. The Riverbank Reserve created under section 129 of the Land Act 1924 along the Pomahaka River is now deemed to be a marginal strip of the same width (section 24 (3) Conservation Act 1987 effective date 10/4/1990) the boundaries of the marginal strip do no change (section 24G (7) Conservation Act 1987).
4. The Pomahaka River is subject to a Statutory Acknowledgement in terms of the Ngai Tahu Claims Settlement Act 1998.

6. Review of topographical and cadastral data:

A review of the topographical and cadastral plans attached to the Land Status Report reveals that there are no communication sites, airstrips, or treatment sites on the property.

On Run 755, a series of High Tension power lines runs through the length of the property.

-- section 22 & 23 Electricity Act 1992 apply.

7. Details of any neighbouring Crown or conservation land**Run 754**

	<i>Legal Description</i>	<i>Status</i>	<i>Owner(s)</i>
<i>North</i>	Part Section 1 SO 11735	Pastoral Lease	W Pinckney Limited
<i>South</i>	Part Run 609	Pastoral Lease	PI Brenssel, DC Garvan, RN Macassey
<i>East</i>	Crown Land Block XII Whitcomb Survey District	Crown Land Reserved from Sale (Marginal Strip) Section 58 Land Act 1948	Department of Conservation
	Crown Land Block VIII Wart Hill Survey District	Crown Land Reserved from Sale (Marginal Strip) Section 58 Land Act 1948	Department of Conservation
	Crown Land Block III Wart Hill Survey District	Crown Land Reserved from Sale (Marginal Strip) Section 58 Land Act 1948	Department of Conservation
<i>West</i>	Run 577	Pastoral Lease	Argle Station Limited
	Part Section 1 SO 11735	Pastoral Lease	W Pinckney Limited

Run 755

	<i>Legal Description</i>	<i>Status</i>	<i>Owner</i>
<i>North</i>	Nil		
<i>South</i>	Nil		
<i>East</i>	Nil		
<i>West</i>	Nil		

8. Summarise any uncompleted actions or potential liabilities:

The power lines that cross Run 755 do not appear to have been legalised by an easement. The nature of the holding may need to be ascertained.

SCHEDULE A
LAND STATUS REPORT
GEM LAKE PASTORAL LEASE

OPUS INTERNATIONAL CONSULTANTS LIMITED
DUNEDIN OFFICE

Project Number 6NL465.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 Gem Lake Tenure				LIPS Ref 12465
Review				
Property	1	of	1	

Land District	Otago
Legal Description	Run 754, situated in Whitecoomb and Wart Hill Survey Districts and Run 755, situated in Block XVIII, Wart Hill Survey District
Area	5612.8861 hectares
Status	Crown Land under the Land Act 1948 subject to Pastoral Lease P.122 under Section 66, of the Land Act 1948 and registered under Section 83 of the Land Act 1948
Instrument of title / lease	C.L. 386/14
Encumbrances	<ul style="list-style-type: none"> • Subject to X12258 Electricity Agreement under the Electricity Amendment Act 1948 • Appurtenant to, transfer 206413 Grant of rights to take and convey water over part of the land CT 228/212.
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.
Statute	Land Act 1948 & Crown Pastoral Land Act 1998

Data Correct as at	24/11/2000
[Certification Attached]	


Prepared by	John Kirk 
Crown Accredited Agent	Opus International Consultants Ltd, Dunedin

LAND STATUS REPORT for Gem Lake Tenure Review LIPS Ref 12471

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 CL 386/14.


Max Haydn Warburton**Chief Surveyor****Land Information New Zealand, Dunedin.**

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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.

- Appurtenant right created by Transfer 206413 is appurtenant to Section 2, Block XVIII, Wart Hill Survey District. This area has been surrendered from this lease by Surrender Document 326048.
- A condition of this lease is that the Lessee shall at all times maintain the sheep-bridge at present existing over the Pomahaka River at Section 1, Block XIII, Wart Hill Survey District in good order and condition to the satisfaction of the Commissioner.
- A field inspection may be required to ascertain if Gem Lake, Gem Creek, Jordan or Black Creek, Island 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 January 1989. The Riverbank Reserve's created under section 129 of the Land Act 1924 along Pomahaka River is now deemed to be a marginal strip of the same width (s. 24(3) Conservation Act 1987 effective date 10/4/90) the boundaries of the marginal strip do not change (s.24G (7) Conservation Act 1987).
- The Pomahaka River is subject to a Statutory Acknowledgment in terms of the Ngai Tahu Claims Settlement Act 1998.

LAND STATUS REPORT for Gem Lake Tenure Review			LIPS Ref 12471
Property	1	of	1

Research Data: Some Items may be not applicable

SDI Print Obtained	Yes
NZMS 261 Ref	G 43 F43 G44
Local Authority	Clutha District
Crown Acquisition Map	Kemp Purchase
SO Plan	SO 2020- Plan of Run 608 and part Run 609 Now Run 754 [March 1919] SO 2021- Plan defining land adjoining this lease SO 8786- Mining Plan SO 8792- Mining Plan SO 16012- Plan of Section's 1 & 2 and Run 755 formerly Pt Run 608 (Homestead Site) Blk XVIII, Wart Hill Survey District [March 1967]. SO 24726- (MD 121 Pomahaka River ref to Deed of Settlement for the Ngai Tahu Claim)
Relevant Gazette Notices	Nothing found
CT Ref / Lease Ref	C L 386/14 [live] CL 337/178 previous reference. Other documents listed in "Encumbrances" Page 1 and also other miscellaneous documents
Plan Index	Copy attached
Legalisation Cards	No cards found.
CLR	Cards Run 755, Run 754- Support Pastoral Status
Allocation Maps (if applicable)	LIPS maps, DOC allocation plans and Other SOEs maps- searched nothing found
VNZ Ref - if known	28608 25000
Crown Grant Maps	Not applicable
If Subject land Marginal Strip : a) Type [Sec 24(9) or Sec 58] b) Date Created c) Plan Reference	a) Riverbank Reserve section 129 Land Act 1924 b) 27.6.1932 c) SO 2020

LAND STATUS REPORT for Gem Lake Tenure Review			LIPS Ref 12471
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Research – *continued*

If Crown land – Check Irrigation Maps.	Searched nothing found
Mining Maps	Exploration Licence 39/133-9D/592-expired 8/10/99 G43/3-41/447-9D/553-expires 23/07/2006 adjoins this lease, on the bed of the Pomahaka River.
<p>If Road</p> <p>a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989</p> <p>b) By Proc</p>	<p>a) SO Plan Not applicable</p> <p>b) Proc Plan</p> <p>c) Gazette Ref</p>
<p>Other Relevant Information</p> <p>a) Concessions – Advice from DOC or Knight Frank.</p> <p>b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998</p> <p>c) Mineral Ownership</p> <p>d) Other Info</p>	<p>a) The Department of Conservation has been consulted and no Conservation area status land has been identified within the boundary of this property.</p> <p>b) The Pomahaka River is subject to a Statutory Acknowledgment in terms of the Ngai Tahu Claims Settlement Act 1998.</p> <p>c) Either</p> <p><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.</p> <p><input type="checkbox"/> Contained in [provide evidence].</p> <p>d)</p>