

## **Crown Pastoral Land Tenure Review**

**Lease name : HUKARERE STATION**

**Lease number : PO 009**

### **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:**

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File Ref:	Po009	Report No:	AT0074	Report Date:	24 May 2000
Office of Agent:	Alexandra	LINZ Case No:		Date sent to LINZ:	27/5/00

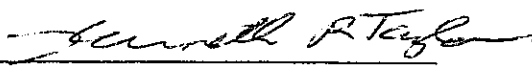
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**RECOMMENDATIONS:**

- (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
  - The right of way easement and right to airstrip in favour of J E Eason and Sons Limited (*Attachment V*).
  - Small boundary irregularities (*Attachment VI*).

**Signed for Knight Frank (NZ) Limited**

  
\_\_\_\_\_  
Consultant

  
\_\_\_\_\_  
Manager

**Approved/Declined by:**\_\_\_\_\_  
Name:

Date of decision:    /    /

**(1) Details of lease:**

**Lease Name:** Hukarere

**Location:** This property is 25 kms northwest of Heriot, and 60 km from Gore. The Hukarere Station Road provides access to the property over a private bridge. The lease lies on the eastern flank of the Black Umbrella Range, and at the southern end of the range, the Pomahaka River forms the eastern boundary.

**Lessee:** N J & K E Hazlett as Hukarere Station Limited

**Tenure:** Pastoral Lease under the Land Act 1948 and Crown Pastoral Land Act 1998. Lease No Po009.

**Term:** 33 years from 1 July 1984 to 30 June 2017.

**Annual Rent:** \$13,500

**Rental Value:** \$600,000

**Date of Next Review:** 1 July 2006

**Land Registry Folio Ref:** CL 338/14 (*Otago Registry*)

**Legal Description:** Run 763 and Part Run 253 Wart Hill, Greenvale and Waikaia Survey District's.

**Area:** 7177.4193 hectares

**(2) File Search:****Files held by Agent 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>
Po009	I	190	1/3/1919	155	28/3/1962
	II	156	18/4/1962	338	14/9/1978
	III	339	21/9/1978	447	29/6/1983
	IV	448	23/6/1983	568	8/12/1995
	V	1	2/11/1994	57	31/1/2000

*Other relevant files held by LINZ:*

<i>File Reference</i>	<i>Volume</i>	<i>First Folio</i>	<i>Date</i>	<i>Last Folio</i>	<i>Date</i>
CPLO 11 12431 ZCH		1	Undated	16	4/7/1999
7900/04/P9 1 DDN		1	Undated		
5200 D14 H11 DNO		<i>No number</i>	17/5/1993	<i>No number</i>	28/2/1997

The records have been searched, including those held in Christchurch, Dunedin and Alexandra.

The file records are close to complete. The exception being nine missing folios including one from LINZ Christchurch.

The files cover 79 years and record the following significant entries.

Run 253 was first selected by K M McLennon and upon his death in 1926 it was run by his estate. The Trustees were his niece Miss M F MacLean and Mr M J Gordon.

The entries until 1946 were routine, covering rent arrears and rent remission and applications.

An entry in 1940 highlighted the poor access to the property which at this stage only had access by a light foot bridge over the Pomahaka River. The road access to the run boundary was poorly formed, not metalled and sometimes impassable in winter.

1946 saw the lease renewal process begin. While the lease PR1590 expired in 1947, the lease period was extended by 2 years till 1949 and then extended again until 1951.

The property was transferred to one of the trustees, Miss Matilda MacLean and then current manager W P Terry, in 1950.

At lease renewal in 1951, a pastoral lease was issued for 33 years over Run 253.

Routine entries continued until 1954 when a private bridge over the Pomahaka River was built. It was financed by 2/3 Back Blocks access grant from the Government, and 1/6 by the County Council Fund, and a contribution of 1/6 from the lessees (*volume I, folios 116 and 117*).

Fencing, burning and extensive oversowing and topdressing followed in the 1950's.

The need to purchase some more flat land to provide an area for winter feed crops and to allow the wintering of hoggets resulted in a number of entries, during the 1960's.

1960 saw the first soil conservation subsidy approved for the property (*Volume I, Folio 126*).

Miss MacLean transferred her half-share to W P Terry in 1960.

Entries in 1962 record a second Otago Catchment Board subsidy to finance conservation fencing and strategic fire breaks.

In 1964 a block of land near Kelso township was also purchased to provide additional land suitable for cultivation, hay making and feeding young stock (*volume II, folio 187*). This was subsequently sold, and replaced by additional land from the adjoining lease (*Volume II, Folio 198*). This was incorporated into the lease in 1967. This is recorded on the lease document.

During 1966, an all weather access road was constructed through Hukarere. This provided access to Crown Rock, an adjoining lease (*Po124*).

Half share of the construction costs was borne by each property.

A right of way easement over the access road and an airstrip was granted in favour of the lessee of Crown Rock. This was recorded on the lease (*Attachment IV*).

Conservation Farm Plan No 33 was drawn up by the Otago Catchment Board in 1967. The Farm Plan was not recorded on the title. The plan was however successfully implemented.

Additions to the Farm Plan occurred in 1970, as part of an extensive development programme, and two subsequent additions occurred including tree plantings to stabilise a slip.

Leithen Bush Scenic Reserve was created in 1976. The lessee surrendered 200 ha of native forest to become part of the reserve. This is recorded on the title (*Volume II, Folio 302, Attachment I and II*).

Routine matters were recorded in the late 1970's including the establishment of a deer farming unit, stock increases, additional development loans and a sub-lease of a deer unit to one of the lessees sons.

The lease was transferred to Miller and Hazlett (*Hukarere Station Limited*) in 1980 after the death of Mr W P Terry.

Lease renewal was the topic of a multitude of entries in the early 1980's. Lease renewed 1 July 1984.

Extensive development continued, with resultant stock increases in the 1980's.

As a result of PNAP survey, two areas were noted, RAP UMB4 (*Leithen Burn*) and RAP UMP 11 (*Devils Gorge*) (*Volume IV, Folio 525*).

Hukarere homestead was identified by New Zealand Historic Places Trust (*Volume IV, Folio 525*).

Subsequently a Conservation Covenant was created over the Devils Gorge area (*approximately 18 ha*), noted on lease document (*Attachment IV*).

Rent review occupied the file entries in early 1990's, along with applications to burn.

Application to freehold was made in 1994.

Conservation report from DoC was drawn up, it identified substantial areas of conservation interest.

Marginal strips on the Pomahaka River are noted (*Volume V, Folio 22*).

Tenure review entries featured throughout the 1990's along with protracted lease renewal valuation negotiations and involvement of the LVT.

Applications to apply fertiliser, problems with out of control fires and other routine matters comprise the concluding entries.

**(3) Summary of lease document:**

*Terms of lease:*

The legal description, area and commencement date of the pastoral lease on Crown files are in agreement with the Instrument of Title (*CL 338/14 Otago Registry*).

*Commencement Date:*

The lease was issued 1 July 1951 and renewed on 1 July 1984 under the Land Act 1948.

*Stock Limit:*

2500	Ewes
900	Ewe hoggets
2000	Wethers
700	Wether hoggets
120	Breeding cows

The following non-standard condition is contained in CL 338/14:

*Pursuant to Section 8 of the Coal Mines Amendment Act 1950, this lease is subject to the reservation to the lessor of all coal existing on or under the surface of the land. Subject also to the reservation to the lessor of the power to grant coal mining rights over the land under Part I of the Coal Mines Act 1925.*

Apart from mortgage registrations and routine transfers the following significant entries are noted:

X20833	Electricity Agreement under the Electricity Amendment Act 1948, 14 April 1950, discharged 10 April 1970.
314266	Certificate of Alteration incorporating in the within Run 763 Block VI Greenvale Survey District. Area 630 acres ( <i>1 April 1967</i> ).
345609	Transfer granting: <ul style="list-style-type: none"> <li>(a) A right of way over access road and</li> <li>(b) An airstrip and other incidental rights in favour of J E Eason and Sons Limited (<i>12 September 1969</i>).</li> </ul>

- 470750 Surrender of 200 ha to form Leithen Bush Scenic Reserve (15 December 1976).
- 490403/16 Area surrendered from lease now known as part Section 28 Block XII Greenvale Survey District (5 January 1978, Attachment II).
- 541273 Certificate of Alteration varying the covenants, conditions and restrictions of within lease (10 September 1980, Attachment III).
- 757089/5 Renewal of lease, for 33 years commencing on 1 July 1984 and varying the terms thereof (21 June 1990).
- 788473/2 Conservation covenant over part of the lease (Devils Gorge 18 ha) (18 September 1991, Attachment IV).

**Area adjustments:**

- 314266 &  
470750 Both area adjustments are correctly recorded on the lease (Attachment I).

**Registered interests:***Mortgages:*

- 940624.5 Mortgage to ASB Bank Limited. No effect.

*Encumbrances:*

- 345609 Right of way of access road and airstrip in favour of J E Eason and Sons Limited (Attachment V).
- 788473/2 Conservation covenant (Devils Gorge). No effect.

**Unregistered interests:**

Otago Catchment Board, Soil and Water Conservation Farm Plan No 33 1967.

Farm Plan had a 10 year validity, therefore it has expired.

Marginal strips on Pomahaka River which borders one edge of the property. No effect.

**(4) Summarise any Government programmes approved for the lease:**

Soil and Water Conservation Plan No 33 involved extensive fencing, oversowing and topdressing and a small amount of tree planting to stabilise slip prone areas.

**(5) Summary of Land Status Report:**

The Land Status Report is attached (*Schedule A*).

Pastoral status is confirmed.

The Pomahaka River is subject to a Deed of Recognition (*Ngai Tahu Claims Settlement Act 1998*).

The lease is not subject to any recreational permits as at 24 September 1999.

**(6) Review of topographical and Cadastral data:**

No telecommunication sites are present.

No historic sites marked, although there are several on lease (*homestead, historic mining sites at the Pomahaka River and a historic survey site, Trig J*).

Small discrepancies exist between fenced and legal boundaries. These are shown on an attached map (*Attachment VI*).

There is a marginal strip running the length of the Pomahaka River which borders the western boundary of the property (*Attachment VI*).

Unformed legal roads run from the homestead area to Trig J, Parasol Hill and onto Sandy Hill, at the summit of the Black Umbrella Range. There are also sections of unformed legal road which extend along parts of the eastern frontage with the Pomahaka River.

These sections of road do not correspond with the main farm access road extending upstream from the homestead to the boundary with Crown Rock Station. This farm access road is private (*Attachment VI*).

**(7) Details of any neighbouring Crown or conservation land:**

Leithen Bush Scenic Reserve is located on the south-western boundary and Po124 Crown Rock Pastoral Lease is the northern neighbour.

PS055 Argyle Pastoral Lease is the other adjoining area of Crown land.

**(8) Summarise any uncompleted actions or potential liabilities:**

The following uncompleted actions or potential liabilities have been identified.

- The right of way easement and right to airstrip in favour of J E Eason and Sons Limited (*Attachment V*).
- Small boundary irregularities (*Attachment VI*).

We also draw your attention to the following:

- Non-standard condition, reserving all coal resources to the lessor, and also the power to grant all coal mining rights is reserved to the lessor (*Attachment I*).



# OPUS INTERNATIONAL CONSULTANTS LIMITED

## DUNEDIN OFFICE

Project Number

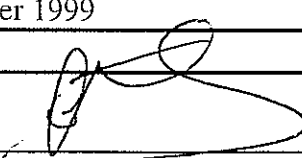
This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50177 dated September 1999 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

INTERNATIONAL  
CONSULTANTS

<b>LAND STATUS REPORT for Hukarere</b>				LIPS Ref 12431
Property	1	of	1	

<b>Land District</b>	Otago
<b>Legal Description</b>	Run 763 and Part Run 253 Wart Hill, Greenvale and Wakaia SD's.
<b>Area</b>	7177.4193 ha
<b>Status</b>	Crown Land under the Land Act 1948 subject to Pastoral Lease P 9.
<b>Instrument of title / lease</b>	CL 338/14
<b>Encumbrances</b>	<ol style="list-style-type: none"> <li>1) Memo of Transfer [Right of Way and Airstrip] registered as 345609.</li> <li>2) Conservation Covenant under Section 77 of the Reserves Act 1977 registered as 788473/2.</li> </ol>
<b>Mineral Ownership</b>	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.
<b>Statute</b>	Land Act 1948 and Crown Pastoral Land Act 1998.

<b>Data Correct as at</b>	13 October 1999
[Certification Attached]	

<b>Prepared by</b>	G Patrick 
<b>Crown Accredited Agent</b>	Opus International Consultants Ltd, Dunedin

### Certification – as to status

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

<b>LAND STATUS REPORT for Hukarere</b>				LIPS Ref 12431
Property	1	of	1	

under the Land Act 1948 subject to Pastoral Lease registered as 338/14.



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

18 / 10 / 1999

<p><b>Notes :</b> 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>	<p>Nothing noted on file.</p> <p>As this lease was renewed in 1984 there has been no assessment of streams or rivers that may on future disposition be subject to Part IVA of the Conservation Act 1987.</p>
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<b>LAND STATUS REPORT for Hukarere</b>				LIPS Ref 12431
Property	1	of	1	

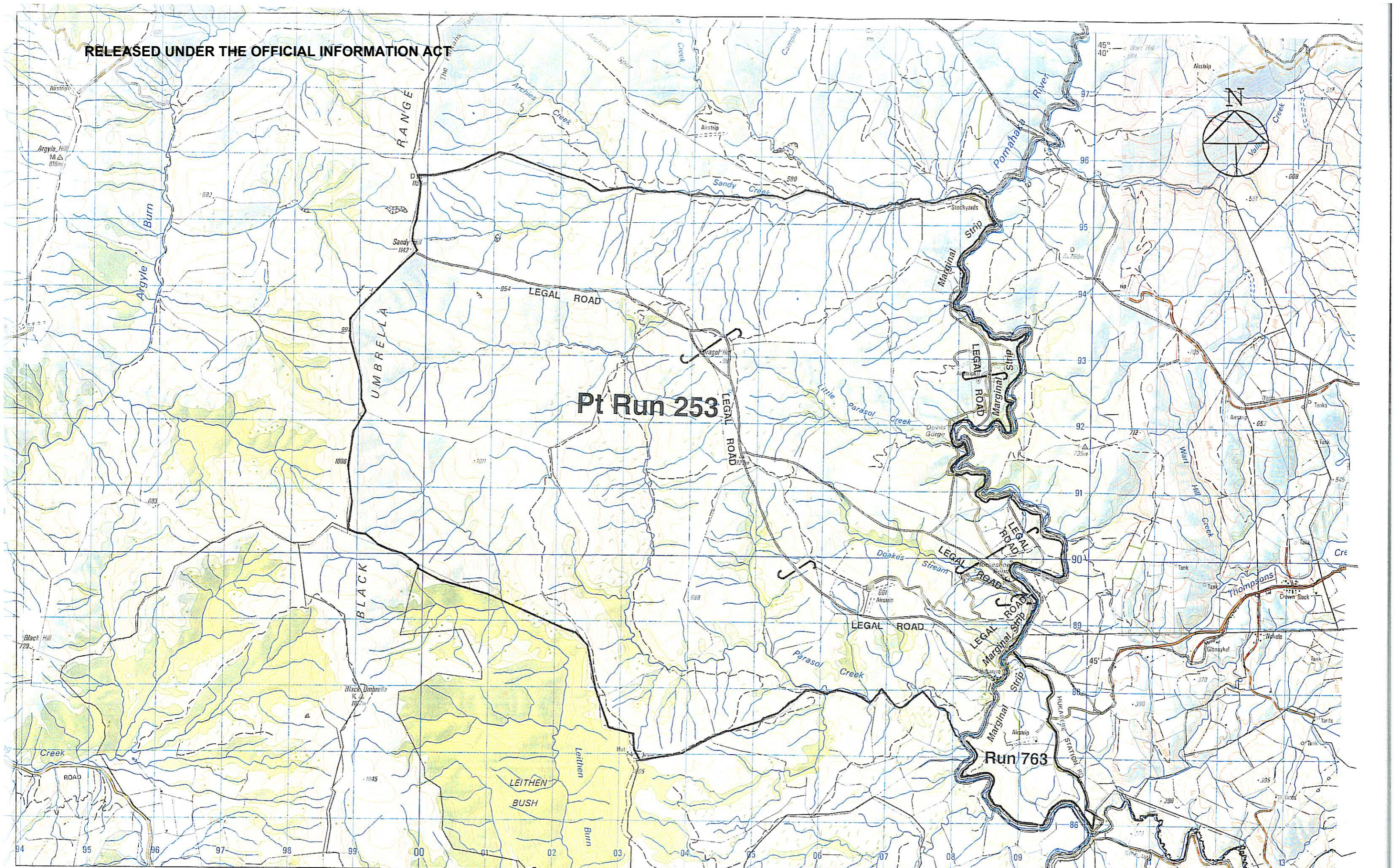
**Research Data:** *Some Items may be not applicable*

SDI Print Obtained	Yes / No
NZMS 261 Ref	F44 & G44
Local Authority	Central Otago District Council
Crown Acquisition Map	Kemp
SO Plan	SO 2017 approved September 1919 being a plan of Run 253. SO 2282 approved November 1930 being a plan of Run 763. SO 23326 approved September 1990 being a plan of a conservation covenant. Sighted but not copied SO's 13670 & 557 – to confirm marginal strip on SO 2282.
Relevant Gazette Notices	None found.
CT Ref / Lease Ref	1. 338/14 [live] 2. Sighted but not copied prior reference CL 335/88. Has been held on pastoral tenure since 1/3/1919. 3. Memo of Renewal registered as 757089/5. 4. C113 Certificate registered as 314266.
Plan Index	Attached.
Legalisation Cards	SO 2017 – no card found. SO 2282 – no card found.
C <sup>r</sup> R	Confirms pastoral status.
Allocation Maps (if applicable)	F44 & G44 – DOC, SOE & Proposed SOE Land Claims – nothing found.
VNZ Ref - if known	28607/10500 & 28608/22200.
Crown Grant Maps	Not searched.
<b>If Subject land Marginal Strip :</b> a) Type [Sec 24(9) or Sec 58]  b) Date Created  c) Plan Reference	a) Sec 24(3)  b) Pre 1987  c) SO's 2282 & 2017

<b>LAND STATUS REPORT for Hukarere</b>				LIPS Ref 12431
Property	1	of	1	

**Research – continued**

If Crown land – Check Irrigation Maps.	No maps for F44 or G44.
Mining Maps	F44 shows a PP No 39/133 for gold & sliver and registered as 9D/592. The permit was not registered against the lease and was surrendered in May 1999.
<p><b>If Road</b></p> <p>a) <b>Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989</b></p> <p>b) <b>By Proc</b></p> <p><b>Gazette Ref</b></p>	<p>a) SO Plan - Not applicable.</p> <p>b) Proc Plan</p> <p>c) Gazette Ref</p>
<p><b>Other Relevant Information</b></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) Knight Frank Ltd advised 24/9/99 that property not subject to any recreation permits.</p> <p>b) The Pomahaka River is subject to a Deed of Recognition pursuant to</p> <p>c) Either</p> <p><input checked="" 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 the 1848 Kemp Purchase.</p> <p><input type="checkbox"/> Contained in [provide evidence].</p> <p>d)</p>

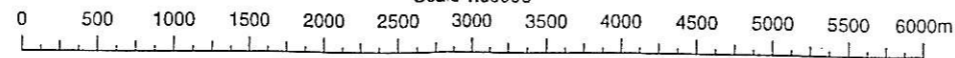


Pt Run 253

Run 763

Hukarere Station

Scale 1:50000



Version	1	2	3	4	5
Otago Land District			Sheet 1 of 1		
NZMS 260 G44 & F44			Date 8/10/1999		