

Crown Pastoral Land Tenure Review

Lease name : HUXLEY GORGE II

Lease number : PT 139

Due Diligence Report (including Status Report) - Part 2

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.

January 06

APPENDIX 5

KNIGHT FRANK (NZ) LIMITED

This report has been prepared on the instruction of Land Information New Zealand in terms of the contract number 50178 dated September 1999 and is undertaken for the purposes of the Crown Pastoral Leases Act 1998.

12735

LAND STATUS REPORT for HUXLEY GORGE (PO 139)				[LIPS ref. 12718]
Property	1	of	1	

Land District	Otago
Legal Description	Run 528 situated in Blocks I, II, V, VI, VII, IX, X, XI, XIV and XV Hopkins Survey District and Block XII Ward Survey District and Run 727, Blocks II and V Ward Survey District.
Area	7041.5302 hectares
Status	Crown Land subject to the Land Act 1948
Instrument of lease	Pastoral Lease 386/33 pursuant to Section 66 as registered under Section 83 Land Act 1948.
Encumbrances	Subject to:- 300604 Electricity Agreement pursuant to Section 3 Electricity Amendment Act 1948 and its amendments.
Mineral Ownership	Minerals remain with the Crown as the land has never been alienated since its acquisition for Settlement purposes from the former Maori owners under the Kemp purchase in 1848.
Statute	Land Act 1948 & Crown Pastoral Land Act 1998.

Data Correct as at	13 October 1999
[Certification Attached]	Yes

Prepared by	Murray Bradley <i>M Bradley</i>
Crown Accredited Agent	Knight Frank (NZ) Limited

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 subject to the Land Act 1948.

M H Warburton
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Date...18/10/1999

M H Warburton, Chief Surveyor
Land Information New Zealand, Dunedin

LAND STATUS REPORT for HUXLEY GORGE (PO 139)		[LIPS ref.12718]	
Property	1	of	1

Research Data: Some Items may be not applicable

Property	1	of	1	
SDI Print Obtained	Yes			
NZMS 261 Ref	Pt G37 & G38 and H37 & H38			
Local Authority	Waitaki District			
Crown Acquisition Map	Kemp Purchase			
SO Plan	241, 242, 243, and 13256			
Relevant Gazette Notices	N/A			
CT Ref / Lease Ref	Pastoral Lease 386 / 33			
Legalisation Cards	No actions Recorded on SO Plan Legalisation cards.			
CLR	N/A			
Allocation Maps (if applicable)	N/A			
VNZ Ref - if known	26050 / 12100			
Crown Grant Maps	N/A			
If Subject land Marginal Strip:	The Hopkins River is clearly depicted on SO 241 / 243 (1917) and SO 13256 (1962) without a one chain strip having been laid off. NB: Lease is not subject to the Provisions of Section 58 Land Act 1948.			
a) Type [Sec 24(9) or Sec 58]				
b) Date Created				
c) Plan Reference				

LAND STATUS REPORT for HUXLEY GORGE (PO 139)				[LIPS ref.12718]
Property	1	of	1	

Research – continued

Property	1	of	1	
If Crown land - Check Irrigation Maps.				N/A
Mining Maps				N/A
If Road				
a) Is it created on a Block Plan - Section 43(1)(d) Transit NZ Act 1989				Roads shown on SO 241 - 243 created by Crown grant and or Section 110A Public Works Act 1981.
b) By Proc				
Other Relevant Information				
a) Concessions - Advice from DOC or Knight Frank.				(a) Glen Lyon Limited holds Recreation permits for the following activities: (i) Hunting operations: Term 1 yr from 01/07/99 (ii) Fishing, 4WD Vehicle Tours and Horse Treking: Term 9 yrs from 01/07/99.
b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998.				(b) Subject to Part 9 Ngai Tahu Claims Settlement Act 1998.
c) Mineral Ownership				(c) 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 Kemp purchase 1948. Contained in:- No. 758 National Endowment (small grazing run - CT 179/148) (earliest Lease available after Canterbury Gazette 1864 Page 160 - 163 (Nos 307, 315, 479, 480, 534 - 538), confirmation of runs under the Canterbury Land Regulations.
(d) Other Information				(i) We note that the lease is subject to a covenant registered as No. 256986 which states that the lease is farmed in conjunction with P106 and cannot be transferred unless such transfer includes the said Pastoral Lease P106. (ii) ECNZ have been granted consent to establish a radio repeater site on Ram Hill for a period of 12 years subject to payment of a one off rental of [REDACTED] plus GST. This was to be formalised by a Memorandum of Variation of Lease which appears not to have been completed. We also note that the rental is in dispute which has not been resolved. (iii) The CCL consented to a sub-lease to NZFS over an area required for a NZFS base on 16 th

LAND STATUS REPORT for HUXLEY GORGE (PO 139) [LIPS ref.12718]

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	<p>January 1981. A draft sub-lease is on folio 359 which appears to have never been formalised. However, the lessee decided in May 1982 not to sign a formal lease.</p> <p>(iv) The following issues have been identified in a report dated 30/03/87 (folio 62) on File P106 may require further investigation as part of the tenure review process for both Huxley Gorge Leases (Otago and Canterbury) P106 and P149.</p> <p>(a) Huxley Gorge to surrender land hatched yellow.</p> <p>(b) Grassed areas of presently gazetted State Forest (hatched red) to be incorporated in the pastoral lease (P 106 and P149).</p> <p>(c) The pastoral leases to be amended removing the lessees right under Sec. 100 Land Act to take native timber for certain uses and further giving acknowledgement to the importance of the native bush on the leases and the need to preserve these from undue stock damage.</p>
	<p>(d) Inclusion of a further covenant (clause) in the lease granting the public the right to wander on foot at will on the leased land upstream of the black lines dotted across the Hopkins River. This acknowledges the importance of the area currently as a recreation area - avoids any necessity to lay off accessway in important and well used trails.</p>
	<p>(e) The exchange currently under consideration for land in Glen Lyon Station lease to be surrendered and incorporated in Huxley Gorge is separate to this exchange but would be subject to agreement along these lines and being made with Glen Lyon Station Ltd for those reasons.</p> <p>(f) Preservation of existing hut sites will need to be allowed for.</p> <p>(g) Two areas of grass currently leased from the NZFS are not included in this exchange (Pt. Temple SF and Huxley River Flats of the Huxley State Forest).</p> <p>It is considered appropriate to grant perpetual rights to this grazing. Any rights should be reviewed, as at</p>

LAND STATUS REPORT for HUXLEY GORGE (PO 139) [LIPS ref.12718]

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	<p>present, at regular intervals.</p> <p>N.B. At present the lessee holds a forestry Lease our Reserve 3342 and 3343, on a year to year basis which is currently managed by DOC. Reserve 3343 adjoins Huxley Gorge (Canterbury) and Reserve 3342 is farmed as part of Huxley Gorge (Otago) lease. Reserve 3341 is also farmed in conjunction with Huxley Gorge (Otago) and leased on the same basis as for the two reserves referred to above.</p> <p><u>Note:-</u> We could not locate the plan which is referred to in the report dated 30/03/1987 (folio 62).</p>
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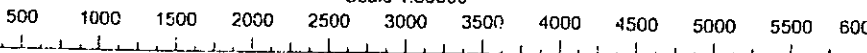


RUN 727
SO 13256
465.3885 ha

Hopkins
River
LEGAL
ROAD

HUXLEY GORGE (RUN 727)
Sheet 1 of 2

Scale 1:50000



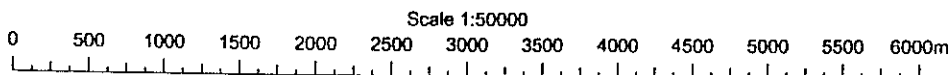
Canterbury Land District
Cadastral data correct
as at 15/10/1999

Reference NZMS 260 - G37-G38, H37-H38

Note: All legal roads and or marginal strips are excluded from pastoral run "HUXLEY GORGE".



HUXLEY GORGE (RUN 727)
Sheet 1 of 2



**EXCLUDES ALL LEGAL ROADS
 AND MARGINAL STRIPS (IF ANY)**

Version	1	2	3	4	5
Canterbury Land District					Sheet 1 of 2
NZMS 260 H37					Date 15/10/1999



RUN 528
SO 241 - 243
7041.5302 ha

LEGAL

Hopkins

ROAD

River

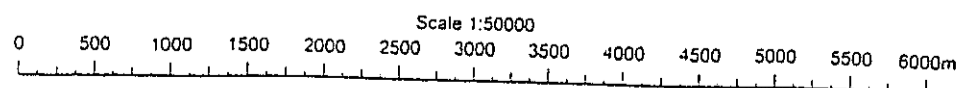
LEGAL ROAD

LEGAL ROAD

LEGAL ROAD

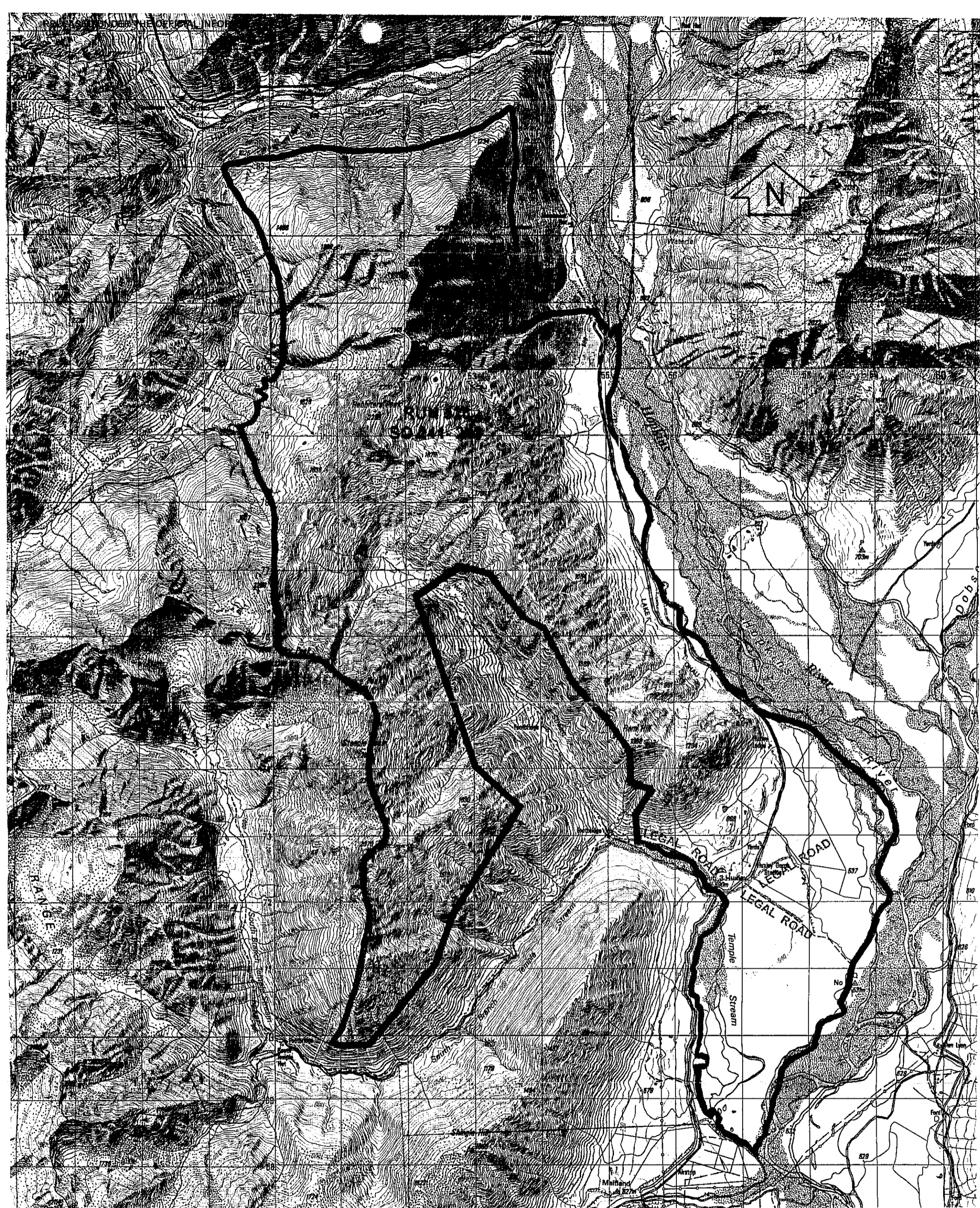
South Branch Temple Stream

HUXLEY GORGE (RUN 528)
Sheet 2 of 2

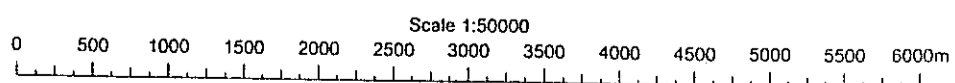


Note: All legal roads and or marginal strips are excluded from pastoral run "HUXLEY GORGE".

Canterbury Land District
Cadastral data correct
as at 15/10/1999
Reference NZMS 260 - H37-H38



HUXLEY GORGE (RUN 528)
Sheet 2 of 2



**EXCLUDES ALL LEGAL ROADS
 AND MARGINAL STRIPS (IF ANY)**

Version	1	2	3	4	5
Canterbury Land District					
NZMS 260 G37 & G38, H37 & H38					
				Sheet 2 of 2	
				Date 15/10/1999	