

## **Crown Pastoral Land Tenure Review**

**Lease name : Muzzle**

**Lease number : Pm 005**

### **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.

**Copied November 2003**

**DUE DILIGENCE REPORT  
TO THE  
COMMISSIONER OF CROWN LANDS**

**AGENT'S REF:** Pm 005                      **LINZ REF:**                      **CASE NO:**

**LEASE NAME:** Muzzle                      **LESSEE:** Colin Allen NIMMO and Christina  
Anne NIMMO

**LOCATION:** Middle Clarence Valley

**DATE OF THIS REPORT:** 7 February 2000

**LEASE DETAIL:**

**Land Tenure:** Pastoral lease  
**Legal Description:** Part Run 121, Upcot, Kaitarau, Tone and Tapuaenuku  
Survey Districts, Part Run 119, Tone Survey District and  
Sections 1 - 9, SO 6746.  
**Area:** 21326.9333 hectares - a previous agreement deals with  
an area of 3,407.1550 ha (known as "The Branch "area).  
Effective area under tenure review- 17,919.7783 ha  
**Term:** 33 years from 1 July 1985  
**Rental Value:** \$ 190,000  
**Annual Rent:** \$ 4,275.00 (plus GST)  
**Date of Next Review:** 1 July 2007

**LAND STATUS REPORT SUMMARY**

1. Land Status Report prepared by approved person attached, without supporting plans which are held on file. The status is recorded as follows:

**"Crown Land under the Land Act 1948 subject to balance pastoral lease 46/ 177 pursuant to Section 66 and registered under Section 83 of the Land Act 1948."**

2. An area of closed roads within the pastoral lease area was also identified in the Land Status report. The status of this land is recorded as follows:

**"Crown Land under the Land Act 1948 by NZ Gazette 1991 p. 1055, with no instrument of title or lease".**

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## SUMMARY OF FEATURES FROM TOPOGRAPHICAL AND CADASTRAL DATA

The property is located in the middle Clarence Valley and is accessible only by 4WD from the Inland Kaikoura Road or Kekerungu. Rainfall averages 450- 525 mm along the Clarence River rising much higher to the top of the Inland Kaikoura Range. Contour comprises a small proportion of flats and terraces, 39% moderate to steep hill, 50% steep / very steep mountainland. Altitude ranges from 320 - 2,400 metres ASL. Lower altitude soils are generally of medium to high natural fertility, with the high altitude steepland soils being low to very low natural fertility.

Significant areas of the property are modified, particularly following large rabbit infestations in the early 1900's. Some 20 ha is cultivated pasture and lucerne, 4000 ha is semi improved short tussock grassland, seeded and a recent dressing of fertiliser, 1800 ha is semi improved short tussock grassland, seeded some years ago. Structural improvements include new homestead, cottage, woolshed, honey shed, implement sheds and haybarn, four musterers huts, hangar and helicopter shed, sheep yards, two sets of cattle yards, deer yards, mini hydro scheme to supply power to the homestead, reticulated water supply to buildings and a reasonable level of fencing considering the scale of the property.

No communication sites are known.

The original DOC Conservation Resources report identified the only significant historic features as being the old cob buildings and dry stone walls in the vicinity of the homestead area. These were recorded as being generally in good condition and relatively unmodified. It was recommended these buildings should be inspected so they can be considered and if recommended proposed for classification under the Historic Places Act 1993.

The only fencing on the boundary is at the northern end on the proposed boundary with Bluff Station. This fence runs to about 1200 metres ASL. The other boundaries consist of the Clarence River (south eastern boundary), Spray Stream running to the crest of the range ( south western boundary) and virtually the crest of the Inland Kaikoura Range.

The Status Report provides plans showing there is a paper road that runs most of the length of the property. There is at least one major break in this and it appears to finish about the current homestead site. It is presumed this is the line of the original pack track which was used to access and service the lease area. Parts of the boundary with the Clarence River are legal road, although these are generally short lengths in between marginal strips. There are also two streams with some legal road adjacent. These legal roads do not provide for any practical access.

Legal access to the property is via an easement through two properties from Kekerungu. Other access is also available through the adjacent Clarence Reserve property on the other side of the Clarence River. There is no immediate boundary with a formed public road.

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## SUMMARY OF LEASE DOCUMENT (CT)

Legal description, area, stock limitation and commencement date checked on CT and verified with KF records. Some discrepancies were found with the legal description and this has now been corrected.

There are no non standard clauses in the lease. Crown Improvements at the beginning of the lease were purchased for a sum of 1,050 pounds by a deposit of 50 pounds and 60 half yearly payments of 31 pounds.

### Transfers Registered against the lease.

1. Lease issued in the names of John Ross Murray, James Gordon Murray, George Harkness Buchanan as executors ( 2/3 share) and James Anderson Chaffey ( 1/3 share) registered on 24 April 1953.
2. Transfer 21272 of above 2/3 share to John Ross Murray and James Gordon Murray as tenant in common in equal shares on 26 January 1954.
3. Transfer 22949 to Bluff Station Limited at Christchurch on 23 December 1954 (shareholders Murray, Murray and Chaffey)
4. Transfer 97967.1 to Colin Allen Nimmo and Christina Anne Nimmo on 3 March 1980.

### Changes to lease area and description.

1. 20645 Certificate of Alteration certifying that Part Run 119 Tone Survey District (area 3,300 acres) has been incorporated in the within lease on 23 October 1958.
2. 37222 Surrender to part of the lease adjacent to Mt Tapuaenuku of 2600 acres from 9 May 1962.
3. 173593 Change of appellation whereby parts of the within land are now known as Sections 1 - 9 SO 6746 as at 20 April 1994. This is the area known as The Branch, with an approval in place to surrender from the lease and issue part on freehold title to Bluff Station and transfer the remainder to DOC.

### Variations of Lease Registered.

1. 22908 Variation of Lease registered on 20 December 1954. This a variation limiting the transfer of shares without LSB consent as a condition of transfer to Bluff Station Limited.
2. 139864 Variation of Lease registered on 29 February 1988 renewing the within lease for 33 years commencing on 1 July 1985 subject to the rental value being settled by the LVT. A revised rental value was agreed to in writing by the lessee on 21 July 1994.

### Encumbrances Registered against the lease.

1. 169052 Land Improvement Agreement under Section 30A of the Soil Conservation and Rivers Control Act- registered 25 June 1993.

### ROW's Appurtenant to the lease

1. 184586.2 Transfer granting a ROW over the part Section 5 Blocks VIII and IX Whernside SD (pt CT 5A/81) marked E, F, G, I, JJ on DP 7400 (Remuera).

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2. 184586.3 Transfer granting ROW over

- (i) parts of the land contained in CT 42/164 marked Z, AA, BB, CC and FF on DP 7400
- (ii) parts of the land contained in CT 2D/403 marked A, B, L, C and QQ on DP 7400
- (iii) parts of the land contained in CT 42/165 marked D, H, J, K and M on DP 7400
- (iv) parts of the land contained in CT 5A/843 marked Q on DP 7400
- (v) parts of the land contained in CT 1A/511 marked N, O, P, R, S, T, U, V, W, X, Y, DD, EE, GG, HH and II on DP 7400

These easements provide legal access to the lease from Kekerungu over Remuera and Bluff Stations, some 50 kilometres from the formed road.

**Mortgages registered and not discharged**

- 1. 1353578.1 Mortgage to the Rural Bank and Finance Corporation on 1 December 1986.
- 2. 155894 Change of name of Mortgagee in Mortgage 133578.1 to the Rural Bank Limited on 15 January 1991.

**DETAILS OF ANY NEIGHBOURING CROWN OR CONSERVATION LAND**

Boundary with Molesworth Crown land to the west, Middlehurst pastoral lease along the crest of the Inland Kaikoura Range ( north west) and Clarence Reserve Crown Land over the Clarence River (south east). Also Tapuaenuku Scenic Reserve to the north.

The Status Check has identified a number of parcels of Crown land situated within the pastoral lease. This land is shown on SO 6893 and is land that was previously legal road. NZ Gazette 1991 p 1055 declared unformed legal road to be Crown Land subject to the Land Act 1948. The purpose given at that time was so this land could be incorporated into the Muzzle pastoral lease. No action has been taken to achieve this to date, except when The Branch area was defined under SO 6746, parts were incorporated into the Sections identified in this plan.

The Status Check identifies the land to be a total of 70.82 hectares. However, due to the part of the area being incorporated into SO 6746, I believe the correct area available and adjacent to the part of Muzzle under tenure review should be 54.3885 hectares.

A separate submission will be made to the Commissioner seeking the inclusion of this Crown land in the tenure review.

**FILE SEARCH**

Search of relevant files held by the Agent on behalf of the Commissioner and other relevant files identified and held by LINZ.

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### Files held by Knight Frank

File Reference, Volume, start date, closing date and folio of each file searched

Pm 005, Volume 1, opened 20 June 1938 (folio 217), closed 4 February 1963- folio 489  
Pm 005, Volume 2, opened 26 October 1966, closed 1 October 1979- folio 581  
Pm 005, Volume 3, opened 8 October 1979, closed 11 June 1984- folio 739  
Pm 005, Volume 4, opened 31 July 1984 (folio 1), closed 7 March 1991- folio 146  
Pm 005, Volume 5, opened 26 July 1991, closed 20 November 1995- folio 335  
Pm 005, Volume 6, opened 17 November 1995, closed 5 May 1999- folio 465  
Pm 005, Volume 7, opened 6 May 1999, closed 25 June 1999- folio 475

The following issues were noted from the pastoral lease files held by Knight Frank:

- The pastoral lease to be issued was approved by the LSB on 24-6-52 and the lease issued from 1-7-52 over 52,000 acres at a rental of \$400 and purchasing Crown Improvements of \$2,100 over 30 years.
- 3-9-58 Approval given to incorporation of 3300 acres, previously part of Molesworth.
- 14-12-61 Note change of stocking policy, reduction in sheep and increase cattle.
- 11-5-62 Surrender of 2600 acres for Mt Tapuaenuku Scenic Reserve.
- Various correspondence re Bluff Station efforts to get Council and Government assistance to improve road and access. Summary folio 511, Much Government money spent on the track in the 20's and 30's.
- Branch airstrip established funded by Crown and Kaikoura Pest Board
- Application to transfer majority of PL to Colin Nimmo, but Bluff to retain The Branch area.
- Considerable correspondence about justification for subdivision and also access problem highlighted.
- Several proposals considered and approved, not entirely acceptable to Bluff. Issue finally resolved by Case 97/ 261 of 6 June 1997. Documents have been prepared and are awaiting signatures. This area has never been considered as part of the current tenure review.
- Provision of legal access through Bluff and a neighbouring property became a significant issue. This was resolved with the registration of an easement on 4-4-96.
- 29-2-98 Lease was renewed by Memorandum subject to LVT application re rental value. Revised values were agreed to in writing on 21-7-94
- 18-9-95 Rent review values notified. Accepted.

The partial surrender of the Branch area is the only action identified that is not completed, but this is under action and has never been considered as part of the property under tenure review. Folio 395, Volume 6 dated 23 August 1996 ( LINZ file reference 5200-D10-M01) is a copy of a letter from the CCL to the lessee seeking confirmation that the lessees will sign the partial surrender documents in terms of the sale and purchase agreement signed with Bluff Station Limited dated 15 October 1979. Presumably this happened prior to the case being reactivated in 1997 but there is nothing on the file to confirm this.

The lessees have now signed the partial surrender documents prepared and have recently returned them having initialled some minor changes in the documents as suggested by LINZ legal advice. The documents have been forwarded to the LINZ for execution.

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**Files held by LINZ**

File Reference, and details of files searched.

5200/D10/M01/ -DCH, 1992 to June 1996  
CPL/04/07/12644-01-ZCH, March to October 1997  
CPL /04/07/12544-02-ZCH, October 1997 to present day

File activity relates mainly to tenure review issues and issues relative to the subdivision of Muzzle and transfer of the Branch area (by way of partial surrender and preferential allocation).

The subdivision and transfer of the Branch area is still under action.

REC/02/07/07/00 - ZCH

No potential liability issues were revealed from the file.

In addition:

1. There are no road legalisation issues outstanding
2. A brief check of the SDI revealed there is Crown land (under action) as shown on S O 6893. It would appear that this land was formerly road transferred to the Crown by NZ Gaz 1991 p 1055.

**SUMMARISE ANY GOVERNMENT PROGRAMMES APPROVED FOR THE LEASE**

A Rabbit and Land Management Program was undertaken on the lease between 1991 and 30 June 1995. The plan proposed as follows:

1. Primary Rabbit Control	4425 ha	All completed
2. Secondary Rabbit Control	7600 ha	3900 ha completed
3. Vegetation Modification	614 ha	540 ha completed
4. Oversowing & Topdressing	320 ha	All completed
5. Fencing	14,750 m	3177 m completed
6. Tracking	3000 m	Nil completed

Revision of the plan saw several fencing and the tracking jobs substituted for and additional 1450 ha of oversowing and topdressing which was completed.

There is an ongoing requirement for the maintenance of works completed under the plan. This is detailed in the Land Improvement Agreement registered on the lease title.

The above information was supplied by the Kaikoura office of the Canterbury Regional Council.

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**7 COMPLETED ACTIONS AND POTENTIAL LIABILITIES TO THE COMMISSIONER**

**1. Uncompleted Actions**

1.1 The partial surrender of "The Branch" area. This area has never been included in the area under tenure review. The Commissioner sought formal confirmation from the lessee he would sign the partial surrender and I presume this happened but have not seen any evidence of this.

The lessees have now signed the partial surrender documents prepared and have recently returned them having initialled some minor changes in the documents as suggested by LINZ legal advice. The documents have been forwarded to the LINZ for execution.

1.2 Several areas of legal road were identified by SO 6893 and closed by NZ Gazette 1991 p. 1055 with the intention to incorporate these areas into the pastoral lease. This action has never happened. A further submission will recommend that this Crown Land is formally included in the tenure review with the pastoral lease.

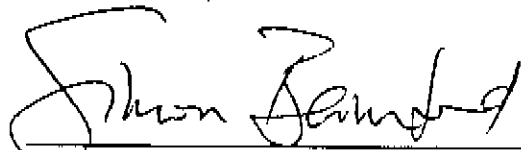
**2. Other Issues**

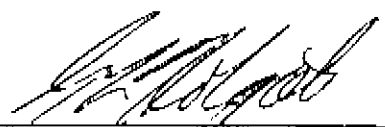
We have identified no other uncompleted or potential liabilities to the Commissioner, but have noted the following:

2.1 There is a current Land Improvement Agreement regarding Rabbit and Land Management Plan Works with the Canterbury Regional Council.

We are satisfied we have fulfilled our duty of reasonable care, using the information we have available, to inform the Commissioner of all incomplete action and potential liabilities concerning the above named lease. No inspection of the lease has been undertaken.

**Signed for Agent**

  
\_\_\_\_\_  
Consultant                      7 12 2000

  
\_\_\_\_\_  
Manager                      15 2 2000

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**Approved/Declined**

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Commissioner of Crown Lands            /    /

**ATTACHMENTS:**

- (1) Recent title search for each title considered
- (2) Full list of information sources considered
- (3) Land Status Check report from qualified person

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**LIST OF INFORMATION SOURCES CONSIDERED**

1. Pastoral lease files held by Knight Frank
2. Lease title and registered documents as registered in the Land titles Office.
3. Relevant LINZ files as advised under letter dated 25 June 1999 as attached.
4. Status Report as attached.

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REGISTER

46/177

Transfer 21272 of the interest  
John Ross Murray, Farmer  
to son Murray to and George  
Murray to and George  
Murray to and James Gordon Murray  
John Ross Murray  
in common in equal shares  
produced 28th January 1984 at  
10.56 am

108003 Variation of mortgage 97967.2.-  
8.4.1982 at 11.190'c

A.L.R.

Mortgage 10890  
of the interest  
produced 20th January 1984 at 10.56 am

133578.1 Mortgage to The Rural Banking  
and Finance Corporation.-1.12.1986 at  
1.400'c

A.L.R.

133578.2 Memorandum of Priority making  
mortgage 133578.1 a second mortgage  
and mortgage 97967.3 a third mortgage.  
1.12.1986 at 1.400'c

A.L.R.

22908 Variation of the conditions of a  
lease, the mortgages under making 16870  
renting, produced 20th December 1984 at  
11.50'c

139864 Variation of the within lease  
29.2.1988 at 2.150'c

A.L.R.

22949, Transfer, the regular proprietor  
to Bluff Station Limited, a duly incorporated  
Company having its registered office at  
Christchurch, produced 28th December  
1984 at 11.30'c

140184 Variation of mortgage 133578.1.-  
18.3.1988 at 2.100'c

A.L.R.

29145 Certificate of Allotment by the Commissioner  
of Crown Lands certifying that part of  
Section 119 Zone Survey District (area  
3,300 acres) shown on diagram No. 11  
has been incorporated in the within lease  
produced 23/10/1985 at 11.5 am

155894 Change of name of Mortgagee in  
Mortgage 133578.1 to The Rural Bank Limited.-  
15.1.1991 at 9.070'c

for A.L.R.

160236.3 Variation of Mortgage 133578.1.-  
17.10.1991 at 9.380'c

for A.L.R.

21227 Surrender of the within lease to the  
containing 2600 acres as from 9/5/1962 produced  
9/5/1962 at 11.38 am

169052 Land Improvement Agreement under Section  
30A of the Soil Conservation and Rivers  
Control Act 1941.-25.6.1993 at 2.210'c

A.L.R.

THIS REPRODUCTION (ON A REDUCED SCALE)  
CERTIFIED TO BE A TRUE COPY OF THE  
ORIGINAL REGISTERED FOR THE PURPOSES OF  
SECTION 124A LAND TRANSFER ACT 1952.

173593 Change of Appellation whereby parts of  
the within land are now known as Sections 1  
(1172.24 ha), 2 (181.5 ha), 3 (246.7 ha),  
4 (30.725 ha), 5 (683 ha), 6 (880.2 ha), 7  
(131.5 ha), 8 (80.16 ha) and 9 (1.13 ha) SD 6746  
.-20.4.1994 at 9.150'c

for A.L.R.

Variation of mortgage 17657. 6.11.1975  
at 11.50'c.

184586.2 Transfer granting a Right of way  
over the part Sections 5 Blocks VIII and IX  
Whernside SD (pt CT 5A/81) marked E,F,G,I,JJ  
on DP 7400 appurtenant to the within land.-  
4.4.1996 at 9.010'c

A.L.R.

97967.1 Transfer to Colin Allen Nimmo of  
Kakerengu, Farmer and Christina Anne Nimmo his  
wife as tenants in common in equal shares.-  
3.3.1980 at 11.040'c

A.L.R.

97967.2 Mortgage to The Rural Banking and Finance  
Corporation.-1.12.1986 at 11.040'c

A.L.R.

97967.3 Mortgage to The Bank of New Zealand.-  
3.3.1980 at 11.040'c

A.L.R.

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184586.3, Transfer granting Rights of way over

- (i) parts of the land contained in CT 42/164 marked Z, AA, BB, CC and FF on DP 7400
- (ii) parts of the land contained in CT 2D/403 marked A, B, L, C and QQ on the ~~sa~~ plan
- (iii) parts of the land contained in CT 42/165 marked D, H, J, K and M on the said plan
- (iv) part of the land contained in CT 5A/843 marked Q on the said plan
- (v) part of the land contained in CT 1A/511 marked N, O, P, R, S, T, U, V, W, X, Y, DD, EE, GG, HH and II on the said plan

appurtenant to the within land. -4.4.1996 at 9.01o'c

  
A.L.R..

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# Facsimile

Toitu te  
Land whenua  
Information

New Zealand



KNIGHT FRANK (NZ) LTD  
CHRISTCHURCH  
30 JUNE 1999  
By Hand 4:15 PM

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To: The Manager  
Company: Knight Frank (NZ) Ltd  
CHRISTCHURCH  
Fax No: 03-379-8440  
From: Bob Lysaght  
Crown Property Contracts  
CHRISTCHURCH  
Date: 25 June 1999  
Page 1 of: 3  
Our Ref:  
Your Ref:

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Subject: Pre Tenure Review Assessment  
Crown Pastoral Land Standard 6

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Your Fax of 17 June refers.

### Relevant LINZ files.

I have identified the relevant LINZ files and these are being sent to you under separate cover. The information comprises a series of print outs from ELFI and the relevant files are shown by a tick in the box in the left column, I have also shown at the foot of the individual pages another file in the 5200 series which was not identified as part of the ELFI search.

The location of the files is shown by the last two letters of the File Number column ie ZCH where the CH is a reference to Christchurch (DN being Dunedin). The files will be available to Knight Frank staff at either Dunedin or Christchurch LINZ office, your choice as to location. I will require approximately a week to provide the file as some of them shuttle back and forth to Wellington and I will need to retrieve them for your reference.

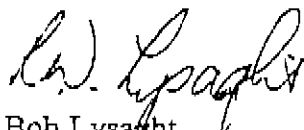
### Land status Checks

The status checks are intended to be handled in four separate contracts all with an instruction date of 30 July 1999. The balance of the dates required for completion of your project plans are shown on the accompanying spread sheet.



I anticipate that the balance of the Land Act TR Status Checks will be available in two weeks, with a similar time frame for the plans.

Yours faithfully

  
Bob Lysaght

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#### Your Search Criteria:

**Regions** Blenheim, Christchurch, Dunedin, Invercargill

**Agencies** LINZ, Education, MOW, Railways, Lands, Survey, DOSLI, Mixed

**Bus Group** Chief Crown Prop

**File Number**

**Title** muzzle

Your result contained 4 records.

<input type="checkbox"/>	File Number	Title
<input checked="" type="checkbox"/>	CPL/04/07/12644-ZCH-01	Regional Files - Crown Pastoral Land - District - Marlborough Land District - Muzzle (Opened: 01-03-1997, Closed: )
<input checked="" type="checkbox"/>	CPL/04/07/12644-ZCH-02	Regional Files - Crown Pastoral Land - District - Marlborough Land District - Muzzle (Opened: 22-10-1997, Closed: )
<input type="checkbox"/>	CPR/01/01/20729-ZNQ	Crown Property Regulatory - Crown Pastoral Land - Tenure Review - Crown Pastoral Land Act - Muzzle Station (Opened: 05-05-1999, Closed: )
<input checked="" type="checkbox"/>	REC/02/07/0700-ZNS CH.	Recreation Permits - District - Marlborough Land District - Muzzle, C A Nimmo - - (Opened: 01-03-1997, Closed: )

Request Files

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






plus 5200-DIO-MOI DCH

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Pre-Tenure Review Project Plan






File: Pm 005  
 Lease Name: Mizzle

PHASE	OUTCOME	ACTIVITIES	BY WHOM	TARGET DATE	ACTUAL COMPLETION DATE	SIGNATURE	FOLIO REF
1 Project Planning	Project plan approved by Commissioner	1.1 Plan is drafted	Agent		14 Jun 99		
		1.2 Agent consults with any other Agents undertaking activities in the draft plan	Agent		14 Jun 99		
		1.3 Plan forwarded to CCL	Agent		16 Jun 99		
		1.4 Plan approved by Commissioner	CCL	21 Jun 99	21 Jun 99		
2 Due Diligence report	A due diligence report is submitted to the Commissioner in accordance with Standard	2.1 Search of Crown files held by agent to:					
		- Identify information relevant to the Land Status Check	Agent (Cpl.)				
		- Identify uncompleted actions and contingent liabilities	Agent	9 July 99	27 Aug 99		
		2.2 Search other LIMZ records to:					
		- Identify information relevant to the Land Status Check	Agent (Cpl.)	9 July 99	30 Aug 99		
	- Identify uncompleted actions and contingent liabilities	Agent	9 July 99	30 Aug 99			
	2.3 Report in accordance with standard	Agent	9 July 99	12 Jan 00			

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The Tenure Review Project Plan

File: Ptn 006  
 Leave Name: Muzza

PHASE	OUTCOME	ACTIVITIES	BY WHOM	TARGET DATE	ACTUAL COMPLETION DATE	SIGNATURE	FOLIO REF
3	A status check is completed in compliance with LINZ standard	3.1 Instruction from LINZ accompanied by file information relating to land status	Crown Property Contracts	30 July 99	27 Aug 99		
		3.2 Search of Crown survey and other records to verify status	Agend	13 Aug 99	3 Dec 99		
		3.3 Report to Agent on Land Status	Agend	20 Aug 99	3 Dec 99		
4							
Scoping Report	Potential Crown interests in understanding a review, and there and financial commitments relative to the individual review are identified in accordance with the relevant standard	4.1 Identify land that may be included in a review	CCL		14 Dec 98		
		4.2 Review of known information relating to significant inherent values	Agend	n/a			
		4.3 Describe possible land tenure outcome incorporating all known elements of the area of land	Agend	n/a			
		4.4 Report in accordance with standard. [summary report]	Agend		14 Jun 99		

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Pte Tenure Review Project Plan

File: PTH 006  
 Lease Name: Muzza

PHASE	OUTCOME	ACTIVITIES	BY WHOM	TARGET DATE	ACTUAL COMPLETION DATE	SIGNATURE	FOLIO REF
5 Sign Off	The pre-tenure review project plan has been completed and adequate information has been obtained for the Commissioner to make the decisions required in Sections 27 to 32 of the Act.						
		S.1	Receive reports from Agent	CCL	27 Aug 99		
		S.2	Confirm reports are adequate or Request further information if Request that other actions are completed prior to tenure review.	CCL	3 Sept 99		
		S.3	Sign off reports for future reference in making decisions required by sections 27 to 32 of the CPL Act.	CCL	3 Sept 99		
		S.4	CCL to instruct Agent to commence drafting project plan for commencement of tenure review	CCL		8 Apr 99	



MUZZLE STATION

PASTORAL LEASE STATUS CHECK  
CONTRACT: 50176

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*an accomplished work,  
a creation, an achievement*

APPENDIX A – LAND STATUS REPORTS  
and supporting plans

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**PROPERTY REPORT 1 OF 2**

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Project Number : G 002 - 53SR - 006 YC

This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No : 50176 dated 23 September 1999 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Muzzle Station			LIPS Ref 12644
Property	1	of	2

Land District	Marlborough
Legal Description	Part Runs 119 and 121, Part Sections 3 5 6 and 8 and Sections 1 2 4 7 and 9 SO 6746 situated in Blocks XV and XVI Upcot, IX X XI XII XIII XIV and XV Tapuae-o-eunuku, III IV VII VIII and IX Tone and I II and V Kaitarau Survey Districts
Area	21326.9333 hectares.
Status	Crown land under the Land Act 1948.
Instrument of title / lease	Balance Pastoral Lease 46/177 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
Encumbrances	<p>Subject to:</p> <ol style="list-style-type: none"> <li>1. Land Improvement Agreement No.169052 under Section 30A of the Soil Conservation and Rivers Control Act 1941.</li> <li>2. Memorandum to Transfer 184586.2 granting a Right of Way over the part Sections 5, Blocks VIII and IX, Whernside Survey District (pt CT 5A/81) marked E, F, G, I and JJ on D.P.7400 appurtenant to the subject property.</li> <li>3. Memorandum to Transfer 184586.3 granting Rights of Way over parts of the land contained in CT 42/164 marked Z, AA, BB, CC and FF, CT 2D/403 marked A, B, L, C and QQ, CT 42/165 marked D, H, J, K and M, CT 5A/853 marked Q, CT 1A/511 marked N, O, P, R, S, T, U, V, W, X, Y, DD, EE, GG, HH, and II on D.P.7400 appurtenant to the subject property.</li> <li>4) Part IVA of the Conservation Act 1987 upon disposition.</li> </ol>
Mineral Ownership	<p>Mines and minerals are owned by the Crown in respect of parts of Part Runs 119 and 121 because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1847 Wairau and the 1859 Kaikoura Purchases.</p> <p>The underlying freehold sections within the Ottlay Fells Run contained in Deeds 14/657 and 658 (1899), 30/216 and CT 10/9 (both 1916) were acquired for general settlement by the Crown. The Deeds of Conveyance recorded that all the estates and interests were acquired by the Crown, including the mineral interests. Since parts were predominantly acquired by way of exchange and not for a public work the Crown would be at liberty to invoke the standard mineral restrictions.</p>
Statute	Land Act 1948 and Crown Pastoral Land Act 1998.

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<b>LAND STATUS REPORT for Muzzle Station</b>			LIPS Ref 12644
Property	1	of	2

Data Correct as at	27 November 1999
[Certificat. Attached]	Yes

Prepared by	Don McGregor
Crown Accredited Agent	Opus International Consultants Ltd, CHRISTCHURCH

<p><b>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.</b></p>	<p>1. The CCL by Case 1997/261 of 4<sup>th</sup> June 1997 approved the surrender of 1855.24 ha for gazettal as Conservation land (Sections 1 and 5, SO 6476) and 1551.915 ha (Sections 2-4 and 6-9, SO 6476) reclassified for disposal to Bluff Station subject to conditions including the creation of ROW access over the Branch area to Muzzle. Action is still required to:</p> <p>(a) Register the ROW Easement over Areas KK LL MM NN OO and PP shown on DP 7400 (Sheets 16 and 17).</p> <p>(b) Complete the disposal to Bluff Station (Murray) by issuing a Section 116 Certificate.</p> <p>(c) Setting apart Sections 1 and 5, SO 6476 for conservation purposes under Section 7(1) Conservation Act 1987.</p> <p>2 The proposed Rights of Way over Part Run 230, Sections 15,16,17,38 and 39, SO 4288 and Riverbed as shown on SO 7242 T (6 Sheets) appurtenant to Part Runs 119 and 121 have not been created.</p>
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<b>TITLE AND STATUS REPORT for Muzzle Station</b>				LIPS Ref 12644	
Property	1	of	2		

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

SDI Print obtained	Yes
NZMS 261 Ref	O31, P31
Local Authority	Marlborough and Kaikoura District Councils.
Crown Acquisition Map	Wairau and Kaikoura Deeds.
SO Plans	<p>M765 – (1868) - Plan of Crown land in Ottley Fells Run.</p> <p>SO 480 – (1897) - Plan of land in Tone SD.</p> <p>SO's 2255-2257 – (approved 27/2/1925) Plan of Clarence Valley Road.</p> <p>SO 6602 – (approved 25/9/1987) - Plan of Road to be stopped.</p> <p>SO 6746T 5 Sheets – (approved 15/4/1994) - Plans of Sections 1-9.</p> <p>SO 6893 – (approved 13/6/1990) - Plan of road to be transferred.</p> <p>SO 7242 T - (approved 04/6/1996) – Rights of Way over Part Section 230, Sections 15, 16, 17, 38 &amp; 39, SO 4288 and Riverbed.</p> <p>SO 7317 – Tapuae-O-Uenuku – Area referred to in Deed of Settlement for the Ngai Tahu Claim.</p> <p>DP 7400 T - (approved 15/04/1994) – Rights of Way (over Branch area).</p>
Relevant Gazette Notices	N.A. – refer to Property 2 of 2 for relevant GN for road transferred (SO 6893).
CT Ref / Lease Ref	Balance Pastoral 46/177 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
Regularisation Cards	N.A. – refer to Property 2 of 2 relative to road transferred.
CLR	Confirms Pastoral tenure.
Allocation Maps (if applicable)	No allocations to DOC or SOE's. Extract of DOC allocation maps (SO's 6642 and 6643) attached.
VNZ Ref - if known	VR 21050/00100 (part in Kaikoura District only – 19991.4707 km).
Crown Grant Maps	Deeds Index Plan 5/109.
<b>If subject land Marginal Strip:</b>	
a) Type [Sec 24(9) or Sec 58]	<p>a) Section 58 – Spray and Red Hill Streams and Clarence River. Section 24(9) – Branch Stream.</p> <p>b) Unable to determine (Sec 58). 1 July 1995 - [Sec 24(9)].</p> <p>c) Unable to determine specific plans but shown on SO 6893 and SDI (S58). SO 6746T (sheets 2 and 3).</p>
b) Date Created	
c) Plan Reference	

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**Research - continued**

If Crown land - Check Irrigation Maps.	N.A.
Mining Maps	Prospecting Permit 39162 to ANZEX RESOURCES LTD is now a granted permit covering approximately 60% of the property. Expires 30/08/2000.
<b>If Road</b> a) <b>Is it created on a Block Plan - Section 43(1)(d) Transit NZ Act 1989</b>  b) <b>By Proc</b>  Gazette Ref	a) SO Plans 2255, 2256 and 2257 legal roads by Section 121(1)(a) Public Works Act 1981. Roads abutting rivers and streams are legal roads by Section 110A Public Works Act 1928 as shown on SO 480 and M765.  b) Proc Plan N.A.  a) Gazette Ref. N.A.
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	a) No current DOC concessions specifically operated on Muzzle however there are five helicopter operators licenced to land generally in the Nelson /Marlborough Conservancy. These operators are indicated on the attached DOC correspondence. This correspondence also acknowledged that Sections 1 and 5, SO 6746 to be surrendered and gazetted for Conservation purposes. Existence of concessions administered by Knight Frank not determined.  b) Adjacent Reserve (Tapuae-O-Uenuku) is referred to as MS 100 (Mahinga Kai Special Area) on SO 7317 and shown as Schedule 90 in the Ngai Tahu Claims Settlement Act 1998.  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 the 1847 Wairau and 1859 Kaikoura Purchases.  <b>Part Run 121</b> was first leased in 1888 (RB 46/30) and excluded the Ottley Fells freehold sections. This expired in 1908 and was relet on RB 46/89 and forfeited in 1917. A further lease (RB 46/109) issued in 1919 over 52,000 acres (including the underlying freehold sections) and expired in 1952 when the current lease issued (RB 46/177).  <b>Part Run 119</b> (Part Molesworth) of 3300 acres was incorporated into the lease in 1958.  <b>Deeds Index 5/109 and 110 Identified Crown Grant Sections 1 to 110 Inclusive in the Ottley Fells Run.</b> Underlying Crown Grant Sections 16-19, 31, 32, 35-39 and 44-74 held by ATG and AJ Symons were conveyed to HMQ in 1899 by Deed 14/657 and 658 (Deed of Conveyance 15430) by way of exchange.

**Underlying Crown Grant Sections 1-11, 20-30, 33, 34, 40-43, 75-105 and Part Section 106** held by ES and EL Rutherford were conveyed to HMK in 1916 by Deed 30/216 (Deed of Conveyance 22786) also by way of exchange. The underlying freehold land in CT 10/9 (Warrant M59) held by ES and EL Rutherford was conveyed to HMK also in 1916 by Transfer 5658.

The above conveyances record that all the estates and interests have been conveyed to the Crown for general settlement, predominantly by way of exchange and not for a public work. Consequently the Crown would be at liberty to invoke the standard mineral restrictions upon disposition.

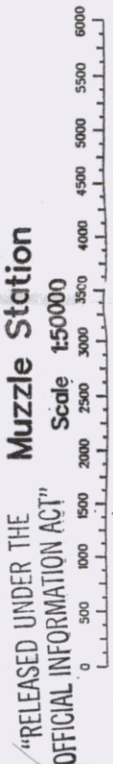
d) Other Info

b) N.A.

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Version	1	2	3	4	5
Marlborough Land District					
Topographic Map 260 - O30					
Sheet 2 of 2					
Date 29/9/99					



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

Report 1

Excursions from the property (Crown Land). See Report 2

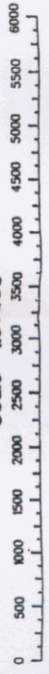


**Report 1**

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

**Muzzle Station**

Scale 1:50000



Version	1	2	3	4	5
Marlborough Land District					
Topographic Map 260 - O30					
Sheet 1 of 2					
Date 29/9/99					

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**PROPERTY REPORT 2 OF 2**

**"RELEASED UNDER THE  
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Project Number : G 002 - 53SR - 006 YC

This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No : 50176 dated 23 September 1999 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

<b>LAND STATUS REPORT for Muzzle Station</b>		LIPS Ref 12644
Property	2	of 2

<b>Land District</b>	Marlborough
<b>Legal Description</b>	Crown land adjoining Part Runs 119 and 121 (shown marked A-Z inclusive on SO 6893), Part Sections 1 and 3 SO 6893, Part Bed of the Branch Stream (100 m <sup>2</sup> ) adjoining Sections 3 and 8 SO 6746, Parts Sections 3 and 8 and Part Sections 5 and 6 DP 6746, situated in Blocks XI XII XIII XIV and XV Tapuae-o-eunuku, IV VII and VIII Tone and I II and V Kaitarau Survey Districts.
<b>Area</b>	70.8200 hectares.
<b>Status</b>	Crown land under the Land Act 1948 by NZ Gazette 1991 p. 1055.
<b>Instrument of title / lease</b>	No instrument.
<b>Encumbrances</b>	Subject to Part IVA of the Conservation Act 1987.
<b>Mineral Ownership</b>	This area was formerly Crown Grant Road vested in the local authority. That being the case, the mines and minerals have deemed to have always been in public ownership and the transfer to the Crown would enable the it to invoke the standard mineral restrictions upon disposition.
<b>Statute</b>	Land Act 1948.

<b>Data Correct as at</b>	27 November 1999
<b>Certification Attached</b>	Yes

<b>Prepared by</b>	Don McGregor
<b>Crown Accredited Agent</b>	Opus International Consultants Ltd, CHRISTCHURCH

<b>Notes :</b>	This area should be considered for incorporation into Muzzle Pastoral Lease.
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<b>TITLE AND STATUS REPORT for Muzzle Station</b>				LIPS Ref 12644	
Property	2	of	2		

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

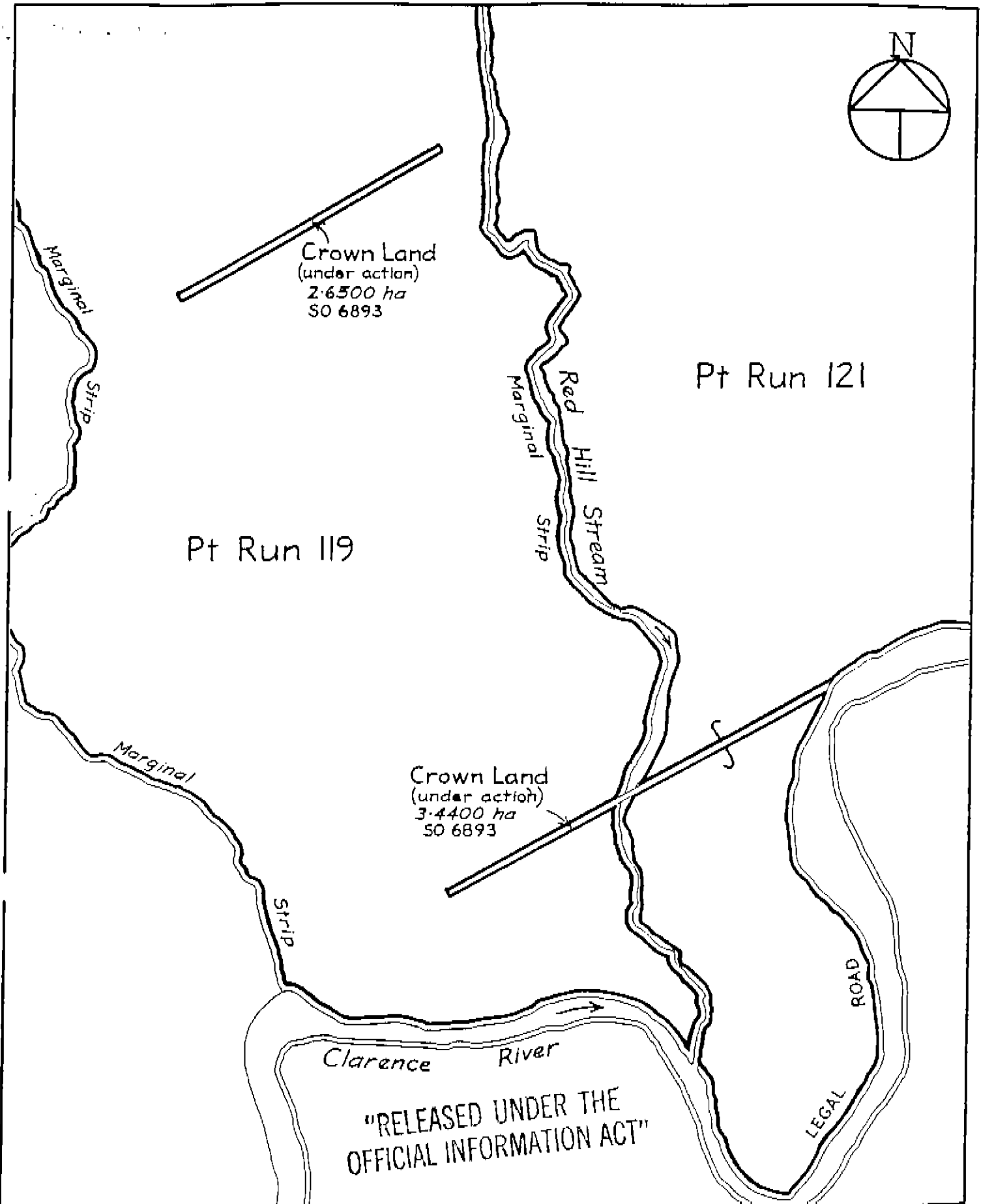
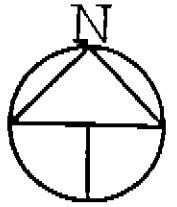
SDI Print obtained	No
NZMS 261 Ref	O30; P30
Local Authority	Marlborough and Kaikoura District Councils
Crown Acquisition Map	N.A.
SO Plan	SO 6602 – (approved 25/9/87) Plan of Road to be stopped (superseded by SO 6893).  SO 6893 – (approved 13/6/1990) Plan of Road to be transferred.
Relevant Gazette Notices	NZ Gazette 1991 p 1055 declared unformed legal road to be Crown land subject to the Land Act 1948 (SO 6893).
T Ref / Lease Ref	No instrument.
Legalisation Cards	SO 6602 – Road stopping action not undertaken (superseded by SO 6893).  SO 6893 – Road to be transferred. Parts affected by Change of Appellation 163461. Incomplete action. Area to be incorporated into Muzzle Pastoral Lease.
CLR	N.A.
Allocation Maps (if applicable)	N.A.
VNZ Ref - if known	Not known.
Crown Grant Maps	NA
<b>If subject land Marginal Strip: Type [Sec 24(9) or Sec 58]</b>	a) N.A.
<b>b) Date Created</b>	b) N.A.
<b>c) Plan Reference</b>	c) N.A.

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**Research - continued**

If Crown land - Check Irrigation Maps.	N.A.
Mining Maps	Prospecting Permit 39162 to ANZEX RESOURCES LTD is now a granted permit expiring on 30/8/2000.
<b>If Road</b> a) Is It created on a Block Plan - Section 43(1)(d) Translt NZ Act 1989  b) By Proc  c) Gazette Ref	a) SO Plan N.A.  b) Proc Plan N.A.  a) Gazette Ref. N.A.
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	a) N.A.  b) N.A.  c) This area was formerly Crown Grant Road vested in the local authority. That being the case, the mines and minerals have deemed to have always been in public ownership and the transfer to the Crown would enable the it to invoke the standard mineral restrictions upon disposition.
d) Other Info	b) N.A.

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Crown Land  
(under action)  
2.6500 ha  
SO 6893

Pt Run 121

Pt Run 119

Crown Land  
(under action)  
3.4400 ha  
SO 6893

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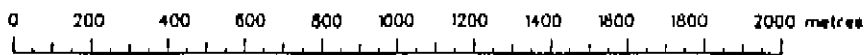
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Conservation Act 1987 -----

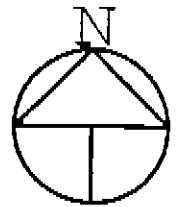
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Marlborough Land District					Sheet 1 of 9
Topographic Map 260 - O30 & P30					Date 6/10/99

### Muzzle Station

### Report 2

Scale 1:20000





Crown Land  
(under action)  
2.2700 ha  
SO 6893

Pt Run 121

Crown Land  
(under action)  
2.2700 ha  
SO 6893

Crown Land  
(under action)  
5.0200 ha  
SO 6893

Crown Land  
(under action)  
3.4400 ha  
SO 6893

LEGAL ROAD

Clarence

LEGAL ROAD

LEGAL ROAD

River

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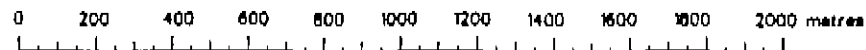
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Conservation Act 1987 - - - - -

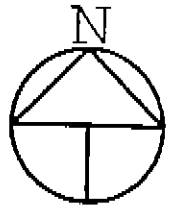
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Marlborough Land District			Sheet 2 of 9		
Topographic Map 260 - O30 & P30			Date 6/10/99		

Muzzle Station

Report 2

Scale 1:20000





Crown Land  
(under action)  
1.1300 ha  
SO 6893

Pt Bluff Run 121

Crown Land  
(under action)  
7.8500 ha  
SO 6893

Crown Land  
(under action)  
7000 m<sup>2</sup>  
SO 6893

Crown Land  
(under action)  
1.8000 ha  
SO 6893

Crown Land  
(under action)  
600 m<sup>2</sup>  
SO 6893

LEGAL ROAD

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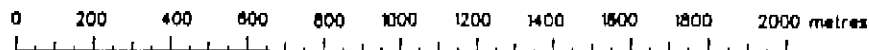
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Conservation Act 1987

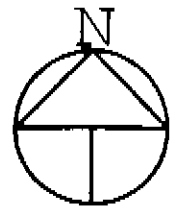
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Marlborough Land District					Sheet 3 of 9
Topographic Map 260 - O30 & P30					Date 6/10/99

Muzzle Station

Report 2

Scale 1:20000





Crown Land  
(under action)  
1-1300 ha  
SO 6893

Crown Land  
(under action)  
1-1300 ha  
SO 6893 ha

Pt Run 121

Crown Land  
(under action)  
7-8500 ha  
SO 6893

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LEGAL ROAD

LEGAL RD

Marginal Strip  
Clarence River

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

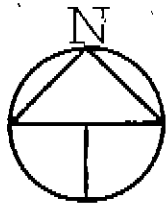
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Marlborough Land District Topographic Map 260 - O30 & P30					Sheet 4 of 9 Date 6/10/99

Muzzle Station

Report 2

Scale 1:20000

0 200 400 600 800 1000 1200 1400 1600 1800 2000 metres

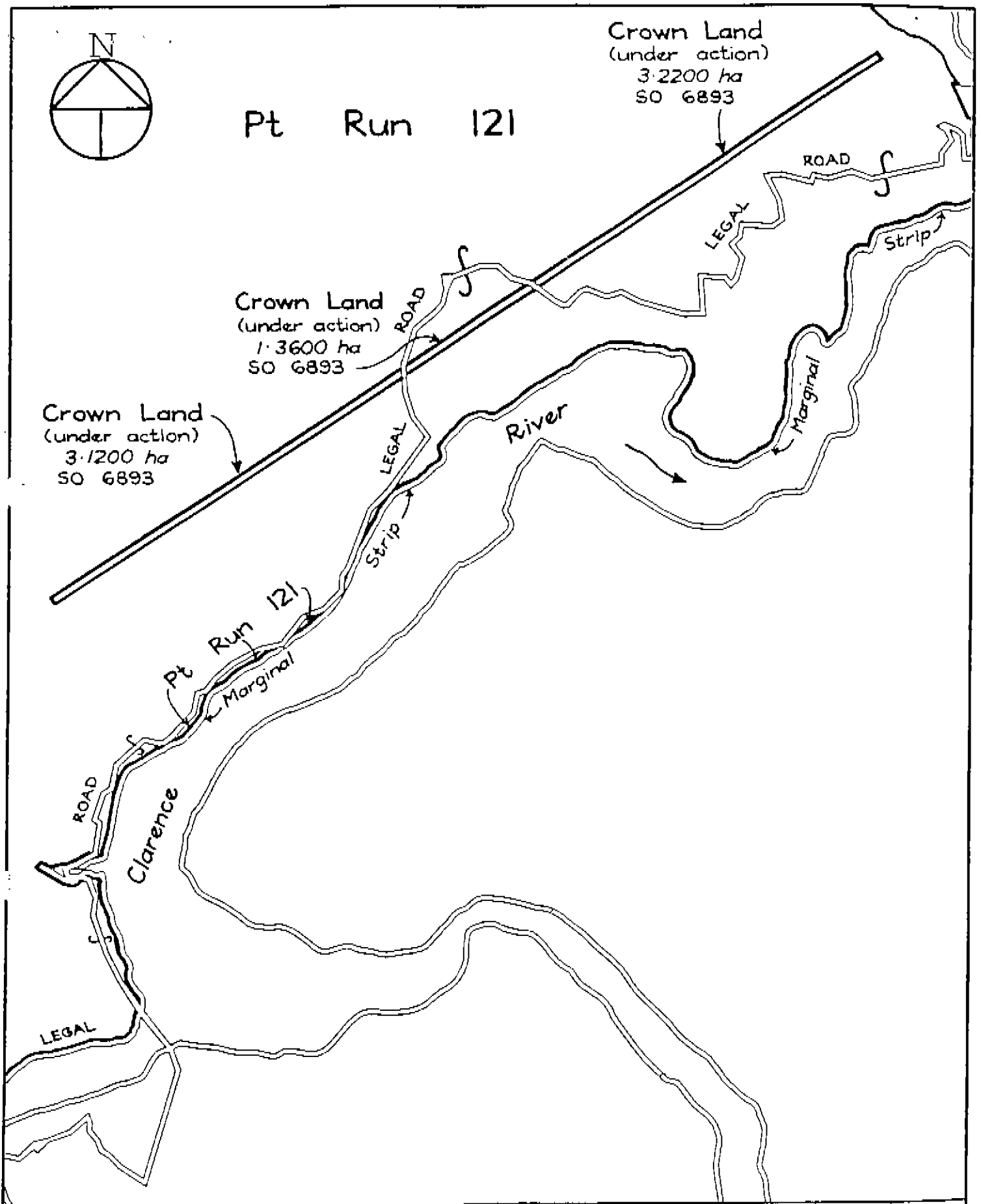


Pt Run 121

Crown Land  
(under action)  
3.2200 ha  
SO 6893

Crown Land  
(under action)  
1.3600 ha  
SO 6893

Crown Land  
(under action)  
3.1200 ha  
SO 6893



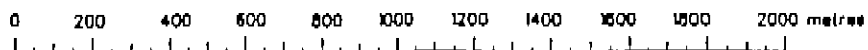
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Conservation Act 1987 -----

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Marlborough Land District	Sheet 5 of 9				
Topographic Map 260 - O30 & P30	Date 6/10/99				

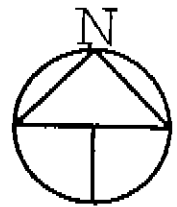
### Muzzle Station

### Report 2

Scale 1:20000

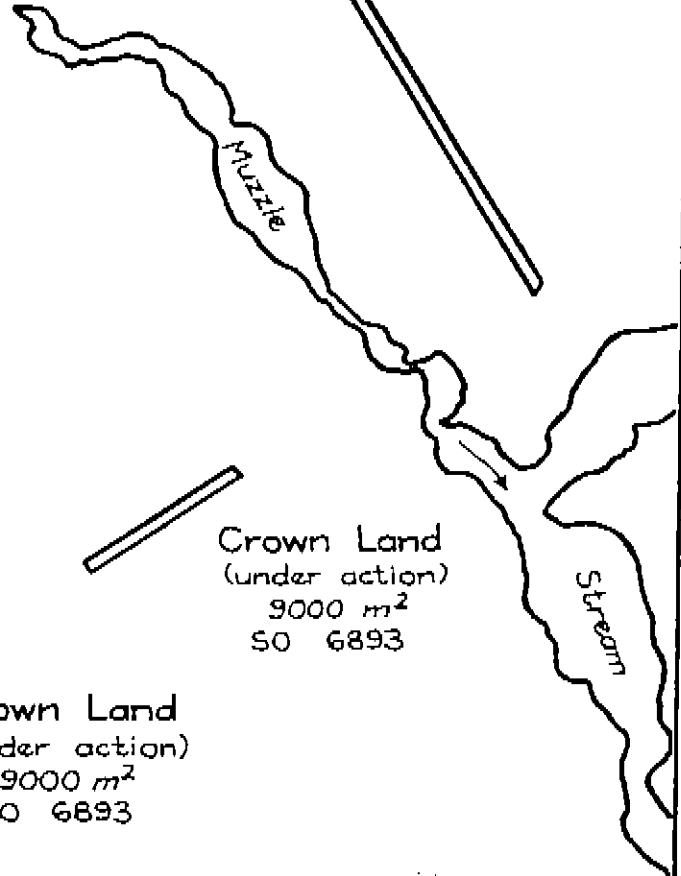






Crown Land  
(under action)  
2.8300 ha  
SO 6893

Pt Run 121



Crown Land  
(under action)  
9000 m<sup>2</sup>  
SO 6893

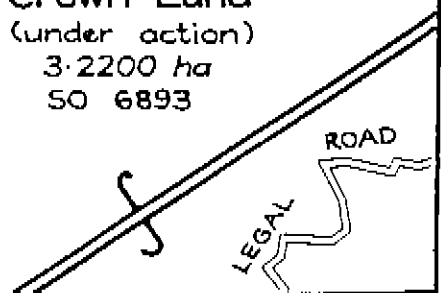
Crown Land  
(under action)  
9000 m<sup>2</sup>  
SO 6893

Crown Land  
(under action)  
9000 m<sup>2</sup>  
SO 6893

Crown Land  
(under action)  
9000 m<sup>2</sup>  
SO 6893

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Crown Land  
(under action)  
3.2200 ha  
SO 6893



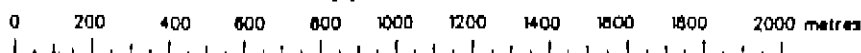
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Conservation Act 1987 -----

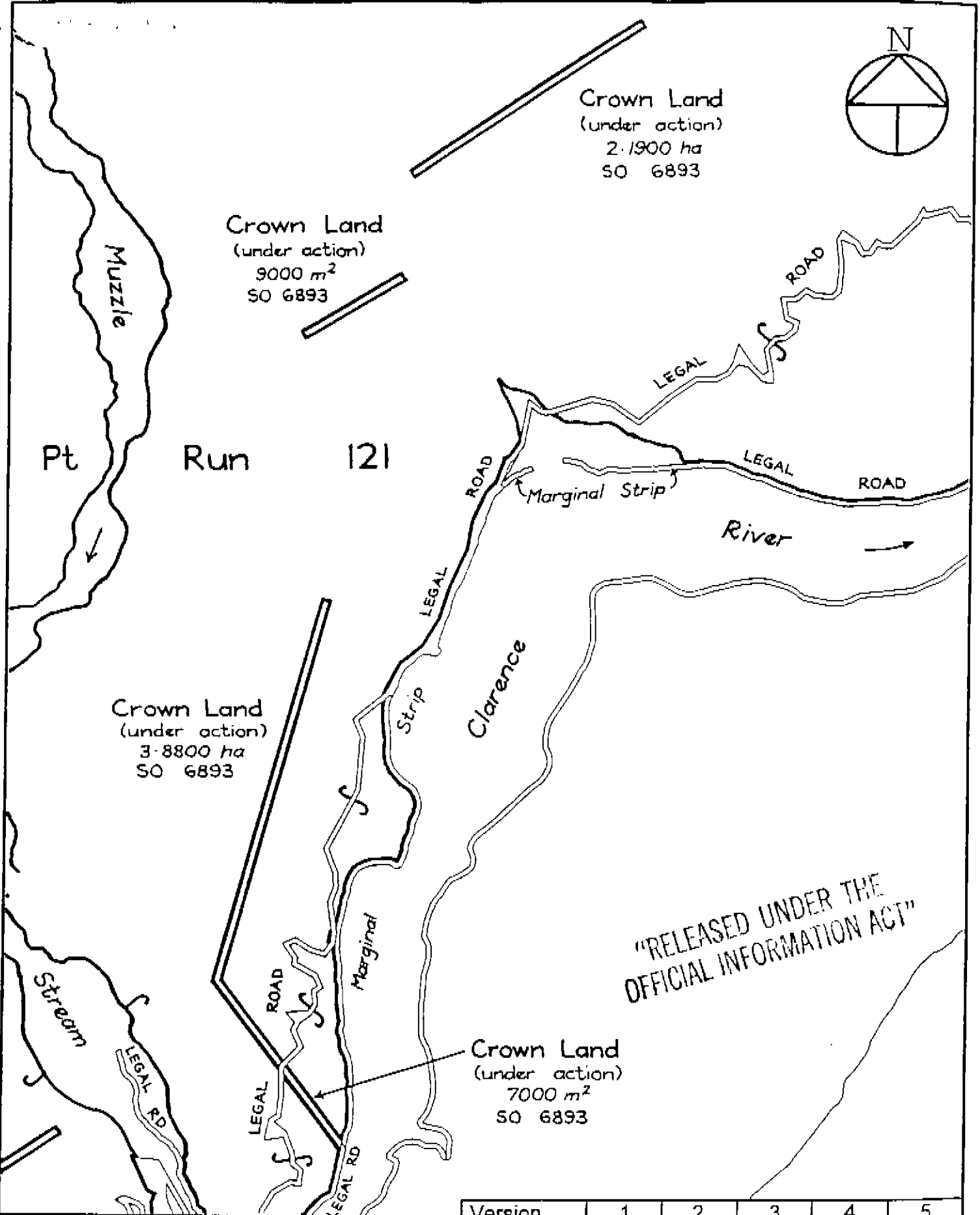
Version	1	2	3	4	5
Marlborough Land District				Sheet 6 of 9	
Topographic Map 260 - O30 & P30				Date 6/10/99	

Muzzle Station

Report 2

Scale 1:20000





Crown Land  
(under action)  
2.1900 ha  
SO 6893

Crown Land  
(under action)  
9000 m<sup>2</sup>  
SO 6893

Crown Land  
(under action)  
3.8800 ha  
SO 6893

Crown Land  
(under action)  
7000 m<sup>2</sup>  
SO 6893

"RELEASED UNDER THE  
OFFICIAL INFORMATION ACT"

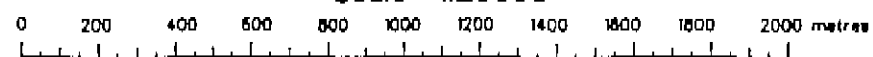
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Conservation Act 1987 - - - - -

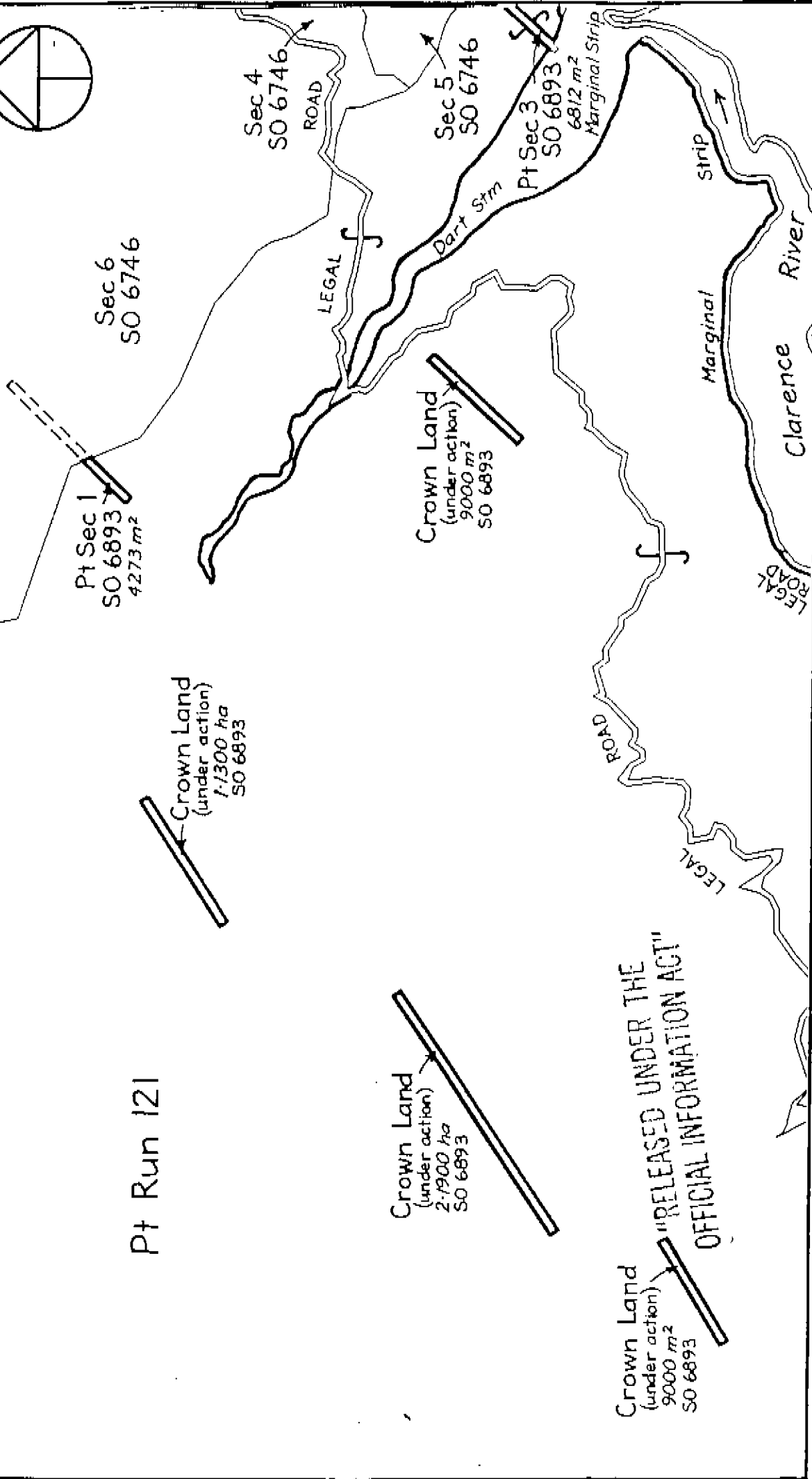
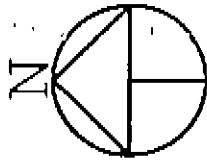
Version	1	2	3	4	5
Marlborough Land District					Sheet 7 of 9
Topographic Map 260 - O30 & P30					Date 6/10/99

Muzzle Station

Report 2

Scale 1:20000





Version	1	2	3	4	5
Marlborough Land District					
Topographic Map 260 - O30 & P30					
Sheet 8 of 9					
Date 6/10/99					

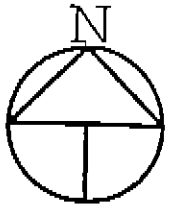
Muzzle Station

Scale 1:20000



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

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Sec 1  
SO 6746

Sec 2  
SO 6746

Sec 7  
SO 6746

Pt Sec 3  
SO 6746

Sec 9  
SO 6746

Pt Bed  
Branch Strm

Pt Sec 8  
SO 6746

Pt Sec 6  
SO 6746

Pt Sec 5  
SO 6746

Sec 4  
SO 6746

Run 121

Clarence

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OFFICIAL INFORMATION ACT"

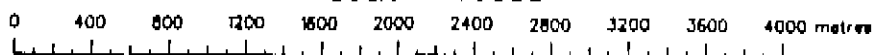
Marginal Strip Subject to Sec 24(9)  
Conservation Act 1987

Version	1	2	3	4	5
Marlborough Land District					Sheet 9 of 9
Topographic Map 260 - O30 & P30					Date 6/10/99

Muzzle Station

Report 2

Scale 1:40000



**APPENDIX B – LAND STATUS REPORT  
(Certified Correct by Chief Surveyor)**

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# MUZZLE STATION

PASTORAL LEASE STATUS CHECK  
CONTRACT: 50176

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*an accomplished work,  
a creation, an achievement.*

Project Number : G 002 - 53SR - 006 YC

This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50176 dated 23 September 1999 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Muzzle Station				LIPS Ref 12644
Property	1	of	2	

Land District	Marlborough
Legal Description	Part Runs 119 and 121, Part Sections 3 5 6 and 8 and Sections 1 2 4 7 and 9 S.O. 6746 situated in Blocks XV and XVI Upcot, IX X XI XII XIII XIV and XV Tapuae - o- eunuku, III IV VII VIII and IX Tone and I II and V Kaitarau Survey Districts.
Area	21326.9333 hectares
Status	Crown land under the Land Act 1948.
Instrument of title / lease	Balance Pastoral Lease 46/177 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
Encumbrances	Subject to: 1. Land Improvement Agreement No.169052 under Section 30A of the Soil Conservation and Rivers Control Act 1941. 2. Memorandum to Transfer 184586.2 granting a Right of Way over the part Sections 5, Blocks VIII and IX, Whernside Survey District (pt CT 5A/81) marked E, F, G, I and JJ on D.P.7400 appurtenant to the subject property. 3. Memorandum to Transfer 184586.3 granting Rights of Way over parts of the land contained in CT 42/164 marked Z, AA, BB, CC and FF, CT 2D/403 marked A, B, L, C and QQ, CT 42/165 marked D, H, J, K and M, CT 5A/853 marked Q, CT 1A/511 marked N, O, P, R, S, T, U, V, W, X, Y, DD, EE, GG, HH, and II on D.P.7400 appurtenant to the subject property. 4) Part IVA of the Conservation Act 1987 upon disposition.
Applicable Act	Land Act 1948 and Crown Pastoral Land Act 1998.

Data Correct as at	21 October 1999
[Certification Attached]	Yes

Prepared by	Don McGregor
Crown Accredited Agent	Opus International Consultants Ltd, CHRISTCHURCH

**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.

.....  
 A D Belcher, Chief Surveyor  
 Land Information New Zealand, Blenheim

Date: 26/10/1999

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