

Crown Pastoral Land Tenure Review

Lease name : UPPER LAKE HERON

Lease number : PC 025

Due Diligence Report (including Status Report) - Part 1

This report and attachments results from a pre-Tenure Review assessment of the pastoral lease for the purpose of confirming land available for Tenure Review and any issues, rights or obligations attaching to it. The information is gathered from files and other sources available to the LINZ contractor.

Part of the information relates to research on the status of the land, resulting in a Status Report that is signed off by a LINZ approving officer. The remainder of the information is not analysed for relevancy or possible action until required, and LINZ does not guarantee its accuracy or completeness as presented.

The report attached is released under the Official Information Act 1982.

July 09

DUE DILIGENCE REPORT – UPPER LAKE HERON CPL PRE TENURE REVIEW ASSESSMENT STANDARD 6:

File Ref: CON/50269/09/12746/A-ZNO Report No:CH0101 Report Date: 8/11/2001

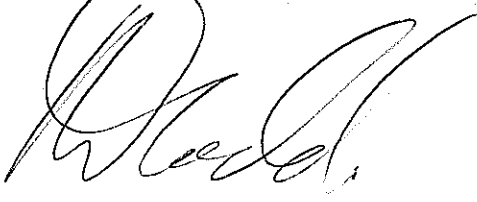
Office of Agent: Christchurch LINZ Case No:TR02/136 Date sent to LINZ: 8/11/2001

*Copy: 8288
Grant*

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;
 - There are four huts on the property that are known as the Banfield Hut, Washbourne Hut, Thompson Hut and the Downs Hut. There is a registered agreement (T862) in favour of the Canterbury Mountaineering and Tramping Club for the placement of the Banfield Hut in its current location. Current ownership of these huts is unclear.
 - By order in council dated 6 February 1957 and published in the gazette 14 February 1957 the then lessee was authorised to construct and maintain a personal hydro electric generation system in Home Gully Creek consisting of headworks (a dam and water intake), turbine and powerhouse and tailrace. Due to the reticulation of power from the national grid to the property it is likely that these works have now been abandoned but it is unknown what if any structures remain in place.

Signed by Agent:



Mike Todd



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

Noted.

GRANT KASPER WEBLEY

20/11/02

Name:

Date of decision: / /

1. Details of lease:

Lease Name: Upper Lake Heron
Location: Hakatere – Heron Road, 40 kilometres north west of Mount Somers township.
Lessee: Cleardale Holdings Ltd.
Tenure: Pastoral Lease
Term: 33 years from 1 July 1985
Annual Rent: \$7,650.00
Rental Value: \$340,000.00
Date of Next Review: 30 June 2007
Land Registry Folio Ref: CB529/29
Legal Description: Part Run 117 situated in Blocks IV and VIII Ramsey, V, VI, IX, X, XI, XIII, XIV, XV, Whitecombe, I, II, III, IV, VI, VII, VIII, IX, XII, Heron, V and IX Somers Survey Districts.
Area: 18,496.4454 hectares

2. File Search

Files held by Agent on behalf of LINZ:

N/A

Other relevant files held by LINZ:

File Reference	Volume	First Folio Number	Date	Last Folio Number	Date
Pc/025-SCH-01	1	67	April 1943	200	May 1959
Pc/025-SCH-02	2	201	June 1959	362	Nov 1984
Pc/025-SCH-03	3	-	Nov 1984	-	Aug 1990
Pc/025-SCH-04	4	-	Aug 1990	-	Nov 1995
Pc/025-SCH-05	5	-	Sept 1995	-	May 1999
CON/50213/09/12746/A-ZNO-0	-	-	June 2000	-	present

3. Summary of lease document:

Terms of lease

Pastoral lease was issued for 33 years from 1 July 1952. Prior to this the land had been let on a pasturage licence under the Land Act 1924. The lease has a

base stock limit of 4400 sheep in the winter months, 5600 sheep in the summer months and 100 cattle. The current personal exemption to this limit is 7600 sheep (2800 breeding ewes) and 400 cattle (250 breeding cows).

The lease was varied 21 June 1974 by adding the requirement that the Commissioner's consent be obtained to any transfer of shares in the shareholding company.

The lease was renewed for a further period of 33 years from 1 July 1985 (by renewal and variation registered 21 December 1989). The lease was varied at this stage by changing the covenant to pay rent and the rental value in the lease.

Area adjustments

CB529/29 is part cancelled. The area recorded on the computer interest register is 18,534.6024 hectares. Once the area surrendered is deducted the difference between the status check area and the register reconcile at 18,496.4454 hectares.

Registered interests

T862 Agreement dated 10 May 1947 between the then holder and The Canterbury Mountaineering and Tramping Club Inc. *No copy of this agreement has been located but it is understood (from other correspondence located) to be an agreement to allow the club to establish and maintain a hut in the Jagged Stream approximately 3 miles upstream from the junction with the Rakaia River.*

963465A Certificate of alteration varying the terms of the lease 21 June 1974. *Variation requiring Commissioner's consent to the transfer of shares in a lessee company.*

845457.1 Variation and renewal of lease 21 December 1989. *A renewal of the lease for a further term of 33 years from 1 July 1985 and varying the rental payable.*

A49266.1 Re-appellation of part of the land in the lease 3 May 1993. *Changing the legal description of part of the land to Section 1, SO 18966.*

Partial surrender of the lease 7 August 1996. *Surrendering the said Section 1, SO 18966 from the lease effective from 1 July 1994.*

Unregistered interests

The only unregistered interest known is a recreation permit in favour of Alpine Guides (Aoraki) Ltd, Glenfalloch Holdings Ltd and Cleardale Holdings Ltd authorising the use of parts of the property for heliskiing for a term expiring on 31 December 2010.

4. Summarise any Government programmes approved for the lease:

Although these programmes have been discussed with the holder over many years no agreement on a plan has ever been reached and therefore none are in place.

5. Summary of Land Status Report:

- CL 529/29 contains a notation that the lease is subject to Section 58 of the Land Act 1948 as does SO 11430 applying in respect of all rivers and streams in excess of 3 metres in width. **However such strips are 'notional' only pending disposition of the land**
 - *The status of marginal strips are not considered to be a matter relevant to the review.*
- Section 1, SO 18966 (38.1570 hectares) was surrendered out of the lease by A2516954.1 and is still to be gazetted for Wildlife Management Purposes under the Reserves Act 1977
 - *As this land has been surrendered from the lease it is no longer reviewable land and the status of it is therefore not considered to be relevant to the review.*
- The attached supporting topographical map shows that the existing fenced boundaries (with the adjoining 'Glenfalloch' pastoral lease) in the south-eastern sector of the lease do not correlate with the legal boundaries
 - *The location of fences in relation to boundaries is considered to be something that should be brought to the Commissioner's attention.*
- The current lease is subject to agreement T862 between a former lessee and the Canterbury Mountaineering and Tramping Club and the registered copy cannot be located. This is a sub-lease over a hut licence in the Jagged Stream area of the lease. Furthermore a hut licence to the Club was issued in 1971 to erect four huts.

Depending on the future ownership of the land in those localities where the huts are the current arrangements may need to be put on a more formal footing.

– *Further investigation of the second licence shows that none of the four huts authorised are on this lease and therefore no further action is required in*

respect of this document. The earlier agreement was to erect a hut in the Jagged Stream as a memorial to Bruce Banfield. The topographical map shows a 'Banfield Hut' in the Jagged Stream catchment and therefore this would appear to be an interest that will have to be dealt with in the tenure review of this property.

- NZ Gazette 1957, p 211 and 212 granted a licence to take and use water from the Home Gully Creek for Generating Electricity until 31 March 1977. This also provided authority to construct, maintain and use the headworks (including a dam and intake), a powerhouse and tailrace. A copy of the plan referred to was not found. A check is required to determine if the works were ever completed and if so, assuming they were private works, what impact they may have on any marginal strip applying along Home Gully Creek

– It is noted in the most recent renewal valuation and other correspondence that power is now reticulated from the national grid it seems therefore that the domestic hydro power scheme described is now defunct although structures may remain in place. It is not considered that the impact of any structures on a marginal strip is relevant to tenure review.

6. Review of topographical and cadastral data:

In addition to the Banfield hut noted above the topographical data supplied shows a hut called the 'Washbourne Hut' at the foot of Mt Medhurst at the extreme northern edge of the property, a hut called the 'Thompson Hut' in Washbourne Creek, a hut called the 'Downs Hut' in an unnamed tributary of Lake Stream approximately 1 kilometre south of the Quagmire Tarn and two further unnamed huts, one the boundary of the property east of Mt Sugarloaf and the other in the Lake Stream valley at the foot of Teddys Hill. While these unnamed huts are likely to be station huts it is considered unlikely that the other four huts are owned or maintained by the holders.

There are a number of unformed legal roads running through the property. As noted in the land status check there are discrepancies between the fenced and legal boundaries of the property in the south east corner. The neighbouring properties here are Glenfalloch and Double Hill and it appears that both of these properties are occupying small areas of the Upper Lake Heron lease.

7. Details of any neighbouring Crown or conservation land

The land to the north of this lease is the bed of the Rakaia River. There is a possibility that there are some areas of river flats that could be incorporated into a review of this lease.

To the east is the Glenfalloch pastoral lease, which is not yet in tenure review and which therefore could be included in a review of this lease. Members of the Todhunter family control both lessee companies. This may make one review of both properties more attractive.

There is no other adjoining land that is considered as a possibility for inclusion in a review of Upper Lake Heron.

8. Summarise any uncompleted actions or potential liabilities:

- There are three huts on the property that are known as the Banfield Hut, Washbourne Hut, and the Thompson Hut. There is a registered agreement (T862) in favour of the Canterbury Mountaineering and Tramping Club for the placement of the Banfield Hut in it's current location. Current ownership of these huts is unclear.
- By order in council dated 6 February 1957 and published in the gazette 14 February 1957 the then lessee was authorised to construct and maintain a personal hydro electric generation system in Home Gully Creek consisting of headworks (a dam and water intake), turbine and powerhouse and tailrace. Due to the reticulation of power from the national grid to the property it is likely that these works have now been abandoned but it is unknown what if any structures remain in place.

Appendices

Appendix 1 – Copy of Status Check and Plan

Appendix 2 – Copies of folios relating to agreement T862

Appendix 3 – Copy of extract from NZ Gazette 14 Feb 1957, pages 211 and 212.

Appendix 1 – Copy of Status Check and Plan

OPUS INTERNATIONAL CONSULTANTS LIMITED
CHRISTCHURCH OFFICE

APPENDIX A1

Project Number 6NL.12746.TR

This report has been prepared on the instruction of Land information New Zealand in terms of **Contract No. 50269** (as yet undated) and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Upper Lake Heron Tenure	LIPS Ref: 12746
Property 1 of 2	

Land District	Canterbury.
Legal Description	Part Rm 117 situated in Blocks IV and VIII Ramsey, V VI IX X XI XIII XIV and XV Whitcombe, I II III IV VI VII VIII IX and XII Heron and V and IX Somers Survey Districts.
Area	18496.4454 hectares.
Status	Crown land subject to the Land act 1948.
Instrument of title / lease	Pastoral Lease CL 529/29 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal 845457.1.
Encumbrances	Subject to: <ol style="list-style-type: none"> 1. T862 Agreement (recorded 22 May 1947) between R.C. Todhunter (former lessee) and the Canterbury Mountaineering and Tramping Club Inc. 2. Part IVA of the Conservation Act 1987, upon disposition.
Mineral Ownership	The 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 Deed of Purchase.
Statute	Land Act 1948 and Crown Pastoral Land Act 1998.

Data Correct as at	24 October 2001.
[Certification Attached]	Yes.

Prepared by	Don McGregor, McGregor Property Services Limited, Christchurch For and on behalf of Opus International Consultants Limited.
Crown Accredited Supplier	

LAND STATUS REPORT for Upper Lake Heron Tenure	LIPS Ref: 12746
Property 1 of 2	

<p>NOTES: This information does not affect the status of the land but was identified as possible requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6</p>	<ol style="list-style-type: none"> 1. CL 529/29 contains a notation that the lease is subject to Section 58 of the Land Act 1948 as does SO 11430 applying in respect of all rivers and streams in excess of 3 metres in width. However such strips are 'notional' only pending disposition of the land. 2. Section 1, S.O. 18966 (38.1570 hectares) was surrendered out of the lease by A2516954.1 and is still to be gazetted for Wildlife Management purposes under the Reserves Act 1977. 3. The attached supporting topographical map shows that the existing fenced boundaries (with the adjoining "Glenfalloch" Pastoral Lease in the south-eastern sector of the lease do not correlate with the legal boundaries. 4. The current lease is subject to Agreement T862 between a former lessee and is the Canterbury Mountaineering and Tramping Club and the registered copy cannot be located. This is a sub-lease over a hut licence in the Jagged Stream area of the lease. Furthermore a hut licence to the Club was issued in 1971 to erect four huts. Depending on the future ownership of the land in those localities where the huts are the current arrangements may need to be put on a more formal footing. 5. N.Z. Gazette 1957 p211 and 212 granted a licence to take and use water from the Home Gully Creek for Generating Electricity until 31 March 1977. This also provided authority to construct, maintain and use the headworks (including a dam and intake), a powerhouse and tailrace. A copy of the plan referred to was not found. A check is required to determine if the works were ever completed and if so, assuming they were private works, what impact they may have on any Marginal Strip applying along Home Gully Creek.
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LAND STATUS REPORT for Upper Lake Heron Tenure	LIPS Ref: 12746
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Property 1 of 2

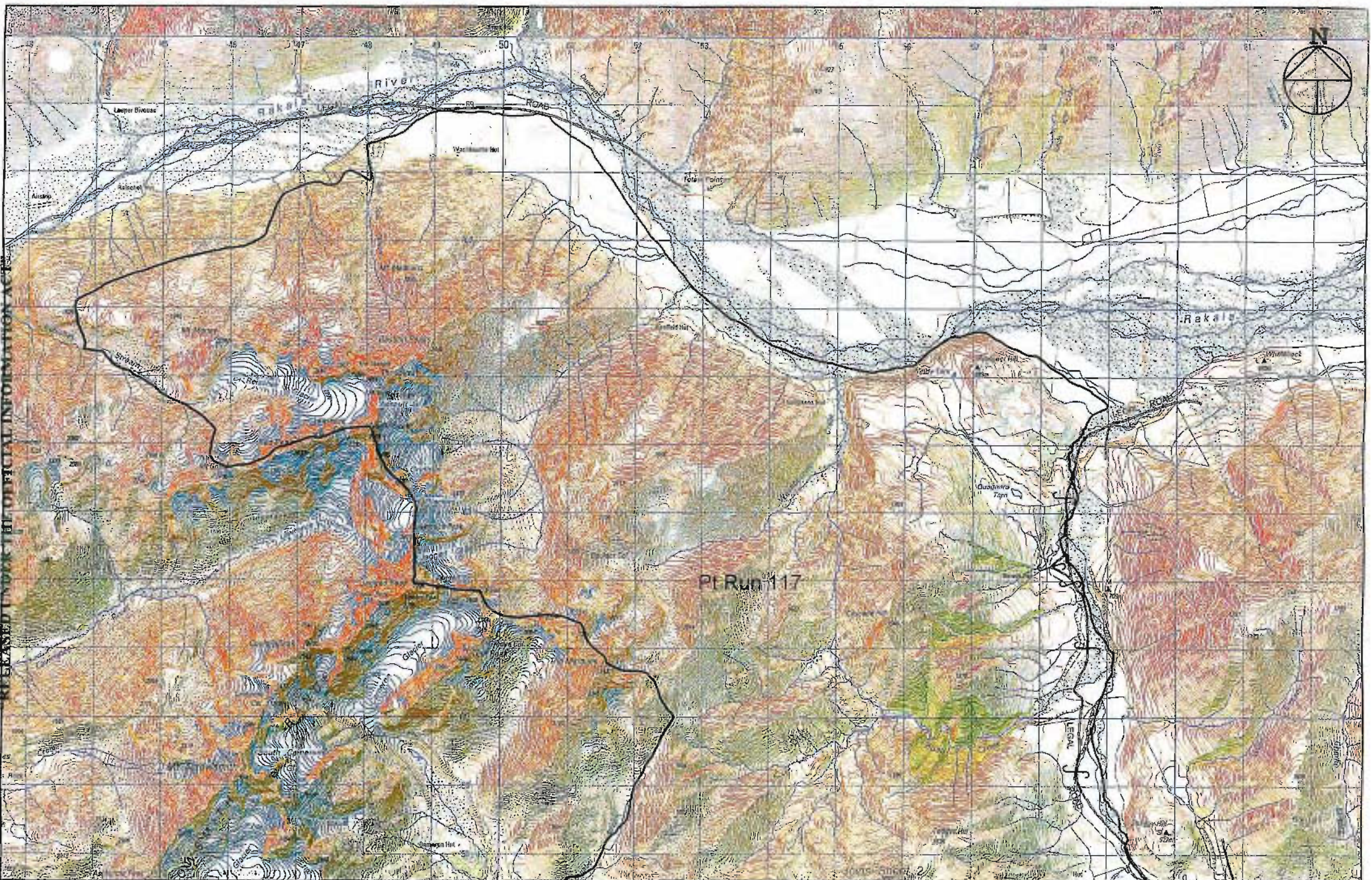
Research Data: Some Items may not be applicable

SDI Print Obtained	Yes.
NZMS 261 Ref	J 35.
Local Authority	Ashburton District Council.
Crown Acquisition Map	Kemp Deed of Purchase.
SO Plans	<p>SO 4592 – Plan of R.S. 4592 (Approved September 1889).</p> <p>SO 11026 – Topographical survey Plan of Runs in Lake Heron area (Approved 1968).</p> <p>SO 11331 – Topographical Survey Plan (Approved 19/01/1970).</p> <p>SO 11364 – Plan of Run 334 "Double Hill" and Run 334A (Approved 17/02/1970).</p> <p>SO 11430 – Redefinition Plan of Run 117 " Upper Lake Heron" (Approved 30/06/1970).</p> <p>SO 17112 – DoC Allocation plan.</p> <p>SO 18966 – Plan of Section 1 (Area surrendered) (Approved 23/04/1993).</p> <p>SO 19841 – Plan "O Tu Wharekai (Ashburton Lakes) supporting Deed of Acknowledgement Schedule 46 of the Ngai Tahu Claims Settlement Act 1998.</p>
Gazette Notices	Not applicable.
Lease Ref	CL 529/29 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal 845457.1.
Legalisation Cards	Searched. No card available however action on SO 18966 incomplete. The area surrendered from lease in 1996 has still not been gazetted as the Lake Heron Wildlife Management Reserve in terms of the Reserves Act 1977.
CLR	Confirms Pastoral Lease tenure.
Allocation Maps (if applicable)	<p>Extracts of Allocation Map J35 (S.O.17112) show that there are no allocations to DOC within the lease area.</p> <p>However there are significant lands on the western boundary (DoC. Allocation J35.2 and 11) and an area of adjoining Lake Heron (DoC. Allocation J35.10).</p> <p>The SOE Allocation maps were searched and are not applicable.</p>
VNZ Ref – if known	VR 24480/47900.

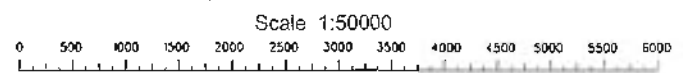
Crown Grant Maps	Not applicable.
Subject Land Marginal Strip: a) Type [Sec 24(9) or Sec 58] b) Date Created c) Plan Reference	a) See "Notes" above. b) Not applicable. c) Not applicable

LAN STATUS REPORT for Upper Lake Heron Tenure Review	LIPS Ref 12746
Property 1 of 2	

If Crown land – Check Irrigation Maps	Searched – Not applicable.
Mining Maps	Searched – Not applicable.
If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989 b) By Proc	a) SO Plan 11430 denoted Roads coloured burnt sienna are legal by Section 110A of the Public Works Act 1928. b) Proc Plan Not applicable. c) Gazette Ref Not applicable.
Other relevant information a) Concessions – Advice from DOC or Knight Frank. b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998 c) Mineral Ownership d) Other Info	a) No current DOC concessions exist within the lease boundaries. The only DOC interests are in the Marginal Strips yet to be defined. Knight Frank administers a recreation permit to Alpine Guides (Aoraki) Limited over Upper Lake Heron and Glenfalloch for a term of 10 years from 01/01 2001 (expires 31/12/2010) at the base rental of \$1000 plus 2.5%of gross revenue. b) Searched. The adjacent Lake Heron are part of the Ashburton Lakes (o Tu Wharekai) recorded as a Statutory Acknowledgement in Schedule 46 (S.O. 19841) of the Ngai Tahu Claims Settlement Act 1998. c) 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 Deed of Purchase. d) Not applicable.

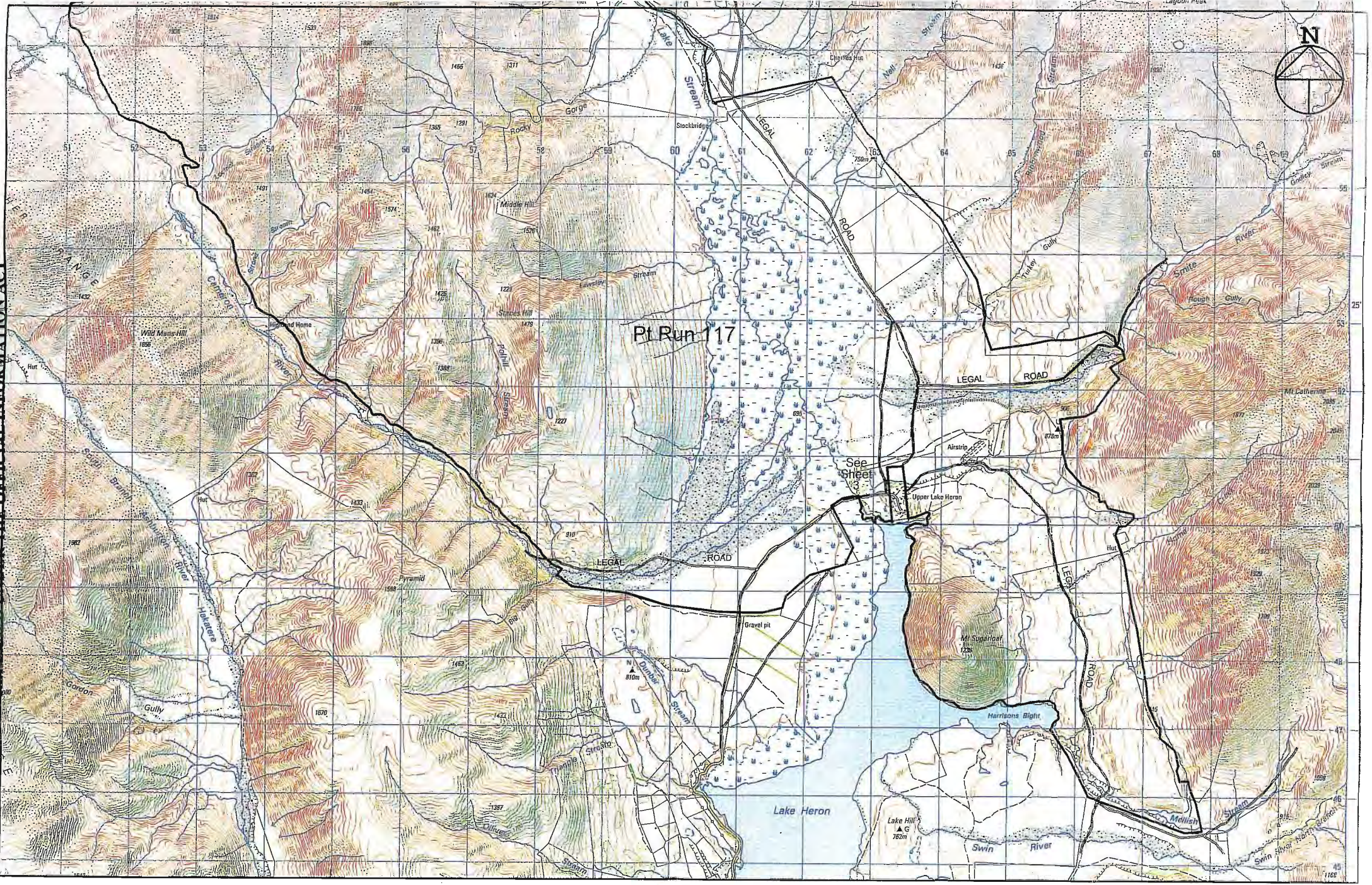


Marginal Strip Subject to Sec 24(9)
 Conservation Act 1987 -----



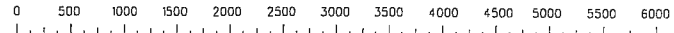
Version	1	2	3	4	5
Canterbury Land District					Sheet 1 of 3
Topographic Map 260 - J35					Date 28/09/01

“RELEASED UNDER THE OFFICIAL INFORMATION ACT”



Upper Lake Heron

Scale 1:50000



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

Version	1	2	3	4	5
Canterbury Land District					Sheet 2 of 3
Topographic Map 260 - J35					Date 28/09/01



Appendix 2 – Copies of folios relating to agreement T862



Our Ref: 12746/Pc 025 (204 let)

LAND RESOURCES DIVISION

24 July 2001

Level 4, Knight Frank House
76 Cashel Street
PO Box 142
Christchurch
(03) 379 9787
(03) 379 8440 fax

Crown Property Management
Land Information New Zealand
Private Bag 4721
CHRISTCHURCH

Attention: Murray Mackenzie

RE: OIA REQUEST UPPER LAKE HERON

I refer to your e-mail request of 14/7/01.

Enclosed please find copies of relevant folios from volume 1 of Pc 025 (Pc/025-SCH-01) relating to the agreement between RC Todhunter and the Canterbury Mountaineering and Tramping Club (Inc).

Note that I have been unable to locate a copy of the actual agreement on the file. I have encountered difficulties in obtaining similar agreements from the LTO – I suspect it relates to the way in which the documents have been filed. The document no is 'T862' but is not a transfer.

I enclose a draft letter to the lessee for your use if appropriate.

Yours faithfully
KNIGHT FRANK (NZ) LIMITED

A handwritten signature in black ink, appearing to read 'C. Mason', written over a horizontal line.

CAROLINE MASON

DRAFT LETTER

24 July 2001

Philip Todhunter
Lake Heron Station
RD 1
ASHBURTON 8300

RE: REQUEST FOR INFORMATION: UPPER LAKE HERON PASTORAL LEASE

I refer to your letter dated 10 July 2001 regarding an agreement between RC Todhunter and the Canterbury Mountaineering and Tramping Club.

Knight Frank (NZ) Limited have searched the appropriate file and unfortunately there is no copy of the actual agreement on file. Enclosed are copies of folios from the file which relation to this matter and may provide you with additional information.

I trust this information is helpful.

Yours faithfully

LAND INFORMATION NEW ZEALAND

(8) That the Licensee shall at his own cost in all things maintain in thorough and efficient repair any rabbit-proof fence that may bound or intersect the Run.

GOOD HUSBANDRY CLAUSE:

- (a) That the Licensee shall exercise due care in the stocking of the land comprised in this license and in particular shall not overstock.
- (b) That for the purpose of this clause it is hereby mutually agreed between the Commissioner of Crown Lands and the Licensee that a reasonable winter stock carrying capacity of the lands comprised in this license is 6,000 sheep on the basis of a count of one for dry sheep and a count of one and a half for breeding ewes.
- (c) That the Licensee shall not during the winter months depasture more than the aforesaid number of sheep on the lands comprised in this license unless the prior consent of the Canterbury Land Board shall have been obtained.
- (d) That the Licensee shall at all times exercise good husbandry in the conduct of grazing the land comprised in this license to the effect that the aforesaid winter carrying capacity shall be maintained and that the soil fertility and plant cover shall not be injuriously affected.

That the stocking of the land comprised in this license and

between the Commissioner of Crown Lands and the Licensee that a reasonable winter stock carrying capacity of the lands comprised in this license is 6,000 sheep on the basis of a count of one for dry sheep and a count of one and a half for breeding ewes.

That the Licensee shall not during the winter months depasture more than the aforesaid number of sheep on the lands comprised in this license unless the prior consent of the Canterbury Land Board shall have been obtained.

That the Licensee shall at all times exercise good husbandry in the conduct of grazing the land comprised in this license to the effect that the aforesaid winter carrying capacity shall be maintained and that the soil fertility and plant cover shall not be injuriously affected.

L. Whetton
Deputy Commissioner of Crown Lands.

F 862 Agreement between ROBERT CHARLTON TODHUNTER of Rakaiia and THE CANTERBURY MOUNTAINEERING AND TRAMPING CLUB INCORPORATED. Approved by the Canterbury Land Board on the 13th. May 1947 and recorded this 22nd. day of May 1947.

O.H. Burns
Deputy Commissioner of Crown Lands.

PASTURAGE LICENSE.

ROBERT CHARLTON TODHUNTER

TO

CHRISTCHURCH

AT

COMMISSIONER OF CROWN LANDS

THIS

Dated 11th November, 1947.

Pursuant to Section 15 (2) of the Reserves and Other Lands Disposal Act, 1947, the term of the within license is hereby extended for a period of two (2) years as from the 1st March, 1949.

DATED at Christchurch this 17th day of January, 1949.

(Sgd.) "O.H. Burns"
Deputy Commissioner of Crown Lands.

R.H.

94

PR. 547

Private Bag,
CHRISTCHURCH C.1.
23rd. May, 1947.

The Manager,
Bank of New Zealand,
CHRISTCHURCH.

Dear Sir,

Rm 117 "Lake Heron"
Area: 37.500 aca.

I am returning herewith Pastoral License No. 547
over the above area with the agreement between Mr. Todhunter
and the Canterbury Mountaineering Club noted thereon.

Kindly acknowledge on receipt form attached.

Yours faithfully,

Leof
Commissioner of Crown Lands.

Encl.



File.

93

SUBJECT.

SUBLEASE OF 1 ROOD OF PASTORAL
RUN

13th May, 1947.

12C

547

Run 117 Lake Heron

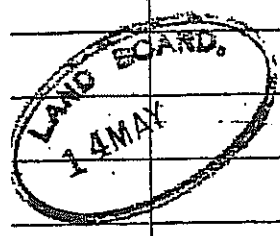
Area: 37,500 acres

Licensee: R.C. Todhunter

Sublease of 1 rood to the Canterbury Mountaineering and Tramping Club Incorporated.

CONSIDERATION MONEY 1/- per annum.

GENERAL REMARKS: It is suggested that if approval be given it is conditional upon the consideration being paid to the sub-licensor and not the Commissioner of Crown Lands.



Approve

OWD

PR. 547

EVL.ND.

92

Private Bag,
CHRISTCHURCH.
15th May, 1947.

The Hon. Assistant Secretary,
Canterbury Mountaineering & Tramping Club,
P.O. Box 106,
CHRISTCHURCH.

Dear Sir,

Rm 117 Lake Heron
Sublease of 1 rood

I am returning herewith for amendment the original and copy of the agreement between your club and Mr. R.C. Fedhunter. The amendment required is to Clause 4 of the agreement which is to read "That the licensee shall not be entitled to transfer or assign the benefit of this agreement without the consent in writing of the Licensor and the Canterbury Land Board first had and obtained."

On receipt of an amended copy of the agreement the sublease will be further considered and a decision given.

Yours faithfully,

J. G. F.

Commissioner of Crown Lands



*M^r Godby (Sal) called 21/5/47
will discuss sec 277 action
with client & advise us further*

*op. s.
21/5/47*



File.

SUBJECT. SUBLEASE OF 1 ROOD OF PASTORAL
RUM.

13th May, 1947.

12C

PR. 547

Rum 117 Lake Heron

Area: 37.500 acres

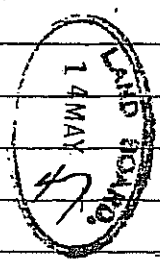
Licensee: R.C. Todhunter

Sublease of 1 rood to the Canterbury Mountaineering and Tramping Club Incorporated.

CONSIDERATION MONEY 1/- per annum.

GENERAL REMARKS: It is suggested that if approval be given it is conditional upon the consideration being paid to the sub-licensor and not the Commissioner of Crown Lands.

Approved.

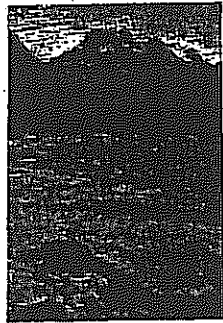


M. J. [Signature]

Approval to be accorded to provide for the sub-lease of 1 rood of land as requested if sub-lease

Copy

89 547



Carrington Peak, Upper Waimakariri

Canterbury Mountaineering and Tramping Club

[INCORPORATED]

CLUB ROOMS:
PIONEER SPORTS' CLUB
OXFORD TERRACE, CH.CH.

P.O. BOX 106
CHRISTCHURCH
NEW ZEALAND

9th May, 1947.

The Commissioner of Crown Lands
Department of Lands and Survey
Private Bag,
CHRISTCHURCH.



*Mr. [unclear] fee
10/- P.A. license
regr. fees
60/-
convent fee
paid 21/5/47
10/- Ref*

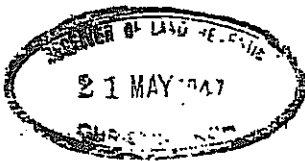
Dear Sir,

Enclosed please find an original and one copy of an agreement between the above club and Mr. R. C. Fedhunter who leases Run 117. I understand that the approval of the Canterbury Land Board is necessary and trust that the documents are in order and that approval will be granted.

Yours faithfully,

Hon. Assistant Secretary.

Canterbury Mountaineering and Tramping Club.



Sublease

File.

SUBJECT.

8th October, 1946.

15

R. 547

Run 117 "Lake Heron" Ashburton County. 37500 acres.

Capital Value £7000 Annual Rental £350.

Licensee. R.C. Todhunter.

To Approve Erection of Hut on Above Land by Alpine Club.

The Canterbury Mountaineering and Tramping Club have applied for consent to the erection of a Mountaineering Hut on the above Run as a memorial to the late Bruce Banfield.

It is proposed to erect the Hut in the Jagged Stream approximately 3 miles up from the junction with the Rakaiia River. This hut will approximate 12' x 10' provide 6 bunks and will be fabricated from oregon and aluminium, and will be available for the use of Club Members and other parties who wish to visit the mountain areas in that vicinity.

The Licensee, Mr. R.C. Todhunter has already given his consent in writing to the erection of the hut, and the Secretary of the Canterbury Mountaineering Club has been advised that no objection is raised so far as this Department is concerned.

An Agreement between the parties will be drawn up and registered against the License and in the meantime the Land Board is asked to give its formal approval to the proposals.

Approved

Bob

by

CH.MVC.

PR. 547

4/6

P.O. Box 1286, CHRISTCHURCH, C1,
26th September, 1946.

Mr. B.J. McClelland,
Hon. Secretary,
Canterbury Mountaineering &
Tramping Club,
P.O. Box 106,
CHRISTCHURCH.

Dear Sir,

P.R. 547 - Run 117 "Lake Heron" - 37,500 acres.
Licensee: R.C. Toddhunter.

I would refer to your letter of the 4th September
and your application for consent to the erection of a
Memorial Hut on part of the above Run.

As the licensee has already given his consent to
the proposals kindly note that no objection is made so
far as this Department is concerned. It will be necessary,
however, for a formal agreement to be drawn up and
registered against the Pastoral License, and information
as to the Department's requirements in this respect will be
available on enquiry at this office.

Yours faithfully,


Commissioner of Crown Lands.

See T 900.
P.R. 547.

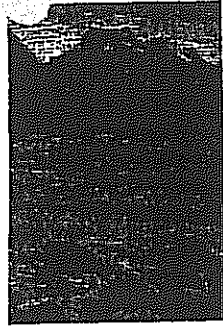
Mr. G. G. G. G. G.
Dad.

Canterbury Mountaineering and Tramping Club

[INCORPORATED]

CLUB ROOMS:
PIONEER SPORTS' CLUB
OXFORD TERRACE, CH.CH.

P.O. BOX 106
CHRISTCHURCH
NEW ZEALAND



Carrington Peak, Upper Waimakariri



4th September, 1946.

The Commissioner of Crown Lands,
State Fire Buildings,
CHRISTCHURCH.

Dear Sir,

We wish to ask your consent to erecting a hut in the Jagged Stream approximately three miles up from the junction with the Rakala. This hut will be of six bunks and the approximate dimensions are 12' x 10'. It will be fabricated from oregon and aluminium and will be available for use of Club members and other parties who wish to visit the mountain areas in that vicinity.

We understand the lessee is Mr. R. C. Todhunter and attached is a copy of a letter from him consenting to the proposal.

As we have plans well under way for the erection of this hut in October, your early reply will be appreciated.

Yours faithfully,
CANTY. MOUNTAINEERING CLUB.

B. G. McCallum
Hon. Secretary.

C. LANDS

CHRISTCHURCH
9-SEP-1946

ENCL:

17/9-46

*Apparently near N.W. corner of
Upper Lake Heron Run*

No objection

and
7-9-46.

REFERENCE

P.R. 311 (Surrendered)



PLAN OF RUN No. 117.

No. P.R. 547.

License to occupy CROWN Lands for Pastoral Purposes.

Whereas ROBERT CHARLTON TODHUNTER

of Rakata. Sheepfarmer

has acquired, under the provisions of the Land Act, 1924, a License to occupy for Pastoral purposes all that area of CROWN lands containing by estimation Thirty seven thousand five hundred (37,500) acres more or less, and being Run number 117

situate in the County of Ashburton in the Land District of Canterbury New Zealand, as the same is delineated on the plan in the District Lands and Survey Office, Christchurch as shown in the margin hereof, and has paid the sum of One hundred and seventy five pounds (\$ 175. 0. 0) for the period 1st September 1942 to 28th February 1943

said Robert Charlton Todhunter (hereinafter referred to as "the Licensee") is hereby licensed to occupy the said land for pastoral purposes for the term of four (4) years together with the period between 1st September 1942 and 28th February 1943

to be computed from the first day of March, 1943 / subject to all the provisions and conditions of the Land Act, 1924, so far as applicable hereto, and subject also to the payment of an annual rent of Three hundred and fifty pounds (\$ 350. 0. 0) in equal parts, half-yearly in advance, on the first day of March and the first day of September

in each and every year, payment for the first half year's rent having already been made; and the said of such half-yearly payments to be made on the first day of March 1943.

- Subject also to the conditions following, viz:—
- (1) That if the Licensee or any person claiming an interest through or under him shall make or cause to be made any agreement or contract, or shall give or cause to be given or taken any negotiable security for the purpose of defeating or evading the provisions of, or shall in any way whatsoever directly or indirectly commit or be privy to a fraud upon, the Land Act, 1924, this license shall be liable to be forfeited and revoked;
 - (2) That the Licensee shall prevent the destruction or burning of timber or bush on the land comprised in this license, except as provided by section 260 of the Land Act, 1924;
 - (3) That the Licensee shall prevent the growth or spread of gorse, broom, hawthorn, blackberry, and sweetbrier on the land comprised in this license, and shall with all reasonable speed remove or cause to be removed all gorse, sweetbrier, broom, hawthorn, blackberry, or other noxious weeds or plants, as may be directed by the Commissioner of Crown Lands;
 - (4) That the Licensee shall not burn any tussock on the land comprised in this license, or permit any tussock thereon to be burned save with the prior consent in writing of the Land Board of the Canterbury Land District; and
 - (5) That the Licensee shall destroy all rabbits on the land comprised in this license, and shall prevent their increase or a read, to the satisfaction of the Commissioner or an officer appointed by him to inspect the ground.
 - (6) That the Licensee shall at all times allow to the Commissioner or any person authorised by him or any other officers of the Government free rights of access over any portion of the Run for the purpose of carrying out their respective duties.
 - (7) That the Licensee shall during the last eighteen months of the term allow to selectors or other persons authorised by the Commissioner free and unrestricted rights of access over any portion of the Run for the purpose of examining the country.

(For further Clauses see back).

And it is hereby declared that these presents are intended to take effect as a pasturage license only under the Land Act, 1924, and the provisions of that Act applicable to such licenses shall apply hereto as fully and effectually as if the same had been set out herein at length.

In witness whereof the Commissioner of Crown Lands, on behalf of the Land Board of the Canterbury Land District, hath hereunto set his hand this Eleventh day of November 1943.

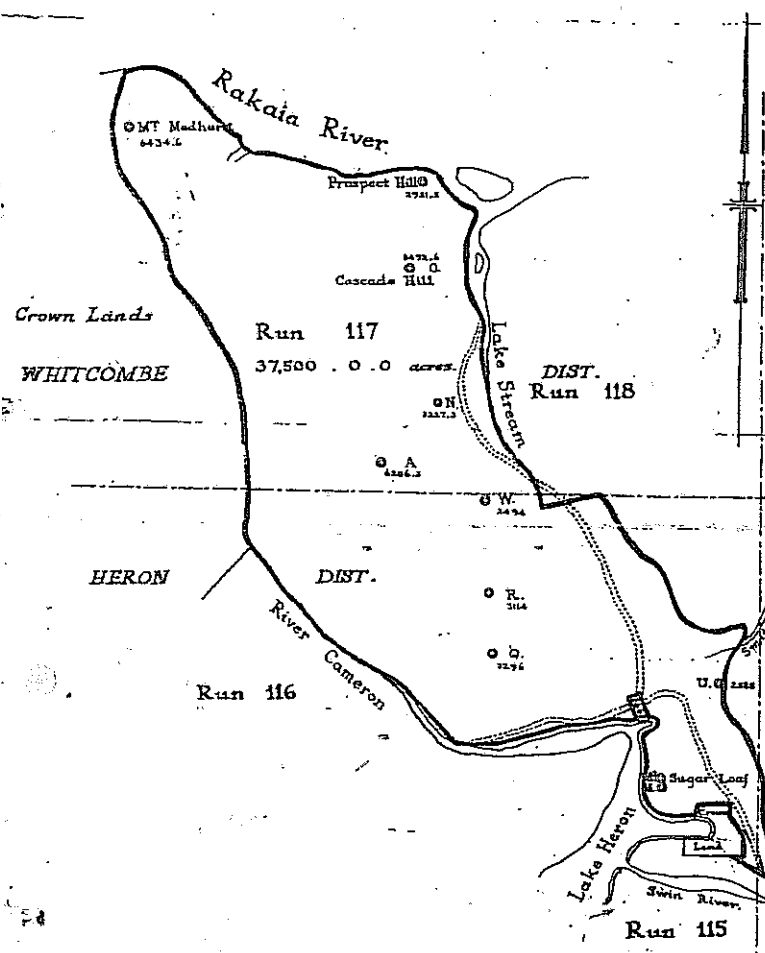
Witness to the signature of the Commissioner of Crown Lands—
 Witness: W. G. Russell
 Occupation: Public Accountant
 Address: Christchurch

W. G. Russell
 Commissioner of Crown Lands.

I, ROBERT CHARLTON TODHUNTER, the above-named Licensee, hereby accept this license on the terms and conditions specified therein.

Witness to the signature of the Licensee—
 Witness: H. H. Godley
 Occupation: Selector
 Address: Christchurch

R. C. Todhunter
 Licensee.



Scale: 2 Miles = 1 inch.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

pc 025

10 July 2001

Noted	10929
Action by	[Signature]
Recorded	[Signature]
B/up date	
File Ref	



Philip Todhunter
 Lake Heron Station
 R.D. 1
 Ashburton 8300

Roger Lough
 Knight Frank
 P.O. Box 142
 Christchurch

Dear Sir,

On the title of the Upper Lake Heron pastoral lease there is an agreement, T 862, between Robert Charlton Todhunter and the Canterbury Mountaineering and Tramping Club, recorded on 22 May 1947. We have recently done a search of the Upper Lake Heron title in an effort to learn what was agreed. Unfortunately, LINZ has instructed us that they cannot find a copy of this agreement. Would you please have a look through the Upper Lake Heron file to see whether there is a copy of the agreement there?

I look forward to hearing from you.

Yours faithfully,

Philip Todhunter

Philip Todhunter

① copy h/h
② file

NOTE FOR FILE

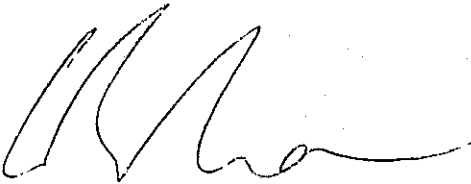
DATE: 9 July, 2001

REF: Pc 025

SUBJECT: UPPER LAKE HERON PASTORAL LEASE

Philip Todhunter rang. He has noticed an old agreement registered against the Upper Lake Heron pastoral lease. The agreement is with the Canterbury Mountaineering's Tramping Club (Inc).

He has tried to get a copy of the agreement from the Land Registry but they can't locate it. He asked whether we had a record in file. I explained that we didn't hold the old files relating to the pastoral leases but that the best thing for him to do would be to write in and ask and we would treat it like an OIA.



CAROLINE MASON

234 nff - Pc 025

Appendix 3 – Copy of extract from NZ Gazette 14 Feb 1957, pages 211 and 212.

P 25

Authorising Joseph Robert Todhunter, of Lake Heron, Ashburton, Sheepfarmer, to Use Water for the Purpose of Generating Electricity

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 6th day of February 1957

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to the Public Works Act 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby grants to Joseph Robert Todhunter, of Lake Heron, Ashburton, sheepfarmer (hereinafter referred to as the licensee), a licence, subject to the conditions hereinafter set forth, to take and use from Home Gully Creek (hereinafter referred to as the said stream) situated in Block VIII, Heron Survey District, in the County of Ashburton, for the purpose hereinafter set forth, a stream of water not exceeding 3 cubic feet per second at any one time.

CONDITIONS

IMPLIED CONDITIONS

1. The conditions directed to be implied in all licences by the Water Power Regulations 1934 and the Electrical Supply Regulations 1935 shall be incorporated in and shall form part of this licence except in so far as the same may be inconsistent with the provisions hereof.

LICENCE SUBJECT TO REGULATIONS

2. This licence is issued under the Water Power Regulations 1934 and is subject thereto and to the Electrical Supply Regulations 1935, the Electrical Wiring Regulations 1935, the Radio Interference Regulations 1934, and to all regulations hereafter made in amendment thereof or in substitution therefor respectively.

UTILISATION OF WATER AND LOCATION OF HEADWORKS

3. Water shall be used under this licence solely for the purpose of generating electricity and shall be taken from the said stream at the point in Block VIII, Heron Survey District, indicated on the plan marked S.H.D. 422 deposited in the office of the State Hydro-electric Department at Wellington.

GENERAL DESCRIPTION OF WORKS

4. The licensee is hereby authorised, subject to the conditions hereof, to construct, maintain, and use the following works for the purpose of this licence, the positions of the said works being indicated on the said plan S.H.D. 422.

- (a) Headworks, consisting of a dam and intake with a water race and pipeline leading to the powerhouse hereinafter referred to, giving a static head of approximately 50 ft.
- (b) Turbine and powerhouse with all necessary equipment for generating electricity, situated in Block VIII, Heron Survey District.
- (c) Tail race leading from the said powerhouse back to the said stream.

SYSTEM OF SUPPLY

5. The system of supply shall be an alternating-current system as described in paragraphs (d) and (e) of regulation 21-01 of the Electrical Supply Regulations 1935.

DURATION OF LICENCE

6. Unless sooner lawfully determined this licence shall continue in force until the 31st day of March 1977.

RENTAL

7. For purposes of assessing the rental or annual sum payable in respect of this licence, the present plant is rated at 6 kilowatts.

NO RIGHT TO WATER CONFERRED

8. Nothing in this licence shall of itself confer upon the licensee any right to water.

T. J. SHERRARD, Clerk of the Executive Council.
(S.H.D. 11/20/2727)

Mr.	CSD	
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