

Crown Pastoral Land Tenure Review

Lease name : UPPER LAKE HERON

Lease number : PC 025

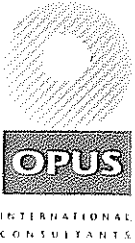
Due Diligence Report (including Status Report) - Part 2

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

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

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

July 09



Upper Lake Heron

PASTORAL LEASE STATUS CHECK
CONTRACT: 50269

*Opus: an accomplished work,
a creation, an achievement*

CONTENTS

PROPERTY 1 OF 2

Appendix A – Land Status Report (and Supporting plans).

- SO Plans (Additional)
- Extract of CLR
- Extracts of Allocation maps
- DOC Consultation
- Information supporting Mineral investigation
- Information supporting Notes to Report
- Other information

Appendix B – Land Status Report (Certified by Chief Surveyor).

PROPERTY 2 OF 2

Appendix A – Land Status Report (and Supporting plans).



**Appendix A - Land Status Report
(and supporting plans)**

OPUS INTERNATIONAL CONSULTANTS LIMITED
CHRISTCHURCH OFFICE

APPENDIX A1

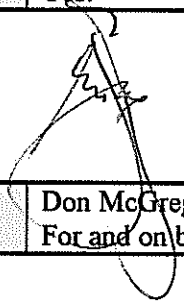
Project Number 6NL.12746.TR

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 Run 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: 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 Crown Accredited Supplier	Don McGregor, McGregor Property Services Limited, Christchurch For and on behalf of Opus International Consultants Limited.
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LAND STATUS REPORT for Upper Lake Heron Tenure	LIPS Ref: 12746
Property 1 of 2	

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

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.

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

Research Data: *Some Items may not be applicable*

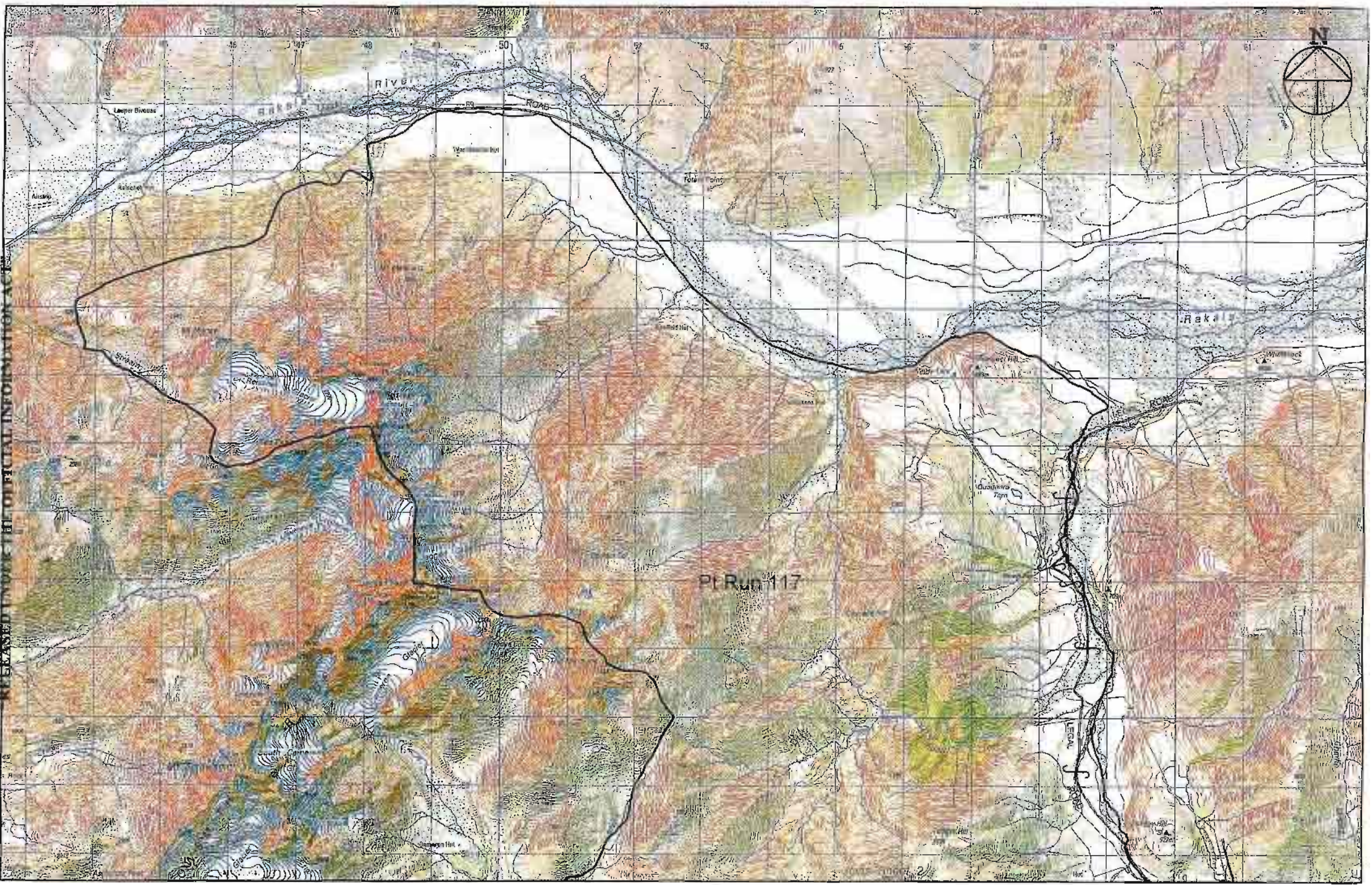
SDI Print Obtained	Yes.
NZMS 261 Ref	J 35.
Local Authority	Ashburton District Council.
Crown Acquisition Map	Kemp Deed of Purchase.
SO Plans	<p>SO 4592 – Plan of R.S. 4592 (Approved September 1889).</p> <p>SO 11026 – Topographical survey Plan of Runs in Lake Heron area (Approved 1968).</p> <p>SO 11331 – 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

LAND STATUS REPORT for Upper Lake Heron Tenure Review	LIPS Ref 12746
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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.

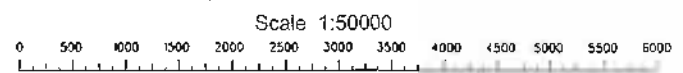
PROPERTY 1 of 2



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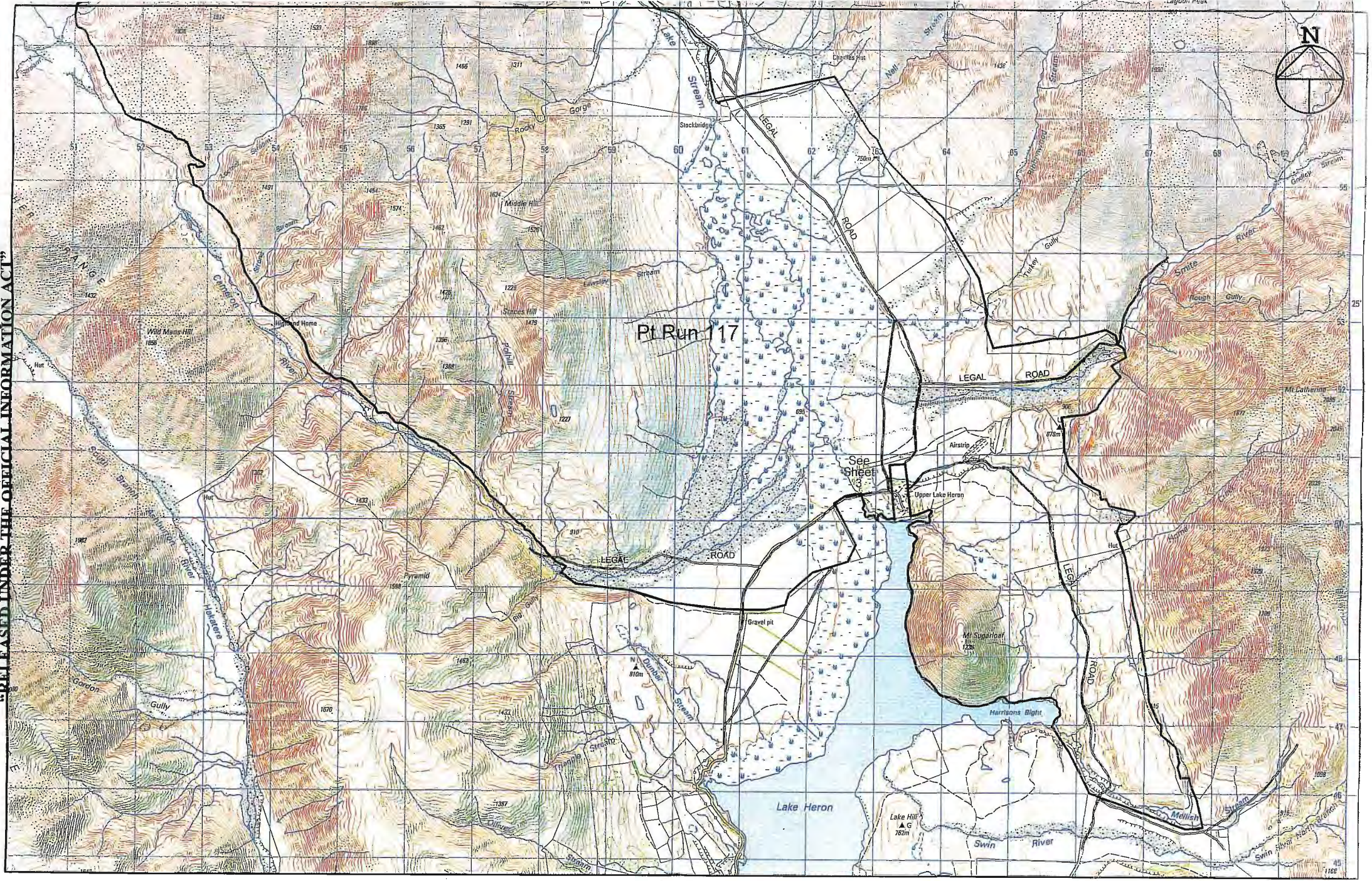
Marginal Strip Subject to Sec 24(9)
 Conservation Act 1987 -----



Upper Lake Heron

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

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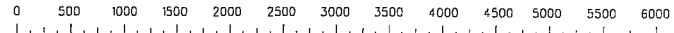


Pt Run 117

See Sheet

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

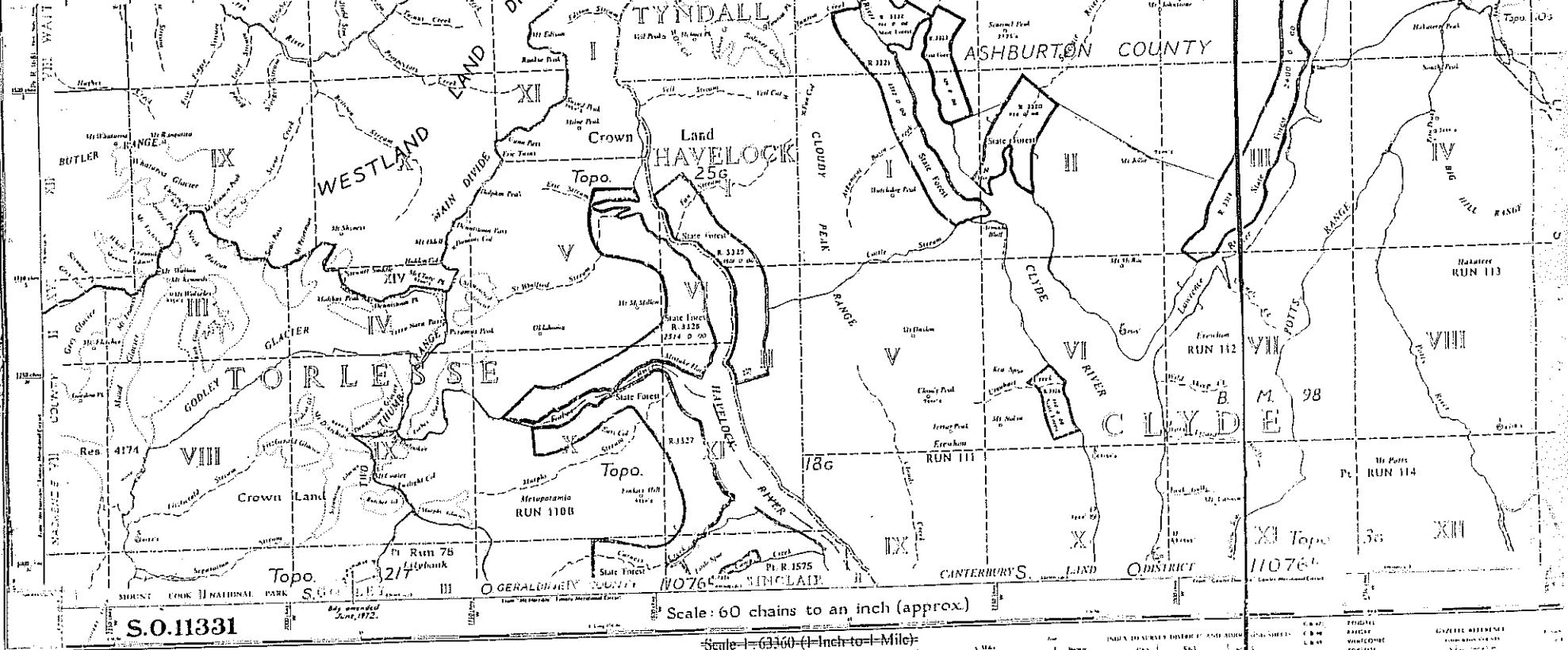


SO Plans (Additional)

Schedule

Appellation	Former Area	New Part	New Total	Gazette Notice
Res 3317	2,100 0 00	1927 0 00	2,840 0 00	1928 p 1452
Res 3318	300 0 00	-	321 0 00	-
Res 3319	1800 0 00	-	2,400 0 00	-
Res 3320	300 0 00	-	374 0 00	-
Res 3321	1000 0 00	-	1,000 0 00	-
Res 3322	400 0 00	-	401 0 00	-
Res 3323	100 0 00	-	619 0 00	-
Res 3324	100 0 00	-	340 0 00	-
Res 3325	250 0 00	78 0 00	328 0 00	See S.O. 11076
Res 3326	2,000 0 00	2,773 0 00	2,773 0 00	-
Res 3327	2,000 0 00	-	2,014 0 00	-
Res 3328	2,000 0 00	-	1,501 0 00	-
Res 3329	8,000 0 00	-	-	1956 p 1184
Res 3374	18,300 0 00	10,610 0 00	-	For Mt Cook Nat Park 1953 p 1662 1958 p 395

Run No	Former Area	New Area	Amending Plan, etc.	Run No	Former Area	New Area	Total	Amending Plan, etc.
112	12,450 0 00	1,245 0 00	See S.O. 11076	112	15,333 0 00	15,333 0 00	15,333 0 00	See S.O. 11076
113	14,000 0 00	775 0 00	See S.O. 11076	113	14,775 0 00	14,775 0 00	14,775 0 00	See S.O. 11076
114	14,500 0 00	15,340 0 00	See S.O. 11076	114	29,840 0 00	29,840 0 00	29,840 0 00	See S.O. 11076



S.O. 11331

REVISIONS

No.	Date	Description
1	1/1/72	Original
2	1/1/72	Amended
3	1/1/72	Amended
4	1/1/72	Amended
5	1/1/72	Amended
6	1/1/72	Amended
7	1/1/72	Amended
8	1/1/72	Amended
9	1/1/72	Amended
10	1/1/72	Amended

Scale: 60 chains to an inch (approx.)
Scale: 1:63360 (1 inch to 1 mile)

Note: All runs subject to Sec 58 Land Act 1948, along rivers and streams over 10 feet wide. Roads coloured burnt sienna are Legal Roads.

INDEX TO CURRENT DISTRICT AND SUB-DISTRICT SHEETS

DISTRICT	SHEET	SCALE
ASHBURTON	S21	1:63,360
ASHBURTON	S22	1:63,360
ASHBURTON	S23	1:63,360
ASHBURTON	S24	1:63,360
ASHBURTON	S25	1:63,360
ASHBURTON	S26	1:63,360
ASHBURTON	S27	1:63,360
ASHBURTON	S28	1:63,360
ASHBURTON	S29	1:63,360
ASHBURTON	S30	1:63,360
ASHBURTON	S31	1:63,360
ASHBURTON	S32	1:63,360
ASHBURTON	S33	1:63,360
ASHBURTON	S34	1:63,360
ASHBURTON	S35	1:63,360
ASHBURTON	S36	1:63,360
ASHBURTON	S37	1:63,360
ASHBURTON	S38	1:63,360
ASHBURTON	S39	1:63,360
ASHBURTON	S40	1:63,360
ASHBURTON	S41	1:63,360
ASHBURTON	S42	1:63,360
ASHBURTON	S43	1:63,360
ASHBURTON	S44	1:63,360
ASHBURTON	S45	1:63,360
ASHBURTON	S46	1:63,360
ASHBURTON	S47	1:63,360
ASHBURTON	S48	1:63,360
ASHBURTON	S49	1:63,360
ASHBURTON	S50	1:63,360
ASHBURTON	S51	1:63,360
ASHBURTON	S52	1:63,360
ASHBURTON	S53	1:63,360
ASHBURTON	S54	1:63,360
ASHBURTON	S55	1:63,360
ASHBURTON	S56	1:63,360
ASHBURTON	S57	1:63,360
ASHBURTON	S58	1:63,360
ASHBURTON	S59	1:63,360
ASHBURTON	S60	1:63,360

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Extract of CLR

Extracts of Allocation maps

NZMS 261

SCHEDULE PURSUANT TO SEC 62

S.O. 17112.....

Sheet J35

Sheet.....1..of..7.....

CONSERVATION ACT 1987

No.	DESCRIPTION	AREA	DEEMED OWNER	CATEGORY	AGREEMENT or COVENANT	CASE No
2	& R.4755 R's 4762 + 3317 ^ BIKs II, III, IV, V Owen S.D, BIKs I, II, V, VI, VII, VIII Whitcombe S.D, BIK I Glenrock S.D. BIKs III, IV, VII, VIII Ramsay S.D.	5683.364ha	DOC	7		
3	Crown Land adjoining Mathias and Rakara Rivers, BIK I Glenrock S.D.			Category 3 DOC 8	Parcel 3 Deleted Refer SAS(90)M 5/1, H.D. Memo 28/03/90. File 6700/01 fol. 43 <i>J. J. Kew</i> 24/4/90 Chief Surveyor	
4	See Schedule SO17121 Number 1					
6	Lawrence, Cameron, Rakara and South Branch Ashburton Riverbeds, Louper and Jagged Streambeds and Legal Road (Recreation Permit only, part RP30)			8	Parcel 6 Deleted and Description parcel 3 added <i>J. J. Kew</i> 7/4/88 Chief Surveyor	
7	R3318 and R3319, BIKs VIII, XI, XII Ramsay S.D. BIKs III, VII Clyde SD	1105.1964ha	DOC	7	R.4755 ADDED TO PARCEL 2 <i>J. Wilson</i> Chief Surveyor 9/12/87	

CATEGORIES

CERTIFIED CORRECT

J. Wilson

CHIEF SURVEYOR 28.4.87

- 1 NOT USED
- 2 State Forest land allocation approved by Special Ministerial Coordinating Committee on 26 November 1986;
- 3 Crown land allocation approved by the Special Ministerial Coordinating Committee on 3 December 1986;
- 4 Crown land and State Forest land allocation approved by the Special Ministerial Coordinating Committee on 21 January 1987;
- 5 NOT USED
- 6 State Forest land allocations approved by Cabinet following the Blakely report on West Coast Forests.
- 7 Crown land and State Forest land allocation approved by the Special Ministerial Coordinating Committee on 11 March 1987.
- 8 Crown land subject to Sections 66A, 47, 48 and 163 Land Act 1948 and Unalienated Crown land not previously accounted for, approved in accordance with the Special Ministerial Coordinating Committee decision of 25 March 1987.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

S.O. 17112.....

Sheet 2 of 2.....

NZMS 261

Sheet 335

SCHEDULE PURSUANT TO SEC 62

CONSERVATION ACT 1987

No.	DESCRIPTION	AREA	DEEMED OWNER	CATEGORY	AGREEMENT or COVENANT	CASE No
8	See Schedule SO17104 Number 3					
9	Run 11, 12, Pt 114 + UCL in Rangitata headwaters (Recreation Permit only, part RP 34)			8	<div style="border: 1px solid black; padding: 5px;"> Parcel 9 Deleted and Parcel 11 description Amended <u>H. J. Lewis</u> 7/4/88 Chief Surveyor </div>	
10	Crown Land adj Runs 115 + 117 Blk VIII Heron S.O.	55.0	DOC	8		
11	Crown Land in Blks I, II, III, IV, V Owen S.O. Blks I, II, III, IV, V, VI Mathias S.O., Blks I, II, V, VI, IX, XIII, XIV, Whitcombe S.O. Blks I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII Ramsay S.O., Blks I, II, III, VI, VII, VIII Davie S.O., Blks I, II, III, IV, V Clyde S.O. I, II, III, V, VI Wilberforce S.O. Blks I, II Heron S.O., Blks I, II Tyndall S.O. Blks I, II Havelock S.O. Blks I, IV, V, VI, IX, X Torlesse S.O. (also covers Recreation Permits RP's 27, 33, 44 and part RP 34)	Subject to Survey	D.O.C	8		
12	See schedule for S.O. 17113 (Number 12)				<div style="border: 1px solid black; padding: 5px;"> Parcel 12 deleted. <u>Gawilson</u> 22/6/87 Chief Surveyor </div>	

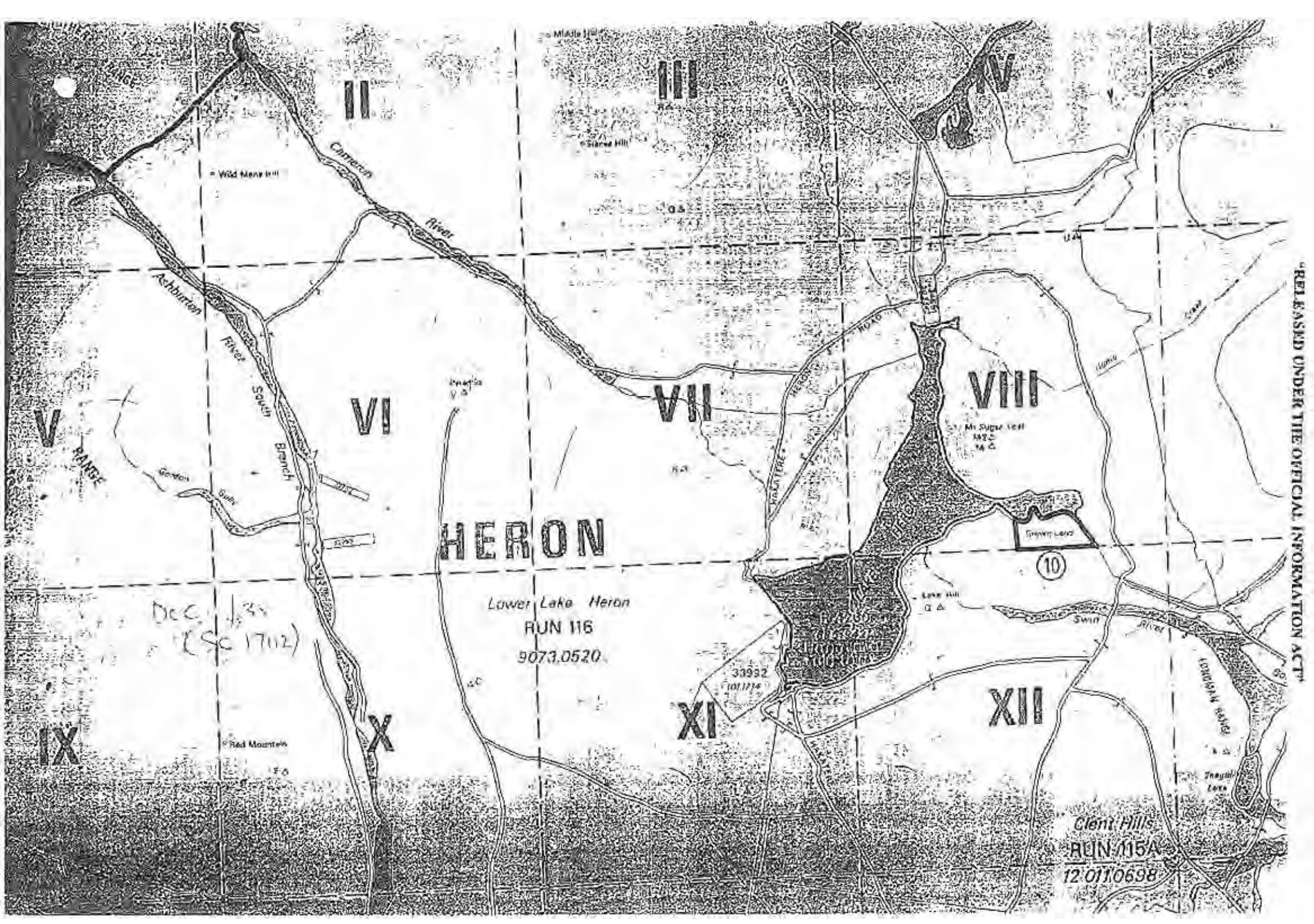
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CATEGORIES

CERTIFIED CORRECT Gawilson

CHIEF SURVEYOR ..28.4.87

- | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 NOT USED</p> <p>2 State Forest Land allocation approved by Special Ministerial Coordinating Committee on 26 November 1986;</p> <p>3 Crown land allocation approved by the Special Ministerial Coordinating Committee on 3 December 1986;</p> | <p>4 Crown land and State Forest land allocation approved by the Special Ministerial Coordinating Committee on 21 January 1987;</p> <p>5 NOT USED</p> <p>6 State Forest land allocations approved by Cabinet following the Bickley report on West Coast Forests.</p> | <p>7 Crown land and State Forest land allocation approved by the Special Ministerial Coordinating Committee on 11 March 1987.</p> <p>8 Crown land subject to Sections 46A, 67, 68 and 163 Land Act 1984 and Unalienated Crown land not previously accounted for, approved in accordance with the Special Ministerial Coordinating Committee decision of 25 March 1987.</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



V RANGE

IX

Dec. 1, 35
(SC 17112)

Wild Horse Hill

VI

X

HERON

Lower Lake Heron
RUN 116
9073.0520

VII

XI

38932
1011714

IV

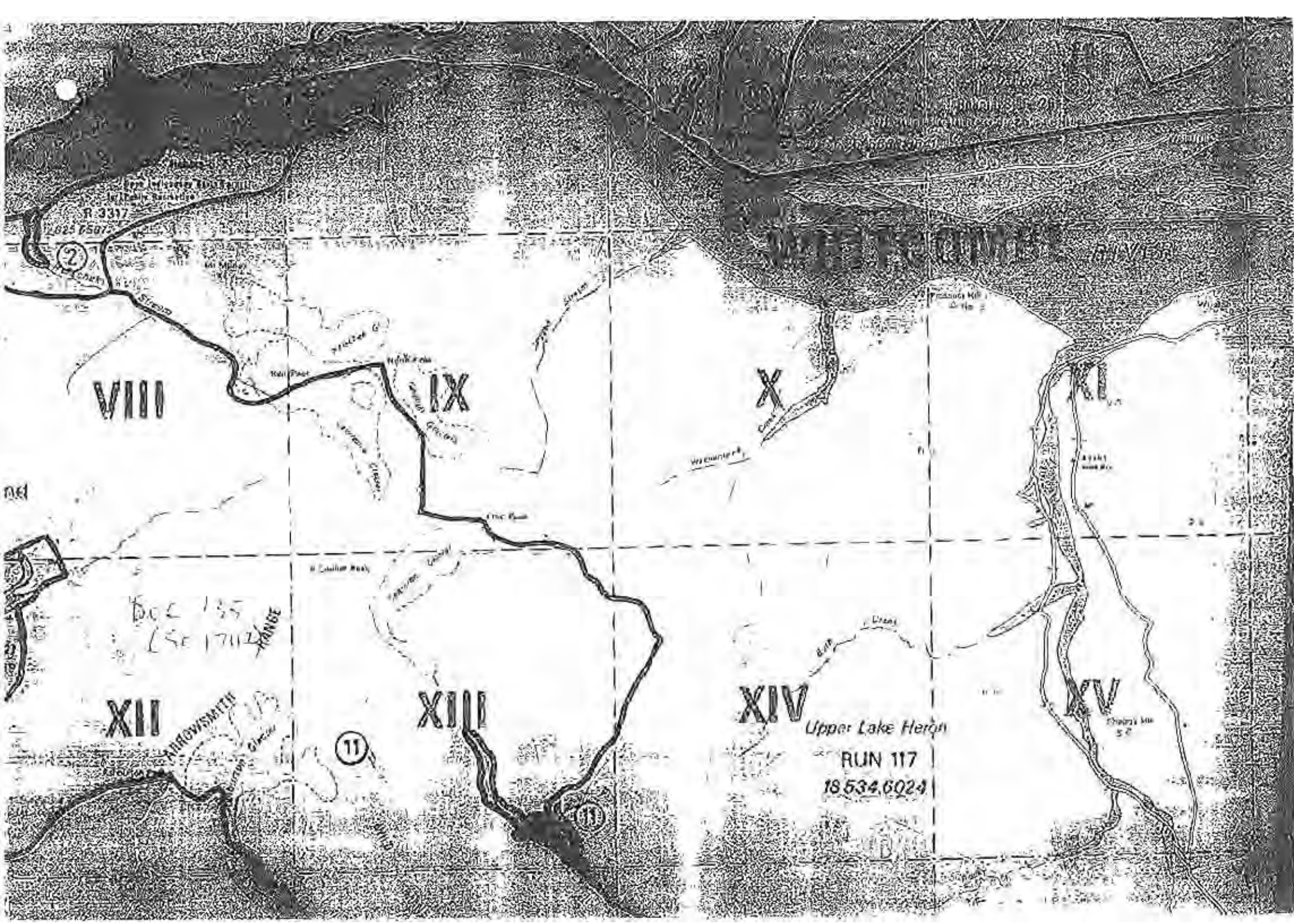
VIII

My Sugar Land
1822
14 C

10

XII

Client Hills
RUN 115A
12 011 0698



R 3317

2

VIII

IX

X

XII

ARROWSMITH RANGE

XIII

XIV

Upper Lake Heron

RUN 117

18534.6024

11

12

XV