

Crown Pastoral Land Tenure Review

Lease name : BEN NEVIS

Lease number : PO 241

Due diligence report (including status report) - Pt 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.

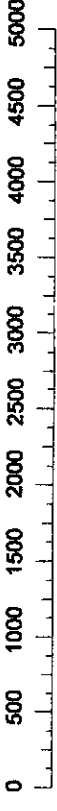
August 04



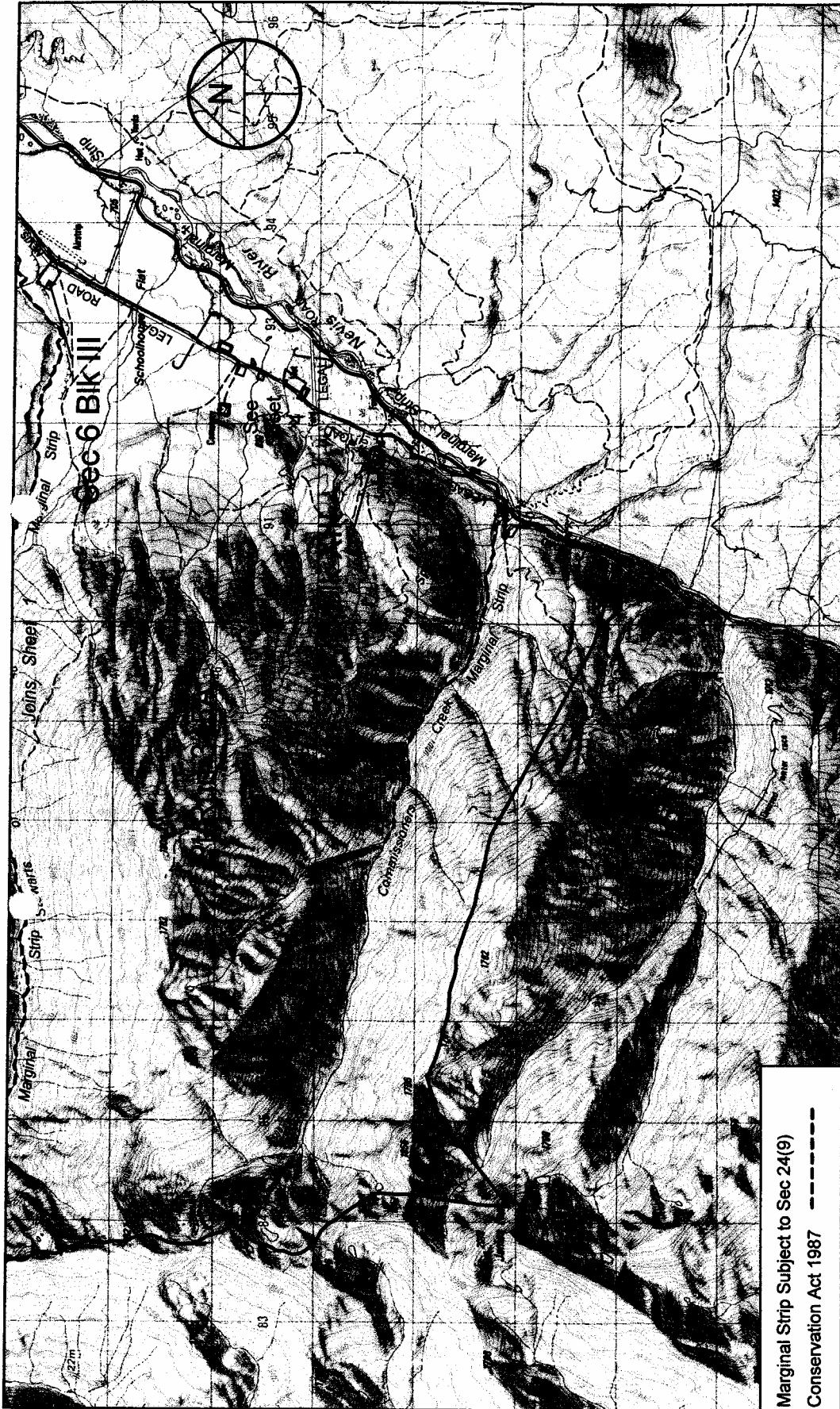
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Otago Land District					
Topographic map 260 - F42					
Sheet 1 of 4					
Date: 02/04/02					

Ben Nevis

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

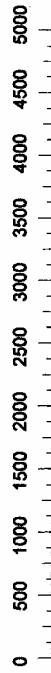




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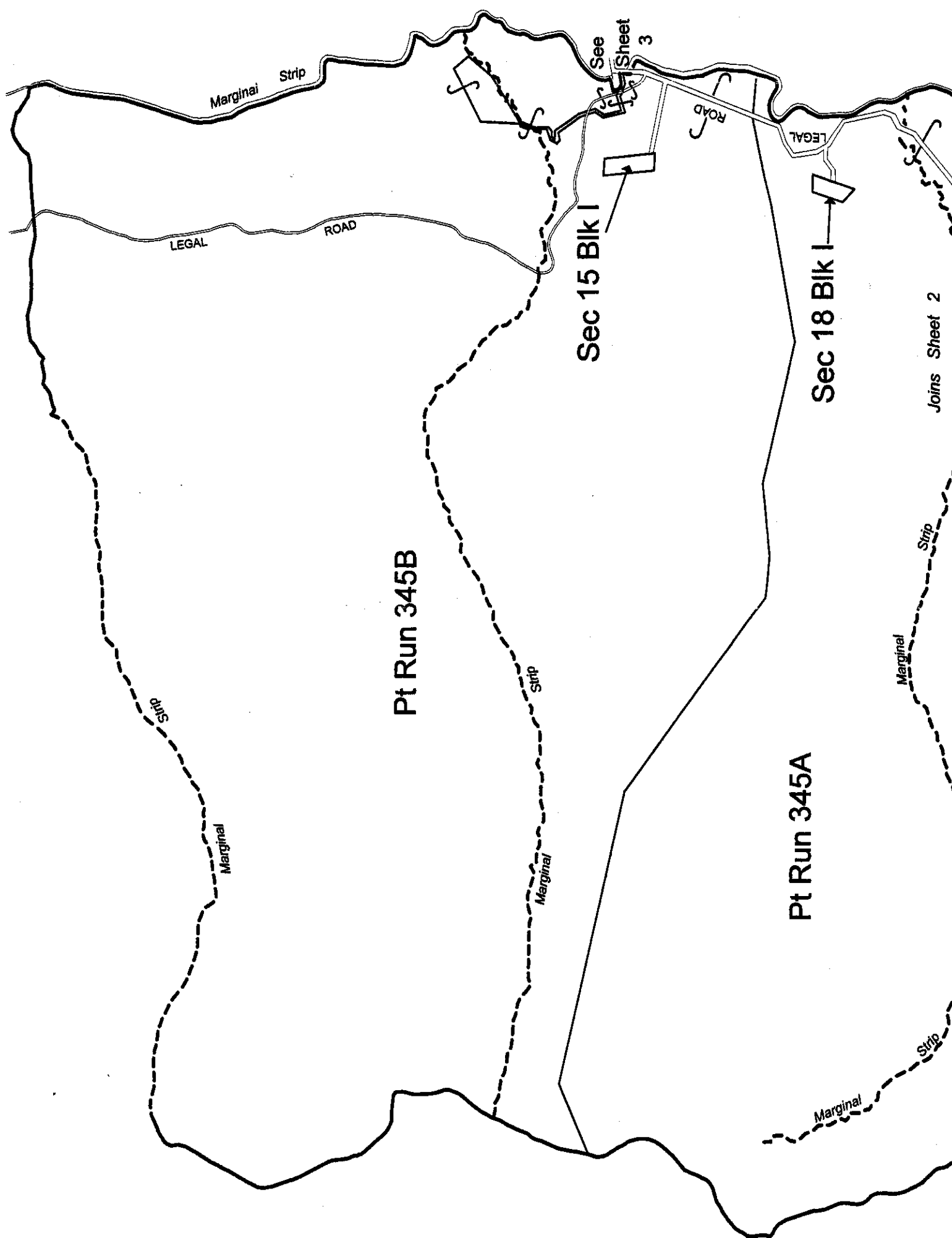
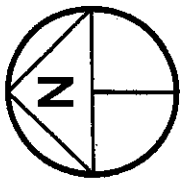
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Topographic Map 260 - F42					
Sheet 2 of 4					
Date 02/04/02					

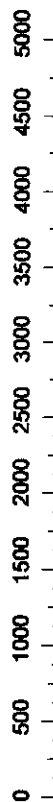
Marginal Strip Subject to Sec 24(9)
 Conservation Act 1987 -----



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Topographic map 260 - F42					
Sheet 1 of 4					
Date: 02/04/02					

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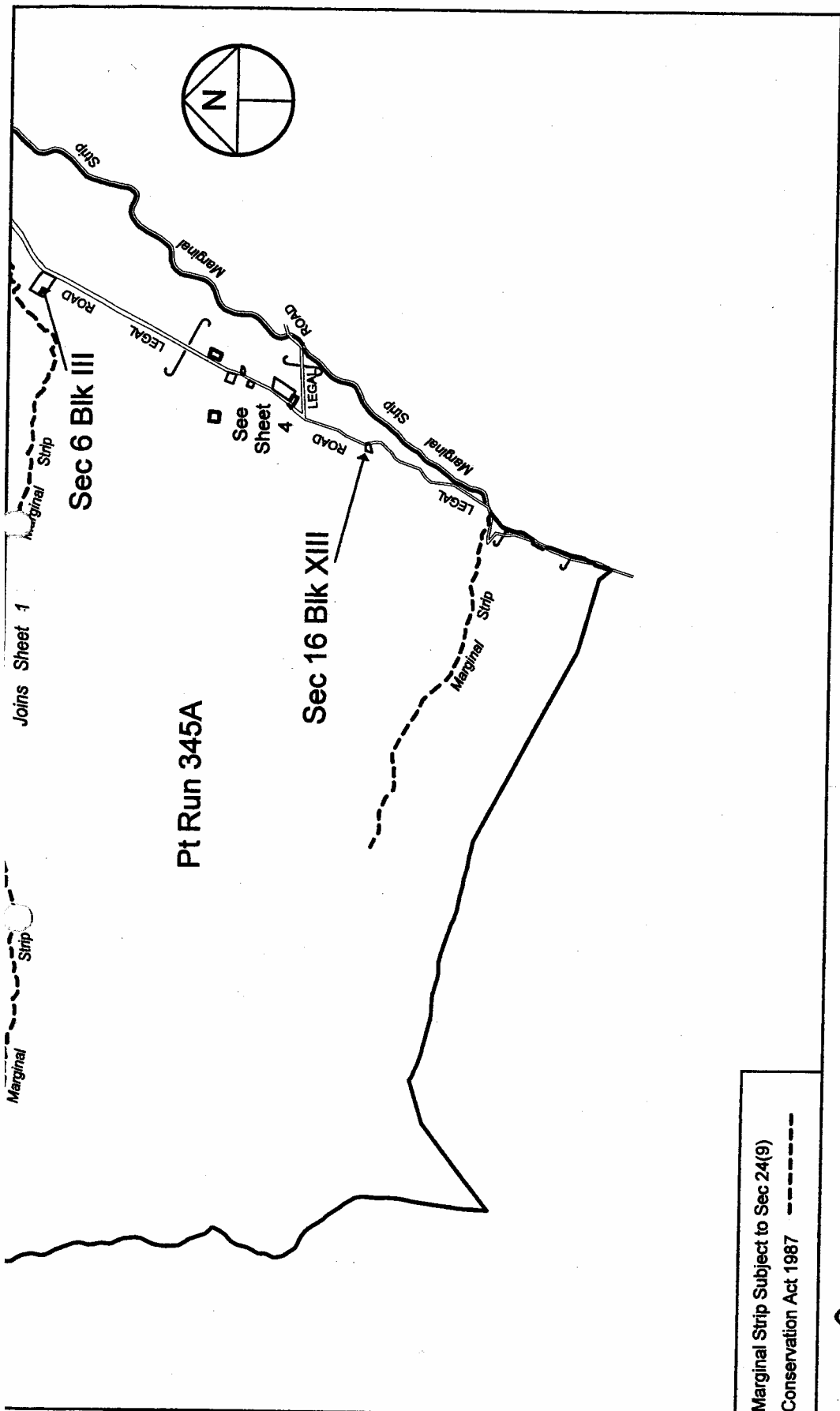
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Marginal Strip Subject to Sec 24(9)
 Conservation Act 1987



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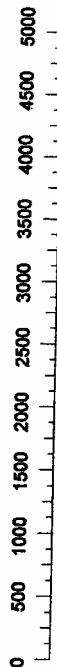


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 Conservation Act 1987 -----

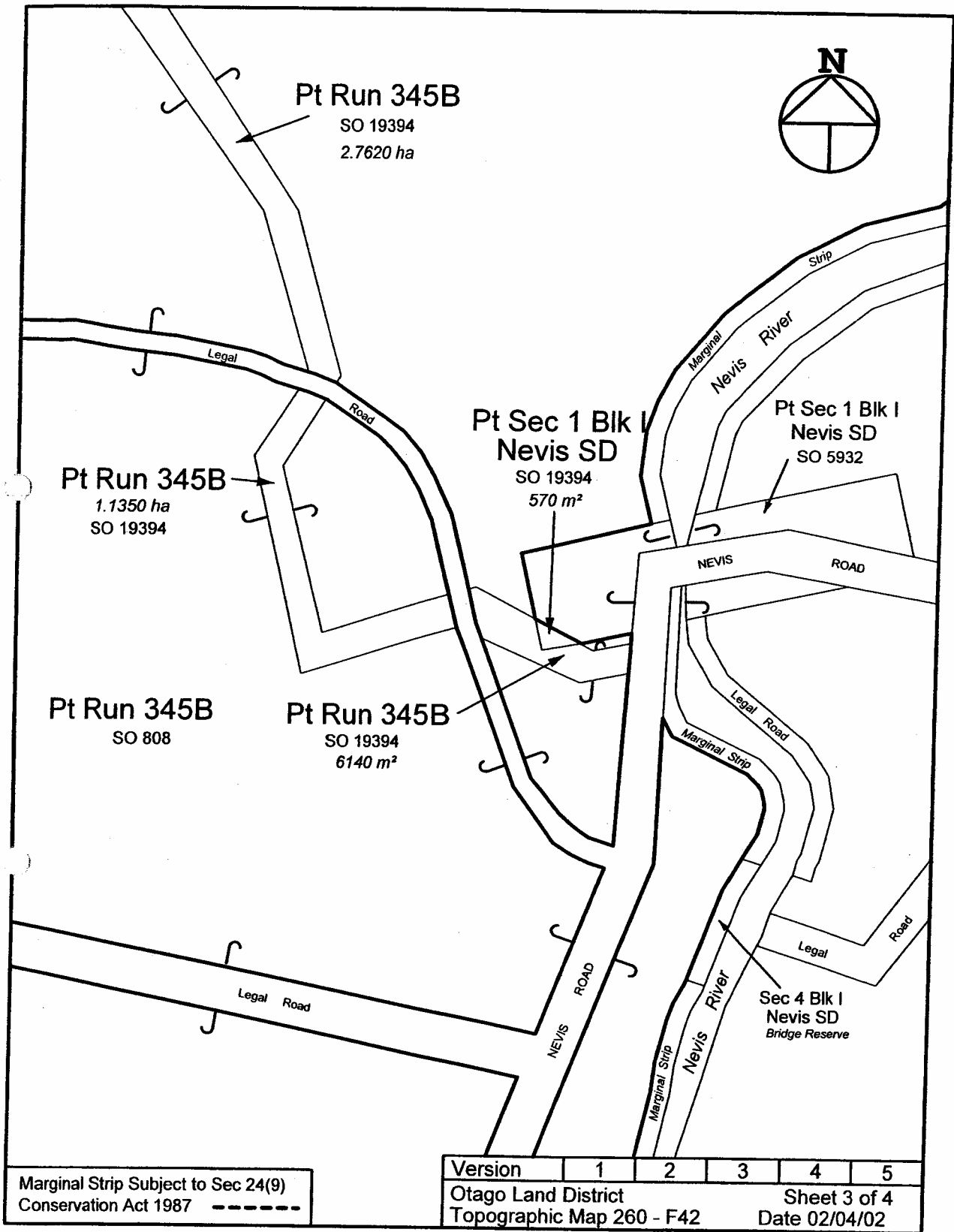
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Scale 1:50000



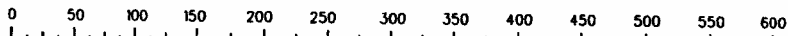
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Date 02/04/02					

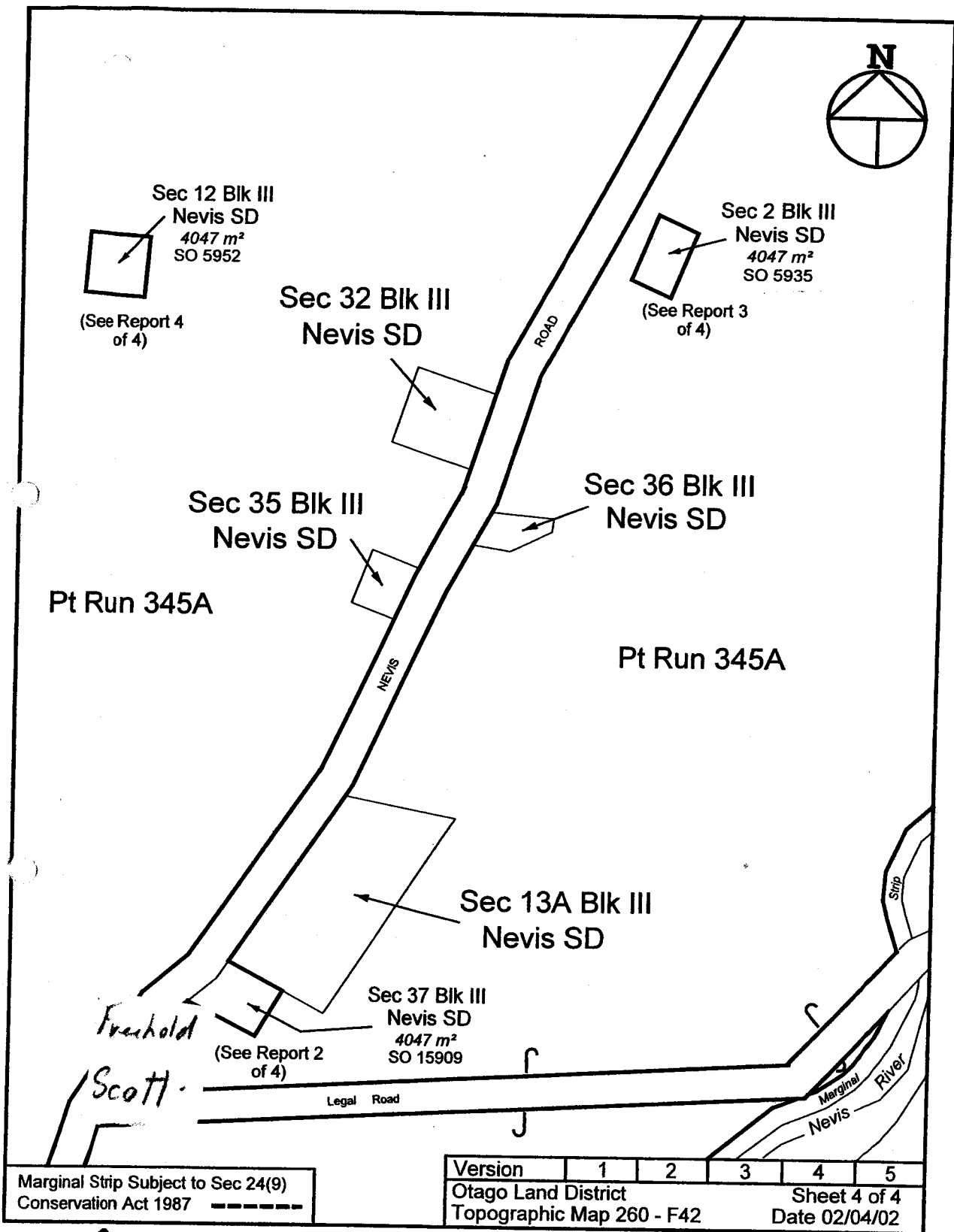


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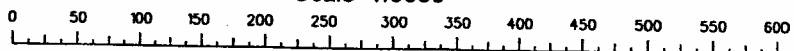




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Scale 1:5000



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Appendix A

This report has been prepared on the instruction of Land Information New Zealand in terms of the contract number 50268 dated September 2001 and is undertaken for the purposes of the Crown Pastoral Leases Act 1998.

LAND STATUS REPORT for BEN NEVIS				<i>[LIPS ref.12522]</i>
Property	2	of	4	

Land District	Otago
Legal Description	Section 37 Block III Nevis Survey District.
Area	4047 square metres.
Status	Fee Simple.
Instrument of lease	OT 9A/1270.
Encumbrances	Section 5 Coal Mines Act 1979. Section 8 Mining Act 1971. Mining Licence embodied in Register OT 9D/540.
Mineral Ownership	Pursuant to the Mining Act 1899, a licence for a residential site, CT No. 1D/1440, was granted to J E Scott on 16 November 1899. The grant was not required for mining purposes. Therefore, the coal and minerals were excluded from the grant and remain with the Crown.
Statute	Land Transfer Act 1952.

Data Correct as at	7 March 2002
[Certification Attached]	Yes

Prepared by	Murray Bradley	
Crown Accredited Agent	Knight Frank (NZ) Limited	

LAND STATUS REPORT for BEN NEVIS				[LIPS ref.12522]
Property	2	of	4	
Research Data: <u>Some Items may be not applicable</u>				
Property	2	of	4	
SDI Print Obtained	Yes			
NZMS 261 Ref	F42.			
Local Authority	Central Otago District Council.			
Crown Acquisition Map	N/A.			
SO Plan	SO 15909 (1966) – Defines Section 37 Block III Nevis Survey District.			
Relevant Gazette Notices	N/A			
CT Ref / Lease Ref	OT 9A/1270.			
Legalisation Cards	N/A			
CLR	N/A			
Allocation Maps (if applicable)	N/A			
VNZ Ref - if known	N/A			
Crown Grant Maps	The grant to J E Scott, being Section 37 Block III Nevis Survey District was identified on the survey district for Nevis.			
If Subject land Marginal Strip:				
a) Type [Sec 24(9) or Sec 58]	(a) N/A			
b) Date Created	(a) N/A			
c) Plans Reference	(c) N/A			

LAND STATUS REPORT for BEN NEVIS		<i>[LIPS ref.12522]</i>	
Property	2	of	4

Research – continued

Property	2	Of	4	
If Crown land - Check Irrigation Maps.		N/A		
Mining Maps		There is one currently granted and four application permits for the relevant area of F42. Please refer to the attached correspondence from the Ministry of Economic Development dated 28 February 2002.		
If Road				
a) Is it created on a Block Plan - Section 43(1)(d) Transit NZ Act 1989		(a) Crown Grant and Section 110A Public Works Act 1928.		
b) By Proc		(b) N/A.		
c) Plan No		(c) N/A		
Other Relevant Information				
a) Concessions - Advice from DOC or Knight Frank.		(a) N/A		
b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998.		(b) N/A		
c) Mineral Ownership		(c) Coal and minerals are owned by the Crown. Pursuant to the Mining Act 1899, a licence for a residential site, CT No. 1D/1440, was granted to J E Scott on 16 November 1899. The grant was not required for mining purposes. Therefore, the coal and minerals were excluded from the grant and remain with the Crown. Coal & Minerals are therefore held in CT OT 1D/1440(16/11/1899)		
(d) Other Information		(d) We note that Mining Licence recorded as OT 9B/540 against CT OT 9A/1270 is incorrect as the correct Doc Ref is 9D/540		

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**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952
Limited as to Parcels**

Search Copy



**R.W. Muir
Registrar-General
of Land**

Identifier OT9A/1270
Land Registration District Otago
Date Issued 25 January 1983

Prior References
OT1D/1440

Estate	Fee Simple
Area	4047 square metres more or less
Legal Description	Section 37 Block III Nevis Survey District
Proprietors	
Gordon McAlpine Stewart as to a 1/2 share	
Graeme Robertson Stewart as to a 1/2 share	

Interests
Subject to Section 5 Coal Mines Act 1979
Subject to Section 8 Mining Act 1971
Mining Licence embodied in Register OT9B/540 - 22.3.1996 at 9.13 am

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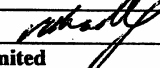
Appendix A

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LAND STATUS REPORT for BEN NEVIS [LIPS ref. 12522]			
Property	3	of	4

Land District	Otago
Legal Description	Section 2 Block III Nevis Survey District.
Area	4047 square metres.
Status	Crown Land administered as Conservation land under Section 62 of The Conservation Act 1987.
Instrument of lease	Not Applicable.
Encumbrances	Nil.
Mineral Ownership	Minerals remain with the Crown as the land has never been alienated since its acquisition for settlement purposes from the former Maori owners under the Kemp Deed of Purchase (1848).
Statute	Conservation Act 1987.

Data Correct as at	7 March 2002
[Certification Attached]	Yes

Prepared by	Murray Bradley 
Crown Accredited Agent	Knight Frank (NZ) Limited

LAND STATUS REPORT for BEN NEVIS				[LIPS ref.12522]
Property	3	of	4	
Research Data: <i>Some Items may be not applicable</i>				
Property	3	of	4	
SDI Print Obtained	Yes			
NZMS 261 Ref	F42.			
Local Authority	Central Otago District Council.			
Crown Acquisition Map	Kemp Deed of Purchase.			
SO Plan	SO 5935 (1881) – Defines Sections 1, 2 and 4, Block III Nevis Survey District.			
Relevant Gazette Notices	N/A			
CT Ref / Lease Ref	N/A			
Legalisation Cards	SO 5935 – No legalisation card.			
CLR	The CLR records that the land was allocated to the Department of Conservation for the purposes of a cemetery.			
Allocation Maps (if applicable)	A check of the DOC allocation maps shows that the land was allocated to DOC under F42*3*CO*8.			
VNZ Ref - if known	N/A			
Crown Grant Maps	The Crown Grant map for the Nevis Survey District identified Section 2 Block III.			
If subject land Marginal Strip:				
a) Type [Sec 24(9) or Sec 58]	(a) N/A			
b) Date Crated	(b) N/A			
c) Plan Reference	(c) N/A.			

LAND STATUS REPORT for BEN NEVIS		<i>[LIPS ref.12522]</i>	
Property	3	of	4

Research – continued

Property	3	Of	4	
If Crown land - Check Irrigation Maps.				N/A
Mining Maps				There is one currently granted and four application permits for the relevant area of F42. Please refer to the attached correspondence from the Ministry of Economic Development dated 28 February 2002.
If Road				
a) Is it created on a Block Plan - Section 43(1)(d) Transit NZ Act 1989				a) N/A
b) By Proc				b) N/A
c) Plan No				c) N/A
Other Relevant Information				
a) Concessions - Advice from DOC or Knight Frank.				(a) NIL.
b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998.				(b) Subject to Part 9 of The Ngai Tahu Claims Settlement Act 1998.
c) Mineral Ownership				(c) Mines and minerals are owned by the Crown because the land has never been alienated since its acquisition for settlement purposes from the former Maori owners under the Kemp Deed of Purchase (1848).
d) Other Information				(d) The land is Crown land held by the Department of Conservation under Section 62 Conservation Act 1987 for the purposes of a cemetery.

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Appendix A

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LAND STATUS REPORT for BEN NEVIS				<i>[LIPS ref.12522]</i>
Property	4	of	4	

Land District	Otago
Legal Description	Section 12 Block III Nevis Survey District.
Area	4047 square metres.
Status	Permanently reserved for the purposes of a public cemetery pursuant to Section 236 Land Act 1892(now subject to the Reserves Act 1977).
Instrument of lease	N/A.
Encumbrances	NIL.
Mineral Ownership	Minerals remain with the Crown, as the land has never been alienated since its acquisition for settlement purposes from the former Maori owners under the Kemp Deed of Purchase (1848).
Statute	The Reserves Act 1977.

Data Correct as at	7 March 2002
[Certification Attached]	Yes

Prepared by	Murray Bradley 
Crown Accredited Agent	Knight Frank (NZ) Limited

LAND STATUS REPORT for BEN NEVIS				[LIPS ref.12522]
Property	4	of	4	
Research Data: <i>Some Items may be not applicable</i>				
Property	4	of	4	
SDI Print Obtained	Yes			
NZMS 261 Ref	F42.			
Local Authority	Central Otago District Council.			
Crown Acquisition Map	Kemp Deed of Purchase.			
SO Plan	SO5952 (1898) – Defines Section 12 Block III Nevis Survey District.			
Relevant Gazette Notices	N/A.			
CT Ref / Lease Ref	N/A.			
Legalisation Cards	SO 5952 – No legalisation card.			
CLR	The CLR records that the land is held under Gazette Notice 1899 page 1311 for the purposes of the Nevis Cemetery.			
Allocation Maps (if applicable)	The land is permanently reserved for the purposes of a Public Cemetery and administered by DOC.			
VNZ Ref - if known	N/A.			
Crown Grant Maps	The Crown Grant Map for the Nevis Survey District identified Section 12 Block III.			
If Subject land Marginal Strip				
a) Type [Sec 24(9) or Sec 58]	(a) N/A			
b) Date Created	(b) N/A.			
c) Plan Reference	(c) N/A.			

LAND STATUS REPORT for BEN NEVIS		<i>[LIPS ref.12522]</i>	
Property	4	of	4

Research – continued

Property	4	Of	4
If Crown land - Check Irrigation Maps.		N/A	
Mining Maps		There is one currently granted and four application permits for the relevant area of F42. Please refer to the attached correspondence from the Ministry of Economic Development dated 28 February 2002.	
If Road			
a) Is it created on a Block Plan - Section 43(1)(d) Transit NZ Act 1989		a) N/A	
b) By Proc		b) N/A	
c) Plan No		c) N/A	
Other Relevant Information			
a) Concessions - Advice from DOC or Knight Frank.		(a) NIL.	
b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998.		(b) Subject to Part 9 of The Ngai Tahu Claims Settlement Act 1998.	
c) Mineral Ownership		(c) Mines and minerals are owned by the Crown because the land has never been alienated since its acquisition for settlement purposes from the former Maori owners under the Kemp Deed of Purchase (1848).	
(d) Other Information		The land is permanently reserved for the purposes of a public cemetery and administered by the Department of Conservation pursuant to the Reserves Act 1977.	