

Crown Pastoral Land Tenure Review

Lease name : BREAST HILL

Lease number : PO 216

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.

April 09

PASTORAL LEASE
LAND TENURE
REVIEW

DUE DILIGENCE

BREAST HILL

**DUE DILIGENCE REPORT - BREAST HILL
CROWN PASTORAL LAND PRE TENURE REVIEW ASSESSMENT STANDARD 6**

File Ref:	CON / 50272 / 09 / 12510 / A-ZNO	Report No:	Q V V 351	Report Date:	29 April, 2002
Accredited Supplier	ABERCROMBIE & ASSOCIATES LTD	LINZ Case No:	TR 02/475	Date sent to LINZ	

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 Management *[or other party]*;

Details of incomplete actions requiring completion by the CCPO or other party:

The actual area shown on the registered lease excludes the portion of state forest [Part area 31 on SO 13900] as it is not actually deemed pasturage land by a former Chief Surveyor. Notwithstanding the lessee having possibly accepted the position, there is no known record of compensation having been paid to the lessee for the dispossession.

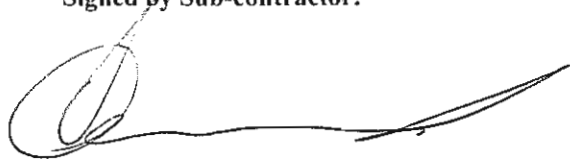
There has been various conflicts between the lessee and CCL over the desirability of protecting areas of high inherent values of an ecological, indigenous vegetation and landscape nature verses a preference for making the land better for farming purposes.

Resulting from the need to protect areas with high conservation values as well as delays in receiving decisions for farming practices the lessees solicitor contends there is a financial loss to the lessees in excess of \$20 000.

Not TR matter

Not TR matter

Signed by Sub-contractor:



David J Abercrombie
Nominated Person for Accredited Supplier

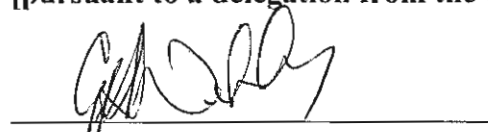
Signed by contractor:



Barry Dench
Team Leader for Tenure Review
Quotable Value [Valuations]

Approved / ~~Declined~~

[pursuant to a delegation from the Commissioner of Crown Lands] by:



[GRANT KASPER WEBLEY]

Date of decision: 101 5 102

1 Details of lease:

Lease name: Breast Hill

Location: Lindis

Lessee: Russell Stewart Emmerson, Jeanette Emmerson and the Trustees Executors and Agency Company of New Zealand Limited

Tenure: Pastoral lease of pastoral land pursuant to the Land Act 1948.

Term: 33 years from 1 July 1959. The lease was renewed for a further 33 years as at 1 July 1992.

Annual rent: \$1359.00, plus GST.

Rental value: \$90 000.00

Date of next review: 1 July 2003

Land registry Folio Ref: OT386/122 [See copy at appendix 1]

Legal description: Part Run 235 A, Run 780 and Part Run 233, Otago Land District.

Area: 9047.9510 hectares

2 File Search

Files held by accredited supplier on behalf of LINZ:

File reference	Volume	First folio number	Date	Last folio number	Date
Po 216 [Formerly file PR1364]	I	1	24 May 1932	169	1 March 1924
Po 216 [Formerly file PR1364 then PR1928]	II	1	14 July 1937	157	26 May 1959
Po 216	III	158	9 April 1959	260	27 April 1979
Po 216	IV	261	27 April 1979	340	26 May 1983
Po 216	V	341	7 June 1983	467	18 November 1996
Po 216	VI	468	??	477	27 June 2000
Po 216		1	13 July 2000	31	10 June 2002

[Also known as file CON/50213/09/12510/A-ZNO]

Folios relating to uncompleted actions are:

File reference	Volume	Folio number	Date
Po 216	IV	295	19 August 1980
Po 216	IV	302	16 April 1982
Po 216	IV	313	14 March 1983
Po 216	IV	317	28 March 1983
Po 216	IV	320	29 March 1983
Po 216	IV	321	18 March 1983
Po 216	IV	323	31 March 1983
Po 216	IV	324	31 March 1983
Po 216	IV	325	7 April 1983
Po 216	IV	329	14 April 1983
Po 216	IV	334	26 April 1983
Po 216	IV	340	26 May 1983
Po 216	V	443	25 February 1992
Po 216	V	46?	18 September 1998
Po 216	V	462	12 October 1998

For further details see Section 8 of this due diligence report.

3 Summary of lease document

Terms of lease

Lease number:	P 216
Commencement date:	1 July 1959
Renewal instrument number:	5008386.1 [See copy at appendix 2]
Lease stock limits:	3300 sheep
Memorandum of Variation	Nil
Any non-standard conditions	There are no non-standard conditions

Area adjustments

Part of Run 235A was included in the declaration as Provisional State Forest by Gazette 1920 page 2837, State Forest by Section 4, Forest Amendment Act 1973 [Part of indicative area 31 on SO 13900] and classified as Open Indigenous State Forest by Gazette 1978 page 3288. Because of the capability for continual modification to the lease boundary and having regard to the conditions of lease, this action is considered an encumbrance to the leased land rather than an alteration to the status and area - *for further details see appendix 3.*

By Certificate of Alteration 352758, Run 780 was incorporated in P 216 giving a total title area of 22185 acres [8977.9510 hectares by title metric conversion] - *for further details see appendix 4.*

By 710086/1, Part Run 235A was surrendered [area of 160 hectares -see plan on instrument] leaving a balance area of 88179510 hectares - *for further details see appendix 5.*

By 710086/4, Part Run 233 was incorporated [area of 230 hectares - see plan on instrument] leaving a balance area of 9047.9510 hectares - *for further details see appendix 6.*

Registered interests

SUBSTANTIAL INTEREST	SUMMARY
352758 - certificate of alteration	Incorporating land - <i>for further details see appendix 4.</i>
710086/1 - surrender	Surrender of land - <i>for further details see appendix 5.</i>
710086/4 - certificate of alteration	Incorporating land - <i>for further details see appendix 6.</i>
860274/4 - Mortgage to AMP Bank Limited	Personal to lessee
861600/1 - Mortgage to Bank of New Zealand	Personal to lessee
5008386/1 - Memorandum of renewal	In accordance with lease conditions - <i>for further details see appendix 2.</i>

Unregistered interests

INTEREST	SUMMARY
Recreation permits	There is no record on file of any recreation permits over the lease
Unsecured debts	None known
State Forest	Part of Run 235A declared as Provisional State Forest by Gazette 1920 page 2837, State Forest by Section 4, Forest Amendment Act 1973 [Part of indicative area 31 on SO 13900] and classified as Open Indigenous State Forest by Gazette 1978 page 3288 - <i>for further details see appendix 3.</i>

4 Summarise any Government programmes approved for the lease:

Not applicable.

5 Summary of Land Status Report

The land the subject of this report is Crown Land subject to Pastoral Lease P 216 as certified by the Chief Surveyor, Dunedin.

A copy of the certified land status report is appended as Schedule A.

6 Review of topographical and cadastral data

Telecommunications facilities	Believed to be not applicable
Electricity transmission facilities	Believed to be not applicable
Historic places	Believed to be not applicable
Discrepancies between fenced and legal boundaries	Believed to be not applicable
Formed Roads	The various roads and tracks do not follow any legal road alignment
Paper roads	Believed to be not applicable
Marginal strips	Believed to be not applicable
Other - State Forest	Part of Run 235A exists as Provisional State Forest by Gazette 1920 page 2837, State Forest by Section 4, Forest Amendment Act 1973 [Part of indicative area 31 on SO 13900] and classified as Open Indigenous State Forest by Gazette 1978 page 3288 - <i>for further details see appendix 3.</i>

[See copy of cadastral and topographical plans at appendix 7]

7 Details of any neighbouring Crown or conservation land

In a clockwise manner the Crown [including land of the crown] or conservation land adjoining/adjacent to the land the subject of this report is:

Part Run 233 and Part Run 235A

SITUATION	STATUS
North of leased land	Crown Land subject to Pastoral Lease as recorded in register volume OT386/122

Part Run 732

SITUATION	STATUS
East of leased land	Crown Land subject to Pastoral Lease as recorded in register volume OT1C/1066

Run 235 D

SITUATION	STATUS
East of leased land	Crown Land subject to Pastoral Lease as recorded in register volume OT3A/513

Run 679

SITUATION	STATUS
South East of leased land	Crown Land subject to Pastoral Lease as recorded in register volume OT338/20

Run 236 B

SITUATION	STATUS
South of leased land	Crown Land subject to Pastoral Lease P 215 as recorded in register volume OT386/108

Part Run 236

SITUATION	STATUS
South west of leased land	Crown Land subject to Pastoral Lease as recorded in register volume OTA2/1254

Part Run 235A and Part Run 724

SITUATION	STATUS
West of leased land	Provisional State Forest by Gazette 1920 page 2837, State Forest by Section 4, Forest Amendment Act 1973 [Part of indicative area 31 on SO 13900] and classified as Open Indigenous State Forest by Gazette 1978 page 3288

8 Summarise any uncompleted actions or potential liabilities

Your attention is drawn to the following:

The actual area shown on the registered lease excludes the portion of state forest [Part area 31 on SO 13900] as it is not actually deemed pasturage land by a former Chief Surveyor. Notwithstanding the lessee having possibly accepted the position, there is no known record of compensation having been paid to the lessee for the dispossession *[For further details see appendix 3].*

There has been various conflicts between the lessee and CCL over the desirability of protecting areas of high inherent values of an ecological, indigenous vegetation and landscape nature verses a preference for making the land better for farming purposes *[For further details see appendix 8].*

Resulting from the need to protect areas with high conservation values as well as delays in receiving decisions for farming practices the lessees solicitor contends there is a financial loss to the lessees in excess of \$20 000 *[For further details see appendix 9].*

ATTACHMENTS

- Schedule A land status report [including enclosures]
- Appendix 1 Register volume copy of pastoral lease
- Appendix 2 Memorandum of renewal of lease
- Appendix 3 File search summary comprising copies of relevant supporting folios referenced in this due diligence report
- State Forest
 - SO 13900
- Appendix 4 Copies of relevant registered instruments [certificate of alteration 352758]
- Appendix 5 Copies of relevant registered instruments [Surrender 710086/1]
- Appendix 6 Copies of relevant registered instruments [certificate of alteration 710086/4]
- Appendix 7 Cadastral plan and topographical map of pastoral lease
- Appendix 8 File search summary comprising copies of relevant supporting folios referenced in this due diligence report
- Conflict between lessee and CCL
- Appendix 9 File search summary comprising copies of relevant supporting folios referenced in this due diligence report
- Possible claim for compensation

ABERCROMBIE AND ASSOCIATES LIMITED

PROPERTY MANAGERS AND CONSULTANTS

P O BOX 5056
MORAY PLACE
DUNEDIN

PHONE (03) 471 9496
FACSIMILE (03) 471 9455
EMAIL office@abercrombie.co.nz

C:\DATA\CONSULT\CLIENT\QVNZ\CONTRACT2002mk2\CS Status Cert Breast Hill.wpd

This report has been prepared on the instructions of Crown Property Management, Land Information New Zealand, and is undertaken for the purposes of the Crown Pastoral Leases Act 1998.

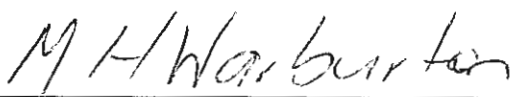
LAND STATUS REPORT	Breast Hill	P 216	[LIPS Ref. 12510]
Property	1	of	1

Land District	Otago
Legal Description	Part Run 235A, Run 780 and Part Run 233
Area	9047.9510 hectares
Status	Crown Land subject to Pastoral Lease P 216
Instrument of Lease	Reg Vol 386/122 registered in Land Transfer Office but not under Land Transfer Act
Encumbrances	Part of Run 235A declared as Provisional State Forest by Gazette 1920 page 2837, State Forest by Section 4, Forest Amendment Act 1973 [Part of indicative area 31 on SO 13900] and classified as Open Indigenous State Forest by Gazette 1978 page 3288.
Mineral Ownership	Crown <i>[see comment below]</i>
Statute	Land Act 1948, Crown Pastoral Land Act 1998

Data Correct as at:	12 March 2002
Accredited Supplier certification	As attached

Prepared by	David J Abercrombie
Crown Accredited Supplier	Abercrombie & Associates Ltd

Certified correct as to status:


 Chief Surveyor
 Land Information New Zealand, Dunedin

X / 4 / 2002

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

The actual area shown on the registered lease excludes the portion of state forest [Part area 31 on SO 13900] as it is not actually deemed pasturage land by a former Chief Surveyor. Notwithstanding the lessee having possibly accepted the position, there is no known record of compensation having been paid to the lessee for the dispossession.

There has been various conflicts between the lessee and CCL over the desirability of protecting areas of high inherent values of an ecological, indigenous vegetation and landscape nature verses a preference for making the land better for farming purposes.

Resulting from the need to protect areas with high conservation values as well as delays in receiving decisions for farming practices the lessees solicitor contends there is a financial loss to the lessees in excess of \$20 000.

Consent has been given by CCL to transfer of the lease to Forest Range Limited.

Research Data: Some items may not be applicable

SDI Print obtained	Yes <i>[See attached]</i>
NZMS 261 Ref	G 39
Local Authority	Central Otago District Council
Crown Acquisition Map	Yes To determine agreement for purchase from Ngai Tahu
SO Plan	NE Run Roll 1880, 2294, 2690, 2691, 13900 <i>[See evidence attached]</i>
Relevant Gazette Notices	Gazette 1920 page 2837 [declaration of land as Provisional State Forest]. Gazette 1978 page 3288 [Classifying land as Open Indigenous State Forest]. <i>[See evidence attached]</i>
CT Reference / Lease Reference	Pastoral Lease P 216, Reg Vol 386/122. Lease renewed by 5008386.1. NOTE: For history of land see below. <i>[See evidence attached]</i>
Legislation Cards	Nil reference
CLR	Yes <i>[See evidence attached]</i>
Allocation Maps [if applicable]	Not applicable
QVNZ Reference	28411/17700 29082/19600
Crown Grant Maps	Yes - There are no references for the subject property

Research - continued

If Crown land - Check Irrigation Maps.	Yes There are no references for the subject property
Mining Maps	Yes There are no references for the subject property
<p>Other Relevant Information</p> <p>a) Concessions - Advice from DoC</p> <p>b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998</p> <p>c) Mineral Ownership</p> <p>d) Other Info</p>	<p>a) Nil. Incidentally, DoC has made reference to marginal strip existing along part of Lindis River but there is no known LINZ record establishing such a status [cf NE Run Roll 1880 and DCDB]. It has therefore not been recognised. <i>[See evidence attached from DoC]</i></p> <p>b) Only on divestment of freehold or a lease of fifty years or greater by LINZ as a Crown Body</p> <p>c) Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition from Ngai Tahu by way of the Kemp Purchase.</p>

History of ownership:

Purchased from Ngai Tahu by the Kemp Purchase of 1848.

No record of crown grants having been made for any of the land.

Run 235A

Selected for lease and Pastoral Licence 1364 was granted as at 1 March 1910 [no registration].

On expiry of PL 1364, Pastoral Licence 1928 was granted as at 1 March 1938 as recorded in register volume OT337/125 [area of 20525 acres - 8306.1728 hectares by title metric conversion].

On expiry of PL 1928, Pastoral Lease P 216 was granted as at 1 July 1959 as recorded in register volume OT386/122 [area of 20525 acres - 8306.1728 hectares by title metric conversion].

Part Run 233

Selected for lease and Pastoral Licence 1562 was granted as at 1 March 1918 as recorded in register volume OT335/61.

On expiry of PL 1562, Pastoral Lease P 20 was granted as at 1 July 1953 as recorded in register volume OT338/37.

By 710086/2 Part of Run 233 was surrendered [area of 230 hectares - see plan on instrument].

Run 780

Formerly described as Part Run 235B.

Selected for lease and Pastoral Licence 1862 was granted as at 1 March 1929 as recorded in register volume OT337/60.

On expiry of PL 1862, Pastoral Lease P 292 was granted as at 1 July 1964 as recorded in register volume OT1C/1066.

By Certificate of Alteration 350900 the land was described as Run 780 [area of 1680 acres].

Land surrendered by 352765 [Note CT OT1C/1066 incorrectly describes land as Run 732].

Combined land

Part of Run 235A was included in the declaration as Provisional State Forest by Gazette 1920 page 2837, State Forest by Section 4, Forest Amendment Act 1973 [Part of indicative area 31 on SO 13900] and classified as Open Indigenous State Forest by Gazette 1978 page 3288. Because of the capability for continual modification to the lease boundary and having regard to the conditions of lease, this action is considered an encumbrance to the leased land rather than an alteration to the status and area.

By Certificate of Alteration 352758, Run 780 was incorporated in P 216 giving a total title area of 22185 acres [8977.9510 hectares by title metric conversion].

By 710086/1, Part Run 235A was surrendered [area of 160 hectares -see plan on instrument] leaving a balance area of 8817.9510 hectares.

By 710086/4, Part Run 233 was incorporated [area of 230 hectares - see plan on instrument] leaving a balance area of 9047.9510 hectares.

Status, description of land and area are now as indicated above.



COMPUTER INTEREST REGISTER UNDER LAND TRANSFER ACT 1952



R. W. Muir
Registrar-General
of Land

Historical Search Copy

Identifier OT386/122
Land Registration District Otago
Date Registered 24 July 1959 02:57 pm

Part-Cancelled

Prior References

OT337/125

Type	Lease under s83 Land Act 1948		
Area	9207.9508 hectares more or less	Term	Thirty-three years commencing on the first day of July 1959

Legal Description Run 235A, Part Run 233 and Run 780

Original Proprietors

Russell Stewart Emmerson as to a 1/4 share

Jeanette Emmerson as to a 1/4 share

Russell Stewart Emmerson, Jeanette Emmerson and The Trustees Executors and Agency Company of New Zealand Limited as to a 1/2 share

Interests

710086.1 Surrender of part of the within Lease being Part Run 235A (160ha) shown hatched black hereon effective from 31st December 1984 - 24.8.1988 at 10.26 am

860274.4 Mortgage to Australian Mutual Provident Society - 15.7.1994 at 9.04 am

861600.1 Mortgage to Bank of New Zealand - 3.8.1994 at 9.10 am

Exploration Permit to embodied in Register OT9D/529 - 8.11.1995 at 9.01 am

5008386.1 Variation of the within lease and extension of term Thirty-three years commencing on the first day of July 1992 - 6.9.2000 at 9:00 am

5028446.1 Change of Name of the mortgagee in mortgage 860274.4 to AMP Life Limited - 12.3.2001 at 9:00 am

5028446.2 Transfer of Mortgage 860274.4 to AMP Bank Limited - 12.3.2001 at 9:00 am



COMPUTER INTEREST REGISTER UNDER LAND TRANSFER ACT 1952



R. W. Muir
Registrar-General
of Land

Search Copy

Identifier OT386/122
Land Registration District Otago
Date Registered 24 July 1959 02:57 pm

Part-Cancelled

Prior References

OT337/125

Type	Lease under s83 Land Act 1948		
Area	9207.9508 hectares more or less	Term	Thirty-three years commencing on the first day of July 1992

Legal Description Run 235A and Part Run 233 and Run 780

Proprietors

Russell Stewart Emmerson as to a 1/4 share

Jeanette Emmerson as to a 1/4 share

Russell Stewart Emmerson, Jeanette Emmerson and The Trustees Executors and Agency Company of New Zealand Limited as to a 1/2 share

Interests

710086.1 Surrender of part of the within Lease being Part Run 235A (160ha) shown hatched black hereon effective from 31st December 1984 - 24.8.1988 at 10.26 am

860274.4 Mortgage to (now) AMP Bank Limited - 15.7.1994 at 9:04 am

861600.1 Mortgage to Bank of New Zealand - 3.8.1994 at 9.10 am

Exploration Permit to embodied in Register OT9D/529 - 8.11.1995 at 9.01 am

5008386.1 Variation of the within lease - 6.9.2000 at 9:00 am

LAND & DEEDS
 Registered in the LAND REGISTRY OFFICE
 but not under the LAND TRANSFER ACT.
 NEW ZEALAND
 O T A 1948
 LAND DISTRICT No. 419

Registered in the LAND REGISTRY OFFICE
 but not under the LAND TRANSFER ACT.
 Entered in the Register-book, Vol. 386 fol. 122
 the 25th day of July 1948
 2.57 o'clock
 Dawson
 Asst Land Registrar.

Issued as a Renewal of [or in Exchange for] Lease
 registered in Vol. 337 fol. 125

Pastoral Lease of Pastoral Land under the Land Act, 1948

No. P.216

This Deed, made the first day of March one thousand nine hundred and fifty-nine between HIS MAJESTY THE KING (who, with his heirs and successors, is hereinafter referred to as "the Lessor"), of the one part, and ERIC JAMES GOODGER and BEVAN GEORGE GOODGER, both of TARBAS, PARRETT, as tenants, of-in common in equal shares, in the Dominion of New Zealand, hereinafter referred to as "the Lessee"), of the other part, WITNESSETH that, in consideration of the rent hereinafter reserved, and of the covenants, conditions, and agreements herein contained or implied and on the part of the Lessee to be paid, observed, and performed, the Lessor doth hereby demise and lease unto the Lessee All that piece or parcel of land containing by admeasurement 20,525 acres or thereabouts, and being situated in the Land District of Otago

For Diagram

See separate sheet.

Run 235A, Longgilly, Lindis, Mid Hawea and Lower Hawea Survey Districts (hereinafter referred to as "the said land"), as the same is more particularly delineated in the plan drawn hereon and therein coloured red in outline; together with the rights, easements, and appurtenances thereto belonging. TO HOLD the said premises intended to be hereby demised unto the Lessee for the term of thirty-three years, commencing on the first day of July one thousand nine hundred and fifty-nine, together with the period between the date of this lease and the aforesaid first day of July, one thousand nine hundred and fifty-nine; Yielding and paying therefor during the said term unto the Department of Lands and Survey at the Principal Land Office for the said Land District of Otago the clear annual rent of one hundred and ten pounds (£110.-) payable without demand by equal half-yearly payments in advance on the 1st day of January and the 1st day of July in each and every year during the said term. And also paying in respect of the improvements specified in the Schedule hereto the sum of (£) by a deposit of (£) (the receipt of which sum is hereby acknowledged) and thereafter by (£) half-yearly instalment of pounds shillings and pence (£) on the 1st day of January and the 1st day of July in each and every year during the said term.

AND the Lessee doth hereby covenant with the Lessor as follows, that is to say:-

1. THAT the Lessee will fully and punctually pay the rent herebefore reserved at the times and in the manner herebefore agreed in that behalf; and also will pay and discharge all rates, taxes, assessments, and outgoings whatsoever that now are or hereafter may be assessed, levied, or payable in respect of the said land or any part or parts thereof during the said term.
2. THAT the Lessee will within one year after the date of this lease take up his residence on the said land, and thereafter throughout the term of the lease will reside continuously on the said land.
3. THAT the Lessee will hold and use the said land bona fide for his own use and benefit and will not transfer, assign, sublet, mortgage, charge, or part with possession of the said land or any part thereof without the previous approval of the Land District Board: Provided that such approval will not be necessary in the case of a mortgage to the Crown or to a Department of State.
4. THAT the Lessee will at all times farm the said land diligently and in a husbandlike manner according to the rules of good husbandry and will not in any way commit waste.
5. THAT the Lessee will throughout the term of his lease to the satisfaction of the Commissioner of Crown Lands for the Land District of Otago (hereinafter referred to as "the Commissioner") cut and trim all live fences and hedges, clear and keep clear the said land of all noxious weeds, and will comply strictly with the provisions of the Noxious Weeds Act, 1924-1950.
6. THAT the Lessee will keep the said land free from wild animals, rabbits, and other vermin, and generally comply with the provisions of the Rabbits Act, 1925.
7. THAT the Lessee will clean and clear from weeds and keep open all creeks, drains, ditches, and watercourses upon the said land, including any drains or ditches which may be constructed by the Commissioner after the commencement of the term of the lease; and will not at any time without the prior consent of the Commissioner alter the channel of any such creek or watercourse or stop or divert the water flowing therein.
8. THAT the Lessee will at all times during the said term repair and maintain and keep in good substantial repair, order, and condition all improvements belonging to the Crown (including those specified in the Schedule hereto which are being purchased by the Lessee) now or hereafter erected on the said land, and will not, without the prior written consent of the Commissioner, pull down or remove them or any part of them.
9. THAT the Lessee will insure all buildings belonging to the Crown (including those specified in the Schedule hereto which are being purchased by the Lessee) now or hereafter erected on the said land to their full insurable value in the name of the Commissioner in some insurance office approved by the Commissioner and will pay all premiums falling due under every such insurance policy and deposit with the Commissioner every such policy and, not later than the forenoon of the day on which any such premium becomes payable, the receipt for that premium.
10. THAT the Lessee will not throughout the term of the lease without the prior consent of the Commissioner, which consent may be given on such terms and conditions (including the payment of royalty) as the Commissioner thinks fit, fell, cut, or remove any timber, tree, or bush growing, standing, or lying on the said land, and that he will throughout the term of the lease prevent the destruction of any such timber, tree, or bush unless the Commissioner otherwise approves: Provided that the consent of the Commissioner as aforesaid shall not be necessary where any such timber or tree is required for any agricultural, pastoral, household, roadmaking, or building purpose on the said land nor where the timber or tree has been planted by the Lessee.
11. THAT the Lessee shall not, except for the purpose of complying with any of the provisions of the Noxious Weeds Act, 1924, burn any tussock, scrub, fern, or grass on the said land to be burned, unless in either case he shall have obtained the prior consent in writing of the Commissioner, which consent may be given subject to such terms and conditions as the Commissioner may deem necessary.
12. THAT officers and employees of the Department of Invernal Affairs shall at all times have a right of ingress, egress, and regress over the land comprised in this lease for the purpose of determining whether such land or any adjoining land is infested with deer, wild goats, wild pigs, opossums, or other animals which the said Department is charged with the duty of exterminating or controlling, or for the purpose of destroying any such animals: Provided that such officers and employees in the performance of the said duties shall at all times avoid undue disturbance of the Lessee's stock.
13. THAT the Lessee shall exercise due care in stocking the said land and shall not overstock.

AND it is hereby agreed and declared by and between the Lessor and the Lessee:-

- (a) THAT the Lessee shall have the exclusive right of pasturage over the said land, but shall have no right to the soil.
- (b) THAT the Lessee shall have no right, title, or claim whatsoever to any minerals (within the meaning of the Land Act, 1912) on or under the surface of the soil of the said land, and all such minerals are reserved to His Majesty together with a free right of way over the said land in favour of the Commissioner or of any person authorized by him and of all persons lawfully engaged in the working, extraction, or removal of any mineral on or under the surface of the said land or any adjacent land of the Crown, subject to the payment to the Lessee of compensation for all damage done to improvements on the said land belonging to the Lessee in the working, extraction, or removal of any such minerals: Provided that there shall be no right of way over, or right to work, extract, or remove any mineral from, any part of the said land which is for the time being under crop or used or situated within the site of a yard, garden, orchard, vineyard, nursery, or plantation, or within 100 yards of any building: dwellinghouse; Provided also that the Lessee may, with the prior consent in writing of the Commissioner, which consent may be given subject to such conditions as the Commissioner thinks fit, use any such minerals for any agricultural, pastoral, household, roadmaking, or building purpose on the said land, but not otherwise.
- (c) THAT upon the expiration by effluxion of time of the term hereby granted and thereafter at the expiration of each succeeding term to be granted to the Lessee the outgoing Lessee shall have a right to claim, in accordance with the provisions of section 63 (3) of the Land Act, 1912, a new lease of the land hereby leased at a rent to be determined in the manner prescribed by Part VIII of the said Act for a term of thirty-three years computed from the expiration of the term hereby granted and subject to the same covenants and provisions as this lease, including this present provision for the renewal thereof and all provisions auxiliary or in relation thereto.

G.T. 386/122

386/122

- (d) THAT the Lessee shall have the right of acquiring the freehold of the said land.
- (e) THAT the Lessee may, with the prior consent in writing of the Commissioner given subject to such conditions as the Commissioner may deem necessary,
 - (i) Cultivate any portion of the said land for the purpose of growing winter feed for the stock depastured thereon;
 - (ii) Crop such area of the said land as is sufficient for the use of himself and family and his employees;
 - (iii) Plough and sow in grass any portion of the said land;
 - (iv) Clear any portion of the said land by felling and burning bush or scrub and sow the land so cleared in grass;
 - (v) Surface sow in grass any portion of the said land;
 Provided that the Lessee shall, on the termination of the lease, leave the whole of the area that has been ploughed or cultivated properly laid down in good permanent clovers and grasses to the satisfaction of the Commissioner.
- (f) THAT the Lessee shall exercise care in stocking the said land and shall not overstock; and for the purpose of this clause it is hereby mutually declared and agreed between the Lessee and the Commissioner that the number of sheep to be depastured on the said land during the winter months shall not, without the prior consent of the Commissioner, exceed ~~such as a basis of a count of one for a dry sheep and one and a half for a breeding ewe.~~
 - ** See below.
- (g) THAT if the Lessee shall have New Zealand or abandon the said land or if he cannot be found or if he shall neglect or fail or refuse to comply with the covenants and conditions herein expressed or implied to the satisfaction of the Land Settlement Board or the Commissioner, as the case may be, or make default for not less than two months in the payment of rent, water levy, or other payments due to the Lessor, then the Land Settlement Board may, subject to the provisions of section 116 of the Land Act, 1952, declare this lease to be forfeit, and that without discharging the Lessor from liability for any due or accruing due or for any poor branch of any covenant or condition of the lease.
- (h) THAT these presents are intended to take effect as a pastoral lease under the Land Act, 1952, and the provisions of the said Act and of the regulations made thereunder applicable to such leases shall be binding in all respects upon the parties hereto in the same manner as if such provisions had been fully set out herein.

SCHEDULE

IMPROVEMENTS BELONGING TO THE CROWN AND BEING PURCHASED BY THE LESSEE

Nil.

In witness whereof the Commissioner of Crown Lands for the Land District of Otago, on behalf of the Lessor, hath hereunto set his hand, and these presents have also been executed by the said Lessee.

Signed by the Deputy Commissioner, on behalf of the Lessor, in the presence of

Witness: Brenda Macdonald
Occupation: Lands Office Clerk
Address: Dunedin

M. Macdonald
Deputy Commissioner of Crown Lands

Signed by the above named as Lessee, in the presence of

Witness: J. G. Goodger
Occupation: Postmaster
Address: Launceston

J. G. Goodger
Lessee

Signed by the above-named as Lessee, in the presence of

Witness: J. G. Goodger
Occupation: Postmaster
Address: Launceston

B. G. Goodger
Lessee

** (r) THAT the Lessee shall be deemed not to have failed to use due care in stocking, or to have overstocked so long as the number of sheep depastured on the said land does not exceed 3,300 sheep inclusive of 950 ewes (being an increase of ten per cent on the carrying capacity on which is based the rent hereinbefore reserved) but the Commissioner may by notice in writing permit the Lessee to depasture thereon any greater number should he deem it advisable or expedient so to do. Any permission so granted shall be subject to revocation or amendment by the Commissioner at any time and particularly in the event of a transfer. Any variation consented to by the Commissioner shall not affect the rent payable hereunder.

M. Macdonald
Deputy Commissioner of Crown Lands

J. G. Goodger
Lessee

B. G. Goodger
Lessee

Mortgage Eric James Goodger and Brian George Wright to Stephen Wright and Investment Finance and Investment Company Limited produced 1956 at 30/11/56

DISCHARGED
-2 NOV 1979

249488 Mortgage to registered Proprietors to Wright Stephen and Investment Finance and Investment Company Limited. Produced 22/8/79 at 1/32 P

DISCHARGED
AUG 1979

Variation of Mortgage 166793 - 27.7.1963 at 255/6

349595 Mortgage to Her Majesty the Queen under the Marginal Lease Act 1950 - 12.12.1961 at 1/32 P
A.L.R.

DISCHARGED
1975

352758 Certificate of Alteration incorporating in the within Lease Run 780 Block II Lindis and Longslip Survey District (1,660 acres bordered and on diagram herewith) from 14.10.1969. Entered 18.3.1970 at 2.52pm

THIS REPRODUCTION (ON A REDUCED SCALE) CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL REGISTER FOR THE PURPOSES OF SECTION 215A LAND TRANSFER ACT 1952.
J. Macdonald A.L.R.

395121 Evidence of the change of name of the Mortgagee in Mortgage 249488 to NMA Wright Stephenson Holdings Limited entered 11.1972 at 10.44 am.
A.L.R.

U.T. 586/122

416240 Evidence of the Change Name of the Mortgagee in Mortgage 249488 to Challenge Corporation Limited entered 20.12.1973 at 10.40 am

Handwritten signature
A.L.R.

553855/2 Variation of Mortgage 532484/2 - 11.5.1981 at 1.40 pm

580046/1 Variation of Mortgage 544458/2 - 27.7.1982 at 1.37 pm

Handwritten signature
A.L.R.

of his 1/2 share Bryan George Goodger 447849/2 Transfer to Eric James Goodger of Tarras Farmer - 6.10.1975 at 2.58 pm

Handwritten signature
for A.L.R.

598676 Land Impassement Agreement under the Soil Conservation and Rivers Control Act 1941 - 21.7.1983 at 2.84 pm

DISCHARGED
Handwritten signature
A.L.R.

447849/3 Mortgage to New Zealand Perpetual Trustees Estate Agency Company of New Zealand Limited entered 6.10.1975 at 2.58 pm

DISCHARGED
Handwritten signature
for A.L.R.

626837 Transfer of 1/2 of his 1/2 share, Russell Stewart Emmerson to Jeanette Emmerson abovenamed produced 5.12.1984 and entered 22.2.1985 at 11.36 am.

Handwritten signature
A.L.R.

447849/4 Change of Name of Mortgagee in Mortgage 166793 to Wrightson NMA Farmers' Finance Limited entered 6.10.1975 at 2.58 pm

Handwritten signature
for A.L.R.

646481 Mining License under the Mining Act 1971 ~~afforded to the~~ land in favor of ~~Mary~~ Fuller Hesson for a term of ten years from 4 November 1985 - 6.11.1985 at 1.41 pm
See Volume 9D Folio ~~100~~
Tarras bed of Crows Creek

Handwritten signature
A.L.R.

447849/5 Memorandum of Priority ranking Mortgage 447849/3 as a first Mortgage Mortgage 166793 as a second Mortgage and Mortgage 249488 as a third Mortgage - 6.10.1975 at 2.58 pm

Handwritten signature
for A.L.R.

639189/1 Variation of Mortgage 532484/2 - 18.7.1985 at 9.39am

DISCHARGED
15 JUL 1985
Handwritten signature
A.L.R.

639189/6 Mortgage to The Rural Banking and Finance Corporation of New Zealand - 18.7.1985 at 9.39am

Handwritten signature
A.L.R.

525481/2 Transfer to Russell Stewart Emmerson of Tarras Farmer (as to 1/2 share) and to the said Russell Stewart Emmerson, Jeanette Emmerson his wife and the Trustees Executors and Agency Company of New Zealand Limited (as to 1/2 share) as tenants in common in equal shares - 2.11.1979 at 10.51 am

DISCHARGED
Handwritten signature
A.L.R.

684264 Mortgage to Eggarifford Arthur Eggeling and ~~33~~ Eggeling - 5.8.1987 at 9.44am

DISCHARGE OF MORTGAGE
23 MAY 1987
Handwritten signature
A.L.R.

532484/2 Mortgage to The Trustees Executors and Agency Company of New Zealand Limited - 2.4.1980 at 2.01 pm

DISCHARGED
Handwritten signature
A.L.R.

710086/1 Surrender of part of the within lease being Part Run 235A (160ha) shown hatched black hereon effective from 31st December 1984 - 24.8.1988 at 10.26 am

Handwritten signature
A.L.R.

532484/5 Mortgage to The Rural Banking and Finance Corporation of New Zealand - 2.4.1980 at 2.01 pm

DISCHARGED
18 JUL 1985
Handwritten signature
A.L.R.

710086/4 Certificate of Alteration incorporating in the within lease Part Run 233 Longslip Survey District (230ha) - 24.8.1988 at 10.26 am.

Handwritten signature
A.L.R.

544458/1 Mortgage to The Rural Banking and Finance Corporation of New Zealand - 6.11.1980 at 11.57 am

DISCHARGED
18 JUL 1985
Handwritten signature
A.L.R.

544458/2 Mortgage to The Rural Banking and Finance Corporation of New Zealand - 6.11.1980 at 11.57 am

DISCHARGED
18 JUL 1985
Handwritten signature
A.L.R.

over...

797511/1 Variation of Mortgage 532484/2
- 5.2.1992 at 10.11am

DISCHARGED
15 JUL 1993
A.L.R.

A.L.R.

797511/2 Mortgage to Wrightson Farmers
Finance Limited - 5.2.1992 at 10.11am

903211 Mining Permit under the
Crown Minerals Act 1991 over part of
the within land in favour of Peter
Barry Gordon for the term of ten
years commencing 26.12.1996 -
11.3.1996 at 9.11 am
9D/539

Jumavett

A.L.R.



DISCHARGED
15 JUL 1993
A.L.R.

A.L.R.

827314/3 Mortgage to The Australian
Mutual Provident Society - 7.4.1993 at
9.04am

A.L.R.

827314/4 Memorandum of Priority ranking
Mortgage 827314/3 as a first mortgage,
Mortgage 544458/2 as a second mortgage,
Mortgage 639189/6 as a third mortgage
and Mortgage 797511/2 as a fourth
mortgage - 7.4.1993 at 9.04am

A.L.R.

860274/4 Mortgage to Australian Mutual
Provident Society - 15.7.1994 at 9.04am

A.L.R.

860274/6 Memorandum of Priority ranking
Mortgage 860274/4 as first Mortgage,
Mortgage 544458/2 as second Mortgage -
15.7.1994 at 9.04am

A.L.R.

861600/1 Mortgage to Bank of New Zealand
- 3.8.1994 at 9.10am

A.L.R.

895041 Exploration Permit under
Section 81 Crown Minerals Act 1991
over part of the within land in favour
of Aurum Reef Resources (NZ) Limited
for a term of 3 years commencing on
23.11.1994 - 8.11.1995 at 9.01am
See Volume 9D Folio 529

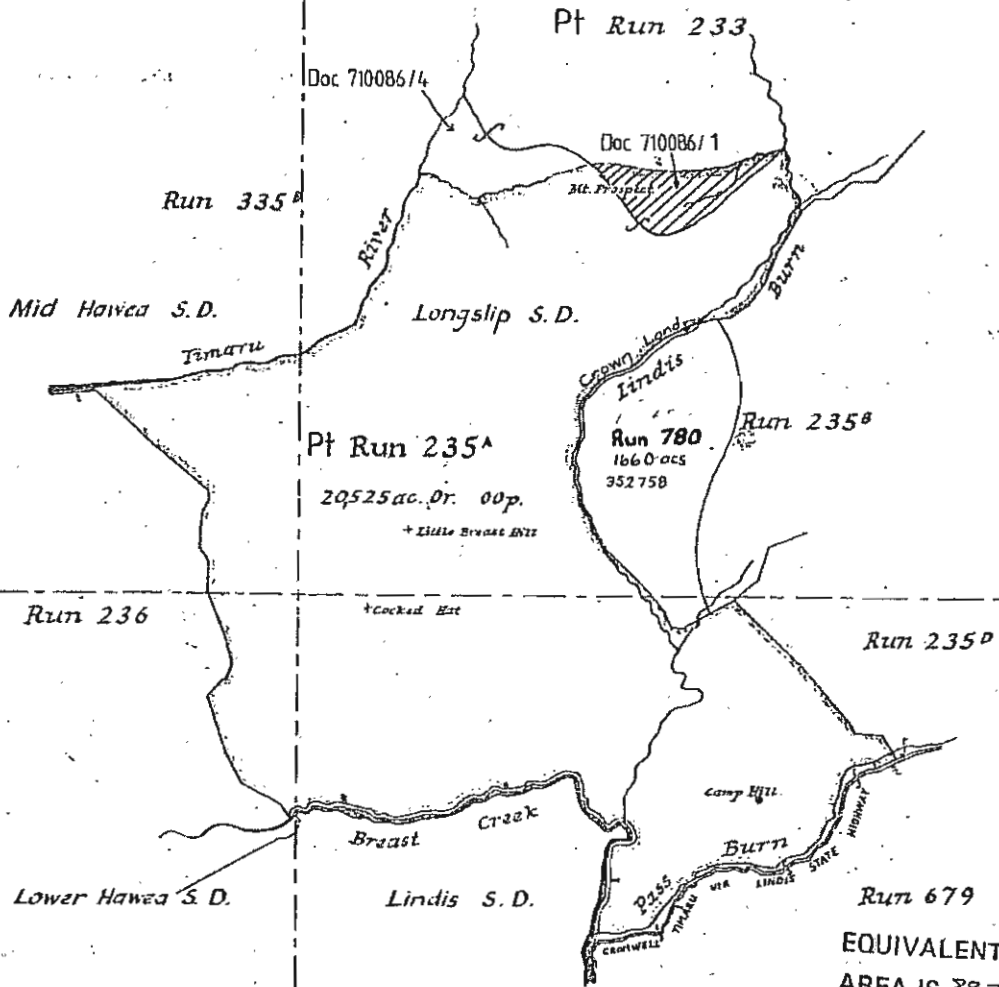
P Ellwood

A.L.R.

386122

Longslip, Lindis, Mid Hawea & Lower Hawea S.D's

cleans and grasses to
 and between the Land
 Commissioner, and
 and conditions herein
 payment of rent, water
 be forfeit, and that
 or applicable to such
 hereto set his
 Crown Lands.
 Lessee.
 Lessee.
 stocked as
 of 950 sheep
 before reserved)
 or number should
 revocation or
 variation.
 Google
 Lessee.



EQUIVALENT METRIC
 AREA IS 8977.9510

Total Area: 20525 ac
 1660 ac 352758
 22185 acs

710086/4	+	8977.9510 ha
		230
		9207.9510 ha
710086/1	-	160
		9047.9510 ha

Scale - 80 chains to an inch.

July 19
 B36
 Sub. 11

UL 500305.1 VARIATION OF LEASE
COPY-01/02.PES-004.05/09/00.11:07



DocID: 110105332

**MEMORANDUM OF RENEWAL AND VARIATION
OF PASTORAL LEASE**

IN THE MATTER of the Land Act 1948

AND

IN THE MATTER of Pastoral Lease No P216 registered in Volume 386 Folio 122 Otago District Land Registry from **HER MAJESTY THE QUEEN** to **RUSSELL STEWART EMMERSON (1/4 SHARE), JEANETTE EMMERSON (1/4 SHARE), RUSSELL STEWART EMMERSON, JEANETTE EMMERSON AND THE TRUSTEES EXECUTORS AND AGENCY COMPANY OF NEW ZEALAND LIMITED (1/2 SHARE)**

- (1) Pursuant to Section 170 of the Land Act 1948 the term of the abovementioned lease registered in Volume 386 Folio 122 Otago Land Registry is renewed for a term of 33 years commencing on the 1st day of July 1992. The covenant to pay rent and the rental value contained in the lease is hereby varied by deleting the said covenant and substituting the following:

Yielding and paying therefore for the first 11 years of the said term unto the Commissioner of Crown Lands (or agents) at Alexandra the annual rent of \$1350.00 plus GST calculated on a rental value of \$90,000.00 payable without demand by equal half yearly payments in advance on the first day of January and the first day of July in each and every year during the said period of 11 years and for the next two successive periods of 11 years of the said term a rent determined in respect of each of those periods in the manner provided in Section 132A of the Land Act 1948.

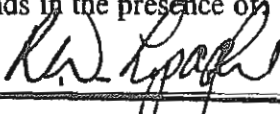
Save as hereby expressly varied all the covenants conditions and restrictions contained or implied in the said Memorandum of Lease shall remain in full force.

IN WITNESS WHEREOF the parties have hereunto subscribed their names this
30th day of August 2000.

SIGNED for and on behalf of HER MAJESTY)
THE QUEEN by MICHAEL JOHN TODD)
pursuant to a delegation from the Commissioner)
of Crown Lands in the presence of)



Witness: _____



Name: _____

ROBERT WILLIAM LYSAGHT PORTFOLIO MANAGER CROWN PROPERTY MANAGEMENT C/- LINZ, CHRISTCHURCH
--

Occupation: _____

Address: _____

SIGNED by RUSSELL STEWART EMMERSON)
as Lessee in the presence of:)



Witness: Margaret M Wheen

Name: MARGARET M WHEEN

Occupation: Retired

Address: Box 2 Taranaki Central Staps

SIGNED by JEANETTE EMMERSON)
as Lessee in the presence of:)



Witness: Margaret M Wheen

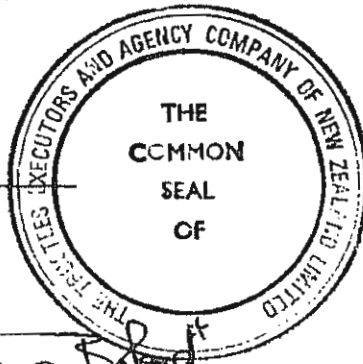
Name: MARGARET M WHEEN

Occupation: Retired

Address: Box 2 Taranaki Central Staps

SIGNED by THE TRUSTEES EXECUTORS
AND AGENCY COMPANY OF NEW
ZEALAND LIMITED

EXECUTED by THE TRUSTEES EXECUTORS
AND AGENCY COMPANY OF NEW ZEALAND
LIMITED under its common seal



[Signature]
Secretary

[Signature]
ALLISON WILSON
Secretary

[Signature]
Sonya Byford
Receptionist
TOWER Trust
Wellington



**MEMORANDUM OF RENEWAL OF
PASTORAL LEASE**

Particulars entered in the
Register as shown herein on the
date and at the time stamped below.

HER MAJESTY THE QUEEN Lessor

District/Assistant Land Registrar
of Otago

**RUSSELL STEWART EMMERSON
JEANETTE EMMERSON
TRUSTEES EXECUTORS AND
AGENCY COMPANY OF NZ LTD** Lessee

**KNIGHT FRANK (NZ) LIMITED
ALEXANDRA**

SCHEDULE

NORTH AUCKLAND LAND DISTRICT

A piece of land containing 1625 square metres, situated in the City of Mount Albert, and being part Lot 4, D.P. Part Gazette Notice No. A508365; as shown on plan 11148, lodged in the office of the Chief Surveyor at Wellington, and thereon marked "B",

dated at Wellington this 11th day of October 1978.

W. L. YOUNG, Minister of Works and Development.

W. 71/2/5/0; Ak. D.O. 71/2/5/0/225)

Land Acquired for a Government Work and Not Required for That Purpose to be Crown Land in Matamata County

PURSUANT to section 35 of the Public Works Act 1928, the Minister of Works and Development hereby declares the land described in the Schedule hereto to be Crown land, subject to the Land Act 1948, as from the 30th day of November 1978.

SCHEDULE

SOUTH AUCKLAND LAND DISTRICT

A piece of land containing 305 square metres, being Lot 125, Block II, Tapapa East Survey District; as shown on plan S.O. 48437, lodged in the office of the Chief Surveyor at Hamilton, and thereon marked "Q".

dated at Wellington this 11th day of October 1978.

W. L. YOUNG, Minister of Works and Development.

W. 72/29/3A/0; Hn. D.O. 72/29/3A/02)

Land Taken for a Government Work (Railway Purposes) at Pukehina and Not Now Required for That Purpose to be Crown Land

PURSUANT to section 35 of the Public Works Act 1928, the Minister of Railways hereby declares the land described in the Schedule hereto to be Crown land, subject to the Land Act 1948, as from the 4th day of December 1978.

SCHEDULE

SOUTH AUCKLAND LAND DISTRICT—TAURANGA COUNTY

All that piece of land described as follows:

Railway land being

1423 Formerly Crown Land, being the balance of the land comprised and described in *Gazette*, 1956, p. 1071, Proc. S. 110125.

located in Block II, Waihi South Survey District.

As the same is more particularly delineated on the plan marked L.O. 30548 (S.O. 49432) deposited in the office of the Minister of Railways at Wellington and thereon marked B.

dated at Wellington this 20th day of November 1978.

COLIN McLACHLAN, Minister of Railways.

(N.Z.R. L.O. 20213/113) (2)

Land Taken for a Government Work (Better Utilisation) at Manor Park, Now Set Apart for Railway Purposes

PURSUANT to section 25 of the Public Works Act 1928, the Minister of Railways hereby declares that the land described in the Schedule hereto is hereby set apart, subject to middle island proclamation No. 3923, for railway purposes on and from the 4th day of December 1978.

SCHEDULE

WELLINGTON LAND DISTRICT—HUTT COUNTY

All that piece of land described as follows:

Being

121) Part Lot 2, D.P. 5786, being part of the land firstly comprised and described in *Gazette*, 1950, p. 146, Proclamation 4144, coloured yellow on plan.

located in Block IV, Belmont Survey District.

As the same is more particularly delineated on the plan marked L.O. 19094 (S.O. 25433) deposited in the office of the Minister of Railways at Wellington and thereon coloured as above-mentioned.

Dated at Wellington this 20th day of November 1978.

COLIN McLACHLAN, Minister of Railways.

(N.Z.R. L.O. 20953/292) (3)

Declaring Land Taken for a Government Work (Railway Purposes) at Pukehina and Not Now Required for That Purpose to be Crown Land.

PURSUANT to section 35 of the Public Works Act 1928, the Minister of Railways hereby declares the land described in the Schedule hereto to be Crown land, subject to the Land Act 1948, as from the 4th day of December 1978.

SCHEDULE

SOUTH AUCKLAND LAND DISTRICT—TAURANGA COUNTY

All that piece of land described as follows:

Area

m²

Railway land being

1423 Formerly Crown Land, being part of the land comprised and described in *Gazette*, 1956, p. 1071, Proc. S. 110125.

Situated in Block II, Waihi South Survey District.

As the same is more particularly delineated on the plan marked L.O. 30548 (S.O. 49432) deposited in the office of the Minister of Railways at Wellington and thereon marked A.

Dated at Wellington this 20th day of November 1978.

COLIN McLACHLAN, Minister of Railways.

(N.Z.R. L.O. 20213/113) (1)

State Forests Set Apart as Open Indigenous State Forests

PURSUANT to section 63D of the Forests Act 1949, (as substituted by section 19 of the Forests Amendment Act 1976) I, Venn Spearman Young, Minister of Forests, hereby set apart the following State forests in the Canterbury Conservancy of the New Zealand Forest Service as open indigenous State forests for the purpose of public recreation from the date of publication hereof, PROVIDED that all or part of any such open indigenous State Forest may be closed by the Conservator of Forests for the Canterbury Conservancy in times of danger from fire or forest operations, such closures and their durations to be notified by advertisement in at least one daily newspaper circulating in the locality of the forest concerned and/or by signposts erected alongside the forest or part of forest being closed:

Round Hill State Forest, situated in the Mackenzie County;
Alford State Forest, situated in the Ashburton County;
Rakaia State Forest, situated in the Ashburton County;
Lawrence State Forest, situated in the Ashburton County;
Clyde State Forest, situated in the Ashburton County;
Havelock State Forest, situated in the Ashburton County;
Oxford State Forest, situated in the Oxford County;
Thirteen Mile Bush State Forest, part situated in the Oxford County, part in the Malvern County;
Puketeraki State Forest, part situated in the Oxford County, part in the Ashley County;
Rockwood State Forest, situated in the Malvern County;
Wilberforce State Forest, situated in the Malvern County;
Mount Fyffe State Forest, situated in the Kaikoura County;
Wainui State Forest, situated in the Amuri County;
Seaward State Forest, situated in the Waipara County;
Lochinvar State Forest, situated in the Tawera County;
Torlesse State Forest, situated in the Tawera County;
Kowai State Forest, situated in the Tawera County;
Broken River State Forest, situated in the Tawera County;
Bealey State Forest, situated in the Tawera County; and
Hook State Forest, situated in the Waimate County.

Dated at Wellington this 29th day of November 1978.

VENN YOUNG, Minister of Forests.

(F.S. 9/0/15)

State Forests Set Apart as Open Indigenous State Forests

PURSUANT to section 63D of the Forests Act 1949, (as substituted by section 19 of the Forests Amendment Act 1976) I, Venn Spearman Young, Minister of Forests, hereby set apart the following State forests in the Rotorua Conservancy of the New Zealand Forest Service as open indigenous State forests for the purpose of public recreation from the date of publication hereof, PROVIDED that all or part of any such open indigenous State Forest may be closed by the Conservator of Forests for the Rotorua Conservancy in times of danger from fire or forest operations, such closures and their durations to be notified by advertisement in at least one daily newspaper circulating in the locality of the forest concerned and/or by signposts erected alongside the forest or part of forest being closed:

Rotoma State Forest, situated in the Whakatane County;
Awakeri State Forest, situated in the Whakatane County;
Otanewainuku State Forest, situated in the Tauranga County;
Urutawa State Forest, situated in the Opoitiki County;
Waikareiti State Forest, part situated in the Waikohu County, part in the Wairoa County;
Maungatahoe State Forest, situated in the Wairoa County;
Wharekopae State Forest, situated in the Waikohu County; and
Moanui State Forest, situated in the Waikohu County.

Dated at Wellington this 29th day of November 1978.

VENN YOUNG, Minister of Forests.

(F.S. 9/0/15)

State Forests Set Apart as Open Indigenous State Forests

PURSUANT to section 63D of the Forests Act 1949, (as substituted by section 19 of the Forests Amendment Act 1976) I, Venn Spearman Young, Minister of Forests, hereby set apart the following State forests in the Southland Conservancy of the New Zealand Forest Service as open indigenous State forests for the purpose of public recreation from the date of publication hereof, PROVIDED that all or part of any such open indigenous State Forest may be closed by the Conservator of Forests for the Southland Conservancy in times of danger from fire or forest operations, such closures and their durations to be notified by advertisement in at least one daily newspaper circulating in the locality of the forest concerned and/or by signposts erected alongside the forest or part of forest being closed:

Ahuriri State Forest, situated in the Waitaki County;
Hawea State Forest, situated in the Vincent County;
Hunter State Forest, situated in the Vincent County;
Stafford State Forest, situated in the Vincent County;
McKerrow State Forest, situated in the Vincent County;
Martin's Bay State Forest, situated in the Lake County;
Olivine State Forest, situated in the Lake County;
Arawhata State Forest, situated in the Lake County;
Wakatipu State Forest, situated in the Lake County;
Von State Forest, situated in the Lake County;
Matukituki State Forest, situated in the Lake County;
Makarora State Forest, situated in the Lake County;
Takitimu State Forest, situated in the Wallace County;
Blackmount State Forest, situated in the Wallace County;
Taylor's State Forest, situated in the Wallace County;
Maŋapiri State Forest, situated in the Wallace County;
Dean State Forest, situated in the Wallace County;
Waikoau State Forest, situated in the Wallace County;
Waitutu State Forest, part situated in the Fiord County, part in the Wallace County;
Blackhill State Forest, situated in the Southland County;
Argyle State Forest, situated in the Southland County;
Waikaia State Forest, situated in the Southland County;
West Dome State Forest, situated in the Southland County;
The Cone State Forest, situated in the Southland County;
Otapiri State Forest, situated in the Southland County;
Purakaunui State Forest, situated in the Clutha County;
and Stewart Island State Forest, situated in the Stewart Island County.

Dated at Wellington this 29th day of November 1978.

VENN YOUNG, Minister of Forests.

(F.S. 9/0/15)

State Forests Set Apart as Open Indigenous State Forests

PURSUANT to section 63D of the Forests Act 1949, (as substituted by section 19 of the Forests Amendment Act 1976) I, Venn Spearman Young, Minister of Forests, hereby set apart the following State forests in the Nelson Conservancy of the New Zealand Forest Service as open indigenous State forests for the purpose of public recreation from the date of publication hereof, PROVIDED that all or part of any such open indigenous State Forest may be closed by the Conservator of Forests for the Nelson Conservancy in times of danger from fire or forest operations, such closures and their durations to be notified by advertisement in at least one daily newspaper circulating in the locality of the forest concerned and/or by signposts erected alongside the forest or part of forest being closed:

Mount Robertson State Forest, situated in the Marlborough County;
Queen Charlotte State Forest, situated in the Marlborough County;
Uruti Bay State Forest, situated in the Marlborough County;
Ocean Bay State Forest, situated in the Marlborough County;
Mount Stokes State Forest, situated in the Marlborough County;
Mount Frederick State Forest, situated in the Buller County; and
Maimai State Forest, situated in the Inangahua County;

AND I hereby set apart the following State forests in the Nelson Conservancy of the New Zealand Forest Service as open indigenous State forests except those areas signposted within which from time to time logging operations are being conducted:

Big Bush State Forest, situated in the Waimea County;
Mairi State Forest, situated in the Waimea County;
Howard State Forest, situated in the Waimea County;
Tutaki State Forest, situated in the Waimea County;
Matakitaki State Forest, situated in the Waimea County;
Owen State Forest, situated in the Waimea County;
Orikaka State Forest, situated in the Buller County;
Mokihinui State Forest, situated in the Buller County;
Ohikanui State Forest, situated in the Buller County;
Charleston State Forest, situated in the Buller County;
Maruia State Forest, part situated in the Inangahua County, part in the Waimea County;
Waitahu State Forest, situated in the Inangahua County;
Inangahua West State Forest, situated in the Inangahua County;
Inangahua East State Forest, part situated in the Inangahua County, part in the Buller County;
Hukawai State Forest, situated in the Inangahua County;
Tawhai State Forest, situated in the Inangahua County; and
Rainbow State Forest, situated in the Marlborough County.

Dated at Wellington this 29th day of November 1978.

VENN YOUNG, Minister of Forests.

(F.S. 9/0/15)

State Forests Set Apart as Open Indigenous State Forests

PURSUANT to section 63D of the Forests Act 1949, (as substituted by section 19 of the Forests Amendment Act 1976) I, Venn Spearman Young, Minister of Forests, hereby set apart the following State forests in the Wellington Conservancy of the New Zealand Forest Service as open indigenous State forests for the purpose of public recreation from the date of publication hereof, PROVIDED that all or part of any such open indigenous State Forest may be closed by the Conservator of Forests for the Wellington Conservancy in times of danger from fire or forest operations, such closures and their durations to be notified by advertisement in at least one daily newspaper circulating in the locality of the forest concerned and/or by signposts erected alongside the forest or part of forest being closed:

Kakara State Forest, situated in the Waitomo County;
Kara State Forest, situated in the Taumarunui County;
Retaruke State Forest, situated in the Taumarunui County;
Panirau State Forest, part situated in the Taumarunui County, part in the Waitomo County;
Waitewhena State Forest, part situated in the Taumarunui County, part in the Waitomo County;
Whitecliffs State Forest, situated in the Clifton County;
Mount Messenger State Forest, situated in the Clifton County;
Mount Roa State Forest, situated in the Clifton County;
Rerokino State Forest, situated in the Clifton County;

Uruti State Forest, situated in the Clifton County;
 Tongaporutu State Forest, situated in the Clifton County;
 Mangakara State Forest, situated in the Clifton County;
 Makino State Forest, part situated in the Clifton County,
 part in the Stratford County;
 Matirangi State Forest, situated in the Stratford County;
 Waitiri State Forest, situated in the Stratford County;
 Mount Humphries State Forest, situated in the Stratford
 County;
 Moki State Forest, part situated in the Clifton County,
 part in the Stratford County;
 Mangaehu State Forest, situated in the Stratford County;
 Omoana State Forest, situated in the Eltham County;
 Tarero State Forest, part situated in the Patea County, part
 in the Hawera County;
 Waitotara State Forest, part situated in the Patea County,
 part in the Stratford County;
 Rimunui State Forest, situated in the Patea County;
 Otumokuru State Forest, situated in the Patea County;
 Kapara State Forest, situated in the Patea County;
 Nukuhau State Forest, situated in the Patea County;
 Papanui State Forest, situated in the Rangitikei County;
 and
 Puketoi State Forest, part situated in the Eketahuna
 County, part in the Akitio County;
 Tarata State Forest, situated in the Inglewood County.

Dated at Wellington this 29th day of November 1978.

VENN YOUNG, Minister of Forests.

(F.S. 9/0/15)

State Forests Set Apart as Open Indigenous State Forests

PURSUANT to section 63D of the Forests Act 1949, (as substituted by section 19 of the Forests Amendment Act 1976) I, Venn Spearman Young, Minister of Forests, hereby set apart the following State forests in the Auckland Conservancy of the New Zealand Forest Service as open indigenous State forests for the purpose of public recreation from the date of publication hereof, PROVIDED that all or part of any such open indigenous State Forest may be closed by the Conservator of Forests for the Auckland Conservancy in times of danger from fire or forest operations, such closures and their durations to be notified by advertisement in at least one daily newspaper circulating in the locality of the forest concerned and/or by signposts erected alongside the forest or part of forest being closed:

Herekino State Forest, situated in the Mangonui County;
 Maungataniwha State Forest, situated in the Mangonui
 County;
 Ractea State Forest, part situated in the Mangonui County,
 part in the Hokianga County;
 Waima State Forest, situated in the Hokianga County;
 Mataraua State Forest, part situated in the Hokianga
 County, part in the Bay of Islands County, part in the
 Hobson County;
 Houto State Forest, situated in the Hobson County;
 Tangihua State Forest, situated in the Hobson County;
 Marlborough State Forest, situated in the Hobson County;
 Kaihū State Forest, part situated in the Hobson County,
 part in the Whangarei County;
 Motatau State Forest, situated in the Whangarei County;
 The Dome State Forest, situated in the Rodney County;
 Māngatawhiri State Forest, situated in the Franklin
 County;
 Mataitai State Forest, situated in the Manukau City;
 Wharepūhanga State Forest, situated in the Otorohanga
 County;
 Hauturu State Forest, part situated in the Otorohanga
 County, part in the Waitomo County;
 Waitomo State Forest, situated in the Waitomo County;
 Huikōmako State Forest, situated in the Waitomo County;
 Raepahu State Forest, situated in the Waitomo County;
 Taumatātara State Forest, situated in the Waitomo
 County;
 Mahoe State Forest, situated in the Waitomo County; and
 Moeatoa State Forest, situated in the Waitomo County.

Dated at Wellington this 29th day of November 1978.

VENN YOUNG, Minister of Forests.

(F.S. 9/0/15)

State Forests Set Apart as Open Indigenous State Forests

PURSUANT to section 63D of the Forests Act 1949, (as substituted by section 19 of the Forests Amendment Act 1976) I, Venn Spearman Young, Minister of Forests, hereby set apart the following State forests in the Westland Conservancy of the New Zealand Forest Service as open indigenous State forests for the purpose of public recreation from the date of publication hereof, PROVIDED that all or part of any such open indigenous State Forest may be closed by the Conservator of Forests for the Westland Conservancy in times of danger from fire or forest operations, such closures and their durations to be notified by advertisement in at least one daily newspaper circulating in the locality of the forest concerned and/or by signposts erected alongside the forest or part of forest being closed:

Tutaekuri State Forest, situated in the Grey County;
 Pohaturoa State Forest, situated in the Grey County;
 Waiheke State Forest, situated in the Grey County;
 Cascade State Forest, situated in the Westland County;
 Arawata State Forest, situated in the Westland County;
 Mataketake State Forest, situated in the Westland County;
 Paringa State Forest, situated in the Westland County;
 Ohinemaka State Forest, situated in the Westland County;
 Bruce Bay State Forest, situated in the Westland County;
 Makawhio State Forest, situated in the Westland County;
 Karangarua State Forest, situated in the Westland County;
 Waikukupa State Forest, situated in the Westland County;
 Poerua State Forest, situated in the Westland County;
 Waitaha State Forest, situated in the Westland County;
 Kowhitirangi State Forest, situated in the Westland County;
 Toaroa State Forest, situated in the Westland County;
 Kawhaka State Forest, situated in the Westland County;
 Wainihinihi State Forest, situated in the Westland County;
 Taipo State Forest, situated in the Westland County;
 Turnbull State Forest, situated in the Westland County;
 Hunts Beach State Forest, situated in the Westland County;
 Okuku State Forest, situated in the Westland County;
 Mount Herman State Forest, situated in the Westland
 County; and
 Kakapotahi State Forest, situated in the Westland County.

Dated at Wellington this 29th day of November 1978.

VENN YOUNG, Minister of Forests.

(F.S. 9/0/15)

Consent to the Generation of Electricity by John David Bradshaw and Phillippa Edith Bradshaw at Canvastown by the Use of Water

PURSUANT to the Electricity Act 1968, the Minister of Energy hereby consents to the generation of electricity by John David Bradshaw and Phillippa Edith Bradshaw, of Canvastown, by the use of water, subject to the following conditions.

CONDITIONS

1. The conditions directed by the Water Power Regulations 1934 to be implied in every licence to use water for the purpose of generating or storing electricity shall be deemed to be conditions of this consent as if it were such a licence.
2. This consent is subject to compliance with the Water Power Regulations 1934, the Electrical Supply Regulations 1976, the Electrical Wiring Regulations 1976, the Radio Interference Regulations 1958, and all regulations hereafter made in amendment of, or in substitution for any of those regulations, as if in the case of the Water Power Regulations 1934 it were a licence under the Public Works Act 1928 to use water for the purpose of generating electricity as well as a consent under the Electricity Act 1968 to generate electricity by the use of water.
3. The generation of electricity by the use of water pursuant to this consent shall be carried out by means of the works described in the Schedule hereto.
4. This consent shall, unless it is sooner lawfully determined, continue in force until the 31st day of March 1999.
5. This consent is subject to compliance with the Water and Soil Act 1967.
6. For the purpose of assessing the rental or annual sum payable in respect of this consent, the maximum generating capacity of the plant at the date of this consent is 1 kW.

329

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P 216

r. C. Petre

770 650

896

DUNEDIN

14 April 1983

Mr R Emmerson
"Breast Hill Station"
Private Bag
Lindis Road
TARRAS

5/3/83
D.F.O. ① your note folio 317
replies.
R.C.P.

Dear Mr Emmerson

Following a visit to you by the Fields Director, Mr T D McKenzie, and the District Field Officer Mr D J Sawyer on 25 March 1983, Mr Sawyer has asked me to confirm the status of the forest along the Banks of Timaru Creek, adjacent to your lease.

At the request of Mr J H Nevin, Field Officer, Alexandra, I wrote to you on 19 August 1980. Apparently you did not receive this letter, I therefore enclose a copy with a copy of the gazette notice declaring the land in question to be Provisional State Forest. As explained, Section 4 Forest Amendment Act 1973, declared all Provisional State Forest to be State Forest.

In view of the doubt expressed by you and the note written by Mr Roly Martin, District Ranger N.Z.F.S. Queenstown on 16 July 1980, I have rechecked my records and am firmly of the opinion that the area is State Forest subject to the Forests Act 1949, and thus excluded from your lease.

I trust this answers your queries.

Yours faithfully

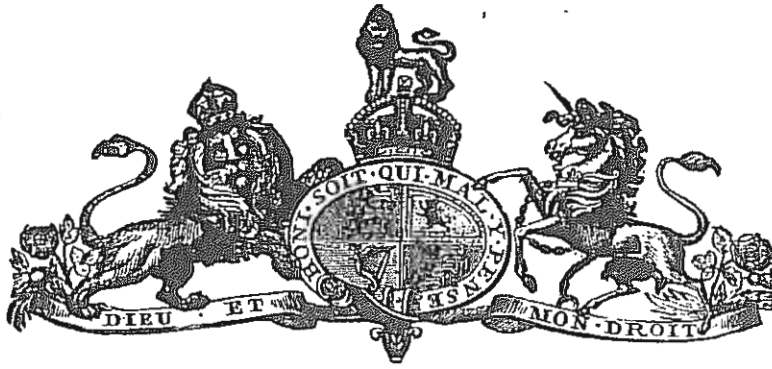
R C Petre
Chief Surveyor

1st/4/83.
enc

Ref to D.F.O Request. Folio 317
② Your request folio 325 this letter
answers it.

③ To amend lease document held in
L.T. Office I would think it sufficient
& register a document amending
average. P.L's are not subject to
L.T. Act & therefore are not guaranteed!
Folio 325 the.

we must be sure issues
accepts the correct position
before we enter the lease
diagram
1/4/83



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file: P Vol

THE NEW ZEALAND GAZETTE.

Published by Authority.

WELLINGTON, THURSDAY, OCTOBER 14, 1920.

Lands set apart as Provisional State Forests.

[S.] JELlicoe, Governor-General.
A PROCLAMATION.

BY virtue and in exercise of the powers and authorities conferred upon me by section thirty-four of the War Legislation and Statute Law Amendment Act, 1918, and section two of the State Forests Amendment Act, 1919, I, John Rushworth, Viscount Jellicoe, Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, do hereby set apart the national-endowment lands described in the Schedule hereto as and for provisional State forests.

SCHEDULE.

TARANAKI LAND DISTRICT.

ALL that area of land in the Taranaki Land District, containing by admeasurement 815 acres, more or less, being Section 1 of Block II, Waro Survey District. As the same is delineated on plan No. 86, in green, deposited in the Head Office, Department of Forestry, at Wellington, and thereon bordered green.

WESTLAND LAND DISTRICT.

All that area of land in Blocks I and II, Temiko Survey District, and Blocks IX and XIII, Waiwhero Survey District, in the Westland Land District, being Reserve 1591, containing by admeasurement 7,980 acres, more or less. Commencing at the south-western corner of Section 7, Block IX, Waiwhero Survey District, and proceeding along the southern boundaries of that section and Section 3201 to the western boundary of Section 2652; thence along the said western boundary to a road reserve; thence along the western side of said road reserve to a point in line with the south-western corner of Section 2998; thence across the said road and along the southern boundary of the said Section 2998, a distance of 2400 links; thence due south to the northern boundary of Block XIII of the said district; thence along its northern, eastern, and southern boundaries to the eastern boundary of land set apart for the purposes of the Coal-mines Act, 1895; thence by the last-mentioned land to and across the Waianiwhiwhiha Creek; thence by the right bank of the said creek to the eastern boundary of the Nelson-Grey coalfields area; thence along the boundary of that area to the eastern side of the main North Road; thence along the said side of that road by Section 2987 to its north-eastern corner; thence across Maukurumu Creek by Section 298, to its northern-most corner; thence by a right line to the south-western corner of Section 2, Block IX, Waiwhero Survey District; thence by that section and section 1 to the northernmost corner of the latter section in Block IX aforesaid; and thence

by a right line to the point of commencement. As the same is delineated on sheet 47, roll plan 450, deposited in the Head Office, Department of Forestry, at Wellington, and thereon bordered green.

All that area of land in the Westland Land District, situate in Blocks XIV and XV, Waiwhero Survey District, and Blocks II and III, Mawheranui Survey District, being Reserve 1592, and containing 10,000 acres, more or less. Bounded as follows: Commencing at the north-west corner of Block XIV, Waiwhero Survey District; thence due east along the northern boundary of said Block XIV to the north-east corner of said Block XIV; thence due south along the western boundary of said Block XIV for a distance of 8000 links; thence due east to Moonlight Creek; thence generally in a southerly direction, following along the right bank of said Moonlight Creek, to Section 3304, Block XV, Waiwhero Survey District; thence generally in a southerly direction, following along the northern, western, and southern boundaries of aforesaid Section 3304, right bank of Moonlight Creek, western and southern boundaries of Section 5, Block XV, Waiwhero Survey District, western boundary of Section 2, Block XV, Waiwhero Survey District, northern and western boundaries of Section 2943, Block III, Mawheranui Survey District, to the south-western corner of aforesaid Section 2943; thence in a south-westerly direction to the south-eastern corner of Section 2, Block II, Mawheranui Survey District; thence in a north-westerly direction along the north-eastern boundary of aforesaid Section 2 to its most northerly point; thence in a south-western direction to a point on the western boundary of Block II, Mawheranui Survey District, in line with the north-western boundaries of aforesaid Section 2 and Section 1, Block II, Mawheranui Survey District; thence due north along the western boundaries of Block II, Mawheranui, and Block XIV, Waiwhero Survey Districts, to point of commencement. As the same is delineated on sheet 47, roll plan 450, deposited in the Head Office, Department of Forestry, at Wellington, and thereon bordered green.

All that area of Land in the Westland Land District, situate in Blocks XIII, XIV, and XV, Ahaura Survey District, and Blocks I, II, and III, Kopara Survey District, being Reserve 1702, and containing 15,500 acres, more or less. Bounded as follows: Commencing at the south-eastern corner of Section 1, Block XIII, Ahaura Survey District, and proceeding along its eastern boundary to the north-eastern corner; thence due north to the right bank of Nelson Creek; thence due east to the eastern boundary of Block XV, Ahaura Survey District; thence due south along the eastern boundaries of that block and Block III, Kopara Survey District, for a distance of 300 chains; thence due west to the eastern boundary of Block II of the said Kopara Survey District; thence in a westerly direction by a right

Office, Department of Forestry, at Wellington, and thereon bordered green.

All that area of land in Block XIV, Arnott Survey District, in the Westland Land District, being Reserve 1656, containing by admeasurement 3,100 acres, more or less. Commencing at the north-western corner of the said block XIV, Arnott Survey District, and proceeding along the northern boundary of that block to its north-eastern corner; thence along the eastern boundary of the said block, 12400 links; thence due east to the western boundary of the said block; and thence along the said western boundary to the point of commencement. As the same is delineated on sheet 31, roll plan 450, deposited in the Head Office, Department of Forestry, at Wellington, and thereon bordered green.

All that area of land in Block XVI, Hapuka Survey District, in the Westland Land District, being Reserve 1657, containing by admeasurement 1,850 acres, more or less. Commencing at the most southerly corner of Reserve 366, and proceeding along its south-eastern and north-eastern boundaries, the latter produced to the sea-coast; thence along the sea-coast to the eastern boundary of the said Block XVI; thence along the said eastern boundary to the southern boundary of the said block; thence along the said southern boundary to the south-western shore of the Waitoto Lagoon, and along the said shore to the south-western boundary of the said Reserve 366; and thence along the said reserve boundary to the point of commencement. As the same is delineated on sheet 31, roll plan 450, deposited in the Head Office, Department of Forestry, at Wellington, and thereon bordered green.

All that area of land in Blocks IX, X, XIII, and XIV, Gorge River Survey District, in the Westland Land District, being Reserve 1898, containing by admeasurement 6,500 acres, more or less. Commencing at the north-western corner of Block IX, Gorge River Survey District, and proceeding along the northern boundary of that block to its north-eastern corner, and along the northern boundary of Block X of the said survey district for 1000 links; thence due south to the southern boundary of Block XIV, and along that boundary and the southern boundary of Blocks XIII and IX to the sea-coast; and thence along the sea-coast to the western boundary of Block IX, Gorge River Survey District, and along that block boundary to the point of commencement. As the same is delineated on sheet 66, roll plan 450, deposited in the Head Office, Department of Forestry, at Wellington, and thereon bordered green.

All that area of land in the Westland Land District, situate in Block XII, Okarito Survey District, being Reserve 1700, containing by admeasurement 300 acres, more or less, and comprising all the islands in the Okarito River between Canoe Point and the eastern shore of the Okarito Lagoon. As the same is delineated on sheet 43, roll plan 450, deposited in the Head Office, Department of Forestry, at Wellington, and thereon bordered green.

OTAGO LAND DISTRICT.

All those parcels of bush-clad land in the Otago Land District, containing by admeasurement 12,290 acres, more or less, situate in Runs 335A, 335B, 335D, and 433, and being numbered 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31 on sheets 17 and 17A, roll plan 450, deposited in the Head Office, Department of Forestry, at Wellington, and thereon bordered green.

SOUTHLAND LAND DISTRICT.

All that parcel of land in the Southland Land District, containing by estimation 6,400 acres, more or less, being parts of Mavora, Black Hill, and Snowdon Survey Districts, and bounded commencing at a point on the south boundary of Block XIV, Mavora Survey District aforesaid, 25 chains west of Trig. A; thence in a northerly direction along the bush-edge into Block X; thence westerly across the Oreti River; thence southerly along the bush-edge across the southern boundary of Mavora Survey District aforesaid; thence westerly and again northerly along the bush-edge aforesaid, through Blocks XIII and IX, to the eastern shore of Lake North Mavora; thence southerly along the said eastern shore to the bush-edge, again southerly along the bush-edge to Lake South Mavora; thence south-westerly along the east shore of said Lake South Mavora and the Mararoa River to the bush-edge in Block VI, Snowdon Survey District; and thence north-easterly along the bush-edge to the point of commencement. As the same is delineated on plans 91 and 91A, in green, deposited in the Head Office, Department of Forestry, at Wellington, and thereon bordered green.

Also all that parcel of land in the Southland Land District, containing 2,482 acres, more or less, being parts of Black Hill, Lincoln, Snowdon, and Burwood Survey Districts, and bounded commencing at a point on the north boundary of Burwood

Survey District 40 chains west of the north-east corner of the said Burwood Survey District; thence northerly, easterly, southerly, and again easterly, following the bush-edge through part of Block I, Snowdon Survey District; thence continuing along the bush-edge north-easterly through Block VII, Lincoln Survey District; thence in a generally northerly direction through Block I and about 20 chains into Block VIII, Black Hill District; thence southerly along the bush-edge aforesaid, crossing the south boundary of Black Hill Survey District 110 chains east of Trig. 1 (Bald Hill); thence continuing in a south-westerly direction along the bush-edge to the west boundary of Lincoln Survey District; and thence westerly and again northerly along the bush-edge aforesaid to the point of commencement. As the same is delineated on plan 91, in green, deposited in the Head Office, Department of Forestry, at Wellington, and thereon bordered green.

Also all that area of land in the Southland Land District, containing by estimation 2,304 acres, more or less, being part of Blocks II, III, and VII, Black Hill Survey District, and bounded commencing at a point on the north boundary of Block II, Black Hill Survey District aforesaid, 70 chains west of Trig. C (Smooth Peak); thence in a generally south-easterly, easterly, northerly, and again southerly and south-westerly direction along the bush-edge, through part of Blocks II and III across the Ashton Burn; thence continuing along the bush-edge in a generally northerly direction, across Pretty Hill, Block VII; thence in a south-westerly direction along the bush-edge aforesaid to the point of commencement. As the same is delineated on plan 91, in green, deposited in the Head Office, Department of Forestry, at Wellington, and thereon bordered green.

Also all that area of land in the Southland Land District, containing 2,496 acres, more or less, being parts of Block II, Black Hill Survey District, and Blocks VI and VII, Lincoln Survey District, and bounded commencing at a point on the north boundary of Lincoln Survey District 40 chains east of the north-west corner of Block VI, Lincoln Survey District; thence in a generally south-westerly direction along the bush-edge, through Blocks VI and VII, Lincoln Survey District aforesaid, to a point east of Lincoln Hill; thence continuing along the said bush-edge north-westerly, and again north-easterly about 70 chains into Black Hill Survey District; and thence continuing south-easterly along the bush-edge aforesaid to the point of commencement. As the same is delineated on plan 91, in green, deposited in the Head Office, Department of Forestry, at Wellington, and thereon bordered green.

Also all that area of land in the Southland Land District, containing 6,592 acres, more or less, being part of Blocks I, II, III, IV, and V, Lincoln Survey District, and bounded commencing at a point on the south-eastern boundary of Lincoln Survey District about 20 chains from the south corner of Block III, Lincoln Survey District aforesaid; thence following the bush-edge south-westerly, and then north-westerly past Windy Hill to a point about one mile south-west of G.S. Station (Lincoln Hill); thence easterly, southerly, again easterly, and northerly into Block IV; thence south-easterly all along the bush-edge to the aforesaid south-eastern boundary of Lincoln District; and thence south-westerly along the said south-eastern boundary to the point of commencement. As the same is delineated on plan 91, in green, deposited in the Head Office, Department of Forestry, at Wellington, and thereon bordered green.

Also all those parcels of bush-clad land in the Southland Land District, containing by admeasurement 4,480 acres, more or less, situate in Blocks II, III, IV, V, VIII, IX, XIV, and XV, Von Survey District. As the same is delineated on sheet 28, roll plan 450, deposited in the Head Office, Department of Forestry, at Wellington, and thereon coloured green.

Also all that parcel of bush-clad land in the Southland Land District, containing by admeasurement 30,000 acres, more or less, situate in Blocks XIII, XIV, XV, XVI, XVII, XVIII, XIX, XXX, XXXI, XXXII, XXXIII, XXXV, XXXVI, and XXXVII, Eyre Survey District. As the same is delineated on sheet 29, roll plan 450, deposited in the Head Office, Department of Forestry, at Wellington, and thereon coloured green.

Given under the hand of His Excellency the Governor-General of the Dominion of New Zealand; and issued under the Seal of that Dominion, at the Government House at Wellington, this 11th day of October, 1920.

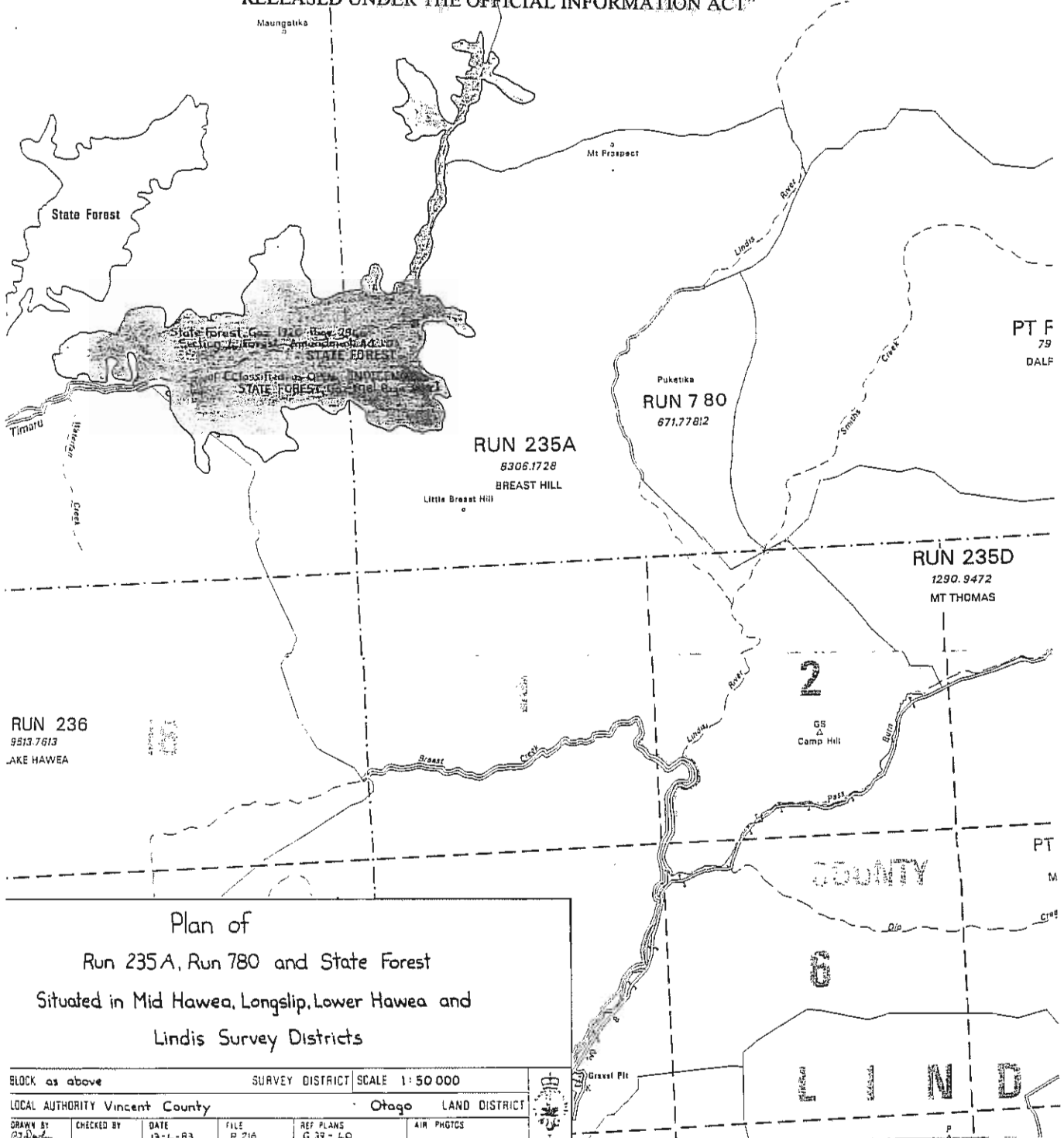
F. H. D. BELL,
Commissioner of State Forests.

Approved in Council.


F. D. THOMSON,
Clerk of the Executive Council.

GOD SAVE THE KING!

335A is
now 235A
See Card
Index.



Plan of
 Run 235A, Run 780 and State Forest
 Situated in Mid Hawea, Longslip, Lower Hawea and
 Lindis Survey Districts

BLOCK as above		SURVEY DISTRICT		SCALE 1:50 000		
LOCAL AUTHORITY Vincent County		Otago		LAND DISTRICT		
DRAWN BY G.S. [Signature]	CHECKED BY [Signature]	DATE 19-4-83	FILE P 216	REF PLANS G 39-40	AIR PHOTO'S	

325

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EQ. - re Folios 310-324 inclusive.

We need to confirm once and for all that the Timain Creek bush (true left bank) is in fact State Forest. Folio 295 is an authoritative statement that this is the case but the lessee doesn't accept this and quotes his lease as evidence of his ~~claim~~^{right} of tenure to the bush. Mr Emmerson also claims never to have seen the CS's letter of 19.8.80.

If it is State Forest we should be doing something to change the lease or record the fact on the DL's copy of the document.

For refund 295.

col 7/4/83

Doesn't your lease again confirm that the area adjacent to the Yumam River is factually & legally Permanent State Forest.

11/4/83

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file: P 216 Vol 4 1317

D 14/4/83

"Breast Hill" - R.D. Emmerson : State Forest - P.L. Boundary

I refer to your letter to Mr Emmerson of 19 August 1980 (see folio 295).

On 25 March 1983 the Fields Director (T.D. Macchewy) and myself had occasion to call on Mr Emmerson at his property. Amongst other things the question of ownership of the native bush area adjacent to Jimana Creek was raised. Mr Emmerson is still clearly of the opinion that the area is included in his P.L. and showed me a copy of a letter from NZFS concerning same - see copy attached to this memo. I showed Mr Emmerson a copy of your letter to him (see folio 295) and he is quite adamant to never accept it.

As there is presently considerable confusion in respect to the ownership of this area I would very much appreciate it if you would kindly write (again to Mr Emmerson) explaining the position.

J. Sauer
Dfo ; 28/3/83

Ab Mo 47.

(2 copies) Illustrative map Num. 235 A - State Forest

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16 July 1980

6/7/73

QUEENSTOWN OFFICE

HAWEA OFFICE

STATE FOREST 73 TIMARU CRK

Please note that all Forest on T/L Bank of Timaru Creek is not State Forest, (our maps show that this area is), as per attached map.

This has been a mistake by the Lands and Survey Dept on their NZMS261 sheet G39 Lake Hawea. All other areas are correct.

Please ensure that the following are complied with:-

- 1. All present permits for opossuming and hunting in the Timaru Crk are;- copies or permit numbers plus hunters or operators name be sent to:-

Mr Russell Emmerson,
"Breast Hill Stn",
Private Bag,
Lindis Rd,
TARRAS

ph 833 TARRAS

These permittees are requested to contact Mr Emmerson A.S.A.P of their intentions.

- 2. Copies of all future permits to be forwarded to Mr Emmerson.
- 3. All permittees are required to contact Mr Emmerson and state their intentions before they hunt or operate in S.F. areas of Timaru Crk. This is to be noted in the conditions of their permits.

They are also to comply with any reasonable conditions that Mr Emmerson gives where domestic stock may be affected by poisoning operators or hunting activities.

Please note that Mr Emmerson is not worried about operators within State Forest, but wants to discuss with and keep ~~tails~~ on any hunters or operators near his lease.

tabs

Roly Martin
ROLY MARTIN
DISTRICT RANGER
LAKES

Copy Mr Emmerson

295

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file: P216 Vol 4/795

our ref. P216

r Jack

770 650

19 August 1980

896
Dunedin

Mr R Emmerson
Forest Range
TARRAS

Dear Mr Emmerson

With reference to your discussion with Field Officer J H Nevin, I have to advise that the areas of bush adjacent to the Timaru River are in fact State Forest land and NOT in your Pastoral Lease P 216 (CL 386/122).

In 1920 (Gazette 1920 No 85 page 2846 (2837)) several areas described as "All those parcels of bush-clad land in the Otago Land District, containing by admeasurement 12,280 acres more or less, situate in Run 335A..." etc, were set apart as Provisional State Forest and identified by various numbered parcels shown on "sheets 17 and 17A, roll plan 450, deposited in the Head Office, Department of Forestry at Wellington". The specific parcel in question numbered 31 on sheet 17 (a copy held in this office as SO 13900) is shown to be on both sides of Timaru River. The authority for the above proclamation was the State Forest Act 1908 and subsequent amendments by Section 34(3) War Legislation and Statute Law Amendment Act 1918 and by Section 2(1) State Forest Amendment Act 1919.

Provisional State Forest has subsequently been declared Permanent State Forest pursuant to Section 4, Forest Amendment Act 1973, and then where appropriate to "Open Indigenous State Forest for the purpose of Public Recreation" by Gazette 1978 page 3288. Therefore the status of that area of bush-clad land between Run 235A and Run 724 and intersected by Timaru River and known as part of Hawea State Forest is:

STATE FOREST, GAZ 1920 PAGE 2846
SECTION 4 FOREST AMENDMENT ACT 1973
(Classified as OPEN INDIGENOUS STATE FOREST, GAZ 1978 PAGE 3288)

It should be mentioned that a Pastoral lease or licence over pastoral lands (ie Crown land or formerly National Endowment Land) pursuant to the Land Act 1948, entitles the lessee/licensee to PASTURAGE ONLY. Refer to sections 51(d), 62(b) and 66(1) of that Act. It is also significant to note that at the time the areas of bush-clad land were proclaimed State Forest, the pastoral lease you now hold was formerly held as Pastoral Licence No 1364 and subject to the Land Act 1908. (The Pastoral Licence was replaced by the present Pastoral Lease on 1 March 1959). It would be appropriate to quote the relevant Section 234(1) of that Act:

"(1) A pasturage lease or licence shall entitle the holder thereof to the exclusive right of pasturage over the lands specified therein, but shall give no right to the soil, or timber, or minerals, and shall immediately determine over any land which may be leased, licensed, purchased, granted, or reserved under this or any other Act."

The most recent register copy of Pastoral Licence No 1364 (CL 337/125 dated September 1938) shows an area of bush along Timaru River. The current Pastoral Lease (CL 386/122) is incorrect as to the diagram as it does not show the area of bush. However, it is the accepted interpretation of the Statutes as outlined above that the lessee/licensee is "entitled to all that area of pasturage contained by admeasurement ... stated area ... more or less, and being ... description ... within the boundaries as the same is more particularly delineated in the plan drawn hereon". Conversely, that which is not pasturage is not within the lease/licence and especially those areas more particularly proclaimed for other purposes. On lease/licence documents there is always provision by the usage of the words "more or less", for any difference between the stated area and the actual area of pasturage available on the ground for the given parcel of land described.

I trust the above information will clarify the situation. I will advise NZ Forest Service, Queenstown and Field Officer Nevin at our Alexandra Office by forwarding them a copy of this letter. Enclosed is a cadastral plan showing the boundaries of your pastoral lease.

Yours faithfully

R C Petre
Chief Surveyor

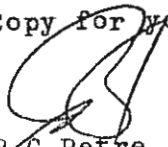
NZ Forest Service
Box 202
QUEENSTOWN

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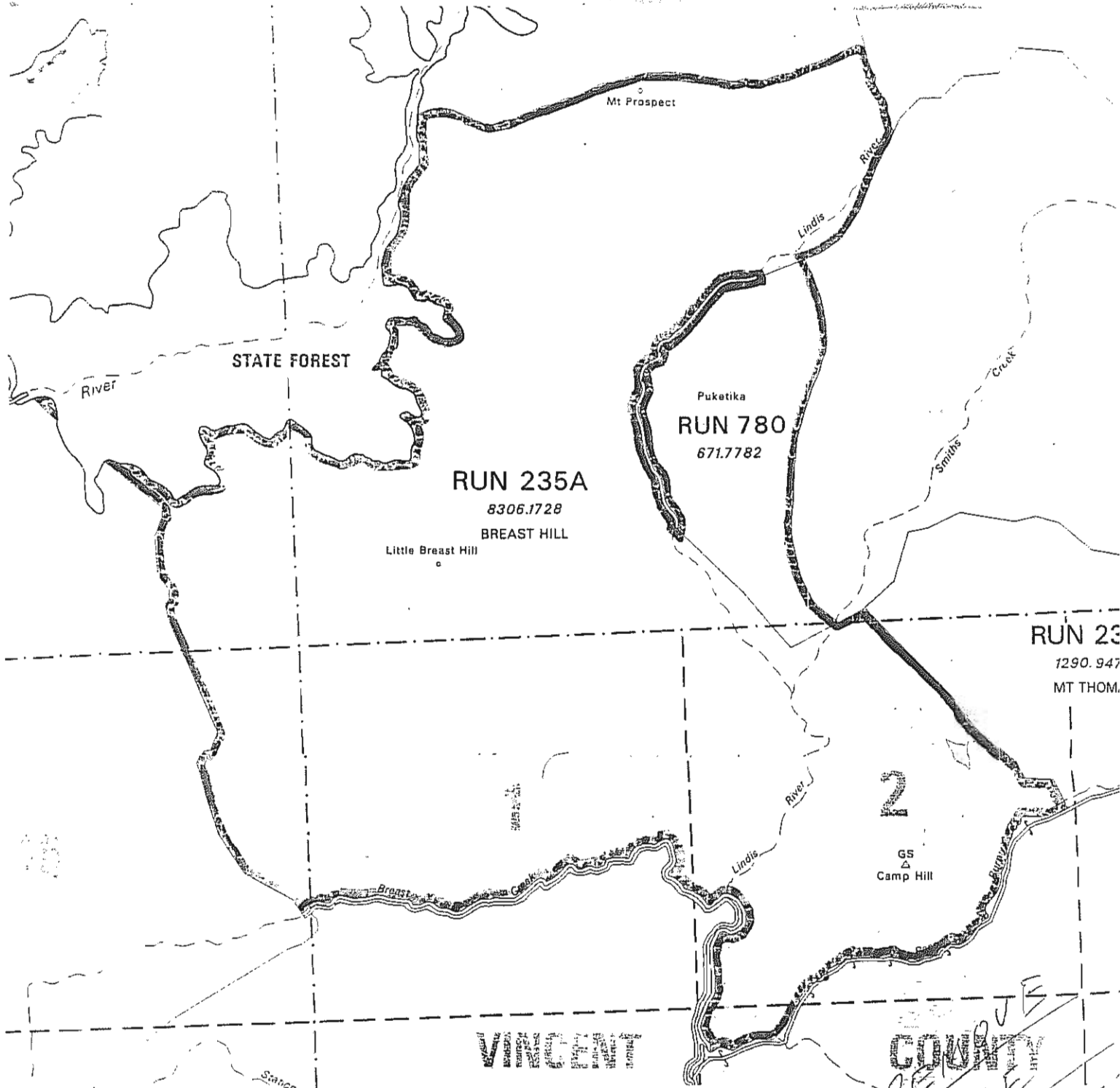
R C Petre
Chief Surveyor

ADFO
ALEXANDRA

Copy for your information.


R C Petre
Chief Surveyor

19/8/80

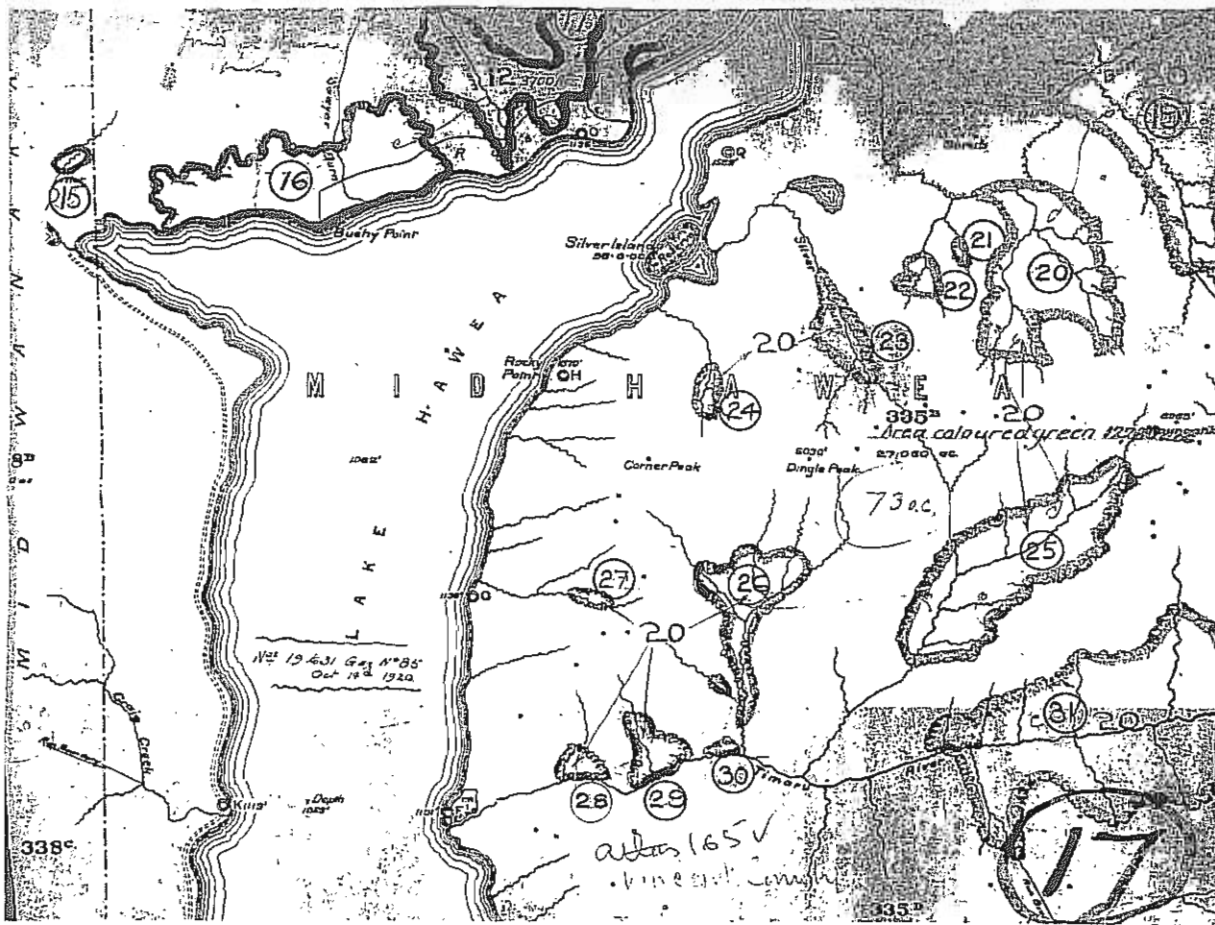


Plan of Run 235A situated in Blks I & II Lindis S.D.;
 Blk XVI Lower Hawea S.D.; Longslip S.D. & Mid Hawea
 S.D. and Run 780 situated in Blk II Lindis S.D. &
 Longslip S.D. and State Forest
 WRONG - *Read the above letter*
 # 7483 DO
 Total Area 8977.951oha

*NOT FROM FILE
 SEE ABOVE LETTER*

BLOCK	A5	ABOVE	SURVEY DISTRICT	SCALE 1:50,000
LOCAL AUTHORITY	VINCENT	COUNTY	OTAGO	LAND DISTRICT
PREPARED	CHECKED BY	DATE	FILE	REF. PLANS
MCKONE		JULY '80	P216	AIR PHOTOS





Copy of sheet 17 of Roll Map 450
Provisional State Forests
Gaz 1919 p 1291

13900

From: LAND INFORMATION DUNEDIN

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