

Crown Pastoral Land Tenure Review

Lease name : LILYBANK

Lease number : PT 002

Due Diligence Report (including Status Report) - Part 4

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.

May 09

Information Supporting Notes to Report

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

BUDDLE FINDLAY

BARRISTERS & SOLICITORS, NEW ZEALAND

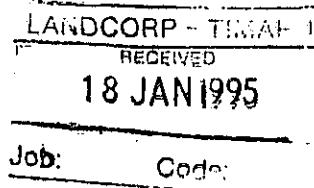
AUCKLAND • WELLINGTON • CHRISTCHURCH

P7002

C H Levin
NEW120.2

17 January 1995

Landcorp Property Limited
P O Box 564
TIMARU



Clarendon Tower
78 Worcester Street
PO Box 322, DX 16805
CHRISTCHURCH
Telephone 0-3-379 1747
Fax 0-3-379 5659

Attention: Mr R A Ward-Smith

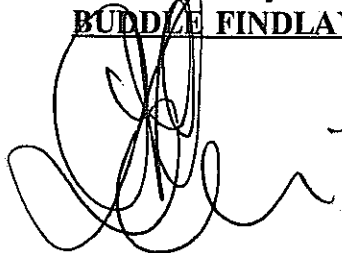
Dear Sir

Lilybank Station - Rent Review

1. We refer to your letter of 23 December 1994. Our client is agreeable to the proposed value and the rental, subject to the qualification set out below.
2. The value is set as at 30 June 1995 on the basis that a surrender of land will have taken place. Although our client acknowledges its responsibilities in respect of the surrender, the detail of surrender is still to be agreed and this detail may not have been agreed by 30 June, or even if it has, the surrender may not have taken place.
3. Our client proposes accepting your valuation and rental on the basis that in so doing it is not to be taken as agreeing to the present terms or timing of the surrender, which matters are still under discussion.
4. Our client would, of course, accept that if the timing of the surrender was delayed beyond June 1995, that the question of the rental may need to be revisited, at least on an interim basis.
5. Could you please advise.

Yours faithfully

BUDDLE FINDLAY



C H LEVIN
Partner

njr:lc-chl16.1

Buddle Findlay is an ISO:9001 registered law firm.

A directory containing a list of partners may be obtained from any office.

AUCKLAND OFFICE: Stock Exchange Centre, 191-201 Queen Street, PO Box 1433, DX 61, Auckland. Telephone 0-9-358 2555, Fax 0-9-358 2055.
WELLINGTON OFFICE: BNZ Centre, 1 Willis Street, PO Box 2694, DX 8002, Wellington. Telephone 0-4-499 4242, Fax 0-4-499 4141.

File Ref PT 002

18 January 1995

Buddle Finlay
Barristers and Solicitors
P O Box 322
CHRISTCHURCH

Attention: Mr C H Levin

Dear Sir

LILYBANK STATION: RENT REVIEW

Thank you for your letter of 17 January 1995. It is noted that you have accepted the rental value. My letter of 23 December 1994 may not have not been quite clear or may have been misinterpreted. The intention was to convey that the valuation has been done on the basis as if the land to be surrendered had been surrendered. That is, when surrender takes place there will be no basis for any further review of rental because of the surrender. The timing of the surrender is not critical, on the understanding that no grazing, for domestic stock is obtained from the area being surrendered. We would of course be pleased to have surrender finalised however this is a matter that you are dealing direct with Mr Kit Mouat from Christchurch. I would hope that the question of rental would not need to be revisited as noted in your clause four, however if there is any significant delay or change to the proposed surrender the right is reserved to review the rental.

I hope this clarifies the matter for you.

Yours faithfully
LANDCORP PROPERTY LIMITED

R A Ward-Smith
Manager

R2340

NOTICE BY THE COMMISSIONER OF CROWN LANDS TO LESSEE, PURSUANT TO SECTION 132A(2) OF THE LAND ACT 1948 INFORMING THE LESSEE OF THE VALUES OF THE LAND IN A PASTORAL LEASE FOR RENTAL REVIEW

LANDCORP RECEIVED 23 DEC 1994
Job: Code:

Address: NZ TROPHY GUIDE SERVICE LIMITED
Lilybank Station
PO Box 60
LAKE TEKAPO

Date: 30 Sept 1994
File No. PT 002

Description and Area: Run 78 "Lilybank" Torlesse, Godley,
North Tekapo & Sinclair SD
10K/888
27518.6236 hectares

The Pastoral Lease over the above land is due for review of rental on 30/6/1995 and in pursuance of Section 132A of the Land Act 1948, the following values of the land have been ascertained:

(a)	Lessees Improvements:	\$700,000.00
(b)	Crown Improvements:	\$0.00
(c)	Land Exclusive of Improvements:	\$100,000.00

Section 132A (2) of the Land Act 1948, requires you to notify me in writing, within three months after receipt of this notice, to the effect -

- (a) That you accept the values as set out in this notice; or
- (b) That you require the values (or any of them) to be fixed by the Land Valuation Tribunal.

Section 132A (3) provides that if you omit to notify me (via Landcorp Property) within the prescribed time you are deemed to have accepted the values and a rental calculated on the value of the land exclusive of improvements - that is \$2,250.00 being 2.25% on \$100,000.00

A copy of the prescribed form of notification is enclosed for your use.

Signature
Commissioner of Crown Lands

[Handwritten Signature]
21/12/94

A R REGISTER

SUBMISSION TO
COMMISSIONER OF CROWN LANDS

Review of Rental for Pastoral Lease in terms of Sections 66 and 132A Land Act 1948

LCP Ref: PT 002

OCL Ref: Ho* 313

Case No: 95/217

Property Name: Lilybank Station

Lessee:

NZ TROPHY GUIDE SE

Expiry Date: 30/6/2017

Annual Rent:

\$2,017.50

Base Stock Limit: 4895 sheep

Personal Stock Limit:

4620 Sheep 240 Deer
750 BE 50 Thar
170 Cattle
145 BC

Date of Valuation: 1/10/1994

Value of Lessee Improvements:	\$700,000.00
Value of Crown Improvements:	\$0.00
Value of Land Exclusive of Improvements:	\$100,000.00
Capital Value:	\$800,000.00
Rent @ 2.25% of LEI for next 11 years:	\$2,250.00

RECOMMENDATIONS

1. That pursuant to Sections 66 and 132A of the Land Act 1948 you approve the rental review for pastoral lease PT 002 with the values above.
2. That you sign the attached notification forms and return them to this office for dispatch to the lessee.

Signed for Landcorp Property Limited

.....
Consultant

.....
Manager

9/12/94

Approved/Declined

.....
Commissioner of Crown Lands

2/12/94

Lilybank Lodge,
P.O.Box 60
Lake Tekapo,
January 22, 1979
RECEIVED

The Commissioner for Crown Lands.
Dept of Lands & Survey.
Private Bag.
Christchurch.

CC
S/S
f-100

Dear Mr. Davies,

Following on-site discussions with the Mackenzie County Council and two telephone calls to John Dixon, I have been instructed to write to you regarding our hope of re-locating the public access up the Godley Valley, due to it now conflicting with our deer farming operation.

The problem is not as complex as it may first appear for all we hope for is to move the surveyed road a short distance to the west.

To explain - last winter we erected some two miles of new deer fence to accommodate our larger number of deer. In deciding on new fence lines various factors relating to the topography had to be considered, the most important being our ability to reach deer for winter feeding, during severe snow conditions. It being impossible to tow a trailer load of hay on steep slopes under these conditions we had to lay out our new fence lines so as to allow an area of flat ground in each new subdivision. This made it necessary for us to include the currently surveyed access track to the head of the Godley Valley within the newly developed area. Had we excluded the track we would have been hard-pressed to gain any access to the deer farming enclosures during severe winter snows.

Due to this we now have a potential conflict for as our deer farming licence requires us to have all gates padlocks, we are not able to do this at present for fear of offending members of the public wishing to travel up the Godley.

The simple answer is to move the survey slightly to the west. This would place the public access track entirely outside the deer enclosures, would allow us to padlock our deer gates, and prevent any possible future conflict. I am not able to determine exactly where the present survey is, but it would appear that the present western edge of the survey could become the eastern side, and a new public access be surveyed from the base-line.

The enclosed drawing will serve to more clearly show you what we are hopeful of accomplishing.

Yours faithfully,

[Handwritten initials]

[Handwritten signature: Gary Joll]

Gary Joll
Managing Director.

*Physically there may be no problems
County Council consent required
L+S would have no objection
to re-aligning the public road.
but new road would require
survey and old road to be stopped.
The cost of survey will be considerable.
I advise Joll & County that I
have no objection subject to
re-registration of public access on
proposed line*

*Company would have to
bear cost of survey
and legal costs.*



← TO GODLEY.

GOTE

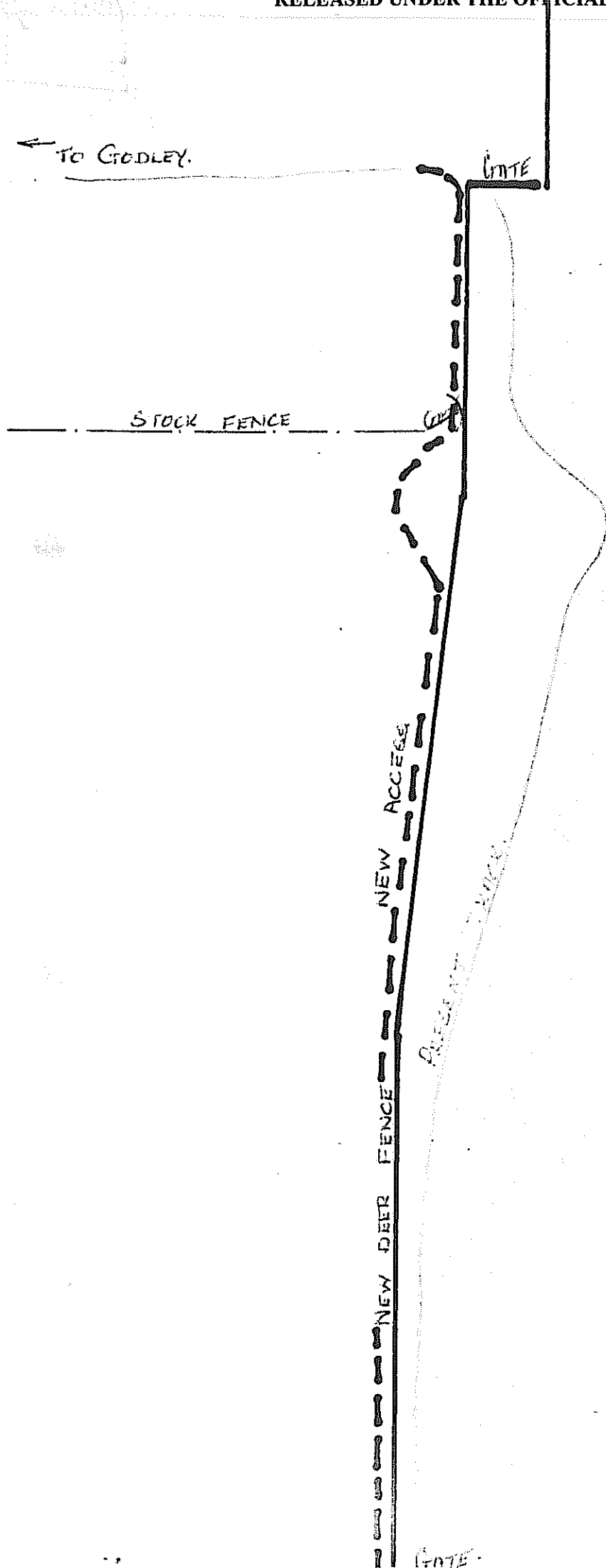
STOCK FENCE

NEW ACCESS

NEW DEER FENCE

STOCK FENCE

GOTE



100

P.2

MCN

799.760

XXXXXX

Private Bag
CHRISTCHURCH

30 January 1979

~~Mr Garry Joll
Lilybank Lodge
P.O. Box 60
TEKAPO~~

Dear Mr Joll

Further to your letter of 22 January 1979 regarding legal access. You should apply formally to the Mackenzie County Council for consent to the stopping and vesting of the old legal road and to the proclaiming of the proposed new legal road. If the County consents then it should arrange the survey and deposit of the S.O. plan. The Department will then handle the legalisation side.

The consent of the Minister of Lands will be required but this can be taken as the last stage and I anticipate his consent will be forthcoming if alternative practical legal access is provided. The Department at this stage has no objection to the realignment of the present legal access.

Yours faithfully

E.J. Davies
Commissioner of Crown Lands

~~The County Clerk
Mackenzie County Council
P.O. Box 52
FAIRLIE~~

As discussed per telephone 26 January 1979 I am advising Mr Joll to proceed on the above lines.

The question of recovery of costs will be a matter between the County Council and the Company.

...


There has been some fairly recent survey work done by Lands and Survey Department which your surveyors would have access to through the Chief Surveyor. If the costs are high Mr Joll may be faced with having to adjust his fencing to preserve the present legal access. However, this will not be able to be decided before you obtain an estimate of costs.

In view of the past history of access to the Godley Valley there is no question in my mind that proper legal access by way of realignment must be provided.

E.J. Davies
Commissioner of Crown Lands

Senior Field Officer
TIMARU

Copy for your information.


E.J. Davies
Commissioner of Crown Lands

L. & S.—F. 14A

DEPARTMENT OF LANDS AND SURVEY

OUR FILE: P. 2

YOUR FILE: P. 2

5 SEP 1979

From L & S TIMARU

Date: 4 September 1979

To CCL CHRISTCHURCH

Ref.: ~~Yours~~ Yours of

Person to consult:

SUBJECT: MINISTERIAL : ACCESS TO GODLEY VALLEY : LILYBANK

LARA ✓
Copy of [unclear]
done MC 13 20/2
copy also sent to Ho
see 3/45

It is my understanding that Lilybank are in the process of providing alternative legal access as suggested in your letter to the Manager of Lilybank and the Mackenzie County Clerk of 30 January 1979. I also note Deerstalkers Association interest in a Timaru Herald cutting of 7 May 1979 of which a copy is attached.

I have spoken to the Mackenzie County Clerk and he advises that Mr Joll has written to the County advising that the Company will provide alternative legal access and that the Company will meet all costs entailed with that access. That letter will be considered by the Council on Friday 7 September 1979. It would appear therefore that the Company is proceeding along the lines suggested in your letter of 30 January 1979.

It is correct that the deer fence was built across the existing legal road, however I also understand that gates were left in this fence line where it crossed the legal access. However it is a condition of a deer farming licence that all gates on the perimeter fence must be locked.

R.A. Ward-Smith
Senior Field Officer

Enc. 1

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Deerstalkers still to have access

press 7/3/79

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The Deerstalkers Association is concerned about access by public road through Lilybank Station to Mount Cook National Park. It wants the Mackenzie County Council, as controlling local authority, to assure it that continuing access will be available.

The letter said that deerstalkers have found gates put up on the access to Godley Glacier, on the western side of the Macaulay River, on what they consider a public road.

An area has been fenced off, apparently for deer farming.

The association said that the owners or their agents had said that the gates were not locked, and that members could pass through to Mount Cook National Park. But the letter said that legislation made it clear that deer on farms must be locked in at all times.

The County Clerk (Mr B. J. Dwyer) said that an assurance has been given by Lilybank Station that alternative access was being provided, and that should be available soon.

1

**NOTES FROM A MEETING HELD TO DISCUSS MANAGEMENT OF
SURRENDERED LAND : LILYBANK STATION**

11.00 am, Tuesday 7 November 1995

at Knight Frank (NZ) Limited, 76 Cashel St, CHRISTCHURCH

Present: Graeme Ayres, Rob Young, Peter Savage (Dept. of Conservation), David Gullen (Commissioner of Crown Lands' office), Caroline Mason, Ray Ward-Smith (Knight Frank (NZ) Ltd) Charles Levin (Buddle Findlay, acting for NZ Trophy Guide Services Ltd.)

The following items were discussed and noted;

1. Appointment of Arbitrator

George Berry has accepted appointment as Arbitrator, per the Arbitration Agreement.

Charles Levin advised that his client has engaged John Allen to help prepare their case. He hopes that the issue can be resolved without having to resort to arbitration.

David Gullen advised that the point of contact regarding access to files etc. would be Caroline Mason.

2. Freeholding

Charles Levin will write a letter expressing his client's interest in entering the tenure review process. The Commissioner of Crown Lands will then consider the case for tenure review on Lilybank.

3. Press release

Charles Levin has drafted a press release and will fax it to Caroline Mason for circulation to DOC and CCL for comment.

The possibility of NZ Trophy Guide Services Ltd. contributing to the erection of a hut was discussed. Rob Young and Graeme Ayres agreed that this could be a worthwhile possibility to explore. Charles Levin will seek instruction from his client urgently, with a view to possibly including a statement in the press release.

4. Operational Management

Graeme Ayres advised that the Department's point of contact will be Rob Young at Twizel. On day to day management matters relating to the pastoral lease, the CCL's contact will continue to be Ray Ward-Smith at Timaru.

(a) Information about boundaries, access routes etc.

It was agreed that there was a need for some signs and/or information pamphlets to inform the public of the correct legal boundaries of the surrender area and access routes to the area.

Rob Young and Ray Ward-Smith are to arrange a meeting at Lilybank with Gerard Olde-

Olthof to identify practical access routes and any areas that require further definition on the ground. If further survey work is required, Rob Young is to contact Caroline Mason who will liaise with DOSLI Christchurch.

The Department of Conservation will organise for some draft signs and/or pamphlets to be developed following consultation with Gerard Olde-Olthof.

Charles Levin reiterated his client's attitude which is that they have no problems with public access along legal roads and agreed access routes.

(b) Recreational hunting

Graeme Ayres explained that the surrender area will be managed under an open block system. This will mean that hunters will be required to hold hunting permits which will be issued from the Department's Mt Cook, Twizel and Geraldine offices. Permits will be valid for two months and there will be no restriction on numbers.

Charles Levin raised a suggestion that had been made by Bill Apse of the Police that the Department consider not issuing hunting permits for a buffer zone of 1 km against the Lilybank boundary, to prevent hunters coming into proximity of the station. However, Graeme Ayres explained that this approach would be unlikely to be accepted by hunters, and that the Department may have difficulties in imposing such a condition. He felt that at this stage the Department had no justification for restricting hunting access on the retired area.

Charles Levin reiterated his client's concern which is that the Crown as owner of the retired land is responsible for controlling access to this land for hunting purposes via the permit system. If any problems arise as a result of public access for hunting (e.g., damage to Lilybank property or animals), his clients will hold the Crown responsible.

The Department may seek some legal advice as to its' responsibilities on this matter.

(c) Helicopter access

The existing recreation permit, which runs for several more years, provides for Lilybank to use helicopters to ferry clients. The use of helicopters for hunting requires a separate Wild Animal Control Act licence.

It was agreed that the press release should point out that NZ Trophy Guide Services Ltd. has a right under the existing recreation permit to use helicopters to ferry clients onto the retired area.

In terms of the future of the recreation permit, Graeme Ayres suggested that NZ Trophy Guide Services Ltd. should begin to discuss the issue with the Department before the current permit expires. The existing permit has no right of renewal.

5. Conclusion

The meeting ended with all parties reiterating their intention to co-operate with each other to ensure that the area is managed appropriately.

Knight Frank



LAND RESOURCES DIVISION

File Ref : Pt 002

1st Floor, Public Trust Building
Cnr Church & Sophia Streets
PO Box 564, Timaru
Telephone (03) 684-8340
Facsimile (03) 688-040

27 November 1995

The Field Centre Manager
Department of Conservation
Private Bag
TWIZEL

RECEIVED
Postel
28/11/95

Attention : Rob Young

Dear Rob

LILYBANK

Enclosed please find memorandum that I have prepared following our visit to Lilybank. I have also got a copy of the minutes of the meeting that were typed up by Lilybank and find them to be a satisfactory record of proceedings. I note that a statement has been made by Gerard that Lilybank would pay for half of the signs that you people are putting up. I consider at this point that is a matter between you and them. There is concern from Charles Levin that signs may not be in place by 1 December 1995.

We did not cover the matter but I note from the destruction of the huts that there is a considerable amount of litter left lying around as per the photograph in the paper. I think this a matter that perhaps we should take up with them sometime through the negotiations that are likely to still take place. It is an issue we need to keep in mind when they refer to the "pristine" state that they are leaving the land in. I also note they are quite happy to leave the fencing on the land that goes to DOC.

I have prepared the attached memorandum as a joint report for Caroline. If for any reason you do not wish to be party to it I will just send it as a memorandum from myself. Attached are photocopies of the photographs taken. I am getting another set reprinted and will send them to you when complete.

Regards,
KNIGHT FRANK (NZ) LIMITED

Ray Ward-Smith
Enc: Photocopies of Photographs, Memorandum
R2926

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Wellington
Christchurch

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Tanzania
United Kingdom
United States
of America
Zimbabwe

Knight Frank (NZ) Limited muez
(An LPL Group Company)

INTERNATIONAL PROPERTY CONSULTANTS

MEMORANDUM

FILE REF: Pt 002
TO: MANAGER, LAND RESOURCES DIVISION
ATTENTION : CAROLINE MASON
FROM: RAY WARD-SMITH
DATE: 27 November 1995
SUBJECT: ACCESS THROUGH LILYBANK

Further to the meeting of 7 November in your office with the parties concerned with Lilybank surrender.

As arranged, Department of Conservation staff and myself were to meet on site with Mr Gerard Olde-Olthof.

Mr Rob Young of the Department of Conservation Twizel arranged that we meet with Gerard on Wednesday 15 November 1995 at 10 am. Mr Young was also to bring with him Neil Bolton from his staff. When we arrived at the property Mr Olde-Olthof informed us that he had also invited the Police, Asset Manager Mackenzie District Council, and the adjoining neighbours Messrs Alan and Joe Fraser. This was somewhat of a surprise to us. Of the station staff he had invited his brother Philip to sit in and had arranged for a secretary to take notes. For two hours, we listened to voluminous posturing by both Gerard and Philip. I resolved that there was little to be gained by responding to any of the proposals, a similar stance was taken by DOC and the Frasers. Don Young from the District Council was emphatic that it was unlikely for the Council to want to spend any money on formal roading and the Police had some concern to ensure that the routes through the station minimized ambiguity and hence confrontation.

A proposal was put forward by Gerard that the legal route up the Macaulay was impassable to vehicles which would create trespass on Lilybank. However he offered the proposal that if the route through the station buildings area and deer farm was relocated onto the legal road running out to the Godley River and then up beside the Godley, that they would allow free access up the Macaulay even if it meant crossing Lilybank land. After several changes in stance, including the declaration that it was only hunters that were a problem and those not carrying firearms who went there for tramping were not a problem at all, we resolved to inspect the routes. At that point Gerard had other business to attend to and left us in the care of his brother Philip. The inspections were made by DOC staff, Mackenzie County representative and myself, together with Philip Olde-Olthof. Following the inspection we again met with Gerard and his brother.

Resolution on Actions Required

- 1 Macaulay River Access. The route is largely passable depending on river flows and flooding with eroding of banks at certain points.

Principal obstacles are as follows:

- The formed access from the culvert just south of the freehold land heading up the Macaulay Valley crosses Lilybank lease for some 500 metres before it joins the legal road line. For practical purposes it is appropriate that the public be directed along this worn vehicle track which is on the river flats and on the river side of fencing. It is also opposite the legal road which leads off to the west, and up the Godley River. Gerard agreed that this is appropriate and that suitable signage be erected in that area by DOC. Note that this does not mean that there is any intention to declare the route a legal access and if there is difficulty in the future, that the public may have to be directed back to the legal access as shown on the plan. The signage would merely indicate public access along the vehicle track as it exists.
- A triangular block of willows mid way along the river flats between the homestead and Willow Fan (a large eroding gully shown as the indentation of Crown Land into the pastoral lease). The site is approximately 1.5 km upstream from the homestead. The willows established some 5-7 years ago were installed by the catchment authority as a river protection measure to try and prevent river flows cutting into the extensive river flats leading down in front of the homestead. A 4-wire fence surrounds on two sides butting into the full 7-wire fence located approximately adjacent to the road line. The access is assumed to be on the river side of the 7-wire fence and the resolution was to erect a 4-wire fence for the approximate 100 metres parallel to the existing fence to allow vehicles to travel along the strip between the 7-wire fence and the willows. It may need reinforced mounts strategically located to ensure water does not get into wheel ruts and scour these out, which would defeat the purpose of the willow planting.
- At Willow Fan, as described above, located approximately 3 km upstream from the homestead, a fence running out to the Macaulay River intersects with the fence running parallel to the river. It was noted that a re-entrant into the area known as Willow Fan, is Crown Land, therefore the intersection of the fences is located on Crown Land. It is proposed that the gate, at the intersection of the fences, on the fenceline leading out to the river be left unlocked and marked "Public Access". It may be that the station remove that fence altogether. The gate in the fenceline running parallel with the river may be marked "Private Property - No Access".
- At a point approximately 1 km downstream from Stony Stream, the track branches with the more distinguishable branch leading north onto the Lilybank pastoral lease. The right-hand branch (travelling upstream) leads out to the confluence of Stony Stream and the Macaulay River. At that track junction, it will be necessary for DOC to erect suitable signage indicating the public access. There will be times, possibly quite frequently, when it is not possible to get vehicles beyond Stony Stream due to high Macaulay River flows close to the bank. This is considered a normal hazard of traversing these areas.
- It is intended that DOC should erect a suitable sign on the true left bank of Stony Stream where it is adequately visible from the Macaulay Riverbed area, indicating entry into the DOC estate.

Access into the Godley Valley

3

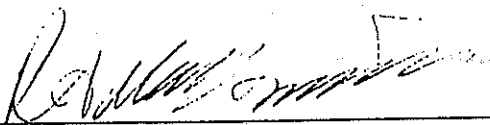
- Access through the station yards and via the deer farm is more complex here than up the Macaulay. This is due to the route not being well defined and having ambiguity with adjacent formed station tracks. It also passes through between the woolshed and the cattle yards, adjacent to an implement shed, then into a paddock and then for much of the way following beside fencelines, but within grassed paddocks. At the northern end, it deviates from the legal line and follows an existing track until it enters Station Stream rejoining the legal line at the mouth of Station Stream. A farm track in that area tends to lead the public back into the station fenced areas north of Station Stream
- An alternative legal route, south of the station buildings, leads west into the Godley River flats then traverses upstream through a river overflow area which is somewhat broken and would very quickly become deeply rutted if traversed by vehicles without substantial road formation being carried out. It would also risk heavy scouring if the river got into the silt and shingle base. This was not considered a good alternative on cursory inspection.
- A suggestion was made to Gerard that he combine the lane way desirable for the deer farm, formed vehicle access and legal access in one formation which is multi-purpose for the station use and public use from the general homestead area as far as where the present access drops down into Station Stream. From that point it would be clearly marked out to the legal access on the Godley River flat. This suggestion did not meet with new resistance at that point. There were advantages to all parties in this situation. If agreed to by the station, there would be a need to either have formal agreement for public use, or have the route defined by survey and legalisation as a paper road promulgated. The present line at one point runs diagonally through a good grass paddock but is not the route promoted or accepted by the lessees.
- To further progress the options here, it will be necessary to have surveyors flag the legal line so that all parties are satisfied as to the existing legal line as a prerequisite to negotiating a suitable alternative if required by the lessees.
- At many points along this route, there are currently AA type signs indicating "Public Road". However, at certain points where they are adjacent to fencelines, it is somewhat ambiguous as to which side of the fence is intended especially where there is a track on one side whereas the legal route is on the opposite in a grass paddock. Clear definition and fencing of this route through the "farm area", could ease a lot of unnecessary tension and reduce risks to the Lilybank property and stock.

Recommendations

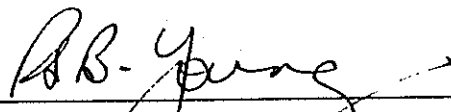
- 1 That DOSLI survey staff flag the legal route as indicated on the attached plan as a prerequisite to negotiating a permanent access way.
- 2 That DOC erect suitable signage at the junction of the routes leading up to the Lilybank freehold, along the route to the Macaulay by way of marker posts and the route through the deer farm and out to the Godley River for foot access.

.../4

- 3 That once the route through the deer farm is flagged by survey, that a firm negotiated route be agreed with Lilybank lessees for public access with a view to legalisation if deemed necessary.
- 4 That where gates cross legal access, that the lessees clearly mark these with signage "Public Access".
- 5 Note that throughout the discussions there was no undertaking given by anyone as to who would pay for any of the above and it is assumed that up to this point, other than for signs on gates, that the Crown would be responsible, and this is a matter to be finalised between DOC and DOSLI.



Signed: R A Ward-Smith
Knight Frank (NZ) Limited Timaru as agent
for the Commissioner of Crown Lands



Signed : R Young
Department of Conservation
Field Centre Manager Twizel

R2913

KNIGHT FRANK (NZ) LTD TIMARU
- 4 NOV 1995
RECEIVED

From: Ray Ward-Smith
To: Land_CHC.MASONC
Date: Friday, 24 November 1995 3:34 pm
Subject: LILYBANK

P2

Attached please find corrected copy for your info.
I have sent a copy to Rob Young to sign and will then send you a signed copy. have also mounted some photos so you have something to look at if you get into discussion with Levin.

Files: G:\WP\WARDSMIR\R2913

RECEIVED
23/11/95

Minutes of Meeting held at Lilybank
To discuss proposed access for the public to surrendered land
Wednesday, 15 November, 1995, at 10.30am

Present: Gerard Olde-Olthof, Philip Olde-Olthof (Lilybank), Mike Stephens (NZ Police), Ray Ward Smith (Knightfrank), Don Young (District Manager, McKenzie District Council), Neil Bolton, Rob Young (Department of Conservation), Alan Fraser, Joe Fraser (Mt Gerald Station), Raewyn Easson (Minute Taker).

Ray Ward Smith explained that a meeting was held with Lilybank's Lawyer, DOC, and Crown Land regarding access of legal roads defined to Surrendered Land.

Comments made that road is not practical for use by public.

Here to discuss alternatives and principals of sign posting for public. Right place acceptable to everyone.

DOC's issue to access land.

Police issue regarding trespass problem on Lilybank.

Gerard Olde-Olthof said signs get vandalised (Police had instructed him not to put signposts on gates until maps had been produced to show precisely where roads are before DOC puts signs up).

Lilybank will meet half way with costs for signs. Lilybank fed up with people ruining locks, cutting fences and defacing the public road signs.

Don Young from District Council asked about the condition of the public road up Macaulay Valley. Philip Olde-Olthof explained that the public road was unaccessible and non negotiable in a vehicle due to cliff drops, washouts and the planting of a Willow tree plantation.

Gerard Olde-Olthof stated that no access would be given across Lilybank Land, but if Mackenzie District Council opens other public road (away from Lodge and farm) up Godley Valley, then Lilybank will relent on the use of the private road up Macaulay Valley. He said the ball is now in the court of Mackenzie District Council regarding the road and DOC, who administer hunting permits and are responsible for hunters behaviour up the valley.

Philip Olde-Olthof identified on the map supplied by Knightfrank the problem areas (willow tree plantation, cliff drops and river wash outs) of the public road in the Macaulay Valley and that only the first kilometre was of any use. Philip also pointed on the map to an area of confusion for the public at Willow Fan where a road leading back onto Lilybank Lodge stops at a set of gates. The public road at this stage heads into the river.

Ray Ward Smith from Knightfrank asked what Lilybank's suggestions were.

It was explained that Lilybank was prepared to give access along their private road in return for the Mackenzie District Council opening alternative Godley Valley public road. If this was not possible then Lilybank would charge an access fee along their private Macaulay road..

Neil Bolton from DOC asked what access was like up the river bed of the Macaulay. It was explained that the Macaulay river was unpredictable and changes at various times of the year. To negotiate the way up to North East Gorge along the river bed would take the public 3 to 4 hours to reach. Gerard from Lilybank said the public would see the private road and use it to save themselves hassles. He also said that Lilybank has spent enough money on security for the property and has pointed the bone back at the Mackenzie District Council regarding the problem of the public road. Gerard stated the police would have a continual problem of being called up for trespassers and that Mt Gerald would have a problem with people using their road for access up to North East Gorge.

Joe Fraser from Mt Gerald asked who had control of who went up the Macaulay Valley. Rob Young from DOC said anyone of the public had the right to go up there, but hunters must obtain a permit issued by DOC.

Alan Fraser raised the question of who was responsible for any fires started. Gerard Olde-Olthof clarified that fires were a major concern in the high country and Lilybank had already had threats from people regarding torching Lilybank land.

Rob Young from DOC said permits were needed to light fires, apart from small BBQ type fires and the person lighting the fire would be responsible. He also stated that DOC enforces the conditions of the permits issued and was not responsible for law and order. Trespassers were not DOC's responsibility.

Gerard Olde-Olthof said Lilybank's lawyer said DOC was responsible and must apply with this condition, documentation can be shown to this effect. Don Young from the District Council commented that this was unfair and likened the situation to someone speeding on the road and Ministry of Transport held accountable for someone else's actions.

Gerard Olde-Olthof said Lilybank must be protected in some form. By not fixing the road, Lilybank is not protected.

Mike Stephens from NZ Police asked what DOC's policy was regarding someone breaking the law? Do they receive another permit.

Neil Bolton from DOC explained that when they were informed of someone breaking the law that a ban is noted on their computer system and that person would not be issued with another permit. That system is already in place.

Philip Olde-Olthof pointing out that the meeting was getting off the subject. Poachers will be poached what ever happens. Give people access, remove the problem of people getting stuck in the river. Lilybank doesn't want people on their doorstep wanting towed out. Get the public up the river - that's the issue.

Mike Stephens from NZ Police asked who was responsible for the Macaulay Public Road.

Don Young from the District Council said the Council doesn't need the expense for roads that only get used occasionally. Money is better spent on roads where people live. He also said he was of the belief that roads formed off public roads could be used by the public.

Gerard Olde-Olthof said a lawyer could clarify that matter.

Alan Fraser (Mt Gerald) inquired about his farm tracks. Don Young clarified his statement by saying that if the public has been given permission in the past to use the roads formed, then they should be allowed to carry on doing so.

Philip Olde-Olthof said that because Lilybank maintains their own private roads, the public uses them because they are in better condition than the public roads. To date there has been no problem up the Macaulay because the road has not been public knowledge. Along the Godley Valley, the use of the private road has caused big problems for the farm and he doesn't want to see the same happen in the Macaulay Valley. Sensible solution let them use our Macaulay private road and change the Godley public road.

Discussion was held on the existing public road up the Godley Valley and it was pointed out that the public road at the river was maintained at least 3-4 times per year and Lilybank were very happy with the Council in maintaining the road as far as the lodge. Neil Bolton asked where the Godley public road was and it was clarified that the public road was on the left hand side of the Deer Fence going north along the Godley.

Gerard Olde-Olthof stated that the public will not get access on Lilybank land unless they pay a fee. Lilybank can work around the public road not being changed. As at change over date of 1 December 1995 all gates on Lilybank property will be padlocked to the ground and the access problem will be the Mackenzie District Councils. Gerard stated that DOC erect a sign showing a map of the precise road for access up the Macaulay Valley be situated at the gate of Lilybank.

Rob Young from DOC said that was their intention.

Alan Fraser from Mt Gerald suggested the sign be put at the Garage. Gerard Olde-Olthof said that if they were placed there vandalism would take place. Gerard also asked if DOC will place something in the newspaper to inform the public of access.

Neil Bolton from DOC said that yes that would happen and they will visit recreational users meetings to advise them as well.

Gerard Olde-Olthof said that cameras will be put into place to identify law breakers.

Rob Young said that DOC will print information leaflets which will be distributed stating access routes etc.

Gerard Olde-Olthof asked how it was proposed for people to have access into North East Gorge. Joe Fraser from Mt Gerald suggested that they drive as far as they can and then walk the rest of the way. Neil Bolton said people can fly or walk for recreational use of the land.

Gerard asked that the public be made aware that Lilybank had a recreational permit for a further two years. This year 70 hunts are so far planned and that this has to be made clear to anyone using the area so accidents don't occur and no one gets shot.

Philip Olde-Olthof commented that people should be able to get up the valley on a good road, because lost people become a nuisance and they start hunting where the road stops instead of carrying on by foot.

Gerard Olde-Olthof said Lilybank's offer is either trade the roads or an access levy will be put into place. The Minister of Crown Lands agrees with the levy situation. Lilybank will leave which way it is to be with Don Young from the District Council.

The Godley public road was again discussed and Ray Ward Smith asked if Lilybank's private roads were gravel inside the deer fences. Philip explained that they were and the public have been breaking locks for access on these roads. Lilybank's roads are maintained in winter for animal feedouts and these are easier for the public to use than an unmaintained road.

Joe Fraser from Mt Gerald asked why Lilybank doesn't maintain the public road themselves. Gerard said it wasn't Lilybank's responsibility. Don Young from District Council agreed with this. He explained that council have a policy to maintain roads to last house on a road. The council says yes or no to a road being maintained as an elective decision - a practical point has to be made. Lilybank's situation is a one off, but we don't want to blow budget.

Gerard stated that trampers are not a threat or problem to Lilybank, only people coming up the valley to go hunting which are ruining property. Access to these people is a matter for the Mackenzie District Council and DOC, Lilybank's statement is anyone on our property will become a police matter. Lilybank doesn't want to have to contact the police everyday.

Philip Olde-Olthof suggested it would be good PR if we could get this matter of access sorted out between the parties concerned. Public should have the land to use and an access agreement should be put into place. Lilybank shouldn't have to take the flack with no access being allowed.

Don Young from the District Council said this meeting has turned into a bargaining matter that is rather ironic. Lilybank wants their own way with the Godley Public Road and are not concerned about the public.

Gerard Olde-Olthof from Lilybank said he accepts what has been said. The Directors of Lilybank have said no access on Lilybank land for the public. We stick with the people using the public road.

Don Young asked DOC if it would be a problem not having an access road at all up the Macaulay Valley. Rob Young said no, walking access would be okay, but a road would be good.

Gerard inquired whether there was a law preventing people carrying firearms along public roads. Mike Stephens from NZ Police said the access way up the Macaulay was a bit different from a state highway.

It was discussed that there was no way for a vehicle to drive up the public road in the Macaulay Valley and that the only way was to fly or walk or pay \$150 for a key to access Lilybank's private road. Mt Gerald commented that it was quite a profitable exercise and they would undercut Lilybank.

Mike Stephens from NZ Police clarified Lilybank's offer in exchanging roads. The police side is to keep peace. He thinks it would be a fair trade. Police get called regularly up to Lilybank for trespassers. He asked what council's problem in opening other public road up Godley Valley was.

Don Young explained that the Council just didn't have spare money to make another road. He would like to take a look at the old road before leaving today. Philip Olde-Olthof explained what the old road was like and what needed to be done to fix it. Gerard said the road was the one originally used but was re surveyed to where it is now. Alan Fraser from Mt Gerald commented that the previous

owner of Lilybank (Gary Joll) preferred to see who was going passed Lilybank and that is why it was changed. Gerard said Lilybank didn't want people so close to the Lodge because of clients staying here and their privacy. Lilybank wants people up the valleys as quickly as possible.

Ray Ward Smith asked what would happen if the change of road was agreed on. What would happen to the existing road would it revert back to crown land and if that happened how would Lilybank stop people using the road anyway.

Gerard said that with freeholding opportunities, Lilybank could possibly buy it.

Don Young from District Council asked why it was alright to let the public use the private road up Macaulay if Council agrees to a trade and not okay if they don't.

Gerard said there should be some give and take with these issues. Gerard said most people are alright for access. It is the hunters Lilybank is concerned with.

Ray Ward Smith asked Gerard to clarify his earlier statement that Lilybank's Directors said no access on Lilybank Land. Gerard apologised and said no access for hunters across Lilybank land.

Ray Ward Smith asked if Lilybank was prepared to pay legal costs for closing public road up Macaulay Valley. Gerard said that Lilybank will give that issue fair consideration and that is all he could say regarding that.

Don Young said that it has already been identified that 90% of people using the valley are okay, it is only 10% that are causing problems. It seems the same 10% will still cause you problems no matter what happens. Money is a problem for Council, if the old road is viable the council may look favourably on fixing it. He said that it was not his decision, but said it wouldn't be done before 1 December 1995.

Ray Ward Smith said this access problem is no different that other valleys. He used an example of another property defining foot access and a 4WD track refused access, so people walk and there is no problem.

Gerard said this is a new one. Philip said formation of a road up Macaulay could be a gross waste of money for the council. Over the years hunter numbers may decrease because no animals to hunt. Philip said people will always take liberties. Our animals are worth thousands of dollars and temptation should be put out of people's way.

Alan Fraser from Mt Gerald agreed with Philip that if people wanted to hunt in enclosures, they'll do it any way. Clarifying access routes won't stop them.

Gerard said that Lilybank accepts this but will use surveillance cameras to identify those people. If Lilybank doesn't their bit by getting people up the valley, then maybe hunters will do their bit and leave Lilybank land alone.

Don Young, Mackenzie District Council said it is clear there is two different issues being discussed - access up the Macaulay Valley and reopening the old Godley Valley Road.

Gerard said Lilybank will stick to original plans - no access on private land.

Don Young said it would be in Lilybank's interest to get people beyond Lilybank Land. The issue is how can we best give access to all concerned - Lilybank, Mackenzie District Council and DOC. He

suggested that Lilybank give access from 1 December 1995, DOC print pamphlets with information on hunting areas and access routes to these areas.

Gerard said Lilybank will lock gates and ask for a key fee. This way people using Lilybank land for access can be monitored.

Joe Fraser from Mt Gerald said people will use the River bed for access up valley.

A discussion was held on people using the river bed for access and the risk of the public getting stuck. It was suggested that people get charged for being pulled out of the river or the breakdown service in Tekapo be called. People have the choice to pay the access fee on Lilybank land to save themselves the trouble of getting stuck.

Don Young asked if DOC have a budget for tracks etc. He was told that they only have a certain amount.

Ray Ward Smith suggested that the Mackenzie District Council and DOC share costs with the run holder for using the private road. Don Young agreed that investigations into that possibility should be looked at. Philip said if that happened then Lilybank would be responsible 365 days a year to have an open road. Don Young said no, if there is a problem with the road then a sign saying "Road closed due to wash out" would be all that was needed. Not a 365 day issue, council don't.

Gerard commented that the Council do a good job maintaining the public road to Lilybank's gate and that the trade off for Macaulay and Godley roads is not an option any more. The only option left was a access levy for those using the private road.

Don Young asked why can't Mackenzie District Council and DOC share expenses with Lilybank and have private road available for public use. Gerard stated that he believes if this was the case Lilybank would be abused for not maintaining the road at all times.

Gerard said that Lilybank has given everything regarding the surrender of the land, ie removed all the animals DOC consider pets, done everything requested of them. What about some give and take.

Don Young commented that Gerard had the problem, and suggested he could fix it by letting the public use the road and Council would contribute the cost.

Gerard said hunters are a threat to our existence.

Don Young appreciates Lilybank's problems regarding hunters. He asked why Council and Lilybank can't negotiate the two roads trade option.

Gerard said to forget about trade option, he said he's realised since these discussions began that there are too many fish hooks in that plan.

Don Young said DOC and Council agree that they will have no legal road access. If necessary Council will unlegalise piece of road rather than build new road. Public can drive to a point then walk the rest of the way.

Gerard Olde-Olthof said that is a good idea and is the best thing suggested.

Don Young commented that Lilybank will still have the problem of people on Lilybank land and that closing the road will not solve the poaching problem.

Gerard commented that Lilybank gains nothing if they give up the private road.

Don Young said Lilybank could fix their problem of getting hunters off your land quickly if you allow them access to the private road.

Gerard said temptation is still in the way for hunters.

Alan Fraser said people can still drive up the river bed. Joe Fraser said people can drive up Mt Gerald's property, we don't have a problem with hunters, our biggest concern is fire risk.

Don Young said that everyone has different concerns. Lilybank has special needs because of the business they run with animals. If the parties involved are leaning towards walk access only, where will people park cars and how long does it take to walk up to North East Gorge. He was informed that it would take 6-7 hours by foot.

Mike Stephens from NZ Police suggested that walking access could deter people from going up the valley.

Gerard agreed with him and said that it would remove the problem apart from the odd person. People that wanted to drive up the river bed were welcome to do so.

Philip said that the public will still get confused when they reach Willow fan with gates entering Lilybank land.

Mike Stephens asked if there was signs on the gates. Philip said there wasn't. He offered to take Don Young, Neil Bolton and Rob Young up on the private road to point out the public road problems.

Neil Bolton said on pamphlets access routes will be stated on a map.

Mike Stephens said the public must be told where they can go, not can't go.

Gerard said the pressure on Lilybank shouldn't be too bad once people realise there are no animals to hunt. He also asked if DOC would survey the land.

Neil Bolton said that DOC would survey the land and direct hunters to eas.

Gerard suggested that signs from DOC should be at Lilybank's gate. Lilybank is prepared to do what's needed. Must have map on sign showing access route, plus signs at Stoney Basin and North Branch showing where hunting begins.

Philip said more than one sign was needed. Signs should be put up at Willow Fan wash out and Stoney Basin stating "No Hunting".

Joe Fraser asked if Lilybank were not better to keep some animals for hunters to shoot on the surrendered land. Gerard explained to him that Lilybank has only removed animals away from the boundaries or buffer zone, but have left animals further away from Lilybank's boundaries.

Joe Fraser asked where boundary of surrendered land starts. Gerard explained that the boundary was Stoney Basin Ridge. Philip showed on map confusion with fencing on surrendered land.

Ray Ward Smith asked if the fencing would be removed before the take over. Gerard said the fencing was not Lilybank's problem, the fences were already there when he took over Lilybank.

Rob Young said the fencing would then revert to crown property.

Don Young asked who hunters will now where they can start hunting. Gerard said there would be a sign put there on the boundary.

Ray Ward Smith commented that the boundary was the only bit not fenced. Gerard said a fencing notice could be put into place.

Don Young asked if Lilybank expected people walking up Stoney Basin. Gerard said that yes, it's only natural people will.

Philip said the boundary line is an easier walk than the stream, but with animals walking back onto Lilybank land, temptation will be on the hunters.

Gerard said that's why we've removed all animals off Lilybank lease. Majority of animals gone.

Ray Ward Smith clarified that the survey says the legal boundary is on the true right of the stream and showed Philip on map. Philip informed him Lilybank has fences on that side of the stream. Ray Ward Smith commented that they would have to be removed, Philip said they were permanent stock fences. Gerard said that the crown could revert the land back to its natural state.

Ray Ward Smith said that the stream is the boundary for signs, but there won't be a problem if there is a use for the fenced area.

Gerard said Lilybank will wait until freeholding comes up. He can't find any records for fences on surrendered land, but must have been agreed on by previous owners and landcorp because a good 3km of fences have been put there.

Ray Ward Smith said closing the public road up the Macaulay seemed a reasonable thing to do, but the public had a right to object to the closure.

Meeting closed at 12.55pm.

Minutes sent 17 November to:

Ray Ward Smith - Knightfrank
Don Young - Mackenzie District Council
Neil Bolton/Rob Young - DOC
Mike Stephens - NZ Police
Alan Fraser/Joe Fraser - Mt Gerald

*Note by RWS.
Re closure suggested
is beyond the boundary
with Lilybank.
RWS
25/11/05.*

Following Main Meeting

Ray Ward Smith (Knightfrank), Don Young (Mackenzie District Council), Neil Bolton and Rob Young (DOC) and Philip Olde-Olthof (Lilybank) undertook a drive from Lilybank to Stoney Basin to observe, identify and mark public access up Macaulay Valley.

On returning they drove to Harvey's Block to discuss possible public access through Harvey's Block to Godley Valley (North).

They then proceeded back to public access at front of lodge, through past wool shed, implement shed, through deer farm paddocks to north boundary of deer farm at Station Creek.

In doing so, they identified numerous points of confusion for the public while travelling through farmed area, this resulting in lengthy discussions on the possible re-routing of the public access away from the farmed area, making it easier, less confusing and a more reliable road for the public travelling up the Godley Valley.

On returning back to Lilybank Lodge at approximately 5pm further discussions took place on the agreed access for the public up the Godley and Macaulay resulting in the re-signing of both accesses.

It was agreed to place sign, including map showing clear boundaries and access routes for both valleys at the Lilybank gate. The sign which will be erected immediately, will be of a temporary nature until a more permanent structure can be in place by early new year.

Consent was also given by Lilybank management for the public to use a portion of their private road to remove confusion and to allow easy unobstructed access up the Macaulay from the sign at the main gate.

Included on the public sign is mention that Lilybank will offer emergency communications for the public should it be required.

Comment.

The record made of this meeting (whole day) gives a

fair record.
Lilybank staff.

Recorded & typed by

R. M. [Signature]
25/1/95.



LAND RESOURCES DIVISION

File Ref: Pt 002

1st Floor, Public Trust Building
Can Church & Sophia Streets
PO Box 564, Timaru
Telephone (03) 684-8340
Facsimile (03) 688-0407

26 April 1996

The Commissioner of Crown Lands
Private Box 170
WELLINGTON

Attention : D Gullen

Dear Sir

LILYBANK

Thank you for your instruction dated 12 February 1996 regarding identification of access and roads through Lilybank.

The physical work on the ground was completed on the evening of Wednesday 24 April 1996. Immediately upon completion, I inspected the work with the surveyors concerned, accompanied by Mr Don Young, Asset Manager, Mackenzie District Council. During the inspection, we called upon Philip Olde-Olthof at his house to both indicate to him that I was making myself familiar with the route and to obtain a key from him for access.

I believe the identification of the route was very worth while in that the legal route is now clear to all parties.

Attached please find photographs and accompanying notes. Conditions were not ideal for photography at the time which explains some variability as the sun was setting.

An invoice will follow from our Christchurch office for the work requested and I thank you for the instruction.

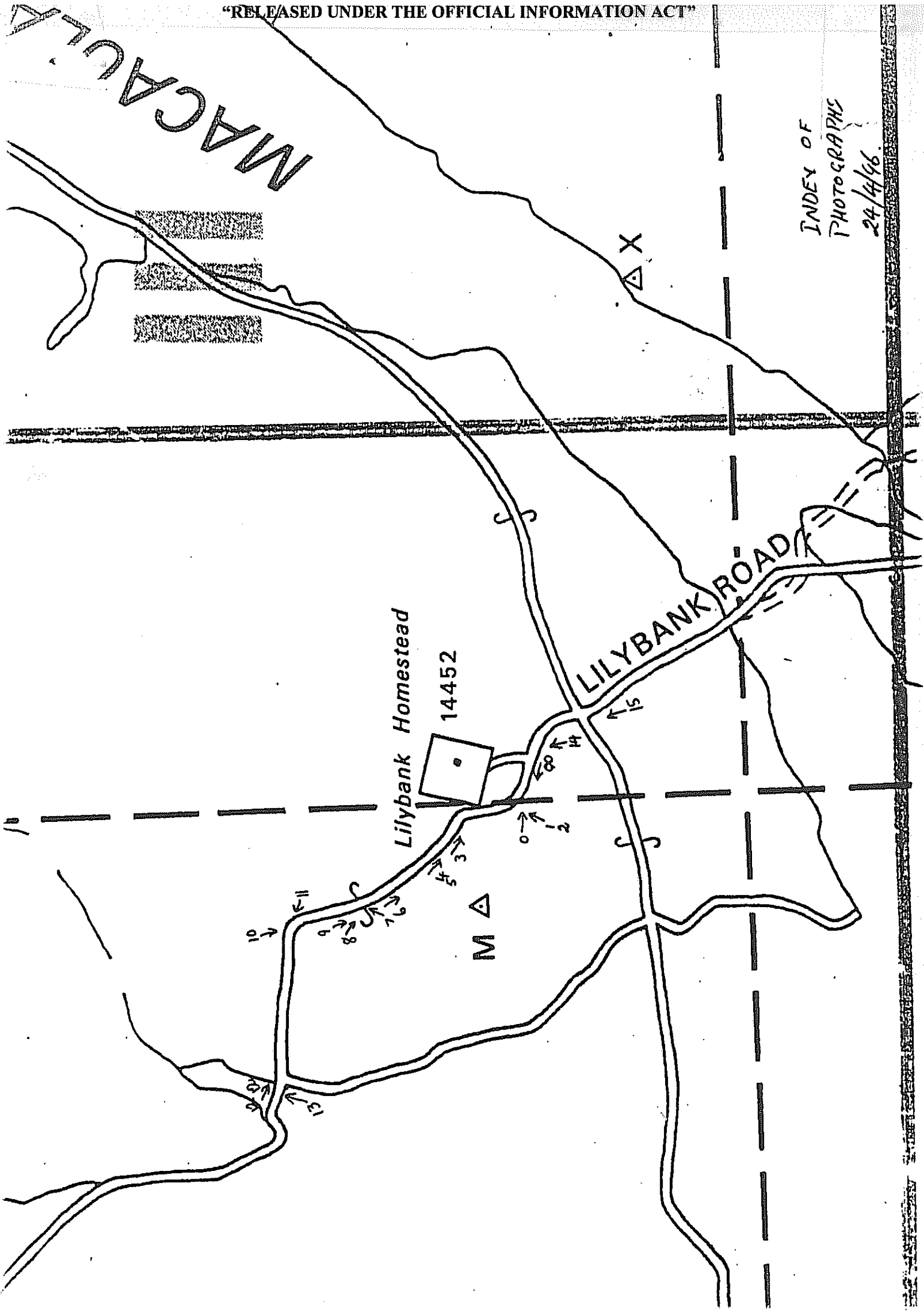
Yours faithfully
KNIGHT FRANK (NZ) LIMITED

R A Ward-Smith
Manager - Timaru
R3253

Received
Posted
3.5.96

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INDEX OF
PHOTOGRAPHS
24/4/96



No 15

The road between the Macaulay River and the Lodge, showing the DOC sign which is a topo map and comment about description, access, facilities, hunting and advice in emergency. Unfortunately somebody has taken the liberty of shooting a hole through it from the rear and has let the moisture underneath the perspex cover. The sign on the right reads Macaulay Valley Public Access and leads across the flat somewhere in the vicinity of the paper road up the Macaulay. The formation from the Macaulay River into the Lodge is all within the legal road.



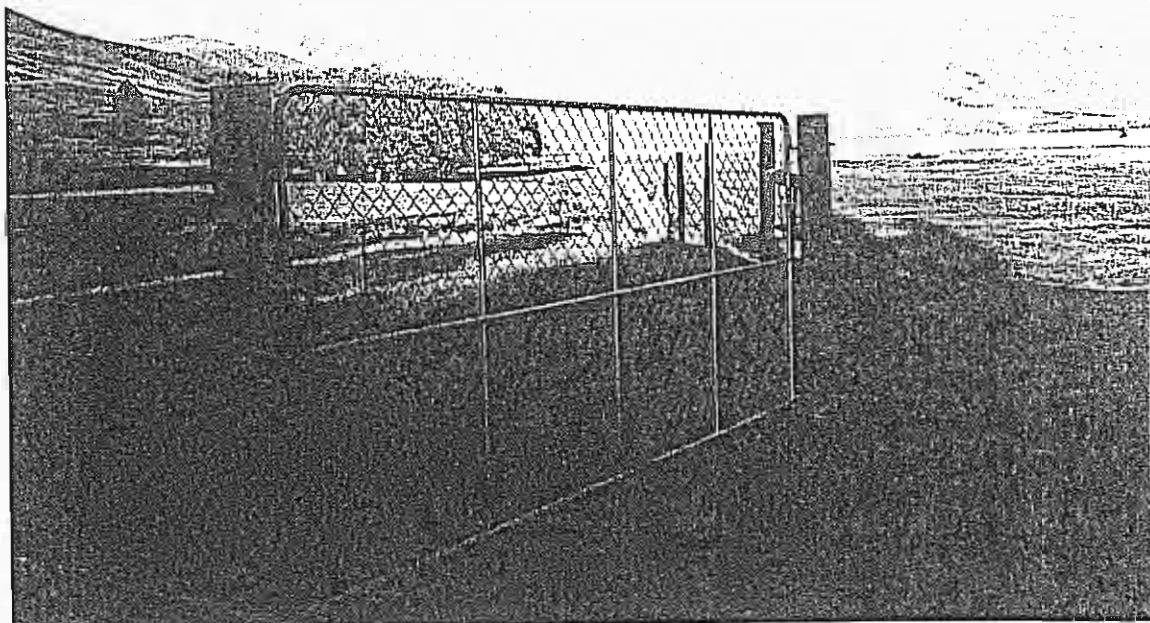
No 14

View from the road leading into Lilybank showing the junction straight into the Lodge and left just through the white gate goes down towards the woolshed and then up the Godley via the deer farm. The flag on the right of the gateway beside the white post is the edge of the legal road, and on the left there are two pegs which indicate the left hand side of the corner.



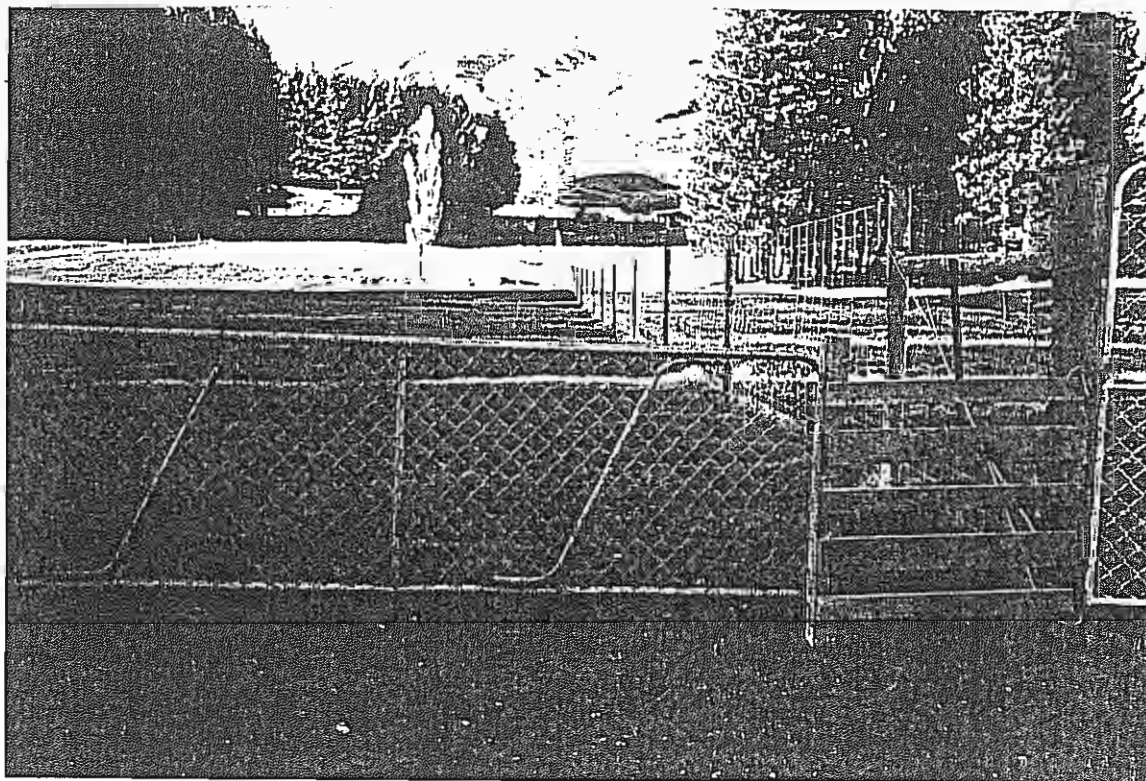
No 00

The first leg into the road up the Godley and is looking towards the woolshed. The deer fence eventually traverses across into the legal road. The formation is correctly sited on the legal road.



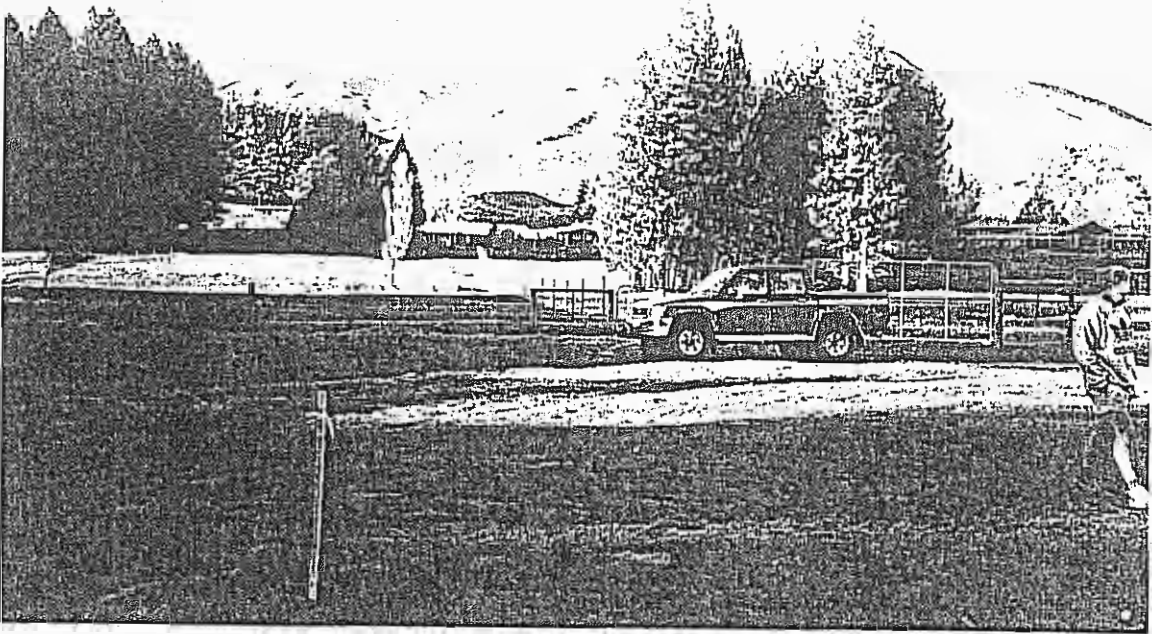
No 0

View from in front of the woolshed looking back to the junction of the road where the previous photo was taken. It is notable how the deer fence shifts out onto the road a little bit - by approximately 3-4 metres.



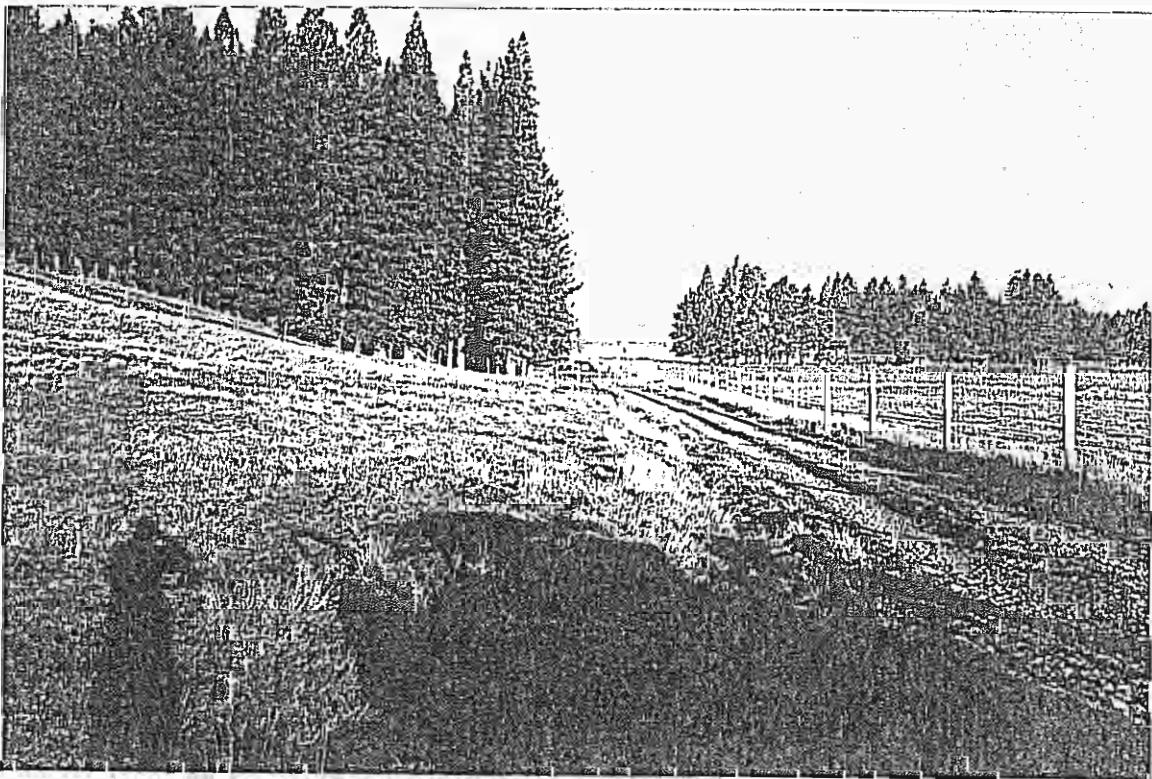
No 1

From the acute angle that goes from the woolshed back towards the old Lodge and the deer fence is approximately up the left-hand quarter of the road. There is enough room to drive a vehicle up either the left hand or right hand side. If the access is up the left hand side just beyond the killing shed foundation where there is a poplar tree, the road goes around that and then hard left up the Godley.



No 2

Taken from the corner of the road just south of the woolshed again as above looking back to the Lodge. The vehicle is sitting approximately in the centre of the corner.



No 3

Taken from the first bend in the road inside the deer farm looking south towards the concrete abutments where the killing shed was indicated by the poplar tree beyond the bales of silage.