

## **Crown Pastoral Land Tenure Review**

**Lease name : MT DIFFICULTY**

**Lease number : PO 234**

### **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.

**December**

**05**

## DUE DILIGENCE REPORT

## CPL PRE TENURE REVIEW ASSESSMENT STANDARD 6:

File Ref:	Po353	Report No:	AT0093	Report Date:	30 May 2000
Office of Agent:	Alexandra	LINZ Case No:		Date sent to LINZ:	14/6/00

## RECOMMENDATIONS:

- (1) That the Commissioner of Crown Lands or his delegate **note** this Due Diligence Report which has been prepared in accordance with the Pre Tenure Review Assessment Standard;
- (2) That the Commissioner of Crown Lands or his delegate **note** the following incomplete actions which require action by the Manager Crown Property Contracts.

Memorial 592869 relates to a Compensation Certificate pursuant to Section 19 of the Public Works Act 1981 dated 12 April 1983 for access by the Crown onto Run 330D for engineering and geological surveying and investigation drilling for a period of six months from the date of signing. The memorial is significantly past the term of the compensation period, the consideration was nil and the certificate could be removed from the lease document. ✓

Memorial 598200 relates to a compensation certificate pursuant to Section 19 of the Public Works Act 1981 dated 14 July 1983 for tree clearing with provision to reinstate a fenceline at the completion of works being 31 August 1983. The memorial is significantly past the term of the compensation period, there was no financial consideration and the certificate could be removed from the lease document. ✓

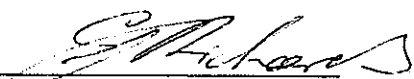
Memorial 615380 is a notice under Section 18 (1) (b) Public Works Act 1981 for an essential work - namely Generation of Electricity dated 25 May 1984. This land has been acquired by New Zealand Gazette 1985 Page 3841 - Memorial 615380 should be discharged. ✓

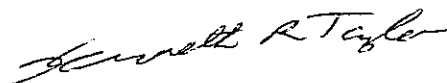
Memorial 666444 relates to a Compensation Certificate pursuant to Section 19, of the Public Works Act 1981 to acquire 4.4 ha of land for the generation of electricity. ✓

The Commissioner of Crown Lands has consented to an easement in favour of Vodafone New Zealand Limited for a telecommunications site on Mount Difficulty as of 23 July 1997 (*to be located adjacent to the Telecom site*) conditional on the applicant obtaining the consent of the lessee, then Lake District Trust. Refer to file Po353 Volume 6 Folio 7. Further documentation records dealings are ongoing and not in a position for achieving registration. Folio 76 records that BellSouth paid a fee of \$17,200 (*plus GST*) relative to the access arrangement on 5 February 1998.

In 1998 the CCL approved for registration a Section 417 Certificate under the Resource Management Act 1991 for Water Race Licence 1842 Cromwell Wardens Court Registry. There is no further reference to this process on files and no memorial upon PL 13A/632.

Signed for Knight Frank (NZ) Limited:

  
Consultant 8/16/2000.

  
14/6/00

Approved/Declined by:

\_\_\_\_\_  
Name:  
Date of decision:     /     /

**(1) Details of lease:**

**Lease Name:** Mount Difficulty

**Location:** Cromwell

**Lessee:** Kawarau Station Limited

**Tenure:** Pastoral

**Term:** 33 years from 1 7 1985

**Annual Rent:** \$6,300

**Rental Value:** \$280,000

**Date of Next Review:** 1 July 2007 as per Section 66 (4) (a) of the Land Act 1948.

**Land Registry Folio Ref:** 13A/632

**Legal Description:** Section 3 SO 23831 and Part Section 51 Block II Cromwell Survey District

**Area:** 5281.1156 hectares

**(2) File Search:****Files held by Agent on behalf of LINZ:**

<i>File Reference</i>	<i>Volume</i>	<i>First Folio</i>	<i>Date</i>	<i>Last Folio</i>	<i>Date</i>
Po353	1	1	1/3/1931	162	2/7/1973
	2	163	3/8/1973	295	7/2/1985
	3	296	8/2/1985	372	5/6/1986
	4	373	9/6/1986	503	16/9/1992
	5	1	21/9/1992	77	6/6/1997
	6	1	16/6/1997	86	29/2/2000

**Other relevant files held by LINZ:**

<i>File Reference</i>	<i>Volume</i>	<i>First Folio</i>	<i>Date</i>	<i>Last Folio</i>	<i>Date</i>
CPL/04/11/12593 ZCH		1	10/3/1997	52	28/3/2000
5200/D14/M03.DCH		31/3/1992	31/3/1992	19/10/1995	19/10/1995

The pastoral lease was acquired by the current holders (*Kawarau Station Limited*) in 1998 from Lake District Trust Limited who have had interests in the lease since 1995.

The current lease was preceded by renewable lease RLF 508, reclassified in 1985 (*Case 1985/40*). On review in 1985 the renewable lease was replaced by a pastoral lease (*subsequently redefined to 5800 hectares*) (*folio 13A/632*).

Po353 was renewed for a further term of 33 years from 1 July 1985 subject to review at eleven year intervals, the first of which occurred in 1996.

***Folios relating to Uncompleted Actions:***

The Commissioner of Crown Lands has consented to an easement in favour of BellSouth, now Vodafone New Zealand Limited for a telecommunications site on Mount Difficulty as of 23 July 1997 (*to be located adjacent to the Telecom site*) conditional on the applicant obtaining the consent of the lessee, then Lake District Trust. (*Refer to file Po353 Volume 6 Folio 7*). Further documentation dated 29 February 2000, (*refer to Po353 Volume 6 Folio 86*), records dealings are ongoing and not in a position for achieving registration. Folio 76 records that BellSouth paid a fee of \$17,200 (*plus GST*) relative to the access arrangement on 5 February 1998. This matter appears to be in abeyance noting the CCL has already approved one form of easement and has requested reformatting to meet new standards for easement documents that requires Vodafone to make further changes to the drafted easement document, a matter Vodafone is objecting to. There is no further movement on Vodafone easement dealings past 29 February 2000.

File, Po353 Volume 6 Folio 52 dated 14 July 1998 records that the CCL approved registration of a Section 417 Certificate under the Resource Management Act 1991 for Water Race Licence 1842 Cromwell Wardens Court Registry. There is no further reference to this process on the files and no memorial upon PL 13A/632.

***(3) Summary of lease document:***

***Terms of lease:***

2480 stock units

***Area adjustments:***

There have been no documented area adjustments located on file not already noted on the lease.

***Differences between registered title and lease file records***

Nil.

***Registered interests:***

592869 Compensation certificate pursuant to Section 19 of the Public Works Act 1981.  
Dated 12 April 1983.

- 596515 Land Improvement Agreement under the Soil Conservation and Rivers Control Act 1941. Dated 16 June 1983. Nil effect on tenure review.
- 598200 Compensation certificate pursuant to Section 19 of the Public Works Act 1981. Dated 14 July 1983.
- 615380 Notice under Section 18 (1) (b) Public Works Act 1981. For an essential work - namely Generation of Electricity. Dated 25 May 1984.
- 666444 Compensation certificate pursuant to Section 19 of the Public Works Act 1981. 4.4 hectares acquired for generation of electricity. Dated 30 October 1986.
- 831937 Land Improvement Agreement under Section 30 of the Soil Conservation and Rivers Control Act 1941. Rabbit and land management programme for controlling or eradicating rabbits on the land and conserving soil and vegetation on the land. Dated 16 June 1993. Nil effect on tenure review.
- 833809/6 Variation of the within lease. Right of access to Sections 1 and 2 23879 for the Department of Conservation. Dated 12 July 1993. Nil effect on tenure review.
- 841092/1 Transfer granting a right of way on foot in favour of HMQ for the purpose of the New Zealand Walkways Act 1990. Dated 12 October 1993. Nil effect on tenure review.
- 841092/3 Transfer granting a right of way over (1) part herein marked 'A' on SO Plan 23831 appurtenant to Sections 1 and 2 SO Plan 23831 and Part Run 330A Bannockburn, Nevis and Cromwell Survey District, and (2), part herein marked 'C' on SO Plan 23831 appurtenant to Section 1 SO Plan 23831. Dated 12 July 1993. Nil effect on tenure review.
- Right of way over part Run 330A marked B on SO Plan 23831 created by transfer 841092/4 dated 12 October 1993. Nil effect on tenure review.
- 877634/5 Memorandum varying the covenants and conditions and restrictions contained within the lease. Dated 9 March 1995. Nil effect on tenure review.
- 910601/3 Transfer being a grant of the following rights (*in gross*) over part of the within land shown on DP 24052;
- Telecom purposes marked A..
  - Right of way marked B and E.
  - Right of way to convey electricity marked F.
- 933654.1 Gazette Notice (1997, Page 1518) declaring part of the within leasehold estate shown marked A on SO24301 (971 m<sup>2</sup>) is acquired for Police and Public Safety Communications Purposes. Dated 24 July 1997. Document not available at time of searching. Nil effect on tenure review.

- 936128.2 Gazette Notice (1997 Page 2541) declaring part of the within land marked (A) on SO 23879 to be a walkway known as Long Gully Walkway. Dated 8 September 1997. Nil effect on tenure review.
- 951086.6 Transfer to Kawarau Station Limited. Dated 15 July 1998. Nil effect on tenure review.
- 985085.1 Gazette notice (2000/431) declaring part of the fee simple part Section 51 Block II Cromwell Survey District marked A SO 24302 to be set apart for police and public safety radio communications and telecommunications and vested in the crown from 23 2000. Dated 15 March 2000. Nil effect on tenure review..

***Unregistered interests:******Encumbrance or Interest:***

Proposal by Vodafone New Zealand Limited to register easement for telecommunications site on the peak of Mount Difficulty.

Recommendation for CCL to approve Section 417 Certificate under the Resource Management Act 1991 for Water Race Licence 1842 Cromwell Wardens Court Registry. No further reference on files past 14 July 1998 and no registration upon PL 13A/632 as of 26 May 2000.

**(4) Summarise any Government programmes approved for the lease:*****Programmes:***

- 596515 Land Improvement Agreement under the Soil Conservation and Rivers Control Act 1941 dated 16 June 1983. The memorial was not available at the time of searching.
- 831937 Rabbit and Land Management Property Plan T4730 for the purposes of controlling and eradicating rabbits on the land and conserving the soil and vegetation on the land. The agreement commenced on 1 April 1990. Section 9 of the agreement specifies three considerations of duration, primarily the farmer is bound by the agreement to 30 June 2010.

**(5) Summary of Land Status Report:**

A Land Status Report approved by an approved person is attached. The report considers the Kawarau and Mount Difficulty Runs, both held by Kawarau Station Limited. The reports comprise five sections.

Report 1 of 5 considers Part Run 330A. This is the adjoining Kawarau Pastoral Lease being considered jointly with Mount Difficulty.

Report 2 of 5 considers Section 3 SO 23831 and part Section 51 Block II Bannockburn

Survey District being with Mount Difficulty. Section 3 SO 23831 is a right of way for access from Felton Road to Part Section 51 Block II Cromwell Survey District being Mount Difficulty.

Report 2 of 5 also notes an area of land adjoining the lease is subject to the Ngai Tahu Claims Settlement Act 1998. It is the Whatatorere Historic Reserve created by Section 156 of the Act located 750 metres upstream of the confluence of the Kawarau River and Roaring Meg, refer to Land Status Report Sheet 3 of 6. This matter is not relevant to the review.

Report 3 of 5 considers UCL area Section 76 Block I Bannockburn Survey District located within Part Run 330A adjacent to Bannockburn Road (*Plan 6 of 6*). This area may be considered in a separate submission on the inclusion of other land.

Report 4 of 5 considers Sections 1 and 2 SO 23879, two separate land parcels previously within Po353 adjoining the northern boundaries of Part Run 330A, being land held for "Conservation Purposes".

Report, 5 of 5 considers Part Section 51 Block II Bannockburn Survey District a 971 m<sup>2</sup> Police site located on the peak of Mount Difficulty. The report notes there is no legal access to the site and that there is a probability that physical access is via the right of way defined on DP24052 (*Telecom*).

**(6) Review of topographical and Cadastral data:**

Three telecommunication-repeater installations are located or proposed on the peak of Mount Difficulty. They are:

- (1) New Zealand Police site of 971m<sup>2</sup>, refer to GN 933654.2 dated 24 July 1997 as described in Land Status Report 5 of 5 appended to this report. Site construction is proposed to commence in the year 2000.
- (2) Telecommunications installation: This installation was the first site developed on Mount Difficulty under Transfer Notice 910601/3 inclusive of a right of way for access and a right to convey electricity. Memorial 910601/3 was recorded in favour of Telecom Mobile Communications on 24 June 1996.
- (3) A second telecommunications site is proposed immediately north of the Telecom site by Vodafone New Zealand Limited. This was approved by the CCL on 13 July 1987 and documentation is being prepared.

Landcorp issued a Soil Disturbance permit on 9 February 1988, (*refer to file Po353 Volume 4 folio 405*), for the lessee to establish an airstrip in the Rocky Face Basin. Access to the airstrip is via Felton Road and Long Gully.

The boundary of Part Section 51, as identified in Land Status Report 2 of 5 on Map Sheet 2 of 6, follows a legal road from the upstream (*left-hand side*) of "Joining Line A" as far as Goldfields Mining Centre, where the boundary departs the River/Lake Dunstan to run southeast to "Joining Line A".



From Goldfields Mining Centre south to "Joining Line A" the land is very steep consisting of rocky faces and bluffs. There is no fence line known to exist over the section south to Walkers Creek. The topographical map identifies a fence line below or north of the overlay Cadastral plan (*Sheet 2 of 6*) which suggests a discrepancy of up to 100 metres wide over a section of approximately 500 metres.

Land Status Sheet 1 of 6 identifies the boundary of Po353 from "Joining Line A" - left hand side against the Kawarau River, as following the legal road southwest to the confluence of the Nevis and Kawarau Rivers then south up the Nevis River adjacent to the marginal strip until Po353 meets the north-western boundary of Po234 (*Kawarau Station*).

The boundary with Part Run 330A, as identified on the Cadastral overlay is slightly offset in places from the fence line shown on the underlying topographical map. Mis-alignment would, on the scale presented, be less than 100 m on the ground. In general terms, the Cadastral boundaries fit well over the identifiable topographical boundaries.

- A legal road is shown along the true right bank of both the Nevis River and the Kawarau River against Po353.
- Power pylons cross Po353 from the Nevis River, up Slapjack Creek, via Slapjack Saddle and down Long Gully to Felton Road.

A walkway from Kawarau Station boundary to the Long Gully Bluffs Conservation Area for public access exists in favour of the Crown. Refer to Memorial 841092/1.

The following schedules of the Proposed Central Otago District have been searched with respect to historic sites.

- Schedule 19.4 Register of heritage buildings, places, sites and objects and heritage trees.
- Map 51 identifies 3 archaeological sites located adjacent to the Kawarau River and the Kawarau Arm of Lake Dunstan. The sites are not identified within the Proposed District Plan.
- Schedule 19.6 Areas of significant indigenous vegetation, habitats of indigenous fauna and wetlands.
- SN 29, described as Long Gully/Mount Difficulty is contained within Section 1 SO23879
- Schedule 19.10 Historic reserves and protected private land historic purposes
- No identified sites.

**(7) Details of any neighbouring Crown or conservation land:**

*Pastoral Lease Po234, Kawarau:*

Sections 1 and 2 So 23879, land held for conservation purposes.

*Po353 adjoins the Whatatorere Historic Reserve:*

Section 51 Block II Crown Survey District held for Police Telecommunications. UCL being Section 76 Block I, Bannockburn Survey District.

**(8) Summarise any uncompleted actions or potential liabilities:**

Memorial 592689 relates to a Compensation Certificate pursuant to Section 19 of the Public Works Act 1981 dated 12 April 1983. For access by the Crown onto Run 330D for engineering and geological surveying and investigation drilling for a period of six months from the date of signing. The memorial is significantly past the term of the compensation period, the consideration was nil and the certificate could be removed from the lease document.

Memorial 598200 relates to a compensation certificate pursuant to Section 19 of the Public Works Act 1981 dated 14 July 1983 for tree clearing with provision to reinstate a fenceline at the completion of works being 31 August 1983. The memorial is significantly past the term of the compensation period, there was no financial consideration and the certificate could be removed from the lease document.

Memorial 615380 is a notice under Section 18 (1) (b) Public Works Act 1981 for an essential work - namely Generation of Electricity dated 25 May 1984. This land has been acquired by New Zealand Gazette 1985 Page 3841 - Memorial 615380 should be discharged.

The Commissioner of Crown Lands has consented to an easement in favour of Vodafone New Zealand Limited for a telecommunications site on Mount Difficulty as of 23 July 1997 (*to be located adjacent to the Telecom site*) conditional on the applicant obtaining the consent of the lessee, then Lake District Trust. (*Refer to file Po353 Volume 6 Folio 7*). The documentation is still not in a form suitable for registration. Folio 76 records that BellSouth paid a fee of \$17,200 (*plus GST*) relative to the access arrangement on 5 February 1998.

File, Po353, Volume 6 Folio 52 dated 14 July 1998 records the CCL approving registration of a Section 417 Certificate under the Resource Management Act 1991 for Water Race Licence 1842 Cromwell Wardens Court Registry. There is no further reference to this process on the files and no memorial upon PL 13A/632.

**SCHEDULES:**

- (a) Land Status Report
- (b) Lease Document

# OPUS INTERNATIONAL CONSULTANTS LIMITED

## DUNEDIN OFFICE

Project Number 6NI11 01 016YD

This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50175 dated September 1999 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

INTERNATIONAL  
CONSULTANTS

<b>LAND STATUS REPORT for Kawarau / Mt Difficulty</b>			LIPS Ref 12593
Property	2	of	5
Mt Difficulty Station			

<b>Land District</b>	Otago
<b>Legal Description</b>	Section 3 SO 23831 and Part Section 51 Block II Cromwell SD.
<b>Area</b>	5281.1156 ha
<b>Status</b>	Crown Land held under the Land Act 1948 subject to Pastoral Lease P353.
<b>Instrument of title / lease</b>	13A/632
<b>Encumbrances</b>	<ol style="list-style-type: none"> <li>1. Compensation Certificate registered as 592869.</li> <li>2. Land Improvement Agreement registered as 596515.</li> <li>3. Compensation Certificate registered as 598200.</li> <li>4. Notice under Section 18(1)(b) Public Works Act 1981 registered as 615380.</li> <li>5. Compensation Certificate registered as 666444.</li> <li>6. Land Improvement Agreement registered as 831937.</li> <li>7. Memorandum of Transfer – Right of Way on foot [New Zealand Walkways Act 1990] registered as 841092/1. Known as the Long Gully Walkway by GN 936128.2</li> <li>8. Memorandum of Transfer – Right of Way registered as 841092/3.</li> <li>9. Memorandum of Transfer being a grant for Telecommunication purposes, access &amp; right to convey electricity. Registered as 910601/3.</li> </ol>
<b>Mineral Ownership</b>	Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Purchase.
<b>Statute</b>	Land Act 1948 and Crown Pastoral Land Act 1998.

<b>Data Correct as at</b>	4 November 1999
<b>[Certification Attached]</b>	

<b>LAND STATUS REPORT for Kawarua / Mt Difficulty</b>				LIPS Ref 12593
Property	2	of	5	Mt Difficulty

Prepared by	G Patrick
Crown Accredited Agent	Opus International Consultants Ltd, Dunedin

**Certification – as to status**

Pursuant to Section 11(1)(1) of the Survey Act 1986 and acting under delegated authority of the Surveyor-General pursuant to Section 11(2) of that Act, I hereby certify that the land described above is Crown Land under the Land Act 1948 subject to Pastoral Lease registered as 13A/632.

**Max Haydn Warburton**  
**Chief Surveyor**  
**Land Information New Zealand, Dunedin.**

17 / 11 / 1999

<p><b>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.</b></p>	<p>Application by Vodophone for telecommuication easement. Not yet processed.</p> <p>July 1997 Water Race licences 1842CR and 3690C to be recorded on lease by Section 417 Resource Management Certificate. Not yet registered.</p> <p>Appurtenant is a right of way over Part Run 330A ["B" on SO 23831]</p>
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<b>LAND STATUS REPORT for Kawarua / Mt Difficulty</b>				LIPS Ref 12593
Property	2	of	5	Mt Difficulty

**Research Data: Some Items may be not applicable**

SDI Print Obtained	Yes /No
NZMS 261 Ref	F41
Local Authority	Central Otago District Council
Crown Acquisition Map	Kemp
SO Plan	SO 21956 approved September 1986 being a plan of Section 51 Block II Cromwell SD. SO 24302 approved October 1995 being a plan of land to be acquired for communication for police and public safety. SO 23879 approved March 1983 being a plan of Sections 1 & 2 and easements. DP 24052 being a plan of easements over Sections 1, 2 and 3 SO 23831 and Section 51
Relevant Gazette Notices	<ol style="list-style-type: none"> <li>1. GN 933654.1 New Zealand Gazette 1997 page 1577 leasehold estate acquired for police etc.</li> <li>2. New Zealand Gazette 1994 page 1118 declaring land held for conservation purposes.</li> <li>3. GN 936128.2 New Zealand Gazette 1997 page 2541 declaring that land shall be a walkway.</li> </ol>
CT Ref / Lease Ref	<ol style="list-style-type: none"> <li>1. 13A/ 632 [live].</li> <li>2. Other documents listed in "Encumbrances" Page 1 and also other miscellaneous documents relating to partial surrenders</li> </ol>
Plan Index	Attached.
Legalisation Cards	SO 21956 – attached SO 24302 – attached SO 23879 – attached
CLR	Confirms Pastoral Status.
Allocation Maps (if applicable)	F41 Nothing showing affecting this land.  The "Proposed SOE Claim Lands" map F41 shows a couple of areas required for the generation of electricity. These have been acquired by NZ Gazette 1985 page 3841. The Notice registered under the Public Works Act 1981 as 615380 should be discharged.
VNZ Ref - if known	Not known.

<b>LAND STATUS REPORT for Kawarua / Mt Difficulty</b>				LIPS Ref 12593
Property	2	of	5	Mt Difficulty

Crown Grant Maps	Not searched.
<b>If Subject land Marginal Strip :</b> a) Type [Sec 24(9) or Sec 58]	a) See Section 156 Ngai Tahu Claims Settlement Act 1998 [See diagram 3 of 6].
b) Date Created	b)
c) Plan Reference	c)
If Crown land – Check Irrigation Maps.	F41 Nothing showing affecting this land.
Mining Maps	F41 Nothing noted.
<b>If Road</b> a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989	a) SO Plan - Not applicable.
b) By Proc	b) Proc Plan
c) Gazette Ref	c) Gazette Ref
<b>Other Relevant Information</b> a) Concessions – Advice from DOC or Knight Frank.	a) No information found.
b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998	b) An area of land adjoining this lease is subject to the Ngai Tahu Claims Settlement Act 1998. It is the Whatatorere Historic Reserve created by Section 156 of the Act.
c) Mineral Ownership	c) Either <input checked="" type="checkbox"/> Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Purchase. File shows held on renewable lease tenure since at least 1912.
d) Other Info	<input type="checkbox"/> Contained in [provide evidence].  d)

L. & S. - D. r  
Former Ref. Vol. fol.  
L. & S. Ref. No. P 353  
Not Registered under  
Act - Registered under  
Land Act, 1948

NEW ZEALAND  
13 10 99  
**PART - CANCELLED**  
1990, at 9.56 o'clock.  
**PART TAKEN BY GAZETTE  
NOTICE**

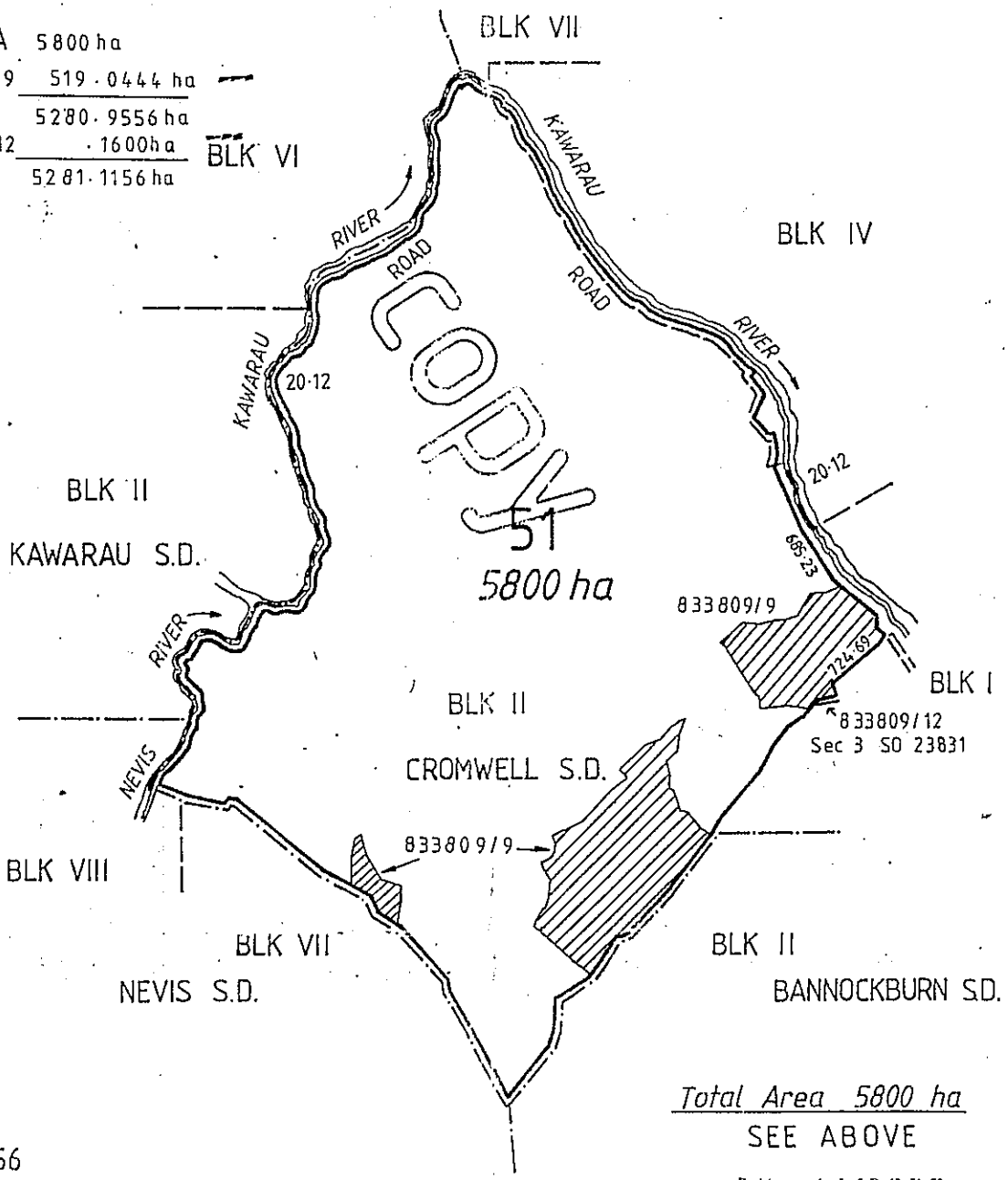
Entered in the Register-Book, the  
14<sup>th</sup> day of January 1985  
**REGISTER**  
*[Signature]*  
Asst Land Registrar.

**Pastoral Lease under the Land Act 1948**

**This Deed**, made the 1st day of July 1985 between HER MAJESTY THE QUEEN (hereinafter referred to as "the Lessor") of the one part, and MOUNT DIFFICULTY STATION LIMITED a company incorporated under the Companies Act, 1955 and having its registered office at Dunedin. (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 and 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 parcel of land containing by estimation 5800 hectares more or less, situated in the Land District of Otago, and being

Section 51 Block II Cromwell Survey District  
the same is more particularly delineated with bold black lines on the plan hereon; together with the rights,

TOTAL AREA	5800 ha
83380919	519.0444 ha
	5280.9556 ha
83380912	1600 ha
	5281.1156 ha



Total Area 5800 ha  
**SEE ABOVE**

RELEASED UNDER THE OFFICIAL INFORMATION ACT

13.10.99

ements, and appurtenances thereto belonging to the Lessor, the said premises intended to be hereby demised unto the Lessee for the term of 33 years, commencing on the 1st day of July 19 85, together with the period between the date of this lease and the aforesaid 1st day of July 19 85, YIELDING and paying therefor for the first 11 years of the said term unto the LAND CORPORATION LIMITED, Department of Lands and Survey at Dunedin the annual rent of \$ 7650.00 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 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 66 (4A) of the Land Act 1948. AND also paying in respect of the improvements specified in the Schedule hereto the sum of \$ by a deposit of \$ (which has already been paid) and thereafter by half-yearly instalments of \$ on the 1st day of January and the 1st day of July in each and every year.

AND the Lessee doth hereby covenant with the Lessor as follows:

1. That without derogating from or restricting the covenants contained and implied in this lease and on the part of the Lessee to be performed or complied with the Lessee will not at any time during the said term depasture on the land hereby demised more than \* sheep which number shall not include more than breeding ewes nor more than cattle which number shall not include more than breeding cows PROVIDED HOWEVER that the Lessee may with the prior written consent of the Land Settlement Board carry such additional stock on such terms and conditions as may therein be specified subject nevertheless to the right of the Land Settlement Board to revoke or vary such consent at any time.

2. That the Lessee will at all times farm the land hereby demised in a manner to promote soil conservation and prevent erosion and will comply with the provisions of the Soil Conservation and Rivers Control Act 1941.

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

THAT pursuant to the provisions of the Noxious Animals Act 1956 officers and employees of the New Zealand Forest Service and other authorised persons 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 Service is charged with the duty of exterminating or controlling, or for the purpose of destroying any such animals: Provided that such officers, employees, and other authorised persons in the performance of the said duties shall at all times avoid undue disturbance of the Lessee's stock.

AND it is hereby declared and agreed that these presents are intended to take effect as a Pastoral Lease of pastoral land under Section 66 of the Land Act 1948, 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.

\* 2480 stock units

SCHEDULE OF IMPROVEMENTS BELONGING TO THE CROWN

N11

Property Manager

IN WITNESS whereof the Commissioner of Crown Lands for the said Land District, on behalf of the Lessor, has hereunto set his hand, and these presents have also been signed by the said Lessee.

Signed by the said Commissioner on behalf of the Lessor, in the presence of—

Witness: \_\_\_\_\_

Occupation: \_\_\_\_\_

Address: \_\_\_\_\_

Commissioner of Crown Lands.

Signed by the above named Lessee, in the presence of

Witness: \_\_\_\_\_

Occupation: \_\_\_\_\_

Address: \_\_\_\_\_

Lessee.



13.10.99

REGISTER

SIGNED for and on behalf of  
HER MAJESTY THE QUEEN pursuant to  
a Deed lodged with the District Land  
Registrar as No. 681189/2 by  
LAND CORPORATION LIMITED  
by its Attorney ROBERT PAUL WOODHOUSE

LAND CORPORATION LIMITED  
by its Attorney

in the presence of

Witness:

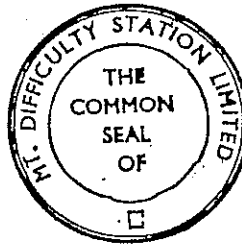
Occupation:

Address:

*Property Officer*  
*Dunedin*

The DLR is  
unable to  
locate a copy  
of this  
document.  
596515

THE COMMON SEAL OF .....  
MOUNT DIFFICULTY STATION LTD.  
WAS HEREUNTO AFFIXED IN THE  
PRESENCE OF



..... DIRECTOR  
..... DIRECTOR

Interests at date of issue:

592869 Compensation Certificate pursuant  
to Section 19 of the Public Works Act  
1981 - 12.4.1983 at 1.49 pm

666444 Compensation Certificate pursuant  
to Section 19 of the Public Works Act  
1981 - 30.10.1986 at 2.54 pm

596515 Land Improvement Agreement under  
the Soil Conservation and Rivers Control  
Act 1941 - 16.6.1983 at 11.6 am

710119 Mining Licence under the Mining  
Act 1972 affecting part of the within  
land (29.5ha) in favour of Ronald Lionel  
Bodger for the term of ten years  
commencing on the 8th day of August 1988  
- 25.8.1988 at 9.19 am  
See Volume 9D Folio 262

598200 Compensation Certificate pursuant  
to Section 19 of the Public Works Act  
1981 - 14.7.1983 at 2.08 pm

710231 Mining Licence under the Mining  
Act 1971 affecting part of the within  
land in favour of Ronald Lionel Bodger  
for the term of ten years commencing  
on 8th August 1988 - 26.8.1988 at 9.21  
am  
See Volume 9D Folio 261

615380 Notice under Section 18(1)(b)  
Public works Act 1981 - 25.5.1984 at  
10.55 am

658721 Mining Licence under the Mining  
Act 1971 affecting part of the within  
land in favour of George Henry Hammond  
and Charles Henry Hammond for a term of  
ten years commencing on 20th June 1986  
- 3.7.1986 at 9.11 am  
See Volume 9D Folio 160

710979 Mining Licence under the Mining  
Act 1971 affecting part of the within  
land (42ha) in favour of Ronald Lionel  
Bodger for the term of ten years  
commencing 30.8.1988 - 6.9.1988 at 10.19  
am  
See Volume 9D Folio 265

658007 Land Improvement Agreement under  
the Soil Conservation and Rivers Control  
Act 1941 - 19.6.1983 at 17 am

711339 Prospecting Licence under the  
Mining Act 1971 affecting part of the  
within land in favour of Otago Development  
Corporation Limited for the term of  
years commencing 7.9.1988 - 02.9.1988  
at 9.09 am  
See Volume 9D Folio 267

DISCONTINUED  
- 5.1988  
A.L.R.

13.10.99

819236 Caveat against Her Majesty The Queen entered 1.12.1992 at 10.26am

*[Handwritten signature]*  
A.L.R.

833809/9 Surrender of part of the within lease as to Sections 1 and 2 SO Plan 23879 and Section 1 SO Plan 23831 (519-0444 ha) shown hatched black hereon effective from 1.1.1993 - 12.7.1993 at 9.59am

*[Handwritten signature]*  
A.L.R.

820164 Caveat against Telecom Cellular Limited entered 1.12.1992 at 10.24am

*[Handwritten signature]*  
A.L.R.

833809/12 Certificate of Alteration incorporating in the within lease Section 3 SO Plan 23831 (0.1600 ha) - 12.7.1993 at 9.59am

*[Handwritten signature]*  
A.L.R.

Part of the within land is now known as Section 1 SO 23831 (197.3938ha) - 23.12.1992 at 9.06am

See New Appellation 821116

Sec 833809/9

*[Large handwritten signature]*  
A.L.R.

Parts of the within land are now known as Sections 1 (295.0151ha) & 2 (26.6310ha) SO 23879 - 17.3.1993 at 10.25am

New Appellation 825945

Sec 841092/1

*[Handwritten signature]*  
A.L.R.

841092/1 Transfer granting a right of way on Foot (in gross) over part herein marked 'A' on SO Plan 23879 in favour of Her Majesty The Queen for the purposes of the New Zealand Walkways Act 1990 - 21.10.1993 at 10.12am

*[Handwritten signature]*  
A.L.R.

828195 Land Improvement Agreement Under Section 30 of the Soil Conservation and Rivers Control Act 1941 - 22.4.1993 at 9.15am

*[Handwritten signature]*  
A.L.R.

841092/2 Transfer to Robert Mark Cotton of Lilburn Valley Tui Tapu Farmer - 21.10.1993 at 9.59am

*[Handwritten signature]*  
A.L.R.

831937 Land Improvement Agreement under Section 30 of the Soil Conservation and Rivers Control Act 1941 - 16.6.1993 at 9.17am

*[Large handwritten signature]*  
A.L.R.

841092/3 Transfer granting a right of way over (i) part herein marked 'A' on SO Plan 23831 appurtenant to Sections 1 and 2 SO Plan 23831 (CT 15B/8) and part run 330A Bannockburn, Cromwell and Nevis Survey Districts (CT A2/1218) and (ii) over part herein marked 'C' on SO Plan 23831 appurtenant to Section 1 SO Plan 23831 (CT 15B/8) - 12.7.1993 at 9.59am

*[Handwritten signature]*  
A.L.R.

833809/6 Variation of the within lease - 12.7.1993 at 9.59am

*[Handwritten signature]*  
A.L.R.

Appurtenant hereto is a right of way over part run 330A (CT A2/1218) marked 'B' on SO Plan 23831 created by Transfer 841092/4 - 12.10.1993 at 10.12am

*[Handwritten signature]*  
A.L.R.

833809/7 Discharge of Land Improvement Agreement 658007 as to Section 1 SO Plan 23831 and Sections 1 and 2 SO Plan 23879 (519-0444 ha) - 12.7.1993 at 9.59am

*[Handwritten signature]*  
A.L.R.

843833/1 Mortgage to Southland Building and Investment Society - 21.10.1993 at 9.33am (Caveator under Caveats 819236 & 820164 consenting)

**DISCHARGED**  
19 MAY 1993  
*[Handwritten signature]*  
A.L.R.

833809/8 Discharge of Land Improvement Agreement 596515 as to Section 1 SO Plan 23831 and Sections 1 and 2 SO Plan 23879 (519-0444 ha) - 12.7.1993 at 9.59am

*[Handwritten signature]*  
A.L.R.

843833/2 Mortgage to AWB Ltd on behalf of Southland Farmers Finance Limited - 2.12.1993 at 9.33am (Caveator under Caveats 819236 & 820164 consenting)

*[Handwritten signature]*  
A.L.R.

843833/3 Mortgage to Ian McNab Douglas and Robert Mark Cotton - 2.12.1993 at 9.33am (Caveator under Caveats 819236 & 820164 consenting)

*[Handwritten signature]*  
A.L.R.

13.10.99

13A / 632

REGISTER

855509/2 Variation of Mortgage 843833/1 -  
12.5.1994 at 9.49am  
(Caveators under Caveats 819236 and  
820164 consenting)

OBSOLETE

Jumavett  
A.L.R.

Withdrawn

868120 Caveat in Lake District Trust  
Limited Entered 26.10.1994 at 10.30am

Jumavett  
A.L.R.

A.L.R.

933654.1 Gazette Notice (1997, p1518)  
declaring that part of the within  
leasehold estate shown marked A on SO  
24302 (971m<sup>2</sup>) is acquired for Police and  
Public Safety Communications purposes  
and shall vest in the Crown on the 19th  
day of June 1997  
24.7.1997 at 1.21

Jumavett

for DLR

936128.2 Gazette Notice (1997 p2541)  
declaring part of the within land marked  
A on SO 23879 to be a walkway to be known  
as Dong Gully Walkway  
8.9.1997 at 1.32

Jumavett

for DLR

977634/5 Memorandum varying the  
covenants conditions and restrictions  
contained in the within lease - 9.3.1995  
at 10.14am

Jumavett

A.L.R.

951086.6 Transfer to Kawarau Station Limited  
15.7.1998 at 9.03

K Hughes  
for DLR

877634/7 Transfer to Lake District Trust  
Limited - 9.3.1995 at 10.14am (Caveators  
under Caveats 819236 and 820164  
consenting)

OBSOLETE

Jumavett

A.L.R.

951086.7 Mortgage to Wrightson Farmers Finance  
Limited  
15.7.1998 at 9.03

DISCHARGED  
3-5-1999  
ALR

K Hughes  
for DLR

877634/8 Mortgage to Bank Otago  
Limited - 9.3.1995 at 10.14am

DISCHARGED  
18.11.1998  
ALR

Jumavett

A.L.R.

974387.2 Mortgage to Richard John  
Anderson

974387.2 Mortgage to Rabo Wrightson  
Finance Limited  
15.7.1999 at 11.09

K Patrick  
for RGL

910601/3 Transfer being a grant of the  
following rights (in gross) over part of  
the within land shown on DP 24052:

- i) Telecommunication purposes marked A
- ii) Right of way marked B and E
- iii) Right to convey electricity marked F

in favour of Telecom Mobile Communications Limited for  
a term of 19 years and 364 days from  
1.9.1992 together with incidental rights  
- 24.6.1996 at 12.52pm

A.L.R.

931956 Compensation Certificate over part of  
the within land under section 19 Public  
Works Act, 1981 at 9.16am

DISCHARGED  
24.11.1997  
ALR

Jumavett

A.L.R.

amended 20.9.1999  
for RGL

DOCs searched here