

# Crown Pastoral Land Tenure Review

Lease name: REES VALLEY

Lease number: PO 311

# Due Diligence Report (including Status Report)

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.

March

05



### **DUE DILIGENCE REPORT** CPL PRE TENURE REVIEW ASSESSMENT STANDARD 6:

### REES VALLEY PASTORAL LEASE

File Ref: CON/50269/09/12568/A

Report No: DN0109

Report Date: 09/04/2002

Office of Agent: Dunedin

LINZ Case No: TR 02/425

Date sent to LINZ: 15/04/2002

### RECOMMENDATIONS

- That the Commissioner of Crown Lands or his delegate note this Due Diligence 1. Report which has been prepared in accordance with the Pre Tenure Review Assessment Standard;
- That the Commissioner of Crown Lands or his delegate note the following: 2.
  - The Lessees hold a Recreation Permit over the part of the lease. This permit was issued on 1 January 1996 for a term of 30 years for the purpose of the operation of the Invincibles Ski Field.
  - The area is over stated. Sections 1 and 2 Block XII Earnslaw Survey District have been surrendered from the lease [2.5073 hectares, surrender document 497393.1] and land has been proclaimed as road [2.66 hectares Gazette Notice 533708].

Signed by Opus:

Property Consultant

D Payton

Contract Manager

Approved/Declined (pursuant to a delegation from the Commissioner of Crown Lands)

by:

Name:

GRANT KASPER WEBLEY

Date of decision: 29 / 4 / 01

#### 1. Details of lease:

Lease Name:

Rees Valley Station

Location:

On Paradise Road, 6 kilometres from Glenorchy

Lessee:

Iris Scott and Katherine Jean Scott

Tenure:

Pastoral Lease under the Land Act 1948 - Po311

Term:

33 years from 1 July 1999

**Annual Rent:** 

\$6,000.00

Rental Value:

\$400,000.00

Date of Next Review:

30 June 2010

Land Registry Folio Ref: OT3A/259

**Legal Description:** 

Part Run 752 situated in Earnslaw, Forbes and Skippers

Creek Survey District.

Area:

18812.7150 hectares

#### 2. File Search

### Files held by Knight Frank Limited on behalf of LINZ:

File Reference	Volume	From	То
RPO/041-SDN	1	30/03/1994	Date
RPO/088-SDN	1	14/12/2000	Date
RPO/092-SDN	1	05/07/2001	Date
RPO/078-SDN	1	08/06/1999	Date
CON/50213/09/12568/A-ZNO	1	01/07/2000	Date
Po/311-SDN-04	-4	12/12/1997	30/06/2000

### Files held by Opus International Consultants Limited on behalf of LINZ

File Reference	Volume	From	То
CON/50269/09/12568/A-ZNO	1	19/01/2002	Date

### Other relevant files held by LINZ:

File Reference	Volume	From	То
Po/311-SDN-03	3	03/03/1986	18/12/1997
Po/311-SDN-02	2	23/01/1974	26/06/1986
Po/311-SDN-01	1	02/07/1963	04/08/1973

### 3. Summary of lease document:

### Terms of lease

Stock Limitation in Lease

6875 Sheep including not more than 2600 breeding ewes, and 60 cattle including not more than 45 breeding cows.

Commencement Date

1 July 1999

### Sp. al Provisions

The following special provision was included in the lease issued on 1 July 1966.

AND it is hereby further agreed between the Lessor and Lessee that the Lessee shall permit without restriction the free passage of members of the general public on foot or by private motor car in along and over that part of the land hereby demised as adjoins the Rees River for the distance of that River is within the boundaries of the land hereby demised and for a width of 10 chains hereto as shall be measured by a perpendicular line at any point to the mean bank of the said River and this reservation shall apply also in the same manner in respect of the land hereby demised as adjoins the southern bank of the said River after it re-enters the said demised land at Northern end thereof.

### Area adjustments

The area in the lease document is overstated. Sections 1 and 2 Block XII Earnslaw Survey District has been surrendered from the lease [2.5073 hectares surrender document 497393.1] and land proclaimed as road [2.66 hectares Gazette Notice 533708]. The Computer Interest Register for the lease does not reflect the current area.

### Registered interests

- 497393.1 Surrender of within Lease as to Sections 1 and 2 Block XII Earnslaw Survey District 1.6.1978
- 497393.2 Transfer creating an easement right-of-way over Run 752 in favour of Section 1 Block XII Earnslaw Survey District 1.6.1978
- 533708 Gazette Notice proclaiming as road part of the within land (2.66 ha) shown hatched black on diagram hereon, which land shall vest in the Lake County Council 30.4.1980
- 802807 Mining Licence under the Mining Act 1971 over part of the within land for a term of 10 years commencing on 7.4.1992. CTOT9D/412 issued 13.4.1992
- Transfer creating an easement in gross to convey water over Run 752 in favour of The Otago Central Electric Power Board.
- 973295.6 Statutory Land Charge Pursuant To Section 158 Rating Powers Act 1988 16.8.1999
- 5003436.1 Variation of the within lease extending the term 33 years commencing on the  $1^{\rm st}$  day of July 1999 9.6.2000
- 5003436.6 Mortgage to Reid Farmers Limited and Reid Farmers Finance (Otago) Limited 9.6.2000
- 5149117.1 Exploration Permit to Professional Explorers Limited for a term of 5 years commencing on the 31.1.2002

### Unregistered interests

The Lessees hold a recreation permit over part of the lease. This permit was issued on 1 January 1996 for a term of 30 years for the purpose of the operation of the Invincibles Ski Field.

Three other permits have been issued for the purpose of filming various movies. All filming has been completed, and it appears therefore the permits have lapsed.

### 4. Summarise any Government programmes approved for the lease:

In 1976 the Lessees entered into a Run Plan that involved the surrender of approximately 6900 hectares from the lease. This plan was never actioned and in 1982 it was agreed by the Lessees and The Otago Catchment Board to abandon the plan in favour of the status quo.

### 5. Summary of Land Status Report:

Opus International Consultants Limited undertook a Land Status Check on 19 March 2002. This check confirms the status of the Land as Crown Land under the Land Act 1948, subject to Pastoral Lease Po311. Copies of the reports are attached as Schedule A to this report.

The following items were noted for information:

- Area and description shown on computer interest register OT3A/259 does not agree with the documentary evidence:
  - 1. The area is overstated. Sections 1 and 2 Block XII Earnslaw Survey District have been surrendered from this lease. [2.5073 hectares surrender document 497393.1] and land proclaimed as road [2.66hectares Gazette Notice 533708]. Both areas have not been deducted from the total.
  - 2. The legal description is Part Run 752, the above areas have been surrendered from this lease.
- A field inspection may be required to ascertain if Twenty Five Mile Creek with tributaries of Big and Little Devil Creeks, Ox Burn, Savage Burn, Duncan's Burn, Arthur's Creek, Bridges Creek, Muddy Creek, Invincible Creek, McDougals Creek, Twelve Mile Creek, Flood Burn and other streams within this pastoral lease could be subject to Section 24 of the Conservation Act 1987. No evidence has been found that this aspect was considered on renewal of this lease on 1 July 1999. The Crown Land reserved from sale Section 58 Land Act 1948 along the bank of the Rees River is now deemed to be a marginal strip of the same width (section 24(3) Conservation Act 1987) the boundaries of the marginal strip do not change 9Section 24G(7) Conservation Act 1987).
- Section 95 Block II, Earnslaw Survey District [CT OT396/189] is a freehold section contained within the peripheral boundary of this Pastoral Lease. The proprietor of this land is Winifred Mary Aitken.

### 6. Review of topographical and cadastral data:

A review of the Status Check Plan indicates the following:

- There is a minor discrepancy along the western boundary between the fenced and legal boundary.
- The Rees Valley Road only rarely follows the legal alignment through the lease.
- The topographic map indicates there is a dam and powerhouse at about NZMG E40 483945.

### 7. Details of any neighbouring Crown or conservation land

Neighbouring Crown or Conservation Lands are detailed as follows:

	Legal Description	Status	Owner/Lessee
North	Part Run 522	Mount Aspiring National Park	Department of Conservation
West	Part Run 19	Mount Aspiring National Park	Department of Conservation
	Crown Land Block II &V Earnslaw Survey District	Marginal Strip	Department of Conservation
	Crown Land Block II Earnslaw Survey District	Unoccupied Crown Land	Her Majesty the Queen
South	Part Run 14 & Section 67 Block II Earnslaw Survey District	Pastoral Lease – Temple Peak	Her Majesty the Queen/ MC, AP & CC Hasselman
East	Run 749	Conservation Land	Department of Conservation
	Run 750	Pastoral Lease – The Branches	Her Majesty the Queen/ The Branches Station Ltd
Internal	Crown Land Forbes Survey District	Marginal Strip	Department of Conservation
	Sections 1 and 2 Block XII Earnslaw Survey District	Historic Reserve (Invincible Mine)	Department of Conservation

The Land Status Report has identified that an area of Unoccupied Crown Land immediately adjoins the Pastoral Lease and appears to be occupied by the holder of Rees Valley. The inclusion of this land in the Tenure Review will be considered at Standard 7.

A Land Status Report has been undertaken for Sections 1 and 2 Block XII Earnslaw Survey District, confirming this land as Historic Reserve under the Reserves Act 1977. There is no indication that these parcels should be included in the review. This report is attached as Schedule A.

There is no indication that any of the residue parcels should be included.

### 8. Summarise any uncompleted actions or potential liabilities:

The Lessees hold a recreation permit over part of the lease. This permit was issued on 1 January 1996 for a term of 30 years for the purpose of the operation of the Invincibles Ski Field. A copy of the recreation permit is attached as Schedule B to this report.

The area is overstated. Sections 1 and 2 Block XII Earnslaw Survey District have been surrendered from this lease [2.5073 hectares surrender document 497393.1] and land has been proclaimed as road [2.66 hectares Gazette Notice 533708]. The Regional Regulatory – Survey has advised that the Computer Interest Register is correct and reflects the lease issued in 1966. It is not intended to update the lease until there is a new title issued.

 $\text{Co}_{\text{P}}$  as of surrender document 497393.1 and Gazette Notice 533708 are attached as Schedule C to this report.

Sc...dule A - Land Status Report

# OPUS INTERNATIONAL CONSULTANTS LIMITED D'RELEASED UNDER THE OFFICIAL INFORMATION ACT"

Project Number 6NLITR.02/246YD



This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50269 dated September 2001 and is undertaken for the purposes of Tenure Review in terms the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Rees Valley Station	LIPS Ref 12568
Property 1 of 2	

Land District	Otago	
Legal Description	Part Run 752 situated in Earnslaw, Forbes and Skippers Creek Survey District.	
Area	18812.7150 hectares	
Status	Crown Land under the Land Act 1948 subject to Pastoral Lease P.311	
Instrument of title / lease	OT3A/259	
Encumbrances	<ul> <li>Subject to:-</li> <li>497393.2 Transfer creating Right of Way</li> <li>802807 Mining Licence under the Mining Act 1971 [embodied in the register as OT9D/412]</li> <li>810820 Transfer creating an easement in gross to convey water.</li> <li>973295.6 Statutory Land Charge pursuant to Section 158 Rating Powers Act 1988.</li> <li>5149117.1 Exploration Permit under the Mining Act 1971.</li> </ul>	
Mineral Ownership	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	
Statute	Land Act 1948 and Crown Pastoral Land Act 1998	

Data Correct as at	19 March 2002
[Certification Attached]	

Prepared by	John Kirk	Misson.
Crown Accredited Agent	Opus Internatio	nal Consultants Ltd, Dunedin
	, ,	

Peer reviewed by G Patrick

19/ 3 /2002

LA STATUS REPORT for Rees Valley Station LIPS Ref 12568

Property 1 of 2

### Certification

Pursuant to Section 11(1)(I) 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 OT3A/259

Max Haydn Warburton

**Chief Surveyor** 

Land Information New Zealand, Dunedin.

8 / 4 /2002

Notes: This information does not affect the status of the land but was identified as possibly requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6 paragraph 6.

- Area and description shown on computer interest register OT3A/259 doesn't agree with documentary evidence: -
  - 1. The area is over stated. Sections 1 & 2 Block XII Earnslaw Survey District has been surrendered from this lease [2.5073 ha surrender doc 497393.1] and land proclaimed as road [2.66 ha Gazette Notice 533708]. Both areas have not been deducted from the total.
  - 2. The legal description is part Run 752, the above areas have been surrendered from this lease.
- A field inspection may be required to ascertain if Twenty Five Mile Creek with tributaries of Big and Little Devil Creeks, Ox Burn, Savage Burn, Duncan's Burn, Arthur's Creek, Bridges Creek, Muddy Creek. Invincible Creek, Mc Dougals Creek, Twelve Mile Creek, Flood Burn and other streams within this pastoral lease could be subject to Section 24 of the Conservation Act 1987. No evidence has been found that this aspect was considered on renewal of this lease on 1 July 1999. The Crown Land reserved from sale Section 58 Land Act 1948 along the bank of the Rees River is now deemed to be a marginal strip of the same width (s. 24(3) Conservation Act 1987 effective date 10/4/90) the boundaries of the marginal strip do not change (s.24G (7) Conservation Act 1987).
- Section 95, Block II, Earnslaw Survey District [CT OT396/189] is a freehold section contained within the peripheral boundary of this Pastoral Lease. The

LA D STATUS REPORT for Rees Valley Station	LIPS Ref 12568
Property 1 of 2	

proprietor of this land is Winifred Mary Aitken.

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

SDI Print Obtained	Yes
NZMS 261 Ref	E 39 E40
Local Authority	Queenstown Lakes District Council
Crown Acquisition Map	Kemp Purchase
SO Plan	SO 18682-Plan of land required of road (Land to be Proclaimed Road [August 1997]
	SO 18566-Plan of traverse & road through part Run 752 [December 1976]
	SO 18565-Plan of Section 2 Block XII Earnslaw Survey District and road through part Run 752.
	SO 18564-Plan of Easement through part Run 752 situated in Block XII Earnslaw Survey District [April 1976]
	SO 18563-Plan of Sections 1 & 2 Block XII Earnslaw Survey District [December 1976]
	SO 13896- Copy of sheet 13 of Roll Map 450 Provisional State Forest Gaz 1919 page 1291. [Date not known]
	SO 13884- Plan of Run 752, Earnslaw, Forbes and Skippers Creek [August 1966]
	SO 13857-Plan of road to be closed Block II Earnslaw Survey District. [February 1966]
	SO 12243-Plan of Section 95 (being formerly part Section 78) Block II Earnslaw Survey District. [November 1955]
	SO 10124- Plan showing new road through Sections 49, 79, 74, 75, 76, 77, 78 & 79 Block II Earnslaw Survey District (In the matter of Section 11 of the Land Act 19080. [May 1920].
	SO 10123- Plan showing new road through Sections 80, 81 & 82 Block II Earnslaw Survey District (In the matter of Section 11 of the Land Act 19080. [May 1920].
: Opus International Consultants Limited	SO 4156, SO 4155, SO 4153, SO 4151, SO 4150, SO 4149, SO 4148, SO 4146, SO 4142, SO 4141, SO 4040, SO 4139, SO 4138, SO 4135, SO 4136, Mining Plans sighted but not relevant

LA D STATUS REPORT for Rees Valley Station	LIPS Ref 12568
Property 1 of 2	

	to this report.
	SO 444- Plan of Block II Earnslaw Survey District [September 1871]
Relevant Gazette Notices and / or Computer interest register.	GN 533708 (Gazette 1980 page 1138) – Land proclaiming as road part of this land and vesting in the Lake District Council. (Shown marked "A" on SO 18682 2.66 ha).
	GN 504031- Gazette notice 1978 page 2533 set apart for historic purposes together with the Right of Way created by T 467393.2.
	GN 515789- Gazette notice 1979 page 570 pursuant to the Reserves Act 1977 classified this land as a reserve for Historic Purposes (Invincible Mine Historic Reserve)
	GN 303571-Gazette 1966 page 1138- closed road in Block II, Earnslaw Survey District. [This is now underlying Run 752]
	Gazette 1957 page 862- Areas coloured pink on SO's 10124 & 10123 proclaimed road.
	Gazette 1888 page 198 Rural Lands open for Sale or selection under Section 3 of the Land Act Amendment Act 1887.
CT Ref / Lease Ref	OT3A/259, OT337/67, OT 188/37, OT95/166, OT396/189, OT9D/412.  Surrender document 497393.1
Plan Index	Earnslaw SO 13448, 18563, 18564, 18565, 18566, 18682. Forbes & Skippers Creek SO 13884.
Legalisation Cards	SO 18682-area 'A' GN 533708 Gazette 1980 page 1138. [Land proclaiming as road part of this land and vesting in the Lake District Council].  SO 18563-Section 1 & 2 Block XII Earnslaw SD GN 504031 Gazette 1978 page 2533 Reserve Historic Gazette 1979 page 570 GN 515789 Classified as reserve for Historic purposes (Invincible Mine Historic Reserve)
Statutory Actions (Landonline)	SO 13857-Crown Land Block II Earnslaw Survey District-Crown Land Reserved from sale (Marginal Strip) Statutory action Section 58 Land Act 1948.
Opus International Consultants Limited Rees Valley Status Check Page 4 of 6	SO 13884-Crown Land in Forbes Survey District and Block V Earnslaw Survey District-Crown Land Reserved from sale (Marginal Strip)-Statutory Action Sec 58 Land Act 1948.

LA D STATUS REPORT for Rees Valley Station	LIPS Ref 12568
Property 1 of 2	

	SO 18563- Sections 1 & 2 Block XII Earnslaw Survey District current purpose Historic Reserve Statutory Action NZ Gazette 1979 p 570.
CLR	Confirms pastoral status
Allocation Maps (if applicable)	DOC & SOE maps — no allocations within lease area.  Adjoining DOC allocations subject to section 62 of the
	Conservation Act 1987 references D*E40*18*CO, E40*21,20*CO D*E93*6*CO. Other SOE maps searched nothing found
VNZ Ref - if known	29111 32500 29073 21000
Crown Grant Maps	Searched no grants found
If Subject land Marginal Strip: a) Type [Sec 24(9) or Sec 58]	a) Section 58 Land Act 1948
b) Date Created	b) March 1966 on creation of this lease
c) Plan Reference	c) SO 13884
f Crown land – Check Irrigation Maps.	Searched nothing found
Mining Maps	32/3136 E40/1 J D Mc Gregor & R R Farrow, 14ha, Expiry date 6/04/2002 9D/412
	40/349 E40/2 Consolidation Mining Limited, 382ha, Expiry date 17/11/99 9D/565
If Road  a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ Act 1989	a) SO Plan 18682
b) By Proc	b) Area shown marked "A" on SO 18682 land proclaimed as road in Block XII, Earnslaw Survey District
	c) Gazette Ref 533708
Other Relevant Information  Opus International Consultants Limited  Rees Valley Status Check  Page 5.4	From Knight Frank files:-

LA D STATUS REPORT for Rees Valley Station	LIPS Ref 12568
Property 1 of 2	

Concessions – Advice from DOC or a) From Knight Frank files:-On 1st January 1996 [for a term of 30 years] Iris, Kate, Knight Frank. Diane and Eric Scott were granted a recreation permit under Section 66A of the Land Act 1984 on the terms and conditions outlined in the permit for a Heli-ski and boarding, ski field operations including operation of a rope tow, guided educational trips and overnight accommodation in existing huts. [Ref. Rpo41] On 1st May 1999 [for a term of one year] Iris, Scott was granted a recreation permit under Section 66A of the Land Act 1984 on the terms and conditions outlined in the permit for a guided free range safari hunting operation. [Ref. Rpo41]. The Department of Conservation has been consulted. The Invincible Mine Historic Reserve (con unit E400060) is within the boundary of this property. See report 2 of 2. National Park adjoins the northwestern boundary (F38500) and Conservation land on the eastern boundary (E40057). b) Subject to any provisions of the Ngai b) Searched nothing found Tahu Claims Settlement Act 1998 c) Mineral Ownership c) Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori

d)

owners under 1848 Kemp Purchase

# OPUS INTERNATIONAL CONSULTANTS LIMITED DUNEAUN OFFICIE OFFICIAL INFORMATION ACT"

Project mber 6NLITR.02/246YD



This report has been prepared on the instruction of Land Information New Zealand in terms of Contract No: 50269 dated September 2001 and is undertaken for the purposes of Tenure Review in terms the Crown Pastoral Land Act 1998.

LAND	STA	JT	JS I	REPORT for Rees Valley Station	LIPS Ref No ref
Property	2	of	2		

Land District	Otago	
gal Description	Sections 1 and 2, Block XII, Earnslaw Survey District	
Area	2.5073 hectares	
Status	Historic Reserve (Invincible Mine)	
Instrument of title / lease	Gazette Notice 504031	
Encumbrances	Subject to: - 5149117.1 Exploration Permit under the Mining Act 1971. Appurtenant to: - 497393.2 Transfer creating a Right of Way	
Mineral Ownership	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	
Statute	Reserves Act 1977	

Pafa Correct as at	19 March 2002
rtification Affached]	

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Prepared by	John Kirk	folled.	
Crown Accredited Agent	Opus International Consultants Ltd, Dunedin		

Peer reviewed by G Patrick

19 / 3 /2002

IRAINDISTATEUSIREPORTNORREES WAITEY Station	LIPS Ref no reference
Property 2 of 2	

### Certification

Pursuant to Section 11(1)(I) 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 Historic Reserve under the Reserves Act 1977.

Max Haydn Warburton

Chief Surveyor

Land Information New Zealand, Dunedin.

8 / 4 /2002

Notes: This information does not affect the status of the land but was identified as possibly requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6 paragraph 6.

BANDESTATEUS REPORT FOR REES WAlley Station	LIPS Ref no reference
Prop ty 2 of 2	

## Research Data: Some Items may be not applicable

SDI Print Obtained	Yes
NZMS 261 Ref	E40
Local Authority	Queenstown Lakes District Council
Crown Acquisition Map	Kemp Purchase
SO Plan	SO 18564-Plan of Easement through part Run 752 situated in Block XII Earnslaw Survey District [April 1976]
	SO 18563-Plan of Sections 1 & 2 Block XII Earnslaw Survey District [December 1976]
Relevant Gazette Notices and / or Computer interest register.	GN 504031- Gazette notice 1978 page 2533 set apart for historic purposes together with the Right of Way created by T 467393.2. GN 515789- Gazette notice 1979 page 570 pursuant to the Reserves Act 1977 classified this land as a reserve for Historic Purposes (Invincible Mine Historic Reserve)
CT Ref / Lease Ref	Surrender document 497393.1 GN 504031 GN 515789
Plan Index	Sec 1-SO 18563 Sec 2- SO's 18563, 18565, 18682.
Legalisation Cards	SO 18563- Sections 1 & 2 Block XII Earnslaw Survey District. GN 504031- Gazette notice 1978 page 2533 Historic Reserve. GN 515789- Gazette notice 1979 page 570 classified as a reserve for Historic Reserve.
Statutory Actions (Landonline)	Sections 1 & 2 Block XII Earnslaw Survey District Current purpose Historic Reserve Statutory action NZ Gazette 1979 page 570.
i.R	Confirms Reserve Status File 8/201/14
Allocation Maps (if applicable)	Searched nothing found
VNZ Ref - if known	29111/32301
Crown Grant Maps	Not searched
If Subject land Marginal Strip: a) Type [Sec 24(9) or Sec 58]	a) Not applicable

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Proparty 2 of 2		

b) Date Created	1.
Date Cleated	b)
c) Plan Reference	
c) Fian Reference	(c)
If Crown land – Check Irrigation Maps.	Searched nothing found
Mining Maps	Searched nothing found
If Road	a) SO Plan not applicable
Is it created on a Block Plan - Section	, and the second
43(1)(d) Transit NZ Act 1989	
b) By Proc	b) Proc Plan
	) 1100 1 tuli
	c) Gazette Ref
	Substitution (State of State o
Other Relevant Information	
a) Concessions – Advice from DOC or	a) The Department of Concernation has been assent.
Knight Frank.	a) The Department of Conservation has been consulted and has
ising it raine.	stated that there are some guided walking concessions issued over these reserves.
	over these reserves.
h) Subject to any marrial and a St. N.	
b) Subject to any provisions of the Ngai	b) Searched nothing found
Tahu Claims Settlement Act 1998	
-	
c) Mineral Ownership	(c)
	Mines and Minerals are owned by the Crown because the land
	has never been alienated from the Crown since its acquisition
	for settlement purposes from the former Maori owners under
·	1848 Kemp Purchase
d) Other Info	d)

Sc...adule B - Recreation Permit RPo041

RP:41

2k/ FRELI

### RECREATION PERMIT UNDER THE LAND ACT 1948

WHEREAS HER MAJESTY THE QUEEN (hereinafter referred to as "the Grantor") has under the provisions of Section 66A, Land Act 1948 authorised a recreation permit to be issued to IRIS, KATE, DIANE and ERIC SCOTT of Glenorchy, (hereinafter referred to as "the Permit Holder") over that piece or parcel of land more particularly described in the Second Schedule hereto (hereinafter referred to as "the said land").

NOW THEREFORE the Grantor <u>DOTH HEREBY AUTHORISE</u> the Permit Holder to use the said land for the purposes and activities set out in the First Schedule hereto (hereinafter referred to as "the said Operation") for a term of 30 years commencing on the First day of January 1996 <u>SUBJECT TO</u> the payment of an annual fee in two equal instalments in advance on the first day of January and on the first day of July in each and every year.

### AND SUBJECT ALSO to the following conditions, viz:

- 1 THAT the Permit Holder will at all times pay punctually to the Grantor at the offices of the Commissioner of Crown Lands at Wellington (or authorised agent) the annual fee which shall be \$500 plus GST.
- 2 THAT the basis and level of fee charged by the Grantor of this permit will be reviewed fatter five (5) years and each five (5) years thereafter, the first new rental period commencing the 1st day of January 2001. The basis of the first review will be to the fee then applied to such permits but not exceeding 5% of the revenue from the permitted activities.
- 3 THAT the Permit Holder shall use the operations area for such recreational, tourist, or other purposes as are specified in the schedule and that in the event of the operational area being used for a purpose other than that authorised in the First Schedule, the Grantor may terminate this permit in manner hereinafter appearing without compensation payable to the Permit Holder for improvements or otherwise.
- 4 THAT the Permit Holder will indemnify and keep indemnified the Grantor and its agents against all claims, costs or damages arising out of the activities undertaken hereunder.
- 5 THAT the permit holders shall not remove any vegetation, disturb any soil or light any fire in the operation area without express permission in writing for each occasion.
- 6 THAT the Permit Holder shall not at any time cause any building, erection, structure or fence or alteration or addition thereto at any time to be placed or carried out upon the operational area without the prior written approval of the Grantor. In considering approval the Grantor will require the permit holder to submit appropriate development plans. This permit includes the establishment of a relocatable hut and a rope tow per plans submitted to the Grantor.

- 7 THAT the permit holder shall not do or cause to be done anything for which consent would be required in terms of the Land Act 1948.
- 8 THAT the Permit Holder will remove and take away or cause to be removed and taken away all refuse.
- 9 THAT the Permit Holder will comply with the provisions of the Health and Safety in Employment Act 1992.

# AND IT IS HEREBY AGREED AND DECLARED AS FOLLOWS

- (a) That this permit is personal to the Permit Holder and shall not be capable of assignment, charge, transfer or other disposition or dealing, including the transfer of shares should the Permit Holder be a company incorporated, in whole or in part for any purpose whatsoever.
- (b) That this permit is intended to take effect as a recreation permit under Section 66A of the Land Act 1948 and any enactments passed in amendment or substitution thereof, and the provisions of the said Act and of the regulations made thereunder shall be binding in all respects in the same manner as if such provisions had been fully set out herein.
- (c) That the Permit Holder will ensure that the activities authorized by this Permit and set out in the Schedules hereto will be confined exclusively to those areas of the operational areas designated for such activities in the said Schedules hereto.
- (d) That if on the expiry or sooner determination of this permit created by these presents the Grantor determines that a permit should not again be granted over the operational areas then the Permit Holder shall not be entitled to compensation for any improvements affected by the Permit Holder in the operational area but on such expiry or sooner determination the Permit Holder may with the consent of the Grantor remove within such time as the Grantor shall determine such improvements as were effected by the Permit Holder and shall leave the operational area in a clean and tidy state to the satisfaction of the Grantor.
- (e) The permit holder to supply to the Grantor audited accounts within four (4) months of the Permit Holder's balance date which shall clearly show all gross income received for the tourist operation for which this permit gives rights, for the purpose of calculating fees as provided in clause 1 hereof.
- (f) Where the permit is not in active use, it may be revoked unless good cause can be shown why this should not happen.
- (g) Particular conditions to this agreement:
  - (i) If camping outdoors, all cooking and heating requirements are to be by gas only.
  - (ii) A log book system is to be implemented for all recreational activities as per the First Schedule and will include duration of trips, names of clients and times due back at the base.

DATED this 3 day of Nove	m3 ER 19 9 5
SIGNED for and on behalf of HER MAJESTY THE OUEEN as Grantor by the Commissioner of Crown Lands in the presence of:  Witness:	Commissioner of Crown Lands
NEMBER STATE PORTER  A MEMBER OF SURVEY  N MEM	NA3T ITAM AG3D AJ &
SIGNED by as Permit Holder in the presence of:  Witness: C. Haselman	} In Scott
Occupation: Temps Peak, Gte.	cchy
SIGNED by as Permit Holder in the presence of:	) Most
Witness: <u>Q /tasselnan</u> Occupation: <u>Taner</u>	
Address: Temple Peck Cfu	orch

4

SIGNED by as Permit Holder in the presence of:	) <u>Zet</u>
Witness: C. /k.sselman	
Occupation: Termer	
Address: Temple Fee & Glave	ach-
SIGNED by as Permit Holder in the presence of:	} enic Scott
Witness: C. /kasselman	
Occupation: Famer	
Address: Temple Pock Glen	erig

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### FIRST SCHEDULE

### PURPOSE AND ACTIVITIES

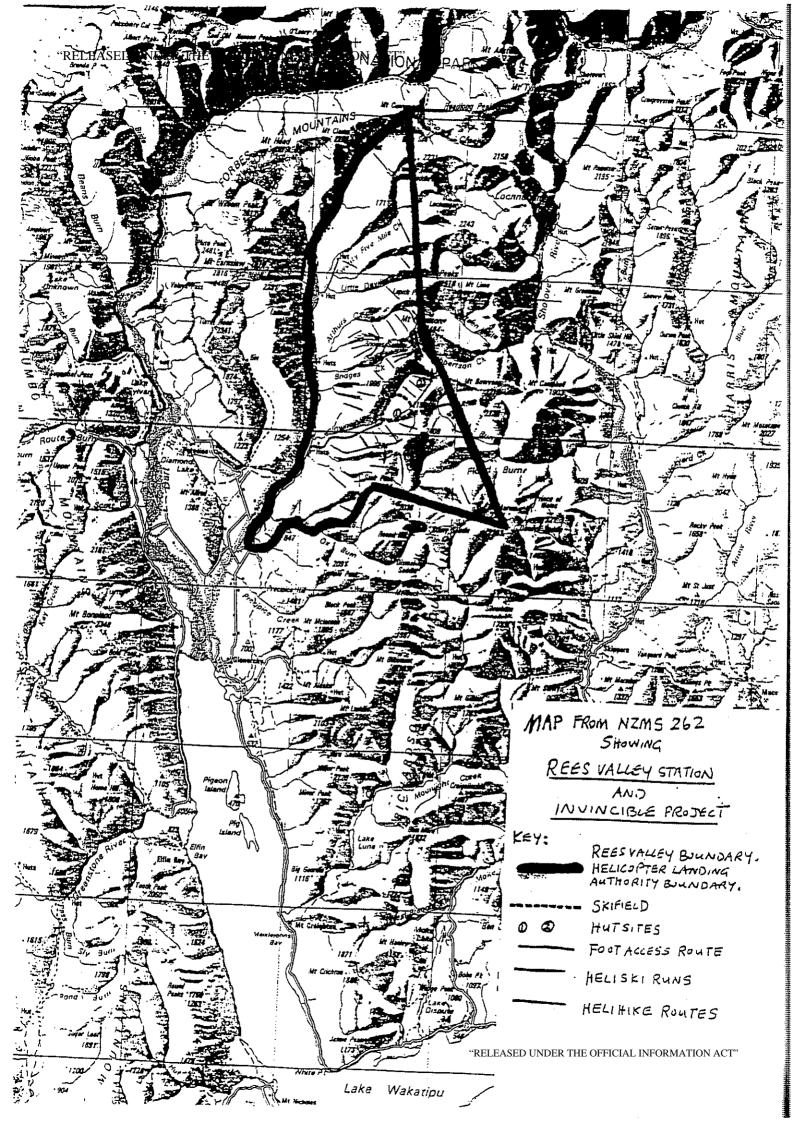
The Permit Holder shall operate the following activities within the areas described in the second schedule hereto:

Guided heli-hiking
Guided heli-skiing and snowboarding
Skifield operations including operation of a "rope tow"
Guided educational trips
Overnight accommodation in existing huts

### SECOND SCHEDULE

The operational area for the activities is as depicted outlined green on the map attached hereto and more particularly described over the following Pastoral Lease:

Po311, Rees Valley being Part Run 752 Earnslaw, Forbes and Skippers Creek Survey Districts.



Rees Valley (Otago)
Report on Due Diligence - Activity 2.6

Sc. Jdule C - Copies of Surrender Document 497393.1 and Gazette Notice 533708

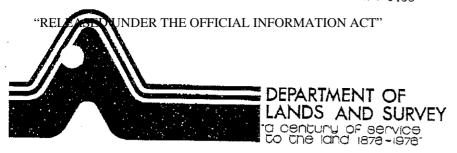
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504031 Gazete Notice setting aport
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historic purposes - 26.9.1978 at 9.14 am.
(together with a right of way)

fine
Acr.

MWP\_0015118





OUR REFERENCE: 8/201/14

YOUR REFERENCE

FOR VERBAL ENQUIRIES PLEASE ASK FOR Mr Morgan

Box 896 DUNEDIN

10 May 1978

The District Land Registrar Land and Deeds Office DUNEDIN

SURRENDER OF LAND AS PART OF GOLDFIELDS PARK RESERVE

Attached is a Memorandum of Partial Surrender for the surrender of 2.5073 ha of land out of the Pastoral Lease held by G C and D Scott registered in Certificate of Title 3A/259 along with a Memorandum of Transfer creating a right of way for access to the above area. Once surrendered the land is to become part of the Goldfields Park Reserves complex.

As any fees payable in this case would be drawn from the consolidated fund, I request that these be waived.

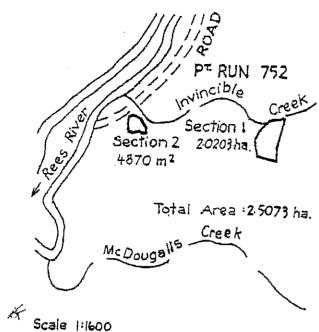
J A S Shaw Commissioner of Crown Lands

per Musea

enc

5.0. 18563

### "RELEASED UNDER THE OFFICIAL INFORMATION OF TARTIAL SULUCINDUR



The THE MATTER of the Land Act 1948

AND

PT RUN 752 land situated in the Otago Land

District containing 16,817.8824

Fart

Section:

On 2 20203ha.

Sarnslaw, Forbes and Skippers Creek

Survey Districts and sections 1 and 2

Total Area: 25073 ha.

Block KII Earnslaw Survey District

and being all of the land comprised

and described in Pastoral Lease P 311

entered in Register Book Volume 3A

folio 259

Fig. GRAENE CAMERON SCOTT (†) AND DOUGLAS SCOTT (†) both of Glenorchy, farmers, lessees under the abovementioned lesse do HERESY SURRENDER in terms of Section 145 of the Land Act 1948 all estate and interest as such lessees in all that piece of land containing 2.5073 hectares more or less being Sections 1 and 2 Block XII Earnslaw Survey District and shown outlined in bold black lines on the plan hereon in with no alteration in annual rent or stock limitation AND IT IS AGREED AND DECLARED THAT all and singular the covenants conditions and agreements of the said recited lease expressed and/or implied shall continue in force in respect of the residue of the land henceforth comprised therein as fully and effectually as if such residue of the land above had originally been comprised therein

AND IT IS HEREBY FURTHER AGREED AND DECLARED THAT the said surrender shall take effect from the 9th day of September 1977

SIGNED by the said GRAEME CAMERON

SCOTT as lessee in the presence of:

Witness: Offortin

Occupation: 1007M=TRESS

Address: Post OFFICE GUERCHI

Lessee

SIGNED by the said DCUGLAS

SCOTT as lesses in the

presence of:

Witness: The Orbotis

Occupation: Parmittees

Address: Clenevay

Descrit

SURRENDER accepted for and on behalf of Her Majesty the Queen as

Lessor SIGNED by the

Assistant Commissioner of

Crown Lands for the Land

District of Otago in the

presence of:

Witness: Leleven

Occupation: CLERK DEPARTMENT OF

Address: LANDS AND SURVEY DUNGOIN.

J. Bleave

I. JEAN ROOMEY as mortgagee under and by virtue of Memorandum of Mortgage No 182864 DC HEREBY CONSENT to the aforesaid surrender BUT WITHOUT PREJUDICE to our rights powers and remedies otherwise under or in respect of the said mortgage or the remainder of the land therein described

SIGNED by the said JEAN ROONEY

as mortgagee in the presence of

Witness:

Mortgagee

THE OTAGO CENTRAL ELECTRIC POWER BOARD the holder of Electricity
Agreement Number 344752 DO HEREBY CONSENT to the aforesaid surrender
BUT WITHOUT PREJUDICE to its rights powers and remedies otherwise under
or in respect of the Electricity Agreement or the remainder of the land
therein described.

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

CONTROL OF THE OFFICIAL INFORMATION ACT TO THE OFFICIAL INFORMATION ACT

THE COMMON SEAL of the OTAGO

CENTRAL ELECTRIC POWER BCARD

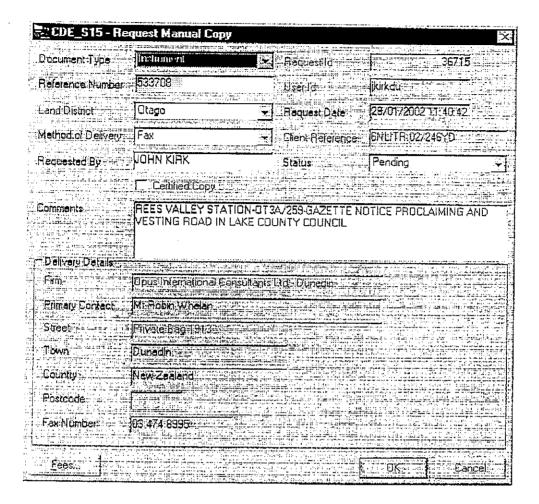
was hereunto affixed in the

presence of

M. M.I.

Secretary

Member





Extract from N.Z. Gazette, 17 April 1980, No. 39, p. 1138

Land Proclaimed as Road In Block XII, Earnslaw Survey District, Lake County

PURSUANT to section 29 of the Public Works Amendment Act 1948, the Minister of Works and Development hereby proclaims as road the land described in the Schedule hereto, which land shall vest in the Lake County Council.

### SCHEDULE

OTAGO LAND DISTRICT

ALL that piece of land containing 2.66 hectares, situated in filock XII, Earnslaw Survey District, being part Run 752; as shown on plan S.O. 18682, lodged in the office of the Chief Surveyor at Dunedin, and thereon marked 'A'.

Dated at Wellington this 31st day of March 1980. W. L. YOUNG, Minister of Works and Development. (P.W. 46/1903; Dn. D.O. 18/300/34)

P. D. Hasselberg, Government Printer, Wellington, New Zealand-1980"