

Crown Pastoral Land Tenure Review

Lease name : Glen Nevis

Lease number : Po 201

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.

Copied September 2003

DUE DILIGENCE REPORT

TO THE COMMISSIONER OF CROWN LANDS

AGENT'S REF: Po201 LINZ REF: CASE NO:

LEASE NAME: Glen Nevis

LESSEE: L J & F J Taylor

LOCATION: Kingston

DATE OF THIS REPORT:

26 August 1999

LEASE DETAILS:

Land Tenure: Pastoral Lease.

Legal Description: Run 354B Lorne, Kingston and South Wakatipu Survey Districts, and Section 38 Block 1 Kingston Survey District Certificate of Title 386/103 (Otago Registry)

Area: 6673.6138 hectares.

Lessees: Laughlin James Taylor and Fiona Jillian Taylor.

Term: 33 years from 1 July 1992.

Expiry Date: 1 July 2025.

Date of Next Review: 1 July 2003.

Rental Value: \$410,000

Annual Rent: \$ 6,150

LAND STATUS REPORT SUMMARY:

Land Status Report prepared by approved agent attached.

SUMMARY OF FEATURES FROM TOPOGRAPHICAL AND CADASTRAL DATA:

Boundaries:

- (a) On the hill section of the Nevis Block on Glen Nevis, there are no boundary fences between Loch Linnhe and Lorne Peak Pastoral Lease to the north and south respectively.
- (b) The eastern legal boundary with Nokomai Pastoral Lease is mostly on the true right bank (*eastern side*) of the Nevis River. The boundary is a cattle proof fence on the Glen Nevis (*western*) side of the River.
- (c) The western boundary is generally State Highway 6 next to Lake Wakatipu. The road boundary fence may or may not have been surveyed as the legal boundary when the Kingston-Queenstown road (built in 1935) was surveyed from the lease in 1964.
- (d) All other boundary fences appear to be on the legal line.

Legal Roads:

- (a) As stated, State Highway 6 is the western boundary of the lease -except for one paddock across the road near the Kingston township. The highway was surveyed in 1964, file records indicate that the road taking was gazetted and a closed road incorporated.
- (b) The Garston-Nevis road on the Nevis side of the lease follows the legal line in most places.
- (c) The Glen Nevis road off State Highway 6 is legal and gives access to the to the station buildings and the neighbour's small holding. The legal road then continues unformed up and over the Hector Mountains to meet the Garston - Nevis Road.

Marginal Strips:

The Section 58 (*Land Act 1948*) marginal strip is located on the true left bank of the Nevis River down stream from just above the confluence with Drummond Creek.

The Section 24 (*Conservation Act 1987*) marginal strips were defined as being upstream from the Section 58 marginal strip on the true left of the river and on Drummond Creek to approximately 930 m.a.s.l.

Historic Sites:

There are clusters of historic mining sites on the lease in the Nevis Valley. These are good undisturbed representations of ground, elevating and hydraulic sluicing. The head races and reservoirs, dating from 1890 to 1910 are intact.

Squatters Houses:

There are some 3 residences on the lease, located just south of Baileys Hill, used as holiday houses by the descendants of one of the original miners.

Mining:

The lower Drummond Creek has been actively mined for gold, the licence expires in September 2000. The licensee is Stony Creek Mining Company. The upper Drummond Creek has already been mined and was restored in 1995.

To the best of our knowledge, there are no communication sites located on the lease.

SUMMARY OF LEASE DOCUMENT:

Refer to also to the status report.

There are numerous mining memorials on the title which have now expired. There are 2 current mining licences:

762917 Due to expire on 6 September 2000 registered in favour of L & M Mining Limited.

763796 Due to expire on 18 September 2000 registered in favour of L & M Mining Limited.

We understand that one of the licences is now held by the Stony Creek Mining Company Limited who have been mining the lower Drummond Creek.

963356.1 An Exploration Permit due to expire 16 February 2004.

The road taking gazette notices are recorded as:

324706/324905 A gazette notice effective from the 4 of March 1968 declares 39 acres, 1 rood and 33.6 perches (*approximately 16 ha*) to be taken for road and a further 20 acres 2 roods and 32 perches (*approximately 8 ha*) to be taken for better utilisation.

324906 A closed road (*Section 38*) of 2 acres and 3 perches (*approximately 0.8 ha*) was incorporated into the lease in March 1968.

We can not reconcile the area adjustments recorded on file, described in the memorials of the title nor the calculations shown on the lease diagram.

DETAILS OF ANY NEIGHBOURING CROWN OR CONSERVATION LAND:

The nearest areas of Crown land are located on the Lake shore between the marginal strip and State Highway 6. These small pieces of *land (totalling 8 ha in front of Glen Nevis)* are unlikely to be significant in tenure review.

FILE SEARCH:

The file search indicates an inconsistent trail of area adjustments on the lease.

Prior to the issue of the pastoral lease, there were several area adjustments:

- (a) In March 1923, 297 acres (120ha) was taken from Lorn Peak (Run 232A) and added to Glen Nevis (Run 354B). These are the paddocks on which the station buildings are now located.
- (b) In May 1955 it was decided to adjust the boundary between Glen Nevis and Nokomai as Glen Nevis occupied but had no title to this land. Some 1500 acres (607 ha) on the west bank of the Nevis River was taken from Nokomai (Part Run 432) and added to Glen Nevis.
- (c) The pastoral lease was issued in 1959, calculations arrived at an area of 16,549 acres (6697 ha) following exclusion of the 25 acre (10 ha) Nevis River marginal strip. Accounting for this there was still an unexplained area discrepancy of 84 acres (34 ha).
- (d) The area anomalies continue on the title arising from the road survey in 1964. At that time areas from the lease were deducted for road taking and better utilisation (the area between the road and the lake).

SUMMARY OF GOVERNMENT PROGRAMMES APPROVED FOR THE LEASE:***Catchment Board Run Plans:***

The lessee did not enter into any Run Plans.

UNCOMPLETED ACTIONS AND POTENTIAL LIABILITIES TO THE CROWN:


We can not explain the inconsistencies in the lease area either before the pastoral lease title was issued or the area adjustments on the title relating to the highway survey. The area taken from the lease relating to the highway survey appears to have been completed with gazettal and registration on the title in 1969 and 1968 respectively. A compensation certificate was issued in January 1984 and discharged 5 months later. We could not say if the area inconsistencies could be a potential liability. The Commissioner may decide that requesting a new schedule of land area adjustments is warranted.

No other uncompleted actions or potential liabilities have been revealed during our investigations.

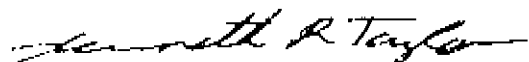
We are satisfied Knight Frank have fulfilled our duty of reasonable care using the information we have available, to inform the Commissioner of all incomplete actions and potential liabilities concerning the above named lease.

We have relied on land status check and survey information provided to us by qualified persons as being true and correct.

Signed for Knight Frank (NZ) Limited:



Consultant 26/8/99



Manager 26/8/99

Approved/Declined

Commissioner of Crown Lands / /

ATTACHMENTS:

- (1) Certificate of Title.
- (2) List of information sources considered.
- (3) Land Status Check provided by agent.

Mortgage 26.8.99
 Variation of Mortgage 156995 produced 2.10.82
 October 1982

THIS REPRODUCTION ON A REDUCED SCALE, GUARANTEED TO BE A TRUE COPY OF THE ORIGINAL REGISTRATION FOR THE PURPOSES OF SECTION 183A LAND TRANSFER ACT 1952.

328925 Mortgage of The New Zealand Insurance Company Limited
 26.8.1974
 A.L.R.

428526 Memorandum of Priority ranking Mortgage 428525 as a first Mortgage and Mortgage 322321 as a second Mortgage - 26.8.1974 at 2.10 pm
 A.L.R.

Prospecting Licence under the Mining Act 1971 affecting part of the within land in favour of Carpenteria Explorations Company Proprietary Limited for a term of three years commencing on the 25th day of March 1974
 See VOL 5D ROL 18
 A.L.R.

Prospecting Licence under the Mining Act 1971 affecting part of the within land in favour of Carpenteria Explorations Company Proprietary Limited for a term of three years commencing on the 25th day of March 1975
 See VOL 5D ROL 17
 A.L.R.

515254/1 Certificate vesting Mortgage 322321 in the Rural Banking and Finance Corporation of New Zealand - 1.5.1979 at 2.45 pm
 A.L.R.

515254/2 Variation of Mortgage 322321 - 1.5.1979 at 2.45 pm
 A.L.R.

554057 Court order vesting the within land in David Taylor abovenamed and Zeta Allison Taylor of Glen Nevis Married Women as tenants in common
 A.L.R.

384103
 Office share of David Taylor
 570499/1 Transmission to Zeta Allison Taylor of Kingston Widow and Ronald James Gilbert and John Garth Lucas both of Dunedin Solicitors as executors entered 11.2.1982 at 9.55am
 A.L.R.

570499/2 Mortgage to the Rural Banking and Finance Corporation of New Zealand - 11.2.1982 at 9.55am
 A.L.R.

570499/3 Mortgage to the Rural Banking and Finance Corporation of New Zealand - 11.2.1982 at 9.55am
 A.L.R.

573729 Variation of Mortgage 322321 - 15.4.1982 at 2.13 pm
 A.L.R.

588612 Prospecting Licence under the Mining Act 1971 affecting part of the within land in favour of Lohi Oil (NZ) Limited for a term of 3 years from 10.10.1982 - 5.11.1983 at 2.45pm
 See Volume 9D ROL 16
 A.L.R.

605762 Mortgage to the Rural Banking and Finance Corporation of New Zealand - 1.5.1983 at 2.05pm
 A.L.R.

605762/2 Mortgage to the Rural Banking and Finance Corporation of New Zealand - 1.5.1983 at 2.05 pm
 A.L.R.

607113 Mining Licence under the Mining Act 1971 affecting part of the within land (10.5 ha) in favour of Ian Alexander McLean, Gavine McLean, Alexander John McLean, Myrlene Wilkinson, Gordon Harold Wilkinson and Gaylene Vine Viokers for a term of 10 years commencing on 8.12.1983 - 13.12.1983 at 10.33 am
 See Volume 9D/61
 A.L.R.

608560. Compensation Certificate pursuant to Section 9 BULKY GOODS Act 1981 - 25.1.1984 at 9.52 am

[Handwritten signature]
A.L.R. 26.8.99

626874 Variation of Mortgage 605762/2 - 5.12.1984 at 11.22 am.

[Handwritten signature]
A.L.R.

652483 Renewal of Prospecting Licence 9D/16 for a period of three years to 10.12.1988 - 13.3.1986 at 10.45 am

[Handwritten signature]
A.L.R.

655087 Partial Surrender of Prospecting Licence 588612 (Volume 9D Folio 16) - 29.4.1986 at 10.26am

[Handwritten signature]
A.L.R.

762917 Mining Licence under the Mining Act 1971 over part of the within land in favour of L & M Mining Ltd for a term of 10 years commencing on 6.9.1990 - 10.9.1990 at 10.07 am
See 9D/369

[Handwritten signature]
A.L.R.

~~763186 Mining Licence under the Mining Act 1971 over part of the within land in favour of L & M Mining Ltd for a term of 10 years commencing on 6.9.1990 at 10.36am
See 9D/386~~

[Handwritten signature]
A.L.R.

786047/1 Transfer to Lachlan James Taylor of Kingston Farmer - 16.8.1991 at 10.17am

[Handwritten signature]
A.L.R.

788047/4 Transfer to Lachlan James Taylor and Fiona Jillian Taylor both of Kingston Farmers as tenants in common in equal shares - 16.8.1991 at 10.17am

[Handwritten signature]
A.L.R.

788047/5 Mortgage to Rural Banking and Finance Corporation of New Zealand Limited - 16.8.1991 at 10.17am

[Handwritten signature]
A.L.R.

837263 Memorandum renewing the term of the within lease for a further period of 33 years commencing on the 1.7.1992 and fixing (for the first 11 years) the annual rental at \$6,150.00 calculated on a rental value of \$410,000 27.8.1993 at 10.23am

[Handwritten signature]
A.L.R.

905135 Exploration Permit under Crown Minerals Act 1991 over part of the within land in favour of Dunstan Mining Limited for the term of 3 years commencing on the 24.3.1996 - 4.4.1996 at 9.25 am
9D/543

[Handwritten signature]
A.L.R.

[Handwritten signature]
A.L.R.

963356.1 Exploration Permit under Section 81 Crown Minerals Act 1991 Term 5 years from 16.2.1999 4.3.1999 at 9.00
9D/628

[Handwritten signature]
for RGL

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ATTACHMENT 2:

List of information sources considered:

- (1) Topographical Map NZMS 260 Series F42
- (2) Terraview Cadastral map
- (3) C/T 386/103
- (4) Files:

Volume I Po 201 Glen Nevis

Opened 23 May 1911 folio 1, closed 16 June 1964 folio 204.

Volume II Po201 Glen Nevis

Opened 28 May 1964 folio 207, closed 9 November 1982 folio 305

Volume III Po 201 Glen Nevis

Opened 20 March 1982 folio 306, closed 24 December 1998 folio 411

File search ended 11 March 1999.

**OPUS INTERNATIONAL CONSULTANTS LIMITED
DUNEDIN OFFICE**

Project Number NLI 0201 135YD

11 AUG 1999
RECEIVED



This report has been prepared on the instruction of Knight Frank (New Zealand) Ltd, Alexandra by letter dated 29 March 1999 and is undertaken for the purposes of the Crown Pastoral Leases Act 1998.

LAND STATUS REPORT for Glen Nevis
Property 1 of 1

Land District	Otago
Legal Description	Part Run 354B and Section 38 Block I Kingston SD
Area	6673.6138 ha
Status	Crown Land under the Land Act 1948 subject to Pastoral Lease P 201.
Instrument of title / lease	CL 386/103
Encumbrances	Subject to Mining Licence 9D/365 [expires 05/09/2000]
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.
Notes (if any)	Marginal Strips (4) adjoining as detailed below.

Data Correct as at	21 May 1999
[Certification Attached]	

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

Certified correct as to status

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

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3 / 6 / 1999

Research Data: Some Items may be not applicable

Property	1	of	1	
SDI Pri	Obtained			Yes / No
NZMS 261 Ref				F42
Local Authority				Queenstown Lakes District Council
Crown Acquisition Map				Kemp
SO Plan				SO 814 being a plan of part of Run 354b –sheet 24 dated 1909. SO 815 being a plan of part of Run 354b –sheet 25 dated 1909. SO 5399 being a plan of part of Run 323a to be added to Run 354b dated 1922. SO 11992 being a plan of Pt Run 354B dated 1955. SO's 13231, 13232, 13751, 13798 and 13790 being plans of lands for road, roads closed and land taken for better utilisation
Relevant Gazette Notices				Doc 324706 New Zealand Gazette 1968 page 233 Doc 324905 New Zealand Gazette 1968 page 306 Doc 324906 New Zealand Gazette 1968 page 302 Doc 339669 New Zealand Gazette 1969 656 Doc 837263 Memo of Renewal reserving marginal strips [clause (2)].
CT Ref / Lease Ref				386/103 336/18 Licence to Occupy for Pastoral Purposes 35 years from 1/3/1924 (No 1716). Issued in renewal of Pastoral Licence No 1398.
Legalisation Cards				SO's 815 & 11992 note Pt Run 354B subject to the provisions of marginal strips.
CLR				Confirms status as pastoral land. Copy of entry attached.
Allocation Maps (if applicable)				F42 No allocations affecting Run.
VNZ Ref - if known				N/A

Crown Grant Maps	N/A
If Subject Land Marginal Strip :	
a) Type [Sec 24(9) or Sec 58]	a) 1) Sec 24(9) 2) ditto 3) Sec 24(3) 4) ditto
b) Date Created	b) 1) & 2) 1/7/92 3) & 4) 1/3/59
c) Plan Reference	c) 1) A - B SO 11992 2) A - B SO 815 3) C - D SO 815 4) A - A SO 5399

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1

Research - continued

Property	1	of	1
If Crown land - Check Irrigation Maps.			
Mining Maps			
If Road a) Is It created on a Block Plan - Section 43(1)(d) Transit NZ Act 1989 b) By Proc			
Other Relevant Information a) Concessions - Advice from DOC or Knight Frank. b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998 c) Mineral Ownership d) Other Info			

Nothing found.

Copy attached. Current mining privileges registered against lease.

a) SO Plan N/A

b) Proc Plan

c) Gazette Ref

a)

b)

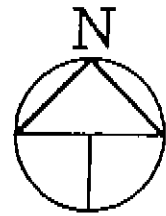
c) Either

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.

contained in [provide evidence].

d)

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Lake Wakatipu

Pt Run 354B
SO 814SO 13751

Pt Run 354B
SO 801
CL 386/103
(6673.6138)

Pt Run 354B
SO 814SO 13751

Sec 38/Blk I
KINGSTON SD
0.8169
SO 13751

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LEGAL ROAD

Pt Run 354 B

Version	1	2	3	4	5
Otago Land District	Sheet 2 of 2				
NZMS 260 F42	Date 21/5/1999				

Glen Nevis Station

Scale 1:2000

