

Our Ref: CPR/01/01/1 1/00

Your Ref:

*received 26/4/2001*

Toitu te  
**Land whenua**  
**Information**  
New Zealand



18 April 2001

Mr John Langley  
165 Bedford Street  
Waverly  
DUNEDIN

Dear Mr Langley

### **Waiorau Ski Field - Pisa Range**

You wrote to the Minister for Land Information on 7 March 2001 seeking information that the Commissioner of Crown Lands had apparently not provided to you following your approach to him on 14 April 2000. The Minister responded to you on 2 April 2001 advising that I would write to you directly on this matter.

I believe my action in apparently not responding was tardy and I unreservedly apologise to you.

I note, however, when you wrote to me on 16 April 2000 that all your correspondence and my replies were couched in terms of what the tenure review Heads of Agreement between the lessee and Commissioner provided. That agreement was signed on 27 August 1994, and provided that certain actions were to follow, including the creation of access easements.

The conveyancing work proceeded through to early 1998 when I learned that the lessee had caused significant environmental damage to an area that was agreed was to be the subject of a conservation covenant.

As a result of that action I withdrew from the tenure review agreement. The lessee then sued in the High Court for damages of \$0.5 million because of this withdrawal from the agreement. At that point, the files were transferred to the Crown's solicitors for management of the case. I was also under a legal obligation not to disclose elements of the litigation. Hence the delay in retrieving information to respond to you.

On receipt of your letter of 16 April 2000, I drafted the attached reply dated 20 April 2000. My actions are documented on file as I liaised by fax with my tenure review contractor, Knight Frank (NZ) Ltd and legal advisers about my response. The fax records are on file. I am not able to confirm that the letter was actually sent to you. Your letter to the Minister for Land Information confirms that it was not.

A renegotiation of the Waiorau tenure review which in all respects favoured the Commissioner, occurred and the lessee was presented with a new tenure review agreement to sign when you wrote to me in April 2000. The lessee did not execute the agreement until later in the year. I executed the new agreement on 29 September 2000. I

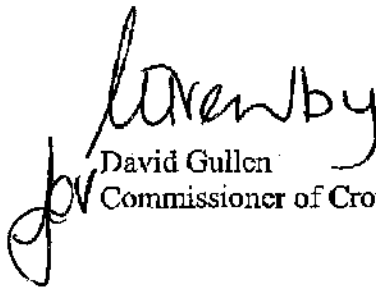
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noted the need for a follow-up letter to my letter of 20 April and the intention to do so is documented on the tenure review file.

Unfortunately the files were referred to Wilkinson Adams, Barristers and Solicitors in Dunedin for the tenure review agreement to be implemented, without a follow-up letter being sent to you.

Having regard to what I set out in the letter dated 20 April 2000 (attached), does this answer your queries? If not, please provide me with further questions.

Yours faithfully

David Gullen  
Commissioner of Crown Lands