

Crown Pastoral Land Tenure Review

Lease name : CASTLE HILL

Lease number : PC 028

Due Diligence Report (including Status Report) - Part 4

This report and attachments results from a pre-Tenure Review assessment of the pastoral lease for the purpose of confirming land available for Tenure Review and any issues, rights or obligations attaching to it. The information is gathered from files and other sources available to the LINZ contractor.

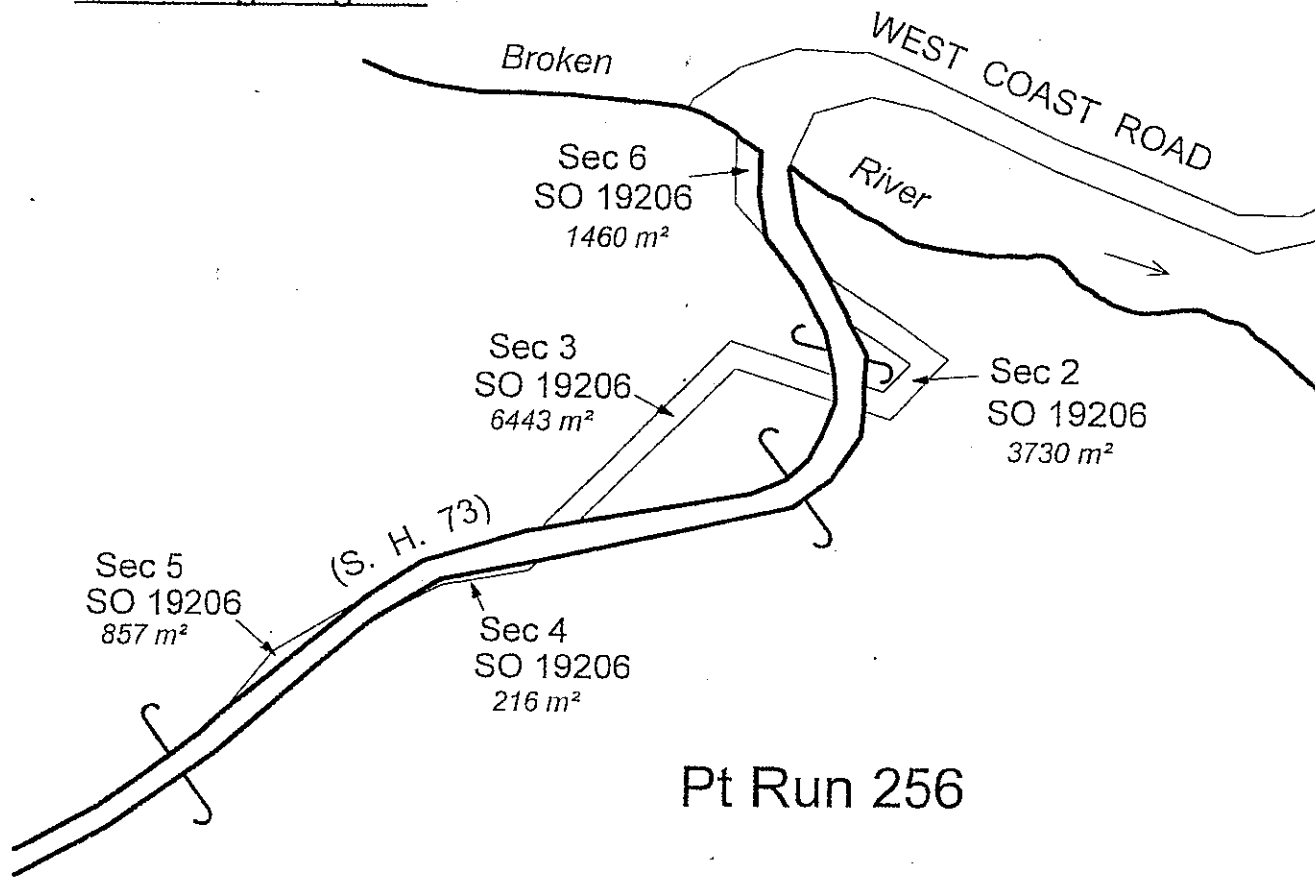
Part of the information relates to research on the status of the land, resulting in a Status Report that is signed off by a LINZ approving officer. The remainder of the information is not analysed for relevancy or possible action until required, and LINZ does not guarantee its accuracy or completeness as presented.

The report attached is released under the Official Information Act 1982.

October

06

Amending Diagram



10595-488-11
 Original of collection 84604

29K/787

A343065.1 Compensation Certificate under Section 19 Public Works Act 1981 16.3.1998 at 11.51

Gazette Notice 777126/1 declaring parts herein (1.9824 ha) to form part of State Highway 73 and shall vest in the Crown - 29.11.1988 at 10.55am

for A.L.R.

Gazette Notice 777126/2 declaring parts the adjoining Road (440m²) to be stopped and dealt with as Crown Land under the Land Act 1948 - 29.11.1988 at 10.55am

for A.L.R.

No 811660/1 Certificate of Alteration increasing the within area to 10998.9808ha - 22.6.1989 at 11.25 a.m.

for A.L.R.

Transfer 926860/4 to Bradmac Farms Limited at Christchurch - 26.3.1991 at 11.39am

Wells

A.L.R.

Mortgage 926860/5 to Trust Bank Canterbury Limited - 26.3.1991 at 11.39am

Wells

A.L.R.

No. 937226/1 Notice of Change of Appellation whereby the description of the within land is changed to Section 1 S.O. 18352 - 31.5.1991 at 9.10am

A.L.R.

No. 991987/1 Gazette Notice declaring (4.1690ha) (1) part of the within land (4.2840ha) to be road forming part of State Highway No.73 (2) part of the road (2.1380ha) passing through the within land to be stopped, such stopped road to be amalgamated with the land herein and (3) part of the within land (7040m²) acquired for the functioning indirectly of a road - 6.5.1992 at 10.36am

A.L.R.

No. 991987/2 Change of Appellation whereby the description of the stopped road amalgamated herein is now Sections 1-6 S.O. 14750 - 5.5.1992 at 10.36am

A.L.R.

No. 999442/1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 - 17.6.1992 at 11.51am

A.L.R.

Subject to Part 9 of the Ngai Tahu Claims Settlement Act 1998 (which provides for certain disposals relating to the land to which this certificate of title relates to be offered for purchase or lease to Te Runanga o Ngai Tahu in certain circumstances) A386212.1 18.1.1999 at 3.25

for DLR

A446182.1 Gazette Notice (2000 p.188) declaring parts (1.3582 ha) are acquired for road and shall form part of State Highway No. 73 and shall vest in the Crown and also declaring parts (1.2706 ha) of the adjoining road to be stopped and shall be amalgamated with the within land subject to Mortgage 926860.5 and the right of way in Gazette Notice 582355.1

A446182.2 Notice of New Appellation whereby parcels P, Q, R, S and X SO Plan 19206 are now known as Sections 2-6 SO Plan 19206

all 17.2.2000 at 9.00

for RGL

DISCHARGED 17.11.2000

Wells

Amended 12.9.99

Wells

Wells

Wells

Wells

APPENDIX 5

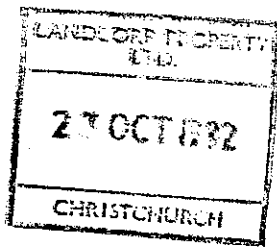
Folio 638
Agreement T700
Folio 89
Folio 92
Folio 686
Folio 714
Folio 716
Folio 781
Folio 566
~~Folio 797~~
Folio 455
Folio 461

Background folios

556
550
548
418
416
413
332
952
949
883



**DISTRICT
COUNCIL**



HIGH STREET, LEESTON
PRIVATE BAG 1, LEESTON
PH: (03) 324-3859 FAX: (03) 324-3531

2109
033

REF NO: 19/1/4/1

21 October 1992

Landcorp Management Services Ltd
Private Bag
CHRISTCHURCH

Attention: Simon Bamford

Dear Sir

Re: Easements - Castle Hill

At the stage of the subdivisional development at Castle Hill Village a number of agreements were reached concerning the provision of easements over various land holdings for access, and water, sewage and stormwater services.

The easements relating to land outside the residential area, were prepared for lodging with the District Land Registrar, however the legal formalities were not completed. Consequently there are no formal easements conveying the external services.

In default of the developer, the Council is now proceeding to achieve the legalisation of these easements. We therefore wish to reaffirm your agreement to the easements proposed over Pastoral Run 256. Copies of the proposed easements and associated memoranda are attached.

There is one alteration which should be made; this is the enlargement of the oxidation pond area. Originally agreement was reached to a much larger area (8.2 ha). This area was to allow for extensions to the oxidation pond system as the village developed.

Two oxidation ponds were proposed although only one was installed to serve the initial development. We therefore would ask you to consider the allotment of approximately two to three ha of additional land adjacent to that referred to as R.S. 42279 (existing oxidation pond site). A plan of the area is enclosed.

Council is unlikely to require the use of this land for some time, (dependent on the growth rate of the village) and therefore the area could be available for continued use by the runholder in the meantime. It is understood that the formal agreement of the runholder is necessary to allow release of the land from the pastoral run and I suggest that a meeting is arranged on site to discuss the land requirements.

SERVICE
CENTRES:

LINCOLN
GERALD STREET, LINCOLN
PH: (03) 325-3288

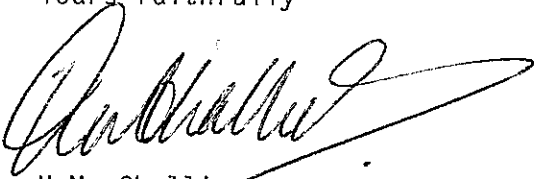
LEESTON
HIGH STREET, LEESTON
PH: (03) 324-3859

DARFIELD
SOUTH TERRACE, DARFIELD
PH: (0516) 88-416

-2-

There are certain costs associated with the formal arrangements necessary to achieve transfer of the land. Would you advise an estimate of these costs so that the proposal can be fully appraised.

Yours faithfully

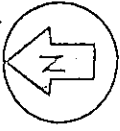
A handwritten signature in cursive script, appearing to read 'V.M. Challies', written in black ink.

V.M. Challies
SPECIAL PROJECTS PLANNER

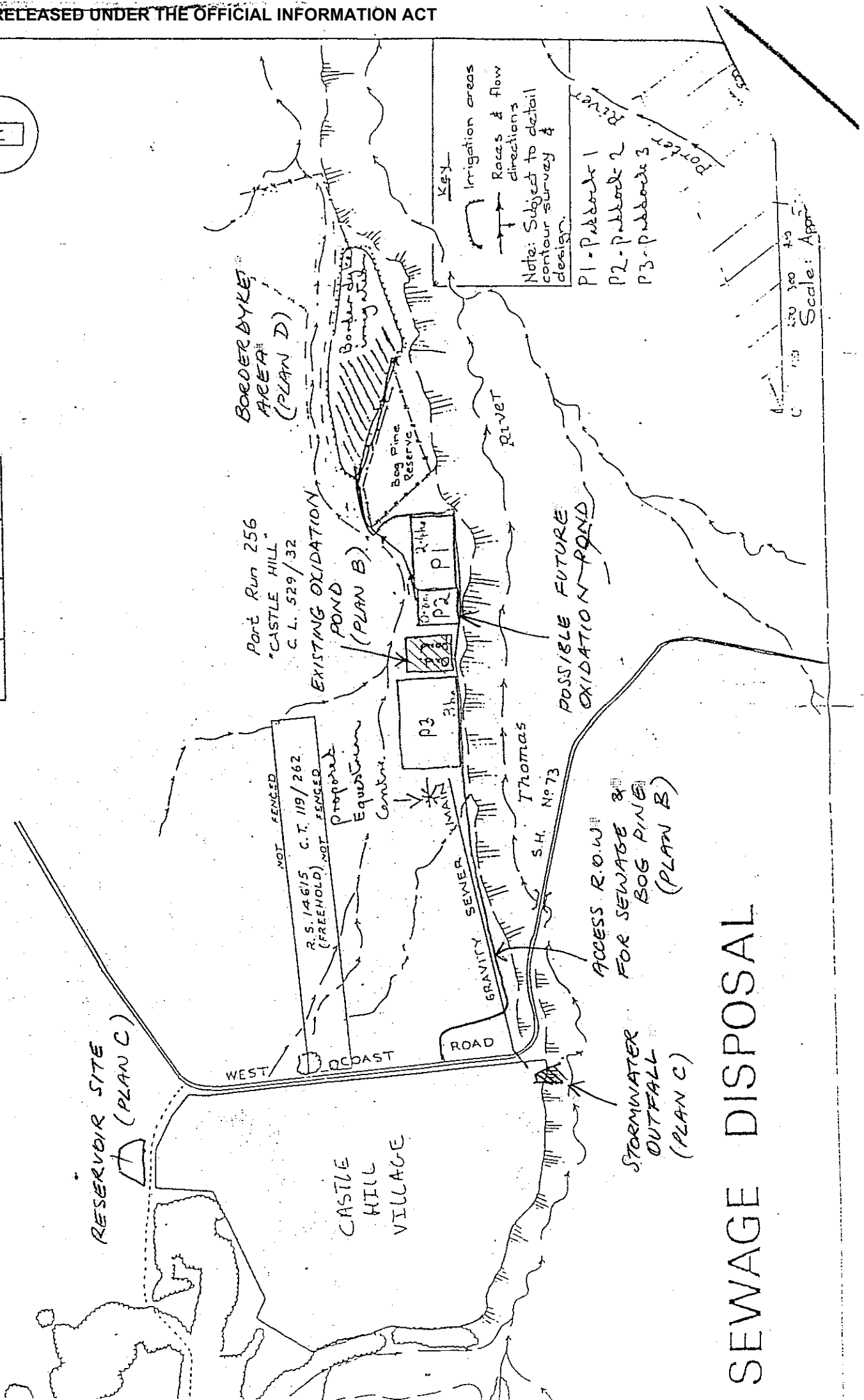
VMC:SH

SITE PLAN - EASEMENTS

Figure 1



0 100m 200m 300m 400m



BORDER DYKE AREA (PLAN D)

Port Run 256
"CASTLE HILL"
C.L. 529/32

EXISTING OXIDATION POND (PLAN B)

NOT FENCED
R.S. 146/5 C.T. 119/262
(FREEHOLD) NOT FENCED
Proposed
Equestrian
Centre.

P3

P2

P1

POSSIBLE FUTURE OXIDATION POND

GRAVITY SEWER MAIN

Thomas

S.H. No 73

ACCESS ROW FOR SEWAGE & BOG PINE (PLAN B)

STORMWATER OUTFALL (PLAN C)

SEWAGE DISPOSAL

KEY

Irrigation areas

Arrows: Races & flow directions

Note: Subject to detail contour survey & design.

P1 - Paddock 1
P2 - Paddock 2
P3 - Paddock 3

Porter River

Scale: 1:1000

0 100 200 300 400



McCLELLAND, BRANTHWAITE & ASSOCIATES
 REGISTERED SURVEYORS, REGISTERED CIVIL ENGINEERS
 AND PROPERTY MANAGEMENT CONSULTANTS

J. G. McClelland, B.Sc., M.N.Z.I.S., M.I.S. Aust. Regd. Eng.
 M. G. Branthwaite, M.N.Z.I.S., M.P.M.I. G. C. Court, M.N.Z.I.S.

Associate: T. J. Burns, N.Z.C.E., M.N.Z.I.E.T.

P.O. BOX 1061 TELEPHONE 60-821
 FIRST FLOOR,
 AMURI COURTS
 CNR DURHAM & ARMAGH STS.
 CHRISTCHURCH, NEW ZEALAND
 ALSO AT 112A HIGH ST, RANGIORA
 TELEPHONE 8776

REFERENCE C5.122S

CASTLE HILL VILLAGE EASEMENTS

PLAN B

R.S. 42279 (Oxidation Pond Site) & R.S.O.W. & Sewage Easements Over Crown Land
 & Pts Castle Hill Run

R.S.42279 is the area containing the sewage oxidation ponds. In terms of Clause 6 of the Deed between the Smith Family and Castle Hill Run Limited dated 17th June 1976 this forms part of the land to be released from the Run to "sewerage treatment works". This area referred to in subclause (a) is to be treated in a manner similar to those areas referred to in subclauses (b) and (d) of Clause 6. At one stage it was suggested that a complete 20 acres be taken at this stage but the run-holder, would not concede that this could be done and we have made the boundaries only to cover the area occupied by the completed works. It will be noted that an easement D is provided through the area for stormwater drainage. The southern boundary of this easement is the northern fenceline of the oxidation pond area. A watercourse flows through the area covered by the easement in a west to east direction. Our associated consultants considered that some control should be reserved over this part of the drain to protect any possible damage caused by stock. Accordingly we feel that ownership should be included with the pond area and the easement should clearly indicate that the protection of the pond bank in this area is paramount. The run-holder may have some objection to the inclusion of this area in the land to be released. The area is to be freeholded and transferred to the Malvern County Council.

Easements A, B, F & G are a continuation of the rights of way easements covering the access off No. 73 SH as shown on Plan A. Easement A is located on Crown Land and B and F and across Castle Hill Run. The easements should be between the parties as indicated on the schedule of easements on the plan. The maintenance and other provisions will need to be agreed between the Council and the parties involved in Castle Hill Run.

Easement C is a right of way easement for the Council for access to the oxidation pond site (R.S. 42279) from the access included in Easement B.

Easements E & F cover the route of the sewage effluent outfall pipeline from the oxidation pond site to the boundary of the effluent disposal area. The present run-holder has expressed a wish to be able to tap this line so that he can irrigate other areas. We believe that this should be a matter between the Council and the run-holder which may or maynot be covered in the easement.

Easements G & H is a continuation of the sewage easements on Plan A covering the outfall pipeline from the village development to the oxidation pond.

Registered Propriety		SCHEDULE OF EASEMENTS	
NATURE	SHOWN	SIT	COUNTER
R.O.W. IN CROSS	A	THREAT	MALVERN COUNTY COUNCIL
R.O.W.	B, C, F	CROWN LAND	PT. RUN 256
RIGHT TO DRAIN SEWAGE IN CROSS	A, E, F, G, H	CROWN LAND	PT. RUN 256
R.O.W.	A	CROWN LAND	PT. RUN 256
RIGHT TO DRAIN WATER	D	CROWN LAND	PT. RUN 256

PURSUANT TO SEC. 34B OF THE LOCAL GOVERNMENT ACT 1974, THE MALVERN COUNTY COUNCIL HEREBY CONSENTS TO THE PLAN OR MAP OR MACHINE OF THE PRIVATE WAY SHOWN ON THIS PLAN AS BEING THE DEFINITIVE AND RESERVING OF THE RIGHT OF WAY THEREOVER.

DATED THIS ... DAY OF ... 1986

IN WITNESS WHEREOF THE COMMON SEAL OF THE MALVERN COUNTY COUNCIL THIS HERETO AFFIXED THE PRESIENCE OF:

CHAIRMAN

PRINCIPAL OFFICER

Total Area 16990ha
Comprised in C.L. 529/32

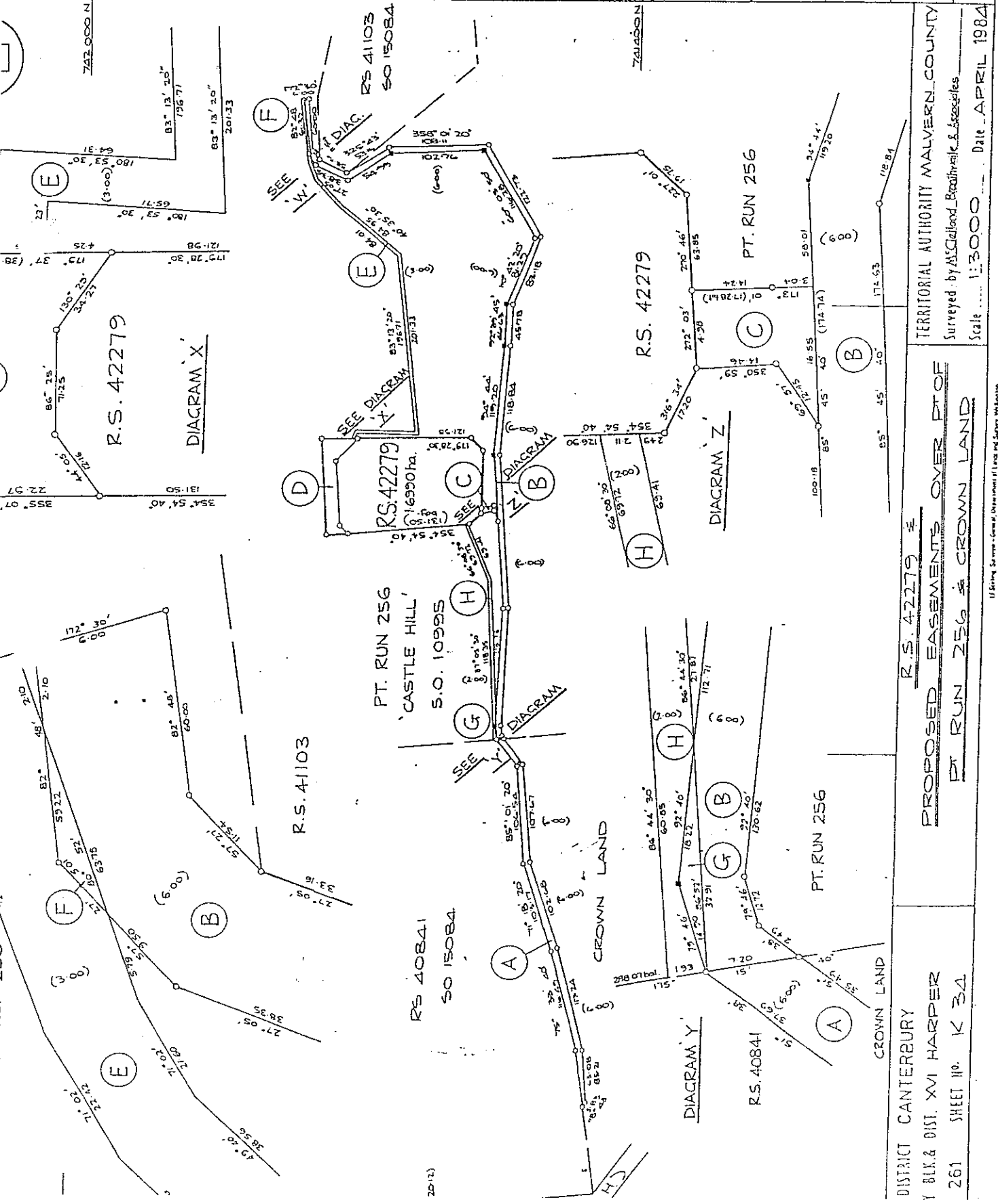
I, GAVIN CHARLES COURT, M. CHRISTCHURCH Registered Surveyor and holder of an annual practicing certificate hereby certify that this plan has been made from surveys executed by me or under my direction; that such plan and survey are correct and have been made in accordance with the regulations under the Surveyors Act 1888

Dated at CHRISTCHURCH, this ... day of ... 1986

Field Book ... Inverse Book ...
Reference Plans ...
Examined ...
Approved as to Survey

Deposited this ... day of ... 19...
Chief Surveyor

File ...
Received ...
Instructions ...
District Land Registrar



REF 5122

TERRITORIAL AUTHORITY MALVERN COUNTY

Surveyed by McCallum, Broadbent & Associates

Scale 1:3000 Date APRIL 1984

DISTRICT CANTERBURY

Y BLK. & DIST. XVI HARPER

261 SHEET NO. K 3A

R.S. 42279

PROPOSED EASEMENTS OVER PTOF

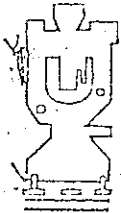
PT. RUN 256 & CROWN LAND

1:3000

APRIL 1984

1:3000

APRIL 1984



McCLELLAND, BRANTHWAITE & ASSOCIATES

REGISTERED SURVEYORS, REGISTERED CIVIL ENGINEERS
AND PROPERTY MANAGEMENT CONSULTANTS

J. G. McClelland, B.Sc., M.N.Z.I.S., M.I.S. Aust. Regd. Eng.
M. G. Branthwaite, M.N.Z.I.S., M.P.M.I. G. C. Court, M.N.Z.I.S.
Associate: T. J. Burns, N.Z.C.E., M.N.Z.I.E.T.

P.O. BOX 1061 PHONE 60-021
FIRST FLOOR,
AMURI COURTS
CNR DURHAM & ARMAGH STS
CHRISTCHURCH, NEW ZEALAND
ALSO AT 113A HIGH ST, RANGIORA
TELEPHONE 0776

REFERENCE C5122S

CASTLE HILL VILLAGE EASEMENTS

PLAN C

Water Supply & Drainage Easements Over Parts Of Castle Hill Run

Easement A is the area of land north of the village development containing the water supply reservoirs connecting pipes and control valves and structures and the water treatment facilities. The area is sufficient for the construction of further reservoirs when they are required. The easement is to be granted to the Council. Mr Reid has requested that the easement contain provisions that facilities only provided by his company be permitted on the easement and that those facilities only service areas developed by Castle Hill Run Limited.

The easement schedule states the purpose of the easement to be "right to convey water in gross" to be in terms of Land Transfer Act and it is suggested that a variation to the rights as set out in the 7th schedule be included to allow for the erection, maintenance etc of other facilities other than the pipelines.

Easement B covers the route of an open fluming constructed down the river terrace to direct stormwater drainage to the Thomas River.

Rec. Fred Proprietor

SCHEDULE OF EASEMENTS		EASEMENT	CLASS
NUMBER	DESCRIPTION		
1	RIGHT TO WATER IN CROPS	PT RUN 254	A
2	RIGHT TO OPEN WATER IN CROPS	PT RUN 254	B

Total Area
Comprised in CL 525/52 LEASHT ONE

(BY) ROONEY WOODWARD of CHRISTCHURCH
Registered Surveyor and holder of an annual practicing certificate,
herby certify that this plan has been made from surveys made
by me or under my direction; that both plan and survey are correct
and have been made in accordance with the regulations under the
Surveyors Act 1986

Dated at CHRISTCHURCH this 7th day
of May 1984. Signature *[Signature]*

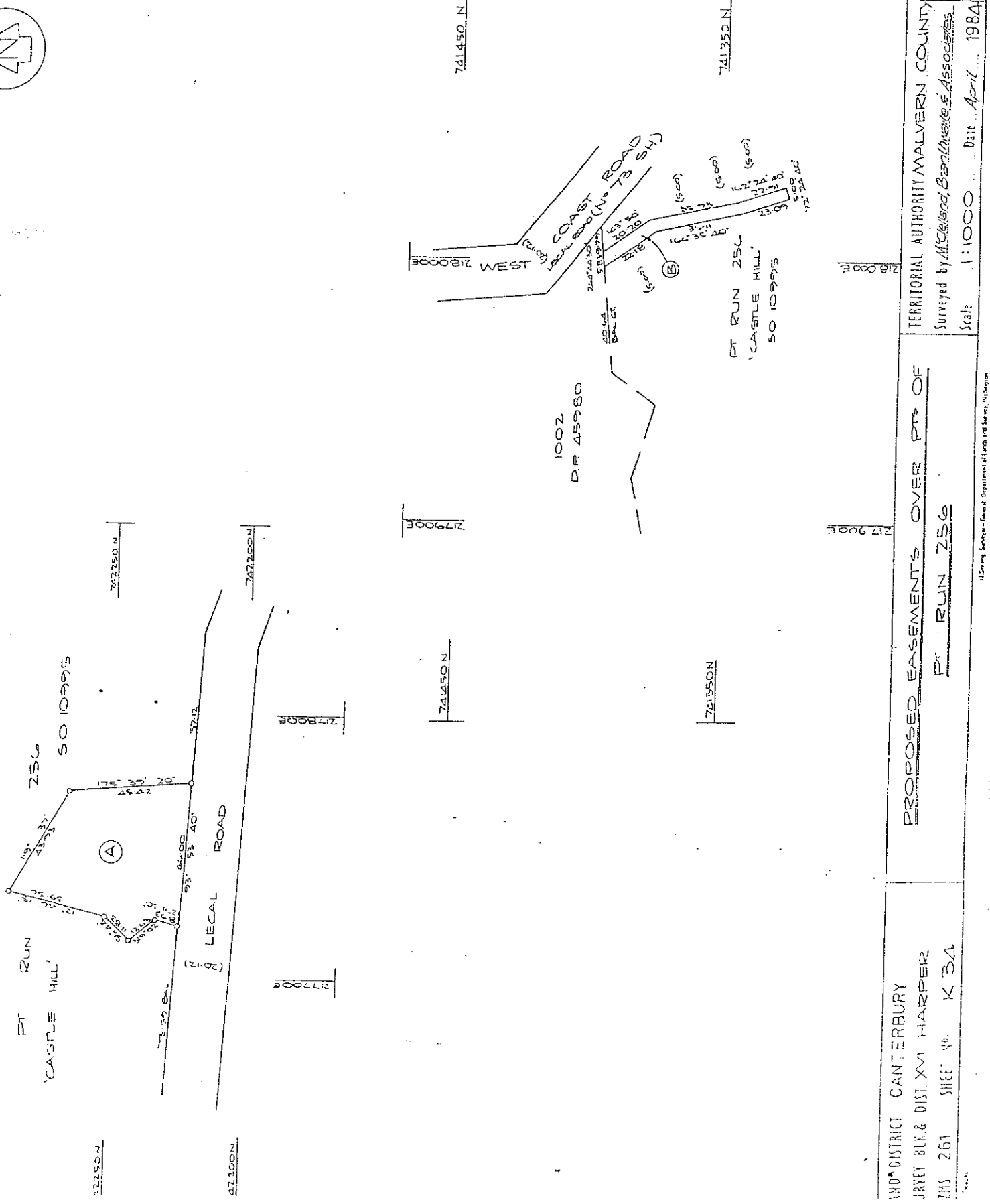
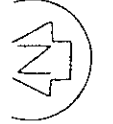
Field Book P. Traverse Book P.
Reference Plans DR 2254A, 45980, 501, 304B, 14515, 14227, 10995, DR 501
Examined Correct

Approved as to Survey

Deposited this day of 19

District Land Registrar

File
Received Instructions
REF 5122



PROPOSED EASEMENTS OVER PT'S OF

4ND DISTRICT CANTERBURY
JANEY BLK & DIST XVI HARPER
THIS 261 SHEET No. K 3A

TERRITORIAL AUTHORITY MALVERN COUNTY
Surveyed by *[Name]* *[Name]* & Associates

Scale 1:1000 Date April 1984



McCLELLAND, BRANTHWAITE & ASSOCIATES
 REGISTERED SURVEYORS, REGISTERED CIVIL ENGINEERS
 AND PROPERTY MANAGEMENT CONSULTANTS

J. G. McClelland, B.Sc., M.N.Z.I.S., M.I.S. Aust. Regd. Eng.
 M. G. Branthwaite, M.N.Z.I.S., M.P.M.I. G. C. Court, M.N.Z.I.S.
 Associate: T. J. Burns, N.Z.C.E., M.N.Z.I.E.T.

P.O. BOX 1061 TELEPHONE 60-821
 FIRST FLOOR,
 AMURI COURTS
 CNR DURHAM & ARMAGH STS.
 CHRISTCHURCH, NEW ZEALAND
 ALSO AT 113A HIGH ST, RANGIORA
 TELEPHONE 8776

REFERENCE C5122S

CASTLE HILL VILLAGE EASEMENTS

PLAN D

Sewage Effluent Disposal

Easement A on this plan is the area developed for the border-dyke irrigation disposal of sewage effluent from the oxidation ponds. The extent of the area was fixed and pegged in accordance with the design plans and the construction completed on site. It was intended that the boundaries be fenced as required by the Deed between the Smith Family and Castle Hill Run Limited of 17th June 1976 at Clause 6 on page 5. The present run-holder would not agree to the erection of the fence on the lines as pegged and has in fact fenced a larger area as shown on the attached sketch plan. As the proper management of the area is essential for the efficient operation of the disposal system as a whole we are concerned that some control over the whole of the fenced area should be enjoyed by the Council. We are aware that the run-holder, with arrogant disregard for the work and expense involved in developing the border-dyke area, has in the past over grazed the new pasture and it is fortunate that the weather in the past season has been such that the pasture has been restored and there is apparently no permanent damage.

The easement is to be granted to the Malvern County Council. It is noted that the Planning Consent given to the village development required that "the land is to be secured for effluent disposal in perpetuity (i.e. freehold, leasehold in perpetuity, etc)".

We trust that the easement proposed can be draughted to satisfy the intention of that requirement.

In these circumstances we are of the opinion that definite management requirements be incorporated in the easement. The previous County Engineer was of the opinion that it should definitely be clear in the easement that the Council had an immediately enforceable right to withdraw the usage of the land from the run-holder if the management requirements were not being adhered to. The control of irrigation was to remain with the Council.

Before the detail of the easement and the extent of the area that it could cover is finalized, we consider that the run-holder and the Council should come to some interim agreement.

SCHEDULE OF EASEMENTS		EASEMENTS	
NATURE	SICUTUM	TERMINUS	CRAT
RIGHT TO PRIVATE SEWAGE EFFLUENT	A	PT RUN 256	MAINTENANCE

Total Area
Comprised in C.L. 529/32

I, GAVIN CHARLES COURT, of CHRISTCHURCH, registered surveyor and holder of an annual practicing certificate for who may act as a registered surveyor pursuant to the provisions of section 121 of the Surveyors Act 1988 hereby certify that this plan has been made from surveys executed in or under my directions, and that both plan and survey report and notes have been made in accordance with the Survey Regulations 1972.

Dated at CHRISTCHURCH, this ... day of ... 19 ... Signature of ...

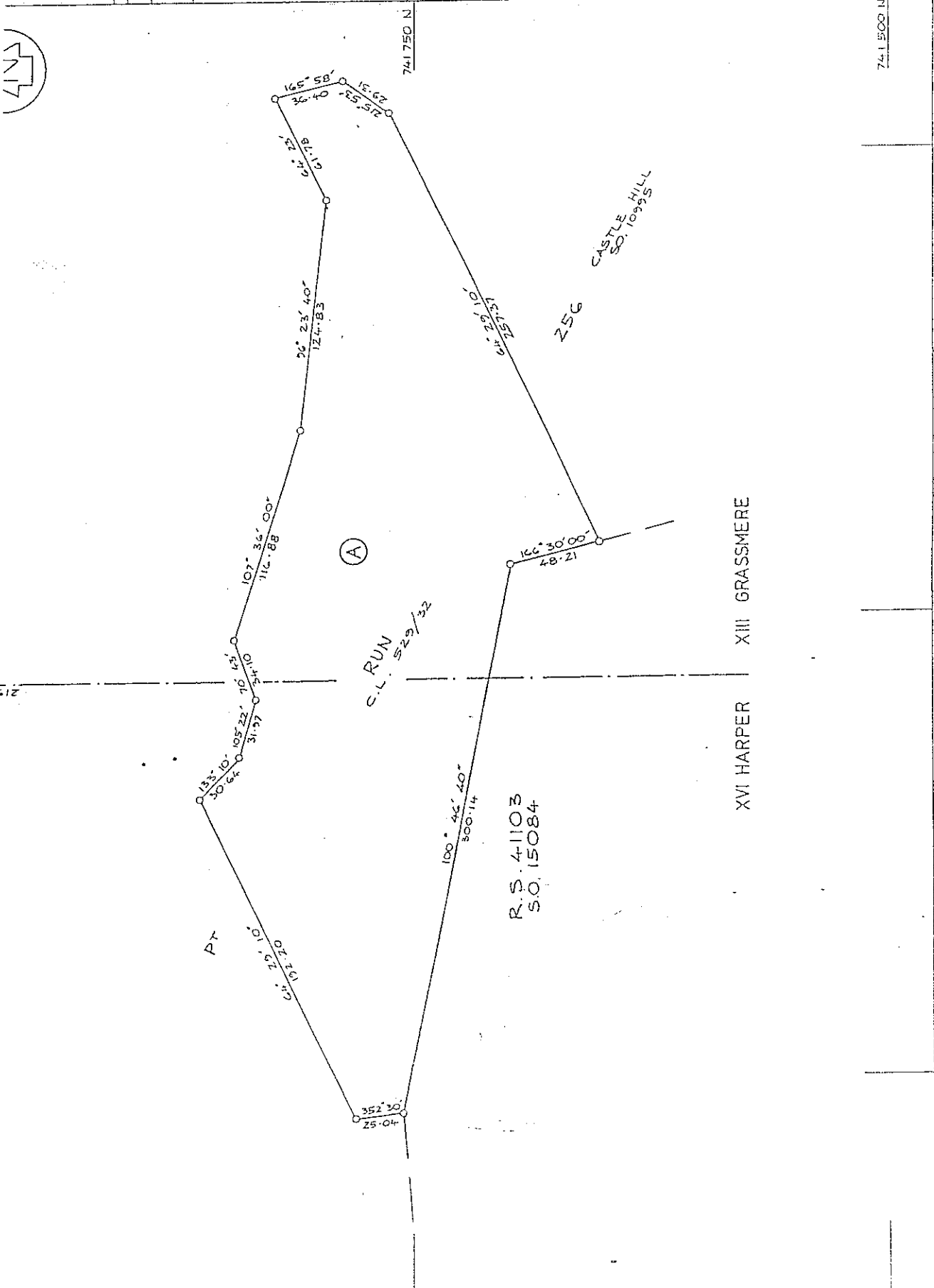
Field Book ... p ... Traverse Book ... p ... Reference Plans S.O. 15084 & 10995

Examined ... Directed ... Approved as to Survey

Deposited this ... day of ... Chief Surveyor

File ... Received ... Instructions ... District Land Reg.

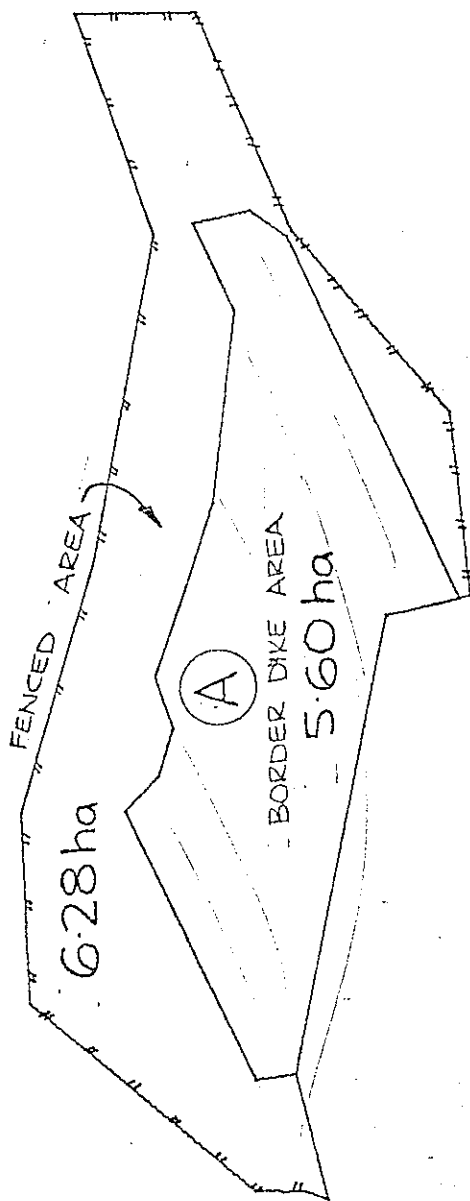
REF. 5122



LOCAL AUTHORITY MAVERNA COUNTY
Surveyed by McCLELLAND BRANTHWAITE & ASSOC.
Scale 1:1500 Date APRIL 1983

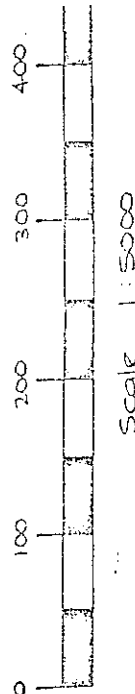
PROPOSED EASEMENT OVER PT RUN 256

LAND DISTRICT CANTERBURY
SURVEY BLK & DIST. XVI HARPER, XIII GRASSMERE
NZHS SHEET No. K 34



PROPOSED EASEMENTS
OVER PART RUN 256

PREPARED BY : McCLELLAND BRANTHWAITE & ASSOC.
JUNE 1986.



T. 700

Dated 12th day of March, 1930.

AGREEMENT

between

William Bowes Clarkson
(his heirs and successors in
title)

and

The Canterbury Winter Sports
Club Incorporated.

between WILLIAM BOWEN CLARKSON (his heirs and successors in title) licensee of ~~Small Watering~~ ^{PASTORAL} Run 172 Castle Hill, Selwyn County (hereinafter referred to as "the Licensee") of the one part and THE CANTERBURY WINTER SPORTS CLUB, INCORPORATED (hereinafter referred to as "the Club") of the other part. The term "Club Members" shall also include all persons authorised by them.

AND WHEREAS the Club is desirous of erecting upon the land held by the Licensee a certain hut for the purpose of winter sports NOW THIS AGREEMENT WITNESSETH that the Licensee doth hereby grant and allow to the Club the right to erect the said hut and occupy certain areas of the said Run 172, upon the terms and subject to the following conditions:

1. THE agreement to be coterminous with the License for the Pastoral Run
2. THE Licensee permits (subject to the approval of the Land Board of the Canterbury Land District) the erection of a hut in the position as marked "A" on the map attached hereto
3. THE Licensee shall permit access to the hut by Club Members from the Main West Coast Road by an easement one chain wide along the right bank of the Broken River to a point on the hut spur and thence by an easement one chain wide along this spur to the hut. Club Members shall also have permission to traverse the track up the stream bordering the Forest Reserve and to pass over such portions of the track that traverse areas of S.C.R.172. Permission shall also be given to the Club to use an area adjoining the road at Broken River for the parking of cars.
4. THE Licensee shall also permit the use by Club Members of the area of ~~S.P.~~ S.C.R. 172 lying between the Forest Reserve 3288 and the Craigieburn Range to be used for winter sports purposes only. The Club shall exercise its rights to both the hut and to the said sports ground during the months of April, May, June and July of each and every year, and also during such portions of the months of March, August and September in each and every year as the Licensee shall permit.
5. NO fires shall be lit in other than properly constructed fire places. All fires to be extinguished before leaving.
6. THE Licensee acknowledges no liability for any accident to any Club Member or to any damage suffered by the Club.
7. NO Club Member shall permit any dog to be allowed on any portion of the Run; nor shall any Member carry firearms on the Run.
8. CLUB Members shall take care to see that no birds or animals are interfered with and the Club shall exercise the strictest care to prevent any persons from engaging in opossum trapping.

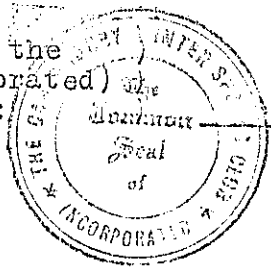
W.B.C.
1930

RELEASED UNDER THE OFFICIAL INFORMATION ACT

2. THE CLUB shall have no right to compensation for any improvements, and no improvements other than the erection of the hut to be effected without consent of the Licensee and the Land Board.

- 10. INsofar as the hut is concerned, the Club shall comply with all requirements of the Local Body or of the Department of Health as to sanitary or other arrangements.
- 11. THE Club is responsible for the good conduct of its members, and of all persons using the hut under its authority.
- 12. THIS Agreement to sublease may be determined by the Land Board for any breach of the conditions set out herein. The Land Board to be the judges as to whether the conditions have been observed. The decision of the Land Board to be final.

IN WITNESS WHEREOF the Common Seal of the Canterbury Winter Sports Club (Incorporated) as hereto affixed in the presence of:



J. J. Rollins
President.
[Signature]

A. J. Giles
Secretary.

AGREED TO on behalf of the Land Board for the District of Canterbury, in the presence of:

[Signature]
Commissioner of Crown Lands.

Witness: *[Signature]*
Occupation: *Clerk*
Address: *Hands Dept. Christchurch*

AGREED TO by WILLIAM BOWES CLARKSON Lessee of S.D.R. 172 in the presence of:

W. B. Clarkson

Witness: *O. W. Corey*
Occupation: *Deputy*
Address: *Blighs Rd, Paparua, Ch. Ch.*

AGREED TO by BLACKLEY Manager of Castle Hill Station, in the presence of:

A. J. Blackley

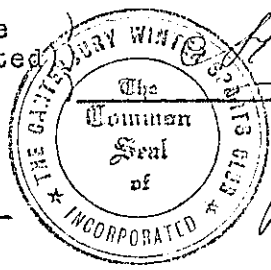
Witness: *A. J. Giles*
Occupation: *(Farmer)*
Address: *Rauere N. Auckland*

[Handwritten initials]

THIS AGREEMENT dated the 20th day of May 1933 and made between WILLIAM BOWES CLARKSON of the one part and THE CANTERBURY WINTER SPORTS CLUB of the other part WITNESSETH that we have agreed to amend the deed of agreement made between us on the 12th day of March 1930 by the substitution for Clause 3 thereof of the following clause:

3. The Licensee shall permit access to the hut by Club Members from the Main West Coast Road by an easement one chain wide along the right bank of the Broken River to the point where it is joined by Waterfall Creek. At this point the access track crosses the Waterfall Creek and continues on sideling ground up the left bank of Waterfall Creek to the large open flat, and thence across this cleared area to the Hut. The track herein referred to is shown on attached plan. The Licensee shall permit the Club to construct this track, making it easily negotiable for foot traffic, and along certain of its length to erect a two-wire protective fence for safety purposes under ice conditions. Permission is also given to the Club to use an area adjoining the road at Broken River and marked "B" on the subjoined plan, for the purpose of parking cars.

IN WITNESS WHEREOF the Common seal of the Canterbury Winter Sports Club (Incorporated) was hereto affixed in the presence of



Handy Colless
President.

[Signature]
Secretary.

[Signature]
Hon. Treasurer

AGREED TO on behalf of the Land Board for the District of Canterbury, in the presence of

[Signature]
Commissioner of Crown Lands.

Witness: C. Holdsworth
Occupation: Civil Servant
Address: Ch. Ch.

AGREED TO by WILLIAM BOWES CLARKSON Licensee of P.R. 172 in the presence of

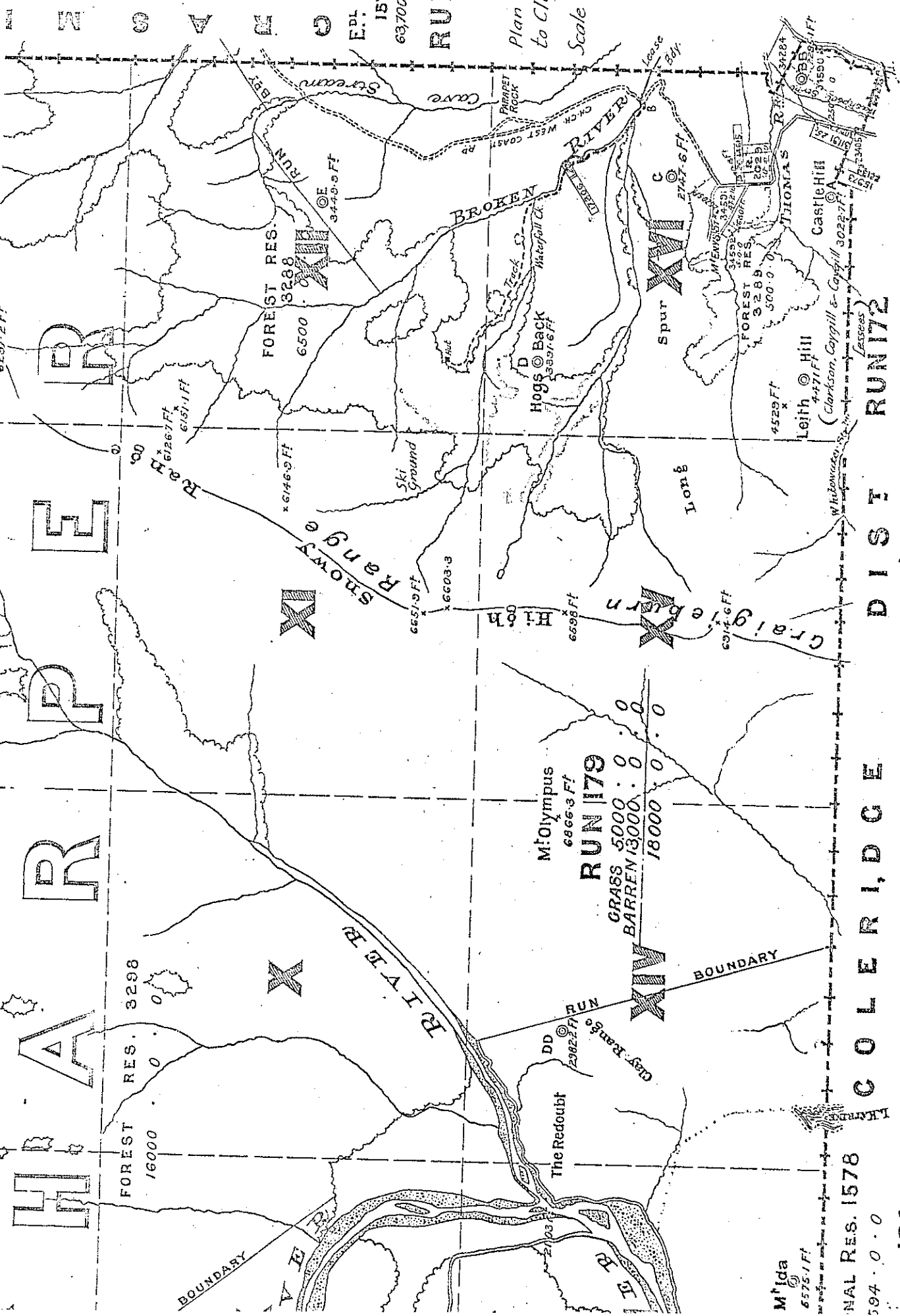
J. B. Lawson

Witness: J. J. Robins
Occupation: Canterbury Secretary
Address: 181 Cashel St. Ch. Ch.

AGREED TO by Robert Alexander BLACKLEY Manager of Castle Hill Station, in the presence of

R. A. Blackley

Witness: J. J. Robins
Occupation: Canterbury Secretary
Address: Ch. Ch.



E. PL. RES.
1577
69700.0.0

RUN 121

Plan of access
to Club Hut

Scale: 1 mile - 1 inch

FOREST RES. 3298
16000

Mt Olympus
6866.3 Ft

RUN 179

GRASS 5000.0.0
BARREN 13000.0.0
18000.0.0

FOREST RES. 3288
6500

Hogs Back
3399.6 Ft

FOREST RES. 3288
500.0.0

Leith Hill
4471 Ft

Castle Hill
3022.7 Ft

FOREST RES. 1578
594.0.0

NAL RES. 1578
594.0.0

COLE RIDGE DISTRICT

120

H. D. M. Haszard, Acting Chief Surveyor, Gantersbury District.

J. W. Davis, Chief Draughtsman, Head Office.

87

M.

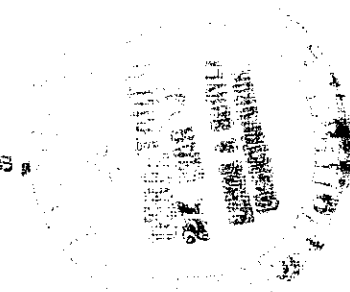
P.R.

381

Private Bag,
Christchurch. 27th March 1930.

MEMORANDUM FOR:

Messrs. F. B. Clarkson & Sons,
168, Manchester Street,
CHRISTCHURCH.



re Canterbury Winter Sports Club, Incorp.

Enclosed please find a copy of the Agreement between
the Canterbury Winter Sports Club, Incorp. and yourselves,
same having now been approved by the Land Board.

Kindly acknowledge receipt.

W.S.
Commissioner of Crown Lands.

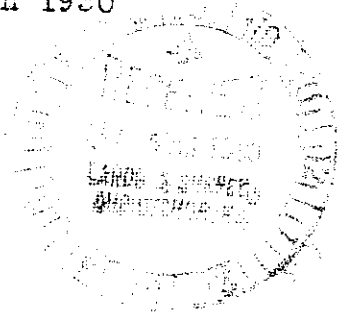
Encl:- Register.

92

CANTERBURY WINTER SPORTS CLUB INCORPORATED

MARCH 29th 1980

COMMISSIONER OF CROWN LANDS



Dear sir

I have pleasure in acknowledging herewith the agreement between Messrs Clarkson and Sons and the Canterbury Winter Sports Club.

On behalf of our club I wish to thank you for all the trouble you have taken to help us.

Yours faithfully

Mr Giles (Hon Secretary)



cm\lc322
Our Ref: PC028

18 July 1995

Walker Rodger
Barristers and Solicitors
P O Box 13553
CHRISTCHURCH

Attention: Michael Walker

Dear Sir

PARTIAL SURRENDER: RETIRED LAND AND SPECIAL LEASE LAND

Our letters of 31 July 1991 and 10 April 1995 refer. To date we have not had any formal response to our repeated requests for your clients, Bradmac Farms Limited, to execute the following Memoranda of Partial Surrender;

1. In relation to surrender of 2260 ha from the pastoral lease.
2. In relation to surrender of 7.5527 ha from the pastoral lease.

Documents relating to Item 1 were sent to you for execution by your clients on 31 July 1991. In view of the significant period of time that has elapsed since then, a new Memorandum of Partial Surrender document has been prepared, and is enclosed.

The Commissioner of Crown Lands has directed me to request that your client execute this document within TWENTY working days of receipt of this letter.

In relation to Item 2, a Memorandum of Partial Surrender and Special Lease in favour of Mt. Cheeseman Ski Club Inc. were forwarded to you on 10 April 1995 for execution by your clients. We have received no formal response to this request for execution to date.

I have therefore to advise you that the Commissioner of Crown Lands requires your client to execute these documents within TWENTY working days of receipt of this letter.

*Response to be received by
15 August 1995 (DWP)
(DWP)*

CHRISTCHURCH OFFICE
76 CASHEL STREET
PO BOX 142
CHRISTCHURCH, NZ
PHONE 0-3-379 9787
FAX 0-3-379 8440



In the event of your clients failing to execute these documents as requested, the Commissioner will have no option but to seek legal remedy to enforce these surrender agreements.

I look forward to your response.

Yours faithfully
LANDCORP PROPERTY LIMITED

A handwritten signature in black ink, appearing to read 'C. Mason', written over a horizontal line.

CAROLINE MASON

I acknowledge receipt of the original of this letter.

Signed: _____
A handwritten signature in black ink, appearing to read 'M. Ashell', written over a horizontal line.

Date: 18-7-95



74

cm\cb094

Our Ref Pc 028

LAND RESOURCES DIVISION

3 November 1995

3rd Floor, 76 Cashel Street
Christchurch
Telephone: (03) 379 9787
Facsimile: (03) 379 8440

Investigation Manager (Consents)
Canterbury Regional Council
P O Box 345
CHRISTCHURCH

Attn: Leo Fietje

Dear Sir

RE: SOIL AND WATER CONSERVATION PLAN: CASTLE HILL

On 9 March 1994, you wrote to Simon Bamford enquiring about the status of the retired land between Porter Heights Skifield and Thomas Bush on Castle Hill.

As Mr Bamford advised in his reply of 21 April 1994, the agreement to surrender this area was registered against the lease on 18 March 1987 by way of a Memorandum of Variation.

Documents have been forwarded to the lessee company Bradmac Farms Limited for execution. However, Bradmac Farms Limited have declined to sign the Memorandum of Partial Surrender on the grounds that the run plan for Castle Hill Station was never completed and that the retirement fence is not effective. I enclose, for your information, part of a letter received from Bradmac Farms Limited's Solicitor outlining these grounds in more detail.

I would appreciate receiving a response from your Council on the matters raised, in particular as to whether the run plan for the property was completed.

Yours faithfully
KNIGHT FRANK (NZ) LIMITED

CAROLINE MASON

Corporate Offices

Auckland
Wellington
Christchurch
16 Offices Nationwide

International

Australia
Belgium
Botswana
China
France
Germany
Hong Kong
India
Italy
Japan

Malawi
Nigeria
Singapore
Spain
Sweden

Tanzania
United Kingdom
United States
of America
Zimbabwe

Postal Address:

PO Box 142, Christchurch
New Zealand
Knight Frank (NZ) Limited MRPNZ
(An LPL Group Company)

INTERNATIONAL PROPERTY CONSULTANTS

7. Surrender of 2260 hectares.

Referring to a separate matter being the surrender of 2260 hectares from the pastoral lease, it is our client's contention that while the partial surrender was agreed by Bradmac at the time of the purchase, it now considers the decision should be reviewed. With the benefit of hindsight from having farmed the area since 1991 and having studied the scientific information now available, Bradmac questions the validity of the decision to retire the land from grazing and to remove it from the pastoral lease. The reasons for this view are as follows:-

- 7.1 The retirement was part of a run plan for Castle Hill Station which was never completed.
- 7.2 The retirement fence is not effective and it is not practical to make it so because:-
 - a) During summer the sheep continually move back and forth along the Craigieburn Range from approximately Mt Wall at the northern end of the station to Porter Heights freely crossing the Mt Cloudsley/Longspur ridge - i.e. the retirement area boundary which is not and could not be effectively fenced.
 - b) The existing fence itself has several very high snow risk points and in most years significant sections have been destroyed and its remaining integrity will always be a problem.
 - c) With the absence of burning for many years and the recovery of natural cover, limited summer grazing by sheep is not a factor in induced erosion.
 - d) The screes are now known to be at least 500 years old and have not been effected significantly by grazing over the past 140 years.
 - e) The basins and lower slopes have good natural cover and are in good heart.
 - f) Ecologically the main threat to the area is from Haeracium, noxious weeds and wilding trees. There is evidence that some grazing reduces the invasion of Haeracium.
 - g) Recent evidence and experiences has demonstrated that some class 7 and 8 land, with correct input and management, can be farmed on a sustainable basis and the cover dramatically improved.
 - h) For successful running of merino sheep it is desirable to retain undisturbed buffer zones for some times of the year.
 - i) Several infestations of noxious weeds have been controlled by Bradmac over the last two years by helicopter spraying.

Finally, Bradmac believes that there are genuine and sound reasons why a review should be made in this particular case and that the ecological and economic benefits to the Nation and the land in its long term sustainability could best be served by caring lessees. This would be particularly so in respect of weeds when considering adjoining areas of surrendered and unoccupied Crown land where the weed problem is largely ignored.

We should be pleased to hear your response to the above as soon as possible.

Yours faithfully,

A handwritten signature in dark ink, appearing to be 'M.C. Walker', written over a horizontal line.

M.C. WALKER

WALKER : RODGER

cm\cb135

5 December 1995

Commissioner of Crown Lands
Office of Crown Lands
Department of Survey and Land Information
Private Box 170
WELLINGTON

Attn: David Gullen

Dear Sir

RE: CASTLE HILL RUN PLAN

Mr Walker's letter of 12 September 1995 refers. We discussed the points raised by Mr Walker on page 7 of his letter regarding the status of the run plan. As requested, I have written to the Canterbury Regional Council and a copy of this letter is attached.

I have now received a reply from the Council indicating that to all intents and purposes the run plan is completed and that the surrender should be effected.

Please advise as to what further action I should take.

Yours faithfully
KNIGHT FRANK (NZ) LIMITED



CAROLINE MASON



CANTERBURY REGIONAL COUNCIL

58 Kilmore Street
P O Box 345
Christchurch

Telephone (03) 365 3828
Fax (03) 365 3194

Our Ref: AG5C-0027

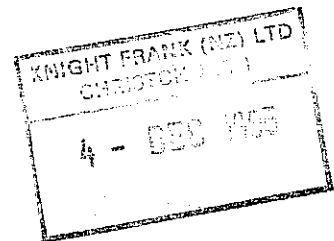
Your Ref:

Contact: Mr Fietje

29 November 1995

Knight Frank (NZ) Limited
P O Box 142
CHRISTCHURCH

Attention: Caroline Mason



Dear Caroline,

SOIL AND WATER CONSERVATION PLAN: CASTLE HILL

Your letter of 3 November 1995 refers.

I note from your letter that Bradmac Farms Limited have declined to sign the Memorandum of Partial Surrender for land between Porter Heights skifield and Thomas Bush on Castle Hill Station. The run plan for Castle Hill was completed insofar as the retirement fence was completed as agreed, and the compensation works for the effects of the retirement, i.e. offsite grazing, were also completed. Some minor unassociated works were not completed but this does not affect the retirement agreement. The fact that the fence has had maintenance problems is a separate matter and is the responsibility of the landholder.

The position of this Council is that the above surrender should be completed.

Yours faithfully,

Leo Fietje
CONSENTS INVESTIGATIONS MANAGER
lf/rmb

cc: Don Wethey
Neil Macdonald

① copy 1/2
② file PC 028 781



Caroline Mason
Knight Frank Ltd
Box 142
Christchurch

Copy for your information.

Gullen

Our Ref: 5200-D13-C03
Your Ref:

7 April 1997

Regional Conservator
Department of Conservation
Private Bag
CHRISTCHURCH.
Attention Joy Comrie

Dear Joy,

Castle Hill Retirement Fence.

I have received a copy of your letter of 22 April 1996 sent to my agent, Knight Frank Ltd, regarding the status of the surrender of retired land on Castle Hill station.

As you are aware a Memorandum of Variation detailing an agreement to surrender an area of land is registered against the title of pastoral lease Pc 028 Castle Hill.

I am currently pursuing the surrender of this area with the lessee. My responsibility is to enforce such agreements irrespective of the practicalities of any fenceline boundary. Once surrendered, the responsibility of your department is accept the area for addition to the conservation estate.

Once the land is under the control of your department it is your department's prerogative to enter into discussions with adjoining occupiers if there is a need to rationalise boundaries for practical purposes.

Yours sincerely

David Gullen
for
Commissioner of Crown Lands/Chief Crown Property Officer

National Office
Public Trust Building
117-125 Lambton Quay
PO Box 5501
Wellington
New Zealand
Tel 64-4-460 0100
Fax 64-4-472 2244
Internet
<http://www.lin.govt.nz>



15 January 1991

Regional Conservator
Department of Conservation
Private Bag
CHRISTCHURCH

ATTENTION: K LEWIS

Dear Sir

RE: TRANSFER OF CASTLE HILL PASTORAL LEASE

I refer to various correspondence and your letter to Rhodes and Co with attached memo to Landcorp of 17 December 1990.

Landcorp has received and approved an application to transfer the Castle Hill pastoral lease. The approval has been given without any conditions relating to the transfer of freehold land to your Department (Lot 1 DP 43207). The Corporate Solicitor advised that any condition imposed concerning a separate freehold title would not be sustainable.

The transferee is Bradmac Farms Limited, C/- Mr Michael Bradley, (phone [03] 304 8724). Please note however, that the contract for Sale and Purchase is not yet unconditional and this information is confidential. Mr Bradley is aware of your Departments interest in Lot 1 DP 43207.

Landcorp has done no valuation work on this property. Hence any values supplied would require full analysis and would be charged for. Could you please confirm your request a little more specifically.

Should you have any queries please do not hesitate to contact the undersigned.

Yours faithfully

LANDCORP MANAGEMENT SERVICES LIMITED

SJK Bamford
CONSULTANT

INCORPORATING LANDCORP INVESTMENTS LIMITED & LANDCORP MANAGEMENT SERVICES LIMITED

Christchurch District Office
Southstate Tower
76 Cashel Street
Private Bag
CHRISTCHURCH, N.Z.
Tel (03) 799 787
Fax (03) 798 440



Reply to: **Christchurch**

Our Ref: P28

13 June 1989

The General Manager
 Central Canterbury Electric Power Board
 Private Bag
HORNBY

ATTENTION: J.R. Yates

Dear Sir

Re: PROPOSED POWER SUPPLY CROSSING CASTLE HILL PASTORAL LEASE TO ST ANDREWS LODGE

I refer to your letter of 31 March 1989, that was received in this office on 15 May 1989.

Landcorp has investigated the above matter and suggests that you look to an alternative method of supply than the proposed overhead wire.

By saying this, may I draw your attention to the effort put in by Malvern County Council planners and the Castle Hill village developers, to provide underground services within the village and to protect landscape values in the general area. I also add that Landcorp has been advised that the Department of Conservation has indicated to yourselves that overhead power lines are not acceptable in Craigieburn Forest Park. I also believe a recently established supply to the Broken River Skifield traverses the Park by means of a ground cable.

May I therefore suggest that the alternatives to the proposal be investigated, such as ground cable originating from Castle Hill Village.

Yours faithfully

D.A. Gregson
 CONSULTANT

INCORPORATING LANDCORP INVESTMENTS LIMITED & LANDCORP MANAGEMENT SERVICES LIMITED

REGIONAL OFFICE

DISTRICT OFFICES

Christchurch
 Southstate Tower
 76 Cashel Street
 Private Bag
CHRISTCHURCH
 Telephone (03) 799-787
 Fax (03) 798-440

Westport
 Government Buildings
 Palmerston Street
 P.O. Box 65
WESTPORT
 Telephone (0289) 7868

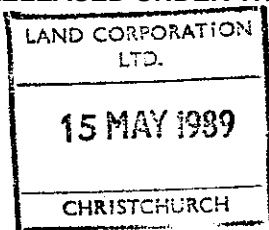
Hokitika
 Landcorp House
 49 Tancred Street
 P.O. Box 176
HOKITIKA
 Telephone (0288) 58-960
 Fax (0288) 58-760

Timaru
 Public Trust Building
 1st Floor
 Cnr Church & Sophia Sts
 P.O. Box 564
TIMARU
 Telephone (056) 48-340

Alexandra
 4 Limerick Street
 P.O. Box 27
ALEXANDRA
 Telephone (0294) 86-935

Dunedin
 258 Stewart Street
 P.O. Box 5744 Moray Place
DUNEDIN
 Telephone (024) 740-571
 Fax (024) 775-162

Invercargill
 Land Corporation Buildi
 192 Spey Street
 P.O. Box 825
 Telephone (021) 44-489
 Fax (021) 88-628



J.R. Yates

20/19

455

31 March 1989

*Land Corp
Private Bag
CH CH
Attention Simon Bamford*

Dear Sir,

Please find enclosed a copy of our preliminary sketch plan No. WD7602 showing a proposed route for an 11,000 volt overhead line to provide a power supply to the St Andrews College outdoor centre, Thomas's Bush, Castle Hill.

At this early stage the Power Board would like comments on this proposal so that objections of other interested parties can be incorporated into the final design and costing. Delays in replying to this preliminary proposal may mean that factors of concern to yourselves may not be incorporated into the final design.

Formal approval from the land owners and other statutory requirements would need to be completed by August, 1989, for an early 1990 completion to this project.

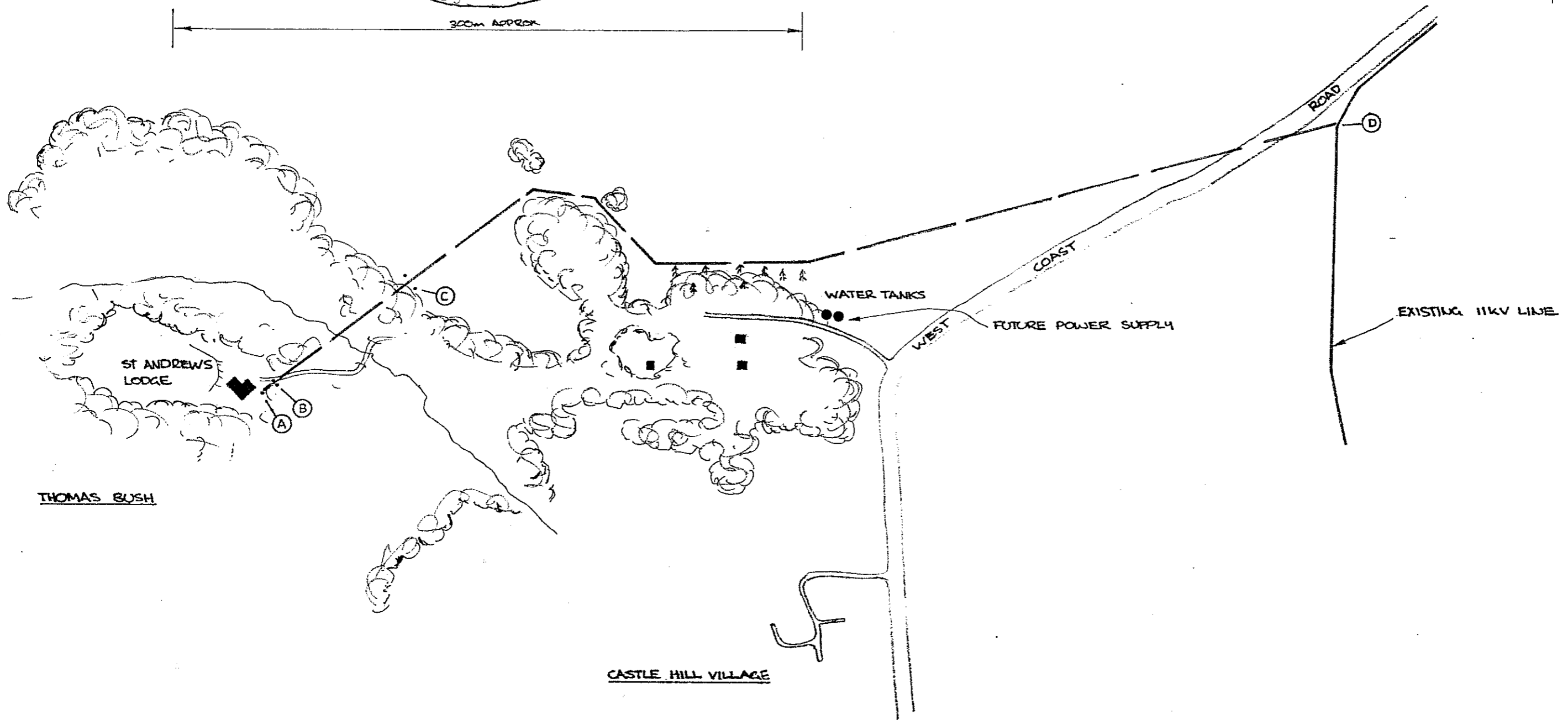
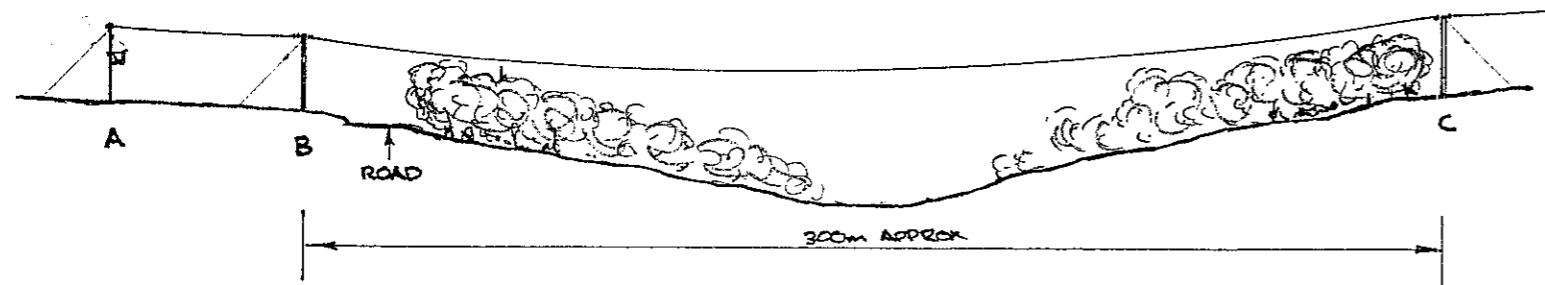
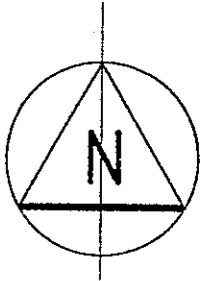
Yours faithfully,

K.C. Lewis,
GENERAL MANAGER.



Per: J.A. Peet

JAP/AFL

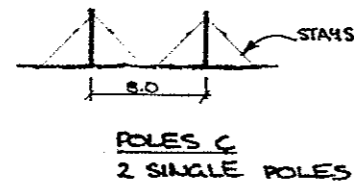
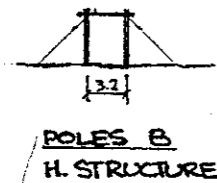


THOMAS BUSH

CASTLE HILL VILLAGE

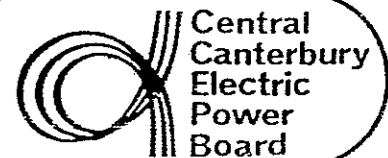
----- A TO D APPROXIMATE ROUTE FOR 11kV LINE 2000m (APPROX)

POLE A
TRANSFORMER



APPROXIMATE ROUTE FOR 11KV LINE TO ST ANDREWS LODGE CASTLE HILL

mmc Drawn	29-3-89 Date	/	K.C. LEWIS GENERAL MANAGER	
<i>ARY</i> Checked	Date			Scale
Approved	Date			A3
			WD 7602 Sheet 1 of 1	



Our Ref: P 28

16 October 1990



Regional Conservator
Department of Conservation
Private Bag
CHRISTCHURCH

Dear Sir

RE: PROPOSED CASTLE HILL RESERVE

The proposal to complete a land exchange with Pelen Investments Limited (in receivership) has recently been raised again. You will be aware of various correspondence with your Minister, D.O.C. Head Office and the Commissioner of Crown Lands on this matter.

Landcorp has informed the receiver for Pelen Investments Limited that it will require the surrender of Lot 1 DP 43207 from the freehold title as a condition of transfer of the pastoral lease. However this position is being challenged by the receiver and while we believe it to be the correct and legal action it could proved to be unsustainable. It is also possible that the property may not transfer for some time.

The Department of Conservation is the main beneficiary to the exchange and should now take appropriate action to protect this interest. The action should be to immediately place a caveat on the title thus legally binding existing and future owners. Without this I am unable to guarantee that the surrender of Lot 1 DP 43207 will take place.

I await your urgent reply.

Yours faithfully


M W Ellis
REGIONAL MANAGER (S.I.)

INCORPORATING LANDCORP INVESTMENTS LIMITED & LANDCORP MANAGEMENT SERVICES LIMITED

Christchurch District Office
Southstate Tower
76 Cashel Street
Private Bag
CHRISTCHURCH, N.Z.
Tel (03) 799-787
Fax (03) 798-440

Rhodes & Co.

BARRISTERS AND SOLICITORS

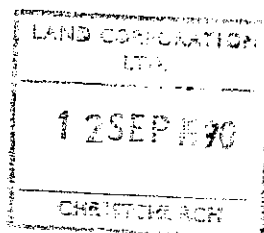
Garth Warwick Rountree, LL.B.
Lindsay Victor North, LL.B. (Hons)
James Ross Turner, LL.B., B.Com.
Graham Duncan Armour McGarry, LL.B.
David John Renwick, LL.B., B.Com.

General Building (5th Floor)
77 Hereford Street (corner Oxford Tce)
P.O. Box 91
Christchurch, New Zealand.

Telephone (03) 650-579
Fax No. (03) 661-715

Our Reference:

11 September, 1990



The Manager
Land Corporation Ltd
Private Bag
CHRISTCHURCH

Dear Sir

Attention Mr S J K Bamford

Re Pelen Investments Ltd

Thank you for your letter dated 30 August 1990.

1. With regard to your first matter, we believe this can be resolved satisfactorily. We believe however that a further variation of lease will be required to correct an error contained in the variation registered in March 1987 as to area. Could you please comment.
2. The position of Land Corporation Ltd with regard to Lot 1 D.P. 43207 is not acceptable to our client. In our opinion Section 89 (2) of the Land Act 1948 does not authorise Land Corporation Ltd to act in this way. Our client has reconsidered as requested by you but its position is unchanged. We advise that in all the circumstances our client has no choice but to say that if Land Corporation Ltd does not advise in writing by 30 September 1990 that it will consider only matters normally considered in relation to any proposed transfer of pastoral lease and that it will not withhold consent because of the request relating to Lot 1 D.P. 43207 being denied, then we will issue proceedings in the High Court seeking a declaration to govern the conduct of Land Corporation in this matter. We believe this would be regrettable and a waste of time and money. As we explained to you, our client has no choice but to maximise the value of assets charged to Burbery Mortgage Finance & Savings Ltd (in receivership) and it should be recognised that in this matter our client is simply unable to compromise.

Yours faithfully

RHODES & CO

J R Turner

Our Ref: P 28

30 August 1990

Rhodes & Co
Barristers and Solicitors
P O Box 91
CHRISTCHURCH



ATTENTION: MR J R TURNER

Dear Sir

RE: PELEN INVESTMENTS LTD

This letter serves to confirm our discussions on 28 August 1990.

1. The survey plan forwarded for signature to Mr Nicolson relates to the Memorandum of Variation of Lease registered on the Pastoral Lease as Document 6706848/2 registered 18/3/1987. Hence there clearly is a commitment to complete this transaction.

It should be noted the area originally referred to as 4020 hectares was vastly inflated and the area actually surveyed is 2260 hectares.

2. Landcorp is concerned that the Receivers will not recognise and complete the contract to exchange various areas of land detailed in previous correspondence, more particularly involving Lot 1 DP 43207. I wish to advise Landcorp will insist on the completion of this deal prior to granting consent to transfer the pastoral lease.

The authority for making this condition is under Section 89 (2) land Act 1948.

I do not wish this issue to continue to hang over any possible sale and would like to resolve it as soon as possible. I would ask you reconsider your previously stated position and advise this office.

Should you have any queries please do not hesitate to contact the undersigned.

Yours faithfully
LANDCORP MANAGEMENT SERVICES LTD

S J K Bamford
CONSULTANT

cc. Coopers & Lybrand
Alan J. Nicolson.

cc. DOC.

INCORPORATING LANDCORP INVESTMENTS LIMITED & LANDCORP MANAGEMENT SERVICES LIMITED

Christchurch District Office
Southstate Tower
76 Cashel Street
Private Bag
CHRISTCHURCH, N.Z.

CASTLE HILL RUN LIMITED

FAX. No. (03) 791 097



FAX. TRANSMISSION

DATE: ... 16/3/88

PLEASE TELEPHONE/DELIVER TO

..... Mr. C. D. Mowat

FIRM: ... d-andcorp

CITY: ... Christchurch

TOTAL No. OF PAGES (INCLUDING THIS COVER SHEET): ... 3

(PLEASE ADVISE AS SOON AS POSSIBLE BY FAX. (03-791 097) OR TELEPHONE (03-791 048) IF ALL PAGES ARE NOT RECEIVED)

OUR REFERENCE:

MESSAGE:

Dear Mr Mowat,

Please find herewith a copy of the agreement between Castle Hill Run Ltd and Pelon Investments Ltd regarding access over R.S. 40841.

Kind Regards.

Rob Morris

NOTED

lh
16/3



7 March 1988

Pelen Investments Ltd
145 Worcester Street
CHRISTCHURCH

ATTENTION: MR G.A. LOGAN

Dear Sir

RE: RS 40841 EASEMENT

I wish to formally advise Pelen Investments Ltd that Castle Hill Run Ltd undertakes to provide legal access over the Castle Hill Equestrian Centre site (RS 40841) to land being leased or owned.

Access is currently available over a formed road as defined in the attached Easement Plan in easement A, B, C and F. Castle Hill Run Ltd reserves the right to relocate this access across RS 40841 provided any approvals necessary are granted and survey, fencing and formation costs are borne by the Company. Normal maintenance provisions between the users will apply.

We would appreciate your company confirming this agreement is acceptable as soon as possible.

Yours faithfully
CASTLE HILL RUN LTD

A handwritten signature in black ink, appearing to read 'R.M. Morris', written over a horizontal line.

R.M. Morris
PROJECT CO-ORDINATOR

CASTLE HILL RUN LIMITED

145 Worcester Street, Christchurch, New Zealand. Telephone 791-048. P.O. Box 1212

PELEN INVESTMENTS LTD
145 Worcester Street
CHRISTCHURCH

14 March 1988

Castle Hill Run Ltd
PO Box 1212
CHRISTCHURCH 1

ATTENTION: MR R.M. MORRIS

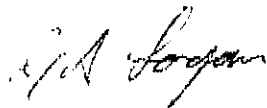
Dear Mr Morris

RE: R.S. 40841 EASEMENT

In reply to your letter dated 7 March 1988 I am pleased to advise you that Pelen Investments Ltd finds the terms and conditions outlined to be acceptable.

We wish to be kept informed on any further progress.

Yours sincerely
PELEN INVESTMENTS LTD



G.A. LOGAN

016.



CASTLE HILL RUN LIMITED

FAX. No. (03) 791 097

FAX. TRANSMISSION

DATE: 2/03/88

PLEASE TELEPHONE/DELIVER TO

..... MR. C. D. Mount

FIRM: Landcorp

CITY: Christchurch

TOTAL No. OF PAGES (INCLUDING THIS COVER SHEET):
(PLEASE ADVISE AS SOON AS POSSIBLE BY FAX. (03-791 097) OR
TELEPHONE (03-791 048) IF ALL PAGES ARE NOT RECIEVED)

OUR REFERENCE:

MESSAGE: Dear Sir,

Enclosed is a copy of our letter to
Mr Ian Hill of D.O.C.

Regards
Rab apocaris

RELEASED UNDER THE OFFICIAL INFORMATION ACT



FILE COPY

24 February 1988

Department of Conservation
PO Box 12200
CHRISTCHURCH

ATTENTION: IAN HILL

Dear Sir

RE: R.S. 40841 EASEMENT

I wish to formally advise the Department of Conservation that Castle Hill Run Ltd undertakes to provide legal access over the Castle Hill Equestrian Centre site (RS 40841) to the Enys Scientific Reserve (RS 41103). Access is currently available over a formed road as defined in the attached Easement Plan in easements A,B,C and F. Castle Hill Run Ltd reserves the right to relocate this accessway across RS 40841 provided any approvals necessary are granted and survey, fencing and formation costs are borne by the company. al
maintenance provisions between the users will apply.

We would appreciate your department's confirming this agreement is acceptable as soon as possible.

Yours faithfully
~~CASTLE HILL RUN LIMITED~~


R.M. Morris
PROJECT CO-ORDINATOR

S: We enclose plans showing the balance of the proposed easement from RS 40841 to the Scientific Reserve for your information.

CASTLE HILL RUN LIMITED

Christchurch, New Zealand. Telephone 791-048. P.O. Box 1212

Our Ref: F28

19 February 1988

Castle Hill Run Ltd
P.O. Box 1212
CHRISTCHURCH

ATTENTION: R.M. Morris


Dear Sir

EXCHANGE OF LAND : R.S. 40841

I refer to our recent telephone discussions. The land now known as R.S. 40841 was taken out of the Pastoral Lease by surrender registered 14 October 1981 as No. 349844/4. Under that document R.S. 38335 was surrendered from the lease. That rural section was redefined to R.S. 40841 and Crown land reserved from sale. R.S. 40841 is still Crown land and title may issue to your company. Under the original arrangement made in 1977, you were required to pay by way of equality of exchanges. Because of the reduction in area by exclusion of the land reserved from sale, the equality was reduced to . . . Fees and disbursements amounting to . . . must also be paid for issuing title. When we receive the . . . action will be taken to issue title. At present it takes about 6 weeks for title to issue.

The issue of title is also conditional on your entering negotiations to finalise the Right of Way easement to what is known as the Bog Pine Reserve, now Enys Scientific Reserve. The line of easement originally shown on S.O. 15084 has been amended on the plan you forwarded to the Commissioner with your letter of 24 November 1986. Is there an S.O. Plan number for Mr Court's plan? From that plan it appears that R.O.W. 'A' is over the Crown land reserved from sale. R.O.W. 'B' & 'G' is over the Pastoral Lease and therefore the right of access in favour of the Crown must be by Variation of Lease. Malvern County Council are also interested in access over the R.O.W. Before the title is released to you, I will require confirmation that the Department of Conservation is satisfied that provision is being made to facilitate access and finalisation of formal documentation protecting access to the reserve. You should contact Mr Ian Hill of that department. The other matters concerning the Malvern County Council need not concern us at this stage.

Yours faithfully


C.D. Mouat
Corporate Solicitor

P 28

JOC

Miss Woodgate

799 760

Private Bag
CHRISTCHURCH

18 August 1986

Messrs S.M.J. / A.M. and Mrs V.M. Smith
Castle Hill Station
P.O. Box 5 /
/SPRINGFIELD

Records please send

A/R register

J.

19/8/86

Dear Sir/Madam

RENEWAL OF PASTORAL LEASE : PART RUN 256
"CASTLE HILL" : AREA 11001.1467 HECTARES

As you know your pastoral lease over the above land expired on 30 June 1985.

I am pleased to inform you that acting under delegated authority from the Land Settlement Board the Commissioner of Crown Lands has pursuant to Section 66 Land Act 1948 approved the renewal of your lease for a further term of 33 years from 1 July 1985.

The board has pursuant to Section 131 of the Land Act 1948 determined the values for renewal as follows:

- (a) Value of improvements
- (b) Value of improvements included in rental value
- (c) Value of land exclusive of improvements

The pastoral lease is to be renewed over an area of 11001.1467 hectares on the following conditions:

- (a) The annual rental for the first eleven years of the new lease is based on 1½% of the value of LEI [(c) above] which is _____ and the yearly rent after the initial period will be calculated at 2½% (less one-ninth rebate) of the then LEI and the lease is issued subject to eleven yearly reviews of rent.
- (b) The stock limit to be shown in the lease document be set as follows:

6160 sheep and 125 cattle

...

- (c) That the Crown retain the right to apply the provisions of Section 58 Land Act 1948 in respect of all rivers and streams in excess of 3 metres in width traversing or forming the boundary of the property subject to legal confirmation in that regard.


I wish to inform you that the department will in conjunction with the North Canterbury Catchment Board be taking the first available opportunity to identify the significant areas of Class VIII land and severely eroded Class VII land not suitable for pastoral use with a view to having such areas destocked and excluded from the pastoral lease in terms of the National Water and Soil Conservation Authority - Land Settlement Board policy review of June 1985.

I would also like to take this opportunity to remind you that the provision of legal access to the Enys Scientific Reserve and the transfer of freehold land for the Castle Hill Scenic Reserve has not yet been given effect to in accordance with obligations assumed by you at the time you acquired your interest in the pastoral lease. The department expects that these matters and any other outstanding issues relating to the Castle Hill Village will be given effect before or simultaneously with the execution of the renewed pastoral lease.

In relation to condition (c) of this offer it should be noted, in particular that the matter of the application of Section 58 of the Land Act 1948 as it relates to the renewal of pastoral leases is currently the subject of an investigation by the department's legal advisers. Section 58 requires the Crown to reserve from sale or other disposition a strip of land not less than 20 metres in width, along (among other things) the banks of rivers and streams which have an average width of not less than 3 metres. When I have been advised of the full legal implications of this investigation I will advise you further. In the interim however a new lease cannot be issued. If you require a guarantee as to security in order to raise finance, please contact me and I will arrange for an "undertaking to issue a renewal lease" to be prepared.

... You will see that the enclosed notices set out full details of the renewal values. Section 132(1) of the Act requires that you notify me within six months of receipt of this letter as to which of the options set out in the notice of values you wish to pursue, an election form also being enclosed for this purpose. I would also point out that pursuant to Section 132(2) if you fail to notify me of which option you wish to elect within the prescribed period, you shall be deemed to have agreed to accept a renewal lease at the rental value and other values set out in the notice.

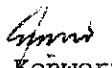
Yours faithfully

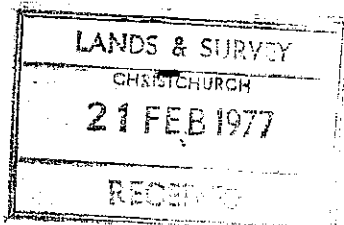

L.M. Kenworthy
Commissioner of Crown Lands

Encl.

CPLO
CHRISTCHURCH

Copy for your information.


L.M. Kenworthy
Commissioner of Crown Lands

702
952

Castle Hill Run Ltd.,
P.O. Box 858,
CHRISTCHURCH.

18 February, 1977.

Mr. Mouat,
Department of Lands & Survey,
Private Bag,
CHRISTCHURCH.

Dear Sir,

EXCHANGE OF LAND

We have been sent a copy of your letter to Mr. Stock of Weston Ward & Lascelles for comment.

We did obtain the agreement of Mr. Smith in our negotiations to cover all points arranged with the Crown regarding the exchange of land and reclassification at Castle Hill.

As it stands, our company has retained the freehold land described in C.T. 13F/269 and C.T. 3D/311 which will be partially surrendered to the Crown for reserve. The balance of the freehold which is affected and the pastoral lease have all been transferred to Mr. Smith and will be released by him once the titles have been resurveyed.

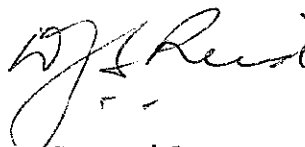
Therefore, dealing with the points set out in your letter in order: -

- (a) The 101.5 Hectares will be surrendered by Smith from the pastoral lease.
- (b) Our company will receive the fee simple title to the 52 Hectares and be responsible for the payment of the \$4,525.
- (c) The part of the freehold contained in C.T. 13F/269 and C.T. 3D/311 will need to be transferred by Castle Hill Run Ltd. and the balance of both this leasehold and freehold required will be transferred from Smith.
- (d) This area is transferred or surrendered by Smith.
- (e) Agreed to by all parties.

- (f) This will be in favour of the home block bought by Smith and we shall have to consent as well if it runs through the freehold retained by us.
- (g) The access easement across R.S. 38335 which will be freehold and owned by our company will no doubt follow a legal road at some future date. The access-way from there to the reserve will be given by Smith.

I trust that this clarifies the position and will enable you to prepare the agreements. We would also appreciate your advice as to when the titles will be available as we are preparing for a town planning application over the village area within the next two to three months.

Yours faithfully,
CASTLE HILL RUN LIMITED



D.J.S. Reid
MANAGING DIRECTOR.

John Brown

Lynn Williams is back sister.

FG

949

P 28

Telephone No. 799 760

Mr Mouat

Private Bag
CHRISTCHURCH

13 December 1976

Messrs Weston Ward and Lascelles
Barristers and Solicitors
P.O. Box 322
CHRISTCHURCH

Attention Mr Stock

Dear Sirs

PROPOSED EXCHANGE : CASTLE HILL RUN LIMITED AND THE CROWN

Various negotiations have taken place between Mr Reid and this department concerning the exchange of lands for Mr Reid's proposed village development and the Crown's proposal to extend its reserves in the Castle Hill area. I have been asked to prepare an agreement covering the exchange as agreed to in principle by the Land Settlement Board on 3 December 1975. The lease has now been transferred to the Smith family and I do not have details of the rights that Mr Reid may have retained, if any, in the negotiations he has had with the Crown. It appears that any agreement that may be drawn up by me will now have to include the Smith family especially with regard to reclassification and surrender of certain areas. The Land Settlement Board's approval covered the following points:

- (a) The partial surrender of approximately 101.5 hectares from the Pastoral Lease.
- (b) 52 hectares approximately to be reclassified as farm land and a fee simple title to issue to Castle Hill Run Limited on payment of \$4,525 as equality of exchange. The Crown was to be responsible for survey. The 52 hectares is shown outlined purple on the enclosed plan.
- (c) The Crown acquiring approximately 34 hectares of freehold and 45 hectares Pastoral lease for setting apart as a flora and scenic protection reserve. This areas is shown pecked yellow on the plan.
- (d) An area of 4.5 hectares to be reserved for a bog pine reserve shown pecked pink on the plan.
- (e) The Crown to be liable for all survey costs and completion of fencing of the reserve areas.
- (f) A Deed of Easement to be prepared in favour of Castle Hill Run Limited to ensure continuity of the present domestic and paddock water supply to the homestead as this supply comes from a spring that wells up from beneath the Tors.

- (g) An access easement to be provided to give access to the bog pine reserve. It has been agreed that the easement should cover the whole of Rural Section 38335 with an accessway from there to the reserve shown in its approximate position on the plan.

Could you please advise me of the position of the respective parties in the negotiations for exchange.

Yours faithfully


C.D. Mouat
District Solicitor

OUR FILE: 8/8/82

YOUR FILE: P28

883

From
19 FEB 1976
 To
 RECEIVED
 Ref.: Ours/Yours of

HEAD OFFICE

Date: 17 February 1976

888.

CCL CHRISTCHURCH

F.O. Prosser - As discussed with the
 CCL could you please give me your thoughts
 Person to consult (3) in order I can refer
 this matter back to H.O.

col
pdf

SUBJECT: CASTLE HILL RUN - SURRENDER, RECLASSIFICATION AND EXCHANGE OF PASTORAL LAND FOR FREEHOLD LAND

My minute of 14 January 1976 and subsequent telephone discussion McGregor/McMullen refers. This advice confirms the above discussion.

The Head Office Committee on 16.2.76 approved the following recommendations under Case No 1976/84.

- 1 As in your recommendation.
- 2 As in your recommendation.
- 3 That the lessee company be issued a fee simple title over the 52.2342 ha approximately (subject to survey) for development of a village site upon payment of \$4,525 cash being equality of exchange payable by the lessee company.
- 4 As in your recommendation with the following additional clause being added:
 - (e) to the CCL negotiating with the Company for an access easement to the Bog Pine Reserve.

N S Coad
 Director-General

per

