

## **Crown Pastoral Land Tenure Review**

**Lease name : BARROSA**

**Lease number : PC 122**

### **Due Diligence Report (including Status Report) - Part 1**

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

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

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

**April**

**05**

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

File Ref: Pc 122

Report No: C0028

Report Date: 9 June 2000

Office of Agent: Christchurch

LINZ Case No:

Date sent to LINZ:

**RECOMMENDATIONS**

1. That the Commissioner of Crown Lands or his delegate **note** this Due Diligence Report which has been prepared in accordance with the Pre Tenure Review Assessment Standard;
2. That the Commissioner of Crown Lands or his delegate **note** the following matters;
  - (i) that a right-of way easement is registered against pastoral lease P 122 (10B/1254) providing access over adjoining land to the northern end of the lease, but that the route does not follow the legal road and has not been formed to the satisfaction of the local authority as specified in clause 3 of the lease document.
  - (ii) that the unregistered easement granted to the Mid Canterbury Irrigation Enhancement Society (Inc) has expired and there is no record on file of any further action on this matter.
  - (iii) that no attempt has been made to ascertain whether the other roading matters specified in the letter of offer of lease dated 27 May 1969 which do not affect the pastoral lease have been completed.
3. That the Commissioner of Crown Lands or his delegate **note** that no incomplete actions have been identified which may require action by the Manager Crown Property Contracts [or other party]

Signed for Knight Frank (NZ) Limited

*P. Z. Savage*

Consultant

9 / 6 / 2000

Manager

9 / 6 / 00

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

Name:

Date of decision: / /

**1. Details of lease:**

**Lease Name:** Barrosa Station  
**Location:** On Ashburton Gorge Road, 14.5 km from Mt Somers  
**Lessee:** Barrosa Station Limited  
**Tenure:** Pastoral Lease  
**Term:** 33 years from 1.1.1970  
**Annual Rent:** \$ 550  
**Rental Value:** n/a old rental formula based on stock capacity  
**Date of Next Review:** 1 January 2003  
**Land Registry Folio Ref:** CL 10B/1254 (Search Copy appended as Appendix 1).  
**Legal Description:** Section 2 SO 17787 & Part Run 335 'Barrosa' Block XVI Heron, Block XIII Somers, Blocks IV & VIII Tripp and Blocks 1, 11 & V Alford Survey Districts.  
**Area:** 5746.7714 hectares (subject to survey)

**2. File Search**

**Files held by Agent on behalf of LINZ:**

File Reference	Volume	First Folio Number	Date	Last Folio Number	Date
Pc122	1	362	2.4.69	531	15.4.92
Pc122	2	532	16.7.92	-	8.6.99
Pc122/1	1	-	27.4.95	-	23.7.99

**Other relevant files held by LINZ:**

File Reference	Volume	First Folio Number	Date	Last Folio Number	Date
5200-D13-B05	1	-	1992	-	1996
DCH					
CPL/04/10/127	1	1	1998	-	1998
75-ZCH					

**3. Summary of lease document: (CL 10B/1254)**

**Terms of lease**

Stock limit in lease: 2,200 sheep (inc 1700 breeding ewes)  
200 cattle (inc 150 breeding cows)

Commencement date: 1 January 1970

Other special terms: Clause 3 of lease document specifies as follows;

*'That the Lessee will have no right to transfer this lease except in conjunction with the adjoining land, comprised in Certificates of Title Volume 144 folio 253 and Volume 337 folio 7 Canterbury Registry and being Rural Sections 31190, 31257, 31258, 31259, 30987, 30988 and part Rural Section 30986 situated in Block V Alford Survey District; Area, 752 acres and 23 perches, or until the unformed legal road between the point*

*marked "A" and the point marked "B" on the plan hereto and defined on S.O.Plans 11335L and 11339 is formed and metalled at the Lessees own expense to the satisfaction of the Ashburton County Council.'*

Registration: The pastoral lease P122 (CL10B/1254) is held in the District Land Registrar's records but is not registered under the Land Transfer Act.

**Registered interests**

Mortgages; All mortgages have been discharged.

Easement: Easement certificate specifying intended easement in favour of Run 335 over Lot 5 DP 61476 (CT. 36C/216) - A 202792/12 Subject to sect 243(a) Resource Management Act 91, when created.

R.O.W. reserved also in favour of Run 335 over part RS 32727 (36C/220 ) marked D on DP61476 & part RS 15874 (20F/606) marked "E" on DP 61476-A31066/2 Subject to sect 243(a) Resource Management Act 91.

Gazette notices: 3.8636 ha, part Run 335 taken for road - A23984/1

declaring part of road adjoining Run 335 to be stopped - 4.0991 ha (SO 17787) added to lease GN A23984/1& CA, A23984/2

**Unregistered interests**

Sect 60 LA easement granted to Mid Canterbury Irrigation Enhancement Society Inc. by the CCL in 1995 for six months to undertake feasibility study for dam sites and reservoir. Copy attached as Appendix 2.

No other unregistered interests were found relating to this property. No recreation permits have been issued over the lease.

**Area adjustments**

Incorporation: Stopped road by GN A23984/1 adjoining Run 335 given appellation of Section 2 SO.17787 (4.0991 ha) and incorporated into pastoral lease (CL10B/1254) 3 March 1993 -CA A23984/2.

Survey The pastoral lease P122 is subject to survey in respect of part Run 335 only.

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

There are no current land improvement or similar type agreements/ programmes involving this property. The last land improvement agreement for Barrosa lapsed in 1972.

## **5. Summary of Land Status Report:**

The Land Status Report confirms the status is Crown Land under the Land Act 1948 subject to the pastoral lease (CL 10B/1254).

The area of the lease stated as 5746.7714 ha does not reconcile and needs to be redefined by survey.

The Land Status Report refers to the 'lease 10B/1254 amalgamation condition with CsT (formerly 144/253 and 337/7) 20F/605 and 23A/467 until access (So 11335/11339) is resolved with the territorial local authority'.

The Land Status Report notes that a small part of the eastern boundary of the pastoral lease is affected by the opinion contained in the LINZ letter of 13 November 1997 re 'Lilybank' & Ministerial Co-Ordinating Committee /S.O.E's paper 271 of 31 March 1987. This means the Section 58 memorial on the lease may have no substance unless a one chain strip is defined.

The report identifies the following as matters that might require further investigation at the due diligence stage;

- (i) Lake Emily, wetland on southern shore. DoC require preservation of this area (not identified). Similarly, public foot access to Lake Emily. SO 11335/11338 depict the land parcel for foot access as "land to be taken as road", no gazette action. However the parcel for foot access has been identified as stewardship land pursuant to section 62 Conservation Act 1987. No formal surrender is identified on any previous lease however the area is not included in lease 10B/1254.
- (ii) Although the does not affect the leasehold estate directly, there is a proposed land exchange by the DoC for freehold land surrounding the "Maori Lakes". The area for exchange has not been identified in the files? The assumption being a trade off against the leasehold??
- (iii) Legal road along the Stour River to Lake Emily, not formed.
- (iv) The file mentions in one instance, a "live bombing range" used by the RNZAF on the east side? No plan or further background located?
- (v) Areas on pastoral lease 10B/1254 do not reconcile however, area 5746.771 ha as shown has been used. Difference is only in the square meters.
- (vi) Reconciliation of fence boundaries can only be determined upon survey.
- (vii) Definition on a compiled plan (SO 11388) to which, the main underlying plan (SO 5609) does not exclude the legal roads.

A copy of the Land Status Report is appended as Appendix 3 (excludes attachments thereto).

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

Both maps attached to Land Status Report show there are no communication sites, long distance transmission or local power supply lines on this property.

marginal strips:

The cadastral map is endorsed to the effect that all marginal strips are excluded from the run. This relates to West Branch of the Stour River which crosses the eastern corner of the lease.

fenced boundaries v legal boundaries:

The Land Status Report notes that survey will be needed to reconcile the fences with legal boundaries.

legal roads – formed & paper:

While plan SO 11388 defines the property, the main underlying plan SO 5609 does not exclude the legal roads from the lease.

The legal road along the Stour River to Lake Emily, has not been formed.

Both maps attached to the Land Status Report are endorsed to the effect that "all legal roads within the property are excluded from the run".

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

No neighboring Crown or conservation land has been identified as having any potential for inclusion in this review.

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

A number of the issues identified in the Land Status Report are not considered to warrant further investigation or action, either because they involve other agencies (e.g., (i), (iii)) or because the issue will be addressed through the process of tenure review if appropriate (e.g., (ii)).

However, there are several issues that should be noted and considered by the Commissioner of Crown Lands or his delegate. These are;

1. Clause 3 of lease

On expiry of the pastoral run licence in 1969, Run 115B 'Barrosa' was subdivided into two portions 6445 acres of which at the northern end was freehold (on deferred payment) by Barrosa Station Ltd and the balance (14200 acres) was retained on pastoral lease over Run335 (formerly part Run 115B) by Barrosa Station Ltd from 1 January 1970.

In the original submission to the Land Settlement Board (folio 362, Appendix 4), reference was made to a number of roading issues, including provision of access to the proposed homestead site at Lake Emily and the matter was again referred to in the letter of offer of a pastoral lease (folio 368, Appendix 4).

When the pastoral lease was issued, it contained a special clause (clause 3) which provides that lessee may not transfer the lease without the adjoining land in CT's 144/253 & 337/7 (the freehold homestead site), until the unformed legal road between A to B on the lease diagram (SO's 11335L & 11339) is formed and metalled at the lessees' expense to the local authority satisfaction. This clause was apparently inserted to ensure that access was provided to the proposed homestead site. Folios 437, 438 and 439 (Appendix 4) provides further details as to the intentions of this clause.

In 1992, the lessees applied for an easement in favour of the pastoral lease for access over a formed

four wheel drive track (folio 536, Appendix 4). This route followed the line marked C-D-E on DP 6147 which is the traditional access to that part of lease. The application was approved by the CCL and the lessee solicitor was advised on 3.11.92 (folio 540, Appendix 4) and a ROW easement was subsequently registered against the pastoral lease on 23.12.93 (document A31066/2 - Appendix 4).

This easement appears to provide for legal access along the existing four wheel drive track (and thus provides for access to the northern part of the lease) but does not follow the route specified in clause 3. The route does not have the status of legal road and has not been formed to the satisfaction of the local authority.

Consideration should therefore be given as to whether any further action is required to satisfy the requirements of clause 3 of the pastoral lease.

2. Mid Canterbury Irrigation Enhancement Society (Inc)

An unregistered Sect 60 LA easement was granted to Mid Canterbury Irrigation Enhancement Society Inc. to carry out a dam feasibility study (for 6 months in 1995). A copy is attached as Appendix 2. This agreement has now lapsed and there is no record on file of any further action on this matter.

3. Other roading actions

The letter of offer to Barrosa Station Limited dated 27 May 1969 (folio 368, Appendix 4) regarding the subdivision of Run 115B identified a number of roading matters which primarily affected the areas to be offered on optional tenure. As these do not affect the pastoral lease, no attempt has been made to ascertain whether or not the terms of the offer have been met.

**APPENDICES**

1. Search copy of lease document CL 10B/1254
2. Copy of unregistered easement to Mid Canterbury Irrigation Enhancement Society (Inc) (expired)
3. Copy of Land Status Report
4. Copy of relevant folios relating to clause 3 of lease document,

**APPENDIX 1 - Search copy of lease document 10B/1254**



NOT REGISTERED

SEARCH COPY - 26 MAY 2000  
NEW ZEALAND

REGISTER  
Entered in the Register book the

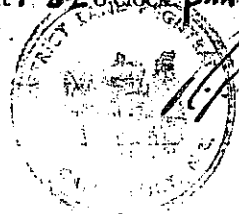
L. & S. - B. 4  
RELEASED UNDER THE OFFICIAL INFORMATION ACT  
Former Ref. Vol. PR fol. 564

5<sup>th</sup> day of February

L. & S. - f. No. P.122

1971, at 1.32 o'clock p.m.

APPENDIX B



*W. P. Howard*

Asst. Land Registrar

No. 10B/1254

### Pastoral Lease under the Land Act 1948

**This Deed**, made the 1st day of September 1969 between HER MAJESTY THE QUEEN (hereinafter referred to as "the Lessor") of the one part, and BARROSA STATION LIMITED a duly incorporated Company having its registered office at Christchurch

(hereinafter referred to as "the Lessee"), of the other part: WITNESSETH that, in consideration of the rent hereinafter reserved, and of the covenants, conditions, and agreements herein contained and implied, and on the part of the Lessee to be paid, observed, and performed, the Lessor doth hereby demise and lease unto the lessee, all that parcel of land containing by estimation 14,200 acres approximately more or less, situated in the Land District of Canterbury, and being Run 335 "Barrosa" situated in Block XVI Heron Survey District, Block XIII Somers Survey District, Blocks IV and VIII Tripp Survey District, and Blocks I, II and V Alford Survey District as the same is more particularly delineated with bold black lines on the plan hereon; together with the rights,

No. 10B/1254

Mortgage 700528 to The State Insurance Corporation - 4/7/1972 at 12.5.1981 at 11.14 am.

DISCHARGED  
JUL 1990

Variation of Mortgage 15081/1 - 12.5.1981 at 11.14 am.

DISCHARGED

Variation of Mortgage 700528 - 3/4/1972 at 12.5.1981 at 11.14 am.

DISCHARGED  
JUL 1990

Variation of Mortgage 222486/1 - 12.5.1981 at 11.14 am.

Mortgage 15081/1 to The Rural Banking and Finance Corporation of New Zealand - 6.11.1974 at 10.56a.m.

DISCHARGED  
JUL 1990

Mortgage 351883/2 to The Rural Insurance Company Limited - 28-10-1981 at 10.44a.m.

DISCHARGED  
JUL 1990

Variation of Mortgage 15081/1 - 3/12/1975 at 2.11 p.m.

DISCHARGED  
JUL 1990

No. 351883/4 Memorandum of Priority making Mortgages 351883/2, 15081/1, 217087/4 and 222486/1 first, second, third and fourth Mortgages respectively - 28-10-1981 at 10.44a.m.

Variation Mortgage 15081/1 - 9-3-1979 at 10.56a.m.

DISCHARGED  
JUL 1990

Variation of Mortgage 15081/1 - 28-10-1981 at 10.44a.m.

Mortgage 217087/4 to The Rural Banking and Finance Corporation - 9-3-1979 at 10.56a.m.

DISCHARGED  
JUL 1990

Variation of Mortgage 15081/1 - 8.3.1982 at 10.11 a.m.

Mortgage 222486/1 to The Rural Banking and Finance Corporation - 12.4.1974 at 10.44a.m.

DISCHARGED  
JUL 1990

Variation of Mortgage 217087/4 - 28-7-1982 at 9.17a.m.

Variation of Mortgage 15081/1 - 18.10.1979 at 10.01 am.

DISCHARGED  
JUL 1990

Variation of Mortgage 15081/1 - 25.11.1982 at 9.57 a.m.

Variation of Mortgage 15081/1 - 18.10.1979 at 10.01 am.

Variation of Mortgage 15081/1 - 13.6.1980 at 11.11 am.

DISCHARGED  
JUL 1990

Mortgage 486349/3 to The Rural Banking and Finance Corporation - 4.5.1984 at 9.30a.m.

Variation of Mortgage 222486/1 - 6-10-1980 at 9.30a.m.

DISCHARGED  
JUL 1990

No. 486349/5 Memorandum of Priority making Mortgages 486349/3, 217087/4 and 222486/1 second, third and fourth mortgages respectively - 4.5.1984 at 9:50 a.m.

Variation of Mortgage 217087/4 - 6-10-1980 at 9.30a.m.

Variation of Mortgage 15081/1 = 13-11-1980 at 10.33a.m.

Mortgage 639301/1 to The Rural Banking And Finance Corporation of New Zealand - 11.13a.m.

Mortgage 884666/6 to The Rural Banking and Finance Corporation - 11.13a.m.

No. 917710/1 Change of Name of the mortgage under Mortgages 222486/1 and 884666/6 to The Rural Bank Limited - Produced 28.1.1991 and entered 13.9.1991 at 11.59am.

LAND & DEEDS	
Nature:	D Pastoral Lease
From:	Land & Survey
	- 5 FEB 1971
Time:	1.32
Fee:	\$2
Abstract No.	589

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

SHEET TWO

10B/1254

Variable of Mortgage 884666/6 - 13.9.1991  
at 11.59am

*[Signature]*  
A.L.R.

X SECTION 243(c) RESOURCE MANAGEMENT ACT 1991  
(in respect of DP 61476)

*[Signature]*  
A.L.R.

No. A20792/12 Easement Certificate  
specifying intended easements on DP 61476

<u>Nature</u>	<u>Servient Tenement</u>	<u>Dominant Tenement</u>
Right of way	5 (36C/216)	Run 335 (herein)

- 27.10.1992 at 11.58am

*[Signature]*  
A.L.R.

The easements specified in Easement  
Certificate A20792/12 when created will be  
subject to Section 243(a) Resource  
Management Act 1991

*[Signature]*  
A.L.R.

No. A23984/1 Gazette Notice taking part of  
the within land (3.8636 ha) for road -  
17.11.1992 at 11.19am

*[Signature]*  
A.L.R.

No. A23984/1 Gazette Notice declaring part  
of the road adjoining the within land to be  
stopped - 17.11.1992 at 11.19am

*[Signature]*  
A.L.R.

Transfer A31066/2 reserving a right of way  
over part RS 32727 (36C/220) marked D on DP  
61476 and over part RS 15874 (20F/606)  
marked E on DP 61476 appurtenant hereto -  
produced 23.12.1993 at 11.56am and entered  
18.1.1993 at 9.00am

*[Signature]*  
A.L.R.

The above easement is subject to Section  
243(a) Resource Management Act 1991

*[Signature]*  
A.L.R.

The stopped road adjoining the within land  
now has the appellation of Section 2 S.O.  
17787 (4.0991 hectares) and is incorporated  
into the within lease subject to Mortgage  
884666/6 see G.N. A23984/1 and C.A.  
A23984/2 (added 3.3.1993)

*[Signature]*  
A.L.R.

**APPENDIX 2 - Copy of unregistered easement to Mid Canterbury Irrigation Enhancement Society (Inc)**

# EASEMENT AGREEMENT

(Section 60 Land Act 1948)

**DATED** 1995

**BETWEEN** Commissioner of Crown Lands

**AND** Mid Canterbury Irrigation Enhancement Society Inc

## FOR THE PURPOSE OF

Entering onto the land held under pastoral lease PC 122 Barrosa (Run 335 Barrosa, Heron, Somers, Tripp and Alford Survey Districts) as identified on the attached plan in order to undertake the following activities;

1. Photogrammetric topography survey of dam sites and reservoir.
2. Geotechnical investigation of the site including drilling holes, and excavating pits.
3. Related earth works etc that may reasonably be required.

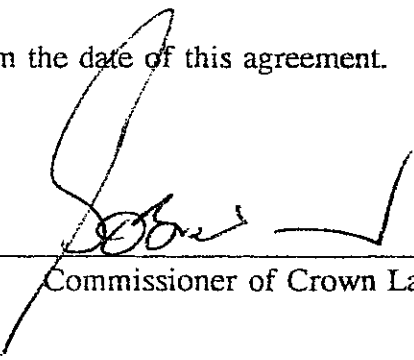
## PROVIDED THAT

1. Any soil disturbance shall be kept to an absolute minimum.
2. Any area of the pastoral lease that is disturbed shall be rehabilitated on completion of the works.

## TERM

The term of this agreement shall be SIX (6) months from the date of this agreement.


**SIGNED** by




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Commissioner of Crown Lands

in the presence of:




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Witness

**S. D. BROWN**  
**COMMISSIONER OF CROWN LANDS**  
**DEPARTMENT OF SURVEY**  
**& LAND INFORMATION**  
**WELLINGTON**

\_\_\_\_\_  
 Occupation **LYNETTE PORTER**  
**TEAM MEMBER**  
**NATIONAL OFFICE**  
**DEPARTMENT OF SURVEY**  
**& LAND INFORMATION**  
 \_\_\_\_\_  
 Address **WELLINGTON**

THE COMMON SEAL of  
The Mid Canterbury Irrigation  
Enhancement Society (Inc)

*[Handwritten Signature]*  
Signature of Authorised Person

*[Handwritten Signature]*  
Signature of Authorised Person

*Chairman M.C.I.E.S.*  
Office Held

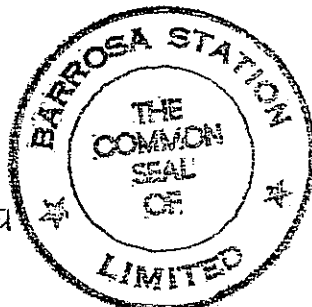
*Secretary*  
Office Held

CONSENT OF LESSEE

Barrosa Station Limited, as the lessee hereby consents to the within easement agreement and for the purposes of this easement hereby waives any right to compensation under Section 60(1) Land Act 1948.

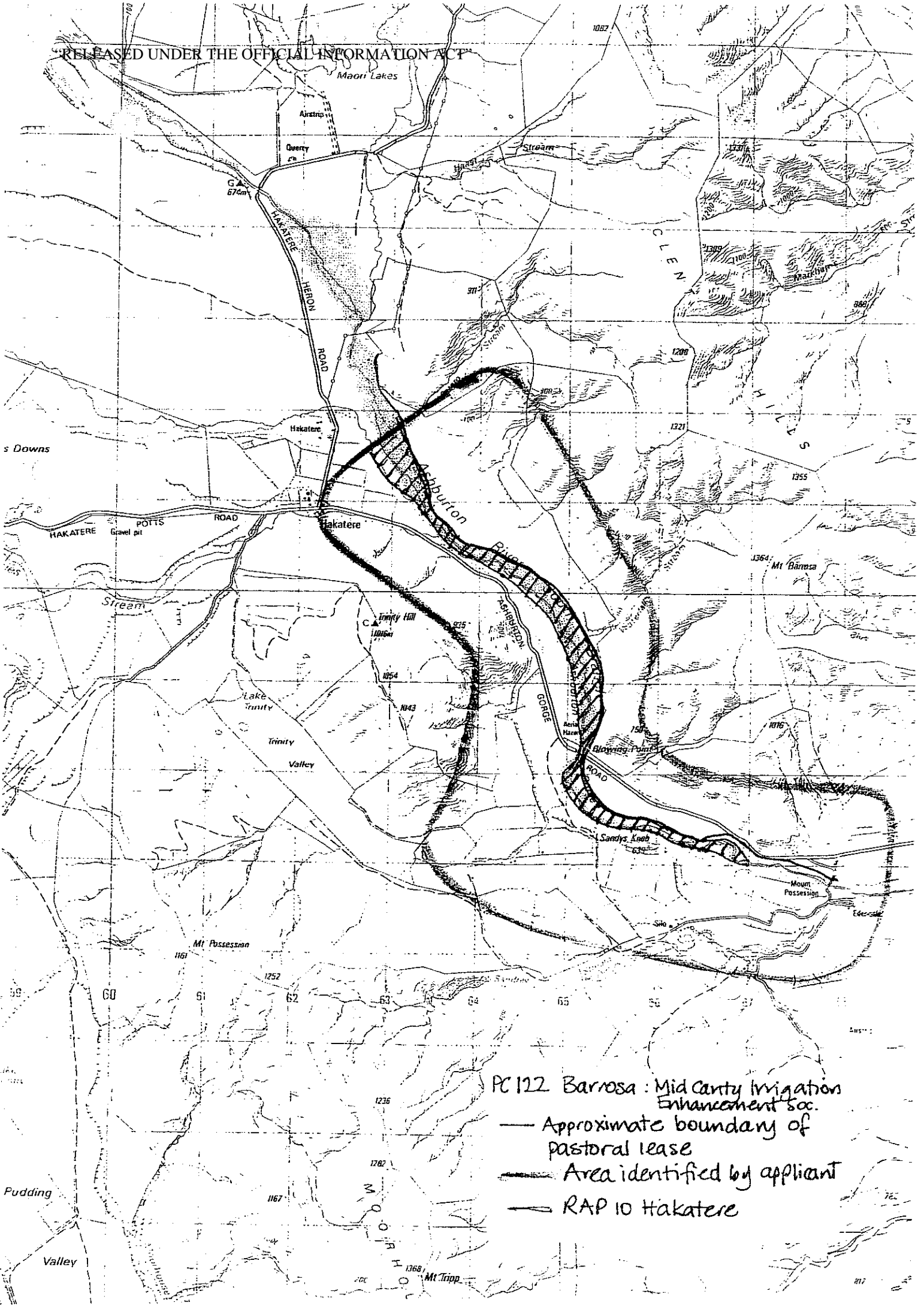
THE COMMON SEAL of  
Barrosa Station Limited

*Barrosa Station Ltd*



*Pa Philippa Gigg*  
Signature of Authorised Person

*Director*  
Office Held



PC 122 Barroosa : Mid Canty Irrigation Enhancement Soc.  
 — Approximate boundary of pastoral lease  
 — Area identified by applicant  
 — RAP 10 Hakatere

**APPENDIX 3 - Copy of Land Status Report**



**KNIGHT FRANK (NZ) LIMITED**

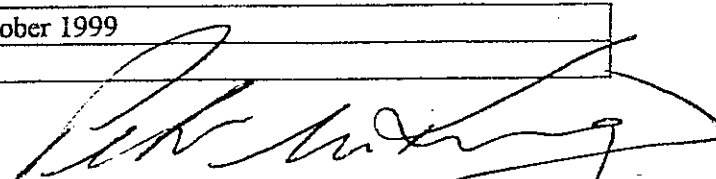
**Appendix A**

This report has been prepared on the instruction of Land Information New Zealand in terms of the contract number 50178 dated September 1999 and is undertaken for the purposes of the Crown Pastoral Leases Act 1998.

<b>LAND STATUS REPORT for BARROSA</b>				[LIPS ref.12775]
<b>Property</b>	<b>1</b>	<b>of</b>	<b>2</b>	

<b>Land District</b>	Canterbury
<b>Legal Description</b>	Section 2 SO 17787 & Part Run 335 situated in Block XVI Heron, Block XIII Somers, Blocks IV & VIII Tripp & Blocks I, II & V Alford Survey Districts.
<b>Area</b>	5746.7714 hectares (Subject to survey).
<b>Status</b>	Crown Land subject to the Land Act 1948.
<b>Instrument of lease</b>	Balance Pastoral Lease 10B/1254 pursuant to section 66 as registered under section 83 Land Act 1948.
<b>Encumbrances</b>	Subject to survey (Part Run 335 only). Lease 10B/1254 amalgamation condition with CsT (formerly 144/253 & 337/7) 20E/605 & 23A/467 until access (SO 11335/11339) is resolved with the territorial local authority. Subject to Part IVA Conservation Act 1987 upon disposition.
<b>Mineral Ownership</b>	Minerals remain with the Crown as the land has never been alienated since its acquisition for settlement purposes, from the former Maori owners under the Kemp purchase 1848.
<b>Statute</b>	Land Act 1948 & Crown Pastoral Land Act 1998.

<b>Data Correct as at</b>	01 October 1999
<b>[Certification Attached]</b>	Yes



<b>Prepared by</b>	Peter M King
<b>Crown Accredited Agent</b>	Knight Frank (NZ) Limited

**KNIGHT FRANK (NZ) LIMITED**

**Appendix B**

This land status report has been prepared on the instruction of Land Information New Zealand in terms of the contract number 50178 dated September 1999 and is undertaken for the purposes of the Crown Pastoral Leases Act 1998.

<b>LAND STATUS REPORT for BARROSA</b>				[LIPS ref. 12775]
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<b>Status</b>	Crown Land subject to the Land Act 1948
<b>Instrument of lease</b>	Balance Pastoral Lease 10B/1254 pursuant to section 66 as registered under section 83 Land Act 1948.
<b>Encumbrances</b>	Subject to survey (Part Run 335 only). Lease 10B/1254 amalgamation condition with CsT (formerly 144/253 & 337/7) 20F/605 & 23A/467 until access (SO 11335/11339) resolved with territorial local authority. Subject to Part IVA Conservation Act 1987 upon disposition.
<b>Statute</b>	Land Act 1948 & Crown Pastoral Land Act 1998.

<b>Data Correct as at</b>	01 October 1999
<b>[Certification Attached]</b>	Yes

<b>Prepared by</b>	Peter M King
<b>Crown Accredited Agent</b>	Knight Frank (NZ) Limited

**Certification:**

Pursuant to section 11(1)(D) 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 subject to the Land Act 1948.

*R. Moulton*

Date *6 / 10* /1999

R Moulton, Chief Surveyor  
Land Information New Zealand, Christchurch

*BARROSA RESEARCH - Property 1 of 2*

<p><b>Notes : This information does not affect the status of the land but was identified as possibly requiring further investigation at the due diligence stage : See Crown Pastoral Standard 6 paragraph 6</b></p>	<ul style="list-style-type: none"><li>(i) Lake Emily, wetland on southern shore. DoC require preservation of this area (not identified). Similarly, public foot access to Lake Emily. SO 11335/11338 depict the land parcel for foot access as "Land to be taken as road", no gazette action. However the parcel for foot access has been identified as stewardship land pursuant to section 62 Conservation Act 1987. No formal surrender is identified on any previous lease however the area is not included in lease 10B/1254.</li><li>(ii) Although this does not affect the leasehold estate directly, there is a proposed land exchange by DoC for freehold land surrounding the "Maori Lakes". The area for exchange has not been identified in the files ? The assumption being a trade off against the leasehold ??</li><li>(iii) Legal road along the Stour River to Lake Emily, not formed.</li><li>(iv) The file mentions in one instance, a "live bombing range" used by the RNZAF on the east side ? No plan or further background located?</li><li>(v) Areas on pastoral lease 10B/1254 donot reconcile however, area 5746.7714ha as shown has been used. Difference is only in the square metres.</li><li>(vi) Reconciliation of fence boundaries can only be determined upon survey.</li><li>(vii) Definition on a compiled plan (SO 11388) to which, the main underlying plan (SO 5609) does not exclude the legal roads.</li></ul>
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<b>LAND STATUS REPORT for BARROSA</b>				[LIPS ref.12775]
<b>Property</b>	<b>1</b>	<b>of</b>	<b>2</b>	

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

<b>Property</b>	<b>1</b>	<b>of</b>	<b>2</b>	
SDI Print Obtained				Yes
NZMS 261 Ref				J36/K36
Local Authority				Ashburton District Council
Crown Acquisition Map				Kemp Purchase
SO Plan				Section 2 (SO 17787) & Pt Run 335 (SO 11388/17787) subject to survey)
Relevant Gazette Notices				SO 17787 NZ gazette 1992 page 2608 Document No. GN A23984/1 (Note correct area by plan is 4.0991ha and not 4.1480ha as shown in the gazette notice).
CT Ref / Lease Ref				Balance Pastoral Lease 10B/1254.
Legalisation Cards				SO 17787 (Run 335) action completed. SO 11335/11338 (Run 115B) action completed. SO 11339 (Run 115B) action completed. SO 11306 (Run 115B) action completed.
CLR				N/A
Allocation Maps (if applicable)				SO 17113 allocation D*J36*16*C0 (Part Run 115B SO 11338) pursuant to section 62 Conservation Act 1987.
VNZ Ref - if known				All assessment 24480-48500
Crown Grant Maps				Alford (1878), Heron (1882), Somers (No date), Tripp (1880), BM 50 (circa 1865) & SO 5609 (1920)
<b>If Subject land Marginal Strip:</b>				Note: Subject to the provisions of section 58 of the Land Act 1948 on lease 10B/1254 and SO 11388. In view of LINZ letter dated 13 November 1997 regarding "Lilybank" and Ministerial Co- Ordinating Committee/State Owned Enterprises paper 271 dated 31 March 1987 (Dept of Justice) it would appear this memorial to have no substance unless a one chain strip was laid off by definition on a plan in the Chief Surveyors records. A small part of the eastern boundary along the Stour River is affected by this opinion.
<b>a) Type [Sec 24(9) or Sec 58]</b>				
<b>b) Date Created</b>				
<b>c) Plan Reference</b>				
				7

<b>LAND STATUS REPORT for BARROSA</b>				[LIPS ref.12775]
<b>Property</b>	<b>1</b>	<b>of</b>	<b>2</b>	

**Research – continued**

<b>Property</b>	<b>1</b>	<b>of</b>	<b>2</b>	
<b>If Crown land - Check Irrigation Maps.</b>				N/A
<b>Mining Maps</b>				J36/K36 - Prospecting Permit 39 164 currently not granted.
<b>If Road</b>				
a) <b>Is it created on a Block Plan - Section 43(1)(d) Transit NZ Act 1989</b>				a) SO Plan: 983, 3639, 5609 & Topo 1G, 7G, 19G (Section 110A Public Works Act 1928 & Crown Grant)
b) <b>By Proc</b>				b) Proc Plan :SO 17787 (area C)  c) Gazette Ref :1992 page 2608
<b>Other Relevant Information</b>				
a) <b>Concessions - Advice from DOC or Knight Frank.</b>				a) N/A
b) <b>Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998.</b>				b) Subject to Part 9 Ngai Tahu Claims Settlement Act 1998. Deed of Recognition Schedule 46 Ngai Tahu Claims Settlement Act 1998 (Lake Emily MD 53/2 SO 19841. Deed of Recognition Schedule 17 Ngai Tahu Claims Settlement Act 1998 (Ashburton River) MD 116 SO 19852.
c) <b>Mineral Ownership</b>				c) Run 335: 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 Kemp Purchase 1848.  Contained in [provide evidence]: Run 115, PR 115 (1896) earliest lease available after Canterbury gazette 1867 pages 159/160/161 (No.174, 262, 298 & 377), confirmation of runs under the Canterbury Land Regulations.  Section 2 17787, Area C SO 17787 NZ gazette 1992 page 2608 (Formerly Crown Grant Road SO 983).
d) <b>Other Information</b>				d) N/A



File Reference : LINZ (LIPS) 12775

4th Floor, Knight Frank House  
76 Cashel Street, Christchurch  
Telephone: (03) 379 9787  
Facsimile: (03) 379 8440

## CERTIFICATE OF AUTHORISATION

### PROPERTY ADDRESS:

**BARROSA - STOUR RIVER  
CANTERBURY**

### ASSURANCE

**Knight Frank (NZ) Limited** gives an assurance that the document attached to this certificate is in order for signature.

The decision when made will comply with the following statutory requirements:

- The New Standards & Guidelines Manuals CCPO; Legalisation/Roading, OSG Standard 1995/05.
- Land Act 1948
- Crown Pastoral Land Act 1998

In giving this assurance **Knight Frank (NZ) Limited** undertakes that all relevant policy instructions, legal requirements, court judgements and any other matters have been taken into account and applied where appropriate.

Peter M King  
Crown Accredited Agent

Date: 01 October 1999

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Wellington  
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of America  
Zimbabwe

#### Postal Address:

PO Box 142, Christchurch  
New Zealand

Knight Frank (NZ) Limited MREINZ  
(An LPL Group Company)

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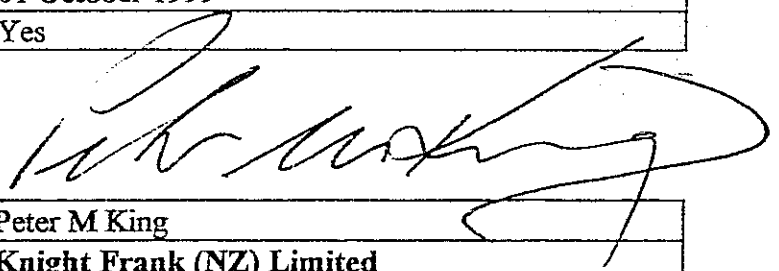
### **KNIGHT FRANK (NZ) LIMITED**

This report has been prepared on the instruction of Land Information New Zealand in terms of the contract number 50178 dated September 1999 and is undertaken for the purposes of the Crown Pastoral Leases Act 1998.

<b>LAND STATUS REPORT for BARROSA</b>				[LIPS ref : N/A]
<b>Property</b>	<b>2</b>	<b>of</b>	<b>2</b>	

<b>Land District</b>	Canterbury
<b>Legal Description</b>	RS 9214 situated in Block V Alford Survey District
<b>Area</b>	8.0937 hectares
<b>Status</b>	Freehold in fee simple.
<b>Instrument of title</b>	All CT 418/272
<b>Encumbrances</b>	Nil
<b>Mineral Ownership</b>	Non statute minerals - Crown
<b>Statute</b>	Land Transfer Act 1952

<b>Data Correct as at</b>	01 October 1999
<b>[Certification Attached]</b>	Yes



<b>Prepared by</b>	Peter M King
<b>Crown Accredited Agent</b>	Knight Frank (NZ) Limited

*BARROSA RESEARCH - Property 2 of 2*

<p><b>Notes : This information does not affect the status of the land but was identified as possibly requiring further investigation at the due diligence stage : See Crown Pastoral Standard 6 paragraph 6</b></p>	<p>No legal road frontage or access.</p>
---	--



<b>LAND STATUS REPORT for BAROSSA</b>				[LIPS ref.: N/A]
<b>Property</b>	<b>2</b>	<b>of</b>	<b>2</b>	

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

<b>Property</b>	<b>2</b>	<b>of</b>	<b>2</b>	
SDI Print Obtained				Yes
NZMS 261 Ref				J36
Local Authority				Ashburton District Council
Crown Acquisition Map				Kemp Purchase
SO Plan				N/A
Relevant Gazette Notices				N/A
CT Ref / Lease Ref				All CT 418/272
Legalisation Cards				N/A
CLR				N/A
Allocation Maps (if applicable)				N/A
VNZ Ref - if known				No Assessment.
Crown Grant Maps				Alford (1878), BM 50 (circa 1865)
<b>If Subject land Marginal Strip:</b>				
<b>a) Type [Sec 24(9) or Sec 58]</b>				N/A
<b>b) Date Created</b>				
<b>c) Plan Reference</b>				

<b>LAND STATUS REPORT for BARROSA</b>				[LIPS ref.: N/A]
<b>Property</b>	<b>2</b>	<b>of</b>	<b>2</b>	

**Research – continued**

<b>Property</b>	<b>2</b>	<b>of</b>	<b>2</b>	
If Crown land - Check Irrigation Maps.				N/A
Mining Maps				J36- No interest identified.
<b>If Road</b>				
a) Is it created on a Block Plan - Section 43(1)(d) Transit NZ Act 1989				a) SO Plan: N/A
b) By Proc				b) Proc Plan: N/A
				c) Gazette Ref: N/A
<b>Other Relevant Information</b>				
a) Concessions - Advice from DOC or Knight Frank.				a) N/A
b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998.				b) N/A
c) Mineral Ownership				c) Non statute minerals are owned by the Crown .  Contained in CT 221/284 (1905)
d) Other Information				d) N/A



File Reference : LINZ (LIPS) N/A

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

## CERTIFICATE OF AUTHORISATION

### PROPERTY ADDRESS:

**BARROSA - STOUR RIVER  
CANTERBURY**

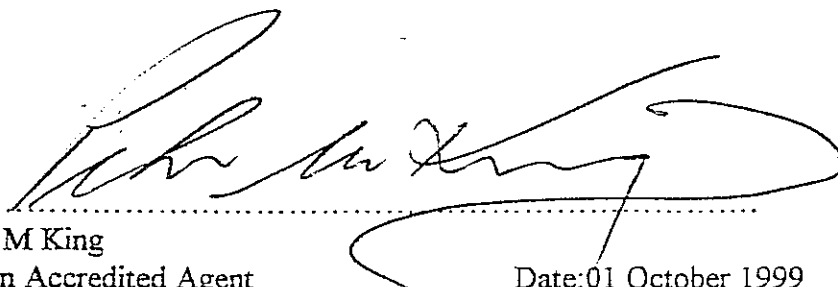
### ASSURANCE

Knight Frank (NZ) Limited gives an assurance that the document attached to this certificate is in order for signature.

The decision when made will comply with the following statutory requirements:

- The New Standards & Guidelines Manuals CCPO; Legalisation/Roading, OSG Standard 1995/05.
- Land Act 1948
- Crown Pastoral Land Act 1998

In giving this assurance Knight Frank (NZ) Limited undertakes that all relevant policy instructions, legal requirements, court judgements and any other matters have been taken into account and applied where appropriate.



.....

Peter M King  
Crown Accredited Agent

Date: 01 October 1999

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of America  
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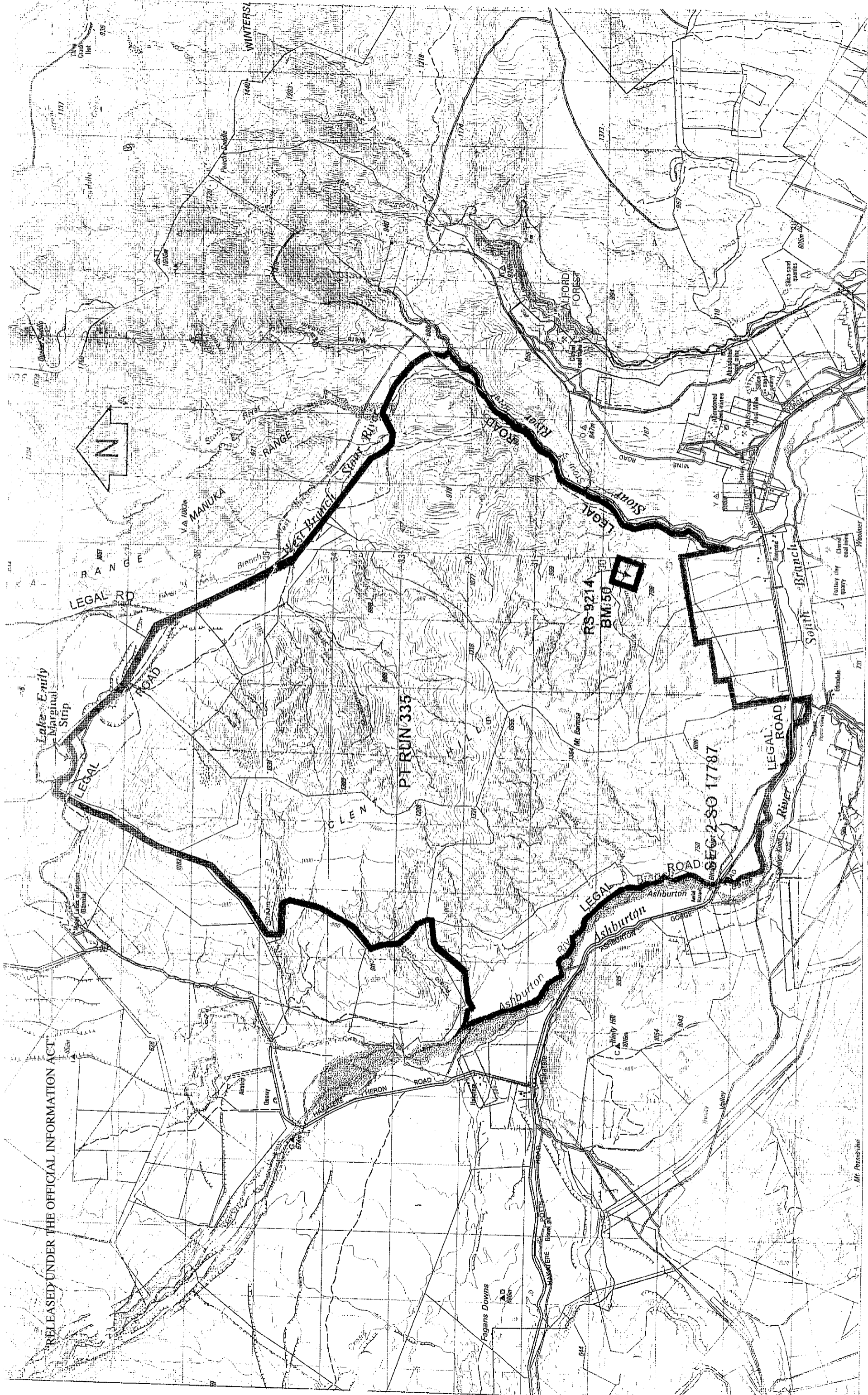
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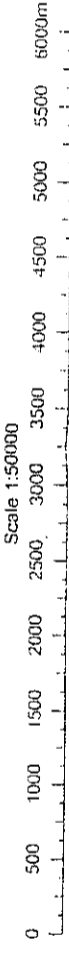
Knight Frank (NZ) Limited MREINZ  
(An LPL Group Company)

INTERNATIONAL PROPERTY CONSULTANTS

RELEASED UNDER THE OFFICIAL INFORMATION ACT



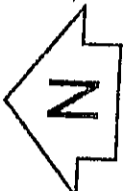
# BARROSA (PT RUN 335 & SEC 2 SO 17787)



Version	1	2	3	4	5
Canterbury Land District					
NZMS 260 J36 & K36					
Sheet 1 of 1					
Date 1/10/1999					

EXCLUDES ALL LEGAL ROADS AND MARGINAL STRIPS (IF ANY)

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"



LEGAL ROAD

Lake Emily  
Marginal  
Strip

LEGAL

ROAD

ROAD

West Branch  
Stour River

PT RUN 335  
SO 11388  
(5746.7714)

ASHBURTON

GORGE

LEGAL  
Ashburton

ROAD

SEC 2 SO 17787  
(5746.7714)

River

ROAD

South  
Branch

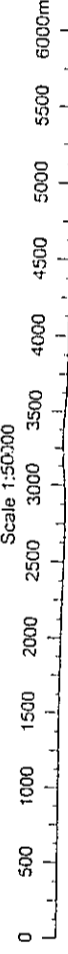
RS 9214  
BM 50  
8.0937

ROAD  
Stour  
River

LEGAL

Canterbury Land District  
Cadastral data correct  
as at 17/10/1999  
Reference NZMS 260 - J36 & K36

BARROSA (PT RUN 335 & SEC 2 SO 17787)



Note: All legal roads and or marginal strips are  
included from pastoral run "BARROSA".

**APPENDIX 4 - Copies of relevant folios relating to clause 3 of lease document -**

Folio 362 - submission to Land Settlement Board re subdivision of pastoral run licence

Folio 368 - letter of offer dated 27 May 1969 to Barrosa Station Limited

Folio 437 - note for file regarding wording of clause 3

Folio 438 - note for file requesting preparation of new documents with new clause 3

Folio 439 - letter dated 11 January 1971 to Barrosa Station Limited regarding preparation of new documents

Folio 536 - application for easement over adjoining land in favour of pastoral lease

Folio 540 - letter dated 3 November 1992 advising of CCL's consent to easement

A 31066/2 - copy of registered easement

LAND SETTLEMENT BOARD

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"  
PASTORAL : SUBDIVISION OF PASTORAL LICENCE

FILES 4.O. 8/8/11      CASE NO: 8044      CANTERBURY LAND DISTRICT  
 9.O. PR 561

LICENSEE: Barrosa Station Limited (Mr and Mrs P. Grigg) 362

LAND: Run 115B "Barrosa" situated in Blocks III, IV and VIII Tripp S.D., Blocks XV and XVI Heron S.D. and Blocks I, II and V Alford S.D. 147 525  
 Area: 20,633 acres (subject to survey).

LOCATION: Ashburton Gorge Road, 9 miles n.w. of Mount Somers. 270

AMENITIES: Rural mail twice weekly, store and school (primary) Mount Somers (9 miles), saleyards Tinwald (35 miles), railway Ashburton (35 miles), school bus to secondary school at Ashburton. Electricity connected to all main buildings - electricity 2 miles from proposed homestead site on pastoral run area. 214  
284

PARTICULARS OF LICENCE: Pastoral licence, 21 years from 1.3.1948, expired 28.2.69 but being allowed to run on for six months, annual rent \$600, stock limitation 5,550 sheep.

CROWN IMPTS: No Crown improvements.

PREVIOUS ACTION: L.S. Board, 4.12.68, Case 8004, approved in principle the subdivision of Run 115B provided that the pastoral lease area is an economic unit and subject to satisfactory binding arrangements being made with the licensee for access to the proposed homestead site. The northern end to be allotted on optional tenures and the southern end on Pastoral Lease.

<u>DESCRIPTION:</u>	<u>Pastoral Lease</u>	<u>Optional Tenure Area</u>
<u>Aspect:</u>	40% s.w., 60% n.-n.e.	Flats open, hill n.w.
<u>Rainfall:</u>	28 - 35"	28"
<u>Altitude:</u>	1600-4484' (mostly under 3500')	2100' - 3000'
<u>Contour:</u>	Steep spurs, ridges and gullies.	Undulating rolling flats & downs. Easy hill slopes.
<u>Ploughable:</u>	Nil - apart from isolated pockets.	100 acres in small pockets.
<u>Water:</u>	Natural stream & springs.	Natural streams.
<u>Shelter:</u>	Good, natural from contour.	None on flats; contour balance.
<u>Reversion:</u>	Negligible.	No problem.
<u>Erosion:</u>	No problem.	No problem.
<u>Soil type:</u>	Greywache & volcanic origin.	Yellow-brown earth series.
<u>Snow risk:</u>	Some most year.	--
<u>Balance:</u>	Poor without freehold.	--
<u>Cover:</u>	1,410acs tussock etc. o/s & t/d.	525acs o/s & t/d tussock.
	8,600 " snow tussock & cotton plant.	1,000 " tussock
	4,178 " good tussock	2,470 " good tussock
	14,188 " Total	150 " swamp
		300 " light & stony flats.
		6,445 " Total
<u>Weeds &amp; Pests:</u>	Few rabbits. Hares a problem. Sweet briar, matagouri & some gorse in gullies.	Rabbits controlled. Hares a problem. Sweet briar, matagouri & broom.

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"  
OTHER LAND HELD: 3,465 acres freehold.

<u>EST. CAPACITY:</u>	<u>Pastoral Lease</u>	<u>Optional Tenure Area</u>
	1,500 ewes & 750 e.hgts 150 cows & 50 other cattle	2,000 e.e.
<u>Total</u>	5,000 ewes	150 b. cows
<u>holding:</u>	1,400 ewe hgts	79 other
	100 wethers	
	90 rams	
	<u>6,590</u> sheep	<u>229</u> cattle

All wether lambs are transferred to "Surrey Hills" 12 miles away after weaning. 5 year ewes go to "Surrey Hills" as breeding ewes.

<u>PRODUCTION:</u>	1968	1967	1966
	39,300lbs wool	36,900lbs wool	40,916lbs wool
	77% lambing	63% "	not available
	5% deaths	25% "	5% "
		**	

\*(1,500 sheep lost in snow November 1967 but not on pastoral lease area).

Lessee is gradually building up capacity.

CLASSIFICATION & RUN PLAN:

Class VIII - nil. Class VII - 8,600 acres (all on pastoral lease area). Class VI - 14,162 acres. Balance Class V or better. No areas to be retired under Run Plan but poorer higher slopes which carry a heavy infestation of cotton plant and some rank snow tussock to be fenced off.

VALUATIONS:

- Roll: 1.3.66 - Impts \$9,680, U.V. \$27,960, C.V. \$37,640.
- Optional Tenure Area: 6,445 acres, S/F/O Parcell 4.3.69: Impts (Lessee) \$8,625 U.V. \$19,350 C.V. \$27,925.  
District Valuer considers not unreasonable.
- Pastoral Lease: S/F/O Parcell 4.3.69: Rent recommended \$550 based on following stock:

Sheep	2,000 e.e.
150 cows at 5 e.e.	750
50 other cattle at 3 e.e.	150
	<u>2,900</u>
<u>Less</u> 1,410 acres top dressing at 1/2 e.e. per acre	700
	<u>2,200</u> e.e. at \$250 per 1,000 = \$550.

Stock limitation: 2,000 e.e. plus 200 cattle (incl. not more than 50 other cattle) but while worked with 9,910 acres other land no objection to 5,000 sheep being carried over two months.

S/F/O's REPORT:

There are no sales on which to assess the valuation of the optional tenure area. S/F/O has taken into account that the altitude is similar to Lake Tekapo and the carrying capacity about 1 sheep to 3 acres with a low stock performance. On this basis \$1.50 per pound of wool works out at \$19,500 as a rough and ready check. The Crown paid \$2.50 per pound of wool for Ruataniwha Station which was carrying one



sheep to three acres. S/F/O considers U.V. is fully compared to Moorland Farm Settlement (Hakataramea Valley) where the highest U.V. is \$12 per acre on country carrying 3 ewes to the acre.

The carrying capacity was assessed from the grazing pattern supplied by the farm manager, a S.C.C.B. grazing chart and by calculation and appraisal of the areas individually. S/F/O considers the "optional tenure" area to be uneconomic on its own and even with adjoining freehold a poor sub-standard unit on today's prices - capacity 4,120 e.e.

The property has been depleted by over-burning and rabbits - recovery on the flats has been good but on hill country recovery is very slow. Management is very sound and fencing programme carried out by licensee has given a better utilisation of available feed. There is considerable scope for increasing cattle numbers on the pastoral lease area, particularly as the lessee is no longer grazing some of the very dominant snow tussock blocks which may need to be burnt to be of any stock value. Further subdivisional fencing is essential and all buildings are on freehold.

C.P.L.O.'s  
REPORT:

Endorses recommendations for pastoral lease area. This country is recovering from severe fires in the past and rabbits - cattle grazing should be increased to control rank tussock growth and save the need to burn and get the full benefit of winter and summer aspects of this property. Sunny faces should be fenced to control stock grazing and feed saved for winter use. Potential for cultivation for feed crops and lucerne on 200 acres close to proposed homestead site. A good potential exists for oversowing and topdressing. Easy potential for 50% increase in stock carried with ultimately a 100% increase.

GENERAL:

The Ashburton County Council has agreed to -

1. Accept dedication of the proposed access road to the proposed homestead site on the pastoral lease area subject to it being formed and metalled to its satisfaction.
2. The legislation of roads as access to Lake Emily and the Maori Lakes in a position where they can be physically formed and metalled at a later date.
3. The deviation of a road south of Maori Lakes to follow the formation - costs to be met by the Council.
4. The closing of the unsurveyed unformed roads except that running through Run 115A to Lake Heron.

The proposed road to the proposed homestead site on the pastoral lease will be surveyed and retained as Crown land so as to give access to Lake Emily until such time as it is formed and legalised. A special condition will be included in the pastoral lease to the effect that the Land Settlement Board will not approve any transfer without the adjoining land until the access road is formed and legalised.

RIVER BANK  
RESERVES:

A one chain road already exists along the Ashburton and Stour Rivers. A one chain road already exists around Lake Emily and the Maori Lakes and a one chain access road to these lakes will be retained by the Crown.

SURVEY:

Compiled plans required to close roads - estimated cost \$40 to be paid by licensee and Ashburton County Council.

Survey required to define new roads and boundaries of "Optional Tenure" area - estimated cost \$2,150 - to be arranged by licensee and costs met by them and Ashburton County Council.

RECOMMENDATIONS:

That subject to roads being closed and legalised as outlined above the Land Settlement Board:

1. Determine pursuant to S.125(3) Land Act 1948 that 6,445 acres at the northern end of Run 115B be disposed of on Optional Tenure and that the balance of Run 115B, 14,188 acres, be held on Pastoral Lease.
2. That pursuant to ss.66(4) and 131 Land Act 1948 the licensee be offered a Pastoral Lease over the 14,188 acres for a term of 33 years from 1.1.1970 (plus broken period from 1 September 1969 to 31 December 1969) at an annual rent of \$550.
3. That pursuant to s.66(2) Land Act 1948 the maximum carrying capacity be fixed at 2,000 e.e. plus 200 cattle (including not more than 50 other cattle) but while worked with 9,590 acres other land no objection to 5,000 sheep being carried over two months.
4. That pursuant to s.54(1)(d) Land Act 1948 the 6,445 acres be offered to the licensee on Optional Tenures at a purchase price/rental value of \$19,350 (minimum deposit on deferred payments \$2,950 - maximum term 30 years).

DECISION:

The Land Settlement Board resolved on 2.4.69

to defer for inspection by the Crown and Public Director

1 Ser/366.

The Commissioner of  
**CHRIST CHURCH**

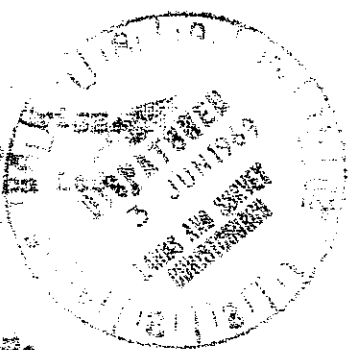
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3/4/69

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Private Sec.  
CANTONMENT.  
27 May 1960

The Director,  
Cantonment  
Cantonment  
No. 1 S.O.,  
CANTONMENT.



Dear Sir/Madam,

Plot 115B "Barracks"

Further to my letter of 18 December 1958 the Land Settlement Board has now fully approved the subdivision of the 115B with dispositions as briefly outlined in that letter and subject to certain conditions.

Accordingly, in terms of Sections 65(4) and 131 Land Act 1948 you are offered a Pastoral Lease over approximately 14168 acres for a term of 33 years from 1 January 1970 (plus the broken period from 1 September 1960 to 31 December 1969) at an annual rent of \$550.

Furthermore, pursuant to Section 65(2) Land Act 1948 the maximum carrying capacity for the Pastoral Lease has been fixed at 2200 sheep (including not more than 1700 breeding ewes) and 200 cattle (including not more than 150 breeding cows). However, while the Pastoral Lease is worked in conjunction with the 5590 acres of other land there will be no objection to 3000 sheep being carried over two sections. It will further provide that with the consent of the Land Settlement Board stock numbers may be increased. No increase in rent would be involved. If permission is granted to increase stock over and above the number specified in the lease, the right is reserved to review the position at any time and particularly in the event of a transfer.

Relevant special conditions as regards the proposed industrial site in the north corner of this area by Lake Taupo and other access problems are covered later in this letter.

Pursuant to Section 141(1) Land Act 1948 the 6142 acres approximately is offered to you on optional leases at a purchase price of rental value of \$10,350. The options available are:

- 1. Renewable lease: Term: 33 years (with perpetual right of renewal at a revised rent)
- Rental value: \$10350
- Annual Rent: \$1,064.25

*Reynolds*