

## **Crown Pastoral Land Tenure Review**

**Lease name : Ben More**

**Lease number : Pc 109**

### **Due diligence report (including status report)**

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

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

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

**Copied August 2003**

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

File Ref: Con 50231/09/12772/A-ZNO-0 Report No: QVV 24

Report Date: 23.11.2000

Office of Agent: CHRISTCHURCH LINZ Case No: 00/

Date sent to LINZ: 27/11/2000

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**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 uncompleted actions;
  - (a) The area and description as indicated in the Land Status Report have been affected by Gazette Notice A 464328.1 registered subsequently.
  - (b) NZ Police right (Easement in gross) to operate Radio Repeater station over Area A on SO 18979 still not gazetted for Police purposes as part of a commitment relative to the surrender undertaken in late 1998.
  - (c) Boundary adjustments between of Ben More and Brooksdale Pastoral leases conforming to SH 73 as part of a commitment relative to the surrender undertaken in 1998.
  - (d) Land Improvement Agreement No 400737/1 is likely to have lapsed /expired as a consequence of completion of works under the Run Plan.
  - (e) The outcome of the severance areas shown on SO 14996 and 14997 has not yet been determined.
3. That the Commissioner of Crown Lands or his delegate note that there are no potential liabilities that have been identified as a result of the file search;
4. That the Commissioner of Crown Lands or his delegate note the following matters;
  - (a) That GN 820305/1 does not affect the lease.
  - (b) That statements on the Mineral ownership in the Land Status Report may be incorrect as parts of the lease was freehold land acquired by the Crown.
  - (c) DOC notification under Section 24(2A) of the Conservation Act 1987 for wider marginal strips not confirmed at renewal in 1996.

Signed by Sub - Contractor:

Signed by Contractor

  
Name: D. McGregor  
McGregor Property Services Limited  
Accredited Agent

  
Name: B. Dench  
Team Leader for Tenure Review  
Quotable Value (Valuations)

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

Name:

Date of Decision:     /     / 2000

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**1. Details of Lease:**

**Lease Name:** Ben More.

**Location:** Approximately 10 km west of Springfield, Mid Canterbury.

**Lessees:** Ben More Graziers [1989] Limited.

**Tenure:** Pastoral lease pursuant to Section 66 of the Land Act 1948 and registered under Section 83 of the Land Act 1948.

**Term:** 33 years from 1 July 1996 [expires 30 June 2029].

**Annual Rent:** \$2550.00.

**Rental Value:** \$170,000.

**Date of Next Review:** 30 June 2007.

**Land Registry Folio Ref:** C.L.529/218 [Canterbury Registry].

**Legal Description:** Section 1 SO 14996, Sections 1, 3, 4 and 5 SO 17298 and Parts Run 319 Blocks V, IX and X Kowai Survey District.

**Area:** 1309.7672 hectares (subject to certification).

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**2. File Search:**

**Files held by Agent Knight Frank (NZ) Ltd on behalf of LINZ:**

File Reference Number	Date	Volume	First Folio Number	Date	Last	Folio
Pc109	1	194	13.7.54	335	22.8.63	
Pc109	2	336	6.9.63	527	18.10.78	
Pc109	3	528	3.11.78	644	7.2.84	
Pc109	4	645	29.2.84	753	20.4.90	
Pc109	5	754	7.2.90	835	2.11.92	
Pc109	6	836	7.11.92	948	10.9.96	
Pc109	7	949	12.7.96	1003	2.4.97	
Pc109	8	1004	4.4.97	1133	11.5.98	
Pc109	9	-	5.6.98	-	9.7.98	
Pc109	10	-	10.7.98	-	31.12.98	
Pc109	11	-	1.1.99	-	30.6.00	
Pc109/1	1	-	11.11.96	-	20.7.98	
Pc109/1	2	-	21.7.98	-	22.12.99	
Pc109/1	3	-	21.7.98	-	11.4.00	

**Files held by Agent Quotable Value New Zealand on behalf of LINZ:**

File Reference CON /50231/09/12772/A-ZNO-01

Vol 1

First Folio 1

Date 11.8.2000

Last Folio File Current [contains extracts of Tenure Review files].

Date -

### 3. Summary of Lease document: [CL 529/218]

#### 3.1 Terms of Lease

The Pastoral lease was registered on 8 April 1963 as CL 529/218. The lease, over 1309.7672 hectares (subject to certification), was transferred to Ben More Graziers (1989) Limited in March 1983 and, on expiry, renewed for a further 33 year term from 1 July 1996 at the Annual rental of \$2550 based on the Rental Value of \$170,000 and subject to the terms and conditions remaining unaltered. The original lease included a notation as to Section 58 of the Land Act 1948. The stock limitation in the lease is 1400 stock units on an annual basis.

##### *Stock limitation in Lease:*

The original stock limitation in the lease was not more than 2000 breeding ewes and 75 cattle.

*Memorandum of Renewal A272161/1* (registered 4 December 1996) reduced the stock limitation in the lease to 2000 stock units on an annual basis.

*Memorandum of Variation A381611.5* (registered 10 December 1998) reduced the stock limitation in the lease further to 1400 stock units on an annual basis.

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##### *Commencement Date:*

1 July 1963. Renewed for a further period of 33 years from 1 July 1996 by *Memorandum of Renewal No. A272161/1* (registered 4 December 1996).

##### *Other Provisions:*

There are no other special provisions in the lease.

*A copy of the lease is attached as Appendix 1.*

#### 3.2 Area adjustments

The description and area of the lease as shown in the Land Status Report is affected by the registration of A 464328 1 (N.Z. Gazette 2000 p1358 as amended by N.Z. Gazette 2000 p2044) on 30 June 2000.

*Refer to Clause 8.1 below*

### 3 Registered Interests

##### *Mortgages:*

No. 398945.3 to Rabo Wrightson Finance Limited [registered 9 April 1999].

##### *Land Improvement Agreement:*

No. 400737/1 Land Improvement Agreement including SWCP 54A – second plan dated 22 April 1982 for a period of four years, under Sections 30(3) and 30A of the Soil Conservation and Rivers Control Act 1941. (Registered 14 September 1982).

##### *Grant of Forestry Right:*

No A130679/1 Grant of Forestry Right under the Forestry Rights Registration Act 1983 to Thirteen Mile Bush Forests Limited for 100 years from 1 June 1993 over 200 hectares called "the woodlot areas". (Registered 24 August 1995).

*Rights to Operate Radio Repeater:*

No. A87333/1 Reserving a right to operate and maintain a radio repeater station by way of an easement, in gross forever over part of the within lease (marked 'A' on SO 18979) in favour of the Crown [New Zealand Police]; (Registered 24 August 1994).

***NB:*** *This right applies to the area surrendered and is not longer applicable to the balance lease.*

**3.4 Unregistered Interests**

*Recreation Permits:*

There is no record on file of there being any recreation permits over this lease.

*Unsecured Debts:*

None known.

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

The initial Run Plan was prepared in 1966 with the aim of decreasing erosion by increasing vegetation cover and retiring 3976 hectares of badly eroded CVII and CVIII country on the Big Ben Range from grazing. Works included fencing, OSTD, windbreak planting and cultivation over a six year period. This was followed by a second five year plan (SWCP 54A) of additional works, approved in 1979 and secured under Land Improvement Agreement registered as No. 400727/1 on 14 September 1982.

The Run Plan did not provide for formal surrender but efforts were made to enforce surrender as a condition of reclassification of part and a later transfer of the lease. Those actions followed a legal opinion that considered the conditional consents to be unenforceable.

*Refer to Clause 8.2*

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

The Land Status Report by Knight Frank (NZ) Limited dated 29 October 1999 under Contract 50178 confirms the status is Crown Land under the Land Act 1948, leased pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as CL 529/218.

The land is subject to Part IVA of the Conservation Act 1987 upon disposition. The minerals remain with the Crown as the land has never been alienated since the original acquisition.

The report noted the following issues:

- i. Balance area subject to survey, as original definition (SO 10195) was in itself a compilation
- ii. Area (metres only) on current lease does not reconcile, with those areas deducted or added.
- iii. Severance areas on SO 14996 and 14997 have not been addressed.
- iv. Document No. A87333/1, reserving a right to operate (NZ Police) and maintain a Radio Repeater Station in gross (SO 18979) is no longer applicable to the lease (529/218) balance. Over an area surrendered on SO 19977. Follow up to secure tenure pursuant to Section 52 Public Works Act 1981, not actioned.
- v. DoC notification under Section 24 (2A) Conservation Act 1987 for wider/marginal strips does not appear to have been confirmed at the renewal of lease in 1996 (Doc. No. A272161/1).

- vi. Reconciliation of boundary fencing can only be identified upon survey.
- vii. Fencing issues relating to rationalising the common boundary between Brooksdale and Benmore Runs, along S H 73. *This now effects the boundary of the surrendered area, shown on SO 19977.*
- viii. Current definition made up of compiled plans and photogrammetric plots (SO 11313 and 15245).

*Copy of Land Status Report attached (minus enclosures) as Schedule A.*

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## **6. Review of Topographical and Cadastral data:**

Both maps attached to the Land Status Report show there are no communication sites, long distance power supply lines, huts or historic sites but do indicate the existence of an airstrip on the property.

### **6.1 Marginal Strips:**

The Land Status Report indicates the lease is subject to strips by memorial on CL 529/218 and on SO 10195. These strips are notional and have no substance. The provision of strips is to be determined on disposition of any land.

### **6.2 Fenced Boundaries v Legal Boundaries:**

As the Land Status Report states any reconciliation of boundary fencing can only be identified on survey. The Land Status Report also mentions fencing issues relating to rationalising the common boundary between Brooksdale and Ben More Runs, along S H 73. This now affects the boundary of the surrendered area, shown on SO 19977 but is a prior commitment.

*Refer Cause 8.3 below.*

### **6.3 Legal Roads – formed and paper:**

The Land Status Report indicates the legality of the roads intersecting the property. There is some deviation between the formed and unformed legal roads

## **7. Details of any neighbouring Crown or Conservation land:**

The balance Ben More lease is almost completely surrounded by land held in or for the Conservation estate.

*Sections 1 and 8, SO 19977 and Section 1, SO 19978 on the northern, eastern and south eastern boundaries are the areas acquired by the National Heritage Fund and surrendered from the lease in late 1998.*

*Part Reserve 3294, on the southern boundary, forms part of the Thirteen Mile Bush Conservation Area (State Forest by N.Z. Gazette 1898 p1457).*

*Part Run 332 – The Brooksdale Pastoral lease is on the northern boundary and is also subject to Tenure Review.*

## **8 Summarise and uncompleted actions or potential liabilities:**

### **8.1 Area and description of the lease**

The area of the lease was verified by Terralink on **9 July 1998** (copy attached) for the purpose of preparation of surrender documentation (A 381611.4) – 1312.8120 hectares.

It is pertinent to note that following the receipt of a verified description from DOSLI in 1990 (*folio 750 on Pc 109*) Landcorp notified the DLR (*folio 752 on Pc109*) that GN 820305/1 was incorrectly memorialised on the lease (it affected adjacent land – then Part Reserve 1811). This memorial is still recorded on the lease.

A464328.1 (N.Z. Gazette 2000 page 1358 as amended by N.Z. Gazette 2000 p2044), registered on 30 June 2000, now impacts on the certified description and area in the Land Status Report dated 29 October 1999. *The current description and area is as shown in Clause 1 above (subject to certification).* It is pertinent to note that the balance area is shown on the lease document (1312.0504 hectares appears incorrect.

It should be noted that approximately 794 acres of freehold land was acquired by the Crown from the Solwyn Plantation Board and Robinson's prior to 1963 for inclusion in addition into the Pastoral lease. Consequently the statements as to mineral ownership may be incorrect.

*Copies of relevant folios on Pc 109 and A464328/1 attached as Appendix 2.*

### **8.2 Land Improvement Agreement – (400737/1).**

Refer to Clause 4 above.

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The lessees' interest in 5062.3553 hectares was acquired by the Department of Conservation, with ~~of the~~ Heritage Fund support, for conservation purposes. This area (including the retired area) is now formally surrendered from the lease by Memorandum of Partial Surrender A 381611.4 (registered 10 December 1998). No action has yet been taken to gazette the land for conservation purposes.

It appears the works have been completed and that the Land Improvement Agreement may have lapsed or expired.

### **8.3 NZ Police Right of operate a Radio Repeater Station**

Refer to Clause 3.3.

On 19 January 1993 (*folios 837 and 839*) the Commissioner of Crown Lands approved a variation of lease to establish a Radio Repeater station in favour of New Zealand Police. Variation of Lease A87333/1 subsequently reserved the right (easement in gross) and a copy is attached. The document is still registered against the lease even although it is extinguished by virtue of it being part of the 5062.3553 ha area partially surrendered out of the lease (No. 381611.4) as at 10 July 1998. Access is not required as the site is to be serviced by helicopter.

A legal opinion was obtained on *8 July 1998* (copy attached) and the Commissioner on *20 July 1998* approved a recommendation (based on that opinion) that following surrender of the 5062 3553 ha area the site (Area A on SO 18979) be set apart for Police Purposes under Section 52 of the Public Works Act 1981. Instructions to the Crown's agent on *21 July 1998* required that LINZ gazette the Police site immediately surrender is registered to avoid DoC inadvertently including it in the gazettal of the conservation area.

A book value was determined for compensation purposes on *23 July 1998*. Surrender was registered on 10 December 1998.

Notwithstanding that the site now lies within the surrender area there is a prior commitment with N.Z. Police to secure it. There is no record of the area having been set apart for Police purposes.

Copies of relevant folios attached as *Appendix 3*.

### **8.4 Rationalisation of boundaries between with Benmore and Brooksdale**

On 10 June 1987 (*folio 700 on P109*) the Chief Surveyor advised that as a result of redefinition of SH 73 the opportunity should be taken to rationalise the boundaries on the basis of the SH being the boundary. On 6 October 1987 (*folio 703 on P109*) Landcorp advised the Chief Surveyor that both lessees had verbally agreed to these proposals

A clause relative to the proposed boundary issues was inserted in the Agreement for Sale and Purchase of the lessees interest acquired for the Forest Heritage Trust *dated 19 December 1997* (copy attached) and surrendered from the lease in late 1998 (Partial Surrender A 381611/4). A report Knight Frank sent to the Commissioner on *25 June 1998* (copy attached) suggested the issue be resolved in conjunction with surrender and that subsequent partial surrender and incorporation into Brooksdale be implemented following formal surrender of the 5062 3553



ha area from Ben More but before gazettal for conservation purposes. Surrender was registered on 10 December 1998. No further action has been taken.

*Copies of relevant folios attached as Appendix 4.*

#### **8.5 Severance Areas on SO's 14996 and 14997**

Gazette Notice 827947/2 declared parts of the lease to be road and by Gazette Notice 827947/1 stopped road was declared Crown land and subsequently incorporated into the lease by Certificate of Alteration 873457/1. No action has yet been taken to deal with the severance areas predominantly lying between the legal road and the Kowai River.

*Copies of the S.O. Plans are attached as Appendix 5.*

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#### **8.6 DOC notification under Section 24 (2A) Conservation Act 1987**

The Department of Conservation's notification under Section 24(2A) Conservation act 1987 for wider margins strips does not appear to have been confirmed on renewal of the lease in 1996. (No. A272161/1).

## **APPENDICES**

Schedule A -- Land Status Report (minus enclosures).

- 1) Copy of CL 529/218.
- 2) Copy of relevant folios on file etc Area and Description of lease.
- 3) Copy of relevant folios on file -- N.Z Police Right to Operate Radio Station.
- 4) Copy of relevant folios on file -- Boundary rationalisation
- 5) Copy of relevant folios on file -- Severances -- SO' s 14996, 14997.

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## SCHEDULE A

**KNIGHT FRANK (NZ) LIMITED**

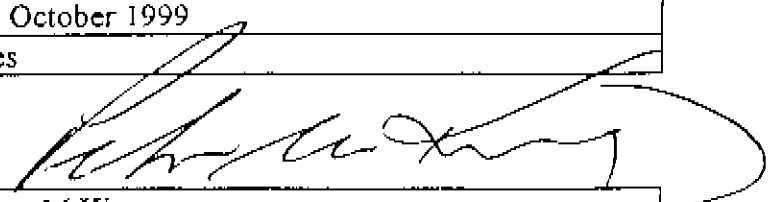
Appendix A

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 BENMORE</b>				[LIPS ref. 12772]
<b>Property</b>	<b>1</b>	<b>of</b>	<b>1</b>	

<b>Land District</b>	Canterbury
<b>Legal Description</b>	Section 1 SO 14996 & Parts Run 319 situated in Blocks V, IX & X Kowai Survey District.
<b>Area</b>	1312.8120 hectares
<b>Status</b>	Crown Land subject to the Land Act 1948.
<b>Instrument of lease</b>	Balance pastoral lease 529/218 pursuant to section 66 as registered under section 83 Land Act 1948.
<b>Encumbrances</b>	Land Improvement Agreement No. 400737/1 under the provisions of Soil Conservation and Rivers Control Act 1941. Grant of Forestry Right A130679/1 under the Forestry Rights Registration Act 1983 (Term 100 years commencing on 01/06/1993). Document A87333/1 reserving a right to operate and maintain a Radio Repeater Station in gross. 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 and or its acquisition as Crown Land subject to the Land Act 1948.
<b>Statute</b>	Land Act 1948 & Crown Pastoral Land Act 1998.

<b>Date Correct as at</b>	29 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 BENMORE</b>				[LIPS ref.12772]
Property	1	of	1	

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<b>Statute</b>	Land Act 1948 & Crown Pastoral Land Act 1998.

<b>Date Correct as at</b>	29 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)(l) 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 3/11 /1999

R Moulton, Chief Surveyor  
Land Information New Zealand, Christchurch

*Lead*

*BENMORE RESEARCH - Property 1 of 1*

**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**

- (i) Balance area subject to survey, as original definition (SO 10195) was in itself, a compilation.
- (ii) Area (metres only) on current lease does not reconcile, with those areas deducted and or added.
- (iii) Severance areas on SO 14996 & 14997 have not been addressed.
- (iv) Document No. A87333/1, reserving a right to operate (NZ Police) and maintain a Radio Repeater Station in gross (SO 18979) is no longer applicable to the lease (529/218) balance. Over an area surrendered on SO 19977. Follow up to secure tenure pursuant to section 52 Public Works Act 1981, not actioned.
- (v) DoC notification under section 24 (2A) Conservation Act 1987 for wider/marginal strips does not appear to have been confirmed at the renewal of lease in 1996 (Doc No. A272161/1).
- (vi) Reconciliation of boundary fencing can only be identified upon survey.
- (vii) Fencing issues relating to rationalising the common boundary between Brooksdale and Benmore Runs, along S.H 73. This now effects the boundary of the surrendered area, shown on SO 19977.
- (viii) Current definition made up of compiled plans and photogrammetric plots (SO 11313 & 15245).

LAND STATUS REPORT for BENMORE				[LIPS ref. T2772]
Property	1	of	1	

Research Data: Some Items may be not applicable

Property	1	of	1	
SDI Print Obtained	Yes			
NZMS 261 Ref	K35 & L35			
Local Authority	Selwyn District Council			
Crown Acquisition Map	Kemp Purchase			
SO Plan	Section 1 (SO 14996) & Pts Run 319 (SO 10195/14996)			
Relevant Gazette Notices	SO 14996, NZ gazette 1989 page 3222 Document No. GN 8203054/1, NZ gazette 1989 page 3915 Documents No. GN 827947/1 & 827947/2, NZ gazette 1989 page 3514 & NZ gazette 1989 page 3515.  SO 14997, NZ gazette 1989 page 3915 Document No. GN A827947/2.			
CT Ref / Lease Ref	Balance Pastoral Lease 529/218.			
Legalisation Cards	SO 14996 partial action completed. SO 14997 partial action completed.			
CLR	N/A			
Allocation Maps (if applicable)	K35/L35 - No interest identified.			
VNZ Ref - if known	All assessment 24260-14800 (1312.8120ha)			
Crown Grant Maps	Kowai (1880), SO 364 (1867), SO 473 (No date) SO 4259 (1884), SO 6540 (1931). Records indicate BM 94 (1870) or BM 140 (1875) may have covered this area ? Plans no longer in LINZ records (Canterbury Museum).			
<b>If Subject land Marginal Strip:</b>	<p>Note: Subject to the provisions of section 58 of the Land Act 1948 on lease 529/218 and SO 10195. There are various rivers and or streams clearly depicted on SO 10195 (1963) without a one chain strip, having been laid off.</p> <p>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.</p>			
a) Type [Sec 24(9) or Sec 58]				
b) Date Created				
c) Plan Reference				

LAND STATUS REPORT for BENMORE

[LIPS ref. 12772]

Property 1 of 1

Research - continued

Property	1	of	1	
If Crown land - Check Irrigation Maps.				N/A
Mining Maps				K35/L35 - 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: 473, 2620, 4259, 4262, 6540, Topo 24P, 24P, 25P (Crown Grant & section 110A Public Works Act 1928). Subject to Transit New Zealand Act 1989 (S.H No.73)
b) By Proc				b) Proc Plan: SO 14996 & 14997 c) Gazette Ref: 1989 pages 3222, 3514, 3515 & 3915
<b>Other Relevant Information</b>				
a) Concessions - Advice from DOC or Knight Frank.				a) No interest identified.
b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998.				b) Subject to Part 9 Ngai Tahu Claims Settlement Act 1998.
c) Mineral Ownership				c) Contained in [provide evidence]: (i) 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.  Pt Run 319; PR 128 (1891) Run 167 earliest lease available after Canterbury gazette 1867 page 159 & 160 (No.230 & 258), confirmation of runs under the Canterbury Land Regulations.  Section 1 SO 14996 (formerly legal road by Crown Grant SO 6540)  Reserve 1083 (SO 6540); Canterbury Provincial gazette 1869 page 217 reserved under 19 <sup>th</sup> Clause Waste Lands Regulations 1856 for Tramway and Other Purposes, no vesting occurred. Reservation revoked by NZ gazette 1963 page 378.

LAND STATUS REPORT for BENMORE				[LIPS ref. 12772]
Property	1	of	1	

Research - continued

Property	1	of	1	
Mineral ownership continued.....				<p>(ii) Minerals are owned by the Crown because the land was transferred in fee simple to Her Majesty the Queen;</p> <p>RS 9221, 17005, 18349, 16883/16884/18660 &amp; 34594; CT 331/256 (1963) transfer document 598309.</p> <p>Reserve 1800, 1811-1813 (SO 6540); Canterbury Provincial gazette 1875 page 269 reserved under the 19<sup>th</sup> Clause Waste Lands Regulations 1856 for Provincial Government Purposes. Section 77 Reserves and Other Lands Disposal and Public Empowering Act 1910 vests the reserves in the Selwyn Plantation Board. Section 13 Selwyn Plantation Board Act 1953 provides for the sale and section 15, reservation revoked, etc by NZ gazette 1963 page 367.</p>
d) Other Information				<p>d) Majority of early issues relate to land contained in sections on SO 19977, now surrendered. This relates to the following;</p> <p>Permit to erect a hut for the "Pathfinders Club" near Lake Lyndon (NE end section 6 SO 19977). VHF Radio Site on "Trig M" for the former NZED (now GEC Alstom, ex Trans Power NZ Ltd), NW corner section 1 SO 19977. NZ Police Repeater Station site, NE corner section 1 SO 19977/18979.</p>



File Reference : LINZ (LIPS) 12772

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

## CERTIFICATE OF AUTHORISATION

**PROPERTY ADDRESS:**

**BENMORE - PORTERS PASS  
CANTERBURY**

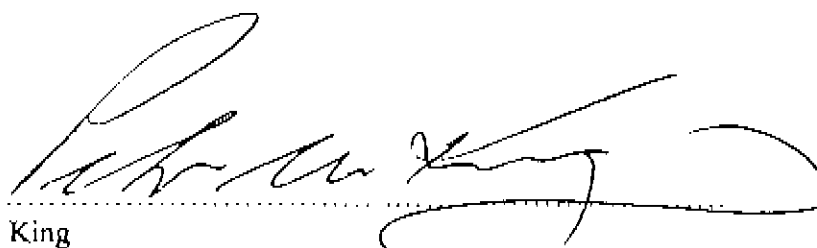
**ASSURANCE**

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: 29 October 1999

**Corporate Offices**

Auckland  
Wellington  
Christchurch

13 Offices Nationwide

**International**

Australia  
Belgium  
Botswana  
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France  
Germany

Hong Kong  
India  
Italy  
Japan  
Malawi  
Monaco

Nigeria  
Portugal  
Singapore  
South Africa  
Spain  
Sweden

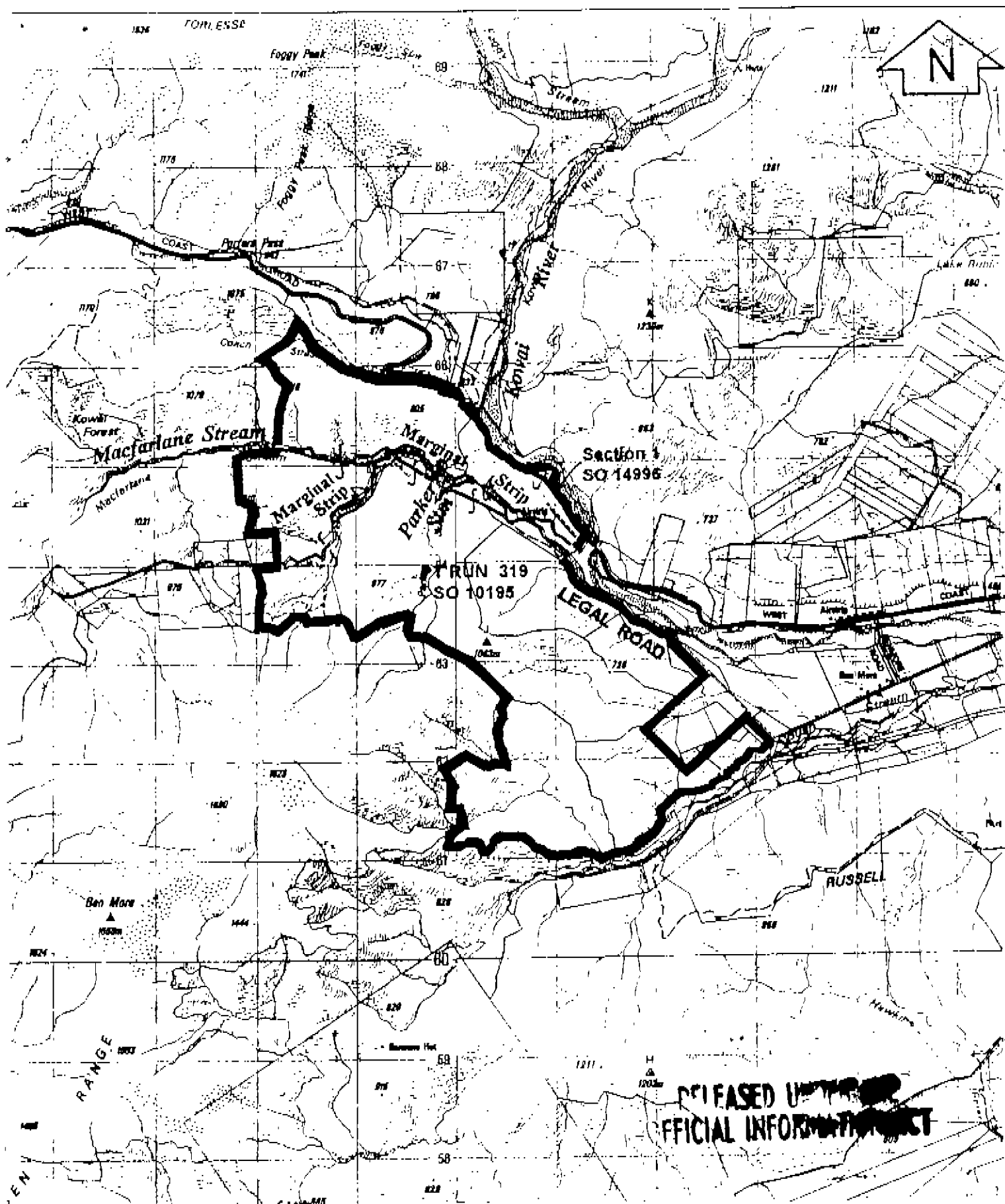
Tanzania  
The Netherlands  
United Kingdom  
United States  
of America  
Zimbabwe

**Postal Address:**

PO Box 142, Christchurch  
New Zealand

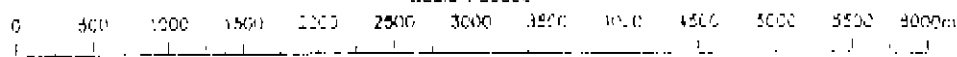
Knight Frank (NZ) Limited ~~sole~~  
(An LPL Group Company)

INTERNATIONAL PROPERTY CONSULTANTS



**BENMORE (Section 1 SO 14996 & Parts Run 319  
situated in Blocks V. IX & X Kowai Survey District)**

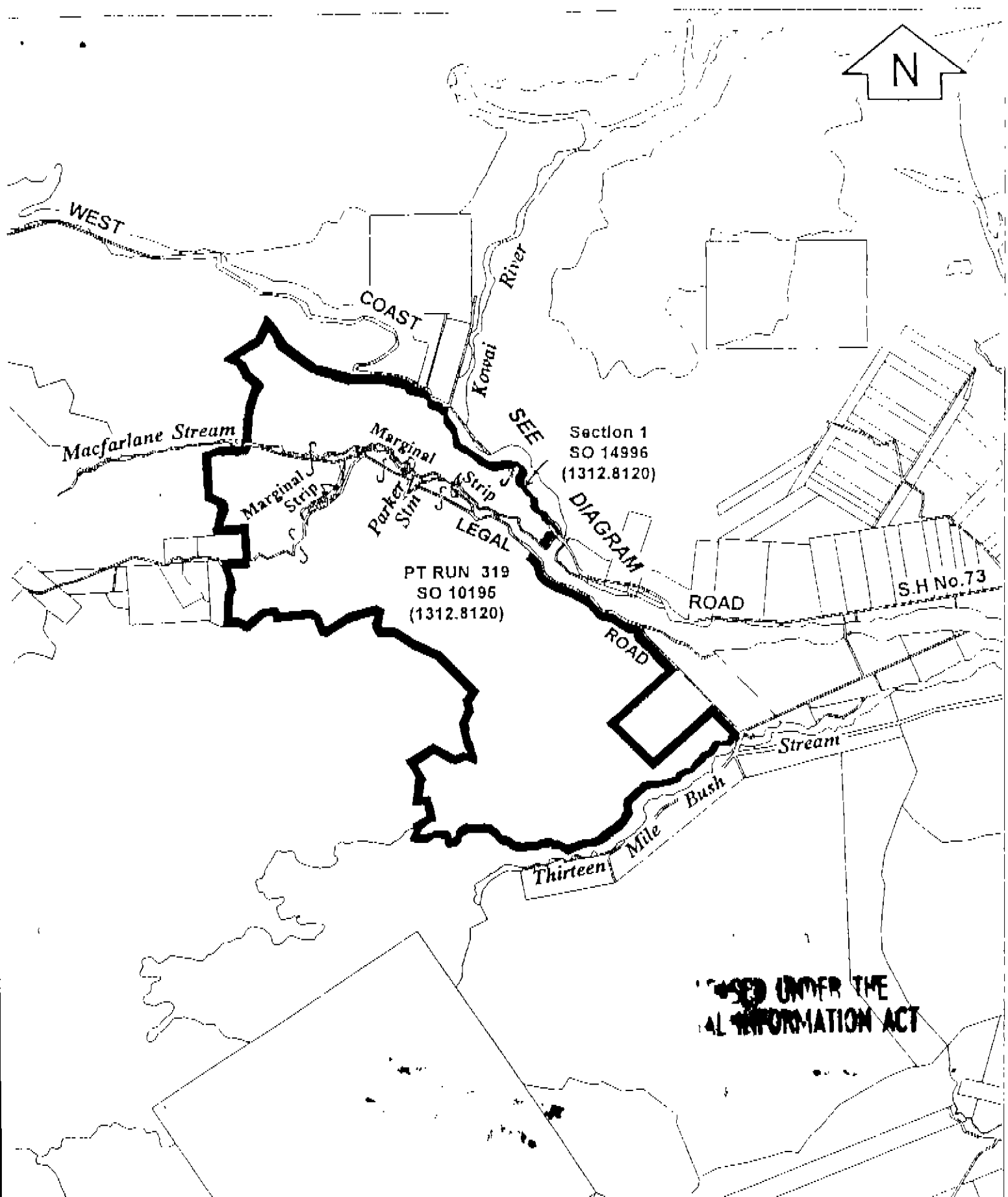
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**RELEASED UNDER OFFICIAL INFORMATION ACT**

**EXCLUDES ALL LEGAL ROADS  
AND MARGINAL STRIPS (IF ANY)**

Version	1	2	3	4	5
Canterbury Land District					Sheet 1 of 1
NZMS 260 K35 & L35					Date 22 10 1999

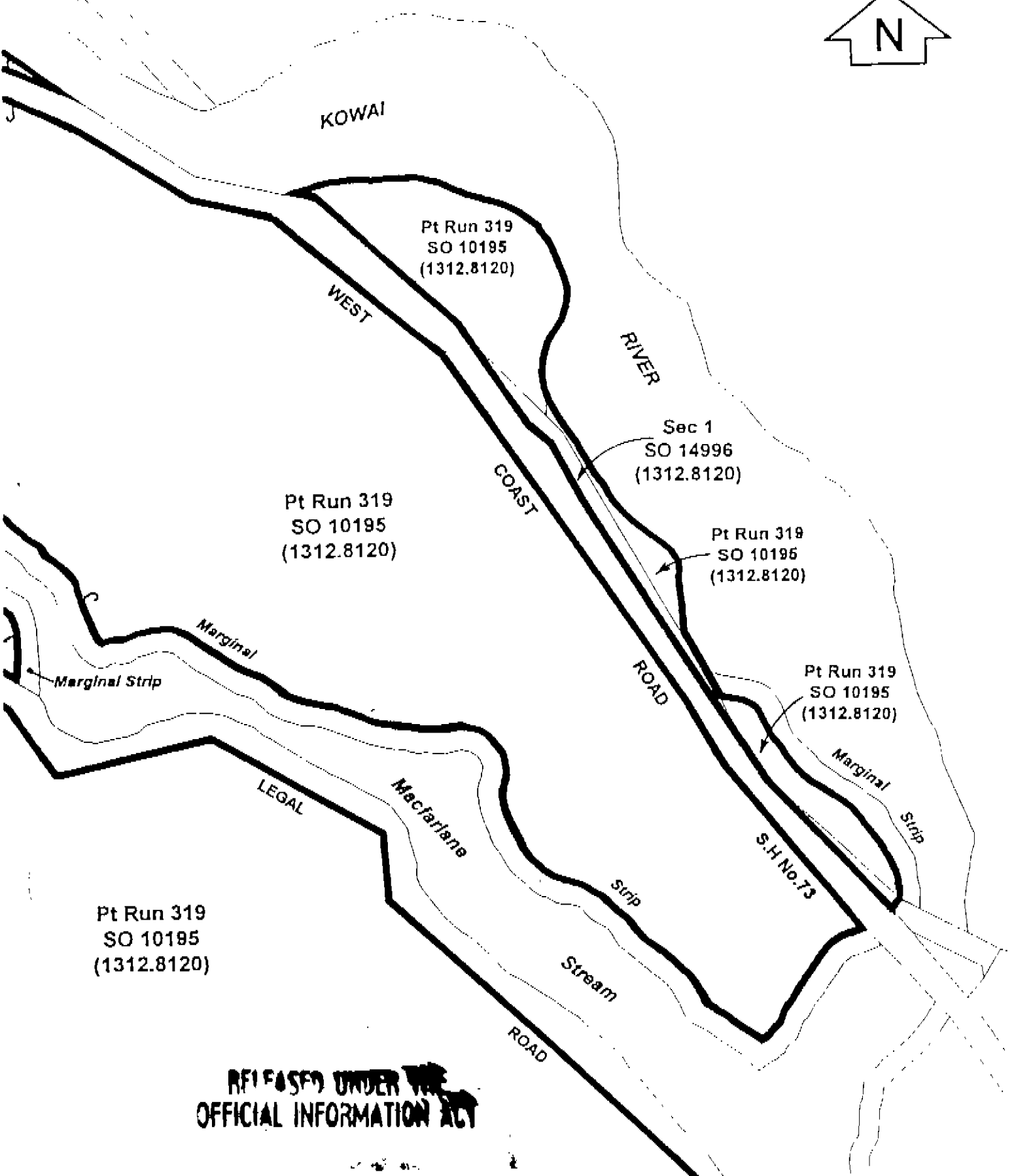


**BENMORE (Section 1 SO 14996 & Parts Run 319  
situated in Blocks V. IX & X Kowai Survey District)**

**RELEASED UNDER THE  
OFFICIAL INFORMATION ACT**

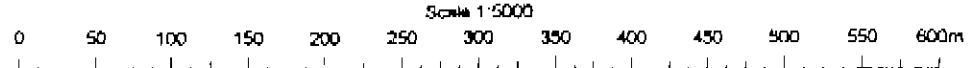
Canterbury Land District  
Cadastral data correct  
as at 22/10/1999  
Reference NZMS 260 - K35 & L35

**EXCLUDES ALL LEGAL ROADS  
AND MARGINAL STRIPS (IF ANY)**



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OFFICIAL INFORMATION ACT

**BENMORE (CANTERBURY)-DIAGRAM 1 OF 1**



Canterbury Land District  
Correct as at 29/10/1999

# APPENDIX 1

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT





529/218

No. 827947/2 Gazette Notice declaring parts of the within land 8559m<sup>2</sup> marked 'U' on S.O. 14996, 468m<sup>2</sup> marked 'A-D' on S.O. 14997 and 1430m<sup>2</sup> marked 'A-E' on S.O. 14997 to be road and shall form part of State Highway No. 73 pursuant to Section 11 (1A) National Roads Act 1953 and shall vest in the Crown - 19.9.1989 at 10.23am

*[Signature]*  
for A.L.R.

No. 835164/1 Certificate of Alteration whereby the area of the within Lease is increased to 6375.4235 hectares by the incorporation of Section 1 S.O. 17633 - 30.10.1989 at 11.4.5am

*[Signature]*  
for A.L.R.

Transfer 864005/6 to Ben Mora Braziers (1989) Limited at Dunedin - 8.3.1990 at 11.45am

Mortgage 864005/7 to ~~Bank of New Zealand~~ **CHARGED** Bank of New Zealand Limited - 8.3.1990 at 11.45am

No. 873457/1 Certificate of Alteration under Section 113 Land Act 1948 Incorporating (7895 square metres) being Section 1 S.O. 14996 - 1.6.1990 at 11.42am

*[Signature]*  
for A.L.R.

No. AB7333/1 Variation of the within lease reserving a right to operate and maintain a Radio Repeater Station in gross over part herein in favour of Her Majesty the Queen - 15.12.1994 at 11.44am

Mortgage A114429/2 to ~~Bank of New Zealand~~ **CHARGED** Finance Limited - 9.4.1999 at 2.10  
*[Signature]*  
for A.L.R.

~~No. 100000/1 Certificate of Alteration under Section 113 Land Act 1948 Incorporating (7895 square metres) being Section 1 S.O. 14996 - 1.6.1990 at 11.42am~~

No. A130679/1 Grant of Forestry Right under the Forestry Rights Registration Act 1983 term of 100 years commencing on 1.6.1993 to Thirteen Mile Bush Forests Limited - 24.8.1994 at 2.65pm

Mortgage A114429/2 to ~~Bank of New Zealand~~ **CHARGED** Finance Limited - 9.4.1999 at 2.10  
*[Signature]*  
for A.L.R.

No. A272161/1 Renewal of lease for a term of 33 years commencing on 1.7.1996 - 4.12.1996 at 10.50am

A333429.1 CAVENDISH DRIVE HER Majesty the Queen 24.12.1997 at 10.52.10  
*[Signature]*  
for DLR

A359859.1 Change of Appellation whereby part Run 319 herein (3083.0000 hectares) is now known as Section 1 S.O. 19978 - 9.7.1998 at 2.40

*[Signature]*  
for DLR

A361577.1 Notice of new appellation whereby parts of Run 319 herein are now known as Sections 1-10 SO 19977 - 23.7.1998 at 11.21

*[Signature]*  
for DLR

No. A269022/1 whereby the mortgage under Mortgage 864005/7 is Westpac Banking Corporation - 18.11.1998 at 8.00am

*[Signature]*  
for A.L.R.

A381611.2 Discharge of Mortgage A114429.2 as to Sections 1-10 SO 19977 and Section 1 SO 19978

A381611.3 Discharge of Mortgage 864005.7 as to Sections 1-10 SO 19977 and Section 1 SO 19978

A381611.4 Surrendered as to Sections 1-10 SO 19977 and Section 1 SO 19978

A381611.5 Variation of within lease all 10.12.1998 at 12.65

*[Signature]*  
for DLR

A398946.3 Mortgage to Rabo Wrightson Finance Limited - 9.4.1999 at 2.10

*[Signature]*  
for RGL

A453361.1 Completed Block Certificate under Section 19 Land Act 1981 by Her Majesty the Queen 17.4.2000 at 9.00

*[Signature]*  
for RGL

SEE SHEET THREE.....

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No. 085783 Partial Surrender of within  
lease as to Sections 1, 2, 3, 4, 5, 6 and  
7 Reserve 5268 (4ac. 3r. 3.3p.) from  
1/7/1971 - 25/10/1972 at 1.53 p.m.  
(Mortgages under Mortgage Nos 706519  
A.L.R.)

Variation of Mortgage 706519 - 0-6-1983 at  
10.41 a.m.

Variation of Mortgage 706519 - 10.10.1974 at  
1.34 p.m.

Variation of Mortgage 239876/1 -  
24.9.1984 at 11.41 a.m.

Variation of Mortgage 627120 - 31.1.1978 at  
9.03 a.m.

Mortgage 544145/6  
Banking and Finance Corporation  
- 2.5.1985 at 11.20 a.m.  
for A.L.R.

Mortgage 175650/2  
Finance Corporation  
- 0.6.1978 at 10.04 a.m.  
for A.L.R.

No. 544145/8 Memorandum of Priority  
making Mortgage Nos 239876/1, 544145/6,  
and 210122/1, second, third and  
fourth mortgages respectively -  
2.5.1985 at 11.20 a.m.  
for A.L.R.

Variation of Mortgage 706519 - 10-2-1979 at 10.04 a.m.

Mortgage 210122/1 to  
Zealand - 15-3-1979 at  
10.11 a.m.

No. 566114/1 Partial Surrender of  
within lease as to 950 hectares  
and the issue of Renewable  
lease 27K/372 for the above-  
mentioned piece of land -  
12.9.1985 at 11.51 a.m.

Mortgage 239876/1 to  
Corporation - 20-0-1985 at 11.41 a.m.  
for A.L.R.

No. 777415/1 Gazette Notice declaring part  
of adjoining road to be stopped and to be  
Crown Land subject to the Land Act 1940  
- 30.11.1988 at 10.32 a.m.

Variation of Mortgage 706519 - 1.10.1979 at 10.10 a.m.

No. 259085/1 Memorandum of Priority making Mortgage  
239876/1 fourth mortgage and Mortgage 210122/1  
fifth mortgage - 21.1.1980 at 10.35 a.m.

No. 810244/1 Compensation Certificate pursuant  
to Section 19 of the Public Works Act 1981  
- 15.8.1989 at 11.22 a.m.

Variation of Mortgage 706519 - 11.6.1981 at  
12.11 p.m.

Mortgage 821406/9 to Wynn Williams & Co.  
Nominees Limited - 24.6.1988 at 11.40 a.m.  
for A.L.R.

Variation of Mortgage 239876/1 -  
11.6.1981 at 12.11 p.m.

No. 820405/1 Gazette Notice declaring part  
of the within land (24 square metres)  
marked 'R' on S.O. 14998 and (1581 square  
metres) marked 'K' on S.O. 14996 to be acquired  
for road and shall form part of State  
Highway No. 73 pursuant to Section 11 (1A)  
National Roads Act 1953 and shall vest in  
the Crown on 27.7.1989 - 8.8.1989 at 11.30  
for A.L.R.

Variation of Mortgage 175650/2 - 6.8.1981 at  
11.04 a.m.

No. 400737/1 Land Improvement Agreement under  
Section 30A Soil Conservation and Rivers Control  
Act 1941 - 14-9-1982 at 9.56 a.m.

No. 827947/1 Gazette Notice declaring part  
of the adjoining road (7095 m2) to be  
stopped and be dealt with as Crown Land  
under the Land Act 1940 - 19.9.1989 at  
10.23 a.m.  
for A.L.R.

Certificate No. 41111 that  
Mortgage No. 706519  
is vested in the Rural Banking  
and Finance Corporation of New  
Zealand (12/11/82) at 9 a.m.  
for A.L.R.

529/218

A464328.1 Gazette Notice (2000 page 1358) declaring the within land being parcel U (621m<sup>2</sup>), parcel W (5m<sup>2</sup>), parcel Y (1252m<sup>2</sup>), parcel N (421m<sup>2</sup>), parcel P (1.8213ha) and parcel S (4328m<sup>2</sup>) all on SO Plan 17298 to be road and shall form part of State Highway No. 13 pursuant to Section 60(2) of the Transport New Zealand Act 1979 and shall vest in the Crown and declaring parcel R (229m<sup>2</sup>), parcel V (610m<sup>2</sup>), parcel X (2428m<sup>2</sup>) and parcel M (767m<sup>2</sup>) all on SO Plan 17298 adjoining the within land to be stopped road and shall be incorporated in the within Lease subject to mortgage A30894.7 and declaring the within land marked Q on SO Plan 17298 (9230m<sup>2</sup>) be taken and shall vest in the crown and declaring parcel T (10m<sup>2</sup>) SO Plan 17298 adjoining the within land to be stopped road and declared Crown Land subject to the Land Act 1948 - 30.6.2000 at 9.00

*See*  
For RGI.



COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952



Search Copy

Identifier **CB529/218**  
Land Registration District **Canterbury**  
Date Issued **08 April 1963**

**Part-Cancelled**

**Prior References**

CB529/54

Estate	Lease under s83 Land Act 1948	Term	33 years commencing on the 1st day of July 1963 and renewed for a further term of 33 years commencing on 1.7.1996
Area	7324.8101 hectares more or less		

**Legal Description** Part Run 319, Reserve 4081, Part Reserve 5271 and Sections 1-7 Reserve 5268

**Proprietors**

Ben More Graziers (1989) Limited

**Interests**

- 627125 Certificate of Alteration varying the terms of the within of Lease - 11.6.1964 at 2.06 pm
- 885783 Partial Surrender of within Lease as to Sections 1, 2, 3, 4, 5, 6 and 7 Reserve 5268 (4ac-3r-3.3p = 1.9306 ha.) - 25.10.1972 at 1.53 pm
- 400737.1 Land Improvement Agreement pursuant to Section 30A Soil Conservation and Rivers Control Act 1941 14.9.1982 at 9.56 am
- 566114.1 Partial Surrender of within Lease as to 950 hectares and issue of Renewable Lease CT CB27K372- 12.9.1985 at 11.51 am
- 820305.1 Gazette Notice declaring part of the within land 3476m<sup>2</sup> marked R and 1581m<sup>2</sup> marked S both on SO 14996 are hereby acquired for road and shall form part of State Highway No. 73 pursuant to Section 11(1A) National Roads Act 1953 and shall vest in the Crown on 27.7.1989 - 8.8.1989 at 11.30 am
- 827947.2 Gazette Notice declaring parts of the within land 8559m<sup>2</sup> marked U on SO 14996 and 468m<sup>2</sup> marked A-D and 1430m<sup>2</sup> marked A-E both on SO 14997 to be road and shall form part of State Highway No. 73 pursuant to Section 11(1A) National Roads Act 1953 and shall vest in the Crown - 19.9.1989 at 10.23 am
- 835164.1 Certificate of Alteration under s113 Land Act 1948 whereby the area of the within lease is increased by 2.5440 hectares by the incorporation of Section 1 SO 17633 - 30.10.1989 at 11.45 am
- 873457.1 Certificate of Alteration under s113 Land Act 1948 incorporating Section 1 SO 14996 (7895m<sup>2</sup>) into the within Lease - 1.5.1990 at 11.42 am
- A87333.1 Variation of the within Lease reserving a right to operate and maintain a Radio Repeater Station in gross over part herein in favour of Her Majesty the Queen - 15.12.1993 at 11.44 am
- A130679.1 Forestry Right pursuant to the Forestry Rights Registration Act 1983 to Thirteen Mile Bush Forests Limited - 24.8.1994 at 2.55 pm
- A272161.1 Renewal of Lease for a term of 33 years commencing on 1.7.1996 - 4.12.1996 at 10.50 am
- A381611.4 Partial Surrender of Lease as to Sections 1-10 SO 19977 (1979.3553 ha.) and as to Section 1 SO 19978 (3083 ha.) - 10.12.1998 at 12.55 pm
- A381611.5 Variation of within Lease - 10.12.1998 at 12.55 pm
- A398945.3 Mortgage to Rabo Wrightson Finance Limited - 9.4.1999 at 2.10 pm

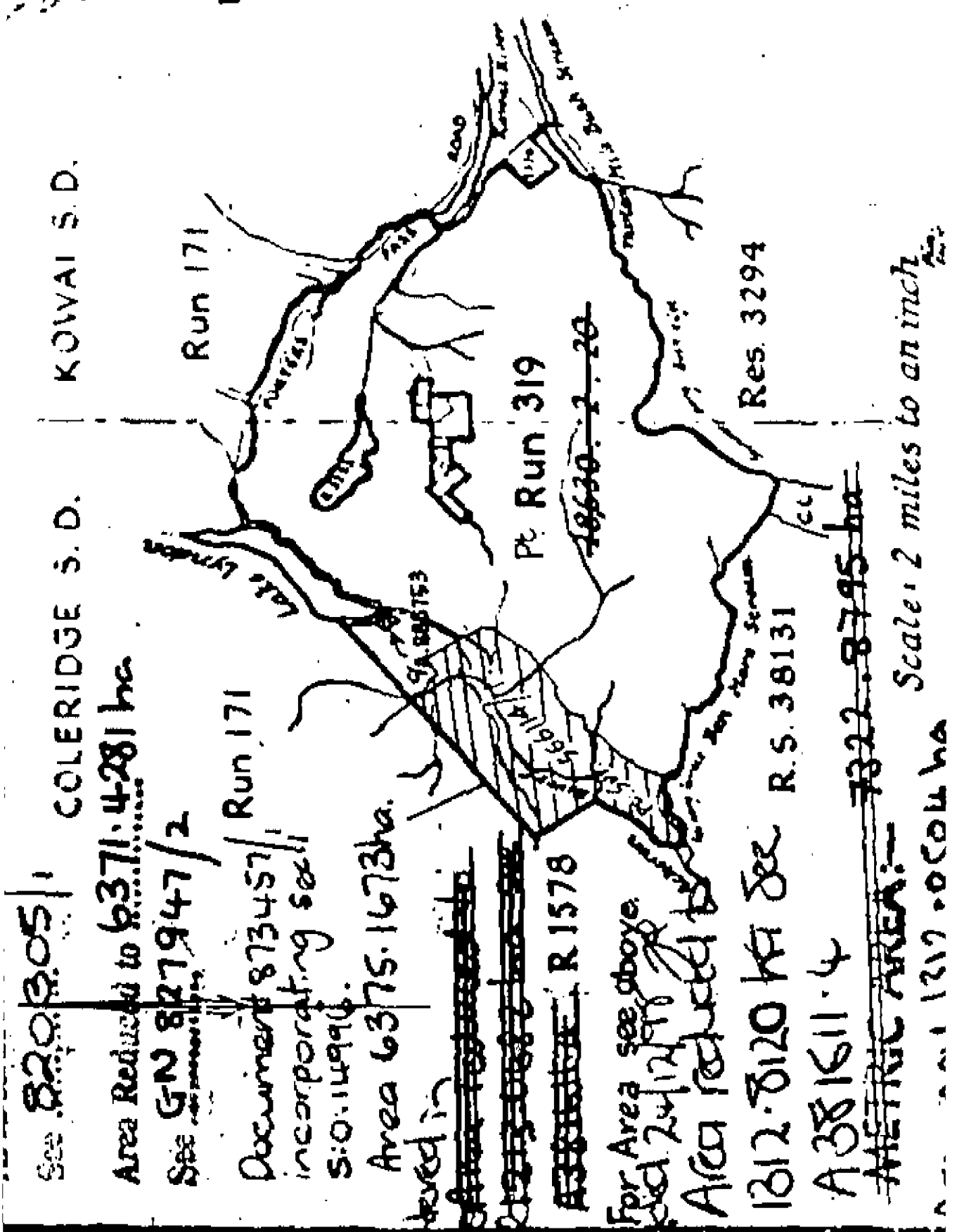
RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

Identifier

**CB529/218**

A464328.1 Gazette Notice (2000 page 1358) declaring parts of the within land being parcels U (623m<sup>2</sup>), W (5m<sup>2</sup>), Y (1252m<sup>2</sup>), N (421m<sup>2</sup>), P (1 8213ha ) and S (4328m<sup>2</sup>) all on SO 17298 to be road and shall form part of State Highway No 73 pursuant to Section 60(2) of the Transit New Zealand Act 1989 and shall vest in the Crown, and declaring parcels R (229m<sup>2</sup>), V (610m<sup>2</sup>), X (2428m<sup>2</sup>) and M (367m<sup>2</sup>) all on SO 17298 adjoining the within land to be stopped road and shall be incorporated in the within Lease subject to Mortgage A398945.2: and declaring part of the within land marked Q (9250m<sup>2</sup>) on SO 17298 to be taken and shall vest in the Crown 30.6.2000 at 9:00 am

**RELEASED UNDER THE  
OFFICIAL INFORMATION ACT**



See ~~820305/1~~

COLERIDGE S. D.

KOWAI S. D.

Area Reduced to 6371.4281 ha

See GN 827947/2

Document 873457/1  
incorporating sections 5:0.1499/6.

Area 6375.1673ha.

shaded in

~~R 1578~~

For Area see above  
dated 24/12/1988

Area reduced to

1812.8120 ha Dec

A 381611.4

~~NETTING AREA: 7322.8795 ha~~

~~1217.0604 ha~~

Res. 3294

Pt Run 319

Run 171

Scale: 2 miles to an inch

PREPARED UNDER THE  
OFFICIAL INFORMATION ACT