

## **Crown Pastoral Land Tenure Review**

**Lease name : BUSH SPURS**

**Lease number : PC 131**

### **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 09**

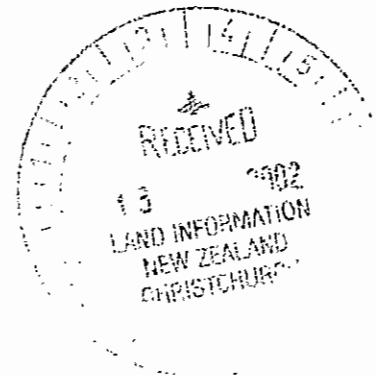
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# **DUE DILIGENCE REPORT**

**for  
Tenure Review**

**BUSH SPURS**

Log: 9516



**Prepared by Don McGregor McGregor Property Services  
for and on behalf of Q.V.Valuations**

**March 2002**

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

**File Ref:** CON 50272/09/12781/A-ZNO

**Report No:** QVV 229

**Report Date:** 13/03/2002

**Office of Agent:** CHRISTCHURCH


**LINZ Case No:** 02/340 <sup>TR</sup>

**Date sent to LINZ:** 15/03/02

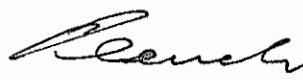
**RECOMMENDATIONS**

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** that the only incomplete action relates to the legalisation of the rain guage site and access thereto on the lease as outlined in the Agreement dated 13 December 1974 and protected by Compensation Certificate 20209.1 (registered against the former CL CB529/61 but not brought down on to the Pastoral lease on expiry).
3. That the Commissioner of Crown Lands or his delegate **note** that no potential liabilities have been identified as a result of the file search.
4. That the Commissioner or his delegate **note** that:
  - a) While there is legal access to this lease according to the file practical vehicle and stock access has historically been across adjoining properties as recorded in *Appendix 2*.
  - b) The western legal boundary does not appear to conform with the existing fenceline as shown on the topographical plan attached to the Land Status Report.


**Signed by Sub – Contractor:**

  
\_\_\_\_\_  
Name: D. McGregor  
McGregor Property Services Limited  
Accredited Agent

**Signed by Contractor**

  
\_\_\_\_\_  
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: GRANT KASPER WOBLEY  
Date of Decision: 17/3/02

*Stock limitation in Lease:*

No. more than 1000 sheep during the period between 1 September and 31 December inclusive in every year; not more than 3500 ewes and lambs for the period between 1 January and 31 March inclusive in every year; not more than 150 cows during the period between 1 April and 1 May inclusive in every year and no livestock being run on the property during the period between 2 May and 31 August inclusive of every year.

*Commencement Date:*

The lease was issued on 1 January 1974 to William Francis Gerrard at the Annual rental of \$220 based on the above stock limitation. The property transferred to the current lessees on 7 April 1987 (registered as Transfer 673932.4). Rental review was missed as at 1 January 1985. Rental review as at 1 January 1996 adjusted the Rental value (\$56,000) and Annual Rental (\$1260).

*Other Provisions:*

Nil.

**3.2 Area adjustments**

There have been no historical area adjustments to the lease area and there are no area discrepancies.

**3.3 Registered Interests**

No registered interests are recorded against this lease.

**3.4 Unregistered Interests**

*Legalisation of site Rain Guage and access thereto*

Compensation Certificate 20209/1 under Section 17 of the Public Works Act 1981 dated 17 December 1974 was registered against the former Pastoral Occupation Licence (CL CB529/61) but was not brought down on to the new lease following expiry. This Compensation Certificate protected an Agreement made between the then lessee and the Crown dated 13 December 1974 and provided for the grant of a licence to construct rain guages and associated facilities and transfer of a right of way and easement to permit access for servicing such facilities subject to conditions.

Refer also Clause 8.1.

*Unregistered Mortgages / debts*

None known.

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

There are no current Government programmes approved for the property.

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

A Land Status Report undertaken by McGregor Property Services Limited for and on behalf of Q V Valuations on 19 February 2002, confirms the status of the land as Crown Land, leased pursuant to Section 66 of the Land Act 1948, and registered under Section 83 of the same Act.

There are no registered interests on the lease, but the lease 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 its acquisition from the original Maori owners under the Kemp Purchase.

The report notes that:

1. CL CB16F/830 does not contain a notation that the lease is subject to Section 58 of the Land Act 1948 but S.O.'s 13609 indicates that Run 342 is subject to Section 58 in respect of all rivers and streams in excess of three metres in width.
2. It would appear that Compensation Certificate 20209.1 registered in 1974 against CL 529/91 pursuant to Section 17 of the Public Works Amendment Act 1948 was not discharged prior to expiry of the Pastoral Occupation Licence and should have been brought forward on to the current lease. The Compensation Certificate protects an Agreement dated 13 December 1974 providing for the grant of a licence to the Crown for the placing of a rain gauge and associated things and the transfer of a right of way and easement to permit access for servicing and measurement (subject to conditions).

Notwithstanding that this function may have transferred to the Canterbury Regional Council in the event that the rain gauge is still in situ an easement would still be required to legalise the facilities and access thereto.

A copy of the Land Status Report is attached as *Schedule A*

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

Both maps attached to the Land Status Report show there are no known transmission or local power lines, telecommunication or other hilltop installations, airstrips, dams, water races or historic sites on the property.

The topographical map reveals the existence of an unnamed hut on the eastern boundary adjoining the Bush Stream.

### **6.1 Legal Roads – formed and paper**

The Land Status Report indicates that the original plans denoted the roads abutting the property are legal by Section 110A of the Public Works Act 1928.

### **6.2 Fenced Boundaries v Legal Boundaries (peripheral):**

It would appear that the south-western legal boundary of the lease as shown on the attached topographical plan may not confer with the fenced boundary and an adjustment may be necessary.

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

Western Boundary	Part Run 263 – Stewardship land held by DoC pursuant to Section 62 of the Conservation Act 1987.
Northern and Western boundary	Part Reserve 3294 - Stewardship land held by DoC pursuant to Section 62 of the Conservation Act 1987.

## **8. Summarise any incomplete actions or potential liabilities:**

### **8.1 Legalisation of Rain gauge and access**

Refer also to Clause 3.4.

Following an approach from the District Commissioner of Works (DCW) the then Commissioner of Crown Lands, by Case No 1974/554 dated 5 November 1974. (f 489) approved an easement pursuant to Section 60 of the Land Act 1948 to provide for the maintenance of a rain guage and access thereto.

The DCW subsequently approved the proposals for a licence/easement in perpetuity for the agreed purpose subject to conditions. The Agreement was executed by the parties on 13 December 1974 and protected by Compensation Certificate 20209.1 (registered 17 December 1974). These latter documents were extracted from 40/39/91 held in Archives.

Notwithstanding that this function may have transferred to the Canterbury Regional Council in the event that the rain guage is still in situ an easement would still be required to legalise the facilities and access thereto.

*A copy of the relevant folios are attached as **Appendix 3**.*

#### **Schedule A – Land Status Report.**

#### **APPENDICES**

- 1. Copy of Lease Document.**
- 2. Copy of relevant folios – Practical access across adjoining lands.**
- 3. Copy of relevant folios - Legalisation of Rain Guage and access therto.**

# **LAND STATUS REPORT**

**for  
Tenure Review**

## **BUSH SPURS**

**Prepared by Don McGregor, McGregor Property Services Limited  
for and on behalf of Q.V. Valuations**

**February 2002**

## **CONTENTS**

### **PROPERTY 1 OF 4**

#### **Appendix A – Land Status Report (and Supporting plans).**

- Additional Plans
- Extract of CLR
- Extracts of Allocation maps
- DOC Consultation
- Information supporting Mineral investigation
- Information supporting Notes to Report
- Other information

#### **Appendix B – Land Status Report (Certified by Chief Surveyor).**

### **PROPERTY 2 OF 4**

#### **Appendix A – Land Status Report (and Supporting plans).**

### **PROPERTY 3 OF 4**

#### **Appendix A – Land Status Report (and Supporting plans).**

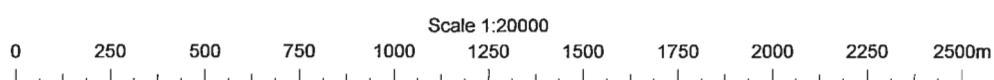
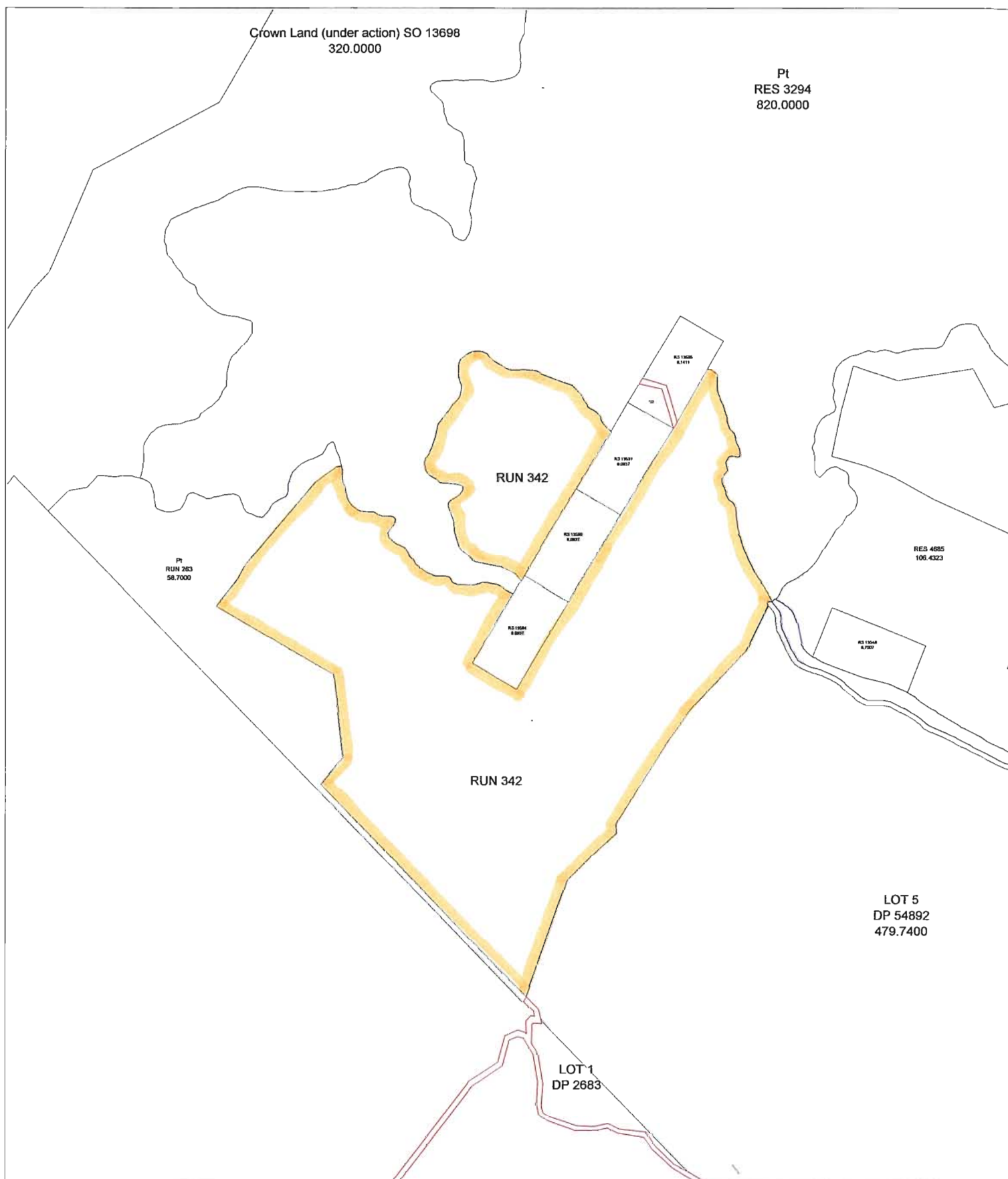
### **PROPERTY 4 OF 4**

#### **Appendix A – Land Status Report (and Supporting plans).**

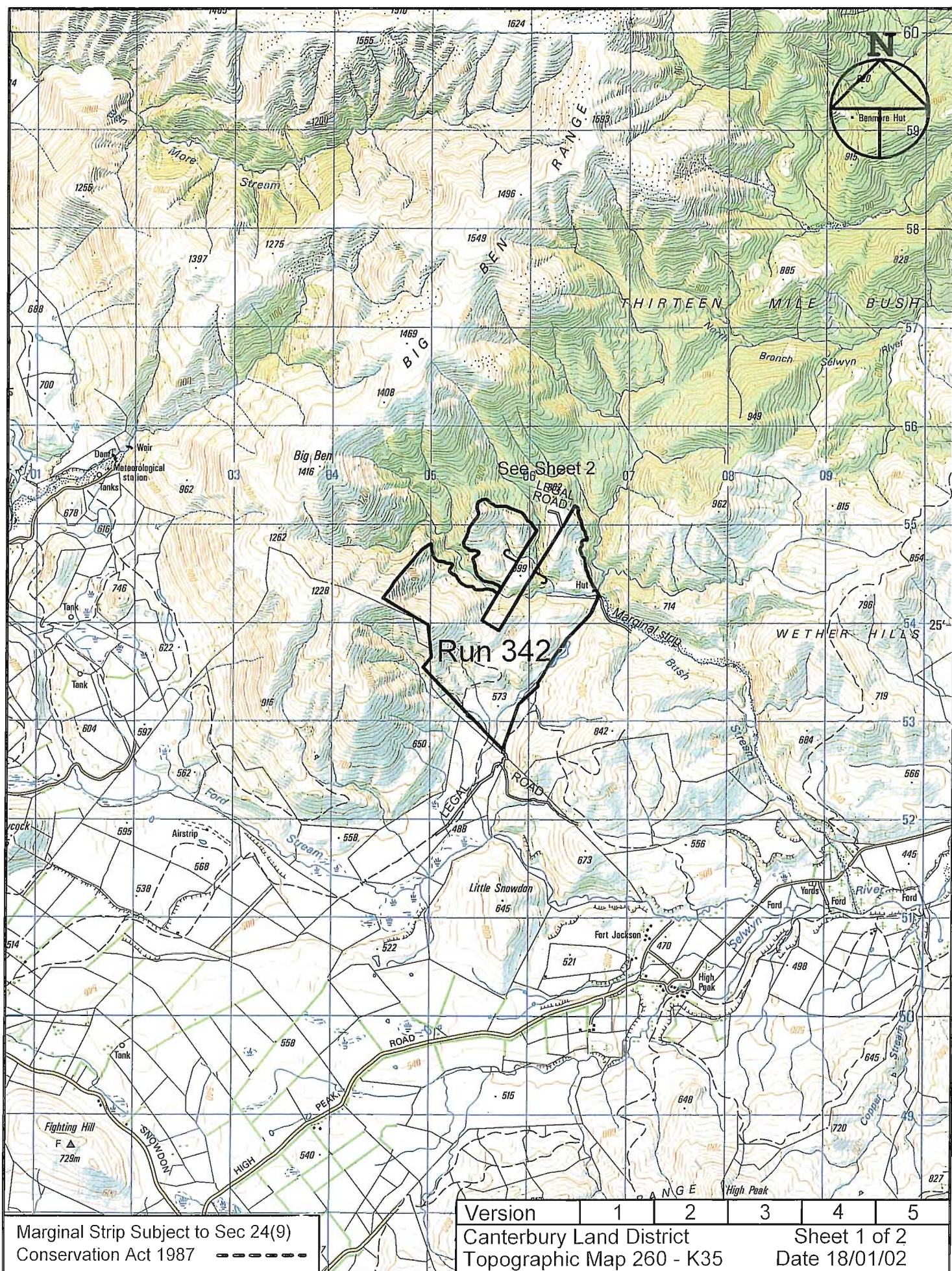


**PROPERTY 1 OF 4**

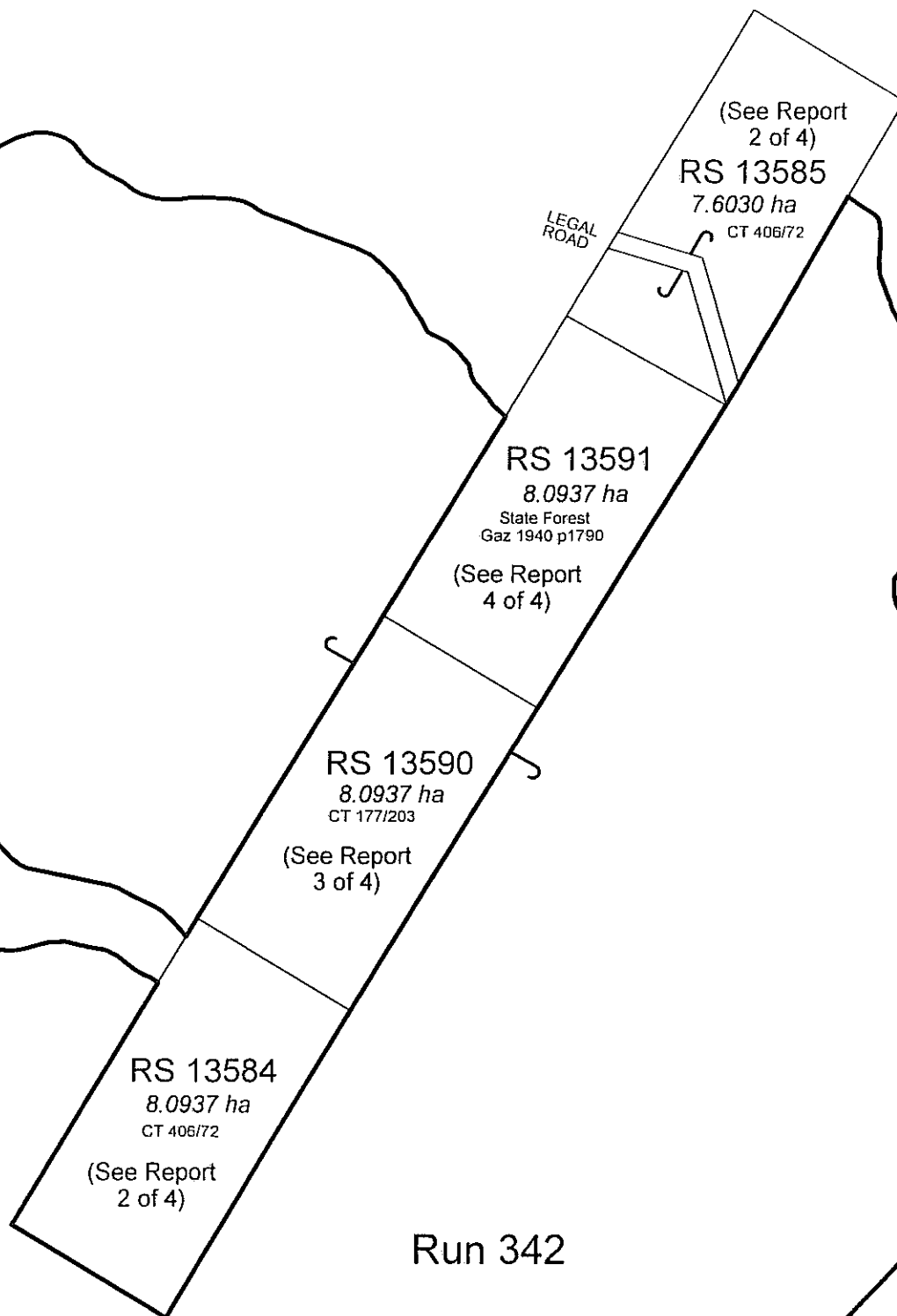
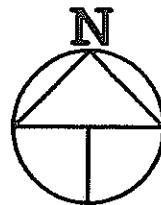
**Appendix A – Land Status Report  
(and supporting plans)**









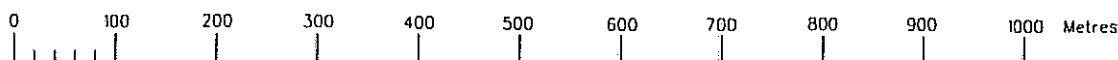


Marginal Strip Subject to Sec 24(9)  
 Conservation Act 1987 -----

Version	1	2	3	4	5
Canterbury Land District			Sheet 2 of 2		
Topographic Map 260 - K35			Date 18/01/02		

## Bush Spurs

Scale 1:7500



**Q.V. VALUATIONS  
CHRISTCHURCH OFFICE**

**APPENDIX A1**

Project No: QVV: 228

This report has been prepared on the instruction of Land information New Zealand in terms of **Contract No. 50272 (as yet undated)** and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

<b>LAND STATUS REPORT for Bush Spurs Tenure Review</b>	<b>LIPS Ref: 12781</b>
<b>Property 1 of 4</b>	

<b>Land District</b>	Canterbury.
<b>Legal Description</b>	Run 342, situated in Block III, Fighting Hill District.
<b>Area</b>	256.9000 hectares.
<b>Status</b>	Crown land subject to the Land Act 1948.
<b>Instrument of title / lease</b>	Pastoral Lease CL CB16F/830 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
<b>Encumbrances</b>	Subject to Part IVA of the Conservation Act 1987, upon disposition.
<b>Mineral Ownership</b>	The Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Deed of Purchase.
<b>Statute</b>	Land Act 1948 and Crown Pastoral Land Act 1998.

<b>Data Correct as at</b>	19 February 2002.
<b>[Certification Attached]</b>	Yes.

<b>Prepared by Crown Accredited Supplier</b>	Don McGregor, McGregor Property Services Limited, Christchurch for and on behalf of Q.V. Valuations.
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<b>NOTES: This information does not affect the status of the land but was identified as possible requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6</b>	<ol style="list-style-type: none"> <li>1) Please note additional Reports within the periphery / adjoining the lease.</li> <li>2) CL CB16F/830 does not carry a notation that the lease is subject to Section 58 of the Land Act 1948 but S.O. 13609 indicates that Run 342 is subject to section 58 in respect of all rivers and streams in excess of 3 metres in width.</li> <li>3) It would appear that Compensation Certificate 20209.1 registered in 1974 against CL 529/91 pursuant to Section 17 of the Public Works Amendment Act 1948 was not discharged prior to expiry of the Pastoral Occupation Licence and should have been brought forward on to the current lease. The Compensation Certificate protects an Agreement dated 13 December 1974 providing for the grant of a</li> </ol>
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licence to the Crown for the placing of a rain guage and associated things and the transfer of a right of way and easement to permit access for servicing and measurement (subject to conditions).

Notwithstanding that this function may have transferred to the Canterbury Regional Council in the event that the rain guage is still in situ an easement would still be required to legalise the facilities and access thereto.

<b>LAND STATUS REPORT for Bush Spurs Tenure Review</b>		LIPS Ref: 12781
Property 1 of 4		
Research Data: <u>Some Items may not be applicable</u>		
SDI Print Obtained	Yes.	
NZMS 261 Ref	K 35.	
Local Authority	Selwyn District Council.	
Crown Acquisition Map	Kemp Deed of Purchase.	
SO Plans	<p><b>SO 3239</b> - Plan of Midland Railway Block adjoining (Approved March 1900).</p> <p><b>SO 3896</b> - Plan of Sections 13584, 13585, 13590, 13591 and 13546 (Approved April 1881).</p> <p><b>SO 8486</b> - Plan of Land adjoining Run 169 (Approved 6 November 1952).</p> <p><b>SO 8550</b> - Plan of Part Reserves 3120 and 3294 and Parts Run 169A (Approved 15 December 1952).</p> <p><b>SO 8974</b> - Plan of RS's 38130-38135 and Crown land (Approved 24 December 1956).</p> <p><b>SO 13609</b> - Plan of Run 342 and Part Run 263 (Approved 12 May 1975).</p> <p><b>SO 13698</b> - Plan of Pt Reserves 3294 and 3120 and Crown Land (Approved 6 August 1975).</p> <p><b>SO 17121</b> - DOC Allocation plan.</p>	
Gazette Notices	<p><b>N.Z. Gazette 1940 p1790</b> set apart adjoining RS 13591 FOR Permanent State Forest - now stewardship land (Refer Report 4 of 4).</p> <p><b>N.Z. Gazette 1998 p1701</b> declared Pt Run 263 (S.O. 13609) -- 58.7000ha to be held for Conservation purposes.</p>	
Lease Ref	Pastoral Lease CL CB16F/830 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.	
Legalisation Cards	Searched. <b>S.O 13609</b> shows that Pt Run 263 (58.7000ha) is now held for Conservation purposes by N.Z. Gazette 1998 p1701.	
CLR	Confirms Pastoral Lease tenure.	
Allocation Maps (if applicable)	<p>Searched. No DoC or SOE Allocations are within the periphery of the lease.</p> <p>DOC Allocations D*K35*7 and 8 - (SO 17121) adjoining. Schedule and extract of Allocation plan attached.</p>	
VNZ Ref - if known	VR 24260/7700.	
Crown Grant Maps	Not applicable.	



<b>Subject Land Marginal Strip:</b>	
<b>a) T [Sec 24(9) or Sec 58]</b>	a) Refer to Notes above.
<b>b) Date Created</b>	b) Not applicable.
<b>c) Plan Reference</b>	c) Not applicable.

<b>LAN STATUS REPORT for Bush Spurs Tenure Review</b>	<b>LIPS Ref 12781</b>
<b>Property 1 of 4</b>	

<b>If Crown land – Check Irrigation Maps</b>	Searched – Not applicable.
<b>Mining Maps</b>	Searched – Not applicable.
<b>If Road</b> <b>a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989</b>  <b>b) By Proclamation</b>  <b>c) Gazette Ref:</b>	a) No internal roads and only abutting road is legal by Section 110A of the Public Works Act 1928.  a) Not applicable.  b) Not Applicable.
<b>Other relevant information</b> <b>a) Concessions – Advice from DOC or Knight Frank.</b>  <b>b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998</b>  <b>c) Mineral Ownership</b>  <b>d) Other Info</b>	a) No current DOC concessions exist within the lease boundaries. The only DOC interests are in the Marginal Strips yet to be defined.  b) Any disposition subject to Part 9 of the Ngai Tahu Claims Settlement Act 1998.  c) Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Deed of Purchase.  d) Not applicable.

**Appendix B Land Status Report  
(Certified Correct by Chief Surveyor)**

# **LAND STATUS REPORT**

**for  
Tenure Review**

**BUSH SPURS**

**Prepared by Don McGregor, McGregor Property Services Limited  
for and on behalf of Q.V. Valuations**

**January 2002**

**Q.V. VALUATIONS  
CHRISTCHURCH OFFICE**

**APPENDIX B**

**Project Number : QVV 228**

This report has been prepared on the instruction of Land Information New Zealand in terms of **Contract No : 50272 (as yet undated)** and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

<b>LAND STATUS REPORT for Bush Spurs Tenure Review</b>				LIPS Ref: 12781	
<b>Property</b>	<b>1</b>	<b>of</b>	<b>1</b>		

<b>Land District</b>	Canterbury
<b>Legal Description</b>	Run 342, situated in Block III, Fighting Hill Survey District.
<b>Area</b>	256.9000 hectares.
<b>Status</b>	Crown land subject to the Land Act 1948.
<b>Instrument of lease</b>	Pastoral Lease CL CB16F/830 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
<b>Encumbrances</b>	Subject to Part IVA of the Conservation Act 1987, upon disposition.
<b>Statute</b>	Land Act 1948 and Crown Pastoral Land Act 1998.

<b>Data Correct as at</b>	9 January 2002.
<b>[Certification Attached]</b>	Yes

<b>Prepared by</b>	Don McGregor
<b>Crown Accredited Supplier</b>	McGregor Property Services Limited, Christchurch for and on behalf of Q.V. Valuations

**Certification:**

I, pursuant to section 11(1)(f) 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*  
.....


**R Moulton, Chief Surveyor  
Land Information New Zealand, Christchurch**

**Date: 17/1/2002**

## **CERTIFICATION**

**Report to the Chief Surveyor, Christchurch, for certification of Status Investigation for the BUSH SPURS Pastoral Lease Tenure Review.**

1. I, Donald McGregor of McGregor Property Services Limited, acting for and on behalf of Opus International Consultants Limited, certify that the status report enclosed for certification is in order for signature.
2. In giving this certification I, Donald McGregor of McGregor Property Services Limited, acting for and on behalf of Q.V. Valuations, undertake that the status report has been completed in compliance with all relevant policy instructions and in particular, OSG Standard 1999/05 and the Regulatory Chiefs' Land Status Investigations Guidelines 1999/01.



D McGregor  
McGregor Property Services Limited  
Accredited Supplier  
9 January 2002

**PROPERTY 2 OF 4**

**Appendix A – Land Status Report  
(and supporting plans)**



**Q V VALUATIONS  
CHRISTCHURCH OFFICE**

**APPENDIX A2**

**Project Number QVV 228**

This report has been prepared on the instruction of Land information New Zealand in terms of **Contract No. 50272 (as yet undated)** and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

<b>LAND STATUS REPORT for Bush Spurs Tenure Review (Freehold land)</b>	<b>LIPS Ref: Not Applicable</b>
<b>Property 2 of 4</b>	

<b>Land District</b>	Canterbury.
<b>Legal Description</b>	Rural Section 13584 and 13585, situated in Blocks III, Fighting Hill and XVI, Coleridge Survey Districts.
<b>Area</b>	15.6967 hectares.
<b>Status</b>	Freehold land held by Thomas Maberly HASSAL.
<b>Instrument of title</b>	CT CB406/72 (Limited as to Parcels).
<b>Encumbrances</b>	Nil.
<b>Mineral Ownership</b>	The Mines and Minerals are owned by the freehold owner.
<b>Statute</b>	Not applicable.

<b>Data Correct as at</b>	19 February 2002
<b>[Certification Attached]</b>	Yes

<b>Prepared by Crown Accredited Supplier</b>	Don McGregor, McGregor Property Services Limited, Christchurch For and on behalf of QV Valuations
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<b>NOTES: This information does not affect the status of the land but was identified as possible requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6</b>	<p>It should be noted that the title was issued to the owner, Thomas Maberly HASSAL, in 1928 and has not passed into any other ownership. Given that he would have not been a minor if still alive he would be over 100 years old. It is not known whether his successors are occupying this land or it is occupied by adverse possession by the adjoining owners /lessees.</p> <p>If the latter situation prevails then, Providing that occupation has been continuous and rates paid for a qualifying period then the occupier would appear to have little difficulty in obtaining title by claiming adverse possession.</p>
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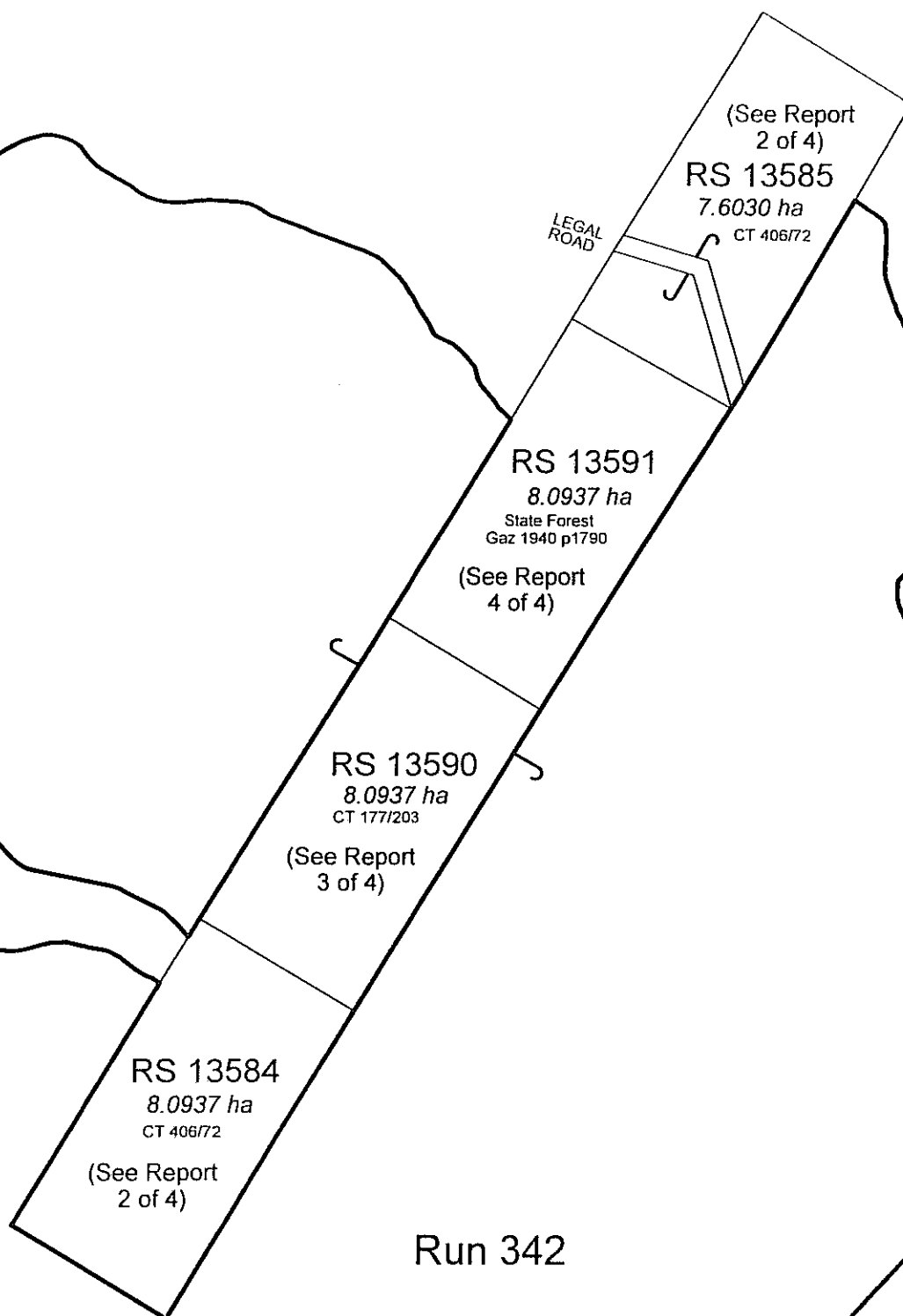
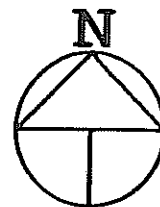
<b>LAND STATUS REPORT for Bush Spurs Tenure Review (Freehold land)</b>	<b>LIPS Ref</b> <b>Not Applicable</b>
<b>Property 2 of 4</b>	

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

SDI Print Obtained	Yes.
NZMS 261 Ref	K 35.
Local Authority	Selwyn District Council.
Crown Acquisition Map	Not applicable.
SO Plans	SO 3896 – Plan of Application for Sections 13584, 13585, 13590, 13591 and 13546 (Approved April 1881).
Relevant Gazette Notices	Not applicable.
CT Ref / Lease Ref	CT CB406/72.
Legalisation Cards	Not applicable.
CLR	Not Crown land.
Allocation Maps (if applicable)	Not applicable.
VNZ Ref – if known	Not known.
Crown Grant Maps	SO 3896.
<b>If Subject Land Marginal Strip:</b>	
a) Type [Sec 24(9) or Sec 58]	a) Not applicable.
b) Date Created	b) Not applicable.
c) Plan Reference	c) Not applicable.

<b>LAND STATUS REPORT for Bush Spurs Tenure Review (Freehold land)</b>	<b>LIPS Ref</b> Not Applicable
<b>Property 2 of 4</b>	

<b>If Crown land – Check Irrigation Maps</b>	Not Applicable.
<b>Mining Maps</b>	Not Applicable.
<b>If Road</b> <b>a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989</b>  <b>b) By Proc</b>	<b>a) SO Plan 3896 – Crown Grant Road abuts R.S. 13585.</b>  <b>b) Proc Plan</b> Not applicable.  <b>c) Gazette Ref</b> Not applicable.
<b>Other relevant information</b> <b>a) Concessions – Advice from DOC or Knight Frank.</b>  <b>b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998</b>  <b>c) Mineral Ownership</b>  <b>d) Other Info</b>	<b>a) Not applicable.</b>  <b>b) Not applicable.</b>  <b>c) Remains with CT CB406/72.</b>  <b>d) Not applicable.</b>



Marginal Strip Subject to Sec 24(9)  
Conservation Act 1987 -----

Version	1	2	3	4	5
Canterbury Land District					
Topographic Map 260 - K35					
Sheet 2 of 2					
Date 18/01/02					

## Bush Spurs

Scale 1:7500

**PROPERTY 3 OF 4**

**Appendix A – Land Status Report  
(and supporting plans)**

**Q V VALUATIONS  
CHRISTCHURCH OFFICE**

**APPENDIX A3**

**Project Number QVV 228**

This report has been prepared on the instruction of Land information New Zealand in terms of **Contract No. 50272 (as yet undated)** and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

<b>LAND STATUS REPORT for Bush Spurs Tenure Review (Freehold land)</b>	<b>LIPS Ref: Not Applicable</b>
<b>Property 3 of 4</b>	

<b>Land District</b>	Canterbury.
<b>Legal Description</b>	Rural Section 13590, situated in Block III, Fighting Hill Survey District.
<b>Area</b>	8.0937 hectares.
<b>Status</b>	Freehold land held by John FARLEY.
<b>Instrument of title</b>	CT CB177/203.
<b>Encumbrances</b>	Nil.
<b>Mineral Ownership</b>	The Mines and Minerals are owned by the freehold owner.
<b>Statute</b>	Not applicable.

<b>Data Correct as at</b>	19 February 2002
<b>[Certification Attached]</b>	Yes

<b>Prepared by Crown Accredited Supplier</b>	Don McGregor, McGregor Property Services Limited, Christchurch For and on behalf of QV Valuations
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<b>NOTES: This information does not affect the status of the land but was identified as possible requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6</b>	<p>It should be noted that the current owner, John FARLEY, acquired this land in 1928 (T170510) and it has not passed into any other ownership since. Given that he would have not been a minor if still alive he would be almost over 100 years old. It is not known whether his successors are occupying this land or it is occupied by adverse possession by the adjoining owners /lessees.</p> <p>If the latter situation prevails then, Providing that occupation has been continuous and rates paid for a qualifying period then the occupier would appear to have little difficulty in obtaining title by claiming adverse possession.</p>
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<b>LAND STATUS REPORT for Bush Spurs Tenure Review (Freehold land)</b>	<b>LIPS Ref</b> <b>Not Applicable</b>
<b>Property 3 of 4</b>	

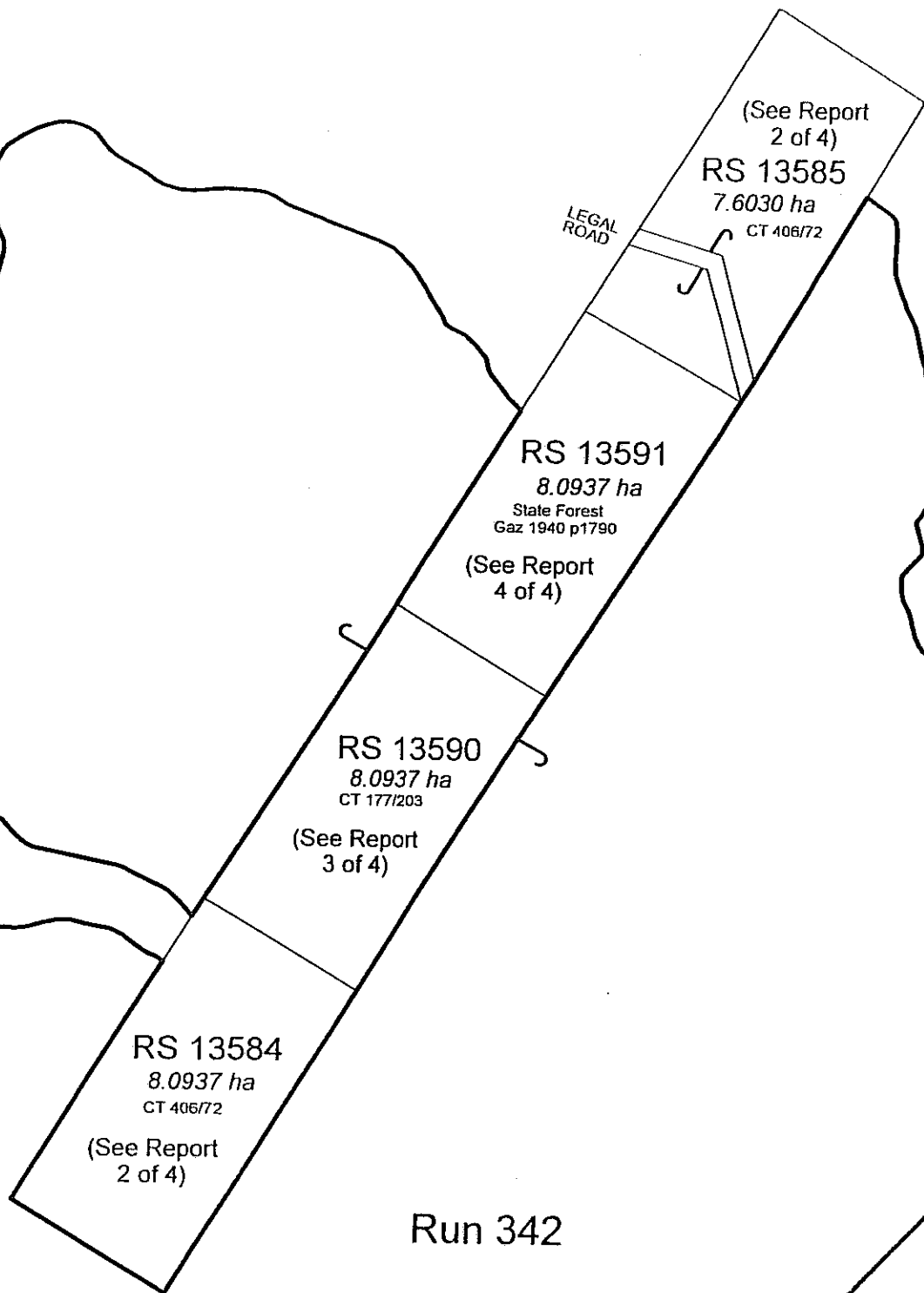
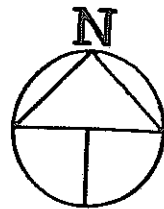
**Research Data:** Some Items may not be applicable

<b>SDI Print Obtained</b>	Yes.
<b>NZMS 261 Ref</b>	K 35.
<b>Local Authority</b>	Selwyn District Council.
<b>Crown Acquisition Map</b>	Not applicable.
<b>SO Plans</b>	<b>SO 3896</b> – Plan of Application for Sections 13584, 13585, 13590, 13591 and 13546 (Approved April 1881).
<b>Relevant Gazette Notices</b>	Not applicable.
<b>CT Ref / Lease Ref</b>	CT CB177/203.
<b>Legalisation Cards</b>	Not applicable.
<b>CLR</b>	Not Crown land.
<b>Allocation Maps (if applicable)</b>	Not applicable.
<b>VNZ Ref – if known</b>	Not known.
<b>Crown Grant Maps</b>	<b>SO 3896.</b>
<b>If Subject Land Marginal Strip:</b>	
<b>a) Type [Sec 24(9) or Sec 58]</b>	a) Not applicable.
<b>b) Date Created</b>	b) Not applicable.
<b>c) Plan Reference</b>	c) Not applicable.



<b>LAND STATUS REPORT for Bush Spurs Tenure Review (Freehold land)</b>	<b>LIPS Ref</b> Not Applicable
<b>Property 3 of 4</b>	

If Crown land – Check Irrigation Maps	Not Applicable.
Mining Maps	Not Applicable.
<b>If Road</b> <b>a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989</b>  <b>b) By Proc</b>	a) No road abuts this land.  b) Proc Plan Not applicable.  c) Gazette Ref Not applicable.
<b>Other relevant information</b> <b>a) Concessions – Advice from DOC or Knight Frank.</b>  <b>b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998</b>  <b>c) Mineral Ownership</b>  <b>d) Other Info</b>	a) Not applicable.  b) Not applicable.  c) Remains with CT CB177/203.  d) Not applicable.

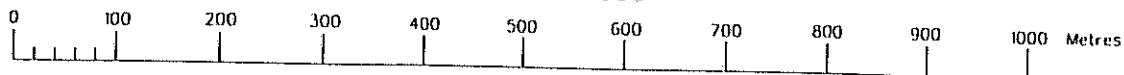


Marginal Strip Subject to Sec 24(9)  
Conservation Act 1987 -----

Version	1	2	3	4	5
Canterbury Land District					
Topographic Map 260 - K35					
	Sheet 2 of 2				
	Date 18/01/02				

## Bush Spurs

Scale 1:7500



**PROPERTY 4 of 4**

**Q V VALUATIONS  
CHRISTCHURCH OFFICE**

**APPENDIX A4**

Project Number QVV 228

This report has been prepared on the instruction of Land information New Zealand in terms of Contract No. 50272 (as yet undated) and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

<b>LAND STATUS REPORT for Bush Spurs Tenure Review</b> (Freehold land)	LIPS Ref: Not Applicable
Property 4 of 4	

<b>Land District</b>	Canterbury.
<b>Legal Description</b>	Rural Section 13591, situated in Block III, Fighting Hill Survey District.
<b>Area</b>	8.0937 hectares.
<b>Status</b>	Stewardship land pursuant to Section 61 of the Conservation Act 1987 (set apart as Permanent State Forest by N.Z. Gazette 1940 p1790).
<b>Instrument of title</b>	CT CB406/73 (Limited as to Parcels).
<b>Encumbrances</b>	Subject to Part 9 of the Ngai Tahu Claims Settlement Act 1998.
<b>Mineral Ownership</b>	RS 13591 was transferred to HMK (without purpose or authority) in 1940 and subsequently set apart for Permanent State Forest purposes implying that the land was acquired as a "public work". In those circumstances the Mines and minerals remain with the original Crown Grant (68323 - 111D/29)
<b>Statute</b>	Not applicable.

<b>Data Correct as at</b>	19 February 2002
<b>[Certification Attached]</b>	Yes

<b>Prepared by Crown Accredited Supplier</b>	Don McGregor, McGregor Property Services Limited, Christchurch For and on behalf of QV Valuations
--	--

<b>NOTES:</b>	<p>1) It should be noted that the current owner, John FARLEY, acquired this land in 1928 (T170510) and it has not passed into any other ownership since. Given that he would have not been a minor if still alive he would be almost over 100 years old. It is not known whether his successors are occupying this land or it is occupied by adverse possession by the adjoining owners /lessees.</p> <p>If the latter situation prevails then, Providing that occupation has been continuous and rates paid for a qualifying period then the occupier would appear to have little difficulty in obtaining title by claiming adverse possession.</p>
---------------	--

	<p>2) It should be noted that CT CB 406/73 (Limited as to Parcels) is still live pending registration of the Gazette notice (N.Z.Gazette 1940 p1790).</p>
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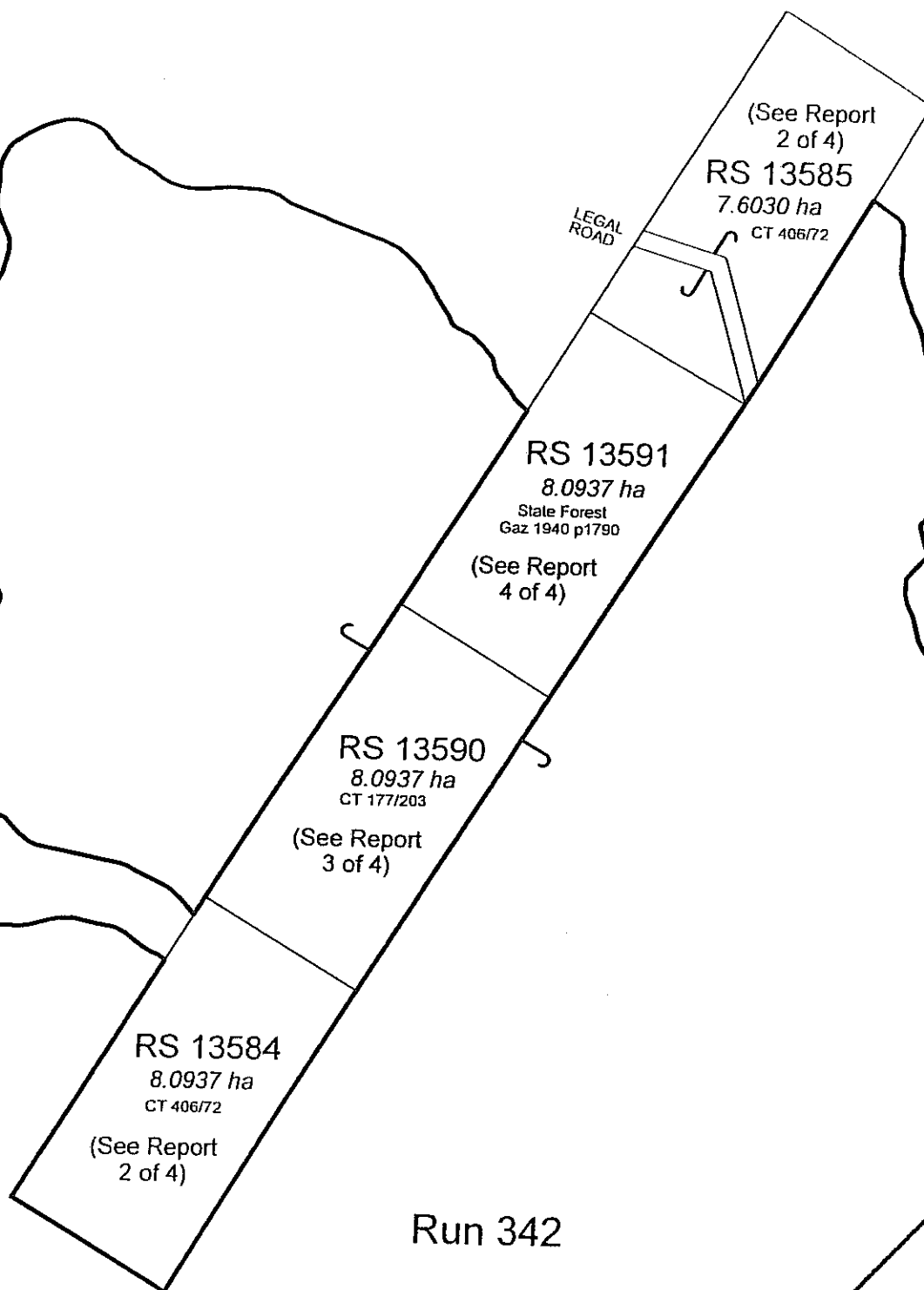
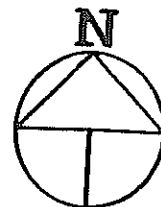
LAND STATUS REPORT for Bush Spurs Tenure Review (Freehold land)		LIPS Ref
Property 4 of 4		Not Applicable

Research Data: Some Items may not be applicable

SDI Print Obtained	Yes.
NZMS 261 Ref	K 35.
Local Authority	Selwyn District Council.
Crown Acquisition Map	Not applicable.
SO Plans	SO 3896 – Plan of Application for Sections 13584, 13585, 13590, 13591 and 13546 (Approved April 1881).
Relevant Gazette Notices	N.Z. Gazette 1940 p1790 set apart R.S. 13591 as Permanent State Forest. Not registered against title – therefore title still live.
CT Ref / Lease Ref	CT CB406/73 (Limited as to Parcels).
Legalisation Cards	Not applicable.
CLR	Not Crown land.
Allocation Maps (if applicable)	DoC Allocations D* K35*7 and 8 (S.O. 17121) being Stewardship land pursuant to Section 62 Conservation Act 1987.
VNZ Ref – if known	Not known.
Crown Grant Maps	SO 3896.
If Subject Land Marginal Strip:	
a) Type [Sec 24(9) or Sec 58]	a) Not applicable.
b) Date Created	b) Not applicable.
c) Plan Reference	c) Not applicable.

ND STATUS REPORT for Bush Spurs Tenure Review (Freehold land)	LIPS Ref Not Applicable
Property 4 of 4	

If Crown land – Check Irrigation Maps	Not Applicable.
Mining Maps	Not Applicable.
<b>If Road</b> a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989  b) By Proc	a) No road abuts this land.  b) Proc Plan Not applicable.  c) Gazette Ref Not applicable.
Other relevant information a) Concessions – Advice from DOC or Knight Frank.  b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998  c) Mineral Ownership	a) Not applicable.  b) Any disposition subject to Part 9 of the Ngai Tahu Claims Settlement Act 1998.  Title (CT CB406/73 – Limited as to Parcels) issued in 1928 by authority of Crown Grant 68323 (111/29) and all the rights and interests including the Mines and Minerals were included. The original Crown Grant of RS 13591, under the Land Regulations 1856 (68323 – 111D/29) was to Henry Phillip Hill dated 21 June 1882 with “all rights and appurtenances thereto belonging to hold unto the said HP Hill heirs and assigns forever from 8 August 1969”  The Crown acquired the land by Transfer 233779 dated 19 April 1940 whereupon the land was transferred to HMK. The land was subsequently set apart as Permanent State Forest by NZ Gazette 1940 page 1790.  The effect of the Crown Grant (1869) predated the first Public Works legislation. The land was acquired in 1940 (without purpose or authority) implying transfer may have been as a “public work” but this is contradicted by the subsequent setting apart (implying the land was subject to a former Land Act).  I conclude therefore that in the circumstances the Mines and minerals remain with the CT CB406/73.  d) Other Info
d) Other Info	d) Not applicable.

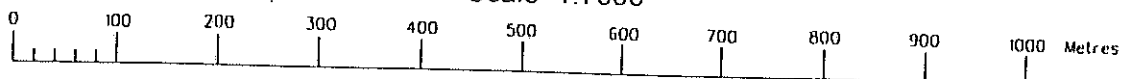


Marginal Strip Subject to Sec 24(9)  
Conservation Act 1987 -----

Version	1	2	3	4	5
Canterbury Land District					
Topographic Map 260 - K35					
Sheet 2 of 2			Date 18/01/02		

## Bush Spurs

Scale 1:7500





## APPENDIX 1



**COMPUTER INTEREST REGISTER  
UNDER LAND TRANSFER ACT 1952**

**Historical Search Copy**



**Identifier** CB16F/830  
**Land Registration District** Canterbury  
**Date Registered** 29 June 1976 10:15 am

---

<b>Type</b>	Lease under s83 Land Act 1948	<b>Term</b>	33 years commencing on the 1st day of January 1974
<b>Area</b>	256.9000 hectares more or less		

**Legal Description** Run 342

**Original Proprietors**

Anthony Owen Howard Tripp as to a 3/5 share

Nicola Brigitte Tripp as to a 2/5 share

---

**Interests**

L. & S.—B. 4

Former Ref. Vol. fol.

L. & S. Ref. No. P.131

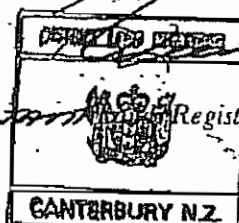
**REGISTER** Entered in the Register-book, the  
NEW ZEALAND

27<sup>th</sup> day of JUNE

1976, at 10:15 o'clock.

**NOT REGISTERED UNDER THE LAND TRANSFER  
ACT: REGISTERED UNDER SEC 83 LAND ACT 1948.**

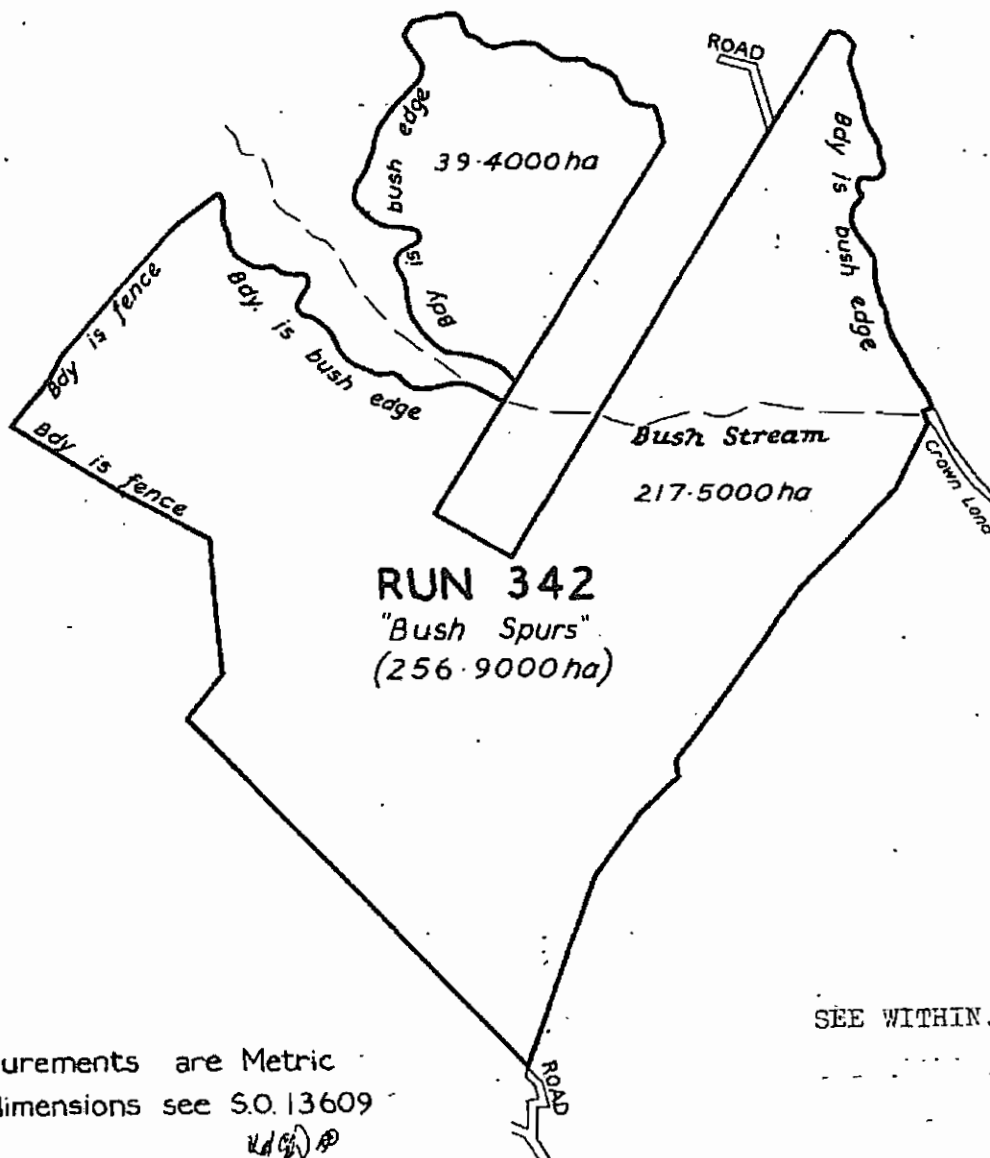
**Pastoral Lease under the Land Act 1948**



**This Deed**, made the 1st day of January, 1974 between HER MAJESTY THE QUEEN (hereinafter referred to as "the Lessor") of the one part, and WILLIAM FRANCIS GERARD of Hororata, farmer

(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 256.9000 hectares more or less, situated in the Land District of Canterbury, and being Run 342 "Bush Spurs" situated in Block III Fighting Hill Survey District

as the same is more particularly delineated with bold black lines on the plan hereon; together with the rights,



SEE WITHIN...

Measurements are Metric  
For dimensions see S.O. 13609

Wd (G) P

No. 16F / 830



16 F/830

1. That without derogating from or restricting the covenants contained and implied and on the part of the lessee to be performed or complied with the lessee will not at any time during the said term depasture on the land hereby demised more than the number of livestock at the specified time as follows:

- (a) Not more than 1000 sheep shall be depastured on the said land during the period 1 September and 31 December inclusive in every year of the said term.
- (b) Not more than 3500 ewes and lambs to be depastured on the said land for the period 1 January to 31 March inclusive in every year of the said term.
- (c) Not more than 150 cows shall be depastured on the said land during the period 1 April to 1 May inclusive in every year of the said term.
- (d) The lessee shall depasture no livestock on the said land during the period 2 May to 31 August inclusive in every year of the said term.

PROVIDED HOWEVER that the lessee may with the prior written consent of the Land Settlement Board carry such additional stock on such terms and conditions as may therein be specified subject nevertheless to the right of the Land Settlement Board to revoke or vary such consent at any time.

Mortgage 127997/1 to Rural Banking and Finance Corporation of New Zealand -  
5.5.1977 at 11.59 a.m.

DISCHARGED  
26.11.1980  
for D.L.R.

Variation of Mortgage 127997/1 -  
19.7.1978 at 12.43 pm.

DISCHARGED  
for A.L.R.

Mortgage 351345/1 to Owhiwhi & Wood Nominees Limited - 22.10.1981 at 11.11 a.m.

DISCHARGED  
7.14.1987  
for A.L.R.

Mortgage 421123/1 to Owhiwhi & Wood Nominees Limited - 16-2-1983 at 9.33 a.m.

DISCHARGED  
7.14.1987  
for A.L.R.

No. 421123/2 Memorandum of Priority making Mortgages 421123/1 and 351345/1 first and second Mortgages respectively - 16-2-1983 at 9.29 a.m.

for A.L.R.

Mortgage 464523/1 to Rural Banking and Finance Limited - 29.11.1983 at 10.31 a.m.

DISCHARGED  
7.14.1987  
for A.L.R.

Variation of Mortgage 421123/1 - 22.10.1985 at 9.42 a.m.

DISCHARGED  
for A.L.R.

Transfer 673932/4 to Anthony Owen Howard Tripp of Hororata, Farmer (as to a 3/5 share) and Nicola Brigitte Tripp his wife (as to a 2/5 share) as tenants in common in the said shares - 7.4.1987 at 9.54 am

for A.L.R.

030598

DEPT. OF JUSTICE  
FBI

JUN 29 10 15 AM '75



## **APPENDIX 2**

JOB NO: 72/472

FILE NO: 0.17

CHRISTCHURCH

24 January 1973

Commissioner of Crown Lands,  
OFFICE

LEASE RENEWAL: RUN 263 - "BUSH SPURS"

Your memorandum 5. 9.72:

Inspection:

I inspected this area, accompanied by the lessee, on 30 November 1972, and I report as follows:-

Location:

This run of 384.4513 hectares is situated on the south-eastern end of the Big Ben range and at the southern tip of 13 Mile Bush. It is some 109 km from Christchurch via the Rakai Gorge road.

Background:

In 1953 the remaining portion of "Snowdon" Station held by the Gerard Estate, Run 169, was cut up for regrouping. This Pastoral Licence of 2670.9252 hectares was divided into three; 1214.0569 hectares of high country was amalgamated with Section 1 Acheron Settlement now held under a Deferred Payment Licence; 1052.1826 hectares was added to the Ben More Pastoral Lease; and the remaining area, "Bush Spurs" containing probably the best land in the lease, was transferred to the trustees for the Gerard Estate under a new Pastoral Occupation Licence, and finally transferred to W.F. Gerard in 1962.

W.F. Gerard has farmed the area since 1962 in conjunction with his freehold property at Windwhistle.

General Description:

Half of the area lies below 750 metres (2,500 ft) and consists of moderate to steep slope and terrace with a good cover of silver and blue tussock, sweet vernal, Yorkshire fog and browntop. Clovers have been introduced and some cocksfoot with reasonable success. This lower country is very clean, except for two small patches of gorse (brought to the lessee's attention) and a small area of nodding thistle that has been recently sprayed. Of the remaining half, 122.215 hectares has been fenced off and retired from grazing, while the balance consists of steep slope with a cover of hard tussock, some snow grass, cotton plant and tauhinu.

Fencing on the south and east boundary consists of a sound standard and wire sheep fence. A new Catchment Board retirement fence forms a boundary along the west, while the edge of 13 Mile Bush acts as a boundary to the north. A short internal fence erected with North Canterbury Catchment Board subsidies divides the block in two and a further fence is intended that will subdivide the block into three.

Stocking:

This block is stocked over the summer period only as winters are severe and snow lies to low levels for long periods.

Present Carrying:

- 900 dry sheep from September to December
- 2,000 ewes and lambs from mid January to 20 March
- 120 cows from April to end of May.

Stock seen on the block during the inspection were ~~LINE (CROWN PROPERTY MANAGEMENT)~~ and the country appeared as though greater stock density would do it more good than harm.

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CONTRACTOR FOR PURPOSES ASSOCIATED

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Lease Renewal:

In 1970 W.F. Gerard purchased a Renewable Lease property nearer to this hill block than his own freehold. During an inspection to look at this acquisition from the point of view of land aggregation, S.F.O. Parcell recommended approval to the transaction on condition that Run 263 be taken for regrouping at the expiry of lease, if so needed. Gerard has been concerned about this and has asked about obtaining greater security of tenure in the form of either a Pastoral or Renewable Lease. There does not appear to be any reason to dispose of this lease to other than Gerard. The two neighbouring properties, "Thurso" and "Snowdon" are large and should be strong economic units, although geographically and for reason of access the land would amalgamate readily with "Thurso". Gerard has farmed the run well and carried out considerable development over the past few years. For this reason alone he should continue leasing the land.

From discussion with J. Stone, Soil Conservator, North Canterbury Catchment Board, reclassification of the remaining 650 acres (263.0456 ha.) of run would not meet with favour from the Board. W. Gerard is agreeable to accepting a Pastoral Lease over the area. There are several aspects that make it desirable not to reclassify the remainder of this run:-

- (1) In the very long term the opportunity may arise where it is desirable to amalgamate the run with either adjoining property where there is no doubt it geographically belongs. This is further supported by the problem of legal access.
- (2) There is the problem of creating small pockets of unoccupied Crown land where retirement of land takes place under Run plans. Reclassification in this case would leave 122.2150 hectares retired, excluded from any form of tenure.
- (3) This area may be important in the long term opening up access to the southern end of 13 Mile Bush where there does not appear to be any good physical or legal access at present.

Access:

There are two unformed legal roads giving access almost to the edge of this Run. One passes through the paddocks and across the flats of "Snowdon" where a Land-Rover track gives vehicle access to the Run at present. The other passes through Henderson's Renewable Lease property to meet the first at a point (200 metres) below the south-east corner of Run 26. Now, at the expiry of the Pastoral Occupation Licence, is the time to investigate the need for access to 13 Mile Bush. Although there would be a 10-chain gap, this would be the most logical route to gain access. (200-metre)

Conclusion:

In view of all the previous comments and after investigation of access this Run would be best disposed of on a Pastoral Lease to W.F. Gerard. The total area should be included in the lease but with a nil stock limit over the 122.2150 hectares retired. A letter should also be written to Gerard complimenting him on his control of the nodding thistle area and pointing out that the two very small areas of gorse require control measure at this early stage.

Recommendation:

- (1) That the taking of Part Run 263 for access be investigated.
- (2) That Gerard be given a 33-year Renewable Pastoral Lease over the 384.4513 hectares, with an 11-year review of rent (stock limit as per accompanying routine inspection form); rent for the first 11-year period to be \$220.00 per annum.

BASIS FOR RENTAL  
ON BACK.

(D.A. Prouting)  
Field Officer.

*D.A. Prouting*  
24/1/77

File No: 0.17

B  
H52

REPORT ON APPLICATION FOR STOCK INCREASE  
AND/OR ROUTINE INSPECTION OF PASTORAL RUN

PART I

OCCUPATION LICENCE

LESSEE: WILLIAM FRANCIS GERARD RUN NAME: "BUSH SPURS"  
AREA: 950 acres RUN NO: Run 263  
LOCATION: On ..... Road ..... miles from ..... Springfield  
RAIL: ..... SALEYARDS: ..... POWER: ..... SCHOOL: .....  
TENURE: P.O.L. Term 21 years from 1.1.53 A.R. \$ 120.00  
COVER AT DATE OF RENEWAL:

DESCRIPTION OF PASTURES AND COVER:

<u>As shown at previous inspection</u>	<u>Current Inspection</u>
<u>Sown-pasture</u> Approx. $\frac{2}{3}$ of the area is good tussock country which has been improved by oversowing. The cover is fescue, silver and blue tussock with a very good ground cover of clover, vernal and Yorkshire fog, with quite a lot of Maori onion showing up.	
<u>ucerne</u>	
<u>allow-or-feed</u>	
<u>total-area-cultivated</u>	
<u>native-grasses</u>	
<u>S-and/or-T.D.</u>	O/Sown & T/D 263.0456 ha
<u>ush, rock or</u>	
<u>arren-shingle</u>	Barren (Retired) 122.2150 ha
<u>ther</u>	
<u>Total:</u> ..... acs.	<u>Total</u> 384.4513 ha

SPECT, CONTOUR & BALANCE OF WINTER & SUMMER COUNTRY:

LTITUDE RANGE: 520 m - 1060 m ACCESS: (a) To Property: Vehicle Access Across Snowdon. Stock Access for 2-3 mile across Highpeak dependant on owners goodwill.  
AINFALL RANGE: 150 cm (b) Within:  
EVEL AND QUALITY OF FENCING: Access to hut through a neighbours property.  
a) Boundaries Bush & Good Fence  
b) Internal New Fencing  
ANNUAL TOPDRESSING: 19 19 70 Nil  
19 67 40 ton 19 71/72 35 ton  
19 69 40 ton Proposed

ANNUAL CULTIVATION:

DEVELOPMENT COMPLETED SINCE LAST INSPECTION:

110 chain Retirement Fence  
45 chain Subdivisional Fence  
80 chain Subdivisional Fence

RUN CONFIDENTIAL COPY PROVIDED TO  
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CULTIVATION AREA PREVIOUSLY APPROVED:

WIL

- (j) improvements well maintained.
- (k) Apart from the existence of two unstable slips and problem of legal access run could be reclassified.
- (l) This property provides excellent summer grazing, and does not really compliment Gerards other two holdings which also have abundant summer and low winter production periods. In General it is an odd corner that has a problem of legal access, and would ideally amalgamate with adjoining Crown Renewable Lease held by Henderson.

---

PART III (To be completed when Stock Increase required)

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RECOMMENDATION: (Stock numbers and conditions) Not more than 3500 sheep and 150 cattle over period September - May on 263.0456 hectares and Nil on 122.2150 hectares. Retired.

.....(D.A. Proutie)  
Field Officer *6/1/73*

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PART IV: D.F.O./S.F.O's Comments:

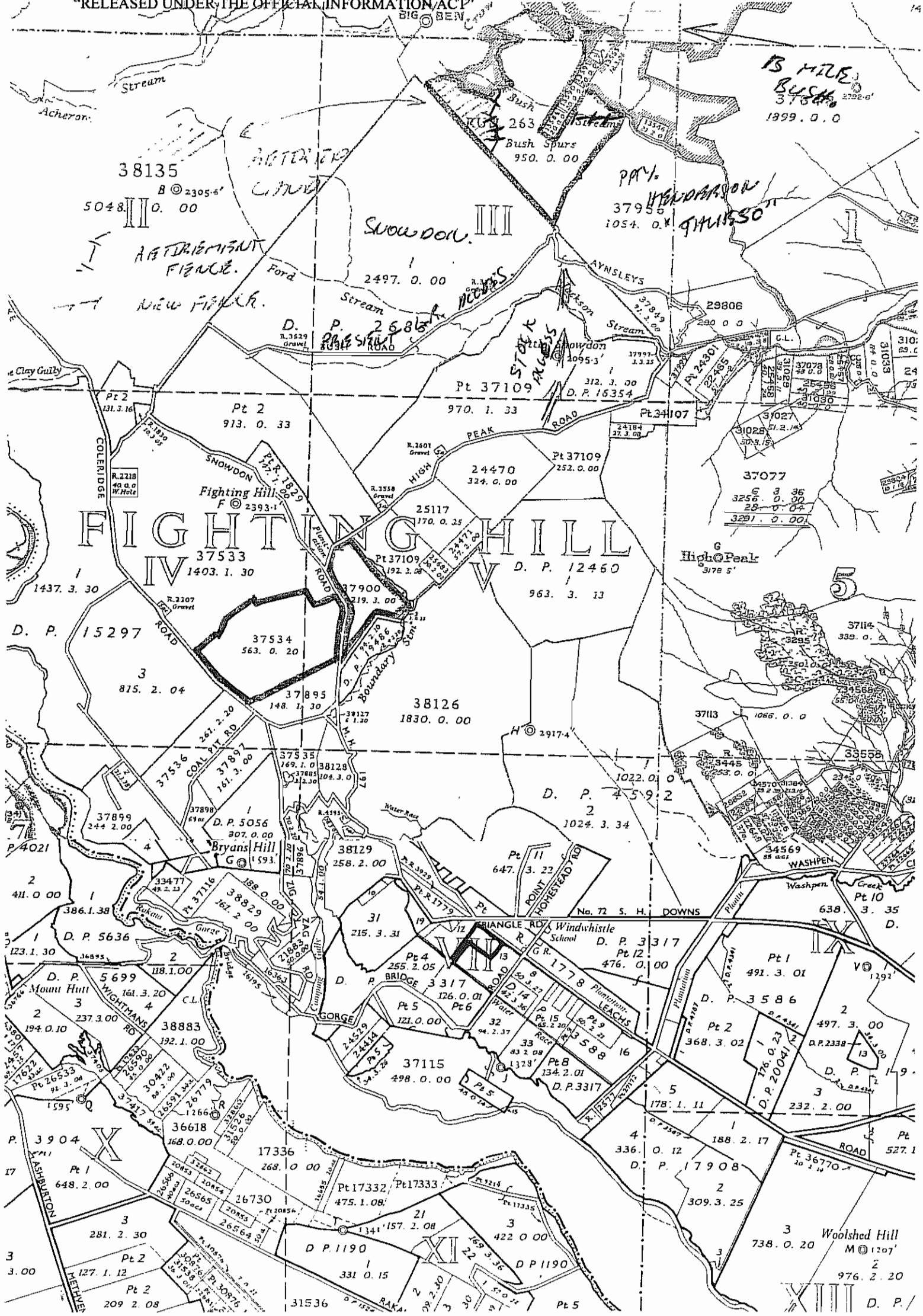
*See folio #52.*

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PART V: C.P.L.O's Comments

Chief Pastoral Lands Officer

COMMITTEE'S DECISION:



P.R. 566

IZARD & LOUGHNAN  
BARRISTERS AND SOLICITORS

CHRISTCHURCH  
& LEESTON  
R. J. LOUGHNAN  
B. B. LOUGHNAN  
SB 1/FC



TELEPHONE 36-323  
P.O. BOX - 61

Christchurch Chambers,  
(1ST. FLOOR)  
157 Hereford Street,  
Christchurch, C.I. N. Z.  
2nd December, 1952.

The Commissioner of Crown Lands,  
Land & Survey Dept.,  
Private Bag,  
CHRISTCHURCH.

*SS* *4/13*

Dear Sir,

re: Est. W. G. Gerard & Run 169 Selwyn County,  
and Grouping of Boundary adjustments.

Further to our conversations hereon and your letter of 20th May, we have since discussed this matter with the Trustees and they are prepared to surrender the existing licence and accept a twentyone year pastoral occupation licence of the thousand acres.

There apparently is no proper legal access to this thousand acres and the present route used is up through the Bush Road from "Snowdon", across the eastern corner as marked in blue on the plan enclosed herewith. We do not anticipate any difficulty whilst Miss Wills and the Le Crens are in occupation, but we do not know how far they would go to protect the estate if they sold "Snowdon."

If, in the unlikely event of the Estate's access through "Snowdon" being curtailed the Estate would expect to be given a right of access some other way, possibly along Ansley Road up through Highpeak, and we would be glad to hear from you on this point.

The surrender of the occupational licence will be sent to you shortly.

Yours truly,  
IZARD & LOUGHNAN

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LINZ (CROWN PROPERTY MANAGER)  
CONTRACTOR FOR PURPOSES ASSOCIATED

Per: *RM* *Lawrence*

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