

Crown Pastoral Land Tenure Review

Lease name : Mt BENGER

Lease number: PO 245

Due Diligence Report (including Status Report) - Part 4

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

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

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

June 09

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

L & S.-F. 7

File No. DPF 1005 1007

MEMORANDUM OF DEALING WITH LEASE OR LICENCE

| 1) DPF 1005 | 1) 7C 181 |
|---|--|
| Lease or Licence No. 2) DPF 1007 Register | red in Vol. 2) 70 folio 56 |
| Name of present lessec/licensee: as to 0/5 sha Dundonald Cochrane and Christopher Ja Norman Macassey of Dunedin solicitor | n Cochrane of Mount Benger near Roxburgh farmer re) and Sarah Patricia Cochrane his wife. John ohn Cochrane both of Awamangu farmers and Roger (jointly inter se) (2/5 share) as tenants in commo |
| Description of land: 1) Section 66 Block V | Teviot SD 190 hectares |
| 2) Sections 173 Block | 11 and Sections 63 and 64 Block V Teviot SD |
| 213.4310 hectares | |
| | |
| | Total Area: 403 ha 4310 m ² |
| Nature of dealing and party: Transfer to Ger | rard Mortland Eckhoff of Balfour, farmer |
| | |
| , | - |
| | |
| | (7). |
| | |
| To the District Land Registrar, | |
| Dunedin | |
| | |
| | ed to in terms of section 89 of the Land Act 1948 on |
| the | |
| being-effected-on-or-before- | 40 |
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| Terms -of- consent+ | \sim |
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| | for Commissioner of Crown Lands. |
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| 87948J-160 pads/11/76 CTK | |

RELEASED UNDER THE OFFICIAL INFORMATION ACT"

File No. P 245



MEMORANDUM OF DEALING WITH LEASE OR LICENCE

| Lease or Licence No. P 245 | | 386 | folio 145 | |
|----------------------------------|---|-----------------|------------------|-----------------|
| Name of present lessee/licensee | Benger Station Limited | | | |
| Description of land: Run 509 Te | viot Survey District | | | |
| | | | | |
| 1 | 1 | | | |
| | | Area: 174 | 0, ha. 1483 | m² |
| Nature of dealing and party: Tra | insfer to Gerrard Mortl | and Echoff o | f Balfour, t | farmer |
| | | | | |
| | | | ***** | ****** |
| | *************************************** | | | |
| To the District Land Registrar, | 4 | | | ***** |
| Dunedin | | | | |
| I certify that the above dealing | ng was consented to in terr | ns of section 8 | 9 of the Land | Act 1948 on |
| the <u>30th</u> day of | August | | 84, sabject- | to registration |
| being effected or or before | | | | |
| Terms of-consent: | | | | |
| | da. | | NO A | |
| | 1943 | B | D | |
| | | for Comm | ssioner of Crown | Lands |
| 87948J-160 pads/11/76 CTK | | Carlo Internet | | |
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RELEASED UNDER THE OFFICIAL INFORMATION ACT" NED by PHILIP MARTIN COCHRANE) the presence of: itness: cook alla an der G. occupation: Address: Frank P. Corc SIGNED by SARAH PATRICIA COCHRANE) in the presence of: Witness: and start. To cock alla Occupation: Address Torchra SIGNED by JOHN DUNDONALD COCHRANE) in the presence of Witness: at alla Occupation: Lo Ca Address: AD -In-witness-whereof bave-hereunto-subscribed name this -day of one-thousand-nine-hundred and Signed by the above-named CBG-C. CHRISTOPHER JOHN COCHRANE as Transferor in the presence of Witness C Occupation Address SIGNED by ROGER NORMAN MACASSEY) Ru himmy in the presence of:) Witness: at allan = Co te Occupation; 12 Address: cinto ener the most

Correct for the purposes of " The Land Transfer Act ".

TRANSFER OF Freehold

AND I CERTIFY that Part II A of the Land Settlement Promotion and Land Acquisition Act 1952 does not apply to this transaction.

situated in the TEVIOT SURVEY DISTRICT

Journes NULIN

Solicitor for the Purchaser.

P.M. Cochrane & Others Vendor

G.M. Eckhoff Purchaser

Particulars entered in the Register Book,

Fol.

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No.

Assistant/District Land Registrar of the District of Otago



"RELEASED UNDER THE OFFICIAL INFORMATION ACT" 1

| Jocument Type | Instrument | Request Id | 18008 | |
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| and District | Otago | Request Date | 12/09/2001 16:22:13 | |
| lethod of Delivery | A CONTRACTOR OF THE OWNER | Clent Reletence | dabercrumbiedu | |
| lequested By | | Status | Pending | |
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| omment: | | | | |
| omments Delivery Details — Film: | | | | |
| Delivery Details — | Aberictomble & Assoc. Ltd Mr David Abercomble | | | |
| Delivery Details — Film | Abercromble & Assoc. Ltd | | | |
| Delivery Details — Firm Primary Contact | Aberctomble & Assoc. Ltd Mr David Abercombie | | | |
| Delivery Details – Firm Primary Contact Street | Aberctomble & Assoc. Ltd Mr David Abercombia P D Box 6056 | | | |
| Delivery Details Film Primary Contact Street Town | Aberictomble & Assoc. Ltd Mr David Abercombia P O Bok 5056 Dunedin | | | |

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| RELEAS | ED UNDER THE OFFICIAL INFORMATION ACT |
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| 2 | (Form No. 2) Nettore: |
| | STATUTORY DECLARATION WHERE PURCHABLEN 4 24 OR LESSEE IS A COMPANY OR OTHER BODY |
| | IN THE MATTER of the Land Settlement Promotion and Land Acquisition Act 1952 (hereinafter referred to as "the Act"), and |
| | IN THE MATTER |
| Set out ire of | of (*) an agreement for sale |
| Full came. | dated the 22 day of 22 day of 1974 WILLIAM DAVID BELL and DIANA CECILIA BELL from (b) as Vendor |
| Full name. | (BENGER STATION LIMITED |
| Official ription of | as Purchaser (mlass) affecting all that parcel of land (4) containing 632 acres 3 roods 18.6 poles more or less being Section 33 Block V |
| | Teviot District |
| | being all/person of the land comprised and described in certificate of title, Volume |
| | folio 70 (Otago Land Registry). |
| ull name, is, and action. | I, (*) JOHN DUNDONALD COCHRANE of Awamangu Farmer |
| | sincerely declare: |
| tate capacity hich ration is , c.g., the tary, a tor. | 1. That I am (1) the Governing Director of (*) Benger Station Limited the purchaser (or lessee) of the land above described. |
| Full name of orate body. | 2. The purchaser (w-lessed) has entered into the transaction solely on its own behalf as the person beneficially entitled thereunder. |
| | 3. That the purchaser (exclassor) does not own, lease, hold, or occupy in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person, any farm land, as defined in the Act, outside a city or borough or town district, and has no estate or interest, whether legal or equitable and whether vested or contingent, under any trust or will, in any such farm land. |
| the case of a spany (delete use not | 4. That there are more than 9 members of the company. |
| licable). | |

WORL PACED UNINED THE OPPICIAL

(a) Domension of the company and no wife or husband of any member of the company cast, leases, holds, or occupies in fee simple or under any tenure of more than 1 year's duration; either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, or has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land:

(b) No parent of any member of the company under 17 years of age, owns, leases, holds, or occupies in fee simple or under any tellure of more than 1 year's duration either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, or has any estate or interest, whether legal or equitable and whether vested or contingent, ander any trust, will, or intestacy in any such farm land:

(c) All The shares in the company are held by members on their own behalf and as the

5. That no company of which the purchaser (co-laster) is a member, the members of which are less than 10 in number, owns, leases, holds, or occupies in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person, any farm land, as so defined outside a city or borough or town district, or has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust or will, in any such farm land.

SED UNDER THE OFFICIAL INFORMATION ACT"

RELEASED UNDER THE OFFICIAL INFORMATION ACT 6. That the purchaser (as the part of the passing of the Act (namely the 16th day of October 1952) transferred, granted, leased, or otherwise disposed of any estate or interest in farm land, as so defined, to any person as a trustee for any person or created any trust in respect of any estate or interest in any such farm land.

7. The transaction is not subject to Part IIA of the Act because-

The purchaser (os lesses) is not an overseas corporation as defined in section 35A of the Act.

Or

of subsection (1) of section 35n of the said-Act (as substituied by section 2 of the Land The ments Provedtion and Land Acquisition Amendment Act 1060). Se

(h) Specify the trust.

here the purchaser or lessee is a trustee) the purchaser (or lessee) is the trustee with (0 the following trust (h)

and every beneficiary under the trust is a New Zealand citizen (or every beneficiary under the trust who is an individual) is a New Zealand citizen and no beneficiary under the trust that is a body abilit overseas corporation as defined in section 35% of the Acty.

And I make this soleinn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

| DECLARED at Dunedin | T |
|-----------------------------|---------------|
| this 22 day of Zetmany 1974 | J. D. Cochron |
| before me- | Ø |

stre or Solicitor of the Supreme Court. (or other person authorized to take and receiv Deslamings.)

NorE-1. Where only Part II of the Act applies to the transaction, the declarant is required to declare as to the matters prescribed in paragraphs 1 to 7 of this form.

2. Where the declaration is made for the purposes of section 350 of the Act, the declarant is required to declare as to the matters prescribed in paragraphs 1 and 7 of this form.

3. Where Part 11 only or both Parts 11 and 11A apply to the transaction, and the purchaser or lessee is a trustee, then, under section 24 (1) (a) of the Act the consent of the Court is required and this form is not applicable.

4. Section 2 (1) of the Act contains the following definitions:

"Farm land" means land that, in the opinion of the Land Valuation Committee, or, as the case may be, of the Land Valuation Court, is or should be used exclusively or principally for agricultural purposes:

Provided that, where land is being used exclusively or principally for agricultural purposes could, in the opinion of the Committee or, as the case may be, of the Court, he used with greater advantage to the community generally for non-agricultural purposes, it shall for the purposes of this Act be deemed not to be farm land.

- "Agricultural purposes" has a meaning corresponding to the term "agriculture", which for the purpose of this definition means the cultivation of the soil for the production of food products and other useful products of the soil, and includes the use of land for horticultural or pastoral purposes, or for the keeping of pigs, bees, or poultry.
- 5. The classes of land described in paragraph (f) of section 35n (1) of the Act are as follows:
- (a) Any laud of I acre or over in area which under any operative regional planning scheme or proposed or operative district scheme under the Town and Country Planning Act 1953, is designated or zoned as a reserve, or as a public park, or lor recreation purposes, or as private open space, or for preservation as a place of or containing an object of historical or scientific interest or natural beauty, or any proposed such purpose.
- (b) Any land of 5 acres or over in area which under any such proposed or operative district scheme is zoned for rural purposes or is so zoned that farming of any kind is a predominant or conditional use in that zone.
- (c) Any land of 1 acre or over in area which is not included in any proposed or operative district scheme provided and maintained by any Council or other local authority under that Act.
- (d) Any land being or forming part of any island (except the North Island and the South Island) which is less than 100 miles from the nearcet part of the coast of the North Island or of the South Island.
- (c) Any land being or forming part of any island of the Chatham Islands.

File No. P.245



MEMORANDUM OF DEALING WITH LEASE OR LICENCE

Lease or Licence No. P.245 Registered in Vol. 386 , folio 145 Name of present lessee/dicensee: William David Bell and Diana Cecilia Bell

Description of land: Run 509, Teviot Survey District

RELEASED UNDER THE OFFICIAL INFORMATION ACT

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Nature of dealing and party: Transfer to Benger Station Limited, a duly incorporated Company having its registered office in Dunedin.

To the District Land Registrar, DUNEDIN

DUNEDIN

Commissioner of Grown Lands.

I certify that the above dealing was consented to in terms of section 89 of the Land Act 1948 on the 9th day of May 19.74, subject to registration being effected on or before

Terms of consent: Menor of Variation required (regatered with trade)

A lumber or in respect us any

Z. & S.-F. 7

Approved by the District Land Registrar of Otage as No. 366062

MEMORANDUM OF TRANSFER

The transferor/s named and described in the schedule hereto being registered as proprietor/s of the estate or interest referred to in the said achedule in the land therein described subject however to such encumbrances liens and interests as are therein set out in consideration of the sum set out in the said achedule puid to the transferor/s by the transferee/s named and described therein the teceipt of which sum is hereby acknowledged hereby transfer/s to the said transferee/s all the estate or interest of the transferor/s in the said land.

THE SCHEDULE HEREINBEFORE REFERRED TO

Transferor/s: WILLIAM DAVID BELL of Roxburgh Farmer and DIAMA CECILIA BELL his wife

Transferee/s: BENGER STATION LIMITED a duly incorporated Company having its registered

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Consideration: ONE HUNDRED AND SEVENTY-FIVE THOUSAND DOLLARS (\$175,000)

Estate or Interest: Freehold and leasehold

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| ٨ | Area R | P | Description | i dil | Reference in the Register |
|-----------------------|------------------------------------|-----------------|--|------------------|---|
| 632 | 3 | 18.6 | Part Section 33 Block V Teviot Survey Distr | ict | Certificate of Title Volume 39 Folio 70 |
| <u>014</u> 4, 300 | - | 151.2 | Run 509 Teviot Survey District being all of contained in Pastoral Lease No. F.245 | the land | Register Book Volume 386 Foli 145 |
| 100 | | | | | 11.4.54 |
| 15 | | 194 | Encombrances, Liens and Int | eresia | 1. T |
| | | | | | · Salar |
| | WIT | VESS W | HEREOF this transfer has been executed this 1/4+ | day of 4 | august 1974. |
| SI | GNED | by the | STATISTICS AND AVID BELL | | August 1974. Bell. |
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FRICIAL INFORMATION ACT"

Raman

Solicitors for the Transferre/s.

apply to this transaction.

Correct for the purposes of The Land Transfer Act, and certified that part IIA of The Land Settlement MWP_0013282 Promotion and Land Acquisition Act 1952 dnes not

TRANSFER of

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No.

freehold and leasehold land

RELEASED UNDER 431952

duated in the Teviot Survey District Not Registered under Land Transfer Act-Registered under Section 83, Land Act, 1948 as to 386/145 on Transferor W.D. and D.C. BELL

BENGER STATION LIMITED

Transferee

It I

Particulars entered in the Register 397 70 + 386 /145

Date: 30 OCT 197 (ime: 2.2.8 Assistant Land Register District of Olago District

LAND & DEEDS Nature: 2 Firm: 300CT 1974 2.28 Time: 5.00 Fee: \$ urace No. HYY

COOK ALLAN & CO. Solicitors, Dunedin.

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| Firm | Abercromble & Assoc. Ltd | | | |
| Primary Contact | Mr David Abercombie | | | |
| Street | P 0 Box 5056 | | | |
| Town | Dunedin | | n - Albert and Albert a Albert and Albert and Al Albert and Albert and A | |
| Country | New Zealand. | | | |
| Postcode | 9001 | | | |
| Fax Number | 03 471 9455 | | | |
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MEMORANDUM OF VARIATION OF LEASE/LIGENCE

IN THE MATTER of the Land Transfer=Act=1952-and the

Land Act 1948, the restriction of the

and

IN THE MATTER OF Lease/Licence No. 1.245

registered in Volume 386 , folio 145 ,

OTAGO

Land Registry, from Her

Majesty the Queen to William David Bell of Roxburgh Farmer and Disna Cecilia Bell; of Roxburgh married woman as tenants in common in equal shares

The covenants conditions and restrictions contained or implied in the above-mentioned Lease/Licence registered in Volume 386 , Folio 145 , Otago Land Registry, are hereby varied as follows:

1. That should the lessee/licensee with the consent of the Land Settlement Board, transfer, sublet or otherwise dispose of his interest in the land affected by the said lease/licence or any part thereof to a company incorporated under the Companies Act 1955, then the following provisions shall apply:

- (a) The provisions of section 89 of the Land Act 1948, shall apply to all transfers and other dispositions of shares in such company as if such shares were interests in the said land and no share or shares in such company shall be transferred or otherwise disposed of by any shareholder without the consent of the Land Settlement Board.
- (b) The provisions of the Land Act 1948, with regard to residence shall continue to be applicable to the said lease/lieenee notwithstanding the transfer or other disposition to such company provided however that such provisions shall be deemed to be complied with by such company only if and when there resides on the said land a person who manages the land on behalf of such company and who has been approved in writing for that purpose by the Land Settlement Board.
- (c) A breach by the company or by any shareholder of all or any of the provisions of subclauses (a) and
 (b) hereof shall be deemed to be a breach of the covenants conditions and restrictions contained in the said lease/licence entitling the lessor/licensee to exercise all or any of the powers conferred upon her by the said lease/licence in such circumstances.

2. Save as hereby expressly varied all the covenants conditions and restrictions contained or implied in the said Memorandum of Lease/Electree shall remain in full force.

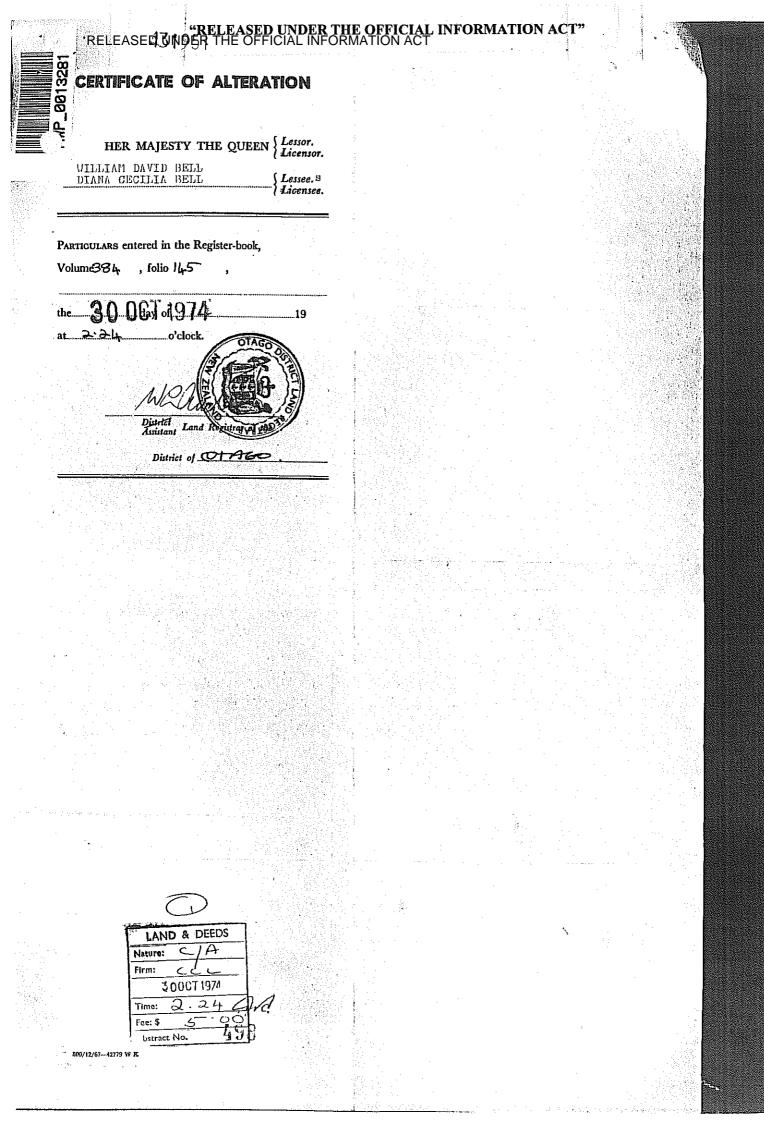
IN WITNESS WHEREOF the parties have hereunto subscribed their name this 4 usus 1967/4-

day of

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| Assistant SIGNED by the Commissioner of Crown Lands for | 1 Ele |
|--|--|
| the Land District of OTAGO acting for and on behalf of Her Majesty the Queen in the presence of: | Assistant Commissioner of Crown Lands. |
| Witness: | |
| Occupation: Clert Links therein Deforta | |
| Address: Dureto | |
| SHONED by the said William David Bell and Diana Cecilia Bell the | 110 Par Scou |
| =as ressectivenses in the presence of: | Lesseq/Licensee |
| Witness: RM Mars ey Occupation: bolistor | |
| Address: Duneden! | |
| Correct for the purposes of the Land Transfer Acts | |
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| | interest - 12524 | MT BENGER | | | ाज्ञ |
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| | Identilier Other Party Type / Purpose Term | Bases, Easements etc) IEEEZKOD GM ECKHDFF Pastoral Lease <u>v</u> 33 YEARS [01/07/1993] | Rental Address Phone Fax | Clavifi Falest Loans | |
| Exposition Conting | Expiry Date Conlingent Events Conditions Notes | [30/06/2026 [Yes]]. | Une Interest currer | tew Event e.g. Fee / Interest Renewal | |
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Master Details

"RELEASED UNDER THE OFFICIAL INFORMATION ACT" RELEASED UNDER THE OFFICIAL INFORMATION ACT

Page 1 of 1

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21/08/2001



Department of Conservation *Te Papa Atawhai*

Our ref: P

6 September 2001

Abercrombie and Associates Consultants Box 5056 DUNEDIN

Dear Dave

TENURE REVIEW: MT BENGER

I refer to your letter of 30 August 2001.

The only known area of public conservation land within the pastoral lease boundary is a marginal strip created under part IVA Conservation Act. The land is recorded in the department's land information system as conservation unit number G43052. There is no concessions issued over the land.

There is no other known areas of public conservation land within the boundaries of the pastoral lease. I enclose a plan which shows public conservation lands on the western boundary. If you require further information about this area please advise.

As the department has not always received advice from LINZ when marginal strips are created the department is not able with certainty to say whether there are any other marginal strips affecting this property.

Yours faithfully

Ken Stewart

Community Relations Supervisor For Conservator

