

## **Crown Pastoral Land Tenure Review**

**Lease name : THE FORKS**

**Lease number : PO 102**

### **Due Diligence Report (including Status Report) - Part 2**

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.

**July 09**

From: LAND INFORMATION DUNEDIN

+64 3 474 5108

21/02/2002 16:39 #819 P.001/014

# Facsimile



Land Information NZ  
John Wickliffe House  
Princes Street  
Private Bag 1929  
Dunedin  
New Zealand  
Tel 03-477 0650  
Fax 03-477 3547  
HTTP://www.linz.govt.nz

To:

Company:

David Abercrombie

Fax No:

03 477 9455

From:

A.G. Fahay

Date:

21.02.02

Page 1 of:

14

Our Ref:

Your manual LOL request/s

Your Ref:

As above

**Confidential**

This facsimile message contains information which is confidential and may be subject to legal privilege. If you are not the intended recipient, you must not peruse, use, disseminate, distribute or copy this message. If you have received this message in error, please notify us immediately by facsimile or telephone and destroy the original message. Thank you.

**Subject:** Manual request/s 40874, 40877, 40879, 40880, 40882

Dear Client

40883, 40886, 40888, 40890, 40891

40892, 40941, 40943.

Please find following copy/s of manual requests received at this office.

We have searched extensively for your request/s but it cannot be found – Sorry.

*Tommy Fahay*



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



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** OT16B/48  
**Land Registration District** Otago  
**Date Registered** 30 June 1995 02:20 pm

**Prior References**  
OT11B/1148

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**Type** As described in the instrument  
**Area** 1454.3352 hectares more or less  
**Legal Description** Section 76 Block VIII Teviot Survey  
District, Section 77 Block VIII Survey  
District Teviot and Section 80-82 Block  
VIII Teviot Survey District

**Proprietors**  
Her Majesty The Queen

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**Interests**

Approved by the Registrar-General of Land, Wellington, No B319989 1 93

# Memorandum of Transfer

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16B/48

~~(herein called "the Transferor") being registered as proprietor of an estate~~

~~subject however to such encumbrances, liens and interests as are notified by memoranda underwritten or endorsed hereon in the piece or pieces of land situated in the Land District of containing more or less being~~

In Consideration of the sum of \_\_\_\_\_

paid to the Transferor by \_\_\_\_\_

(herein called "the Transferee") the receipt of which sum is hereby acknowledged **Hereby Transfers** to the Transferee all the Transferor's estate and interest in the said piece or pieces of land

In witness whereof these presents have been executed this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_

Signed by the Transferor \_\_\_\_\_

(by the affixing of its common seal)

in the presence of \_\_\_\_\_

7 November 1996

The National Bank of New Zealand Limited  
Regional Support Centre  
PO Box 5448  
DUNEDIN

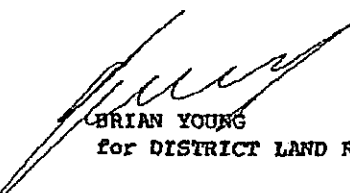
Attention: Dawn Couch

Dear Madam

RE: PASTORAL LEASE 118/1148 MICHAEL JOSEPH AND MARGARET ANN CARILL

I acknowledge production of the abovementioned Pastoral lease and now return it with easement 885850 memorial duly recorded against the title.

Yours faithfully



BRIAN YOUNG  
for DISTRICT LAND REGISTRAR

Encl



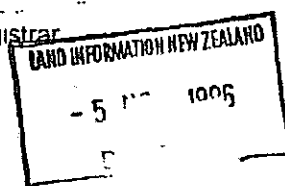
**The National Bank**  
of New Zealand Limited

REGIONAL SUPPORT CENTRE  
DUNEDIN  
4th Floor  
National Mutual Building  
Cnr George & Bath Streets  
P O Box 5448  
Moray Place  
Dunedin  
Ph 0-3-479 3730  
Fax 0-3-479 3737

Ref: 917

1 November 1996

The District Land Registrar  
Private Bag 1929  
DUNEDIN



Attention: B T Young

Dear Partners

**PASTORAL LEASE 11B/1148**  
**MICHAEL JOSEPH & MARGARET ANN CAHILL**

Further to your letter dated 23 October 1996 we enclose Certificate of Title No 11B/1148 to enable registration of the transfer as requested

The Certificate of Title is sent to you on your undertaking that it will be

- a) used for the sole purpose of registering the transfer
- b) returned to this office immediately registration has been completed.

Please note that Checketts McKay have never requested the Bank to produce this document because they understood that the Cahill's were unwilling to agree to the transfer

We should be pleased if you would acknowledge receipt of the Title, and confirm your undertaking as above, by signing and returning the duplicate of this letter.

Yours faithfully

Dawn Couch  
LENDING SERVICES

25 October 1996

The National Bank of New Zealand Limited  
Regional Support Centre  
P O Box 5448  
DUNEDIN

Attention: Dawn Couch

Dear Madam

re: Pastoral Lease 11B/1148  
Michael Joseph & Margaret Ann Cahill

1. Checketts McKay, Lawyers, Central Otago, have lodged for registration in this office a transfer (registration No. 885850) granting a right to convey water in gross pursuant to Section 4 of the Irrigation Schemes Act 1990 over Crown land containing 1454.3352 hectares being Sections 76, 77, 80, 81, 82 Block VIII Teviot Survey District in the names of Margaret Ann Cahill of Shingle Creek married woman and Michael Joseph Cahill of Alexandra farmer.
2. The land has a Pastoral Lease No. 11B/1148 registered against it and the outstanding copy of this lease is required to be produced to record the easement memorial.
3. Checketts McKay, Lawyers, have informed the District Land Registrar that you hold the outstanding copy of Pastoral Lease 11B/1148 as first mortgagee and have refused to produce the lease to enable the registration of Transfer 885850 to be recorded.
4. NOTICE is hereby given pursuant to Section 211B Land Transfer Act 1952 requiring you to produce the outstanding copy of Pastoral Lease 11B/1148 to this office by 4 pm on 8 November 1996 to enable the endorsement of the easement memorial.
5. The recording of Transfer 885850 will not change your security or priority as first mortgagee and the lease will be returned immediately following the entry of the easement memorial. If you have any queries please telephone the writer of this letter.

Yours faithfully



B. T. Young  
for DISTRICT LAND REGISTRAR



Checketts McKay  
Lawyers Central Otago

BY

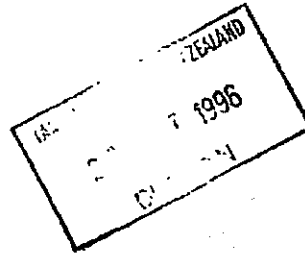
Conveyance Office  
Address 35 The Arcade, Dunedin  
P.O. Box 54, Dunedin, New Zealand  
Phone (03) 445 0020  
Fax (03) 445 1650  
Trust Account 81,20276,6 (DCC7075 00)  
GST Number 50517955

22 October 1996

102296 of  
Alan McKay

The District Land Registrar  
Land Information New Zealand  
Private Bag  
DUNEDIN

ATTENTION BRIAN YOUNG



Dear Sir

**RE: REQUISITION 885850**

We refer to our telephone conversation relating to this matter

We request that you obtain pursuant to Section 211(b) of the Land Transfer Act the outstanding pastoral lease to enable the easement granted by the Crown to be noted

We would be pleased if you could attend to this as soon as possible

Yours faithfully  
CHECKETTS MCKAY

A B MCKAY  
Partner

ABM JAS  
Encl

102296

Partners R D Checketts LL.B. A B McKay LL.B. J A Whittaker LL.B. J G Payne LL.B. I G Fry BA LL.B.  
Associate K E Jones LL.B.  
Solicitor N M Darling BA LL.B.  
Clerks R. Burgess, Alexandra Cromwell, Warren



**DEPARTMENT OF JUSTICE**

Land Registry Office  
 Private Bag  
 Dunedin Fax No. 4778-993  
 Telephone 4778-991, Ext. 731

- Officer for Inquiries:  
The Registration Receptionist

Date: 26 July 1995

Messrs Checketts McKay  
 Solicitors  
 PO Box 41  
 ALEXANDRA

Dear Sir(s)/Mme(s)

**REQUISITION**

(Pursuant to s.43, Land Transfer Act 1952)

(In any correspondence, please quote "REQUISITION" and the instrument No(s).)

- (1) The registration of the instrument(s) lodged by you in this Registry and detailed in the schedule below cannot be completed until the rectifying action requested in the said schedule has been taken.
- (2) The Registry will be pleased to answer any queries regarding the requisition.
- (3) Would you please ensure that the requisition is satisfied or the instrument(s) is/are withdrawn from registration WITHIN ONE MONTH FROM THE DATE HEREOF.

<b>SCHEDULE</b>		
TYPE & NO. OF INSTRUMENT	PARTIES	ACTION NEEDED, PLEASE -
TE885850	Last Chance Irrigation Company Limited	Produce CT 11B/1148

<b><u>CORRECTION OF ERRORS</u></b>	
<p>Regulation 12 of the Land Transfer Regulations 1966 reads:</p> <p>(1) The Registrar may refuse to register any instrument containing an error or alteration.</p> <p>(2) Mistakes should be corrected by deleting the words or figures written in error and writing the correct words or figures above them.</p> <p>(3) Where any such correction, interpolation, or addition affects or could affect the interests of the persons executing the instrument, it should be initialed by those persons and by the attesting witnesses. Where it affects or could affect the interests of the persons receiving the benefit under the transaction, it should be initialed by those persons, or by the solicitor acting on their behalf under the transaction, as the circumstances may warrant.</p>	<p>The Assistant Land Registrar                      who issued this requisition was</p> <p align="center">_____</p> <p align="center">B BOYLE</p>

Yours faithfully

*R. Eaton*

for DISTRICT LAND REGISTRAR

Checketts McKay  
Lawyers Central Otago

Alexandra Office  
21 Tapanui Street, Alexandra  
P.O. Box 41, Alexandra, New Zealand  
Phone: 03 446 6988  
Fax: 03 448 0988  
E-mail: alex@checketts.co.nz  
GST Number: 303 1 989

Page 1 of 10

29 June 1995

John Williamson/  
Bernadette Lanham

The District Land Registrar  
Private Bag  
DUNEDIN

Dear Sir

RE THE LAST CHANCE IRRIGATION COMPANY LIMITED -  
HER MAJESTY THE QUEEN

We have not made M J Cahill and M A Cahill a party to this transfer simply in the name of the  
Crown as owner

Yours faithfully  
CHECKETTS MCKAY

J A Williamson LLB  
Partner

BU 29 06 34

445 0026

1.0 BACKGROUND

- 1 1 The Last Chance Irrigation Company Limited, at Alexandra (called "the Irrigation Company") has purchased the Last Chance Irrigation Scheme pursuant to a Sale and Purchase Agreement between John Begg Miller of Shingle Creek, Farmer Lewis Jackson McGregor of Alexandra Farmer and Charles Watson Harrex of Alexandra Orchardist as agents for the Irrigation Company then yet to be incorporated and David Francis Caygill, Minister of Finance and Colin James Moyle Minister of Agriculture on behalf of the Crown, dated 16 November 1989 and subsequently adopted by the Irrigation Company as the Purchaser. The Last Chance Irrigation Scheme (called "the Irrigation Scheme") is defined by notices in the New Zealand Gazette Order dated 24 June 1923 and is described in the said Sale and Purchase Agreement
- 1 2 HER MAJESTY THE QUEEN acting by and through the Commissioner of Crown Lands (called "the Crown") is the proprietor of that land containing 1454 3352 hectares more or less being Sections 76, 77, 80, 81 and 82, Block VIII, Teviot Survey District subject to Pastoral Lease (no number) comprised in Register Book Volume 11B Folio 1148 (Otago Land Registry) (called "the Crown's land")
- 1 3 MICHAEL JOSEPH CAHILL of Alexandra, farmer and MARGARET ANN CAHILL of Shingle Creek, married woman as tenants in common in equal shares (called "the Lessee") is registered as the lessee of the said Pastoral Lease
- 1 4 The Minister of Agriculture (called "the Minister") had the right immediately before the date of sale of the Irrigation Scheme to the Irrigation Company, pursuant to Section 223 of the Public Works Act 1981 or the corresponding



-2-

provisions of any former enactment relating to irrigation, to enter, use, occupy, carry out work on, store water on, or convey water over the Crown's land and in the manner detailed in this Instrument for the purposes of the Irrigation Scheme

- 1 5 Section 4 of the Irrigation Schemes Act 1990 provides the statutory mechanism to transfer from the Landowners to the Irrigation Company, the same easement rights as the Crown previously had over the Crown's land, and the Crown, lessee and the Irrigation Company have agreed to the transfer of these easement rights to the Irrigation Company

## 2.0 GRANT OF EASEMENT

- 2 1 The Crown pursuant to section 4 of the Irrigation Schemes Act 1990 TRANSFERS AND GRANTS to the Irrigation Company as an easement in gross forever the right to convey water over the said Crown's land as marked "\_\_\_\_\_" on the plan LC 23A annexed which right to convey water shall have attached to it the rights, powers and obligations detailed in the following clause 3 0

## 3.0 RIGHTS AND POWERS RELATING TO THE GRANT OF EASEMENT

- 3 1 The Irrigation Company together with any person (as defined in Section 4 of the Acts Interpretation Act 1924) acting with the authority, or on the instructions, of the Irrigation Company and together with all tools, implements, machinery, vehicles, equipment and materials of whatsoever nature shall have the uninterrupted and unrestricted rights

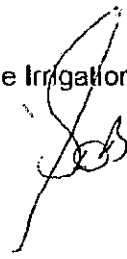


-3-

- (a) To situate and maintain water works and convey water unimpeded along the stipulated course on the Crown's land shown on the plan attached and for this purpose to have the right to use, occupy, construct, maintain, reconstruct and carry out such works (in this Instrument called "water works") as the Irrigation Company considers necessary or desirable on the Crown's land along the stipulated course including, but without limitation, structures and works for, intakes, conveying water, water flow control and supply, turnouts, monitoring and discharges
- (b) To monitor and control its waterflows and the water source flows and to carry out viewing, surveillance and monitoring of its water works on the Crown's land
- (c) To enter the Crown's land and to have access across the Crown's land by the most practicable route
- (d) To erect and maintain such fixtures or markers as may be necessary to indicate the location of any pipeline and associated works provided that such fixtures or markers do not interfere with the reasonable management of the Crown's land
- (e) To generally do anything necessary or convenient for the full exercise of the rights under this Instrument and to give full effect to the purposes of this Instrument

It being acknowledged that the words "convey water" and "conveying water" include "bye-wash water" and "bye-washing water"

3.2 In exercising its rights and powers under this Instrument, the Irrigation Company shall



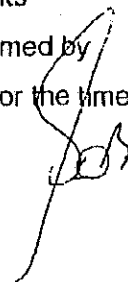
-4-

- (a) Cause as little disruption and disturbance to the occupation and enjoyment by the Crown and the lessee of the Crown's land, as is reasonably possible
  - (b) Cause as little damage to the Crown's land and the fixtures on it and the surface of it as is reasonably possible
  - (c) After exercising its rights and powers, restore the Crown's land and the fixtures on it as nearly as is reasonably possible to its former condition but as shall be reasonable in the circumstances having regard to the economic and amenity values to the Crown and the lessee of the land and the fixtures affected
- 33 (a) When the Irrigation Company requires entry with machinery on the Crown's land to carry out maintenance or construction works, it shall take reasonable steps to give to the lessee or occupier of the land not less than 24 hours notice by direct personal contact, ordinary letter, facsimile transmission, or telephone prior to such entry and works being undertaken, unless there is an emergency and in which case no notice shall be required
- (b) If the lessee or occupier has received such notice the lessee or occupier shall notify the Irrigation Company, prior to the entry and work being undertaken, of the presence of pipes or other underground facilities in the Crown's land and if the lessee or occupier fails to notify the Irrigation Company then the Irrigation Company will not be liable for any damage it may cause to such underground pipes or underground facilities



-5-

- 3 4 (a) It is acknowledged that the Irrigation Company shall not fence the boundaries of the easements
- (b) The Crown and lessee shall not do, or permit to be done, anything, including planting trees or constructing works or buildings, which will prevent or interfere with the free passage of water along the stipulated course or prevent or interfere with the Irrigation Company's full rights of access and full use by it of its rights created by this Instrument and shall not interfere, or permit any interference, or allow trees, tree roots or other vegetation growing on or from the landowners land or stock pastured on the crown's land to interfere with the support, structure or integrity of the Irrigation Company's water works
- (c) Without limiting the extent of this clause 3 4, the Crown and lessee shall not, without the prior written consent of the Company, plant or permit to be planted trees or construct or permit to be constructed works or buildings within 4 metres of the centre line of a pipe or within 3 metres from the edge of a water race or other water works
- 3 5 The rights and powers contained in paragraphs 2 and 5 of the Seventh Schedule to the Land Transfer Act 1952 shall apply except insofar as they are varied by this instrument and with the deletion from both paragraphs 2 and 5 of the words "(in common with the grantor, his tenants and any other person lawfully entitled so to do)"
- 3 6 Any right of action or remedy which shall at any time after the date of this instrument accrue to the irrigation company because of any breach or non-observance by or on behalf of the Lessee of any of the covenants expressed or implied in this instrument and to be observed or performed by the Crown shall be enforced only against the registered proprietor for the time





-6-

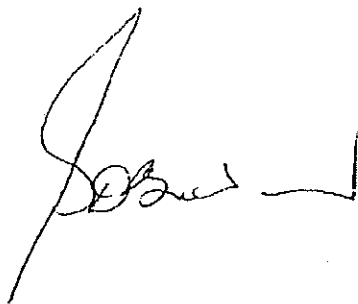
being of the Pastoral Lease in respect of which such breach or non-observance shall occur or against the lessee of the Pastoral Lease at the time of such occurrence aforesaid but to the intent that any lessee of the Pastoral Lease shall only be liable for acts or defaults occurring while that person is so registered

37 A reference to any party to this instrument includes that party and that parties transferees and successors

A handwritten signature or set of initials, possibly "JOS", written in black ink in the bottom right corner of the page.

Dated the 26<sup>th</sup> day of June 1995

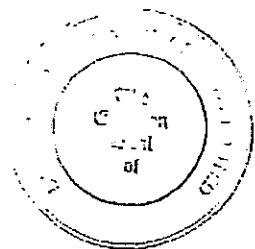
SIGNED by and on behalf )  
of HER MAJESTY THE )  
QUEEN by the )  
Commissioner of Crown )  
Lands as landowner )  
in the presence of )



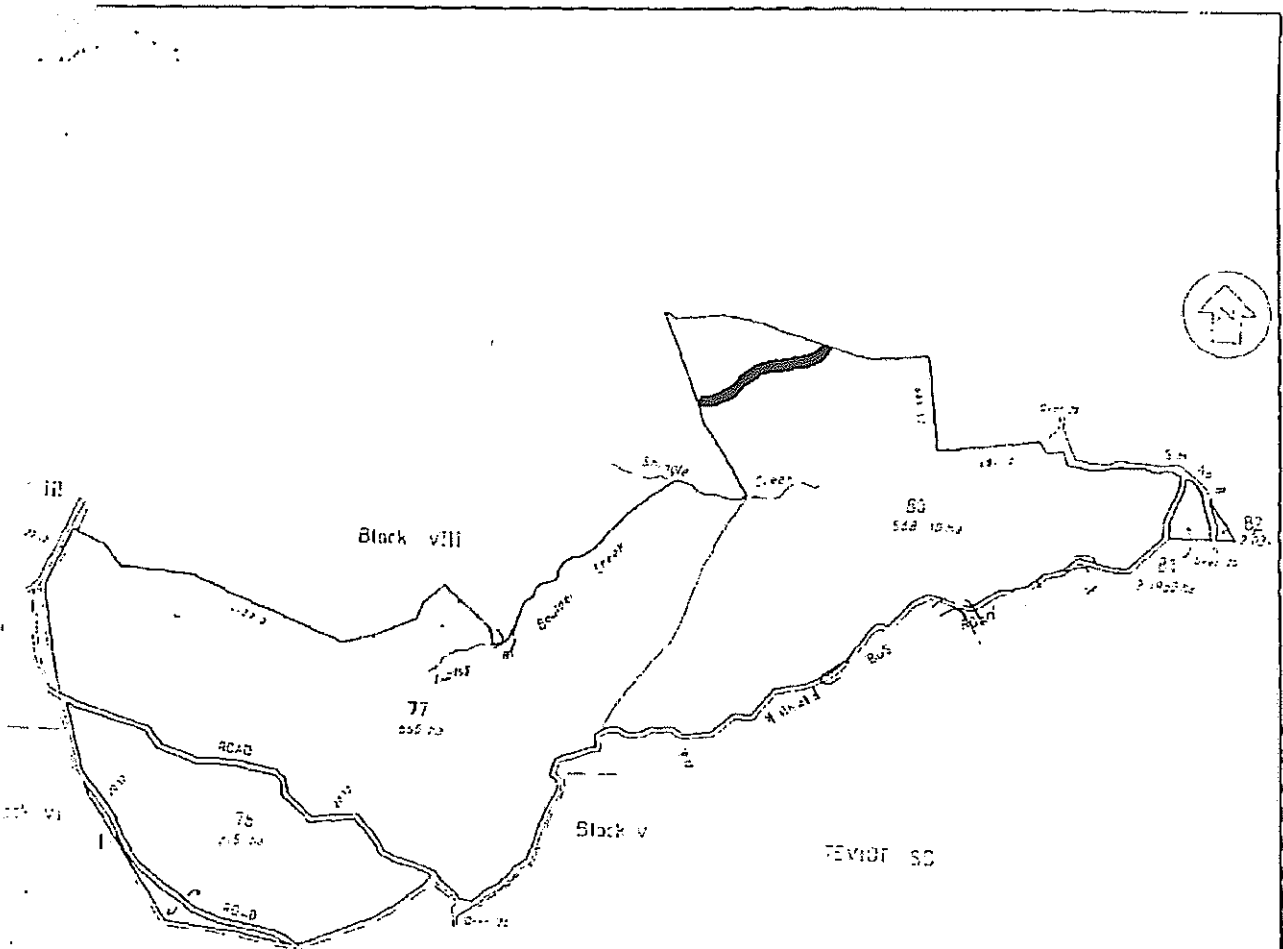
Witness *M. P. ...*  
Team member General Services Lands  
Occupation *Dept of Survey and Land Information*

Address *Wellington*

SIGNED by the LAST )  
CHANCE IRRIGATION )  
COMPANY LIMITED by )  
the affixing of its common )  
seal in the presence of )




Director *[Signature]*  
Director *[Signature]*



SD 19571 & SD 21865

**OPTIONAL EASEMENTS IN GROSS**

Purpose	Comprised in	Shown	Servient Tenement	Grantee
Right Convey Water	C L 11B / 1148		Secs 76,77,80,81 & 82 Blk VIII Teviot SD	Last Chance Irrigation Company Ltd

**Plan of Easement Over  
Sections 76, 77, 80, 81 & 82  
Block VIII Teviot S.D.**

OTAGO LAND DISTRICT  
CENTRAL OTAGO D C

SCALE 1 : 37,000  
DATE September 1994

Prepared by MCGEORGE & ELDER  
SURVEYING CONSULTANTS

LC 23A

*Handwritten signatures*

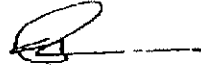
16B/48  
87/1991

MEMORANDUM OF TRANSFER

Her Majesty the Queen Transferor

The Last Chance  
Investment Company Limited Transferee

Correct for the purposes of the Land Transfer Act 1952



SOLICITOR FOR THE TRANSFEREE

I hereby certify that this transaction does not contravene the provisions of Part IIA of the Land Settlement Promotion and Land Acquisition Act 1952

SOLICITOR FOR THE TRANSFEREE

I hereby certify for the purposes of the Stamp and Cheque Duties Act 1971 that no conveyance duty is payable on this instrument by reason of the application of Section 24(1) of the Act and that the provisions of subsection (2) of that section do not apply

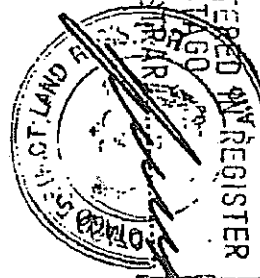
SOLICITOR FOR THE TRANSFEREE

Particulars entered in the Register as shown herein on the date and at the time endorsed below

Assistant / District Land Registrar of the

District of

16B/48  
2.20 30 JUN 95  
PARTICULARS ENTERED IN REGISTER  
LAND REGISTRY DISTRICT OF AUCKLAND  
ASST. LAND REGISTRAR

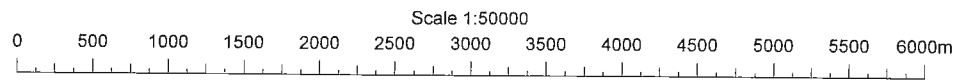
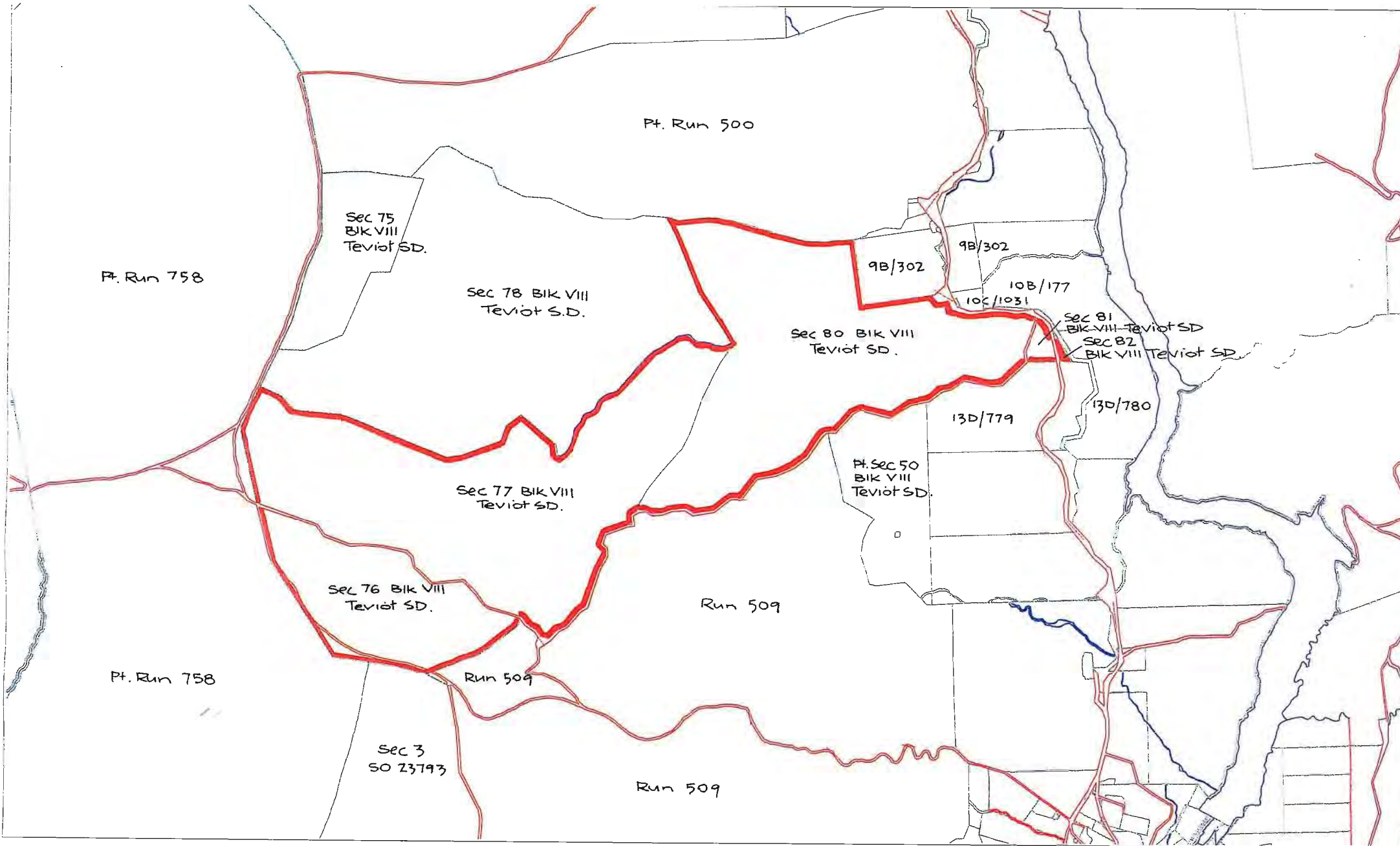


16B/48



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





11B/1148

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



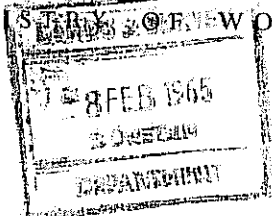
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tenure review due diligence from  
file: P102 Vol 2/253

P.W. 150C  
(Rev. 4/54)



IN REPLY PLEASE QUOTE  
P.W. 72/8/17/0/16

MINISTRY OF WORKS



P.O. BOX 451  
DUNEDIN

5 February 1965

The Commissioner of Crown Lands,  
P.O. Box 896,  
DUNEDIN.

TIMARU-MILTON STATE HIGHWAY:  
ALEXANDRA-ROXBURGH SECTION  
M. AND M.J. CAHILL

Your reference P.102 of 28.1.65.

With reference to the above matter and your inquiry re an area of approximately six acres of road to be closed, I have to advise that the area involved is shown on S.O.12099 as road to be closed, of an area of 19 acres two roods two perches. Part of this land, approximately six acres, is to be vested in Mr Cahill - the remainder of the land approximately 13 acres in Mr Gunn.

Proclamation action is on its way to Wellington for gazettal and gazette extracts will be forwarded to you in due course.

J.P. Henderson  
District Commissioner of Works

Per: *[Signature]*

*24/11/65  
T 206782*

*[Signature]*  
9.2.65

*[Handwritten scribble]*

*[Stamp]*  
SECTION

*BW  
WAW  
20/4/65.*

*[Handwritten mark]*

WAW:FMA  
78-974  
P.102  
P.W.72/8/17/0/16

Copied for purposes of CPL  
tenure review due diligence from  
file: P 102 Vol 2/252

252

896,  
DUNEDIN.

28 January 1965

The District Commissioner of Works,  
Ministry of Works,  
P.O. Box 451,  
DUNEDIN.

TIMARU-MILTON STATE HIGHWAY: ALEXANDRA-ROXBURGH  
SECTION - M & M.J. CAHILL

I refer to your memo. of 19 January 1965.

When consent to the taking and vesting of lands affecting the above <sup>land</sup> was stated that an area of 6 acres 2 roods 12 perches of road to be closed would be vested as leasehold and presumably be incorporated into Messrs Cahill's lease (reference your memo. of 27 February 1962). By Gazette 1964, page 835 an area of 2 roods 12 perches passing through Run 502, Block VIII, Teviot S.D. was declared closed.

It therefore appears that an area of 6 acres of road to be closed is still unaccounted for and I should be pleased if you would verify the position regarding this 6 acre area. I am unable to locate the area from the survey plans quoted by you.

C.K. Eville  
Commissioner of Crown Lands.

Per: *WAW*

*BJS  
waw  
16/2/65*

LANDS SURVEY  
DUNEDIN  
28 JAN 1965  
DISPATCHED  
DEPARTMENT

Copied for purposes of CPL  
tenure review due diligence from  
file: P102 Vol 2/245

245

RL. 142

SF: MJW

EP. 4430  
EP. 721  
P. 102

896,

DUNEDIN

31 May 1962

The District Commissioner of Works,  
Ministry of Works,  
P.O. Box 451,  
DUNEDIN

TIMARU-MILTON STATE HIGHWAY; ALEXANDRA-ROXBURGH SECTION;  
(W.J. GUNN; M. & M.J. CAHILL - YOUR REFS. 72/8/17/0/15 & 16)

I refer to previous correspondence.

Consent has now been granted to the taking of the various areas of Crown land for road subject to the inclusion of unwanted roadlines and severances in the leases held by the abovenamed and subject also to no alterations in Rental Values or Annual Rents.

Please let me have four copies of the Proclamation when they are available.

G.K. Eville  
Commissioner of Crown Lands.

per: *[Signature]*

*Original on RL142.*

WAW:FMA  
78-974  
P.102  
P.W.72/8/17/0/16

Copied for purposes of CPL  
tenure review due diligence from  
file: P 102 Vol 2/252.

252

896,  
DUNEDIN.

28 January 1965

The District Commissioner of Works,  
Ministry of Works,  
P.O. Box 451,  
DUNEDIN.

TIMARU-MILTON STATE HIGHWAY: ALEXANDRA-ROXBURGH  
SECTION - M & M.J. CAHILL

I refer to your memo. of 19 January 1965.

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It therefore appears that an area of 6 acres of road to be closed is still unaccounted for and I should be pleased if you would verify the position regarding this 6 acre area. I am unable to locate the area from the survey plans quoted by you.

C.K. Eville  
Commissioner of Crown Lands.

Per: *WAW*

*BUC  
WAW  
16/2/65*

LANDS & SURVEY  
DUNEDIN  
28 JAN 1965  
DEPARTMENTS

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tenure review due diligence from  
file: P102 Vol 2/245

245

RL. 142

EP. 1430  
EP. 721  
P. 102

SF: MJW

896,

DUNEDIN

31 May 1962

The District Commissioner of Works,  
Ministry of Works,  
P.O. Box 451,  
DUNEDIN

TIMARU-MILTON STATE HIGHWAY; ALEXANDRA-ROXBURGH SECTION;  
(W.J. GUNN, M. & M.J. CAHILL - YOUR REFS. 72/8/17/0/15 & 16)

I refer to previous correspondence.

Consent has now been granted to the taking of the various  
areas of Crown land for road subject to the inclusion of unwanted  
roadlines and severences in the leases held by the abovenamed  
and subject also to no alterations in Rental Values or Annual  
Rents.

Please let me have four copies of the Proclamation when  
they are available.

C.K. Eville  
Commissioner of Crown Lands.

per: *[Signature]*

*Original on RL142.*

CONSENT TO TAKING OF CROWN LAND

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tenure review due diligence from  
file: P 102 Vol 1 | 244

FILES: H.C. 8/9/357  
D.C. 9/208, P.102  
S.I. 17

CASE NO: 62/253

OTAGO LAND DISTRICT

INTRODUCTION:

Ministry of Works request consent to the taking and vesting of Crown Land for the purpose of reconstruction and realignment of the State Highway between Roxburgh and Alexandra. Crown Leases are involved and brief details are.

Land to be taken  
for Road

Road to be closed  
and added to  
Crown Leasehold

- |  |                           |
|--|---------------------------|
| (1) P.102. 7 acres 1 rood<br>3.4 perches.<br>(M. & M.J. Cahill)              | 6 acres 2 roods 3.4 pches |
| (2) LP.1430 9 acres 2 roods<br>20.7 perches<br>LP.721<br>RL.142<br>(W. Gunn) | 18 acres 0 roods 27 pches |

Severances: Two areas totalling 34.5 perches will be taken from the P.102 and included in LP.721 and LP.1430.

S.O. PLANS: 12099 and 12784.

COMPENSATION: None. Nominal consideration 1/-, both Lessees agree.

CROWN IMPROVEMENTS: Not affected.

ADJUSTMENTS: No adjustments to Rental Values or Annual Rents expected by lessees. Land Purchase Officer Ministry of Works considers area being taken near enough or equal in value with areas being made available to respective lessees.

RECOMMENDATION: That consent to the taking of the various areas be approved subject to inclusion of unwanted roadlines and severances in the leases mentioned above and subject to no adjustment to R.V.'s or A.R.'s.

Approved

(signed) C. K. Gille

Commissioner of Crown Lands

29/5/62

Prepared by: JH

Checked by: G.M.M.

DETAILS OF TRANSACTIONS AFFECTING LP. 1430

LP. 721 RL. 142 : W.J. GUNN

<u>Land to be taken for Road:</u>	RL. 142	9 - 2 - 20p.	Coloured Blue on S.O. Plan 12099
	LP. 721	0 - 0 - 00.7	Coloured Blue on S.O. Plan 12784
	Total	<u>9 - 2 - 20.7</u>	

<u>Road to be closed and included in W. Gunns adjoining leases as follows:</u>	RL. 142	13 - 2 - 02p. <sup>R</sup>	Coloured Green on S.O. Plan 12099
	LP. 1430	2 - 1 - 05p.	Coloured Green on S.O. Plan 12784
	LP. 721	0 - 1 - 30p.	Coloured Green on S.O. Plan 12784
	LP. 721	<u>1 - 3 - 30p.</u>	Coloured Green on S.O. Plan 12784
	Total	<u>18 - 0 - 27</u>	

Severances:

Two severance areas,

33 perches	Coloured yellow on S.O. Plan 12784
<u>01.5 "</u>	Coloured yellow on S.O. Plan 12099
<u>34.5 "</u>	are to be included in W. Gunn's Leases as follows.
	33 perches into LP. 721
	1.5 " " LP. 1430

DETAILS OF TRANSACTION AFFECTING

P.102 - W. & H.J. CAHILL

<u>and to be taken for Road:</u>	0 - 3 - 35	} Coloured Yellow on S.O. Plan 12784
	1 - 3 - 21	
	3 - 3 - 01.3	} Coloured Yellow on S.O. Plan 12099
	0 - 1 - 31.6	

<u>severences:</u>	0 - 0 - 33	Coloured Yellow on S.O. Plan 12784
	0 - 0 - 01.5	Coloured Yellow on S.O. Plan 12099
<b>Total</b>	<u>7 - 1 - 3.4</u>	

B. Severence areas are to be included in W. Gunns leases as follows:  
 33 perches into LP.721  
 1.5 perches into LP.11,30

<u>oad to be closed and ncluded in P.102:</u>	0 - 2 - 12	Coloured Green on S.O. Plan 12784
	6 - 0 - 0	approx. Coloured Green on S.O. Plan 12099
	<b>Total</b>	<u>6 - 2 - 12</u>

*Now Sec 58 BIKVIII Acvt SD*

*Alteration plates  
 using Sec 70 and  
 new format circulated 2/18/64  
 1978*



Note for file: Re Folio 241

Mr L. Grace, M.O.W. advises that no compensation was ever mentioned to M. & M. J. Cahill when agreement was reached regarding the taking and giving of these areas. The exchange is on the basis of equality, nominal consideration if. Mr Grace considers that the 7-1-34 perches of land to be taken for Road of no greater value ~~than~~ than the 6-2-12 perches of road to be closed and added to M. & M. J. Cahill's leasehold.

The exchange will be effected under Section 29 Public Works Amendment Act 1948 and no fees are payable in respect of the incorporation into Cahill's lease.

The taking and closing action will be undertaken by Proclamation.

The actual incorporation will be effected by a Certificate signed by the Commissioner of Crown Lands pursuant to Section 29 Public Works Amendment Act 1948.

M  
Sturgeon  
28.5.62.

~~241~~  
241

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tenure review due diligence from  
file: P 102 Vol 1/241

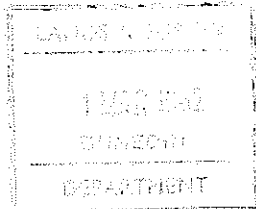
P.W. 150C



IN REPLY PLEASE QUOTE

P.W. 72/8/17/0/16

MINISTRY OF WORKS



P.O. BOX 451,  
DUNEDIN.

27 February, 1962.

The Commissioner of Crown Lands,  
Department of Lands & Survey,  
DUNEDIN.

TEMARU-MILTON STATE HIGHWAY :  
ALEXANDRA-ROXBURGH SECTION :  
M. & M.J. CAHILL

Arising from the reconstruction of the above section of Highway, the consent of the lessees, Messrs. M. & M.J. Cahill has been obtained, for the nominal consideration of 1/-, to the following exchanges of land:-

- Land to be Taken for Road: 7 acres 1 rood 3.4 perches
- Road to be closed and Vested as Leasehold: 6 acres 2 roods 12 perches.

The description is parts of Run 502 Block VIII Teviot Survey District (shown on S.O. Plans 12099 and 12784).

Would you please let me have your consent to the taking and vesting as detailed above.

**SAVES**  
= 1 MAR 1962

*This fits in with notes on 9/208.*  
*Sm*

J. F. Henderson  
District Commissioner of Works

Per:

PASTORAL LEASE  
LAND TENURE  
REVIEW

LAND STATUS  
CHECK

THE FORKS

**ABERCROMBIE AND ASSOCIATES LIMITED**  
 PROPERTY MANAGERS AND CONSULTANTS

P O BOX 5056  
 MORAY PLACE  
 DUNEDIN

PHONE (03) 471 9496  
 FACSIMILE (03) 471 9455  
 EMAIL office@abercrombie.co.nz

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This report has been prepared on the instructions of Crown Property Management, Land Information New Zealand, and is undertaken for the purposes of the Crown Pastoral Leases Act 1998.

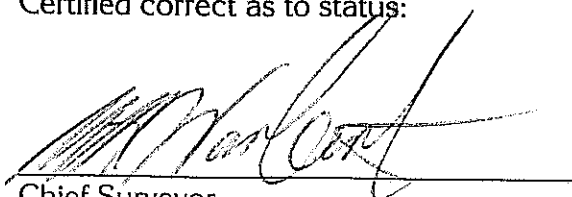
LAND STATUS REPORT	THE FORKS	P 102	[LIPS Ref. 12457]
Property	1	of	1

Land District	Otago
Legal Description	Sections 76, 77, 80, 81 and 82, Block VIII, Teviot Survey District
Area	1454.3352 hectares
Status	Crown Land subject to Pastoral Lease P 102
Instrument of Lease	Reg Vol OT11B/1148 registered in Land Transfer Office but not under Land Transfer Act.
Encumbrances	Transfer 885850 affecting estate of Her Majesty the Queen of a grant of right in gross to convey water in favour of Last Chance Irrigation Company Limited [see also CT OT16B/48].
Mineral Ownership	Crown <i>[see comment below]</i>
Statute	Land Act 1948, Crown Pastoral Land Act 1998

Data Correct as at:	29 April, 2002
Accredited Supplier certification	As attached

Prepared by	David J Abercrombie
Crown Accredited Supplier	<b>Abercrombie &amp; Associates Ltd</b>

Certified correct as to status:



Chief Surveyor  
 Land Information New Zealand, Dunedin

6151 2002

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

As a result of the land acquisition programme for realignment of State Highway 8 in 1955 an area of approximately 6 acres being closed road was to have been incorporated into the lease as equality of exchange [for further reference see SO 12099 and proc 7436].

Research Data: Some items may not be applicable

SDI Print obtained	Yes <i>[See attached]</i>
NZMS 261 Ref	G 43
Local Authority	Central Otago District Council
Crown Acquisition Map	Yes To determine agreement for purchase from Ngai Tahu
SO Plan	1165, 12099, 12784, 19571, 21866 <i>[See evidence attached]</i>
Relevant Gazette Notices	1958 page 1131 [Proc 7436] 1964 page 835 [Proc 272745] <i>[See evidence attached]</i>
CT Reference / Lease Reference	Pastoral Lease P 102, Reg Vol OT11B/1148. Lease renewed by 766007. NOTE: For history of land see below <i>[See evidence attached]</i>
Legislation Cards	Yes <i>[See evidence attached]</i>
CLR	Yes <i>[See evidence attached]</i>
Allocation Maps [if applicable]	Not applicable
QVNZ Reference	28472/28400 <i>[See evidence attached]</i>
Crown Grant Maps	Yes - There are no references for the subject property

Research - continued

If Crown land - Check Irrigation Maps.	Yes There are no references for the subject property
Mining Maps	Yes There are no references for the subject property
<p>Other Relevant Information</p> <p>a) Concessions - Advice from DoC</p> <p>b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998</p> <p>c) Mineral Ownership</p> <p>d) Other Info</p>	<p>a) Nil <i>[See evidence attached from DoC]</i></p> <p>b) Only on divestment of freehold or a lease of fifty years or greater by LINZ as a Crown Body</p> <p>c) Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition from Ngai Tahu by way of the Kemp Purchase.</p>

**History of ownership:**

Purchased from Ngai Tahu by the Kemp Purchase of 1848.

No record of crown grants having been made

**Run 501**

Selected for lease and Pastoral License 1432 issued as at 1 March 1918 - No registration.

On expiry of PL1432, Pastoral License 1945 was issued as at 1 March 1939 as recorded in register volume OT337/142.

On expiry of PL1945, Pastoral Occupation License O27 was issued as at 1 July 1960 as recorded in register volume OT386/144.

On expiry of O27, Pastoral Occupation License O78 was issued for a term of one year as at 1 July 1975 as recorded in register volume OT6C/563.

Pastoral Occupation License O78 was re-issued as at 1 July 1976 but for a term of six months as recorded in register volume OT7B/333.

By re-appellation 542435/1, Part of Run 501 became Sections 76 and 77, Block VIII, Teviot Survey District [area of 875 hectares].

### **Section 58**

The land was originally shown as legal road on the crown subdivision of the land [see road delineated on SO 1165]. The land comprising the road is considered to have been vested in crown ownership following purchase from Ngai Tahu by the Kemp Purchase of 1848.

By gazette 1964 page 835 [GN 272745], the portion of road was closed [2r 12 perches].

By SO Plan 12784, alteration as to appellation, the former Closed Road became Section 58, Block VIII, Teviot Survey District.

### **Run 502**

Selected for lease and Small Grazing Run 632 issued as at 1 March 1911 as recorded in register volume OT163/49 and comprising 1460 acres [590.841 hectares by title metric conversion].

On expiry of SGR632, SGR1073 was issued as at 1 March 1932 as recorded in register volume OT259/167 and comprising 1460 acres.

On expiry of SGR1073, Pastoral Lease 102 was issued as at 1 July 1953 as recorded in register volume OT259/167 and comprising 1460 acres.

### **Combined land**

By proclamation 7436, an area of 4 acres 32.9 perches was taken for road [balance area of 1455 acres 3 roods 7.1 perches].

By proclamation 272745, an area of 3 acres 9 perches was taken for road and severance [balance area of 1452 acres 2 roods and 38.1 perches].

By certificate of alteration 289082, Section 58, Block VIII, Teviot SD was incorporated into the lease [Area of 2 roods 12 perches - total leased area being 1453 acres 1 rood 10.1 perches {588.1359 hectares by title metric conversion}].



By certificate of alteration 546322, Sections 76 and 77, Block VIII, Teviot SD were incorporated into the lease [Area of 875 hectares - total leased area being 1463.1359 hectares by title metric conversion].

By new appellation 664021/3, Section 58 and Part Run 502 was described as Sections 80, 81 and 82, Block VIII, Teviot SD [Note: area was modified from 588.1359 hectares to be 579.3352 hectares].

By gazette notice 682755/1, evidence was recorded of the loss of the outstanding duplicate of Pastoral Lease P202 as recorded in register volume OT338/112 and also application for issue of a replacement lease.

By 682755/2, a replacement Pastoral Lease P102 was issued in lieu of register volume OT338/112 as recorded in register volume OT11B/1148 and comprising 1454.3352 hectares.

Status, description of land and area are now as indicated above.

# ABERCROMBIE AND ASSOCIATES LIMITED

PROPERTY MANAGERS AND CONSULTANTS

P O BOX 5056  
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EMAIL office@abercrombie.co.nz

29 April, 2002

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The Chief Surveyor  
Land Information New Zealand  
Private Bag 1929  
DUNEDIN

REQUEST 57561 CERTIFIED DATA  
COPY: 01/01.PGS-010.30/04/02.11:58



DocID: 110318752

Dear Sir

## PROPERTY STATUS REPORT: THE FORKS OTAGO LAND DISTRICT

References - Client: LIPS 12457  
- Accredited Supplier: 193/03/02

Please find enclosed:

- 1 In accordance with CCPO Crown Pastoral Land Standard 6 and OSG Standard 1999/5 Chief Surveyor Land Status Certifications, a status report for your consideration and decision.
- 2 Evidencing the result of the investigation for the land concerned and set out in appendix order copies of:
  - Appendix 1 A locality plan
  - Appendix 2 SDI print
  - Appendix 3 Relevant survey plans
  - Appendix 4 Registered leases [current and historical]
  - Appendix 5 Documents - historical and/or currently registered against the pastoral lease
  - Appendix 6 Copy of legalisation cards
  - Appendix 7 Extract from Crown Land Register
  - Appendix 8 Quotable Value New Zealand valuation record
  - Appendix 9 Advice from Department of Conservation
  - Appendix 10 Other relevant information [advice from LINZ]

- 3 As required by Crown Property Management in specifications for complying with instructions on reporting for land status checks in terms of Crown Pastoral Land Standard 6 a certificate of authorisation.
- 4 A cheque at the amount of \$32.00, inclusive of GST, being the prescribed fee for your certification *[Please forward a receipt for this amount as soon as possible]*.

Could you please consider the enclosed status report and, if you concur, complete your certification and return the report to me. Because of the programme established by Crown Property Management, LINZ, it would be appreciated if this request could be treated as a matter of expediency.

Should any matter require clarification please do not hesitate to contact me any time at your convenience.

Thanking you in anticipation.

Yours faithfully

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a long, sweeping horizontal line that tapers to the right.

David J Abercrombie

# **ABERCROMBIE AND ASSOCIATES LIMITED**

PROPERTY MANAGERS AND CONSULTANTS

P O BOX 5056  
MORAY PLACE  
DUNEDIN

PHONE (03) 471 9496  
FACSIMILE (03) 471 9455  
EMAIL [office@abercrombie.co.nz](mailto:office@abercrombie.co.nz)

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## **CERTIFICATION**

### **PRE TENURE REVIEW; LAND STATUS CHECK THE FORKS**

REFERENCE: LIPS 12457

1. I, David J Abercrombie [Nominated Person for Accredited Supplier - Abercrombie & Associates Limited] gives an assurance that:
  - a. I am authorised to undertake status checks by virtue of an agreement between Land Information New Zealand and Abercrombie & Associates Limited, and
  - b. I am authorised to undertake the status check in relation to a tenure review of the land concerned, and
  - c. The Land Status Report enclosed with this certificate is in order for signature.
2. The decision when made will comply with the following statutory requirements:

Crown Pastoral Land Act 1998
3. In giving this assurance David J Abercrombie undertakes that all relevant policy instructions, legal requirements, court judgements and any other matters have been taken into account and applied where appropriate.  
*[List all policy instructions, legal requirements, etc.]*

Instructions issued by Crown Property Management, LINZ

CCPO, Crown Pastoral Land Standard 6  
Paragraph 7.1  
Appendix 3



**David J Abercrombie**  
Accredited Supplier

Date: 29 April 2002

