

## **Crown Pastoral Land Tenure Review**

**Lease name : MT POTTS**

**Lease number : PC 143**

### **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.

**September**

**05**

RELEASED UNDER THE OFFICIAL INFORMATION ACT

DUE DILIGENCE REPORT  
CPL PRE TENURE REVIEW ASSESSMENT STANDARD 6:

File Ref: CON/50272/09/12785/A-ZNO-01 Report No: QVV 231 Report Date: 20/06/2002

Office of Agent: CHRISTCHURCH LINZ Case No: 02/ Date sent to LINZ: 24/06/2002

TRCZ/667

**RECOMMENDATIONS**

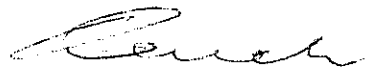
1. That the Commissioner of Crown Lands or his delegate **note** this Due Diligence Report which has been prepared in accordance with the Pre Tenure Review Assessment Standard;
2. That the Commissioner of Crown Lands or his delegate **note** the following incomplete actions:
  - a) The formed Hakatere – Mt Potts Road intersecting the lease has not been legalised.
  - b) The incorporation of RS 42168 and Section 2, S.O.17411 (Roads transferred to the Crown) into the lease is outstanding.
  - a) Creation of an Easement over Telecom facilities on the lease.
- 3 That the Commissioner of Crown Lands or his delegate **note** that there are no potential liabilities that have been identified as a result of the file search.
- 4 The Commissioner or his delegate **note** that the boundary adjustments and proposed easements promoted on SO 15985 by previous lessees are unlikely to be required unless the future ownership and status of the Special lease and the adjoining Pastoral lease differs.

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 WEBLEY  
Date of Decision: 26/6/02

# RELEASED UNDER THE OFFICIAL INFORMATION ACT

## Details of Lease:

**Lease Name:** Mt Potts.

**Location:** Located in the Rangitata Valley on the Hakatere -Mt Potts Road approximately 47 kilometres west of Mt Somers and 87 kilometres from Ashburton.

**Lessees:** MT POTTS STATION LIMITED.

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

**Term:** 33 years from 1 July 1984 (expires 30 June 2017).

**Annual Rent:** \$5535.00 (Reviewed 1 July 1995).

**Rental Value:** \$246,000 (Reviewed 1 July 1995).

**Date of Next Review:** 1 July 2006.

**Land Registry Folio Ref:** Computer Interest Register (Pastoral Lease) CB34A/711 (Canterbury Registry).

**Legal Description:** Sections 5, 6, 7, 8, 9 and 10, S.O. 18222.

**Area:** 9692.0000 hectares.

## 2. File Search

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

File Reference	Volume	First Folio Number	Date	Last Folio Number	Date
<i>Pc 016-SCH- 01</i>	<i>1</i>	<i>1</i>	<i>22/07/1943</i>	<i>180</i>	<i>01/02/1955</i>
<i>Pc 016-SCH-02</i>	<i>2</i>	<i>181</i>	<i>02/02/1955</i>	<i>395</i>	<i>23/09/1969</i>
<i>Pc 016-SCH-03</i>	<i>3</i>	<i>396</i>	<i>24/09/1969</i>	<i>499</i>	<i>26/07/1971</i>
<i>Pc 016-SCH-04</i>	<i>4</i>	<i>500</i>	<i>27/07/1971</i>	<i>653</i>	<i>20/12/1973</i>
<i>Pc 016-SCH-05</i>	<i>5</i>	<i>654</i>	<i>21/12/1973</i>	<i>735</i>	<i>Sept. 1979</i>
<i>Pc 016-SCH-06</i>	<i>6</i>	<i>736</i>	<i>Sept. 1979</i>	<i>926</i>	<i>04/05/1989</i>
<i>Pc 016-SCH-07</i>	<i>7</i>	<i>927</i>	<i>05/05/1989</i>	<i>996</i>	<i>26/02/1991</i>

### *Lease subdivided and new lease issued*

<i>Pc 143-SCH-01</i>	<i>1</i>	<i>-</i>	<i>27/02/1991</i>	<i>-</i>	<i>24/02/1995</i>
<i>Pc 143-SCH-01</i>	<i>2</i>	<i>-</i>	<i>25/02/1995</i>	<i>-</i>	<i>22/10/1998</i>
<i>Pc 143-SCH-01</i>	<i>3</i>	<i>-</i>	<i>23/10/1998</i>	<i>-</i>	<i>30/06/2000</i>
<i>CON 50213/09/12785/A-ZNO-01</i>		<i>-</i>	<i>01/07/2000</i>	<i>-</i>	<i>Current</i>

### *Files held by agent Q.V. Valuations on behalf of LINZ:*

File Reference: CON/50272/09/12785/A-ZNO-01  
Volume: 1  
First folio: 1  
Date: August 2001.  
Last folio note: File current.  
Date: -

## RELEASED UNDER THE OFFICIAL INFORMATION ACT

### **Summary of Lease Document:** (*Copy of Computer Interest Register (Pastoral Lease) CB34A/711 attached as Appendix 1*)

#### **3.1 Terms of Lease**

A 33 year term from 1 July 1984 at the Annual rental of \$5535 based on the Rental Value of \$246,000.

#### *Stock Limitation in Lease*

4400 sheep.

#### *Commencement date*

**1 July 1984**, being the renewal of the original Erewhon Pastoral lease (issued for a 33 year term from 1 July 1951) to the lessees A.W. and C.F. Urquhart. At renewal the Annual rental was determined to be \$4845 based on the Rental Value of \$323,000 with the stock limitation being 7700 sheep. The Memorandum of Renewal 808974.1 was registered on 8 June 1989.

The lease was held by the Urquhart brothers until 1 July 1990 when this partnership was dissolved and the lease subdivided by way of surrender and issue of two new Pastoral leases "Erewhon" (C.F. Urquhart) and Mt Potts (A.W. Urquhart). The substitute Mt Potts Pastoral lease, over the adjusted area of 9692 ha was issued for the balance term at the apportioned Annual rental of \$2200 and stock limitation in the lease of 4400 sheep.

The Annual rental was reviewed as at 1 July 1995 to \$5535 based on the Rental Value of \$246,000.

The current lessees acquired the lease by Transfer A359525.5 (registered 8 July 1998).

#### *Other Provisions:*

The reservation to the lessor of all coal existing on or under the surface of the land, pursuant to Section 8 of the Coal Mines Amendment Act 1950, and subject also to the reservation to the lessor of the power to grant coal mining rights over the land under Part I of the Coal Mines Act 1925.

#### **3.2 Area adjustments**

While there have been historical area adjustments there have been no such adjustments to the lease since subdivision in 1990.

However the adjoining Special lease was subdivided in 1983 by the then lessees (SO 15985) for the purpose of an independent sale of that lease (tourist business). The intended formal surrender of (R.S.'s 41595 and 41596) and incorporation of these areas into the Pastoral lease (with the relevant ROW Easements) to separate the tourism / farming use has not eventuated as a consequence of sale of both leases to subsequent lessees.

There appears to be no reason to formalise the situation unless in future the tenure and ownership of both leases are different

#### **3.3 Registered Interests**

##### *Mortgages:*

No. 5141308.2

to The National Bank of New Zealand Limited (registered 24 January 2002).

### 3. ~~Released Under~~ THE OFFICIAL INFORMATION ACT

#### *Recreation Permits:*

Knight Frank (NZ) Limited administers a Recreation permit to Mt Potts Station Limited over the Erewhon Park Ski-field and access for a term of 3 years and 10 months from 1 March 2000 (expiring 31 December 2003) at the Annual rental of \$1000 plus GST subject to certain conditions.

Copy of Recreation permit attached as *Appendix 2*.

#### *Easements*

ROW Easements were promoted in SO 15985 on the basis of the former lessee's intention to rationalise the tourism and farming use and thus enable the separate sale of the adjoining Special lease. In those circumstances the need to provide easements to protect the supply of Power and Water across the Pastoral lease to the Special lease was also identified.

The leases have subsequently been transferred into common ownership whereupon the requirement for such easements has been superseded.

#### *Unsecured Debts:*

None known.

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

No Land Improvement Agreements have been registered against the property and the property is not part of a Rabbit and Land Management programme.

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

The Land Status Report by D. McGregor, McGregor Property Services Limited, for and on behalf of Q.V.Valuations on 14 March 2002, confirmed the status as Crown land under the Land Act 1948, leased pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as Computer Interest Register CB34A/711

The land is subject to Part IVA of the Conservation Act 1987, upon disposition.

The minerals remain with the Crown because the land has never been alienated since the original acquisition for settlement purposes from the original Maori owners under the 1848 Kemp Deed of Purchase.

The report noted the following issues:

- 1) The additional Land Status Reports of land within the periphery of the lease.
- 2) CL CB34A/711 contains a notation that the lease is subject to Section 58 of the Land Act 1948 as does SO's 11076, 11331, 17172 and 18222 applying in respect of all rivers and streams in excess of 3 metres in width. **However such strips are 'notional' only pending disposition of the land.**
- 3) The attached topographical shows that the legalisation of current formation of the Hakatere – Mt Potts Road, with the exception of that part legalised for the purposes of issue of the Special lease (Property 2 of 4) by SO 10337, is still outstanding.
- 4) Action to incorporate the areas of Crown Land (Properties 3 and 4 of 4) being formerly road transferred to the Crown as intended is still outstanding.

5) **RELEASED UNDER THE OFFICIAL INFORMATION ACT** The Special lease was surrendered from the adjoining Pastoral lease and incorporated back into the Pastoral lease. In conjunction with that, provision was to be made for a ROW easement across R.S. 41595 in favour of the Special Lease and a ROW easement across R.S. 41597 in favour of R.S. 41596 as shown on S.O. 15985. Those proposals were approved by CCL Case no 82/573 dated 2 November 1982 and the lessees surveyor advised of the details of the approval (*folio 426*).

Documentation to effect the proposals was referred to the lessees for execution but this was delayed until sale in 1995 whereupon the surrender/incorporation proposals became irrelevant to subsequent lessees (*refer folios 422, 424, 431, 434, 463 and 466-468*).

This correspondence also traversed the issue of access to the Power house and Water Supply from the Pastoral lease. Notwithstanding that both leases are in common ownership a sublease or easements to protect these essential services is outstanding if the Special lease status is to remain.

*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 that there are no historic sites, transmission or local power lines, water races, dams, huts, telecommunication or other such installations on the lease.

The topographical plan shows :

- Telephone lines that depart from the road-line across the lease above and below the Mt Potts homestead and Special lease area adjoining.
- An airstrip adjacent to the homestead area.
- The access track and the Erewhon Park skifield and ski tows.
- The Council formed road (Hakatere – Mt Potts Road) through the property is not legal.

### **6.1 Marginal Strips:**

The lease contains a notation subject to Section 58 of the Land Act 1948 as do SO's 11076, 1131, 17172 and 18222 applying in respect of all rivers and streams in excess of 3 metres in width. This provision is "notional" only pending disposition of the land.

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

The Land Status Report indicates that SO Plans 10337, 11076, 17172 and 18222 (as supported by Too Plans 3G and 12G) denote the roads that are legal by Section 110A of the Public Works Act 1928.

The formed Council road (Hakatere –Mt Potts Road) through the lease (apart from that area of road of road shown on SO 10337 to be legal under Section 110A of the Public Works Act 1928 to enable disposition of the then R.S. 39049) is not legal.

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

The topographical plan does not reveal any significant boundary discrepancies. The adjoining Special lease was subdivided in 1983 and R.S.'s 41595 and 41596 on S.O. 15985 were to have been separated from the tourist activities by partial surrender from the Special lease and incorporation into the Pastoral lease.

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

Western Boundary

*Section 3, SO 18222 - (Erewhon Pastoral Lease)*

Internal (Eastern)	<i>Section 2, S.O. 17411</i> (Crown Land subject to the Land Act 1948 - Refer to Land Status Report 3 of 4).
Internal (Southern)	<i>R.S. 42168</i> (Crown Land subject to the Land Act 1948 - Refer to Land Status Report 4 of 4).  <i>Rural Sections 41595, 41596 and 41597</i> (Special Lease held by Mt Potts Station Limited – Refer to Land Status Report 2 of 4).

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

### ***8.1 Legalisation of Hakaterere- Mt Potts Road***

As shown on the topographical plan a significant section of the formed Hakaterere- Mt Potts Road deviates from the legal road.

At renewal in 1984 (LSB HOC Case No 1984/22 of 21 February 1984) it was recommended that Council be informed of this anomaly and requested to take appropriate legalisation action.

No action has been undertaken since that time and therefore legalisation is still outstanding.

A copy of the relevant folio (*folio 818*) is attached at *Appendix 3*.

### ***8.2 Incorporation of Transferred Roads (Crown land)***

R.S 42168 and Section 2, S.O. 17411 (Land Status Reports 3 and 4 of 4) were formerly Roads transferred to the Crown for the purpose of eventual incorporation into the lease.

No incorporation action has been undertaken.

### ***8.3 Creation of Telecom easement***

In February 1990 Telecom advised of proposals to site a building, 10m pole with a small aerial and solar panel array within the deer farm area. In addition a cable was to be pulled in to the buildings of Mt Potts and Erewhon. These proposals were part of an upgrade that would see pole lines being removed.

At the time Landcorp dealt with this application as an earth disturbance issue only and approved of the work on 20 April 1990.

The Telecom occupation should be formalised by an appropriate Easement.

Copies of the relevant folios are attached as *Appendix 4*.

## **APPENDICES**

Schedule A – Land Status Report.

1. Copy of Lease.
2. Copy of Recreation permit
3. Copies of relevant folios – Road legalisation.
4. Copies of relevant folios – Telecom Easement.

**Schedule A**



**LAND STATUS REPORT**

**for  
Tenure Review**

**MT POTTS**

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

**March 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).**

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

### **PROPERTY 3 OF 4**

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

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

**PROPERTY 4 OF 4**

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

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

RELEASED UNDER THE OFFICIAL INFORMATION ACT

PROPERTY 1 OF 4

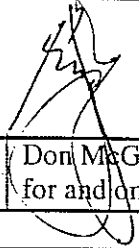
Project No: QVV:230

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.

LAND STATUS REPORT for Mt Potts Tenure Review	LIPS Ref: 12785
Property 1 of 4	

Land District	Canterbury.
Legal Description	Sections 5, 6, 7, 8, 9 and 10, S.O. 18222.
Area	9692.0000 hectares.
Status	Crown land subject to the Land Act 1948.
Instrument of title / lease	Pastoral Lease CL CB34A/711 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
Encumbrances	Subject to: 1) Part IVA of the Conservation Act 1987, upon disposition. 2) The reservation to the lessor of all coal existing on or under the surface of the land, pursuant to Section 8 of the Coal Mines Amendment Act 1950, and subject also to the reservation to the lessor of the power to grant coal mining rights over the land under Part I of the Coal Mines Act 1925.
Mineral Ownership	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.
Statute	Land Act 1948 and Crown Pastoral Land Act 1998.

Data Correct as at	14 March 2002.
[Certification Attached]	Yes



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

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	1) Please note additional Reports of land within the periphery of the lease. 2) CL CB34A/711 contains a notation that the lease is subject to Section 58 of the Land Act 1948 as does SO's 11076, 11331, 17172 and 18222 applying in respect of all rivers and streams in excess of
---	--

3 metres in width. However, such strips are 'notional' only pending disposition of the land.

- 3) The attached topographical plan shows that the legalisation of current formation of the Hakatere – Mt Potts Road, with the exception of that part legalised for the purposes of issue of the Special lease (Property 2 of 4) by SO 10337, is still outstanding.
- 4) Action to incorporate the areas of Crown Land (Properties 3 and 4 of 4 being formerly road transferred to the Crown), as intended, is still outstanding.
- 5) RS's 41595 and 41596 were, under previous ownership, to be surrendered from the adjoining Special lease and incorporated back into the Pastoral lease. In conjunction with that, provision was to be made for a ROW easement across R.S. 41595 in favour of the Special Lease and a ROW easement across R.S. 41597 in favour of R.S. 41596 as shown on S.O. 15985. Those proposals were approved by CCL Case no 82/573 dated 2 November 1982 and the lessees surveyor advised of the details of the approval (*Refer folios 422, 424 and 426*).

Documentation to effect the proposals was referred to the lessees for execution but this was delayed until sale in 1995 whereupon the surrender/incorporation proposals became irrelevant to subsequent lessees (*refer folios 434, 463 and 466-468*).

This correspondence also traversed the issue of access to the Power House and Water Supply from the Pastoral lease. Notwithstanding that both leases are in common ownership a sublease or easements to protect these essential services is outstanding if the Special lease status is to remain.

Research Data: *Some Items may not be applicable*

SDI Print Obtained	Yes.
NZMS 261 Ref	J 35/36.
Local Authority	Ashburton District Council.
Crown Acquisition Map	Kemp Deed of Purchase.
SO Plans	<p><b>SO 10337</b> - Plan of R.S. 39049 (formerly Part Run 114 "Mt Potts" (Approved 17 July 1974).</p> <p><b>SO 11076</b> - Plan of Macauley - including Pt Run 114 "Mt Potts" (Approved 6 August 1968).</p> <p><b>SO 11331</b> - Plan of Godley including Pt Run 114 "Mt Potts" (Approved 19 January 1970).</p> <p><b>SO 15985</b> - Plan of R.S.'s 41595, 41596, and 41597 (Approved 1 November 1983).</p> <p><b>SO 16113</b> - Plan of Road to be transferred adjoining Pt Run 114 (Approved 23 January 1984).</p> <p><b>SO's 17061</b> - SOE Allocation plan.</p> <p><b>SO's 17112 and 17113</b> - DOC Allocation plans.</p> <p><b>SO 17172</b> - Plan of Run 358 - formerly Pt Run 114 - (Approved 3 July 1987).</p> <p><b>SO 17411</b> - Plan of Roads to be transferred adjoining Run 358 - formerly (Approved 29 June 1992).</p> <p><b>SO 18222</b> - Plan of Sections 1-10 (formerly Part Run 358) (Approved 21 November 1989).</p> <p><b>SO 19851</b> - Plan of Deed of Acknowledgement over the Rangitata River in terms of the Ngai Tahu Claims Settlement Act 1998.</p>
Gazette Notices	Not applicable.
Lease Ref	Pastoral Lease CL CB34A/711 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
Legalisation Cards	Searched. <b>SO's 16113 and 17411</b> relating to adjoining road transferred to the Crown. Road transfer action completed but no action taken to incorporate into the lease.
CLR	Confirms Pastoral Lease tenure.
Allocation Maps (if applicable)	Searched. No DoC or SOE Allocations are within the periphery of the lease.

**RELEASED UNDER THE OFFICIAL INFORMATION ACT**

Allocation D\*J36\*3 (SO 17113) over RS 41597 (Part adjoining Special Lease S150) was originally allocated to DOC but reallocated to the Office of Crown Lands by authority of correspondence dated 10 December 1990.

Extracts of Allocation Maps attached.

VNZ Ref – if known

VR 24480/47401.

Crown Grant Maps

Not applicable.

**Subject Land Marginal Strip:**

a) Type [Sec 24(9) or Sec 58]

a) Refer to Notes above.

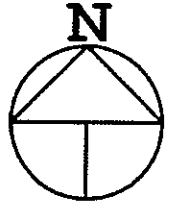
b) Date Created

b) Not applicable.

c) Plan Reference

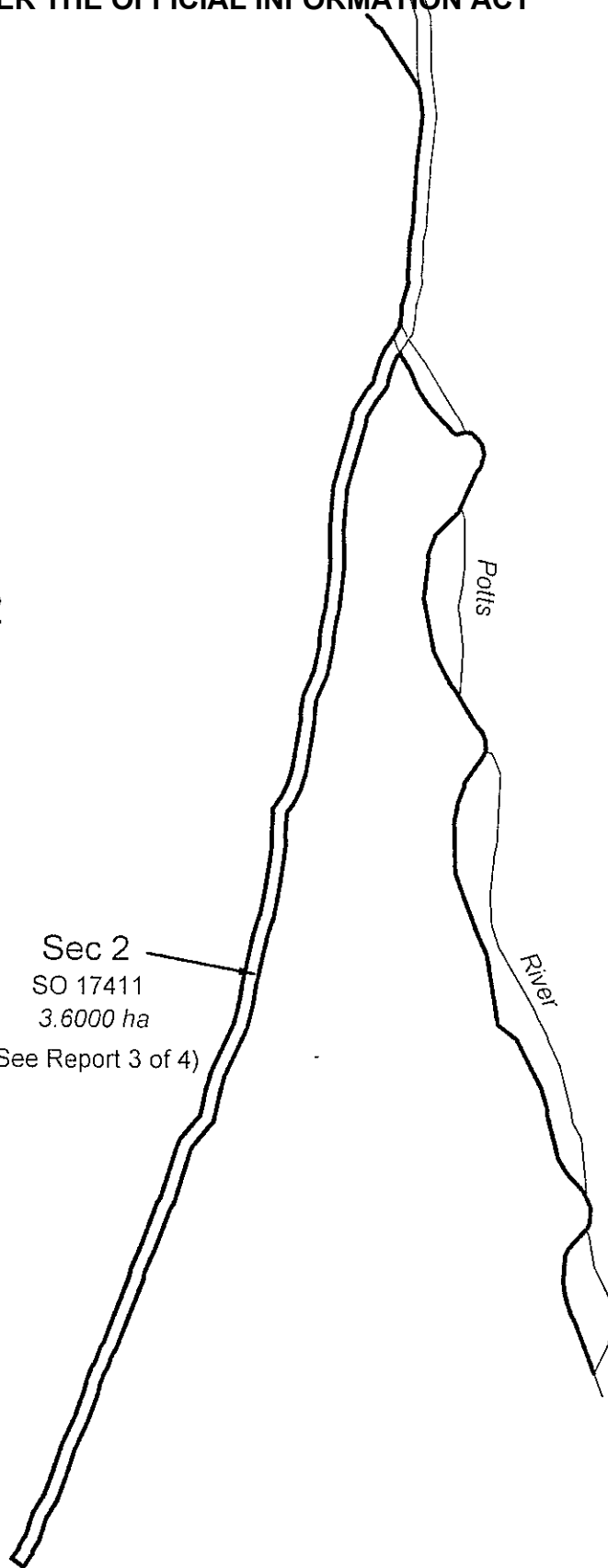
c) Not applicable.





Sec 5  
SO 18222

Sec 2  
SO 17411  
3.6000 ha  
(See Report 3 of 4)

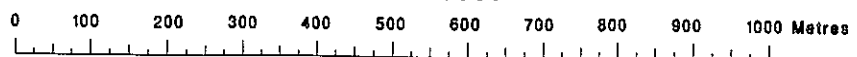


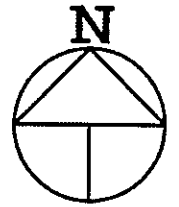
Marginal Strip Subject to Sec 24(9)  
Conservation Act 1987

Version	1	2	3	4	5
Canterbury Land District					Sheet 2 of 3
Topographic Map 260 - J35, J36					Date 18/01/02

### Mt Potts

Scale 1:10000





RS 41595  
SO 15985  
9285 m<sup>2</sup>

RS 41596  
SO 15985  
2.9235 ha

(See Report 2 of 4)

RS 41597  
SO 15985  
28.8100 ha

RS 42168  
SO 16113  
2.4140 ha  
(See Report 4 of 4)

HAKATERE

POTTS

ROAD

Legal

Road

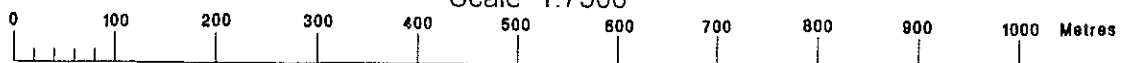
Sec 10  
SO 18222

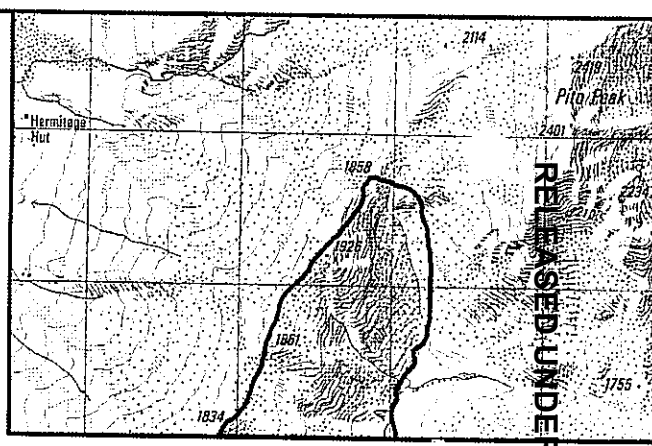
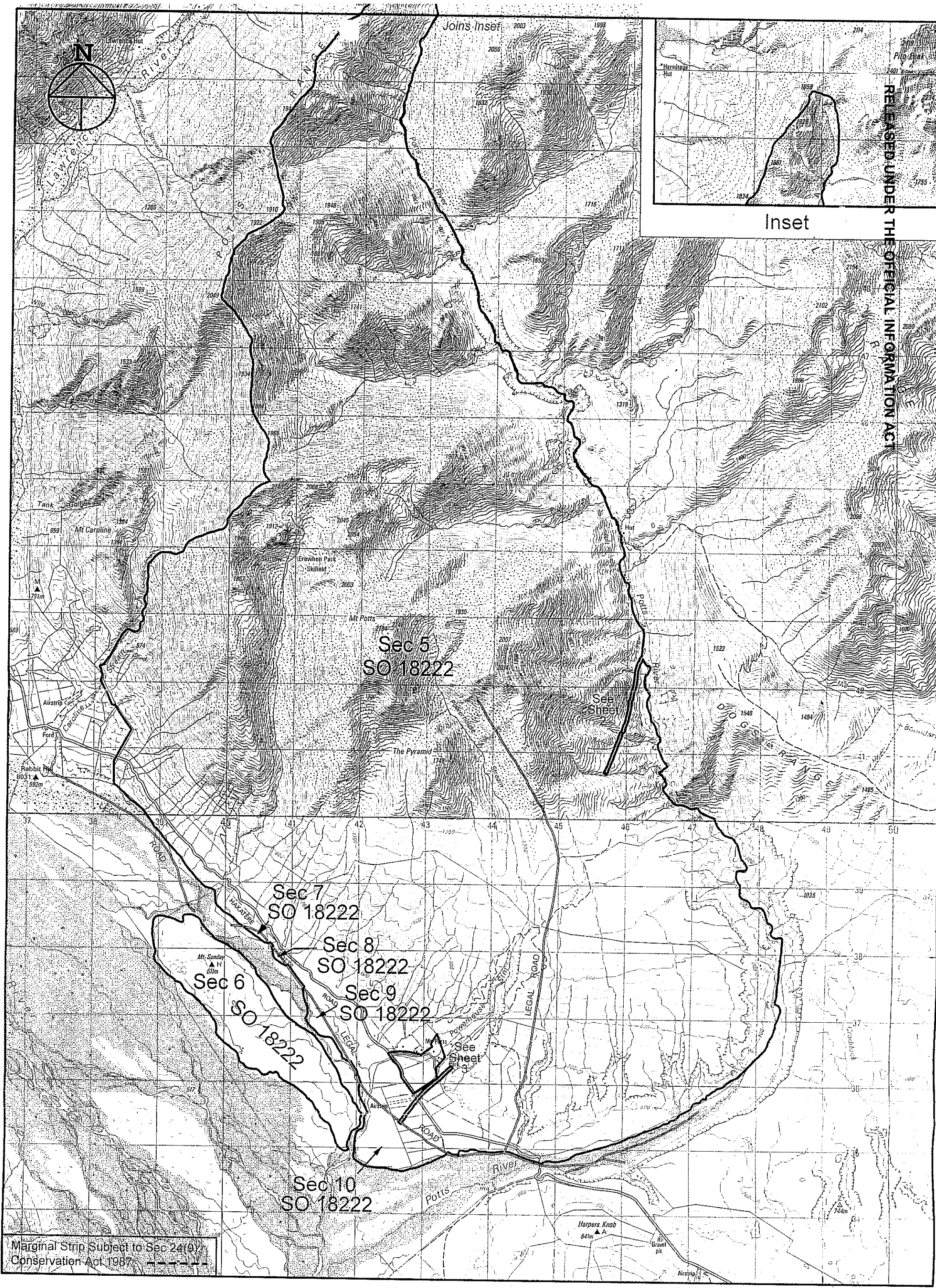
Marginal Strip Subject to Sec 24(9)  
Conservation Act 1987

Version	1	2	3	4	5
Canterbury Land District	Sheet 3 of 3				
Topographic Map 260 - J35, J36	Date 18/01/02				

### Mt Potts

Scale 1:7500





Inset

Sec 5  
SO 18222

See  
Sheet

Sec 7  
SO 18222

Sec 8  
SO 18222

Sec 9  
SO 18222

Sec 6  
SO 18222

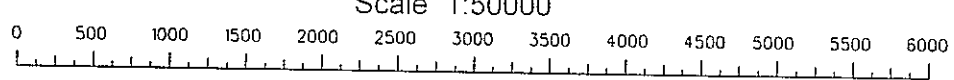
Sec 10  
SO 18222

Marginal Strip Subject to Sec 24(1)  
Conservation Act 1987



### Mt Potts

Scale 1:50000



Version	1	2	3	4	5
Canterbury Land District	Sheet 1 of 3				
Topographic Map 260 - J35, J36	Date 18/01/02				

RELEASED UNDER THE OFFICIAL INFORMATION ACT

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

**LAND STATUS REPORT**

**for  
Tenure Review**

**MT POTTS**

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

**January 2002**

**RELEASED UNDER THE OFFICIAL INFORMATION ACT**

Project Number : QVV 230

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.

LAND STATUS REPORT for Mt Potts Tenure Review		LIPS Ref: 12785	
Property	1	of	1

Land District	Canterbury
Legal Description	Sections 5, 6, 7, 8, 9, and 10, S.O. 18222.
Area	9692.0000 hectares.
Status	Crown land subject to the Land Act 1948.
Instrument of title / lease	Pastoral Lease CL CB34A/711 pursuant to Section 66 and registered under Section 83 of the Land Act 1948.
Encumbrances	Subject to:  1) Part IVA of the Conservation Act 1987, upon disposition.  2) The reservation to the lessor of all coal existing on or under the surface of the land, pursuant to Section 8 of the Coal Mines Amendment Act 1950, and subject also to the reservation to the lessor of the power to grant coal mining rights over the land under Part I of the Coal Mines Act 1925.
Statute	Land Act 1948 and Crown Pastoral Land Act 1998.

Data Correct as at	11 January 2002.
[Certification Attached]	Yes

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

**Certification:**

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*

Date: 18/1/2002

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

RELEASED UNDER THE OFFICIAL INFORMATION ACT

CERTIFICATION

Report to the Chief Surveyor, Christchurch, for certification of Status Investigation for the MT POTTS 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  
11 January 2002

RELEASED UNDER THE OFFICIAL INFORMATION ACT

**PROPERTY 2 OF 4**



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

**Q. VALUATIONS**  
**CHRISTCHURCH OFFICE**

**APPENDIX A2**

Project No: QVV: 230

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 Mt Potts Tenure Review (Special Lease)</b>	LIPS Ref: 12741
Property 2 of 4	

<b>Land District</b>	Canterbury.
<b>Legal Description</b>	Rural Section s 41595 and 41596, situated in Block XV, Clyde Survey District and Rural Section 41597, situated in Blocks XV, Clyde and II, Potts Survey Districts.
<b>Area</b>	32.6620 hectares.
<b>Status</b>	Crown land subject to the Land Act 1948.
<b>Instrument of title / lease</b>	Special lease CL CB4C/1273 pursuant to Sections 67(2) and (3) and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal No. A259818.1.
<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>	14 March 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.
--	--

<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) The lease records the area as 36.6657 ha but this was amended as the result of the new appellations based on S.O. 15985 to 32.6620 ha and will require correction.</li> <li>2) RS's 41595 and 41596 were, under previous ownership, to be surrendered from the Special lease and incorporated back into the adjoining Pastoral lease. In conjunction with that, provision was to be made for a ROW easement across R.S. 41595 in favour of the Special Lease and a ROW easement across R.S. 41597 in favour of R.S. 41596 as shown on S.O. 15985. Those proposals were approved by CCL Case no 82/573 dated 2 November 1982 and the lessees surveyor advised of the details of the approval (<i>folio 422, 5244426</i>).</li> </ol>
--	---

**RELEASED UNDER THE OFFICIAL INFORMATION ACT**

Documentation to effect the proposals was referred to the lessees for execution but this was delayed until sale in 1995 whereupon the surrender/incorporation proposals became irrelevant to subsequent lessees (*refer folios 434, 463 and 466-468*).

This correspondence also traversed the issue of access to the Power House and Water Supply from the Pastoral lease. Notwithstanding that both leases are in common ownership a sublease or easements to protect these essential services is outstanding if the Special lease status is to remain.

**RELEASED UNDER THE OFFICIAL INFORMATION ACT**

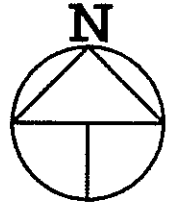
LAND STATUS REPORT for Mt Potts Tenure Review (Special Lease)	LIPS Ref: 12741
Property 2 of 4	

Research Data: *Some Items may not be applicable*

SDI Print Obtained	Yes.
NZMS 261 Ref	J 36.
Local Authority	Ashburton District Council.
Crown Acquisition Map	Kemp Deed of Purchase.
SO Plans	SO 10337 - Plan of R.S. 39049 – formerly Part Run 114 - Mt Potts (Approved 17 July 1964).  SO 15985 - Plan of R.S's 41595-41597 (Approved 1 November 1983).
Gazette Notices	Not applicable.
Lease Ref	Special lease CL CB4C/1273 pursuant to Sections 67(2) and (3) and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal No. A259818.1.
Legalisation Cards	No legalisation cards.
CLR	Confirms RS 41597 as the Special lease area but shows R.S's 41595 and 41596 as being in the Pastoral lease. The latter two sections were never surrendered from the Special lease or incorporated into the Pastoral lease as intended. The proposals have been superseded by changes in ownership.
Allocation Maps (if applicable)	Searched. No DoC or SOE Allocations are within the periphery of the lease.  Allocation D*J36*3 (SO 17113) over RS 41597 (Part adjoining Special Lease S156) was originally allocated to DOC but reallocated to the Office of Crown Lands by authority of correspondence dated 10 December 1990.  Extracts of Allocation Maps attached.
VNZ Ref – if known	VR 24880/47200 (RS 41597) and 47203 (RS.'s 41595 and 41596).
Crown Grant Maps	Not applicable.
<b>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.

LAND STATUS REPORT for Mt Potts Tenure Review (Special Lease)	LIPS Ref 12741
Property 2 of 4	

If Crown land – Check Irrigation Maps	Searched – Not applicable.
Mining Maps	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>	<b>a) SO Plan 10337.</b> Plan denoted Road by Section 110A of the Public Works Act 1928.  <b>b) Not applicable.</b>  <b>c) Not Applicable.</b>
<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) No current DOC concessions exist within the lease boundaries.</b>  Knight Frank (NZ) Limited administers the Special Lease, the purpose of which is for tourist accommodation.  <b>b) Part 9 of the Ngai Tahu Claims Settlement Act 1998, upon disposition.</b>  <b>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.</b>  <b>d) Not applicable.</b>



RS 41595  
SO 15985  
9285 m<sup>2</sup>

RS 41596  
SO 15985  
2.9235 ha

(See Report 2 of 4)

RS 41597  
SO 15985  
28.8100 ha

RS 42168  
SO 16113  
2.4140 ha  
(See Report 4 of 4)

HAKATERE

POTTS

ROAD

Legal

Road

Sec 10  
SO 18222

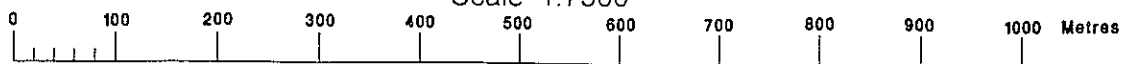
Marginal Strip Subject to Sec 24(9)  
Conservation Act 1987

Version	1	2	3	4	5
Canterbury Land District					Sheet 3 of 3
Topographic Map 260 - J35, J36					Date 18/01/02



### Mt Potts

Scale 1:7500



RELEASED UNDER THE OFFICIAL INFORMATION ACT

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

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Project Number : QVV 230

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.

LAND STATUS REPORT for Mt Potts Tenure Review (Special Lease)		LIPS Ref: 12741
Property	1	of 1

Land District	Canterbury
Legal Description	Rural Sections 41595 and 41596, situated in Block XV, Clyde Survey District and Rural Section 41597, situated in Blocks XV, Clyde and II, Potts Survey Districts.
Area	32.6620 hectares.
Status	Crown land subject to the Land Act 1948.
Instrument of title / lease	Special Lease CL CB4C/1273 pursuant to Section 67(1) and (2) and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal A259818/1.
Encumbrances	Subject to Part IVA of the Conservation Act 1987, upon disposition..
Statute	Land Act 1948.

Data Correct as at	11 January 2002.
[Certification Attached]	Yes

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

**Certification:**

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*

Date: 4/3/2002

R Moulton, Chief Surveyor  
 Land Information New Zealand, Christchurch

Notes:  
 The lease records the area as 36.6657 ha but this was amended as a result of the new appellations based on S.O. 15985 to 32.6620 ha. This will have to be rectified.



RELEASED UNDER THE OFFICIAL INFORMATION ACT

PROPERTY 3 OF 4

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

Project No: QVV 230

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 Mt Potts Tenure Review (Crown Land)</b>	LIPS Ref: Not applicable
Property 3 of 4	

<b>Land District</b>	Canterbury.
<b>Legal Description</b>	Section 2, S.O. 17411.
<b>Area</b>	3.6000 hectares.
<b>Status</b>	Crown land subject to the Land Act 1948 by N.Z. Gazette 1992 p3136.
<b>Instrument</b>	No instrument.
<b>Encumbrances</b>	Subject to: 1) Part IVA of the Conservation Act 1987, upon disposition. 2) Part 9 of the Ngai Tahu Claims Settlement Act 1999 (is Relevant land).
<b>Mineral Ownership</b>	The former road originally derived from the Crown and was transferred back to it when it was no longer required. Consequently the Mines and Minerals are owned by the Crown because the land had never been alienated from the Crown since its acquisition for settlement purposes from the former Maōri owners under the 1848 Kemp Deed of Purchase.
<b>Statute</b>	Land Act 1948.

<b>Data Correct as at</b>	5 March 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
--	--

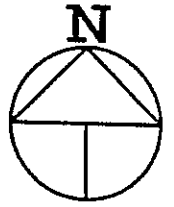
<b>NOTES: This information does not affect the status of the land but was identified as possible requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6</b>	This area is not on the Crown Balance Sheet.
--	--

Prop. / 3 of 4

Research Data: *Some Items may not be applicable*

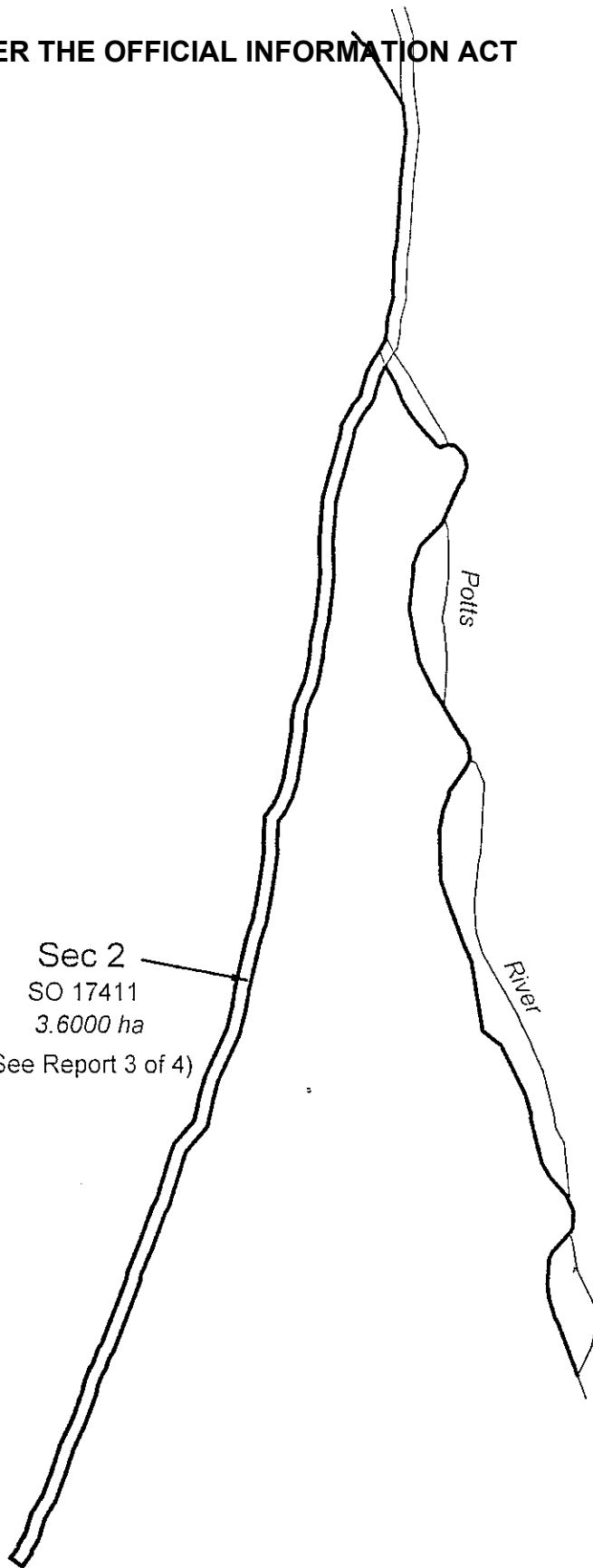
SDI Print Obtained	Yes.
NZMS 261 Ref	J36.
Local Authority	Ashburton District Council.
Crown Acquisition Map	Kemp Deed of Purchase.
SO Plans	SO 17411 - Plan of Road - to be transferred - (Approved 29 June 1992).
Relevant Gazette Notices	N.Z. Gazette 1992 p3136.
Instrument	No instrument.
Legalisation Cards	S.O. 17411 - Shows Area "T" as Legal road transferred to the Crown by N.Z. Gazette 1992 p3136 and appellation changed to Section 2 by Change of Appellation A 189973.2.
CLR	Not shown in CLR.
Allocation Maps (if applicable)	Not applicable.
VNZ Ref - if known	Not known.
Crown Grant Maps	Not applicable.
<b>If Subject Land Marginal Strip:</b> a) Type [Sec 24(9) or Sec 58] b) Date Created c) Plan Reference	a) Not applicable. b) Not applicable. c) Not applicable.

If Crown land – Check Irrigation Maps	Searched – Not applicable.
Mining Maps	Searched – Not applicable.
<p><b>If Road</b></p> <p>a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989</p> <p>b) By Proc</p>	<p>a) SO plan Not applicable.</p> <p>b) Proc Plan Not applicable.</p> <p>c) Gazette Ref Not applicable.</p>
<p>Other relevant information</p> <p>a) Concessions – Advice from DOC or Knight Frank.</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) Not applicable.</p> <p>b) Subject to Part 9 of the Ngai Tahu Claims Settlement Act 1998 (is Relevant land)</p> <p>c) The former road originally derived from the Crown and was transferred back to it when it was no longer required. Consequently the Mines and Minerals are owned by the Crown because the land had never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Deed of Purchase.</p> <p>d) Not applicable.</p>



Sec 5  
SO 18222

Sec 2  
SO 17411  
3.6000 ha  
(See Report 3 of 4)

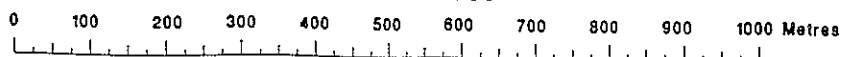


Marginal Strip Subject to Sec 24(9)  
Conservation Act 1987

Version	1	2	3	4	5
Canterbury Land District	Sheet 2 of 3				
Topographic Map 260 - J35, J36	Date 18/01/02				

### Mt Potts

Scale 1:10000



RELEASED UNDER THE OFFICIAL INFORMATION ACT

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

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Project Number : QVV 230

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.

LAND STATUS REPORT for Mt Potts Tenure Review (Crown Land)				LIPS Ref: Not applicable
Property	1	of	1	

Land District	Canterbury
Legal Description	Section 2, S.O. 17411.
Area	3.6000 hectares.
Status	Crown land subject to the Land Act 1948 by N. Z. Gazette 1992 p3136.
Instrument	No instrument.
Encumbrances	Subject to:  1) Part IVA of the Conservation Act 1987, upon disposition.  2) Part 9 of the Ngai Tahu Claims Settlement Act 1998.
Statute	Land Act 1948.

Data Correct as at	11 January 2002.
[Certification Attached]	Yes

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

**Certification:**

Pursuant to section 11(1)(i) of the Survey Act 1986 and acting under delegated authority of the Surveyor – General pursuant to section 11(2) of that act, I hereby certify that the land described above is Crown Land subject to the Land Act 1948.

*R. Moulton*

Date: *4/3*/2002

R Moulton, Chief Surveyor  
Land Information New Zealand, Christchurch



RELEASED UNDER THE OFFICIAL INFORMATION ACT

**PROPERTY 4 of 4**

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

Project No: QVV 230

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 Mt Potts Tenure Review (Crown Land)</b>	LIPS 13455
Property 4 of 4	

<b>Land District</b>	Canterbury.
<b>Legal Description</b>	R.S. 42168, situated in Block XV, Clyde and II, Potts Survey District.
<b>Area</b>	2.4140 hectares.
<b>Status</b>	Crown land subject to the Land Act 1948 by N.Z. Gazette 1985 p5488.
<b>Instrument</b>	G.N. 585098.1.
<b>Encumbrances</b>	Subject to: 1) Part IVA of the Conservation Act 1987, upon disposition. 2) Part 9 of the Ngai Tahu Claims Settlement Act 1999 (is Relevant land).
<b>Mineral Ownership</b>	The former road originally derived from the Crown and was transferred back to it when it was no longer required. Consequently 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.

<b>Data Correct as at</b>	5 March 2002
<b>[Certification Attached]</b>	Yes

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

<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>	1) The lease diagram erroneously depicts this area as road as implied by Sheet 1 of S.O. 18222 (although the inset diagram on Sheet 2 of S.O. 18222 correctly depicts the description as being R.S. 42168. 2) This area was to be incorporated into the Pastoral lease.
--	--

**RELEASED UNDER THE OFFICIAL INFORMATION ACT**

LAN STATUS REPORT for Mt Potts Tenure Review (Crown Land)

LIPS Ref: 13455

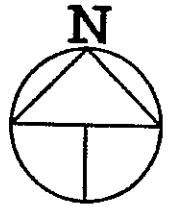
Property 4 of 4

Research Data: Some Items may not be applicable

SDI Print Obtained	Yes.
NZMS 261 Ref	J36.
Local Authority	Ashburton District Council.
Crown Acquisition Map	Kemp Deed of Purchase.
SO Plans	SO 16113 – Plan of Road (Approved 23 January 1984).
Relevant Gazette Notices	N.Z. Gazette 1985 p5488.
Instrument	(GN 585098.1).
Legalisation Cards	S.O. 16113. Action completed.
CLR	Shows area as Crown land.
Allocation Maps (if applicable)	Allocated to Lands Department for disposal by J36*3*CO. Schedule attached.
VNZ Ref – if known	Not known.
Crown Grant Maps	Not applicable.
<b>If Subject Land Marginal Strip:</b> a) Type [Sec 24(9) or Sec 58] b) Date Created c) Plan Reference	a) Not applicable. b) Not applicable. c) Not applicable.

If Crown land – Check Irrigation Maps	Searched – Not applicable.
Mining Maps	Searched – Not applicable.
<b>If Road</b> a) <b>Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989</b>  b) <b>By Proc</b>	a) SO plan Not applicable (this area was formerly legal road).  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   d) Other Info	a) Not applicable.  b) Subject to Part 9 of the Ngai Tahu Claims Settlement Act 1998 (is Relevant land)  c) The former road originally derived from the Crown and was transferred back to it when it was no longer required. Consequently 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.  d) Not applicable.

Sec 5  
SO 18222



RS 41595  
SO 15985  
9285 m<sup>2</sup>

RS 41596  
SO 15985  
2.9235 ha

(See Report 2 of 4)

RS 41597  
SO 15985  
28.8100 ha

RS 42168  
SO 16113  
2.4140 ha  
(See Report 4 of 4)

HAKATERE

POTTS

ROAD

Legal

Road

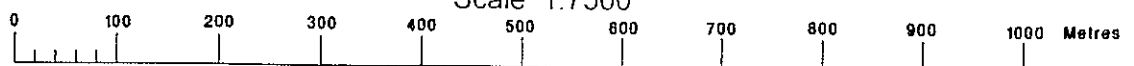
Sec 10  
SO 18222

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

Version	1	2	3	4	5
Canterbury Land District					Sheet 3 of 3
Topographic Map 260 - J35, J36					Date 18/01/02

Mt Potts

Scale 1:7500



RELEASED UNDER THE OFFICIAL INFORMATION ACT

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

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Project Number : QVV 230

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.

LAND STATUS REPORT for Mt Potts Tenure Review (Crown Land)		LIPS Ref: 13455
Property	1	of 1

Land District	Canterbury
Legal Description	R.S. 42168, situated in Blocks XV, Clyde and II, Potts Survey Districts.
Area	2.4140 hectares.
Status	Crown land subject to the Land Act 1948 by N. Z. Gazette 1985 p5488.
Instrument	G.N.585098.1.
Encumbrances	Subject to: 1) Part IVA of the Conservation Act 1987, upon disposition. 2) Part 9 of the Ngai Tahu Claims Settlement Act 1998.
Statute	Land Act 1948.

Data Correct as at	28 February 2002.
[Certification Attached]	Yes

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

**Certification:**

Pursuant to section 11(1)(i) of the Survey Act 1986 and acting under delegated authority of the Surveyor – General pursuant to section 11(2) of that act, I hereby certify that the land described above is Crown Land subject to the Land Act 1948.

*R. Moulton*

Date: 4/3/2002

R Moulton, Chief Surveyor  
Land Information New Zealand, Christchurch

**Notes:**

The lease diagram erroneously depicts this area as road as implied by Sheet 1 of S.O. 18222 (although the inset diagram on Sheet 2 of S.O. 18222 correctly depicts the description as being R.S. 42168).