

## **Crown Pastoral Land Tenure Review**

**Lease name : SAWDON**

**Lease number : PT 013**

### **Due Diligence Report (including Status Report)**

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

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

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

**November**

**05**



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

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|                                       |                          |                                      |
|---------------------------------------|--------------------------|--------------------------------------|
| <b>File Ref:</b> Pt 13.01 Sawdon      | <b>Report No:</b> R2044  | <b>Report Date:</b> 20 March 2002    |
| <b>LINZ:</b> CON/50268/09/12677/A-ZNO |                          |                                      |
| <b>Office of Agent:</b> Timaru        | <b>LINZ Case No:</b> 02/ | <b>Date sent to LINZ:</b> March 2002 |

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**RECOMMENDATIONS**

1. That the Commissioner of Crown Lands or his delegate **note** this Due Diligence Report which has been prepared in accordance with the Pre Tenure Review Assessment Standard;
2. That the Commissioner of Crown Lands or his delegate **note** the following incomplete actions which require action by the Manager Crown Property Contracts;
  - a) Under document 465039/1 (Gazette Notice 1983/3265) the Lessee's Interest was taken in the lease for water power development. There is no record of the Lessor's Interest being taken.

Signed for Knight Frank (NZ) Limited

R A Ward-Smith Manager - Timaru

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

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Name:  
Date of decision:     /     /

**1. Details of lease:**

**Lease Name:** Sawdon  
**Location:** Mackenzie Basin, South Canterbury  
**Lessee:** Robert William Allan 1/3<sup>rd</sup> share, Anne Forsyth Allan 1/3<sup>rd</sup> share, Gavin Dennis William Loxton 1/6<sup>th</sup> share, and Susan Anne Roberta Loxton 1/6<sup>th</sup> share.  
**Tenure:** Pastoral Lease under the Land Act 1948  
**Term:** 33 years from 1 July 1984  
**Annual Rent:** \$1,237.50 plus GST  
**Rental Value:** \$55,000  
**Date of Next Review:** 1 July 2006  
**Land Registry Folio Ref:** CB529/3 Canterbury Registry  
**Legal Description:** Section 1 SO17470, Section 1 SO 18897, RS 38861 and Part Run 75A Blocks XIV, XV Tekapo SD and Blocks I, II, III, V and VI Burke SD  
**Area:** 7,628.4798 hectares subject to survey

**2. File Search**

| File Reference       | Volume   | First Folio Number | Date                | Last Folio Number | Date                 |
|----------------------|----------|--------------------|---------------------|-------------------|----------------------|
| <i>Pt/013-SCH-01</i> | <i>I</i> | <i>1</i>           | <i>1 March 1911</i> | <i>350</i>        | <i>23 March 1953</i> |

| File Reference | Volume    | First Folio Number | Date                    | Last Folio Number | Date                    |
|----------------|-----------|--------------------|-------------------------|-------------------|-------------------------|
| <i>P13</i>     | <i>II</i> | <i>351</i>         | <i>14 December 1972</i> | <i>502</i>        | <i>15 December 1975</i> |

| File Reference | Volume     | First Folio Number | Date                    | Last Folio Number | Date                   |
|----------------|------------|--------------------|-------------------------|-------------------|------------------------|
| <i>Pt 013</i>  | <i>III</i> | <i>503</i>         | <i>16 February 1976</i> | <i>670</i>        | <i>30 October 1987</i> |

| File Reference | Volume    | First Folio Number | Date                   | Last Folio Number | Date                    |
|----------------|-----------|--------------------|------------------------|-------------------|-------------------------|
| <i>P 13</i>    | <i>IV</i> | <i>672</i>         | <i>14 October 1987</i> |                   | <i>14 December 1995</i> |

| File Reference       | Volume   | First Folio Number | Date                    | Last Folio Number | Date                |
|----------------------|----------|--------------------|-------------------------|-------------------|---------------------|
| <i>Pt/013-SCH-05</i> | <i>V</i> |                    | <i>14 December 1995</i> |                   | <i>30 June 2000</i> |

| File Reference                  | Volume   | First Folio Number      | Date               | Last Folio Number | Date                |
|---------------------------------|----------|-------------------------|--------------------|-------------------|---------------------|
| <i>CON/50213/09/12677/A-ZNO</i> | <i>I</i> | <i>No folio numbers</i> | <i>1 July 2000</i> |                   | <i>Current File</i> |

| File Reference | Volume | First Folio Number | Date          | Last Folio Number | Date             |
|----------------|--------|--------------------|---------------|-------------------|------------------|
| 5200-D13-S01   |        |                    | 30 April 1993 |                   | 28 February 1997 |

| File Reference | Volume | First Folio Number | Date       | Last Folio Number | Date |
|----------------|--------|--------------------|------------|-------------------|------|
| P/13/A-SCH     |        |                    | Plans Only |                   |      |

### 3. Summary of lease document:

#### Terms of lease

Pastoral Lease for a term of 33 years from 1 July 1984 pursuant to Section 66 and as registered under Section 83 Land Act 1948.

The lease contains the normal terms and conditions of pastoral lease.

#### Area adjustments

Incorporations and surrenders have been reconciled with original metric area shown on the certificate of lease. These, except for a minor rounding on the Knight Frank database record, are the same as shown in the database and file records. The Knight Frank record is being amended.

#### Registered interests

- 1 Document 520681.1 Land Improvement Agreement pursuant to Section 30A Soil Conservation and Rivers Control Act 1941 registered 5 December 1984.
- 2 Document A71702.1 Land Improvement Agreement pursuant to Section 30A Soil Conservation and Rivers Control Act 1941 for a term of 20 years commencing 1 April 1990, registered 17 September 1993.

#### Unregistered interests

On 6 December 1996 Aviation Activities Limited (Robin McCarthy) was offered a recreation permit for a period of Nine years and one month from the 1<sup>st</sup> day of November 1996. To date the applicant has not taken up the offer.

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

Land Improvement Agreement registered as Document 520681.1 in 1984 secured the Soil and Water Conservation Programme, which appears to have been carried out in the 1970s. The programme involved considerable fencing, oversowing and topdressing, plus follow-up topdressing over some 400 hectares. A supplementary programme was provided to erect Conservation fencing over part of the old Tekapo Accommodation Reserve being Part Reserves 2918 and 3864. Subsequently Part Reserve 2918 was incorporated into the pastoral lease in 1995 and the more erodable land, being mostly Part Reserve 3864, was transferred to the Minister of Conservation. This agreement is now administered by the Canterbury Regional Council, and did not involve surrender of any land.

A Land Improvement Agreement, Document A071702/1 made on the 7<sup>th</sup> Day of September 1995 set out the Rabbit and Land Management Programme administered by the Canterbury Regional Council. The programme included primary poisoning, intensive secondary rabbit control, nine

kilometres of fencing, and land management works involving direct drilling, fencing, and topdressing. The programme includes freehold land of approximately 72 hectares. The term of the agreement is for 20 years from the 1<sup>st</sup> day of April 1990. A copy can be found appended to the Status Report on file.

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

The Land Status report signed by the Chief Surveyor on 21 December 2001 showed the status of the land as Crown Land subject to the Land Act 1948. It showed the encumbrances as being two Land Improvement Agreements as set out above and in addition noted the land was subject to Part IVA Conservation Act 1987 upon disposition. Minerals remain with the Crown. The area and legal description are as shown above.

#### **6. Review of topographical and cadastral data:**

The property is situated just below the south end of Lake Tekapo in the central Mackenzie Basin and straddles State Highway 8, being the Christchurch–Queenstown–Mount Cook tourist route. The land to the north of the State Highway quickly rises from flats at about 700 metres, along to relatively steep ridges to a height of 1,400 metres, interspersed with the Dead Mans Creek and Edwards Stream Valleys. To the north of Edwards Stream is more undulating land falling away northwards from a small ridge reaching 1,026 metres. The land to the south of the highway is generally flat, with a small tableland reaching 738 metres in its northerly corner adjacent to the highway. Altitude of the flats descends from 700 metres to approximately 620 metres. The topographical plan reveals that the boundaries are generally fenced, the only noted exception being through a small block of freehold land owned by the holder.

#### **7. Details of any neighbouring Crown or conservation land**

Within the perimeters of the lease is Part R2918 SO 6843 also depicted on SO 18897. This is a plantation reserve vested in the local body. Gazette 1891/1049-1050 & Gazette Notice 1920/1139. There is also land adjacent to the State Highway where it crosses Edwards Stream, which appears to be road reserve, and possibly the remainder of stock resting reserve R3845 (NZ Gazette 1929/1451). The latter is partly occupied by the Holder, through which they also obtain their current physical access.

There is no Conservation land within the boundaries of the pastoral lease, confirmed in a letter from Department of Conservation appended to the Status Report. Adjoining the lease is Soil Conservation Reserve 5175 on SO11904 which is separately fenced and administered by the Canterbury Regional Council. Also adjoining to the north is the Tekapo Scientific Reserve, formerly the Tekapo Accommodation Reserve, being R3864 SO4943, and now administered by Department of Conservation.

All plans and documents referred to above are appended to the Status Report.

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

Electric power conductor lines cross the lease. There is no easement registered with Transpower NZ Limited or other transmission company, therefore protection is afforded pursuant to Section 22 Electricity Act 1992.

No formal easement exists for Telecom NZ Limited for existing lines, therefore protection is afforded through Section 20 Telecommunications Act 1987.

Only leasehold interest has been taken in land acquired for Water Power/Electricity by Gazette Notice 1983/3265 registered under document 465039/1. There is no record of taking the Lessor's Interest. The latter however would be an inter-Department transfer.

**KNIGHT FRANK (NZ) LIMITED**

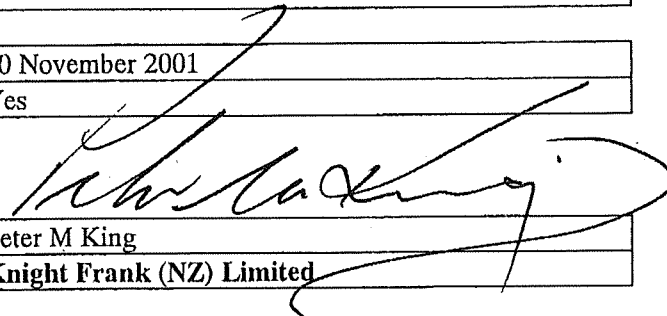
**Appendix A**

This report has been prepared on the instruction of Land Information New Zealand in terms of the contract number 50268 dated 31 August 2001 and is undertaken for the purposes of the Crown Pastoral Leases Act 1998.

|                                      |          |           |          |                         |
|--------------------------------------|----------|-----------|----------|-------------------------|
| <b>LAND STATUS REPORT for SAWDON</b> |          |           |          | <i>[LIPS ref.12677]</i> |
| <b>Property</b>                      | <b>1</b> | <b>of</b> | <b>1</b> |                         |

|                            |   |
|----------------------------|---|
| <b>Land District</b>       | Canterbury  |
| <b>Legal Description</b>   | Section 1 SO 17470, Section 1 SO 18897, RS 38861 and Pt Run 75A Blocks XIV, XV Tekapo and Blocks I, II, III, V & VI Burke Survey Districts.   |
| <b>Area</b>                | 7628.4798 hectares (Subject to survey)  |
| <b>Status</b>              | Crown Land subject to the Land Act 1948.  |
| <b>Instrument of lease</b> | Balance CIR CB529/3 pursuant to section 66 and as registered under section 83 of the Land Act 1948 as renewed by document 726786.1.   |
| <b>Encumbrances</b>        | Land Improvement Agreement pursuant to section 30A Soil Conservation and Rivers Control Act 1941 No. 520681.1.<br>Land Improvement Agreement pursuant to section 30A Soil Conservation and Rivers Control Act 1941 No. A71702.1.<br>Subject to Part IVA Conservation Act 1987 upon disposition. |
| <b>Mineral Ownership</b>   | Minerals remain with the Crown as the land has never been alienated since its acquisition for settlement purposes, from the former Maori owners under the Kemp purchase 1848.   |
| <b>Statute</b>             | Land Act 1948 & Crown Pastoral Land Act 1998.   |

|                                 |                  |
|---------------------------------|------------------|
| <b>Data Correct as at</b>       | 30 November 2001 |
| <b>[Certification Attached]</b> | Yes              |



|                                  |                           |
|----------------------------------|---------------------------|
| <b>Prepared by</b>               | Peter M King              |
| <b>Crown Accredited Supplier</b> | Knight Frank (NZ) Limited |

**KNIGHT FRANK (NZ) LIMITED**

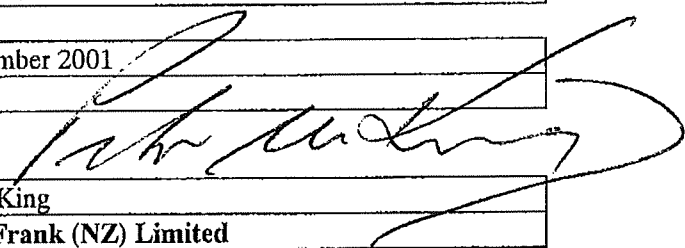
**Appendix B**

This Land status report has been prepared on the instruction of Land Information New Zealand in terms of the contract number 50268 dated 31 August 2001 and is undertaken for the purposes of the Crown Pastoral Leases Act 1998.

|                                      |          |           |          |                  |
|--------------------------------------|----------|-----------|----------|------------------|
| <b>LAND STATUS REPORT for SAWDON</b> |          |           |          | [LIPS ref.12677] |
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|                            |   |
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| <b>Area</b>                | 7628.4798 hectares (Subject to survey)  |
| <b>Status</b>              | Crown Land subject to the Land Act 1948.  |
| <b>Instrument of lease</b> | Balance CIR CB529/3 pursuant to section 66 and as registered under section 83 of the Land Act 1948 as renewed by document 726786.1.   |
| <b>Encumbrances</b>        | Land Improvement Agreement pursuant to section 30A Soil Conservation and Rivers Control Act 1941 No. 520681.1.<br>Land Improvement Agreement pursuant to section 30A Soil Conservation and Rivers Control Act 1941 No. A71702.1.<br>Subject to Part IVA Conservation Act 1987 upon disposition. |
| <b>Statute</b>             | Land Act 1948 & Crown Pastoral Land Act 1998.   |

|                                 |                  |
|---------------------------------|------------------|
| <b>Data Correct as at</b>       | 30 November 2001 |
| <b>[Certification Attached]</b> | Yes              |



|                                  |                           |
|----------------------------------|---------------------------|
| <b>Prepared by</b>               | Peter M King              |
| <b>Crown Accredited Supplier</b> | Knight Frank (NZ) Limited |

**Certification:**

Pursuant to section 11(1)(1) 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 *21* / *12* / 2001

R Moulton, Chief Surveyor  
Land Information New Zealand, Canterbury Land District



## LAND STATUS ADDENDUM REPORT

Prepared in Accordance with LINZS45000

Sawdon

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|                              |                                |                                |
|------------------------------|--------------------------------|--------------------------------|
| File Ref: S11036<br>Sawdon   | Submission No:                 | Submission Date: 29 April 2011 |
| Office of Agent:<br>Cromwell | Date sent to LINZ: 20 May 2011 | LINZ Case No:                  |

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### **1. Details of Lease**

|                       |   |
|-----------------------|---|
| Lease Name:           | Sawdon  |
| Lease No:             | PT 013  |
| Location:             | Lake Tekapo                                       |
| Lessee:               | RW & AF Allan and GDW & SAR Loxton                |
| Land District:        | Canterbury  |
| CIR Reference:        | CB529/3 - Lease under s83 Land Act 1948           |
| Area:                 | 7632.2048 hectares (subject to survey)            |
| Tenure Review Status: | Consultation with Lessee for Preliminary Proposal |

### **2. Background Information**

This report has been prepared on the instruction of Land Information New Zealand in terms of the Statement of Work dated 13 April 2011 and is undertaken for the purpose of updating the current Land Status Plan for Sawdon. This assessment has been undertaken in accordance with the requirements of LINZS45000: Standard to Determine Authority to Act and Record Crown Land.

Where changes to the Land Status Report have been identified, the relevant changes and supporting documentation are attached to this report. The Land Status Plan has been updated in accordance with the requirements of LINZ's Drawing Specifications for Land Status Plans.

Any changes identified from our review of the Land Status Report shall form an addendum to the report dated 30 November 2001. A new Land Status Report has not been prepared.

### **3. Land Status Report**

|   |   |
|---|---|
| <b>Property:</b>                          | Sawdon  |
| <b>Lease Reference:</b>                   | PT 013<br>LIPS Ref: 12677   |
| <b>Land District:</b>                     | Canterbury  |
| <b>Legal Description:</b>                 | Section 1 SO 18897, Section 1 SO 17470, Section 1 SO 15025, Rural Section 38861 and Pt Run 75A Blocks XIV & XV Tekapo and Blocks I, II, III, V & VI Burke Survey Districts  |
| <b>CIR Reference:</b>                     | CB529/3   |
| <b>Area:</b>                              | 7632.2048 hectares (subject to survey)  |
| <b>Status:</b>                            | Crown Land subject to the Land Act 1948   |
| <b>Variations/Changes to Land Status:</b> | Instrument 5422683.1 being Gazette Notice (2002 p.4238) declaring Part Run 75A, Bed of the Tekapo River; marked B on SO 15025 (3.7250 ha) to be stopped and amalgamated with the within Land<br><br>Instrument 5422683.2 being notice of new application whereby the area marked B on SO 15025 is now known as Section 1 SO 15025 |

### **4. Discussion**

The land status report for Sawdon, as prepared on 30 November 2001 (as attached in Appendix 2) by Knight Frank (NW) Ltd, was used as the basis of this addendum. A review of the data used in this initial report has been undertaken and an investigation of unregistered transactions and transactions registered against Computer Interest Register CB529/3 since the completion of the initial report has also been completed.

It should be noted that both LIPS and the CIR for Sawdon currently show incorrect areas with LIPS requiring updating for the inclusion of Section 1 SO 15025.

### **5. Reference Material**

Computer Freehold Registers used in the determination of the status of Sawdon are attached in Appendix 1. Additional reference material is attached in Appendix 3. Files held by LINZ in Christchurch relating to Sawdon have also been searched.

## **6. Recommendation**

That the land depicted on the attached plan be accepted as having status as Crown Land subject to the Land Act 1948, and that the land depicted on the attached plan be accepted as being subject to Lease PT 013 as contained in Computer Interest Register CB529/3.

## **7. Appendices**

1. Computer Interest and Freehold Registers
2. 2001 Status Report
3. Reference Material

APPENDIX 1 – COMPUTER INTEREST AND FREEHOLD  
REGISTERS



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



Search Copy

R.W. Muir  
Registrar-General  
of Land

Identifier **CB529/3**  
Land Registration District **Canterbury**  
Date Registered 06 November 1951 03:00 pm

**Part-Cancelled**

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|             |                                 |             |   |
|-------------|---------------------------------|-------------|---|
| <b>Type</b> | Lease under s83 Land Act 1948   | <b>Term</b> | Thirty-three years, commencing on the first day of July 1951 and renewed for 33 years from 1.7.1984 |
| <b>Area</b> | 7730.6948 hectares more or less |             |   |

**Legal Description** Part Run 75A and Rural Section 38861 and Section 1 Survey Office Plan 18897 and Section 1 Survey Office Plan 17470 and Section 1 Survey Office Plan 15025

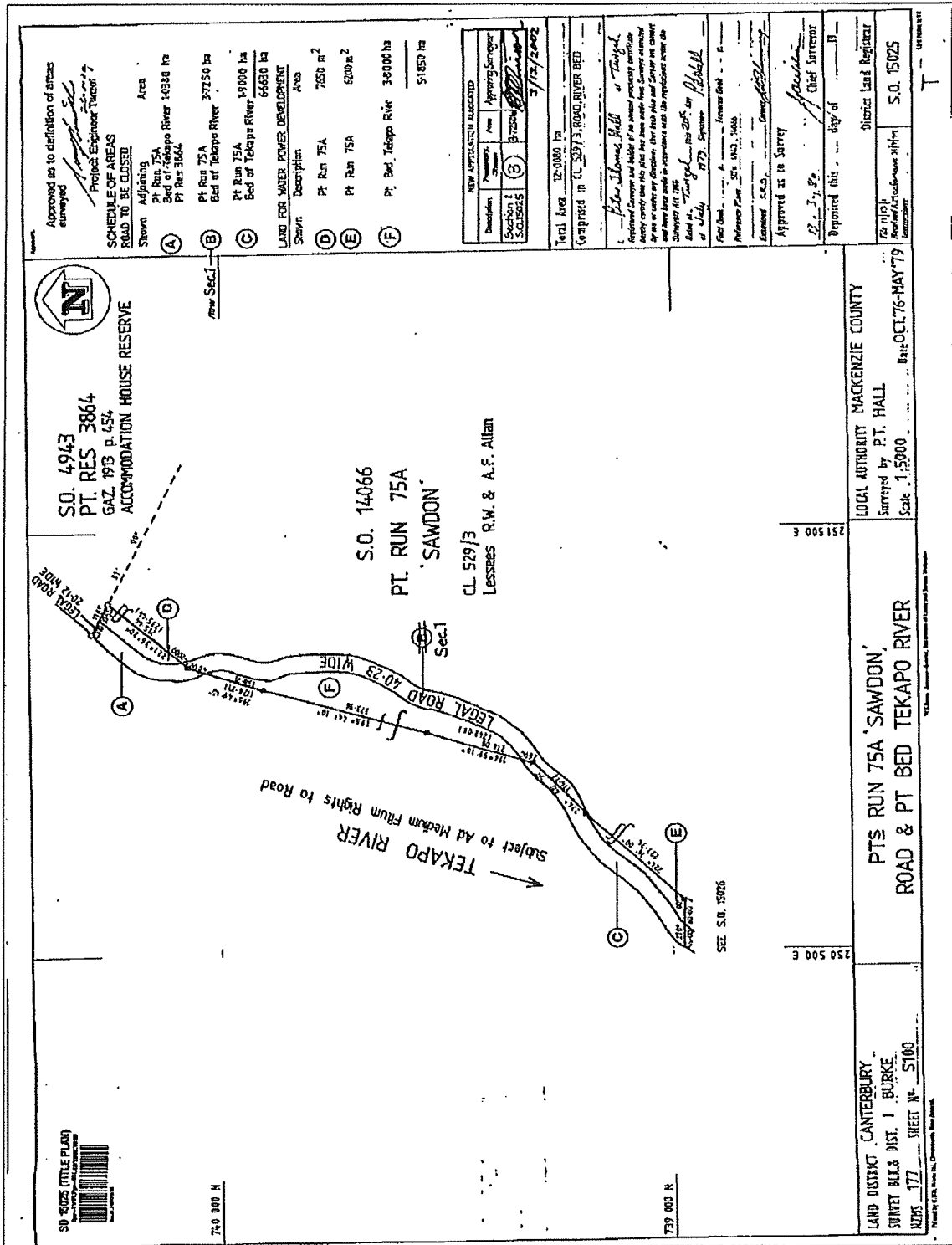
**Proprietors**

Robert William Allan as to a 1/3 share  
Gavin Dennis William Loxton as to a 1/6 share  
Susan Anne Roberta Loxton as to a 1/6 share  
Anne Forsyth Allan as to a 1/3 share

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**Interests**

Subject to Section 58 Land Act 1948  
Subject to Section 8 Coal Mines Amendment Act 1950  
465039.1 Gazette Notice declaring part of the within land (102.2150 hectares) acquired for the generation of electricity - 1.12.1983 at 9.44 am  
520681.1 Land Improvement Agreement pursuant to Section 30A Soil Conservation and Rivers Control Act 1941 - 5.12.1984 at 10.17 am  
726786.1 Renewal of within Lease for a term of 33 years from 1.7.1984 and variation of terms hereof - 17.2.1988 at 11.20 am  
A71702.1 Land Improvement Agreement pursuant to Section 30A Soil Conservation and Rivers Control Act 1941 for a term of 20 years commencing 1.4.1990 - 17.9.1993 at 11.16 am  
5422683.1 Gazette Notice (2002 p.4238) declaring Part Run 75A, Bed of Tekapo River, marked B on S.O. Plan 15025 (3.7250 ha) to be stopped and amalgamated with the within land - 4.12.2002 at 9:00 am  
5422683.2 Notice of new appellation whereby the area marked B on S.O.15025 is now known as Section 1 S.O.15025 - 4.12.2002 at 9:00 am  
8253618.4 Mortgage to ANZ National Bank Limited - 20.8.2009 at 11:10 am





APPENDIX 2 – EXISTING LAND STATUS REPORT



**KNIGHT FRANK (NZ) LIMITED**

**Appendix A**

This report has been prepared on the instruction of Land Information New Zealand in terms of the contract number 50268 dated 31 August 2001 and is undertaken for the purposes of the Crown Pastoral Leases Act 1998.

|                                      |          |           |          |                   |
|--------------------------------------|----------|-----------|----------|-------------------|
| <b>LAND STATUS REPORT for SAWDON</b> |          |           |          | [LIPS ref: 12677] |
| <b>Property</b>                      | <b>1</b> | <b>of</b> | <b>1</b> |                   |

|                            |   |
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| <b>Mineral Ownership</b>   | Minerals remain with the Crown as the land has never been alienated since its acquisition for settlement purposes, from the former Maori owners under the Kemp purchase 1848.   |
| <b>Statute</b>             | Land Act 1948 & Crown Pastoral Land Act 1998.   |

|                                 |                  |
|---------------------------------|------------------|
| <b>Data Correct as at</b>       | 30 November 2001 |
| <b>[Certification Attached]</b> | Yes              |

|                                  |                           |
|----------------------------------|---------------------------|
| <b>Prepared By</b>               | Peter M King              |
| <b>Crown Accredited Supplier</b> | Knight Frank (NZ) Limited |

**KNIGHT FRANK (NZ) LIMITED**

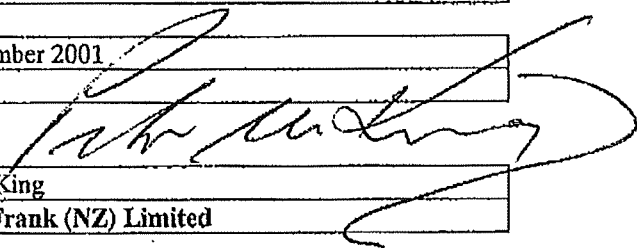
**Appendix B**

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

|                                   |                  |
|-----------------------------------|------------------|
| <b>Data Correct as at</b>         | 30 November 2001 |
| <b>[[Certification Attached]]</b> | Yes              |



|                                  |                           |
|----------------------------------|---------------------------|
| <b>Prepared by</b>               | Peter M King              |
| <b>Crown Accredited Supplier</b> | Knight Frank (NZ) Limited |

**Certification:**

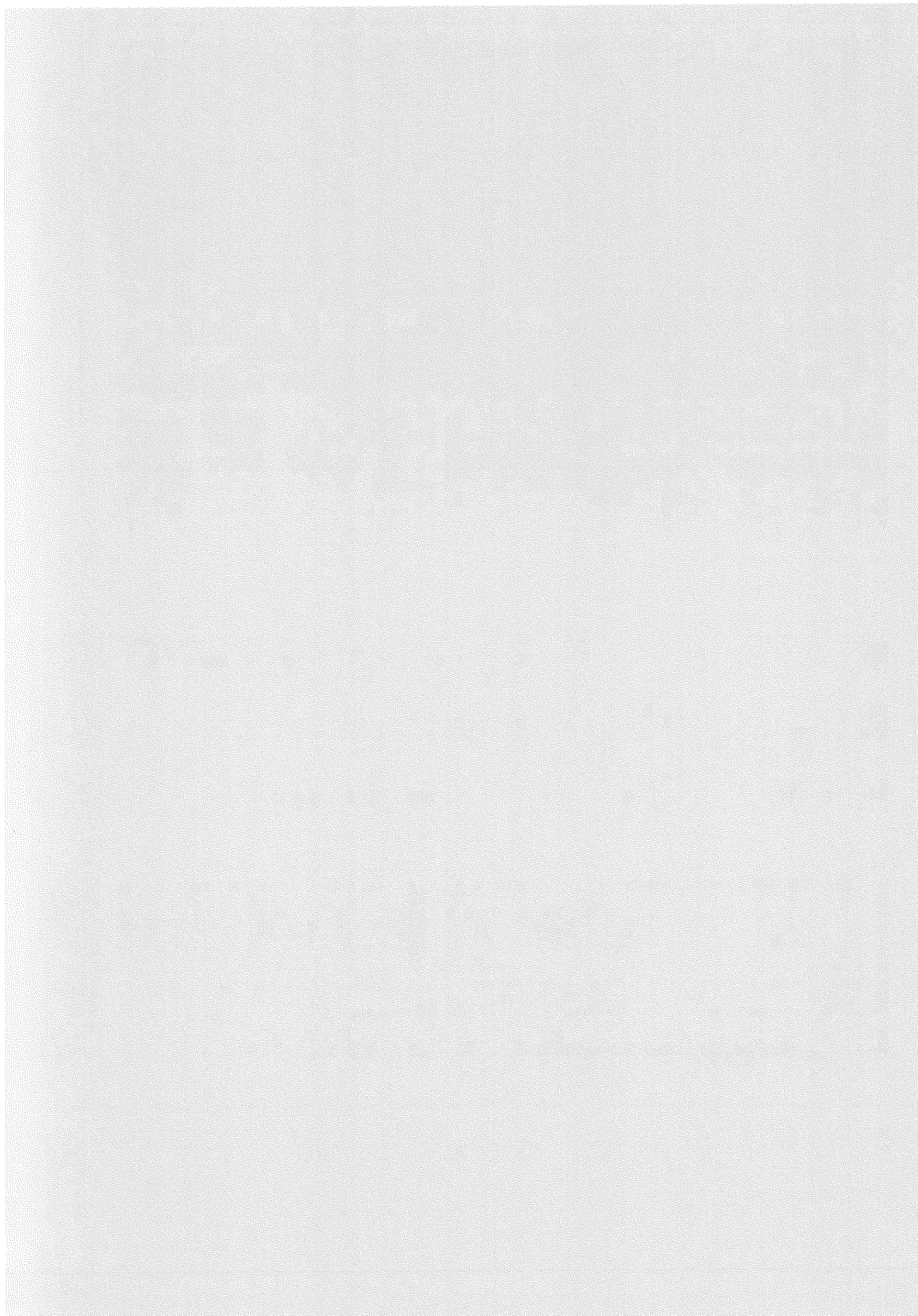
Pursuant to section 11(1)(f) of the Survey Act 1986 and acting under delegated authority of the Surveyor-General pursuant to section 11 (2) of that act, I hereby certify that the land described above is; Crown Land subject to the Land Act 1948.

..... *R. Moulton* .....  
 R Moulton, Chief Surveyor  
 Land Information New Zealand, Canterbury Land District

Date *21/12* / 2001

## APPENDIX 3 — REFERENCE MATERIAL





GN 5422683.1 Gazette N

Copy - 01/02, Page - 001, 03/12/02, 13:35



DocID: 210702363

**Road to be Stopped and Amalgamated—Tekapo River, Mackenzie District**

Pursuant to sections 116 and 117 (6) of the Public Works Act 1981, and to a delegation from the Minister for Land Information, Stephen Robert Gilbert, Land Information New Zealand, declares the portion of road described in the Schedule to this notice to be stopped and amalgamated with adjoining pastoral lease 529/3.

**Schedule**

**Canterbury Land District—Mackenzie District**

| Area<br>ha | Adjoining or Passing Through                                      |
|------------|---|
| 3.7250     | Part Run 75A, Bed of Tekapo River; marked "B" on S.O. Plan 15025. |

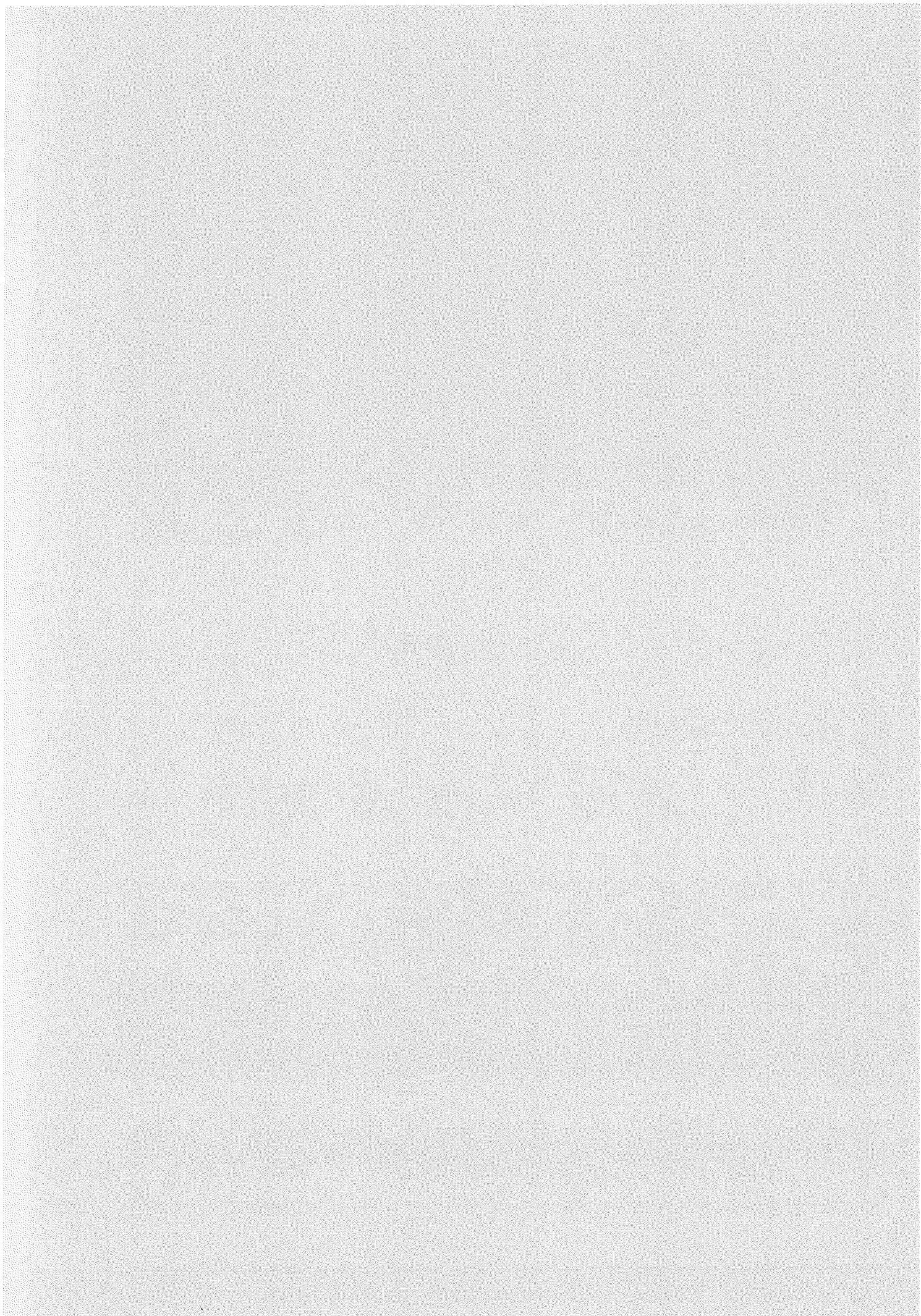
Dated at Christchurch this 13th day of November 2002.

S. R. GILBERT, for the Minister for Land Information.

(LINZ CPC/00/5755)

7815







Request ID: 147848



## CHANGE OF APPELLATION

Description of Land:

**Section 1 SO 15025** situated in Block I Burke Survey District. ✓

Area: 3.7250 ha ✓

Territorial Authority: ...**The MacKenzie District Council**.. ✓

Former Description (including status):

**Parcel B on SO 15025** ✓

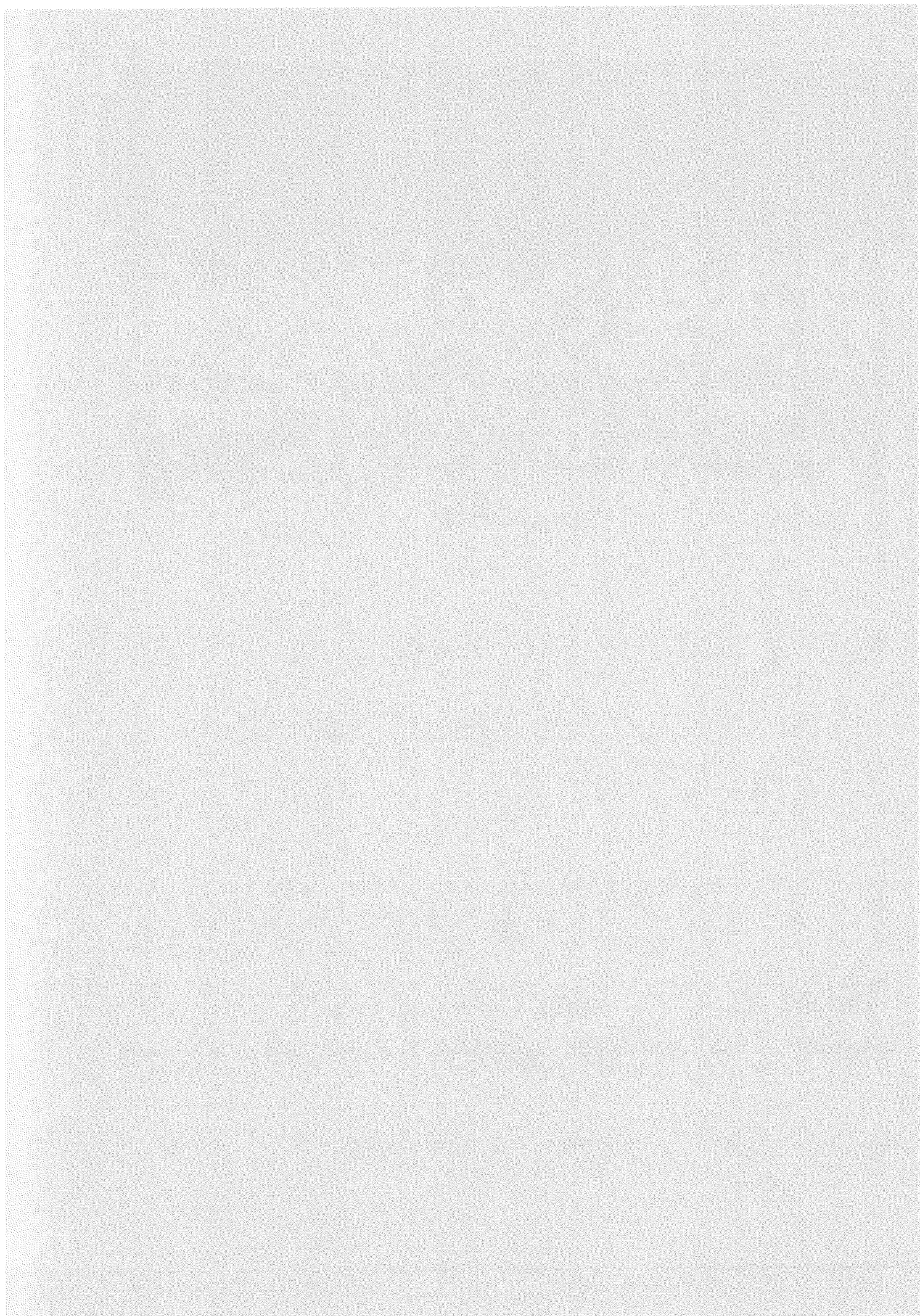
**Stopped Road NZ Gazette 2002 page 4238** ✓

Purpose of Alteration:

**Amalgamation with pastoral lease 529/3 and Issue of title** ✓

Prepared by *J. Joseph* 29/11/02 ..... Checked *D. Robertson* 3/12/02





529/

Issued as a Renewal of (an in-Schekung-fur) from  
Pastoral License No. 730.  
registered in Vol. 529 fol. 3

CANTERBURY  
LAND DISTRICT

the 6<sup>th</sup> day of November

Pastoral Lease of Pastoral Land under the Land Act  
No. 13.



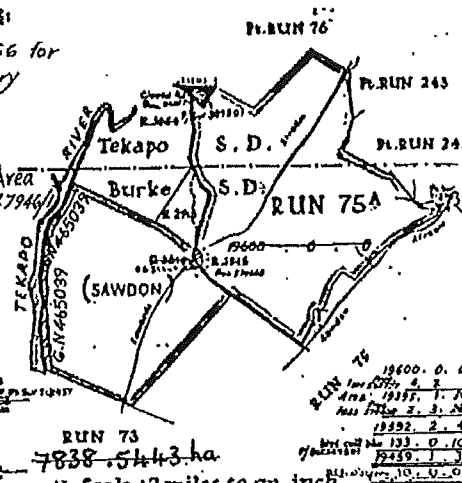
1957, at 9 o'clock  
G. M. S. Lee  
Land Registrar  
Christchurch

This Deed, made the 1st day of March, one thousand nine hundred and fifty-one, between HIS MAJESTY THE KING (who, with his heirs and successors, is hereinafter referred to as "the Lessor"), of the one part, and

NOTE:

Notes: See S.O. 14066 for the latest Boundary Definitions

New Metric Total Area  
(Redefinition 9/a 147946)  
7504.0468 ha  
less GN465039/1  
-102.2150 ha  
7401.8318 ha.  
plus A.208849/1  
214.4490 ha  
7616.2798 ha.  
plus A.224022/1  
7628.4798 ha.  
METRIC AREA.



of Paipie Sheepfarmer (who, with his executors, administrators, and permitted assigns, is hereinafter referred to as "the Lessee"), of the other part, WITNESSETH that, in consideration of the rent hereinafter reserved, and of the covenants, conditions, and agreements herein contained or implied and on the part of the Lessee to be paid, observed, and performed, the Lessor doth hereby demise and lease unto the Lessee All those pieces or parcels of land containing by admeasurement Nineteen thousand six hundred (19,600) acres or more and perches, a little more or less, situated in the Land District of Canterbury, and being Run 75A (Sawdon) situated in Tekapo and Burke Survey Districts

(hereinafter referred to as "the said land"), as the same is more particularly delineated in the plan drawn hereon and therein embodied and in outline: together with the rights, easements, and appurtenances thereto belonging. TO HOLD the said premises intended to be hereby demised unto the Lessee for the term of thirty-three years, commencing on the first day of July, one thousand nine hundred and fifty-one, together with the period between the date of this lease and the aforesaid first day of July, 1951. Yielding and paying therefor during the said term unto the Department of Lands and Survey at the Principal Land Office for the said Land District of Canterbury the clear annual rent of One hundred and seventy-five Pounds (£175. 0. 0) payable without demand by equal half-yearly payments in advance on the 1st day of January and the 1st day of July in each and every year during the said term. And also paying in respect of the improvements specified in the Schedule hereto the sum of (£ ) (the receipt of which sum is hereby acknowledged) and thereafter by ( ) half-yearly instalments of ( ) pounds ( ) shillings ( ) pence ( ) on the 1st day of January and the 1st day of July in each year in the same manner as aforesaid.

- AND the Lessee doth hereby covenant with the Lessor as follows, that it is agreed:-
1. THAT the Lessee will fully and punctually pay the rent hereinafter reserved at the times and in the manner hereinafter provided in that behalf, and also will pay and discharge all rates, taxes, assessments, and outgoings whatsoever that now are or hereafter may be assessed, levied, or payable in respect of the said land or any part or parts thereof during the said term.
  2. THAT the Lessee will within one year after the date of this lease take up his residence on the said land, and thereafter throughout the term of the lease will reside continuously on the said land.
  3. THAT the Lessee will hold and use the said land bona fide for his own use and benefit and will not transfer, assign, mortgage, charge, or part with possession of the said land or any part thereof without the previous approval of the Land Settlement Board: Provided that such approval will not be necessary in the case of a mortgage to the Crown or to a Department of State.
  4. THAT the Lessee will at all times farm the said land diligently and in a husbandly manner according to the rules of good husbandry and will not in any way commit waste.
  5. THAT the Lessee will throughout the term of his lease to the satisfaction of the Commissioner of Crown Lands for the Land District of Canterbury (hereinafter referred to as "the Commissioner") cut and clear all five fences and hedges, clear and keep clear the said land of all noxious weeds, and will comply strictly with the provisions of the Noxious Weeds Act, 1928.
  6. THAT the Lessee will keep the said land free from wild animals, rabbits, and other vermin, and generally comply with the provisions of the Rabbit Nuisance Act, 1928.
  7. THAT the Lessee will clear and clear from weeds and keep open all creeks, drains, ditches, and watercourses on the said land, including any drains or ditches which may be constructed by the Commissioner after the commencement of the term of the lease; and will not at any time without the prior consent of the Commissioner alter the channel of any such creek or watercourse or stop or divert the water flowing therein.
  8. THAT the Lessee will at all times during the said term repair and maintain and keep in good substantial repair, order, and condition all improvements belonging to the Crown (including those specified in the Schedule hereto which are being purchased by the Lessee) now or hereafter erected on the said land, and will not, without the prior written consent of the Commissioner, pull down or remove them or any part of them.
  9. THAT the Lessee will insure all buildings belonging to the Crown (including those specified in the Schedule hereto which are being purchased by the Lessee) now or hereafter erected on the said land on their full insurable value in the name of the Commissioner in some insurance office approved by the Commissioner and will pay all premiums falling due under every such insurance policy and deposit with the Commissioner every such policy and, not later than the first noon of the day on which any such premium becomes payable, the receipt for that premium.
  10. THAT the Lessee will not throughout the term of the lease without the prior consent of the Commissioner, which consent may be given on such terms and conditions (including the payment of royalty) as the Commissioner thinks fit, fell, sell, or remove any timber, tree, or bush growing, standing, or lying on the said land, and that he will throughout the term of the lease prevent the destruction of any such timber, tree, or bush unless the Commissioner otherwise approves: Provided that the consent of the Commissioner as aforesaid shall not be necessary where any such timber or tree is required for any agricultural, pastoral, household, roadmaking, or building purpose on the said land nor where the timber or tree has been planted by the Lessee.
  11. THAT the Lessee shall not, except for the purpose of complying with any of the provisions of the Noxious Weeds Act, 1928, burn any wood, scrub, fire, or grass on the said land, nor permit any smother scrub, fern, or grass on the said land to be burned, unless in either case he shall have obtained the prior consent in writing of the Commissioner, which consent may be given subject to such terms and conditions as the Commissioner may deem necessary.
  12. THAT officers and employees of the Department of Internal Affairs shall at all times have a right of ingress, egress, and regress over the land comprised in this lease for the purpose of determining whether such land or any adjoining land is infested with deer, wild goats, wild pigs, opossums, or other animals which the said Department is charged with the duty of exterminating or controlling, or for the purpose of destroying any such animals: Provided that such officers and employees in the performance of the said duties shall at all times avoid undue disturbance of the Lessee's stock.
  13. THAT the Lessee shall exercise due care in stocking the said land and shall not overstock.

NOTE: Pursuant to Section 58 of the Land Act, 1948, a strip of land one chain in width along the banks of all streams and rivers is excluded from the within lease.

- AND it is hereby agreed and declared by and between the Lessor and the Lessee:-
- (a) THAT the Lessee shall have the exclusive right of pasturage over the said land, but shall have no right to the soil.
  - (b) THAT the Lessee shall have no right, title, or claim whatsoever to any minerals (within the meaning of the Land Act, 1948) on or under the surface of the soil of the said land, and all such minerals are reserved to His Majesty together with a free right of way over the said land in favour of the Commissioner or of any person authorized by him and of all persons lawfully engaged in the working, extraction, or removal of any mineral on or under the surface of the said land or any adjacent land of the Crown, subject to the payment to the Lessee of compensation for all damage done to improvements on the said land belonging to the Lessee in the working, extraction, or removal of any such minerals: Provided that there shall be no right of way over, or right to work, extract, or remove any mineral from, any part of the said land which is for the time being under crop or used or situated within the boundaries of a yard, garden, orchard, vineyard, nursery, or plantation: dwelling-houses: Provided also that the Lessee may, with the prior consent in writing of the Commissioner, which consent may be given subject to such conditions as the Commissioner thinks fit, use any such minerals for any agricultural, pastoral, household, roadmaking, or building purpose on the said land, but not otherwise.
  - (c) THAT upon the expiration by effluxion of time of the term hereby granted and thereafter at the expiration of each succeeding term to be granted to the Lessee the outgoing Lessee shall have a right to obtain, in accordance with the provisions of section 60 (1) of the Land Act, 1948, a new lease of the land hereby leased at a rent to be determined in the manner prescribed by Part VIII of the said Act for a term of thirty-three years computed from the expiration of the term hereby granted and subject to the same covenants and provisions as this lease, including this present provision for the renewal thereof and all provisions ancillary or in relation thereto.

Image Quality due to Condition of Original

529/3

- (4) THAT the Lessee shall have no right of acquiring the freehold of the said land.
- (5) THAT the Lessee may, with the prior consent in writing of the Commissioner given subject to such conditions as the Commissioner may deem necessary, -
- (a) Cultivate any portion of the said land for the purpose of growing winter feed for the stock depastured thereon;
  - (b) Chop such area of the said land as is required for the use of himself and family and his employees;
  - (c) Plough and sow in grass any portion of the said land;
  - (d) Clear any portion of the said land by felling and burning bush or scrub and sow the land so cleared in grass;
  - (e) Surface sow in grass any portion of the said land;
- Provided that the Lessee shall, on the termination of the lease, leave the whole of the area that has been ploughed or cultivated properly laid down in good permanent clovers and grasses to the satisfaction of the Commissioner.
- (6) THAT the Lessee shall carry on the said land and shall not erect any building for the purpose of this lease it is hereby mutually declared and agreed between the Land Maitimata Board and the Lessee that the number of stock to be depastured on the said land during the winter months shall not, without the prior consent of the Commissioner, exceed ~~one~~ <sup>one</sup> sheep on a hectare of a mixed sward of one hectare of sheep and of annual a half for feeding cows.
- (7) THAT the Lessee shall have New Zealand or shagwax the said land or if he cannot be found or if he shall neglect or fail or refuse to comply with the covenants and conditions herein expressed or implied to the satisfaction of the Land Maitimata Board or the Commissioner, as the case may be, or make default for not less than two months in the payment of rent, water levy, or other payments due to the Lessee, then the Land Maitimata Board may, subject to the provisions of section 110 of the Land Act, 1948, declare this lease to be forfeit, and that without discharge or release the Lessee shall be liable for rent due or accruing due or for any prior breach of any covenant or condition of the lease.
- (8) THAT these provisions are intended to take effect as a pastoral lease under the Land Act, 1948, and the provisions of the said Act and of the regulations made thereunder applicable to such leases shall be binding in all respects upon the parties hereto in the same manner as if such provisions had been fully set out herein.

CONTINUE

INTRODUCTIONS-BEINGING-TO-FUN-GROWN-AND-LINGS-PURCHASED-BY THE LESSEE  
(1) THAT pursuant to Section 8 of the Coal Mines Amendment Act, 1950, this lease is subject to the reservation to the lessor of all coal existing on or under the surface of the land, and subject also to the reservation to the lessor of the power to grant coal mining rights over the land under Part 1 of the Coal Mines Act, 1925.

In witness whereof the Commissioner of Crown Lands for the Land District of Canterbury, on behalf of the Lessor, hath hereunto set his hand, and these presents have also been executed by the said Lessee.

Signed by the said Commissioner, on behalf of the Lessor, in the presence of -

Witness: W. D. Layton  
Occupation: Land Office Clerk  
Address: Christchurch

Signed by the above named as Lessee, in the presence of -

Witness: F. J. ...  
Occupation: ...  
Address: ...

[Signature]  
Assistant Commissioner of Crown Lands

Andrew Don  
Lessee

(2) THAT the lessee shall be deemed not to have failed to use due care in stocking or to have overstocked so long as the number of sheep depastured on the said land does not exceed 4070 (being an increase of ten per cent on the carrying capacity on which is based the rent heretofore reserved) but the Commissioner may by notice in writing permit the lessee to depasture thereon any greater number should he deem it advisable or expedient so to do. Any permission so granted shall be subject to revocation or amendment by the Commissioner at any time and particularly in the event of a transfer. Any variation consented to by the Commissioner shall not affect the rent payable hereunder.

440546 [Signature] 1974  
Amendment to 1948 [Signature] June 1956 at 11.4 am

559801 Amendment of the within lease as to part (133 acres 10 furlongs) [Signature] consist of charges held under Electricity Agreement [Signature] entered 14/11/1962 at 1.4 pm

The Lessee copy of the above Pastoral Lease having been lost, a provisional Pastoral Lease has been issued this 19<sup>th</sup> day of July 1967 [Signature] S.D. 441181.

547915 Certificate of Attention incorporating Rural Section 36561 (10 acres) herein [Signature] 1.4.1965 at 11.0 am

Transfer 690780 of 1/2 share to Robert William Allan and Anne Forsyth Allan both of late Tekapo Sheep Farmers as tenants in common in equal shares - 25/8/1966 at 9.11 am [Signature]

Proclamation 568777 proclaiming as road part of the within land containing 1.2 acres [Signature] and 93 perches and 9/20<sup>th</sup> of an acre [Signature] proclaiming as closed road part of the adjoining road containing 1.7 perches entered 10/11/1962 at 9.20 am

No 718957 Surrender of part of run 751 herein (containing 100 acres) [Signature] 25.8.1967 at 9 am

Proclamation 570608 [Signature] part of the within land containing 2 acres [Signature] and 3/4<sup>th</sup> of an acre [Signature] for road purposes and part of the [Signature] convenience and enjoyment of a Road entered 9/2/1963 at 2.31 pm

Transmission 919856 of the share of Andrew Don to Kathleen Celia Don, of Temuka, Widow and William Alexander Urquhart of Streamlands Sheepfarmer as executors - 19/7/1973 at 2.20 pm [Signature]

Proclamation 571530 proclaiming as closed part of the within land containing 1.2 acres [Signature] and 1/4<sup>th</sup> of an acre [Signature] the portion of the road adjoining the within [Signature] entered 20/2/1962 at 10.37 pm [Signature]

Transfer 928382 to Robert William Allan and Anne Forsyth Allan both of Tekapo, Sheep Farmers - 19.9.1973 at 4.23 pm [Signature]

The original Pastoral Lease having been declared lost and now found, the Provisional Pastoral Lease is hereby [Signature] [Signature]

=OVER=

A.L.R.

OVER

Transfer 928382 of their share Kathleen Celia Don and William Alexander Urquhart to Robert William Allan and Anne Forsyth Allan both of Tekapo, sheep farmers - 19.9.1973 at 12.3 p.m (as tenants in common in equal shares)

A.L.R.

No. A205849/1 Certificate of Alteration incorporating Section 1 on S.O. 18897 (214.4480ha) herein - 4.12.1995 at 1.30pm

for A.L.R.

No. 116415/1 Statutory Land Charge pursuant to the Statutory Land Charges Registration Act, 1928 - 14.11.1995 at 9.00 a.m.

No. A224022/1 Certificate of Alteration incorporating Section 1 S.O. 17470 (12.2000ha) herein - 6.3.1996 at 1.32pm

Palmer  
for A.L.R.

No. 147946/1 Certificate of Alteration hereby the area of the within lease is decreased to 250.0400 hectares - 16.9.1977 at 9.04 a.m.

A.L.R.

Mortgage 261424/1 to The Rural Banking and Finance Corporation - 7.2.1983 at 10.00 a.m.

A.L.R.

No. 433068/1 Compensation Certificate pursuant to Section 19 of the Public Works Act 1981 - 10.5.1983 at 10.30 a.m.

for A.L.R.

E. Fraser

for A.L.R.

No. 465039/1 Gazette Notice declaring parts of the within land (102.2150 hectares) acquired for the generation of electricity - 1.12.1983 at 9.44 a.m.

A.L.R.

No. 520681/1 Land Improvement Agreement under Section 30(a) Soil Conservation and Rivers Control Act 1941 - 5.12.1984 at 10.17am.

for A.L.R.

No. 726786/1 Renewal of within lease for a term of 33 years from 1.7.1984 and Variation of terms hereof - 17.2.1988 at 11.20 am

for A.L.R.

No. 768399/1 Gazette Notice declaring unformed road passing through the within land transferred to Her Majesty the Queen as Crown Land under the Land Act 1948 - 10.10.1988 at 11.11am

for A.L.R.

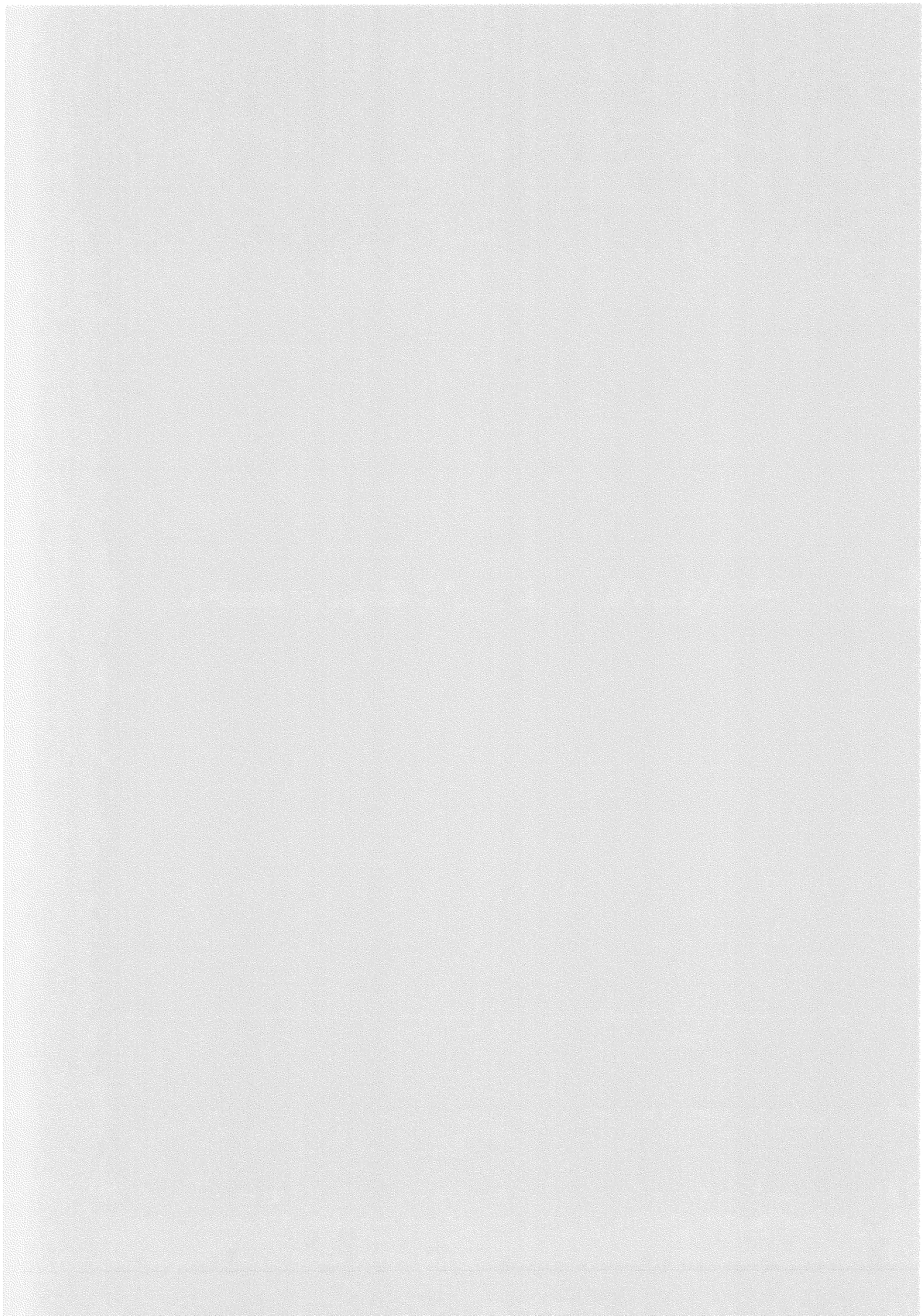
Mortgage 865704/2 to Westpac Banking Corporation - 20.3.1990 at 11.05am

for A.L.R.

No. A71702/1 Land Improvement Agreement under Section 30A Soil Conservation and Rivers Control Act 1941 for a term of 20 years commencing 1.4.1990 - 17.9.1993 at 11.16am

Palmer  
for A.L.R.





Sawdon

Property ID: 12677 Date Entered: 01/02/1997  Current Date Closed: / /

Legal Description: Part Run 75A RS 38861 and SEction 1 Property Type: Crown Pastoral Leases

Region: Christchurch Property Officer: Andrea Thom

Property Name: Sawdon Pt 013 Lend District: Canterbury

Property Address: Sawdon Mgt Contract No: Contractor 50452

Acq Contract No: Contractor 50345

CT / Gazette Ref: CT 529/3 Disp Contract No: Contractor 50345

Property Notes:  Disposal  Other

PROPERTY UNDER TENURE REVIEW  Notes

Property Details - Property: 12677/Sawdon Pt 013

File References: RP/01/10/12677 Property Area (ha): 7628.4798

Map Reference: Rail Site Number: 7628.4798

Regional Council: Canterbury CPI Number:

Land Use: RURAL Survey File No.:

TLA Name: Mackenzie District Transfer in Date: / /

Physical Description: PASTORAL LEASE Status Confirmed: 21/12/2001

Amalgamated: To From

Subdivided: To From

Property Details - Property: 12677/Sawdon Pt 013

| Identifier | Type       | Other Party      | Commencement Date | Expiry Date | Rental/Fees |        |
|------------|------------|------------------|-------------------|-------------|-------------|--------|
| 12677/01   | Pastoral   | RW & AF Allan    | 01/07/1984        | 30/06/2017  |             | Add    |
| 12677/01   | Pastoral   | RW & AF Allan    | 01/07/1984        | 30/06/2017  |             | Change |
| 12677/2    | Recreation | Crank Events Ltd | 25/02/2009        | 01/03/2009  |             | Delete |

**SAWDON  
PASTORAL LEASE**

**Uncompleted Actions Report Update  
November 2011**

Prepared By:  
Chelsea Mudge  
Property Consultant

Reviewed By  
Tony Fraser  
Senior Property Consultant

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**UNCOMPLETED ACTIONS UPDATE REPORT  
CPL INFORMATION REQUIREMENT UNDER APPENDIX A  
LINZS45003**

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**File Ref:** 12677 Sawdon  
**Office of Agent:** Christchurch

**Report No:** 711282  
**LINZ Case No:**

**Report Date:** 28 November 2011  
**Date sent to LINZ:**


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**Recommendations:**

That the Commissioner of Crown Lands or his delegate notes:

1. That the Commissioner of Crown Lands or his delegate **note** this Uncompleted Actions Update Report which has been prepared in terms of Appendix A of LINZ45003 on instructions from the Commissioner of Crown Lands.
2. That the Commissioner of Crown Lands or his delegate **note** the following incomplete actions which require action by the Manager of Pastoral:
  - a. That Meridian Energy Limited has been granted an easement for a fibre optic cable over part of the pastoral lease. Meridian has sought a rehearing in respect of the consideration and assignment of rights of the easements. While LT 409438 depicting the easement has been approved, no evidence was located on file on the decision of the rehearing or execution of the easement document.

Signed by

  
**CHELSEA MUDGE**  
Property Consultant

28 November 2011

Reviewed by

  
**TONY FRASER**  
Senior Property Consultant

28 November 2011

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

\_\_\_\_\_  
Name:

Date of Decision:     /     /



## 1. Pastoral Lease Details

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|                                   |  |
|-----------------------------------|--|
| <b>Pastoral Lease</b>             | Sawdon   |
| <b>Location</b>                   | Lake Tekapo  |
| <b>LIPS No.</b>                   | 12677  |
| <b>Legal Description</b>          | Section 1 SO 17470, Section 1 SO 18897, Section 1 SO 15025, RS 38861 and Pt Run 75A Blocks XIV & XV Tekapo and Blocks I, II, III, V & VI Burke Survey Districts. |
| <b>Area</b>                       | 7632.2048 hectares (Subject to Survey)   |
| <b>Status</b>                     | Crown Land subject to the Land Act 1948.   |
| <b>Computer Interest Register</b> | CB 529/3   |

## 2. File Search

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The following files were provided by LINZ, and searched for the purpose of an information update on Uncompleted Actions under Appendix A of LINZS45003:

| File Reference               | File Name  | Date                              |
|------------------------------|--|-----------------------------------|
| CPL/04/10/12677-ZCH          | Regional Files – Crown Pastoral Land – District – Canterbury Land District - Sawdon                          | 1 March 1997 - Closed             |
| CON/50268/09/12677/Z-ZNO     | Contract Management – Crown Property Contracts – Pre Tenure Review Assessment – Standard 6 - Sawdon          | 27 September 2001 – 22 April 2002 |
| CON/50213/09/12677/A-ZNO     | Contract Management – Crown Property Contracts – Crown Pastoral Interests: Statutory Land Management: Sawdon | 1 July 2000 – 25 August 2005      |
| CON/50213/09/12677/A-ZNO-02  | Contract Management – Crown Property Contracts – Crown Pastoral Interests: Statutory Land Management: Sawdon | 26 August 2005 – 31 March 2008    |
| PRY-C60-12677-SLM-Pt013-Z/01 | Property: Crown Pastoral Land: Sawdon pastoral lease:  | 6 September 2005 – 2 April 2008   |
| PRY-C60-12677-SLM-Pt013-Z/02 | Property: Crown Pastoral Land: Property Management: Sawdon pastoral lease:                                   | 20 September 2008 -               |
| PRY-C60-12677-TNR-PT013-Z/01 | Property: Crown Pastoral Land:   | 14 September 2005 -               |

### 3. Summary of File Search

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**Uncompleted Actions**            The uncompleted action identified in the Due Diligence Report dated 20 March 2002 has been addressed.

**Other Agreements/Interests**            Since the completion of the Due Diligence Reports dated 20 March 2002, the following interest has been identified as being created over the pastoral lease.

*Fibre Optic Cable*

In 2008 Meridian Energy Limited (“Meridian”) sought the Commissioner of Crown Lands (“CCL”) written approval pursuant to Section 94 of the Resource Management Act 1991 for a resource consent (land use) to install, use and maintain an underground fibre optic cable located partly on The Grampians pastoral lease and Sawdon pastoral lease. The fibre optic cable being designed to link the Tekapo A Power Station with the Waitaki Power Station, via the Hakataramea Pass.

The CCL’s written approval was granted under Case No. 08/152 on 2 April 2008.

In parallel to seeking the CCL’s written approval for the resource consent, Meridian also lodged an application to the CCL seeking the grant of an easement pursuant to Section 60(1) of the Land Act 1948 to formalise the fibre optic cable. The application from Meridian is dated 31 January 2008.

The CCL’s written approval was granted under Case No. 08/3506 on 24 July 2008.

Meridian was advised of the decision on 25 July 2008 to grant the easement, however in a letter dated 8 August 2008, Meridian applied for a rehearing of the CCL’s decision under Section 17 Land Act 1948 in respect of the determination of the consideration and the right of assignment.

The application does not however appear to have progressed past this point. The files searched for the purpose of this report do not show any further evidence as to whether a decision has been made by the CCL on the rehearing application. This is discussed further in Section 4 of this report.

We also note that survey plan LI 409438 depicting easements in gross to convey telecommunications & computer media over Sawdon was approved on 23 January 2009.

No other interests have been identified as being created in respect of Sawdon pastoral lease, since completion of the Land Status Report Addendum dated 29 April 2011 completed by BTW South Limited.

**Surrender Agreements**

There has been no evidence on the files searched of any area adjustments completed or proposed to Sawdon pastoral lease, since completion of the Land Status Addendum Report dated 29 April 2011 completed by BTW South Limited.

**4. Summary of Uncompleted Actions or Potential Liabilities**

**Review of Due Diligence Report matters**

The following is a summary of the uncompleted actions or potential liabilities identified in the Due Diligence Report dated 20 March 2002.

*Electric Power Conductor Lines*

The Due Diligence Report dated 20 March 2002 identifies that Transpower NZ Limited owns overhead transmission lines which cross the pastoral lease. Ongoing occupation of the land and ownership of the transmission facilities is held by Transpower NZ Limited and transmission lines are afforded statutory protection under Section 22 of the Electricity Act 1992. SO 17342 & SO 17353 record the location of the transmission lines.

No further action is therefore required.

*Telecommunication Lines*

The Due Diligence Report dated 20 March 2002 identifies that Telecom New Zealand Limited owns telecommunication lines which cross the pastoral lease. Ongoing occupation of the land and ownership of the transmission facilities is held by Telecom New Zealand Limited and telecommunication lines are afforded statutory protection under Section 20 of the Telecommunications Act 1987.

No further action is therefore required.

### *Land Acquired for Water Power/Electricity*

The Due Diligence Report dated 20 March 2002 records that only the leasehold interest had been taken in land acquired for Water Power/Electricity by Gazette Notice 1983 p 3265 registered under document 465039/1. The report advises that there was no record of taking the Lessor's Interest.

A recent search of current land records shows that in June 2002 a further Gazette was published declaring the leasehold estate described in Gazette 1983 p3265 to be surrendered and the underlying status to remain Crown Land, subject to the Land Act 1948.

The former areas of Sawdon pastoral lease are now part of Section 1 SO 394353 and subject to a Deed of Easement under Section 60 of the Land Act 1948 which is contained in Computer Interest Register 489852. The area forms part of the operating easement held by Genesis Power Limited.

No subsequent action was necessary for the lessors interest of the areas acquired from the leasehold estate as these were required to remain Crown Land to enable the establishment of an operating easement over the land.

As a result no further action is required.

### **Other Matters Identified**

Our investigation and review of the files listed under Section 2 of this report provided by LINZ, and searched for the purpose of the Uncompleted Actions Update under Appendix A LINZS45003 has identified the following matters other than those noted in the original Land Status Check and Due Diligence completed for the Sawdon pastoral lease.

#### *Easement in favour of Meridian Energy Limited*

Our investigation of the files for the purposes of this report has identified that in 2008 Meridian Energy Limited ("Meridian") sought the Commissioner of Crown Lands ("CCL") written approval pursuant to Section 94 of the Resource Management Act 1991 for a resource consent (land use). The CCL's written approval to the resource consent application was granted under Case No. 08/152 on 2 April 2008.

The purpose of the resource consent was to enable Meridian to install, use and maintain an underground fibre optic cable located partly on Sawdon pastoral lease and The Grampians pastoral lease. The fibre optic cable was required to link the Tekapo A Power Station with the Waitaki Power Station, via the Hakataramea Pass.

Our investigation of the files for the purposes of this report also identified that in seeking the CCL's written approval for the resource consent, Meridian also lodged an application to the CCL

seeking the grant of an easement pursuant to Section 60(1) of the Land Act 1948 for the fibre optic cable. The application from Meridian is dated 31 January 2008.

The CCL's written approval was granted under Case No. 08/3506 on 24 July 2008.

Meridian was advised of the decision on 25 July 2008 to grant the easement, however in a letter dated 8 August 2008, Meridian applied for a rehearing of the CCL's decision under Section 17 Land Act 1948 in respect of the determination of the consideration and the right of assignment.

The application does not however appear to have progressed past this point. The files searched for the purpose of this report do not show any further evidence as to whether a decision has been made by the CCL on the rehearing application.

A copy of the relevant file information is attached at Schedules B and C of this report.

We also note that survey plan LT 409438 depicting easements in gross to convey telecommunications & computer media over Sawdon was approved on 23 January 2009. Copy of LT 409438 is attached at Schedule D of this report.

We consider that this is a potential uncompleted action that is desirable to be resolved.

## ATTACHMENTS:

|              |   |
|--------------|---|
| Schedule A   | Copy of Computer Interest Register CB529/3  |
| Schedule B   | Copy of information regarding Meridian Energy Limited easement application  |
| Schedule C   | Copy of information regarding Meridian Energy Ltd request for rehearing of Crown decision on easement application |
| Schedule D   | Copy of LT 409438   |
| Attachment 1 | Land Status Report Addendum   |
| Attachment 2 | Previous Due Diligence & Land Status Check Reports  |

**Schedule A**

**Schedule B**



**Schedule C**

## Schedule D