

## **Crown Pastoral Land Tenure Review**

**Lease name : SIMONS HILL**

**Lease number : PT 046**

### **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.

**February 04**

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

---

**File Ref:** CON 50231/09/12692/A-ZNO      **Report No:** QVV 71      **Report Date:** 25/04/2001

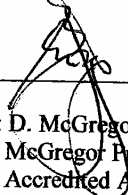
**Office of Agent:** CHRISTCHURCH      **LINZ Case No:** 01/      **Date sent to LINZ:**

---

**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 uncompleted actions:
  - (a) That no action has yet been undertaken as to the future utilisation of 10.0770 hectares of Stopped road adjoining the lease and on the landward side of the boundary fence of land acquired for the Upper Waitaki Power Scheme.
  - (b) Registration of a Certificate of Alteration incorporating Section 1, S.O. 8952 into the Pastoral lease in accordance with DoC's surplus land requirements.
3. That the Commissioner of Crown Lands or his delegate **note** that no potential liabilities have been identified as a result of the file search.

**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:  
Date of Decision:     /     /

**1. Details of Lease:**

**Lease Name:** Simons Hill.  
**Location:** On SH8, 29 kilometres south of Tekapo.  
**Lessees:** Denis Alan FASTIER.  
**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 1987 (expires 30 June 2020).  
**Annual Rent:** \$3937.50.  
**Rental Value:** \$175,000.  
**Date of Next Review:** 30 June 2009.  
**Land Registry Folio Ref:** C.L. CB529/70 (Canterbury Registry).  
**Legal Description:** Part Run 268 situated in Blocks XV and XVI Pukaki and I II III V VI VII and IX Gladstone Survey Districts.  
**Area:** 6246.4313 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
Pc 046-SCH-01	1	1	15/10/1932	169	01/10/1952
Pc 046-SCH-02	2	170	01/05/1953	335	02/12/1985
Pc 046-SCH-03	3	336	28/01/1986	-	12/07/1994
Pc 046-SCH-04	4	-	18/12/1994	-	30/06/2000
CON/50180/09/12692/A-ZNO	-	-	01/07/2000	-	Current
Pt 046-SCH	-	-	Plans Only	-	-
CON50180/09/12692/A-ZNO	-	-	21/06/1995	-	Current

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

File Reference: CON/50231/09/12692/A-ZNO  
Volume: 1  
First folio: 1  
Date: August 2000.  
Last folio note: -  
Date: Current

**3. Summary of Lease document:** (Copy of CL 529/70 attached as *Appendix 1*)

**3.1 Terms of Lease**

A 33 year term from 1 July 1987 at the Annual rental of \$3937.50 based on the Rental Value of \$175,000.

*Stock limitation in Lease:*

3520 sheep.

*Commencement Date:*

1 July 1954. Renewed for a further 33 year term from 1 July 1987 by Memorandum of Renewal of Lease No. 825490/1 (registered on 5 September 1989).

*Other Provisions:*

There are no other relevant provisions in the lease.

**3.2 Area adjustments**

There are no area discrepancies in the lease. The only adjustments since issue relates to the acquisition of land for the Generation of electricity (by GN 839220/1).

**3.3 Registered Interests**

*Encumbrance to C S Enviro Limited (Joint Venture)*

A381454.1 Memorandum of Encumbrance, dated 15 September 1998, between the lessee (Encumbrancer) and C S Enviro Limited (Encumbrancee) as to a Joint Venture for a term of 35 years from 1 September 1998 at the Annual Rental of \$100 reduced to 10 cents if there is no breach of covenants.

*[It is noted that this erroneously records the lessee has a freehold interest in the Pastoral Lease].*

*Land Improvement Agreement*

Land Improvement Agreement Document No A 22469/1 (registered 6 November 1992).

*Mortgages*

A1270096 to Peter George Hosken as survivor (registered by Transmission of Mortgage dated 4 August 1998).

**3.4 Unregistered Interests**

*Recreation Permits*

A search of available records did not reveal the existence of any current Recreation permits.

*Unregistered Mortgages*

None known

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

The Land Improvement Agreement registered as Document A22469/1 secures a Rabbit and Land Management Plan between the lessee and the Canterbury Regional Council. The works are completed but the term of the agreement is for twenty (20) years commencement of 1 April 1990 (Expires 31 March 2010).

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

A Land Status Report, undertaken by McGregor Property Services Limited for and on behalf of Q V Valuations on 17 April 2001, confirms the status of the land as Crown Land under Section 66 of the Land Act 1948, and registered under Section 83 of the same Act.

The land is subject to the registered interests included in *Clause 3.3* above and Part IVA of the Conservation Act 1987 upon disposition.

The minerals remain with the Crown in respect of the majority of the land since it has never been alienated since its acquisition from the original Maori owners under the 1848 Kemp Purchase. Those parts of the land formerly held in freehold ownership were subsequently acquired in 1942 by His Majesty the King as Crown land subject to the Land Act as part of an exchange proposal. The land was not acquired for a public work therefore the Crown is at liberty to invoke the standard Mineral restrictions.

The report notes that:

- 1) As part of the legalisation of the boundary for the purpose of the then proposed Operating Easement N.Z. Gazette 1989 p5693 authorised the acquisition of 66.3451 ha of the lease for the Generation of Electricity and at the same time some 10.0770 ha of Legal road adjoining the lease was stopped. The stopped road now lies between the boundary and the Pastoral lease and no action has yet been taken as to the future utilisation of the land (Refer Report 3 of 3).
- 2) Section 1, SO 8952 (formerly Reserve 4845) is a former Reserve for Rabbit Board Buildings that was revoked having been declared surplus to Council and Department of Conservation purposes in 1987. DoC requested that the land be incorporated back into the Pastoral lease. Although action commenced registration of the incorporation remains incomplete (Refer Report 2 of 3).

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

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

Both maps attached to the Land Status Report show there are no known huts, telecommunications or other hilltop installations, airstrips, local power lines, water races or historic sites on the property. However, a recent discretionary consent was granted for construction of a stock water dam. The topographical map reveals the existence of transmission lines intersecting the northern sector of the lease.

**6.1 Legal Roads – formed and paper**

The Land Status Report indicates that the original plan denoted the roads to be legal by Crown Grant or Section 110A of the Public Works Act 1928. Legal road intersecting the property is not formed.

**6.2 Fenced Boundaries v Legal Boundaries**

The fenced and legal boundaries along parts of the boundary with the Pukaki and Tekapo Rivers do not conform. Areas of stopped road are on the Landward side of the boundary fence defining the extent of the Electricorp (Meridan Energy) Operating Easement.

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

- |                           |  |
|---------------------------|--|
| Northern Boundary -       | <i>Pt Run 86</i> - (Simons Pass Pastoral Lease).               |
| North end East Boundary - | <i>Pt Run 85</i> - (Maryburn Pastoral Lease).                  |
| Internal                  | <i>Section 1, SO 8952</i> - (Crown Land) – Refer Report 2 of 3 |

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

**8.1 Future utilisation of stopped road**

On determination of the boundary (fenced) between the lease and land required for the Upper Waitaki Power Scheme (the then proposed Operating Easement) N.Z. Gazette 1989 p5693 authorised the acquisition of 66.3451 ha of the leasehold interest for the Generation of Electricity and the stopping of unformed legal roads. The intention was that the Stopped Road on the landward side of the boundary fence (10.0770 ha) was to have been incorporated into the lease however no action has yet been undertaken to as to the future utilisation of this land.

Refer to Land Status Report 3 of 3.

**8.2 Incorporation of Section 1, SO 8952 into lease**

Section 1, SO 8952 (formerly Reserve 4845) is a former Reserve for Rabbit Board Buildings that was revoked (by N.Z. Gazette 1988 p4673) having been declared surplus to Council and Department of Conservation purposes in 1987 (*folios 356 and 357 on file Pc 046*). DoC requested that the land be incorporated back into the Pastoral lease. Although action commenced registration of the incorporation remains incomplete (*folios 363, 364, 368 and other correspondence on Pc 046*)

Relevant folios attached as *Appendix 2*.

**Schedule A – Land Status Report (minus enclosures).**

**APPENDICES**

- 1. Copy of Lease Document.**
- 2. Copies of relevant folios from file – Incorporation of land into lease.**

**Q V VALUATIONS  
CHRISTCHURCH OFFICE**

**APPENDIX A1**


Project Number QVV 70

This report has been prepared on the instruction of Land information New Zealand in terms of Contract No. 50231 dated August 2001 and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

<b>LAND STATUS REPORT for Simons Hill Tenure</b>	LIPS Ref: 12692
Property 1 of 3	

<b>Land District</b>	Canterbury.
<b>Legal Description</b>	Part Run 268 situated in Blocks XV and XVI Pukaki and I II III V VI VII and IX Gladstone Survey Districts.
<b>Area</b>	6426.4313 hectares.
<b>Status</b>	Crown land subject to the Land act 1948.
<b>Instrument of title / lease</b>	Pastoral Lease CL 529/70 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal 825490/1.
<b>Encumbrances</b>	Subject to: <ol style="list-style-type: none"> <li>1. A22469/1 Land Improvement Agreement pursuant to Section 30A of the Soil Conservation and Rivers Control Act 1941.</li> <li>2. A381454.1 Encumbrance to C.S. Enviro Limited (Limited as to duration).</li> <li>3. Part IVA of the Conservation Act 1987, upon disposition.</li> </ol>
<b>Mineral Ownership</b>	The Mines and Minerals are owned by the Crown over a significant part of the land because it 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.  Those parts formerly held in freehold ownership (RS's 32678, 33117 and 33120) were subsequently acquired by the HMK as Crown land subject to the Land Act in 1942 as part of an exchange proposal. The land was not acquired as a public work therefore the Crown is at liberty to invoke the standard Mineral restrictions.
<b>Statute</b>	Land Act 1948 and Crown Pastoral Land Act 1998.

<b>Data Correct as at</b>	17 April 2001.
<b>[Certification Attached]</b>	Yes.

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

<b>LAND STATUS REPORT for Simons Hill Tenure</b>	LIPS Ref: 12692
Property 1 of 3	

<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) As part of the legalisation of the boundary for the purpose of the then proposed Operating Easement N.Z.Gazette 1989 p5693 authorised the acquisition of 66.3451 ha of the lease for the Generation of Electricity and at the same time some 10.0770 ha of Legal road adjoining the lease was stopped. The stopped road now lies between the boundary and the Pastoral lease and no action has yet been taken as to the future utilisation of the land (Refer Report 3 of 3).</li><li>2) Section 1, SO 8952 (formerly Reserve 4845) is a former Reserve for Rabbit Board Buildings that was revoked having been declared surplus to Council and Department of Conservation purposes in 1987. DoC requested that the land be incorporated back into the Pastoral lease. Although action had commenced registration of the incorporation remains incomplete (Refer Report 2 of 3).</li></ol>
--	---



<b>LAND STATUS REPORT for Simons Hill Tenure</b>	LIPS Ref: 12692
Property 1 of 3	

Research Data: Some Items may not be applicable

SDI Print Obtained	Yes.
NZMS 261 Ref	H38; I38.
Local Authority	MacKenzie District Council.
Crown Acquisition Map	Kemp Deed of Purchase.
SO Plans	<p>SO 102 – Plan of Subdivision of Wolds and Simons Pass Runs (1917).</p> <p>SO 2992 – Plan of Pukaki Survey District (1882).</p> <p>SO 4628 – Plan of Reserve 2873 (1891).</p> <p>SO 7454 – Plan of SGR 96 - Part RS 36739 (Approved 1942).</p> <p>SO 8952 – Plan of Pt Reserve 2873 (Pt SGR 96) (Approved 9 March 1955).</p> <p>SO 13945 – Plan of Run 268 (Approved 30 April 1976).</p> <p>SO' s 15759-15764 – Plans of Pt Run 268 Road and Pt Bed of the Tekapo River (Approved 7 September 1982).</p> <p>SO 15829-31 - Plans of Pt Run 268 Road and Pt Bed of the Pukaki River (Approved 24 December 1982).</p> <p>SO 16730 - Plans of Pt Run 268 Road and Pt Bed of the Pukaki River (Approved 28 July 1986).</p> <p>SO 16731 - Plans of Pt Run 268 and Road (Approved 28 July 1986).</p>
Relevant Gazette Notices	<i>Gazette Notice 1989 p 5693 (GN 839220/1) declaring Leasehold Estate Acquired for the Generation of Electricity.</i>
Lease Ref	CL 529/70 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal 825490/1.
Legalisation Cards	Cards for S.O.'s 15759-15764, 15829-31, 16730 and 16731. Show Leasehold Estate acquired and land now Crown Land.
CLR	Confirms Pastoral Lease tenure.
Allocation Maps (if applicable)	<p>Extracts of Allocation Maps H38 (S.O.17101) and I38 (S.O. 17107) and show that there are no allocations to DOC within the lease area.</p> <p>No other SOE Allocations other than Electricorp. Areas for Operating Easements shown on attached plan.</p>

VNZ Ref – if known	VR 25300/19800.
Crown Grant Maps	Not applicable.
<b>a) Subject Land Marginal Strip:</b> <b>a) Type [Sec 24(9) or Sec 58]</b> <b>b) Date Created</b> <b>c) Plan Reference</b>	a) No provision made. b) Not applicable. c) Not applicable.

---

LAND STATUS REPORT for Simons Hill Tenure Review		LIPS Ref: 12692
Property 1 of 1		
If Crown land – Check Irrigation Maps	Searched – Not applicable.	
Mining Maps	Searched – Not applicable.	
<b>If Road</b> a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989  b) By Proc	<p>a) Roads denoted burnt sienna Black Map 181, Miscellaneous Roll 277 and Topo 20 T and supported by SO 13945. Roads legal by Section 110A of the Public Works Act 1928.</p> <p>b) Proc Plan Not applicable.</p> <p>c) Gazette Ref Not applicable.</p>	
<b>Other relevant information</b> a) Concessions – Advice from DOC or Knight Frank.  b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998  c) Mineral Ownership	<p>a) No current DOC concessions. The only DOC interests are in the Marginal Strips yet to be created.</p> <p>No concessions are administered by Knight Frank (NZ) Limited on the property.</p> <p>b) Searched. Not applicable.</p> <p>c) <input type="checkbox"/> Mines and Minerals are owned by the Crown in respect of parts of the current lease 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.</p> <p>The original Small Grazing Run 96 (CL 428/108) comprised RS 36739 and Reserve 2873 was subsequently added to the Run following revocation.</p> <p>In 1942, as part of a boundary rationalisation exercise, 80 acres of freehold land (R.S. 's 32678, 33117 and 33120) surrounded by the Run and held in CT 144/281 by the Mathieson Estate was exchanged for 284 acres of RS 36739. Part of this exchange was authorised by Proclamation 1861 (New Zealand Gazette 1942 p1474). The 284 acres was duly surrendered from the SGR and a Warrant title issued to the estate (Warrant 6/57 – CT CB476/296) following the transfer of the 80 acres to HMK (Transfer 245079 dated 18 June 1942). R.S. 's 32678, 33117 and 33120 were progressively incorporated into the Run during 1942. The resultant area was redefined as Run 268 for the purposes of issue of the Pastoral lease in 1956.</p> <p>The affected freehold lands (originally held in CT 104/224 and subsequently in CT 144/281 prior to Transfer) was issued in 1885. The land was not acquired for a public work in 1942, but to facilitate an exchange of land subject to the then Land Act, and therefore the Crown is at liberty to invoke the standard mineral restrictions.</p>	
d) Other Info	c) Not applicable.	

**Q.V. VALUATIONS  
CHRISTCHURCH OFFICE**

**APPENDIX B1**

**Project Number : QVV 70**

This report has been prepared on the instruction of Land Information New Zealand in terms of **Contract No : 50231** dated **August 2000** and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

<b>LAND STATUS REPORT for Simons Hill Tenure Review</b>		LIPS Ref: 12692	
<b>Property</b>	<b>1</b>	<b>of</b>	<b>1</b>

<b>Land District</b>	Canterbury
<b>Legal Description</b>	Part Run 268 situated in Blocks XV and XVI Pukaki and I II III V VI VII and IX Gladstone Survey Districts.
<b>Area</b>	6426.4313 hectares.
<b>Status</b>	Crown land subject to the Land Act 1948.
<b>Instrument of title / lease</b>	Balance Pastoral Lease CL 529/70 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal No. 825490/1.
<b>Encumbrances</b>	Subject to: <ol style="list-style-type: none"> <li>1. A22469/1 Land Improvement Agreement pursuant to Section 30A of the Soil Conservation and Rivers Control Act 1941 (Limited as to duration).</li> <li>2. A381454.1 Encumbrance to C.S. Enviro Limited (Limited as to duration).</li> <li>3. Part IVA of the Conservation Act 1987, upon disposition.</li> </ol>
<b>Statute</b>	Land Act 1948 and Crown Pastoral Land Act 1998.

<b>Correct as at</b>	8 March 2001.
<b>Certification Attached</b>	<input checked="" type="checkbox"/>

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

**Certification:**

Pursuant to section 11(1)(l) 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: 27.1.3./2001

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

**CERTIFICATION**

**Report to the Chief Surveyor, Dunedin, for certification of a Status Investigation for the SIMONS HILL Pastoral Lease Tenure Review.**

1. I, Donald McGregor of McGregor Property Services Limited, acting for and on behalf of Q.V. Valuations 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 Limited, 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  
5 March 2001