

Crown Pastoral Land Tenure Review

Lease name : Mt WHITE

Lease number : PC 060

Due Diligence Report (including Status Report) - Part 5

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

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

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

July 09

333
ex 860

115

Ref plus 36 r District Solicitor General
on Res. 3535.

Would you pl. refer opinion etc to
Office Solic. Head Office for his confirming
opinion, or otherwise.

Boone is anxious to have this matter
resolved without delay & I will want to
report back on 8 Oct (at its next meeting)
which would include the outcome of any further
discussions with the Pembell after Office
Solicitor's opinion has been received.

[Signature]
21. 8. 69

I suggest that you obtain a copy of the plan
under Folio 331 & send to Head Office. Plan
should be awarded to show Part 1 Reserve 3535

[Signature]
24/9/69

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APB1
8/6/4
P.60

370

ARTHUR'S PASS NATIONAL PARK

Commissioner of Crown Lands,
CHRISTCHURCH

RIVERSDALE FLATS : MOUNT WHITE STATION

1. You have asked what the position is with the Riversdale Flats.
2. The first time you became really involved in this issue was when you noticed that action was still outstanding. Your filenote APB1 fol. 574 17 February 1971. Originating actions on APB1 folios 551A, 547A, 511, 510 and 485.
3. The position as far as the Board is concerned is unchanged from 1969 when the minutes of the Arthur's Pass National Park Board meeting held on 8 October 1969 recorded:

"Riversdale Flats : Legal Ownership APB1, APB15/1, P.60

The Chairman reported that in company of Mr McAlpine he had discussed with Mr Turnbull, the owner of Mount White Station, the question of legal ownership of part of the Riversdale Flats. Mr Turnbull was informed that the Departmental District Solicitor considered the area had been wrongly included in the Mount White Pastoral Run and that the land actually was reserved for National Park purposes; the question had been referred to Head Office, Lands and Survey Department for confirmation. Mr Turnbull had said that he would be prepared to abide by the Department's decision."

(Reference APB1, Fol. 551A).

4. The matter was handled by Mr Fitzgerald (as A/C.C.L. and Chairman of the Board) with the brunt of the work falling on Titles (Mr Morse) and District Solicitor (Mr Hutchesson)
5. Arising from your filenote on APB1 fol. 574 the following questions were put to Titles on 13 July 1971 and were answered on the 16th.

- (a) Is there anything in writing to substantiate Chairman's statement that the District Solicitor considered Riversdale Flats had been wrongly included in the Mount White Run?

Answer (By Mr Wooster) "Not that I can see although District Solicitor (Mr Mouat) remembers doing an opinion for the previous District Solicitor (Mr Hutchesson).

- (b) If so, was the matter referred to H.O. for confirmation as stated by Chairman in the same statement?

Answer (By Mr Wooster) "N.A. i.e. No."

- (c) Has there been any D.O. variation in the District Solicitor's opinion since the Chairman's statement?

Answer (By Mr Wooster) "No. Apparently correct and Chief Surveyor seems to agree".

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(d) Where is the play now?

Answer (By Mr Wooster) "In our court. I have to do a summary with District Solicitor and submit it to H.O."

6. The District Solicitor's opinion is known to have been given in writing but now cannot be found. It may still be in some out-of-the-way place in the office but it is more likely

- * That it was rubbished when Mr Hutchesson left the Department;
- * That it was lost during the office extensions and shifting round, or
- * That Mr Fitzgerald took the opinion to Wellington to discuss it with the Office Solicitor (Mr Heenan) during a visit to Wellington on another matter.

7. Recapitulating it would seem

- * That some doubt as to the status of the land involved (and included) in the lease for Run 275 Mount White was raised by the Mapping Division (Mr J.J. Paterson) on 2 May 1968 Ref. APB1 fol. 510. A history was prepared by Titles (Mr P. Savage). Ref. APB1, fol. 511.
- * At about the same time Board members queried the Park boundary with Riversdale Flats - the bush edge or a straight line with a poplar tree as one marker. (Mr Fitzgerald undertook to get the boundary defined. The "bush edge" was held unsatisfactory because it could recede or even advance and thus leave grounds for dispute.)
- * The Board was conscious of the Park's lack of flat clear land and in the Hawdon area looked to the Riversdale Flats. It was thought the Park should extend to the bank of the Waimakariri. (Mr Fitzgerald also undertook to investigate this and report back to the Board).
- * A complication was that the Riversdale area contained several "islands" of freehold.
- * That the questions arising namely,
 1. Whether the land is reserved for national park purposes and whether it is available for addition to Arthur's Pass National Park and when
 2. What actions are necessaryShould be pointed out and dealt with afresh.

Note: The Board had no intention of depriving Mount White Station of the grazing rights during Mr Turnbull's ownership. It envisaged granting the Station a grazing lease should the land be added to the Park but there were some side glances, discussion and mental reservations about the presence of some hefty bulls and bullocks which had formed a habit of camping in groups on or alongside the Mount White road and walking tracks.


Parks Section

APB1
8/6/71
P.60

370.

ARTHUR'S PASS NATIONAL PARK

Commissioner of Crown Lands,
CHRISTCHURCH

RIVERSDALE FLATS : MOUNT WHITE STATION

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Parks Section

CERTIFICATE OF ALTERATION

“RELEASED UNDER THE OFFICIAL INFORMATION ACT”

HER MAJESTY THE QUEEN { Lessor.
Licensor.

RICHARD THOMAS TURNBULL { Lessee.
Licensee.

PARTICULARS entered in the Register Book,

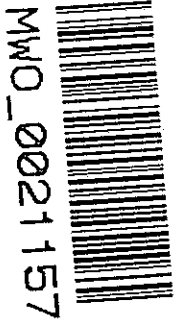
Volume _____, folio _____,

the _____ day of _____ 19____,

at _____ o'clock.

Assistant Land Registrar of the
District _____

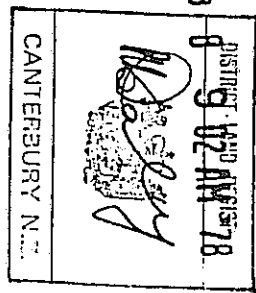
District of _____



164686/1

529/73

District Land Registry
Christchurch No. 2



CERTIFICATE OF ALTERATION UNDER SECTION 113, LAND ACT 1948

IN THE MATTER of the Land Transfer Act 1952, and the Land Act 1948,

and

IN THE MATTER of Pastoral Lease (licence) No. 60 from HER MAJESTY THE

QUEEN to RICHARD THOMAS TURNBULL of Timaru, Sheep Farmer as Lessee of Part Run 275 and Part Reserve 3535, situated in Hawdon, Esk, Katrine, Okuku, Upper Ashley and Grasmere Survey Districts
Area: 47 823.9281 hectares

registered in Vol 529, folio 73, Canterbury Land Registry.

This is to certify that the area in the above lease has been amended to 49 131.4673 hectares in terms of the latest redefinition of S.O. Plans 10866L, 10977L, 10995L and 11084L

SCHEDULE
(Land now in lease)

Part Run 275	48 133.9172 hectares
Part Reserve 3535	<u>997.5501</u> hectares
Total area	<u>49 131.4673</u> hectares

*Leasehold Title 529/73
is amended in area
to 49 131.4673 (Redefinition
by new Survey office plans.
see above)*

*Reg and C/s copy of CT
enclosed.*

*R
28.2*

As witness my hand, this 14th day of March 1977

R. O. Friel
Assistant Commissioner of Crown Lands.

11 F/455

COPY for

S.F.O.L.E.
I believe that this memo is relevant to investigations being carried out by Field staff. (folio 444)
J. Edmonds
12.2.81

CHRISTCHURCH

18 November 1980

NPR and Land Administration
OFFICE

SURRENDER OF PART RUN 275 MT WHITE FOR ADDITION TO ARTHUR'S PASS
NATIONAL PARK AND FUTURE STATUS OF PT RESERVE 3535 RIVERSDALE FLATS

The pastoral lease for Mt White Run (C.T. 529/73) is described as Pt Run 275 and Pt Reserve 3535. It is evident from P.60 folios 370, 331 and 330 that Pt Reserve 3535 is a reserve (National Park purposes) subject to the Reserves Act 1977 and is erroneously included in the Mt White pastoral lease. Folio 370 (1973) suggests that action was to have been taken to rectify this anomaly - no such action is apparent on file although Mr Wooster indicated to me that action (exclusion of the reserve from the pastoral lease) is to be undertaken when the lease comes up for renewal in 1988.

In view of the Land Settlement Board decision to authorise the CCL to discuss with the lessee the surrender of parts of the pastoral lease (Cox River Catchment) for addition to the Park it would seem appropriate to consider the future status and use of Pt Reserve 3535. My present thinking is that the future management and use of the land contained in Reserve 3535 must have regard for the adjoining Arthur's Pass National Park. The Riversdale Flat is an important buffer to the Park. I believe that at least 3 options are available when looking at the land's future status-tenure:

- (1) Retain as reserve for National Park purposes and grant grazing rights to the Mt White runholder subject to conditions necessary to satisfy the land's buffer function and possible public access requirements.
- (2) Formally add the land to the Park and grant grazing rights to the Mt White runholder subject to conditions as in (1) above.

Note: The land itself may not be able to satisfy the National Parks Authority policy on addition of lands to existing National Parks - especially the criteria concerning the land's economic productive potential and also the Authority's policy on eventual elimination of grazing in National Parks.

- (3) Revoke reservation and add it to the pastoral lease. I believe that activities permissible under such leases are not necessarily consistent with National Park requirements e.g. the erection of farm buildings.

My initial observation is that as far as National Park is concerned Option (1) appears to be the most acceptable.

The fact that Pt Reserve 3535 has been erroneously included in the pastoral lease is a matter that the department should bear in mind when negotiating the surrender of parts of the Mt White pastoral run in the Cox River Catchment. It may be that the department would look favourably at controlled grazing on the reserve if the runholder surrenders parts of the run for addition to the Park.

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J. Edmonds
P.O.

Lands and Survey
Department

FILES: P.60
city a . APB 1C

CHRISTCHURCH

14 APR 1982

CHRISTCHURCH

8 April 1982

CCL
OFFICE

MT WHITE RUN - ARTHUR'S PASS NATIONAL PARK

Further to your request at the Arthur's Pass National Park Management Meeting on 5 April 1982, the following are matters identified in the Arthur's Pass National Park Management Plan which require investigation by departmental staff and which will ultimately require liaison and negotiation with the Mt White Runholder. These are:

1. Park Boundaries

- (a) Negotiate the surrender of part of the Mt White Run in the Lower Poulter Valley for addition to Arthur's Pass National Park. I believe this is being actioned by field staff. See file P.60. Note that it is desirable that this be done in consultation with the Chief Ranger, Arthur's Pass National Park.
- (b) Investigate addition of Reserve 3535 on Riversdale Flats to Arthur's Pass National Park. Note that this reserve has been mistakenly included in the Mt White Pastoral Lease. See my memo under folio 445, file P.60.
- (c) Investigate addition of freehold lands on Riversdale Flats to Arthur's Pass National Park. That is Rural Sections 6712, 6713, 22648, 30620, 30621, 33556, 35207, 35208 and 35369.

2. Grazing

Investigate stock-proof fence in the Poulter and Hawdon Valleys. It is desirable that this be undertaken jointly by field staff and the Chief Ranger.

J. Edmonds
Planning Officer

Please brief me on
this verbally.
4/6/82

576

30 June 1987

Our ref P 60

The Trustees
R I Turnbull Estate
C/- Mr T H Turnbull
P O Box 29
TIMARU

Mr Gregory
Please follow up survey of area to be surrendered in terms of agreement and report on which my and Board comments are submitted
3/7
also follow up preparation of Surrender document
3/7

Dear Sirs

RE MT WHITE PASTORAL LEASE - POST RENEWAL MATTERS

Further to my letter of 29 June 1987 advising you of the renewal terms of your pastoral lease as from 1 January 1989 there are one or two other matters I would like to bring to your attention.

- 1) As you are aware the Department of Lands and Survey entered into an agreement with you to surrender parts of Mt White Station for addition to Arthurs Pass National Park subject to the Department bearing all survey and legal costs and the rental of your pastoral lease being adjusted for loss of any grazable land. Please refer to the Commissioner of Crown Lands letter dated 12 September 1983. The Department of Conservation will be arranging the necessary survey to exclude the area from the lease for addition to the Park. However the Corporation will prepare the partial surrender document, arrange for its execution and register it against the lease. This document will not be prepared until survey is completed and this will take some time.
- 2) The Department of Lands and Survey also entered into agreement with you to surrender an area of approximately 8850 hectares in accordance with a Run Plan agreement you entered into with the North Canterbury Catchment Board.

In accordance with this agreement the Corporation will arrange to survey the retired area and as soon as survey has been completed a Memorandum of Partial Surrender will be forwarded to you for execution.

I have asked the Chief Surveyor, Department of Survey and Land Information to commence the necessary survey and I expect that this will take approximately three years. The Chief Surveyor may incorporate the survey work required for the surrender of the area referred in 1 above as part of this area is included in the area to be surrendered under the Run Plan agreement.

continued ...

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- 3) The former Department of Lands and Survey has had discussions in the past with members of the Turnbull Estate concerning Reserve 3535 on Riversdale Flats which allegedly was erroneously included in the pastoral lease in the early 1900's. The Department of Conservation consider the land to be a reserve within the meaning of the Reserves Act 1977 and I know the Department is keen to have this land excluded from the lease and added to the National Park. Therefore you may be approached by the Department of Conservation in the near future to discuss this matter further. As the Corporation is charged with the responsibility for managing pastoral leasehold land the Corporation will be involved with the Department of Conservation in any future negotiations relating to this issue.

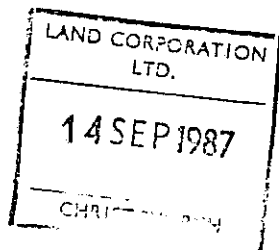
If you have any queries on the matters I have raised above do not hesitate to contact the writer.

Yours faithfully


D A Gregson
Property Appraiser

*No. adjustment to AR. or stock limitation is required.
Lessee is getting benefits from Run Plan
Q 4/7/88*

11 September, 1987



P60
Doc No 39

Landcorp
Private Bag
CHRISTCHURCH.

Attention Mr D.A. Gregson

Dear Sir,

MOUNT WHITE PASTORAL LEASE

I enclose the notice of election for the renewal of the above lease on the terms of your letter of 29th June.

In your letter of 30th June you refer to previous discussions regarding Reserve 3535 at Riversdale. To the best of my memory this is the first I have heard about the National Park wishing to take over this reserve area.

I have no maps or plans showing the location and size of the reserve so would be pleased if you could supply me with this information. In the meantime I can only comment that we would strongly resist the surrender of all or any relatively large portion of the Riversdale flats which play a very important part in the management of the station.

I note that your letter was addressed to the trustees of R.J. Turnbull Estate. This estate has had no interest in Mount White since 1983 and it would be more appropriate to address correspondence to the Mount White Partnership, care of myself.

Yours faithfully,

A handwritten signature in cursive script, appearing to read "T.H. Turnbull".

T.H. Turnbull

NOTICE BY LESSEE OF ELECTION UNDER SECTION 132 OF THE LAND ACT 1948

The Branch Manager
Land Corporation Limited
Private Bag
CHRISTCHURCH

PT RUN 275 AND PT RESERVE 3535 "MT WHITE" SITUATED IN KATRINE, HAWDON
AND ESK SURVEY DISTRICTS

In respect of your notice of 16 June 1987, in pursuance of Subsection (6) of Section 131 of the Land Act 1948, setting out the values placed upon the above land for renewal purposes, I hereby make the following election:

I accept the offer of a renewal pastoral lease at a rent based on the values set out in the said notice.

~~[OR I do not desire a renewal pastoral lease and agree to the value of the lessee's improvements as set out therein.]~~


~~[OR I do not desire a renewal pastoral lease and require the value of the lessee's improvements to be fixed by the Land Valuation Tribunal.]~~

~~[OR I desire a renewal pastoral lease and require the value of the lessee's improvements and the value of the land exclusive of improvements to be fixed by the Land Valuation Tribunal.]~~

~~[OR I desire a renewal pastoral lease and require the value of the lessee's improvements to be fixed by the Land Valuation Tribunal.]~~

~~[OR I desire a renewal pastoral lease and require the value of the land exclusive of improvements to be fixed by the Land Valuation Tribunal.]~~

Signature:



T.H. Turnbull

P.O. Box 29
TIMARU.



P60
Serial No 388

3 December, 1987

Landcorp
Private Bag
CHRISTCHURCH.

For Attn: Mr R.A. Cant, Property Officer

Dear Sir,

MOUNT WHITE PASTORAL LEASE

Thank you for your letter of 2nd October enclosing the plan showing the areas which the National Park wish to acquire.

I do not recall any discussion relating to the Riversdale area during the fifteen years since I assumed the overall management on behalf of the partnership in November, 1972.

I would therefore appreciate receiving copies of the documents relating to the discussions to which you refer.

Yours faithfully,

A handwritten signature in cursive script, appearing to read "T.H. Turnbull".

T.H. Turnbull

Our ref P 60

5 May 1988

Mr T H Turnbull
P O Box 29
TIMARU

Dear Mr Turnbull

SURRENDER OF PART MOUNT WHITE PASTORAL LEASE TO ARTHURS
PASS

I refer to my letter dated 14 December 1987 and the photocopied correspondence.

I would like to convey to you my apologies as the correspondence enclosed with my letter did not relate to the surrender of Reserve 3535 at Riversdale, also the "numerous discussions with the Trustees which are well documented on our files" mentioned in my letter of 2 October 1987 did not relate to the surrender of Reserve 3535. I had been confusing this surrender with the surrender of other areas.

In your letter dated 3 December 1987 you stated that you could not recall any discussions during the fifteen years since you assumed management.

As the discussions mentioned in Mr Gregson's letter took place in the late 1960's you would not have knowledge of them. For your information I have enclosed copies of relevant papers from our files.

In my opinion, further action on this matter will depend on Department of Conservation's initiative, not ours.

I hope the enclosed copies of correspondence are of interest to you and once again apologise for my earlier error.

Yours faithfully

u R A Cant u
Property Officer

RAC/JMK



CONSERVATION

File No: NO/127

P60
0/No 397

11 October 1988

The Branch Manager
Land Corporation Limited
Private Bag
CHRISTCHURCH

LAND CORPORATION LTD.
120
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Dear Sir

NATIONAL PARK RESERVE RIVERSDALE FLATS

The area commonly known as Riversdale Flats at the junction of the Hawdon and Waimakariri Rivers is currently designated National Park Reserve. However the area is actually incorporated in the Mount White pastoral lease. This was done in error ever since the 1901 gazettal and has been in the past removed as such by the then Lands & Survey Department.

It is the belief of the Department of Conservation that as the area is National Park Reserve but has only been allocated to Landcorp because of the incorporation in the pastoral lease, that the portion of the lease money collected over Part Reserve 3535 (National Park Reserve) should be paid to the Department of Conservation.

We understand that the lease is due for renewal at the end of the year and we would like to receive the rental for this area from that date.

Would you please advise if that is agreeable and if the rental is sufficient to cover administration costs.

Yours faithfully

C WILSON
for District Conservator

C. Pemberton

Would you please establish that the position actually is as outlined above; then request D. Gresson for an estimate of rent attributable to the Nat. Park area.

He should retain a surcharge for administration & then remit the balance to DOC

*DD Pemberton
15/11*

Statute of Land in Reserve is National Park therefore DOC is entitled to receive a rental



Our Ref: P 60

19 January 1989

District Conservator
Department of Conservation
Private Bag
CHRISTCHURCH

ATTENTION: C Wilson

Dear Sir

RE: PART RESERVE 3535 - RIVERSDALE FLATS MT WHITE PASTORAL LEASE

Your letter of 11 October 1988 refers.

The matter has been investigated and Landcorp agrees that an error was made when the Riversdale Flats were originally incorporated into the Pastoral Lease.

The status of the land is reserve and should therefore be part of Arthurs Pass National Park. However a question of law has arisen over the removal of the area from the pastoral lease. On file there are conflicting legal opinions as to whether;

- a) the Crown has the right to remove the area from pastoral lease.
- or b) the consent of the lessee is required to effect surrender of any land from the lease.

The file indicates the favoured legal opinion is the latter. To facilitate the willing surrender of the Riversdale Flats from the Pastoral lease, Landcorp will shortly instigate proceedings as a post-renewal matter.

As part of the lease renewal process, the Mt White Pastoral Lease was valued in accordance with Section 66 Land Act 1948. To identify the rental due to Department of Conservation for the Riversdale Flats, this valuation has been used on a pro-rata basis to establish a rental value of the area.

Christchurch Branch
Equicorp House
76 Cashel Street
Private Bag
Christchurch
New Zealand
Telephone (03) 799-787
Fax (03) 798-440

This has been done as follows:

Total LEI value	=	\$442,000
Total Lease Area	=	39551 hectares
Value per hectare	=	\$11.18
Riversdale Flats Area	=	997.5501 hectares
LEI Value (Rental Value)	=	\$11148.07

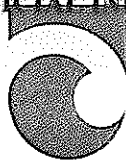
Rental charged is 1.5% of Rental Value = \$167.22 per annum.

Landcorps administration costs for the collection and transfer of this money to Department of Conservation has been ascertained at \$180 per annum. (subject to review). As the cost of recovering the rent exceeds the rental due to you, would you please advise if you wish to pursue the matter further.

Yours faithfully



D A Gregson
Property Appraiser



CONSERVATION

File No: N5/123/P 60

6 December 1989

The District Manager
Land Corporation
Private Bag
CHRISTCHURCH

ATTENTION: Mr D A Gregg *D*

Dear Sir

PART RESERVE 3535 RIVERSDALE FLATS MT WHITE PASTORAL LEASE

On the 31 July 1989 I responded to your letter of 19 January 1989 regarding Part Reserve 3535 Riversdale Flats.

In order that the matter can be concluded would you please respond to my letter (copy attached) so that the Department of Conservation can give a full response to your January 1989 letter.

Yours faithfully

A handwritten signature in cursive script that reads "Keith Marshall".

KEITH MARSHALL
for M J Cuddihy
Regional Conservator

Our Ref : N5/123/P 60
Your Ref: P 60

31 July 1989

The District Manager
Land Corporation
Private Bag
CHRISTCHURCH

ATTENTION: Mr D A Gregson

Dear Sir

PART RESERVE 3535 RIVERSDALE FLATS MT WHITE PASTORAL LEASE

Before a final decision is made in response to your question as to whether the Department of Conservation wishes to pursue recovery of the rental for Riversdale Flats area I request further information in order to make an informed decision.

1. How far has Landcorp proceeded with its proposal to facilitate willing surrender of Riversdale Flats. Your letter of 19 January 1989.
2. The Department of Conservation requests a copy of your legal opinion in order to understand the case you have put. Your letter 19 January 1989.
3. You have indicated a cost of \$180 per annum to collect the rental. There are two matters which arise.
 - (a) Is this an initial establishment cost to calculate the rental due and in subsequent years the cost will only be that of generating a single invoice and one cheque to the Department of Conservation.
 - (b) Yours costs do seem quite high and again in order to consider the matter further could you please supply a complete breakdown of your figure of \$180 in order to assess the fairness and how appropriate that charge is relevant to the ability of Department of Conservation to administer the lease at a lesser cost.

Once you have supplied the information requested it should not take too long to finalise a reply to this matter which has been delayed by this office.

Yours faithfully



KEITH MARSHALL
for District Conservator

Reply to:

Christchurch



21 December 1989

The District Conservator
 Department of Conservation
 Private Bag
 CHRISTCHURCH

ATTENTION: Mr K Marshall

Dear Sir

RE: PART RESERVE 3535 RIVERSDALE FLATS - MT WHITE PASTORAL LEASE

Your letter of 6 December 1989 refers.

This letter refers to an earlier letter dated 31 July 1989 which was not received in our office.

The further information you have requested is as follows:

1. Landcorp has made a preliminary approach to the lessees and their solicitor to inform them of the situation regarding the Riversdale Flats.

However, the issue has become confused with the surrender of those other areas that are subject to a retirement plan and added to Arthurs Pass National Park. Rather than add to the confusion as to what land was under discussion, Landcorp has placed the Riversdale Flats issue in abeyance until the surrender of the other areas have been completed. This is expected to be in February 1990.

2. A copy of the legal and other opinions are enclosed.

However, there is one letter that has gone missing of which we are endeavouring to obtain a copy.

This letter from Head Office expressed the opinion that Lands and Survey could not forceably take the land from the Pastoral Lease and incorporate it into the National Park. The opinion stated that the mutual and willing consent of the lessees had to be obtained.

INCORPORATING LANDCORP INVESTMENTS LIMITED & LANDCORP MANAGEMENT SERVICES LIMITED

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Invercargill
 Land Corporation Building
 192 Spey Street
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 Fax (021) 88-628

It is on this basis that Landcorp has been proceeding.

3. The annual cost of \$180 per annum is based on the above point that the Riversdale Flat remains part of the Mt White Pastoral Lease until its surrender and that a change to the administration of the area is required to recognise the areas future administration. Currently this area is inspected annually as part of the Mt White Pastoral Lease. For Landcorp to administer the area as per the Pastoral Agreement, and as agent for DOC, we would be required to complete a separate inspection and report. This is in addition to the rent collection function in which two invoices are issued each year.

The time factor involved in the inspection, report preparation is relatively high and the fee of \$180 is on a cost recovery basis, rather than being market orientated.

Yours faithfully



D A Gregson
Consultant
for Landcorp Management Services Ltd.

NOTE FOR FILE



FROM: SIMON BAMFORD
OUR REF: P 60
DATE: 11 March 1993
SUBJECT: RIVERSDALE FLATS : MT WHITE

With reference to various correspondence between DOC and Landcorp on the matter of the Riversdale Flats (folios 649, 648 etc).

The matter has gone to ground again after Dave Gregson's reply to DOC dated 21 December 1989.

I recently rang Alan Wooster, DOC to ascertain DOC's current position on the matter. He advised it was something DOC were still vitally interested in but not on the high priority list. Perhaps in 6 months he would be better able to address the matter. I advised I was interested to try and resolve the issues but would need to obtain consent from the CCL to pursue the same as it was a matter outside the contract.

We need to follow up with CCL.

SJK BAMFORD
Property Manager

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DUE DILIGENCE

MT WHITE

SUPPORTING FILE SUMMARY

File Summary – Mt White

FOLIO	DATE	TO	FROM	DETAILS
Pc / 060 – SCH -01 (September 1951 - July 1975) (Folios 210 – 401)				
238	06/07/1955	-	-	<p>LSB Case No.4631 approved the issue of a pastoral lease to D C Turnbull (Deceased) and R T Turnbull (Transmission of DC Turnbull's interest to R T Turnbull to be registered) over Run 176 and Part Runs 175 and 177 an area of 119,890 acres from 01/03/1949 at the annual rental of \$1460 and stock limitation of 12500 sheep and 300 cattle plus 10%.</p> <p>Offer of lease 15/07/1955 (f.239) and lessee accepted new lease 27/07/1955 (f.240).</p> <p>New description – Run 275 "Mt White (f.253).</p> <p>[Lease No. P 60 issued in favour of R T Turnbull and registered on 20/09/1956 (Volume 529 folio 73)]</p> <p>ACTION COMPLETED</p>
292	15/05/1962	DG	CCL	<p>Report on additional area for Arthurs Pass National Park, approximately 73 acres (13 acres freehold – Pt R.S 34587 -and 60 acres Pastoral lease). Report states the lessee agreeable to the transfer subject to the Crown making all the arrangements. Lessee offered freehold area without consideration.</p> <p>Offered accepted (f.292- 293).</p> <p>Areas actually 176 acres to be surrendered and 11 acres 2 roods of RS 34587 to</p>

File Summary – Mt White

FOLIO	DATE	TO	FROM	DETAILS
				<p>be incorporated. Balance (13 acres 2 roods) of RS 34587 to be included in National Park.</p> <p>Submission to National Parks Authority held on file, by implication of following folios the NPA approved the approved the additional area (f.295 -298).</p> <p>Freehold area acquired 25 acres of RS 34587 by the Crown by Transfer 580105 (registered 2 July 1962).</p> <p>CCL Case No. 63/268 on 17/07/1963 approved the submission for surrender of 176 acres from Run 275 without alteration to rent and for the incorporation of 13 acres approximately of Part R S 34587.</p> <p>SO 10485 (approved 13/04/1965) defining surrender areas.</p> <p>Registration of Certificate of Alteration 612769 on 13/11/1963 incorporating Pt RS 34587 and surrendering 176 acres from lease.</p> <p>New Appellation 618523 (registered 1964) redefined Run 275 to include Pt Run 34587 and adjusted lease area to 118175 acres 2 roods.</p> <p>ACTION COMPLETED</p>
-	11/11/1968	-	-	<p>SO 11084 redefined the area of the Pastoral lease and the appellation changed to Pt Run 275 (118930 acres) and Part Reserve 3535 (2465 acres) to correct status and adjust redefinition by new topo mapping.</p>

File Summary – Mt White

FOLIO	DATE	TO	FROM	DETAILS
				749843 New appellation registered 18/11/ 1968.
330	29/07/1969	Lessee	CCL	Advised of requirement to settle matters of mutual interest and in particular the oversight 50 years ago whereby portion of National Park Reserve created in 1901 has been included in lease erroneously and desirable to discuss the means of preserving the status quo personally.
331	Circa 18/08/1969		-	<p>File note re meeting – Minister of Lands /Chairman Nat Park Board /Lessee met to discuss issues including status of Pt Res 3535 – District Solicitors opinion the area was a Reserve and not part of Mt White lease. Two alternatives available - to declare Crown land for inclusion in the Park or declare Crown Land and included in the lease. This land was vital to the farming operation. Outcome – first determine the status (CCL proposed to refer matter to Office Solicitor in Head Office) then again discuss with the lessee.</p> <p>Lessee advised on 21 August 1969 (f332) confirming discussions and that further legal advice being sought and would be in touch when supplied.</p> <p>National Park Board at meeting October 1969 (f 334) noted that the District Solicitor believed land wrongly included in lease and reserves for National Park</p> <p>CONSIDERABLE GAPS IN HISTORY OF THIS ISSUE ON THE PASTORAL LEASE FILE - SOME AT FOLIO 370 AS RECORDED BELOW BUT BASELINE INFORMATION SEARCHED AT ARCHIVES SUMMARISED AND ATTACHED TO THIS DOCUMENT RECORDING SEQUENCE OF EVENTS</p>

File Summary – Mt White

FOLIO	DATE	TO	FROM	DETAILS
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				IT APPEARS THE HO LEGAL OPINION WAS NEVER RECIEVED AND OR THE LESSEE INFORMED OF THE OUTCOME - THIS ISSUE IS CLEARLY AN UNCOMPLETED ACTION AND LIKELY TO BE A CROWN CONTINGENT LIABILITY FOR CURRENT LESSEES
383	07/10/1974	CCL	FO	Soil Conservation Plan prepared. Within the report there is mention that R T Turnbull is deceased and the station is being run by his wife as sole executrix of his estate. A trust is to be formed for members of the Turnbull family. Run plan supported and CPLO concurs (f 390/391) but not taken up by lessee. NO ACTION
388	20/12/1974	NZED	-	Refers to possible sites for Micro-Wave Stations and to a site at Whale Hill a land formation within Mt White Station. NO ACTION

Pc / 060 – SCH –02 (April 1976 - August 1985) (Folios 402 – 509)

409	21/01/1977	-	-	Run 275 was redefined on SO 11084 and the Change of Appellation and area prepared. The Change of Appellation was registered on the lease but the change of area was not registered against the lease. Certificate of Alteration for Change of Area prepared 21/01/1977 - (f.409). New
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File Summary – Mt White

FOLIO	DATE	TO	FROM	DETAILS
				<p>Lease area 49131.4673 hectares. SO plans 10866, 10977, 10995 & 11084. This area includes Part Run 275 (48133.9172 ha) and Part Reserve 3535 (997.5501 ha).</p> <p>Certificate of Alteration 164686 registered 08/02/1978.</p> <p>ACTION COMPLETED</p>
-	19/01/1978	-	-	<p>NZ Gazette 1978 p 95 proclaimed 7.3855 ha (18 acres 1 rood) of Pt Run 275 to be road vested in the Malvern County Council.</p> <p>Gazette registered on 9 February 1978 as 164900.1</p> <p>ACTION COMPLETED</p>
Under 443	05/09/1980	CCL	DG	<p>LSB Case No. 9537 resolved to approve the addition of 6815 ha of Crown Land in the Candlesticks Range into the Arthurs Pass National Park and to authorise the CCL to negotiate the surrender of parts of the lease for addition to the Park.</p> <p>On 128 November 1980 (f 445) Planning Officer raised the fact that Pt Reserve erroneously included into the lease should be borne in mind when negotiating surrender of parts Mt White in the Cox River Catchment.</p> <p>(Noted that correcting action to be delayed until renewal of the lease in 1988).</p> <p>Subsequently Planning Officer on 8 April 1982 (f 452) raised issues relative to National Park boundaries for negotiation with lessee:</p>

File Summary – Mt White

FOLIO	DATE	TO	FROM	DETAILS
				<ul style="list-style-type: none"> i) Surrender of land in Lower Poulter Valley for addition to Park. ii) Investigation of addition of Riversdale Flats (Part Reserve 3535) erroneously included in the lease. iii) Possible addition of freehold lands on Riversdale Flats for addition into the Park <p>Boundary rationalisation issues to be held in abeyance pending outcome of any retirement proposals in any Run Plan (f 454).</p>
463	12/09/1983	Lessee	CCL	<p>Lessee approached re surrender of Part Run 275 total area 3365 ha shown on the map sent with the letter to the lessee.</p> <p>Lessee responds agreeing to the surrender (f.482).</p>
466	10/11/1983	CCL	Solicitors	<p>Application to Transfer.</p> <p>CCL Case No.84/1 approved the Transmission of 7/40th share to T H Turnbull, D H Turnbull, A R Turnbull and M T Turnbull subject to the transferees giving an undertaking to honour negotiations concerning the surrender of parts of the lease for addition to the National Park.</p> <p>Incoming Trustees accepted surrender terms (f 482).</p> <p>Transmission 798148/3 registered 11/04/1989 to P M McFadden and J N McFadden as Executors.</p> <p>ACTION COMPLETED</p>

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File Summary – Mt White

FOLIO	DATE	TO	FROM	DETAILS
472	Circa Jan 1984	-	-	<p>FO report on Proposed Soil Conservation Run Plan. Included the destocking of class VII and VIII lands with the view to retiring these lands from the lease with no surrender.</p> <p>CCL –File Note concerned no surrender provisions re retirement (f.473).</p> <p>Negotiations re Run plan successful - approval to Run Plan requested (f 501).</p> <p>Under this memo is a copy of the Lessee's approval to the surrender the Peveril block and the Candlesticks block .</p> <p>Land Improvement Agreement No.944274/1 registered 11/07/1991.</p> <p>ACTION COMPLETED – RUN PLAN</p>

Pc / 060 – SCH –03 (September 1985 - June 1989) (Folios 511 – 601)

513	11/10/1985	Lessee	CCL	<p>Memo of Variation of surrender of 8850 ha approx (subject to survey) to Lessee to execute.</p> <p>Documents returned and following assurance that Power of Attorney existed for one of the Trustees ready to register (f 520).</p> <p>MEMO OF VARIATION NOT REGISTERED AGAINST LEASE BUT</p>
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File Summary – Mt White

FOLIO	DATE	TO	FROM	DETAILS
545	29/06/1987	Lessee	CCL	<p>SURRENDER NOW EFFECTED.</p> <p>Lease renewal Notice – Value of Impts \$335,000, LEI \$445,000 AR \$6,675</p> <p>Supporting field report dated 12 June 1987 (under f 545) contrary to earlier requirements does not address possibilities for purchase of freehold land on the Riversdale Flats. Indicates however that doubts as to status of Pt Res 3535 (Res for National Park) and it has been acknowledged lessee should have continued grazing rights. Concluding status issue requires further investigation.</p> <p>CCL advises lessee (f546) re post renewal issues:</p> <ul style="list-style-type: none"> i) Completion of surrenders of land for addition into National Park and surrender of 8850 ha in terms of Run plan ii) The status of Pt Reserve 3535 erroneously included in the lease and which DOC contends is reserve and require the land to be added into the Park. This is a matter that DOC must take up with the lessee. <p>Lessee accepted lease renewal values 11/09/1987 (under f563).</p> <p>Lessee asks for information re Reserve 3535 - Strong reservations and would resist the surrender of this area as integral to farming operations (f.563).</p> <p>Lessee requested copies of documents re Reserve 3535 (03/12/1987) (f.566).</p> <p>Lessee received copies of documents re Reserve 3535 included a History previously prepared by Peter Savage in 1968 (f.569).</p>

File Summary – Mt White

FOLIO	DATE	TO	FROM	DETAILS
				<p>Memorandum of Renewal 798148.2 registered 11 April 1989.</p> <p>SO Plans 18026-28 (approved 2405/1989) for National Park additions of 3690.2000 ha. 808290.1 new appellations (registered 06/06/1989).</p> <p>SO Plans 18181 and 18182 (approved 05/09/1989) for National Park additions of 6097.0000 ha. 832269.1 new appellations (registered 12/10/1989).</p> <p>886443.1 Partial Surrender of 9787.2 ha registered 13 July 1990 with reduction in Rental value and Annual rental of \$3000 and \$45 respectively.</p> <p>RENEWAL AND SURRENDER OF LAND UNDER RUN PLAN FOR NATIONAL PARK COMPLETED. FOR STATUS ISSUES RE RIVERSDALE FLATS SEE BELOW ALSO</p>
578	11/10/1988	Landcorp	DOC	<p>Sought rent for Reserve 3535.</p> <p>Landcorp responded on 19 January 1989 (f 591) with information re Reserve 3535 and the apportioned rent for the flats at \$167.22 pa with an administration charge of \$180. Asked if DOC wished to pursue the matter.</p> <p>This advice in acknowledging the land is reserve it was pointed out that the question of law had risen over the removal of the area from the Pastoral lease. There were conflicting opinions - that the Crown has the right to remove the area from the lease and that the consent of the lessee is required to effect a surrender – the favoured position being the latter. Consequently the surrender of the Riversdale Flats was to be the subject of post renewal negotiation.</p>

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File Summary – Mt White

FOLIO	DATE	TO	FROM	DETAILS
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Pc / 060 – SCH –04 (June 1989 - July 1995) (Folios 602 – 698)

618	13/06/1989	Lessee Solicitors	Landcorp	<p>Matter over the transfer raised with solicitors and surrender document parties with possible changes.</p> <p>Solicitors responded to the various matters (f.630)</p> <p>Transfer registered 12/07/1989 document 815437/1(f.630) transfer to M.J. Turnbull (88/240) T.H. Turnbull (55/240) D.H. Turnbull (55/240) A.R. Turnbull (30/240) and V.A. Turnbull (12 /240) as tenants in common in the said shares.</p> <p>ACTION COMPLETED</p>
648	06/12/1989	Landcorp	DOC	<p>Sought response to its letter on cost of administration of Pt Reserve 3535.</p> <p>On 21/12/1989 (f 649) Landcorp advised letter not received. Advised an approach made to lessee but could be confusion with recent surrender issues. Attached copies of legal and other opinions attached (copy of one opinion missing). Landcorp has been working on the basis the land could not forcibly be taken from the Pastoral lease to incorporate it into the National Park and that the consent of the lessees had to be obtained to surrender from the lease.</p> <p>Landcorp in a fax date 25/09/ 1992 (f 686) to DOSLI indicated there was no sign of HO comment on the legal opinion supplied by the District Solicitor or</p>

File Summary – Mt White

FOLIO	DATE	TO	FROM	DETAILS
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				<p>that it was ever forwarded.</p> <p>Simon Bamford (Landcorp) recorded in a file note dated 11/03/1993 (f 698) that the Riversdale Flats status issue had gone to ground again, that he had contacted DOC but that it was not on the high priority list.</p> <p>STATUS ISSUES RELATIVE TO RIVERSDALE FLATS AREA STILL OUTSTANDING NO KNOWN FURTHER INITIATIVES TAKEN BY DOC.</p>
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Pc / 060 – SCH –05 (January 1996 - June 2000)

	13/08/1996	Landcorp	Lessee Solicitors	<p>Application to Transfer – inter family transaction and transfer to Mt White Station Limited.</p> <p>CCL Case no 1997/48 of 26/08/1996 approved transfer to Mt White Limited. (This consent expired).</p> <p>Solicitors requested on 16/06/1997 to transfer the share of V A Turnbull to AR and TA.Turnbull as Executors. Acceptance of Notice under Sections 90 /91A of the Land Act 1948 by CCL on 01/07/1997. Transmission registered as A359470.1 dated 7 July 1998.</p> <p>New Memorandum of Dealing required 18/05/1998. CCL Case No 98/175 resigning of the consent and approved 27/05/1998. Transfers of shares to Mt</p>
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File Summary – Mt White

FOLIO	DATE	TO	FROM	DETAILS
				White Limited registered on 07/07/1998 as A359470.3 and 4. ACTION COMPLETED
	15/03/1999	Lessee	KFL	Notice of Rent review – Value of Impts - \$1,100,000 LEI \$500,00 Annual Rent \$11,250 plus GST. Rent review accepted ACTION COMPLETED – ADMINISTRATIVE ACTION ONLY

No relevant folios

CON / 50213 / 09 / 12762 / A – ZNO (01 July 2000 - Current)

No relevant folios

Pc / 060 – A - SCH -01 (PLANS ONLY)

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