

Crown Pastoral Land Tenure Review

Lease name : Mt WHITE

Lease number : PC 060

Due Diligence Report (including Status Report) - Part 4

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

Titles Section:

Attention Mr Morse.

PART RUN 275 : MT WHITE

A search is at present being made of Arthur's Pass National Park and adjoining areas in connection with the preparation of new N.Z.M.S. 177 Cadastral Maps and Run Plans etc.

There is doubt as to the status of some of the land involved and included in the lease for Run 275 Mt White. The land which is coloured pink on the attached litho is also included in R 3535 National Park Purposes.

My search is as follows:-

Reserve 3535, 150,000 acres National Park Gaz. 1901, p. 2034, description of R 3535 in gazette (1901, p. 1026 temp.) includes the area coloured pink on the attached litho.

At the time of the Gaz. for Res. 3535, 1901, a lease for Run 275 including the same area was in existence. This lease, PR 99, ran 8 years from March 1896 and was issued under the Land Act 1892. It is also significant that when the lease was renewed in 1904 for a further 3 years (PR 264) that it was only a temporary licence under S 219 Land Act 1892.

S. 235 Land Act 1892 reads - The Governor may from time to time, either by a general or particular description and whether the same has been surveyed or not, reserve from sale temporarily, notwithstanding that the same may be then held under pastoral licence, any Crown lands which in his opinion are required for the following purposes:-

- (5) For gardens, parks, domains, or commons, or for the health, recreation, convenience or amusement of the people, or for burial grounds or cemeteries or
- (6) etc. etc.

Could you please establish whether the above land is, in effect, part Reserve 3535 National Park or part Run 275 with no tags.

J.J. PATERSON (Sgn'd)
Mapping Division

2.5.68

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PRESENT RECOMMENDATION OF ARTHUR'S PASS NATIONAL PARK BOARD - Ref. 8/6/1 F/577

"That an approach be made to the C.C.L., Ch.Ch. to transfer control of part of the Mt White Pastoral Run for addition to the park."

Proposed Action by this Department (L. & S.) So Far - Ref. 8/6/1, F/587:

1. C/S suggests that the Chief Pastoral Lands Officer should open negotiations "with the owners of the freehold sections to exchange these for an equal area of pastoral lease in the vicinity of the Mt White homestead."
2. When the freehold areas of the Riversdale land have been exchanged, then the next step would be to create all the Riversdale land as "Crown land held on pastoral lease."

N.B.: Proposal 2 cannot be carried out in full since the major portion of the Riversdale area is already National Park land, but the freehold sections within could be purchased or exchanged and declared to be part of the Arthur's Pass National Park. The Riversdale area could then be leased as a Pastoral Run part within Arthur's Pass National Park.

APPENDIX C

Circa 1952 correspondence about the time of the 1952 NATIONAL PARKS ACT Ref. 8/6/1 Vol. 27.10.48 to 11.12.53.

Several draft and final schedules refer to the Boundary of Arthur's Pass National Park as being along the NORTHERN BOUNDARY OF RUN 175.

However, in 1948, the Arthur's Pass Park Board had recommended the following: "...that the balance of R. 3535, containing 69,860 acres, together with certain portions of State Forest Reserves comprising the upper reaches of the Poulter and Hawdon Rivers and the Andrews Stream, be added to the Arthur's Pass National Park"...."the proposal makes for a desirable consolidation of the Park area and boundaries and as a considerable amount of shooting takes place up the Hawdon and Poulter Rivers, the Board's Ranger at Arthur's Pass could exercise some control..."

N.B.: The statements underlined above are contradictory and it appears that the true balance of R 3535, i.e., including part Run 175 (Riversdale area), was lost sight of for:- in 1950 a further addition of land to the park excluded the Riversdale part of R 175. The boundary of the land added to the park was said to run along the NORTHERN BOUNDARY OF RUN 175 (Ref. Gazette 1950, p 494.)

Folio 80 of 8/6/1 1952

IMPORTANT NOTE:

"...Part R 3535 reserved as National Park, Gazette 1901, p. 1026 (described) and p. 2034 situated in Blocks II, VI and VII Hawdon Survey District and included in PR 563 Run 175 Riversdale should not this be included in A.P.N. also (maps here not accurate in delineation of park)?"

Signed

C.H. (C. Holdsworth)

N.B.: This is a very good question, and the next question is WHERE'S THE ANSWER folio 109 of 8/208 (8/6/1) 1953.

"Boundary adjustment actions required:-

3. Pt Reserve 3535 in Blocks II, VI, VII Hawdon included in Riversdale Run 175. (If this area is excluded from Run 175 will not the park boundary automatically adjust itself?) and noted "C.C.L. to decide."

Further note on folio 111.

"Pt R 3535 included in Riversdale Run 175 could be added to Park."

Signed C.H.

Subsequent correspondence does not indicate that the points raised by Mr Holdsworth have been dealt with. Therefore the question of whether part Run 175 should be added to A.P. Nat. Park has not been answered.

APPENDIX D

Originally the freehold lands in Riversdale area were held by Joseph Hawdon.

1903: Transfer from N.Z. Loan and Mercantile Co. to F.J. Savill 1903.

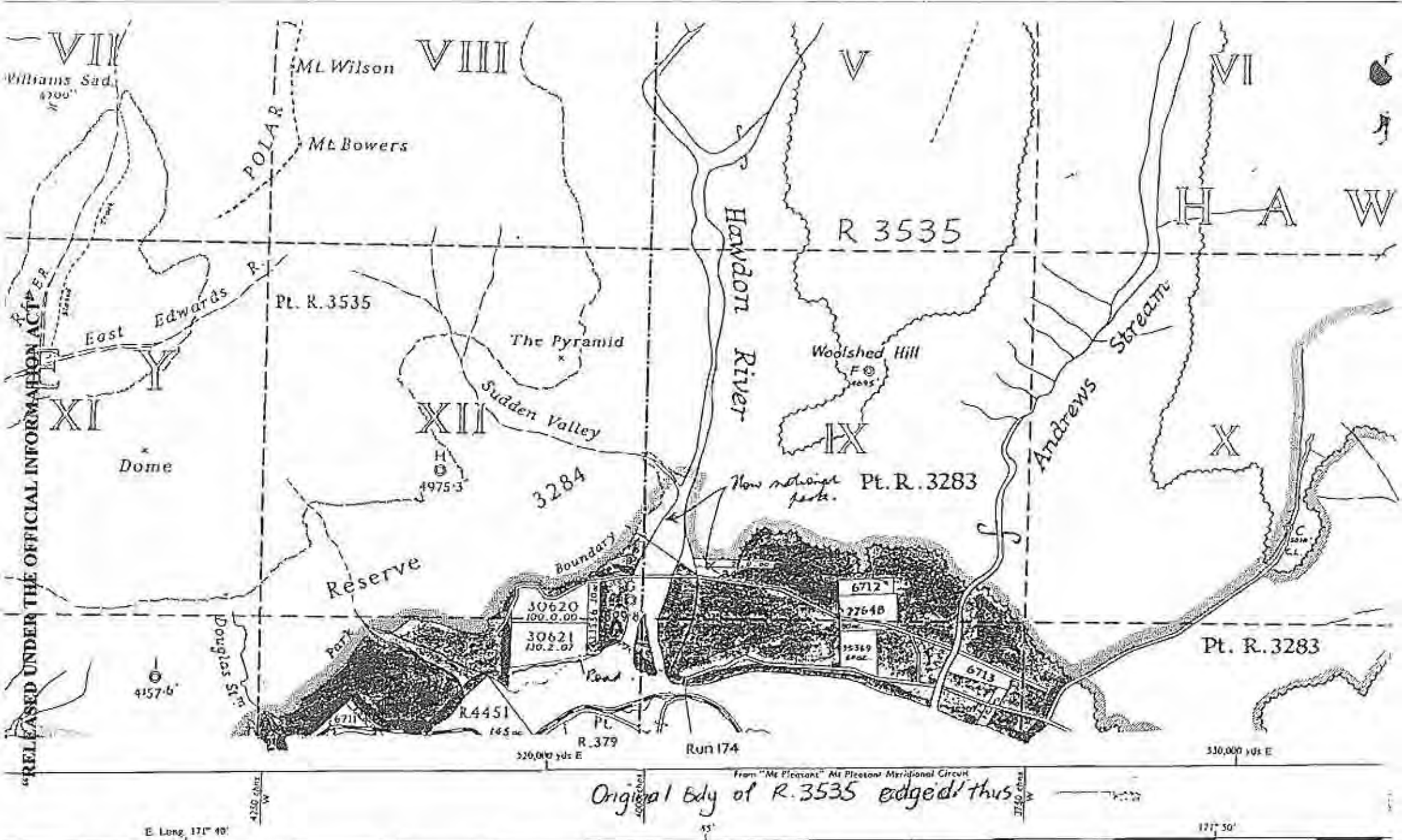
...to be herevy conveyed and the parcels of land included in a certain memorandum of Transfer of ? area ? herewith have the Company of the purchaser and the inheritance thereof in fee simple in posaession ? per ? have all encumbrances and also of the parcels of land and premises comprised in these several substitute licences under the Pastoral Tenants Relief Act 1895 all dated 1896 for all the respective residues won to cause of terms hereby granted..."

1910: Certificate of Title

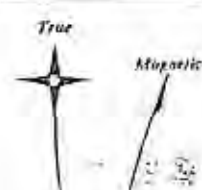
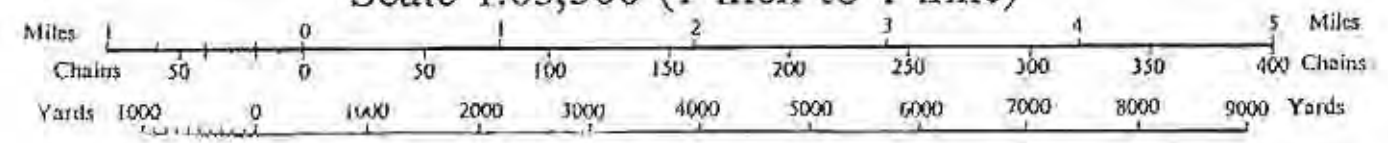
D 172/357.

Transfer of R.S. 6711, 6712 and 6713 F.J. Savill to J.F. Stddholme and McAlpine 1910

"... the Vendor agreed to sell" and "...the purchasers agreed to purchase the goodwill of Mt White Run. Also "the goodwill of the temporary licence of the Riversdale Run containing 22,000 acres"



Scale 1:63,360 (1 inch to 1 mile)



Latitude Notes

Glacier

RELEASED UNDER THE OFFICIAL INFORMATION ACT

In reply to request by Mr. J. Falkenberg, Mapping Division, for a clarification of land status in the Riverdale area. See A. para 18 A.

LOCATION

Along the north bank of the Waikauriri River at its confluence with the Hawdon River, Andrews Stream and Foulter River. R 275 is situated in the Survey Districts of Katrine, Bealey, Hawdon, Eka, Grassmere and Upper Ashley.

PRESENT AREA

116,175 acres 2 rods 00 perches.

PRESENT DESCRIPTION

Part Run 275 - alternatively, part Reserve 3535 in Block I Hawdon Survey District.

HISTORY

This area was formerly part of Riverdale Run (Run 175).

1890: Together with Runs 174, 176 and 177 (Mt White and Cora Lynn), Run 175 was included in a Pastoral Run licence issued to the N.Z. Loan and Mercantile Agency Co. Ltd. The licence number was PR 99. (Later Runs 174, 176 and 177 were to be amalgamated to form Run 275, "Mt White" in 1948.)

Total Area of Runs 174 - 177: 169,000 acres. Ref. file PR 453.

1892 to 1894: After severe snow storms, the Company suffered heavy stock losses on Runs 174-7. The average yearly loss amounted to 21,290. O. O.

1895: The licence over these runs (including Riverdale - R 175) was extended for 8 years from 1 March 1896 at a reduced rental to offset the previous economic losses. This was renewed under THE PASTORAL TENANTS RELIEF ACT 1895.

Note: This extended licence covered the period 1896 - 1904 (8 years).

Area of R 175 At This Time: 22,000 acres.

In the meantime, before lease expiry - due in 1904 - the following took place:

1901: Land in Arthur's Pass area gazetted as Res. 3535 for National Park purposes (not Arthur's Pass National Park). This land was first temporarily reserved for national park purposes pursuant to Section 235 of the Land Act 1892 and a gazette notice (1901, page 1026) was published and indicated the boundaries of the reserve to be as follows:

"...all that parcel of land containing 150,000 acres in Minchin, Bealey, Davis and Hawdon Survey Districts. Bounded by a line commencing at the confluence of the eastern and western branches of the Foulter River and proceeding thence along the summit of the spur leading to Foulter Range; thence along the summit of that range to its junction with the Southern Alps; thence westerly along the summit of the Southern Alps to the Black Range; thence along the summit of the Black Range to the spur upon which Trig. Station F is erected; thence along the summit of that spur to a point in line with the western boundary line of Ferry Reserve No. 2461; thence along a right line to that boundary; thence by the said boundary line and its production to the north bank of the Waikauriri River; thence along the north of the river to the western boundary line of R.S. 35208; thence along that boundary line and a spur leading to summit of Brown Hill and thence along the summit of a spur of said Brown Hill to the commencing pt..."

Plan S.G. 44401, Head Office.

i.e.,...excluding all freehold and leasehold..."

T.Y. BURGESS

W. of Lands

Therefore, the Hawdon area of R 275 (175) was included in Reserve 3535 except for Rural Sections 30520, 30521, 34287, 6712, 27648, 35369, 6713, 3520 and 35556 which are freehold now owned by the Licensee of Run 275 (Mt White).

Section 235 of the Land Act 1892 under which above gazettal was made reads -

"The Governor may...whether the same has been surveyed or not, reserve from sale temporarily...any Crown lands...which in his opinion are required for any of the following purposes...

- (5) For gardens, parks, domains, or commons, or for the health, recreation, convenience, or amusement of the people, or for burial-grounds or cemeteries; or
- (9) Any land containing thermal, mineral, or other springs which he may think should be so reserved for the public health, or any land wherein or whereon natural curiosities or scenery may exist of a character to be of national interest."

Gazette notice required.

1901: Next the above-mentioned land (R 3535) was permanently reserved (1901, page 2034) as National Park pursuant to Section 236 of the Land Act 1892 in the following manner:

Land District	Locality	Section	Block	Area
Canterbury	Minchin, Bealey, Davie and Hawdon Survey Districts	R 3535	X	150,000
Purpose	Date of Warrant			
Nat. Park	2nd May			

Section 236 of the Land Act 1892, under which above gazettal was made, reads: that after 1 month of temporary reservation land concerned may be permanently reserved. Gazette notice required.

It would appear therefore, that in 1901 this land formed part of a duly gazetted Permanent Reserve. Despite this it was still treated by Lands Dept. as part of Run 175. This is shown by the following:

1902: Maps forwarded to the Dept. by the N.Z. Loan & Mercantile Co. (Licensees of R 175) show the fence and paddocks on R 175 which at that time definitely extended into the Hawdon-Andrews area. No comment was made by the Dept. at the time regarding this.

1903: It was proposed to offer R 175 for sale under Section 207 of Land Act 1892 as a separate run, but it was withdrawn from sale because the licensees pointed out that unless R 175 "Riversdale" (a flat area) was run in conjunction with R 176 "Mt White" (a relatively steep area) it would be difficult to manage Mt White Run on an economic basis.

After withdrawal from sale, the licence over R 175 was transferred to F.J. Savill.

Note: There was still a current licence running from 1896 to 1904, formerly held by N.Z. Loan Mercantile Co. Ltd.

A letter on folio 3723/50 of file PB 453 gives the following information:

1. 1896: The licence to 1904 over R 175 - 22,000 acres - was granted under the PASTORAL TENURES RELIEF ACT 1895.
2. 1903: Proposed to offer R 175 for sale.
3. In preparation for the offering, the area of R 175 was reduced from 22,000 acres to 17,400 acres (a reduction of 4,600 acres).

The letter reads -

"This run, with a revised area of 17,400 acres (the area of Forest Reserve is included within the original boundaries having been deducted), was included among those proposed to be offered last Feb."

Note: The above-mentioned "Forest Reserve" were not Nat. Park land, and were included not at first but part of

4. R 175 was withdrawn from sale after the licensee made representations concerning management - see 1903 above.

The last paragraph of the letter reads -

"I am therefore directed by the Land Board to recommend that a licence of Run No. 175, 17,400 acres, for a term of 3 years from March 1st, 1904, under Section 219 of "THE LAND ACT 1892", be granted to Fredk. Jas. Savill, at a rental of £250 per annum".

1904: Accordingly, the licence over R 175 was extended for 3 years until 1907 under S. 219 of THE LAND ACT 1892. It was agreed that this licence should be renewed every 3 years until it expired along with Mt White licence in 1917.

Section 219 of the Land Act 1892 reads -

"The Governor, on the recommendation of the Board, in the case of any pastoral lands, any from time to time until sold or otherwise disposed of, give a temporary licence, for a period not in any case to exceed three years, to graze over the land, at such rental as they may deem equitable.

Every such licence shall be surrendered on demand to be cancelled in respect of so much of the land as from time to time shall be sold, selected or otherwise disposed of, without any right to compensation on any account whatever accruing to the licensee, who, however, shall have the right, for such reasonable time as the Board may determine, to remove any temporary fencing he may have erected on such land.

The provisions of Section 193 (limitations of holding runs), shall not apply in respect of any temporary licence which may be granted under this section."

1907: Letter to H.O. folio 3723/69 on PR 453 mentioned that the area of R 175 was 17,400 acres and at that time it was "... low country ... practically necessary to the holder of adjoining Mt White Station of 122,000 acres of high country ... and the character of Mt White Station was such that, unless held in conjunction with one of the adjoining lower runs, it would probably prove unworkable."

1907: Licence over Run 175 extended for further 3 years.

1910: Area of R 175 still 17,400 acres. Lease extended for further 3 years under S 255 of LAND ACT 1908, virtually same as previous S 219 of Land Act 1892 refer above to 1904.

1910: License transferred to Studholme & McAlpine and licence renewed to 1916 pursuant to S 255 of the LAND ACT 1908.

Area of Licence: 17,400 acres.

1915: Note on folio 3725/108 of PR 453 mentions that the area of R 175 is now 22,000 acres*. License extended for 1 year from 1916 pursuant to S 255 of LAND ACT 1908 to expire in line with licences for R 176-7 which expired 1917.

*Presumably the Forest Reserves had been added back in, although there is nothing on file.

1915: Area - 22,000 acres.

1915: Letter from Crown Lands' Ranger stated that R 175 was "... bounded by the Waimakariri River on the south, by the Foulter River on the east and the Nation Park Reserve 3525 on the west and north. There are 823 acres of freehold land cut out of the run, all level ..."

Also mentions that the area of R 175 is 17,410 acres "... exclusive of Forest reserves ..."

Suggests that R 175 and 176 should be grouped under one lease to facilitate stock management from high to low country.

A following map shows R 175 extending into the Hawdon from as verified in the C.L.R.'s letter, but the area is given on the map as being "R 175, 22,000 acres".

1916: Pursuant to S's 56 and 57 of the LAND LAWS AMENDMENT ACT 1913, the whole of R 175 was let for 21 years. Licence transferred to D.C. Turnbull.

1924: Folio 14 of FR 563 -

"...The area of R 175 is 22,000 acres and includes approx. 4500 acres of Forest Reserve".

1924: Term of licence extended for 7 years beyond 28.2.38. Under S.14 LAND LAWS AMENDMENT ACT 1921-22.

1938: Memo to D.C. Turnbull to remind him about preservation of Bush on his leased land.

1938: Gazette, page 1681, 1 acre 3 roods 15.8 perches taken for railway and a copy of a lease for this period shows the new area of R 175 as being 21,998 acres & roods 24.2 perches!!!

1945: Licence extended for 5 years under S. 25 R.O.L.D. Act 1941.

1949: Licence surrendered by Turnbull due to stock losses and scarcity of labour in wet years.

1946: Search term on folio 31 of FR 563 shows area as being 21998/-/24.2 p's.

** 1947: Licence extended for 2 years from 1950 under S 3(1) R.O.L.D. Act 1943 (Licence extended to 1952).

1948: Proposed to lease areas to D.C. & R.T. Turnbull with certain conditions included:

"...Officers and employees of the Dept. of Internal Affairs to have right of egress and regress over the land in the licence to establish whether deer etc. are infesting it."

1948: New lease diagram made up as follows:-

*Reduced to 17920 - FR 380 Riverdale (R 175)
38510 - FR 454 Mt White
56430 acres approx.

*i.e., State Forest Reserves 3282 and 3283 were excluded from R 175

1949: 21 year licence to D.C. & R.T. Turnbull under S 277 Land Act 1924.

1952: National Parks Bill in which Arthur's Pass National Park was created and park boundaries did not include Part R 175 at all. See Appendix C.

1955: Land from Upper Foulter added to park although original gazette 1901, pages 1026 and 2034 had already reserved it and made it part of National Park Reserve 3535. Some of this land at Upper Foulter was not included in the 1901 Gazette, but was included along with that already reserved (1901) in Gazette 1963, page 145 - see map page (6).

i.e., Upper Foulter	*(2115 acres of National Park Reserve 3534		
	{		
Land Gazetted	(1235	"	Crown land
1963 page 145	(385	"	State Forest Reserve 3282
National Park			

* The 2115 acres were already National Park by Gazette 1901, pages 1026 and 2034

1966: The same applies to land "added" to the park from the Haddon River and Anderson Stream area. It was already gazetted National Park 1901, pages 1026 and 2034 and again gazetted as such in 1965, page 145.

1966: This land is still part R 279 and park Reserve 3535 reserved for National Park purposes.

CONCLUSION

1. The 1901 boundary of National Park Reserve 3535 cannot be repeated. The

Lawson-Andrews (Riversdale) area of R 275 (previously 175) is definitely part of Reserve 3535 "for National Park purposes", although not in Arthur's Pass National Park itself, and no Gazette has been issued since 1901 to prove this otherwise. Refer map page - 6.

2. Previous search notes have not taken into account the original boundary of National Park Reserve 3535. Refer search notes 1846 - folio 51 of Pr 262, Schedule of Plan and Documents received 1964 - folio 49 of 2/6/1 (closed vol. and letter folio 520 of 2/6/1. Also the latest maps of the area clearly show no National Park land in the Riversdale area of Run 275.

3. Since previous search notes have been inaccurate and also because there has never been a document after the 1901 Arthur's Pass Gazette Notice to say that R 275 (S 175) is a pastoral licence within a National Park, the present status records for this land do not give the true picture.

4. The result is, that by the 4th Schedule of the National Parks Act 1952, the boundary of Arthur's Pass National Park has possibly been pushed back too far (to the north and western boundaries of R 275 (R 175)), i.e., to the run boundary which existed before 1901 and after.

5. The present recommendation of the Arthur's Pass National Park Board to have this area included in the park is necessary since

- (a) the area has been reserved for national park purposes for 67 years! See Appendix A.;
- (b) the present-day licence of R 275 still extends into this reserved land without reference to its being on National Park land;
- (c) the Riversdale area should be included within Arthur's Pass National Park so that the park boundaries can easily be defined on the ground and the public will then have no need to go up against the mountainsides in the Lawson-Andrews area (where present National Park boundary is) to keep within the national park;
- (d) previous titles over the freehold regions in the middle of the Riversdale Run land do not show the surrounding run land as being National Park Reserve held on Pastoral Licence, but show the surrounding land as Crown land - ref. C.T. 406/81 - 1928.
- (e) as suggested by the District Solicitor, I telephoned Mr C. Holdsworth (former Chief Draughtsman) on 13.6.68 and he said that if the land was required by the Park Board then as National Park Reserve it should be taken out of Run 275 and added to the Arthur's Pass National Park. This was generally the same opinion as Mr Holdsworth had in 1952 (see Appendix C).
- (f) Former Pastoral Run Licences PR 99, PR 264, PR 330 and PR 563 do not show any relevant clauses that would make the Riversdale land subject to withdrawal from the licence if so desired by the Department or Park Board.

P. L. Savage
(P. L. SAVAGE)
Titles Section

14.6.68

SECTION XXIV ARTHUR'S PASS N. PARK PARK BOUNDARIES IN THE HAWDON AREA

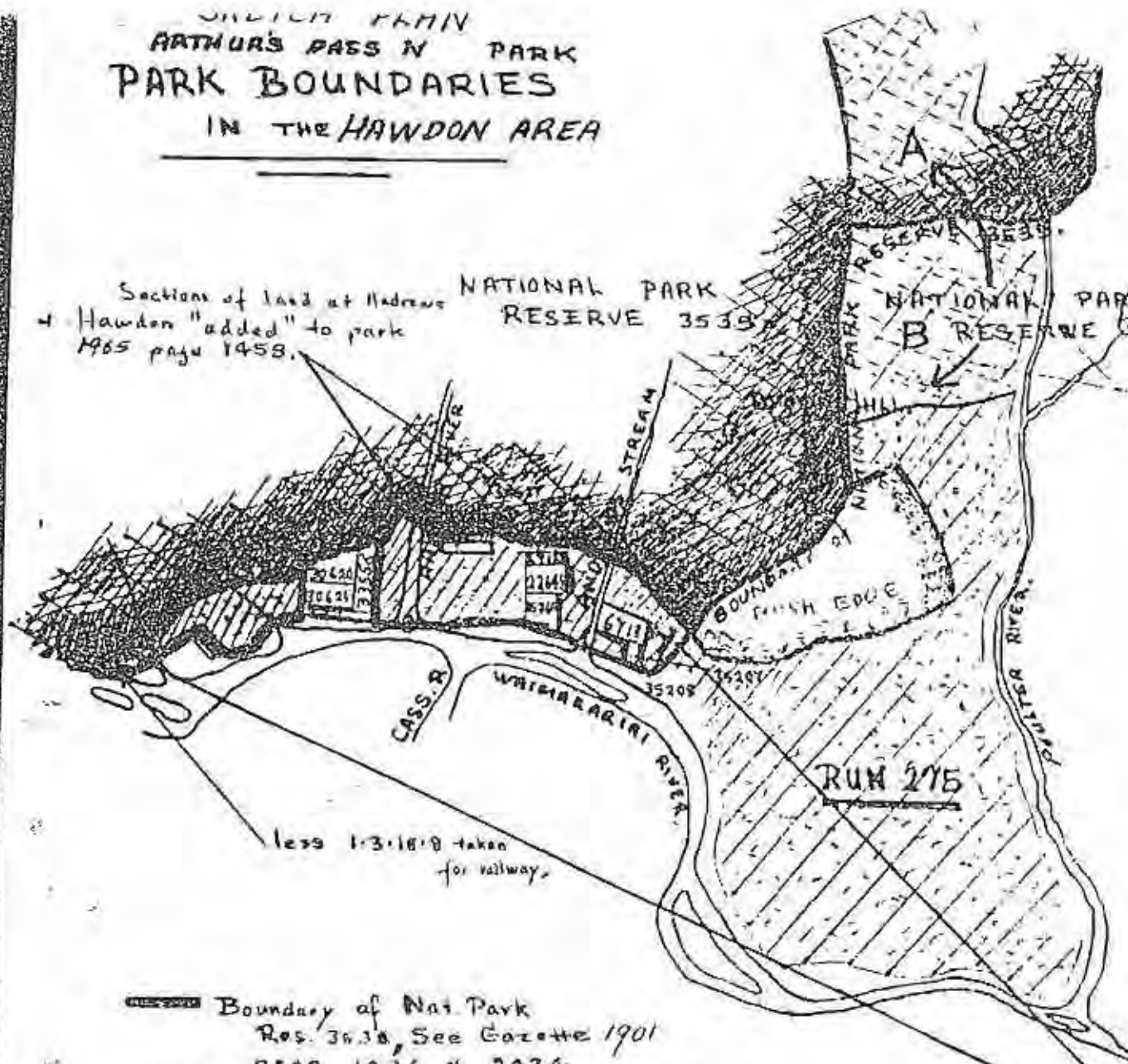
Sections of land at Hawdon
+ Hawdon "added" to park
1965 page 1458.

NATIONAL PARK
RESERVE 3535

NATIONAL PARK
RESERVE 3535

{ 2115 acres of Nat. Park Res.
- 3638.
1235 = Crown Land
383 = of State Forest
Res 3282.

- A + B further "added"
to park 1963 page 145.



Boundary of Nat. Park
Res. 3638, See Gazette 1901
page 1026 & 2034.

Area of Run 275 from 1875 - 1963

Area of Run 275 "added" to park
Gazette 1963 page 145.

Area of Run 275 TODAY.

Present Day Edge of Nat. Park

LAND X-Y
(Pt Run 275 also known
as pt Reserve 3635)
Proposed to be ADDED to

CHRISTCHURCH.

8 August 1968

The Asst. Commissioner of Crown Lands,
OFFICE.

A/CCL
J. K. [Signature]

PART RESERVE 3535 ADJOINING ARTHUR'S PASS NATIONAL PARK

I have been asked to advise you on whether part Reserve 3535 is part of Arthur's Pass National Park or can be claimed as part of the park. I have perused Mr Savage's notes on the history of this land and have found these to be very helpful. In 1901 this land formed part of a Pastoral Run Licence which had been issued to the N.Z. Loan & Merc. Ltd. in 1890.

In 1901 there was a Gazette Notice (page 1026) which temporarily reserved from sale some 150,000 acres in this area "for the purpose of a national park" as shown on Plan S.G. 44401 deposited at Head Office. On file R 3535, there is a plan of this proposed National Park Reserve and the land in the Riversdale/Hawdon River area is definitely included in this reserve.

The Effect of the Reservation

The Gazettal was made pursuant to S 235 Land Act 1892 which provides as follows:

"The Governor may from time to time ... reserve from sale temporarily, notwithstanding that the same may then be held under pastoral licence, any Crown lands which in his opinion are required for any of the following purposes (and then follow certain purposes) ...

5. For gardens, parks, domains ... etc"

This Gazettal was later followed by a further Gazettal (1901, page 2034) which permanently reserved this land as "national park". In terms of S. 237 of this Act, this land was thereafter to be a reserve to be held on trust for the purpose for which it was reserved.

The effect of these gazettals was, in my view, to take this land out of the Pastoral Run Licence in which it had previously been included. In this regard I note that S. 235 contemplated just this type of action by using the words "notwithstanding that the same may then be held under pastoral licence". Thereafter this land should have been treated as a reserve.

At this point the land begins to have a double history.

As A Reserve: This reserve would come within the scope of the Public Reserves and Domains Act 1908 and succeeding Acts dealing with reserves, especially the Public Reserves, Domains and National Parks Act 1928 (which replaced the 1908 Act). At this stage I should mention that both these Acts contain provision for the temporary leasing of reserves, but I do not think these provisions were ever invoked and therefore I do not propose to consider them.

In my view, from 1901 to 1928 this land had the status of a "public reserve" without any special provisions attaching to it.

The 1928 Act does contain certain provisions relating to the setting up of National Parks. However, these provisions only relate to land which after the passing of that Act was declared by Order in Council to be a national park. Therefore this reserve was not made part of a national park by this Act. The same applies to the National Parks Act 1952.

Therefore it appears that this land is now a reserve, vested in the Crown by virtue of the 1901 Gazettal and held under the Reserves and Domains Act 1953.

The history outlined by Mr Savage as from a search of the present Pastoral Lease of Mount White (P.60 registered as Volume 529, Folio 73 in L.T.O.) this area is still part of that Pastoral Lease. This Pastoral Lease is for a term of 33 years running from 1 January 1956 which means that there is still another 20 years to run.

Present Position:

Quite clearly this piece of land is at present both a reserve and part of a Pastoral Lease. I think it is significant that in the Pastoral Lease this particular area is not described as "Reserve 3535". Therefore it appears that since the Gazetteal in 1901 the reserve's designation has been overlooked by this office when issuing pastoral leases or licences for Mount White.

The question now arises as to whether the Department can take action to exclude Reserve 3535 from the present Pastoral Lease over Mount White. In this respect I consider the paramount fact to be that the 1901 Gazetteal must over-ride any subsequent inclusion of the land in a pastoral lease. However, as far as I know there is no specific legislation dealing with a situation where a reserve which has been wrongly included in a pastoral lease.

The National Parks Act 1952 does not help a great deal since that Act generally applies only to national parks once they have been duly constituted as a national park. This is not the case here as the area still remains a reserve. However, I note that by virtue of S.10 of the National Parks Act "the Governor-General may by Order in Council declare that any land of the Crown ... or any public reserve vested in Her Majesty ... or any land acquired by the Crown for national park purposes shall be a National Park subject to this Act and may in like manner add any such land to any park." This Act also (by S.13) provides for the acquisition of any private land or the interest of any lessee or licensee by way of purchase.

The Reserves and Domains Act 1953 is slightly more in point and I shall list below the provisions of this Act which, I think, may be applicable:

- (a) "Section 12(2) All lands which are public reserves within the meaning of this Act ... shall continue to be public reserves for the same purposes as those for which they were held immediately before the commencement of this Act". This I think is sufficient ground on which to treat this land as a "public reserve".
- (b) Section 14 does give the Minister power, where there is any doubt or uncertainty as to whether any land is a public reserve, to declare that the land is or is not a public reserve. The method by which this may be done is a notice in the Gazette and S.14 continues "every such notice shall have effect according to its tenor".
- (c) It is also significant that the Reserves and Domains Act provides specific machinery for the revocation of a reserve and this quite clearly denotes that a reservation cannot lapse or be overridden by any prescriptive right. This just adds further authority for the view that the 1901 reservation is still operative.
- (d) Section 99 provides that the D.L.R. is not to give effect to any dealing with any public reserve except in conformity with the trusts upon which the reserve is held for the time being.
- (e) Section 100 provides for the issue of a Certificate of Title for a public reserve on the written request of the Commissioner.

The Land Act 1948

Section 117 of this Act does provide for land held under a Crown Lease or Licence to be resumed by the Governor-General if, in his opinion, the land is required for a road or street or any public purpose and further provides for the payment of compensation if the land is resumed.

Conclusion

To avoid the provisions of S. 117 Land Act may be ignored since technical

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They could claim any compensation since the lessee and his predecessors have had the benefit of sixty years grazing on land to which they were never entitled.

On the basis that this land forms part of a duly gazetted reserve, I consider that the appropriate action now would be:

1. To write to the present lessees (and the caveator) of Mount White informing them of the proposed course of action (as set out below) and that no compensation will be payable.
2. Apply to the D.L.R. pursuant to S. 100 Reserves and Domains Act to
 - (a) issue a new C.T. in respect of Reserve 3535;
 - (b) exclude the same land out of P.L. 60 as registered in G.T; 529/73.
3. Request the Governor-General to issue an Order in Council declaring this reserve to be a National Park subject to the National Parks Act and that it be added to Arthur's Pass National Park.

40 I suggest that Mr Morse be asked to peruse this opinion in view of his wide knowledge of reserves matters.

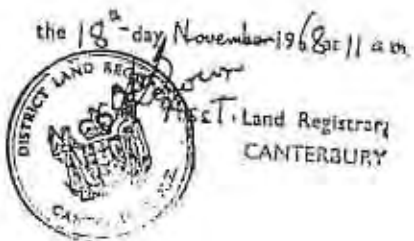
P.G. Hutchesson

(P.G. HUTCHESON)
District Solicitor

749843

Change of Appellation

Particulars entered in Register-book
as per schedule within
Vol. folio



LAMP		EEDS	
No.	61.0.0.0.0		
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	11a		
File			
Abstract No.	7041		

Land Registrar,

Following are changes of appellation affecting your records. Would you please note them accordingly.

DEPARTMENT OF LANDS AND SURVEY

745247

H.A. Innes, CHIEF SURVEYOR
8/11/68745247
16

"RELEASED UNDER THE OFFICIAL INFORMATION ACT"

New Appellation	Former Appellation	Survey Block and District	Area	Doc. or C/T Affected	Plan Numbers *Plan Required
Section 70 Hanmer Town Area ✓	Part Reserve 3942 ✓	Blks I & II Lyndon S.D.	89 : 1 : 20	K.748492 X	S.O. 11040*
Section 71 Hanmer Town Area ✓	Part Reserve 3942 ✓	Blk II Lyndon S.D.	2 : 1 : 24.4	K.748492 X	S.O. 11040*
Rural Section 39602 ✓	Pt Res. 282 and Pt Res. 2645 ✓	Blk IV Geraldine S.D.	11 : 3 : 37.6	K.733714 X	S.O. 11117*
Rural Section 39603 ✓	Part Reserve 282 ✓	Blk IV Geraldine S.D.	5 : 1 : 03.5	K.733714 X	S.O. 11117*
Rural Section 39618 ✓	Stopped Government Road	Blk XVI Christchurch S.D.	0 : 0 : 00.7	Proc. 601251 X	10022
Rural Section 39619 ✓	Closed Road	Blk VIII Ellesmere S.D.	1 : 2 : 39.4	K.698635 X	105811
Lot 16 DP 12479 being Pt H.S. 11 ✓	Res. 4485/Reverts to prior appellation	City of Christchurch	0 : 0 : 34.6	Bal. C.T. 477/150 X	-
Lot 20 DP 15505 being Pt H.S. 7632 ✓	Res. 4621/Reverts to prior appellation	City of Christchurch	0 : 1 : 28	Bal. C.T. 390/49 X	-
Sec. 175 Rosewill Settlement ✓	Pt Sec. 109/Rosewill Settlement	Blk XI Pareora S.D.	123 : 0 : 20	C.L. 218/15 X	S.O. 11109*
Sec. 176 Rosewill Settlement ✓	Pt Sec. 109/Rosewill Settlement	Blk XI Pareora S.D.	115 : 0 : 00	C.L. 218/15 X	S.O. 11109*
Pt Res. 3535 & Pt Res. 275	Res. 275 ✓	As before *	118175 : 2 : 00	C.L. 529/73 X	S.O. 110840
Rural Section 39604 ✓	Part Reserve 3065 ✓	Blk XIII Rakia S.D.	2 : 3 : 23.7	K.749660 - X	11079*
Rural Section 39621 ✓	Reserve 2236 ✓	Blks XII, XVI Alford S.D.	5 : 0 : 00	K.749175 X	2367
Rural Section 39625 ✓	Stopped Government Road	Blk VI Tekoa S.D.	2 : 1 : 21.7	NZ Gaz. 1968 p. 1822	10347L
Rural Section 39626 ✓	Stopped Government Road	Blk VI Tekoa S.D.	0 : 2 : 05.5	" " "	10347L
Rural Section 39627 ✓	Stopped Government Road	Blk VIII Skiddaw S.D. *	5 : 2 : 35	" " "	9563L
Rural Section 39628 ✓	Stopped Government Road	Blk VIII Skiddaw S.D. *	0 : 0 : 03.4	" " "	9563L
Rural Section 39629 ✓	Stopped Government Road	Blk VIII Skiddaw S.D. *	0 : 1 : 28.0	" " "	9563L
Rural Section 39630 ✓	Stopped Government Road	Blk V Tekoa S.D.	5 : 2 : 31.9	" " "	9699L
Rural Section 39631 ✓	Stopped Government Road	Blk V Tekoa S.D.	1 : 0 : 05.8	" " "	9699L
Rural Section 39632 ✓	Stopped Government Road	Blk V Tekoa S.D.	0 : 0 : 03.1	" " "	9699L
Rural Section 39633 ✓	Stopped Government Road	Blk V Tekoa S.D.	0 : 0 : 35.9	" " "	9699L
Rural Section 39634 ✓	Stopped Government Road	Blk VIII Skiddaw S.D. *	0 : 0 : 35.5	" " "	9893L
Rural Section 39635 ✓	Stopped Government Road	Blk VIII Skiddaw S.D. *	0 : 0 : 26.8	" " "	9893L
Rural Section 39636 ✓	Stopped Government Road	Blk VIII Skiddaw S.D. *	1 : 0 : 14.0	" " "	9893L
Rural Section 39637 ✓	Stopped Government Road	Blk VIII, XII Skiddaw S.D. *	0 : 2 : 10.9	" " "	9893L
Rural Section 39638 ✓	Stopped Government Road	Blk IX Tekoa S.D.	0 : 1 : 18.8	" " "	9893L
Rural Section 39639 ✓	Stopped Government Road	Blks V, IX Tekoa S.D.	0 : 2 : 11.8	" " "	9893L
Rural Section 39640 ✓	Stopped Government Road	Blk IX Tekoa S.D.	0 : 0 : 36.7	" " "	9893L
Rural Section 39641 ✓	Stopped Government Road	Blk VI Tekoa S.D.	7 : 3 : 30	" " "	9918L
Rural Section 39642 ✓	Stopped Government Road	Blk VI Tekoa S.D.	0 : 0 : 06.9	" " "	9918L

No L.T. record kept as of 19/11/63

Not an official plan record kept as of 19/11/63
with exception of road side as shown

ALTERATION CHANGE OF APPELLATION and AREA

Lessee/Licensee: R.T. TURNBULL

Description of Land: Part Reserve 3535 and Part Run 275
formerly Run 275

Area: See below

Rating Authorities: Malvern County Council

Full Details of Alteration

① Part Reserve 3535 formerly Part Run 275 situated in Biks.
XII, XV, XVI Beaky S.D. and IX, XIII, XIV Howdon S.D.
Area 2465.0.00. S.D. 11084
(National Park Reserve Gaz 1901 p 2034)

② Part Run 275 situated in IV, VII, VIII, IX & XI XII XIV XV XVI
Howdon S.D., I, II, III IV, V, VI, VII, VIII, IX & XI XII XIII XIV XV Est
S.D., IX, XIII XIV XVI Katime S.D., IV Okuku S.D., IV V Upper
Ashley S.D., II III IV VIII Grassmere S.D.
Area: 118,930.0.00 S.D. 10866 10477 10755

Former Area both parcels - 118175 2.00

Reason and Authority for Alteration

- ① To correct appellation of Res 3535 which has been incorrectly referred to as Run for many years.
- ② To adjust area for redefinition by new Topographical Mapping

Prepared by: Bauhalt 15/10/68 J13 No. 7121367 Checked by: J.H. Buff 15/10/68

ACTION REQUIRED:

LEASES SEC.:	ACCOUNTS DIV.:	TITLES SEC.:	RECORDS SEC.:
G. 13 / /	Ledgers: / /	Documents: / /	File / /
C.L. Regr. / /	C./register: / /	Insurance: / /	Index / /
Expiry Book: / /	Land A/c. / /		
	Index: / /		

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29 July 1969

Mr R.T. Turnbull,
80 Memorial Avenue,
CHRISTCHURCH 5

Dear Mr Turnbull,

MOUNT WHITE RUN AND ARTHUR'S PASS NATIONAL PARK

There are a few matters of mutual interest between the Board and yourself as the owner of Mt White Station that I would like to discuss with you.

A matter of some moment is the fact that through an apparent oversight of some 50 years standing portion of the National Park Reserve made in 1901 has been included in with the land now held under pastoral lease. There is a way of preserving the status quo but to achieve real understanding of what happened in the past and what needs to be done to put the situation in order I feel that it will be better to go into detail with you on a personal basis. I can assure you that your security of tenure is not being challenged; it is not intended to disrupt the status quo. Certain adjustments to your pastoral lease do however seem to be necessary.

Another matter is the question of public access up the Poulter Valley from the Mount White Road and in this connection the right of the public to enter the park this way on foot without guns or dogs or vehicles seems to be unquestionable. There is no possibility of the park board authorising people to take dogs into the park at this or any other point and as I see it our discussion should centre on the possibility of a working arrangement regarding:-

- (a) the use of the formed road by persons on foot with and without firearms;
- (b) the extent to which the Park Board can authorise use of the formed road for official vehicles not actually working for the Park Board.

It is not intended to seek any change to the present arrangement whereby Mount White has the sole right to allow private vehicles to use the track.

There is also one further point which may need clarification concerning the presence of stock in the Upper Poulter Valley.

The Board has enjoyed its associations with you and proposes to ensure this cordial co-operation continues as in the past.

I look forward to hearing from you shortly.

Yours faithfully,

Chief Ranger,
Arthur's Pass National Park,
ARTHUR'S PASS

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Asst Commissioner of Crown Lands

(M.J. FITZGERALD)
Asst Commissioner of Crown Lands

331

NOTE FOR FILE

On 18 August Hon. J.K. McAlpine and myself interviewed Mr R. Turnbull on behalf of the Arthur's Pass National Park Board.

On the question of access up the Poulter River Mr Turnbull said that Mt White Station had no desire to prevent access to hikers and trampers but on the contrary it would always encourage such people engaged in a healthy pastime. The position whereby the legal (unformed) access was impractical and people necessarily used the formed track (on Mt White leasehold) was illustrated on a plan shown to Mr Turnbull. He said he had no objection to the use of the track for vehicular purposes by the Board, Catchment Board and N.Z. Forest Service staff and to other approved and "legitimate" visitors such as trampers. The continued use of the Poulter River area was imperative to the successful running of the Station - there were actually 200 cows up there now.

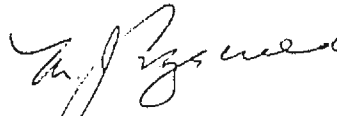
The problem of the locked gate and entry through it was discussed at length. Mr Turnbull preferred to keep to the present arrangement whereby shooters etc., arriving by vehicle received prior permission from Park Headquarters, but that this arrangement be strictly regulated and enforced in the future. Any permission to shoot by Headquarters staff would be communicated without exception to Mt White homestead. If a key to the gate was handed to the permit-holder by the Ranger it would not be necessary for the latter to call at the homestead. Similarly if a vehicle which had not first been to Headquarters was given permission by Mt White, then the Manager would advise the Chief Ranger. The solution in Mr Turnbull's eyes was to adhere to the present set-up and with co-operation and goodwill on the local level ensure that it works.

The point was made forcefully that the Board has a public responsibility in this matter of access and use. It wants to continue its cordial associations with Mt White Station and is ready for its part to see that the present arrangements which should be workable are made to work effectively in the future. If they breakdown however the Board will have to insist on an adequate protection of the public right and take steps to ensure this.

Mr Turnbull was advised that the Board will erect a suitable notice at the gateway so that members of the public may be aware of the position and what the Board expects of them.

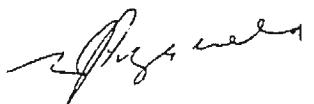
On the question of Pt Reserve 3535 and the Office Solicitor's opinion that the area is probably a Reserve subject to the Reserves and Domains Act 1953 and not part of the Mt White pastoral lease, the legal position was explained to Mr Turnbull. He was told that the Department firstly proposed to ask the Office Solicitor, Head Office, for confirmation or otherwise of the local opinion. If it did eventually transpire that the land was properly pastoral leasehold then there was no problem. But if it was agreed that it was actually a Reserve then the Department was obliged to take action to ensure that its records and the status of land were corrected. Mr Turnbull would have the right to contest the department's legal opinion - he said he was quite prepared to accept the position when finally determined without any recourse to legal argument. If it did turn out to be a Reserve for the purposes of a National Park the Department would face two alternatives - to have the area declared Crown land and then taken in as part of Mt White's pastoral leasehold or (and subject to the National Park Board so agreeing) to have the area incorporated into Arthur's Pass National Park. If the latter alternative was to arise - and there were certain standards and characteristics that the National Parks Authority required to be

met before any area could be declared as suitable for National Park status - then the Board could lease the land back to Mt White on such terms and conditions as the National Parks Authority approved. In effect this would change Mt White's lessor from the Crown to the Park Board for this particular area. In fairness to Mr Turnbull and to future Boards it had to be pointed out that while the present Board, if this eventuated, had no thoughts or intention whatsoever of disturbing Mr Turnbull's occupancy, it would not be possible to commit future Boards in this respect. It was acknowledged that the area was vital to the successful farming of the Station and that its loss would be most severe. It was not envisaged now that a Board would want to depart from the present utilisation of the area but as indicated it was not possible to say what a Board in say 50 years time might want to do with it. There would be little doubt that if it transpired the area became Park land the Board would recommend the most generous terms of leasing - would as far as possible follow along the present leasing conditions. It was agreed that as a first step the Department would decide the legal position of the land and that this having been done the Chairman and Mr McAlpine would again discuss the matter with Mr Turnbull. It would work to reach this point as quickly as possible so that the Board would be able to consider the matter again at its next meeting on 8 October.


(M.J. Fitzgerald)
Chairman

Chief Ranger,
ARTHUR'S PASS NATIONAL PARK

For your information and for subsequent discussion when convenient.


(M.J. Fitzgerald)
Chairman



100-117273, 8/6/1

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21 August 1959

Mr H.V. Turnbull,
20 Memorial Avenue,
CHILY TOWN, CH 5

Dear Mr Turnbull,

SCOTTIE HILL RUN AND ARTHUR'S PASS NATIONAL PARK

I refer to the discussion Mr J.P. McAlpine and I had with you last Monday, 18 August.

I am writing to confirm the agreement reached then regarding the question of access up the Coulter River. As explained to you the Board appreciates the value of this area for your farming operations and its approach has been to endeavour to see that these continue unaffected and reasonable rights of access and use to the public are acknowledged and secured. It was agreed between us that the present arrangements are workable and acceptable if conducted with goodwill and commonsense. In future the names of all people and parties who obtain permission from our Park Headquarters to shoot and using the Coulter as a route will be communicated to your Manager at Mt White, and similarly the Manager will advise the Chief Ranger of any permission he may give to people who call and obtain this without a prior call at the Headquarters. Where the Rangers grant permission, it is further agreed that there will be no need for the permit-holder to call at the Homestead and obtain a key to the gate; a key will be issued from Headquarters and returned there. You also indicated that as the owner of the Station you had no objection to trappers and others engaged in healthy pursuits using the track up the Coulter.

It appeared to Mr McAlpine and myself (and I know you also felt this way) that with local co-operation and goodwill there is no reason why the current system cannot be made to work effectively and in the interests of both Park and Run. It is, of course, an obligation on the Park Board to ensure that the right of the public to make use of public areas is fully available, but the present set-up if followed sensibly should satisfy all requirements.

On the question of the doubt regarding the status of some land included in your Pastoral Lease, again as agreed I am obtaining further information about this and will get in touch with you as soon as this is supplied.

Yours faithfully,

Chief Ranger,
Arthur's Pass National Park

(F.J. Fitzgerald)
Chairman

For your information.

(F.J. Fitzgerald)
Chairman

P.60

CONFIDENTIAL

26 September 1969

Office Director, HEAD OFFICE

RENEW RESERVE 3535 ADJOINING ARTHUR'S PASS NATIONAL PARK

Dear Dandl,

... The Assistant Commissioner has asked me to write to you regarding an opinion of mine on the status of certain land adjoining Arthur's Pass National Park. A copy of my opinion and a plan of the land concerned is enclosed but briefly the position is that for many years this particular piece of land (known as the "Riversdale Flats") has been thought to be part of Run 275 ("Mount White"). What has been overlooked for some 50 years is the fact that this same land is part of Reserve 3535. Because this has been overlooked, the land has been included in renewals of Run 275 and therefore now has two legal appellations. The basic question is really which of these two appellations is the correct one. You will see from my opinion that I consider the Reserve appellation to be paramount but if I am correct this, of course, raises some difficult questions as to whether the Lessee is entitled to any compensation, etc.

If you require any further information please let me know. The closed volume setting out the background to the original Gazettal as a Reserve in 1901 is available if you want it.

Regards.

Encls.

(P. G. Hutchesson)

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