

Crown Pastoral Land Tenure Review

Lease name : Mt WHITE

Lease number : PC 060

Due Diligence Report (including Status Report) - Part 1

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

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

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

July 09

DUE DILIGENCE REPORT

**for
Tenure Review**

MT WHITE

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

June 2002

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

File Ref: CON/50272/09/12762/A-ZNO-01 **Report No:** QVV 369 **Report Date:** 12/07/2002

Office of Agent: CHRISTCHURCH **LINZ Case No:** 02/ **Date sent to LINZ:** /07/2002

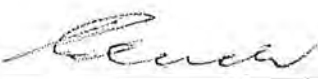
RECOMMENDATIONS

1. That the Commissioner of Crown Lands or his delegate **note** this Due Diligence Report which has been prepared in accordance with the Pre Tenure Review Assessment Standard;
2. That the Commissioner of Crown Lands or his delegate **note** the following incomplete actions:
 - a) The historical status/tenure anomaly over the 997.5501 ha (Pt Reserve 3535 – Refer Land Status Report 1A) of land reserved for a National Park and erroneously included in the lease.
 - b) Creation of Easements over the lease in favour of Environment Canterbury to allow servicing and access to Rain guages.
3. That the Commissioner of Crown Lands or his delegate **note** that there may be a potential liability arising out of (2)(a) above.
4. The Commissioner or his delegate **note** that:
 - a) The adjoining Crown land areas (Reserves 4008 and 4009 – Reports 8 and 13 of 16) were allocated to the Commissioner for incorporation into the lease.
 - b) Parts of the formed Mt White Road do not conform to the legal road lines.

Signed by Sub – Contractor:


Name: D. McGregor
McGregor Property Services Limited
Accredited Agent

Signed by Contractor


Name: B. Dench
Team Leader for Tenure Review
Quotable Value (Valuations)

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

Name:

Date of Decision: / /

1. Details of Lease:

Lease Name: Mt White.

Location: Located on Mt White Road approximately 152 kilometres west of Christchurch.

Lessees: MT WHITE STATION LIMITED.

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

Term: 33 years from 1 January 1989 (expires 31 December 2021)

Annual Rent: \$11250.00 (Reviewed 1 January 2000).

Rental Value: \$500,000 (Reviewed 1 January 2000).

Date of Next Review: 31 January 2010.

Land Registry Folio Ref: Computer Interest Register (Pastoral Lease) CB529/73.

Legal Description: Part Run 275 and Part Reserve 3535, situated in Blocks XVI Katrine, XII XV and XVI Bealey, IV VII VIII IX XI XII XIII XIV XV and XVI Hawdon, I II III IV V VI VII VIII IX X XI XII XIII XIV and XV Esk, I and V Okuku, II III IV and VIII Grassmere and I II and V Upper Ashley Survey Districts.

Area: 39336.8818 hectares.

Please note that the Description and area represents the total area in the lease part of which carries the status of Reserve for National Park. See under "Summary of Land Status Reports" below.

2. File Search

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

File Reference	Volume	First Folio Number	Date	Last Folio Number	Date
Pc 060-SCH-01	1	210	Sept 1951	401	16/07/1975
Pc 060-SCH-02	2	410	17/07/1975	510	23/08/1985
Pc 060-SCH-03	3	511	24/08/1985	601	June 1989
Pc 060-SCH-04	4	602	June 1989	-	July 1995
Pc 060-SCH-05	5	-	July 1995	-	30/06/2000
CON 50213/09/12762/A-ZNO-01	1	-	01/07/2000	-	Current

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

File Reference: CON/50272/09/12762/A-ZNO-01

Volume: 1

First folio: 1

Date: August 2001.

Last folio note: File current.

Date: -

3 Summary of Lease Document: (Copy of Computer Interest Register (Pastoral Lease) CB529/73 attached as Appendix 1)

3.1 Terms of Lease

A 33 year term from 1 January 1989 at the Annual rental of \$11250 based on the Rental Value of \$500,000.

Stock Limitation in Lease

13750 sheep and 330 cattle.

Commencement date

1 January 1989, being the renewal of the original Mt White Pastoral lease issued to Richard Thomas Turnbull for a 33 year term from 1 January 1956 at the Annual rental of \$1460 based on the stock limitation in the lease of 13750 sheep and 330 cattle. Minor adjustments were undertaken prior to renewal without alteration to the terms of the lease. At renewal the Annual rental was determined to be \$6675 based on the Rental Value of \$445,000 with the stock limitation remaining. Memorandum of Renewal 798148.2 was registered on 11 April 1989.

Subsequent to renewal 9787 hectares were surrendered from the lease (by Partial Surrender 886443.1 dated 13 July 1990) with the corresponding adjustment to the Rental Value and Annual rental by \$3000 and \$45 to \$442,000 and \$6630 respectively and with no alteration to the stock limitation in the lease.

The current lessees acquired the lease by Transfer A359470.3 and 4 (registered 7 July 1998).

The Annual rental was reviewed as at 1 January 2000 to \$11250 based on the Rental Value of \$500,000.

Other Provisions:

None.

3.2 Area adjustments

There have been no area adjustments to the lease since the surrender of the 9787 hectares from the lease in 1990.

However that part of the lease being Part Reserve 3535 (997.5501 ha) has been erroneously included in the lease by virtue of it being Reserve for National Park by New Zealand Gazette 1901 p. 2034 and this anomaly requires resolution with the agreement of the lessee.

3.3 Registered Interests

Land Improvement Agreement

944274.1 Land Improvement Agreement under the Section 30A of the Soil Conservation and Rivers Control Act 1941.

Mortgages:

No. A359470.5

to Bank of New Zealand Limited (registered 7 July 1998).

3.4 Unregistered Interests

Unsecured Debts:

None known.

4 Summarise any Government programmes approved for the lease:

A Land Improvement Agreement (LIA) registered as Document 944274.1 on 11 July 1991 secured an SWC Plan over the property executed on 20 June 1991 between the then lessees and the Canterbury Regional Council. The works involved conservation fencing of erosion prone lands (including retirement and surrender from the lease) provision of off site development and windbreak establishment. The Agreement enures for 30 years (expiring 20 June 2021) or earlier agreement between the parties.

The property is not part of a Rabbit and Land Management programme.

5 Summary of Land Status Reports:

Land Status Reports (2) labelled Appendices 1 and 1A by D. McGregor, McGregor Property Services Limited, for and on behalf of Q.V. Valuations on 13 June 2002.

a) Report - Appendix 1:

Confirmed the status of 38339.3317 hectares as described as Crown land under the Land Act 1948, leased pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as Part Computer Interest Register CB529/73.

The land is subject to Part IVA of the Conservation Act 1987, upon disposition. It is also subject to 944274.1 Land Improvement Agreement pursuant to Section 30A of the Soil Conservation and Rivers Control Act 1941.

The minerals remain with the Crown. A significant part of the land has never been alienated since the original acquisition from the original Maori owners under the 1848 Kemp Deed of Purchase. The underlying RS 34587 was acquired in 1962 by HMQ as Crown land under the Land Act 1948 as part of an exchange (and not as a Public work under Public Works legislation) therefore in the circumstances the Crown is at liberty to invoke the standard mineral restrictions on disposition of the land.

The report noted the following issues:

- 1) The additional Reports of land within the periphery of the lease.
- 2) Computer Interest Register (Pastoral lease) CB529/73 does not but S.O.'s 10977, 10866, 10996 and 11084 all contain a notation that the lease is subject to Section 58 of the Land Act 1948 applying in respect of all rivers and streams in excess of 3 metres in width. **However such strips are 'notional' only pending disposition of the land.**
- 3) The attached topographical plans indicate that the formed tracks throughout the property deviate considerably from the legal roads.
- 4) Part Computer Interest Register CB529/73 (Part Reserve 3535) is Reserve for National Park pursuant to the Reserves Act 1987. That area, comprising 997.5501 hectares, has been included in the lease erroneously (Refer to Report 1A of 16).

b) Report – Appendix 1A:

Confirmed the status of 997.5501 hectares as described as Reserve for National Park by New Zealand Gazette 1901 page 2034, but erroneously leased pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as Part Computer Interest Register CB529/73.

The land is subject to Part IVA of the Conservation Act 1987, upon disposition and Part 9 of the Ngai Tahu Claims Settlement Act 1998. It is also subject to 944274.1 Land Improvement Agreement pursuant to Section 30A of the Soil Conservation and Rivers Control Act 1941.

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

The report noted that this land is in historical Reserve status but has been in the current Pastoral lease erroneously since issue and was held in prior Pastoral tenure before that. Successive lessees have been made aware of this anomaly but to date no significant action has been taken to rationalise the tenure of this land.

A copy of the Land Status Reports 1 and 1A are attached as Schedule A as are the Land Status Reports for the land within the periphery of the lease.

6 Review of Topographical and Cadastral Data:

Both maps attached to the Land Status Report show that there are no historic sites, transmission lines, water races, dams, telecommunication or other such installations on the lease.

The topographical plan shows:

- Local power lines in the vicinity of the homestead.
- Two airstrips, one near the homestead and one near Lochinvar Stream.
- Rain gauges, one on the East Branch Poulter River and another near Nigger Stream.
- There are nine huts, Riversdale Hut, Andrews Shelter, Turnbull Bivouac, Puketeraki Bivouac, Nigga Huts, Lochinvar Hut, Anna Hut, Cattle Creek Hut and Andersons Hut.
- There is an extensive network of unformed legal roads that do not conform to tracks.
- Significant parts of the Council formed road (Mt White Road) deviate from the legal road lines.

6.1 Marginal Strips:

The lease does not but SO's 10977, 10866, 10995 and 11084 all contain a notation subject to Section 58 of the Land Act 1948 applying in respect of all rivers and streams in excess of 3 metres in width. This provision is "notional" only pending disposition of the land.

6.2 Legal Roads – formed and paper

The Land Status Reports indicate that SO Plans 10886, 110977, 10995 and 11084 (as supported by Topo Plans 4P, 10p, 11P, 19P, and 54P) denote the roads that are legal by Section 110A of the Public Works Act 1928.

6.3 Fenced Boundaries v Legal Boundaries (peripheral):

The topographical plan does not reveal any significant boundary discrepancies.

However the erroneous inclusion of Part Reserve 3535 (997.5501 ha) in the lease has implications given that any surrender from the lease would require the consent of the lessee.

7 Details of any neighbouring Crown or Conservation land:

Western North Boundary	<i>R.S.'s 40737, 41249, 41260, 41261, Section 1 SO 18026, Section 1 SO 18027 and Sections 1-4 SO 18028</i> - (Parts Arthurs Pass National Park) <i>Pt Reserve 3281, Reserves 3265 3275 3276 3279 and 3280, Section 1 SO 18181, Section 1 SO 18182</i> - (Part Stewardship land pursuant to Section 62 of the Conservation Act 1987).
North / Eastern boundary	<i>Run 141</i> - (Esk Head Pastoral lease). <i>Lots 1 and 2, DP 65882 and Section 1 SO 19104</i> (Stewardship land pursuant to Section 62 of the Conservation Act 1987).
Eastern Boundary	<i>RS 41644</i> - (Stewardship land pursuant to Section 62 of the Conservation Act 1987). <i>Pt Run 300</i> - (Lees Valley Pastoral lease) <i>Run 298</i> - (Snowdale Pastoral lease)
Southern Boundary	<i>Reserve 3274</i> - (Stewardship land pursuant to Section 62 of the Conservation Act 1987). <i>Part Reserve 3535</i> - Reserve for National Park by N.Z. Gazette 1901 p 2034).
Internal	<i>Reserve 4008</i> - (Crown Land subject to the Land Act 1948 - Refer to Land Status Report 8 of 16). <i>Reserve 4009</i> - (Crown Land subject to the Land Act 1948 - Refer to Land Status Report 13 of 16). <i>Reserves 3277 and 3278</i> - (Stewardship land pursuant to Section 62 of the Conservation Act 1987 - Refer to Land Status Report 14 of 16). <i>R S 41061</i> - (Stewardship land pursuant to Section 62 of the Conservation Act 1987 - Refer to Land Status Report 15 of 16).

8 Summarise any uncompleted actions or potential liabilities:

8.1 Status/ Tenure anomaly - Riversdale Flats

Refer to Summary of Land Status Reports at Clause 5 above.

Reserve 3535 was set apart as Reserve for National Park by New Zealand Gazette 1901 p. 2034 notwithstanding that the land had been let on Pastoral tenure prior to reservation and is now erroneously part of the current Pastoral lease.

In 1955 to enable issue of the Pastoral lease under the Land Act 1948 the area held on Pastoral Run licence was defined as Run 275 "Mt White" (119890 acres) and in 1964 this description was confirmed by Change in Appellation 618523. In May 1968 some doubts were raised as to the status/tenure of the land in Run 275 when preparing new cadastral maps. Following considerable

research and following an opinion by the District Solicitor the contention was that the Riversdale Flats (Pt Reserve 3535 within the lease) was Reserve for National Park. The opinion was referred to the Mapping Division whereupon Change of Appellation 749843 was registered in 1968 changing the description of the lease to Part Reserve 3535 and Part Run 275 (as defined on SO 11084).

The then lessee was made aware of the situation in July / August 1969 and undertakings were given that the matter would be referred to the Office Solicitor for confirmation of the District Solicitors opinion. The issue was referred to the Office Solicitor on 26 September 1969 but no further opinion has been found and it appears that one may not have been provided. It is notable however that the District Solicitor indicated the plans be amended (they had been amended the year before presumably on the basis of the correct appellation).

Certificate of Alteration 164686.1 in 1977 redefined the area of the lease based on SO's 10866, 10977, 10995 and 11084 and identified Run 275 (48133.9172 ha) and Part Reserve 3535 (997.5501 ha). Partial Surrender 886443.1 registered in 1990 reduced the current area of the lease to 39336.8818 ha (inclusive if the 997.5501 ha of "Reserve").

The issue was highlighted in 1980 and again in 1982 by the Planning Officer and it was concluded that it should be dealt with at renewal of the lease in 1986. The Commissioner approved the renewal values and post renewal negotiations being undertaken and the then lessees were advised of the situation on 30 June 1987 and that it was likely that DOC would approach them to discuss the matter further. The lessees, in accepting the renewal values in September 1987 sought background information (subsequently supplied) and indicated that they would strongly resist the surrender of all or any of the Riversdale Flats because of its importance to the management of the property.

There has been limited action since between Landcorp (KFL) and DOC. Action to resolve the status / tenure issues remains outstanding and a potential contingent liability exists.

A copy of the relevant folios are attached at *Appendix 2*.

8.2 Creation of easements for Use and Access to Rain Guages

The attached topographical plans show the existence of two rain guages on the lease, one at the confluence of the East Poulter River and Bull Creek and the other near the Nigger Stream.

If these facilities still exist it is likely they were constructed by Ministry of Works (without consent). These monitoring functions are now the responsibility of Regional authorities therefore it appears that Easements to allow Environment Canterbury's continued use and access to these facilities may be appropriate.

APPENDICES

Schedule A – Land Status Report.

1. Copy of Lease.

2. Copies of relevant folios – Status anomaly – Riversdale Flats

LAND STATUS REPORT

for
Tenure Review

MT WHITE

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

June 2002

CONTENTS

PROPERTY 1 OF 16 (PT PASTORAL LEASE)

Appendix A – Land Status Report (and supporting plans)

- SO Plans (Additional)
- Extract of CLR
- Extracts of Allocation maps
- DOC Consultation
- Information supporting Mineral investigation
- Information supporting Notes to Report
- Other information

PROPERTY 1A OF 16 (PT PASTORAL LEASE)

Appendix A – Land Status Report

PROPERTY 2 OF 16

Appendix A – Land Status Report

PROPERTY 3 OF 16

Appendix A – Land Status Report

PROPERTY 4 OF 16

Appendix A – Land Status Report

PROPERTY 5 OF 16

Appendix A – Land Status Report

PROPERTY 6 OF 16

Appendix A – Land Status Report

PROPERTY 7 OF 16

Appendix A – Land Status Report

PROPERTY 8 OF 16

Appendix A – Land Status Report

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

PROPERTY 9 OF 16

Appendix A – Land Status Report

PROPERTY 10 OF 16

Appendix A – Land Status Report

PROPERTY 11 OF 16

Appendix A – Land Status Report

PROPERTY 12 OF 16

Appendix A – Land Status Report

PROPERTY 13 OF 16

Appendix A – Land Status Report

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

PROPERTY 14 OF 16

Appendix A – Land Status Report

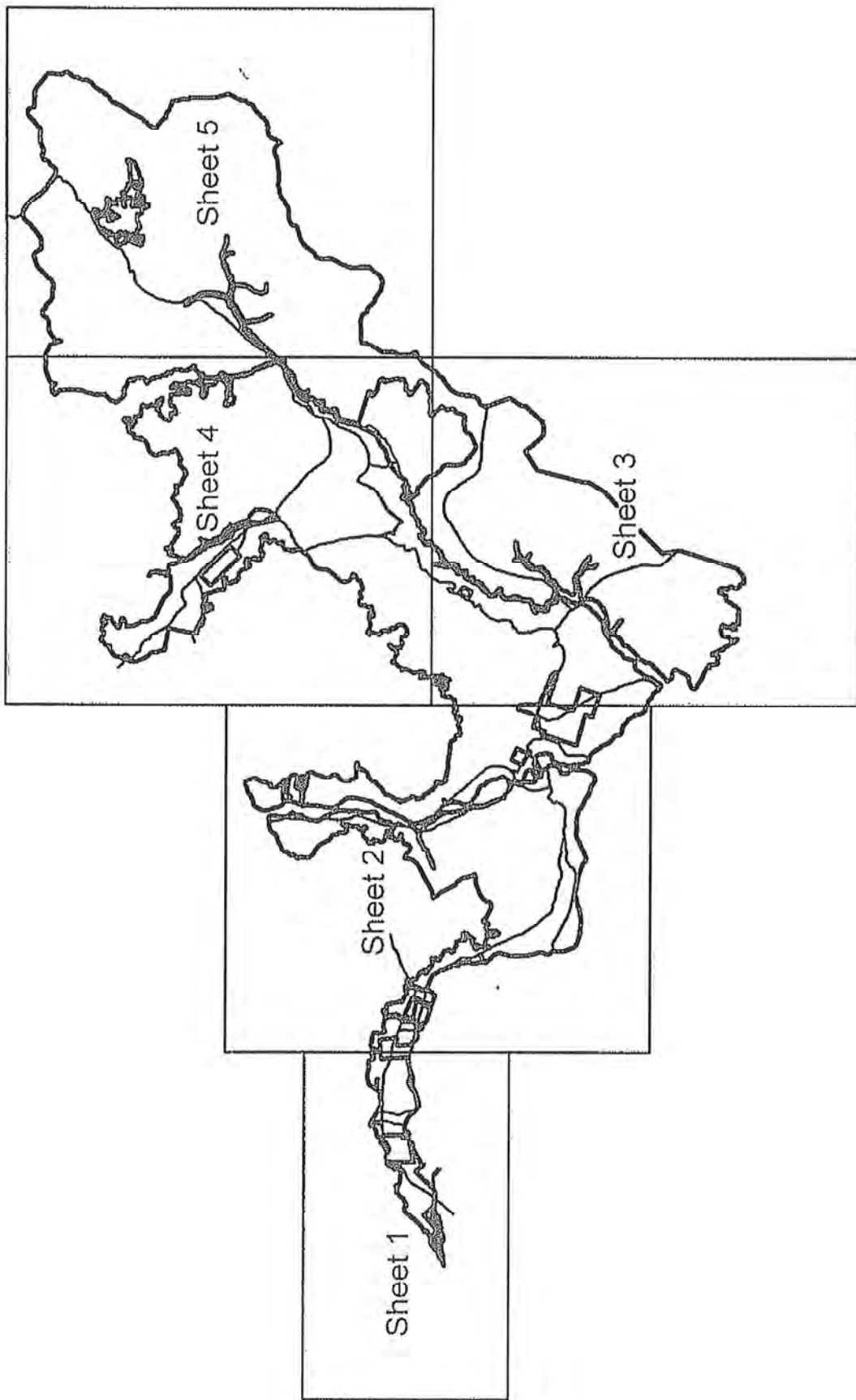
PROPERTY 15 OF 16

Appendix A – Land Status Report

PROPERTY 16 OF 16

Appendix A – Land Status Report

PROPERTY 1 OF 16
LAND STATUS REPORT

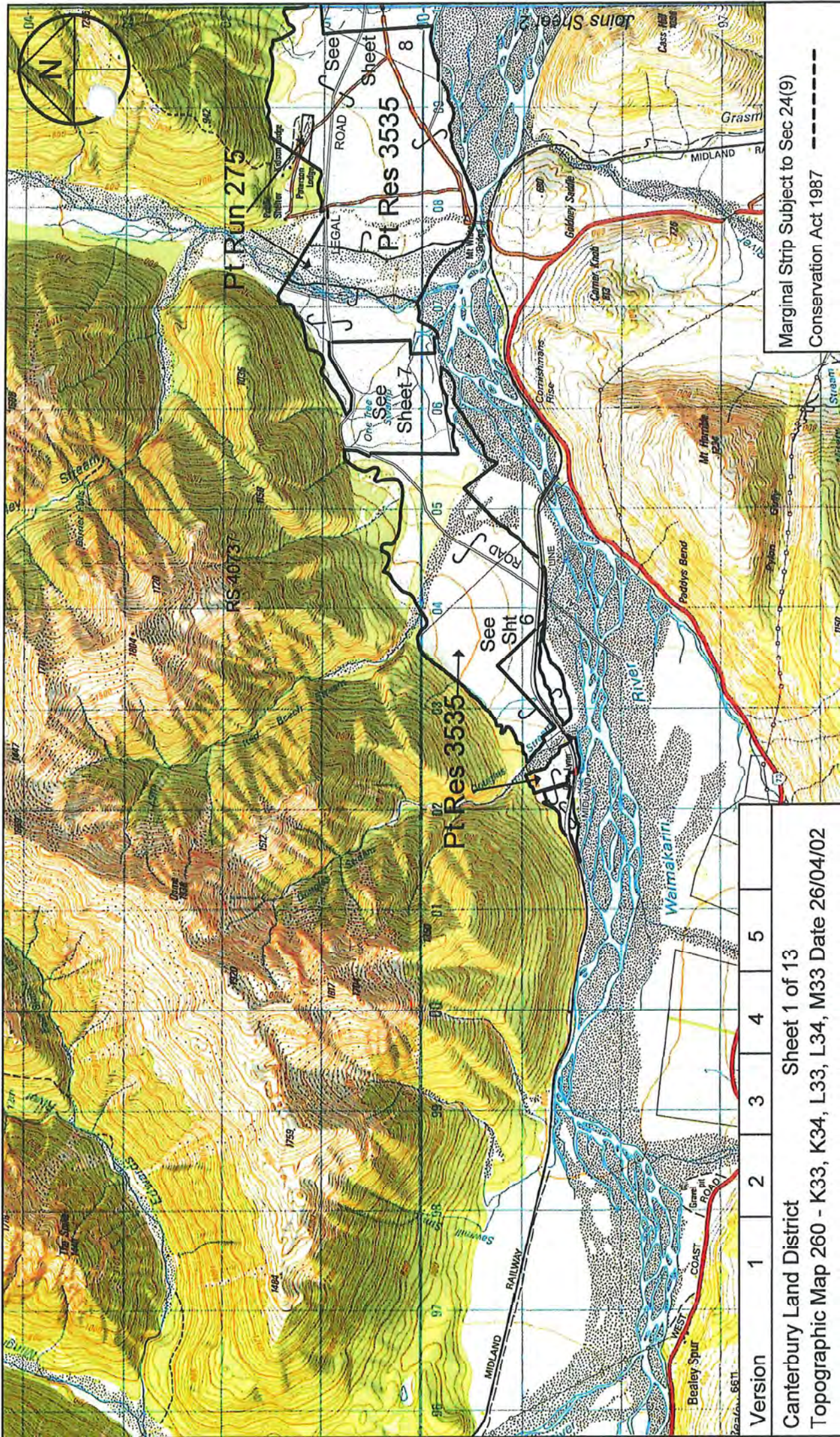


Mt White

Index to Sheets

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Christchurch
PH: 03 375 9901

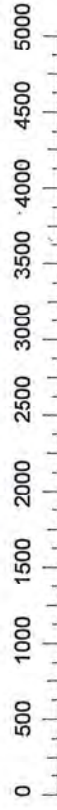
**ANDERSEN & ASSOCIATES**
REGISTERED SURVEYORS



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Conservation Act 1987

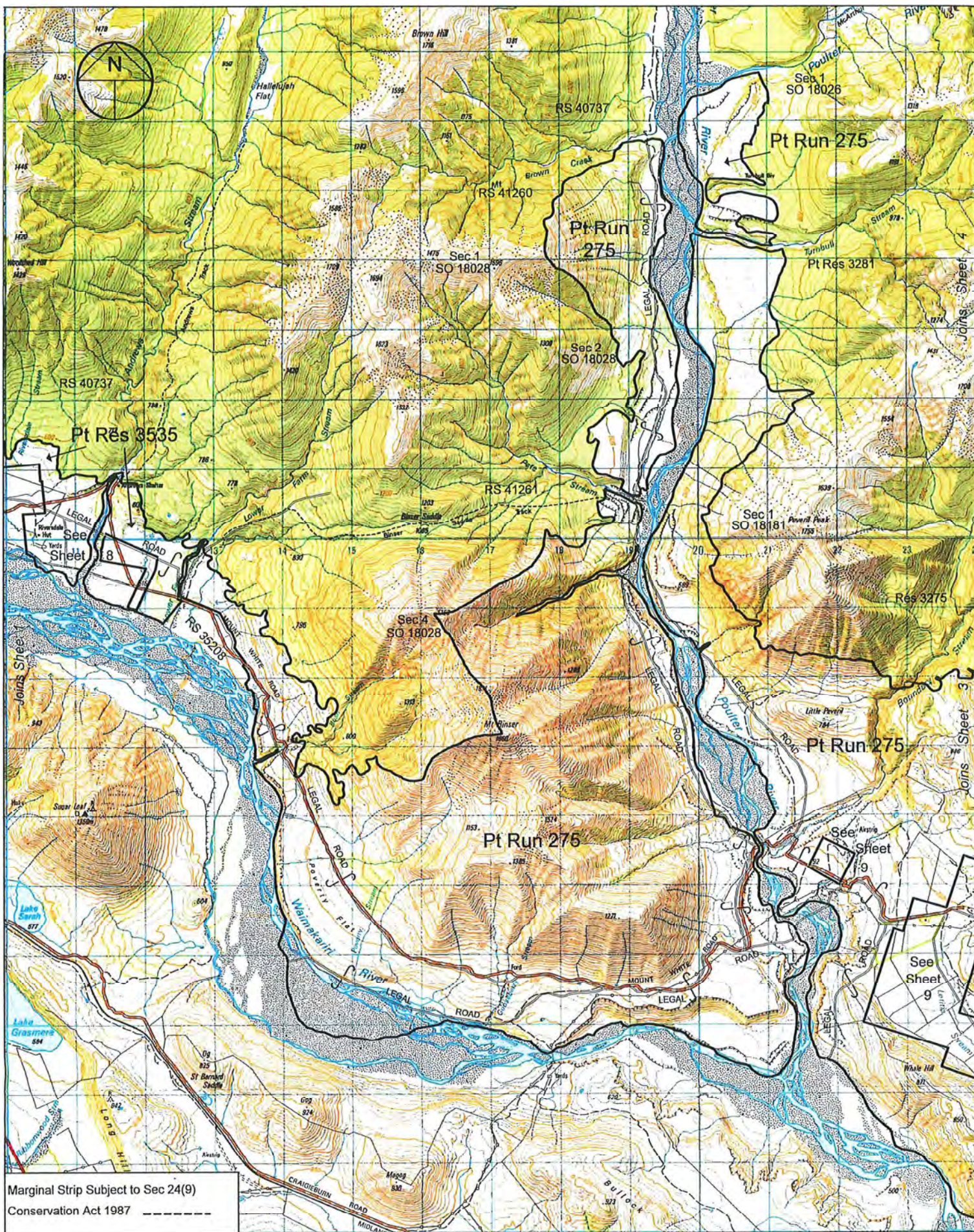
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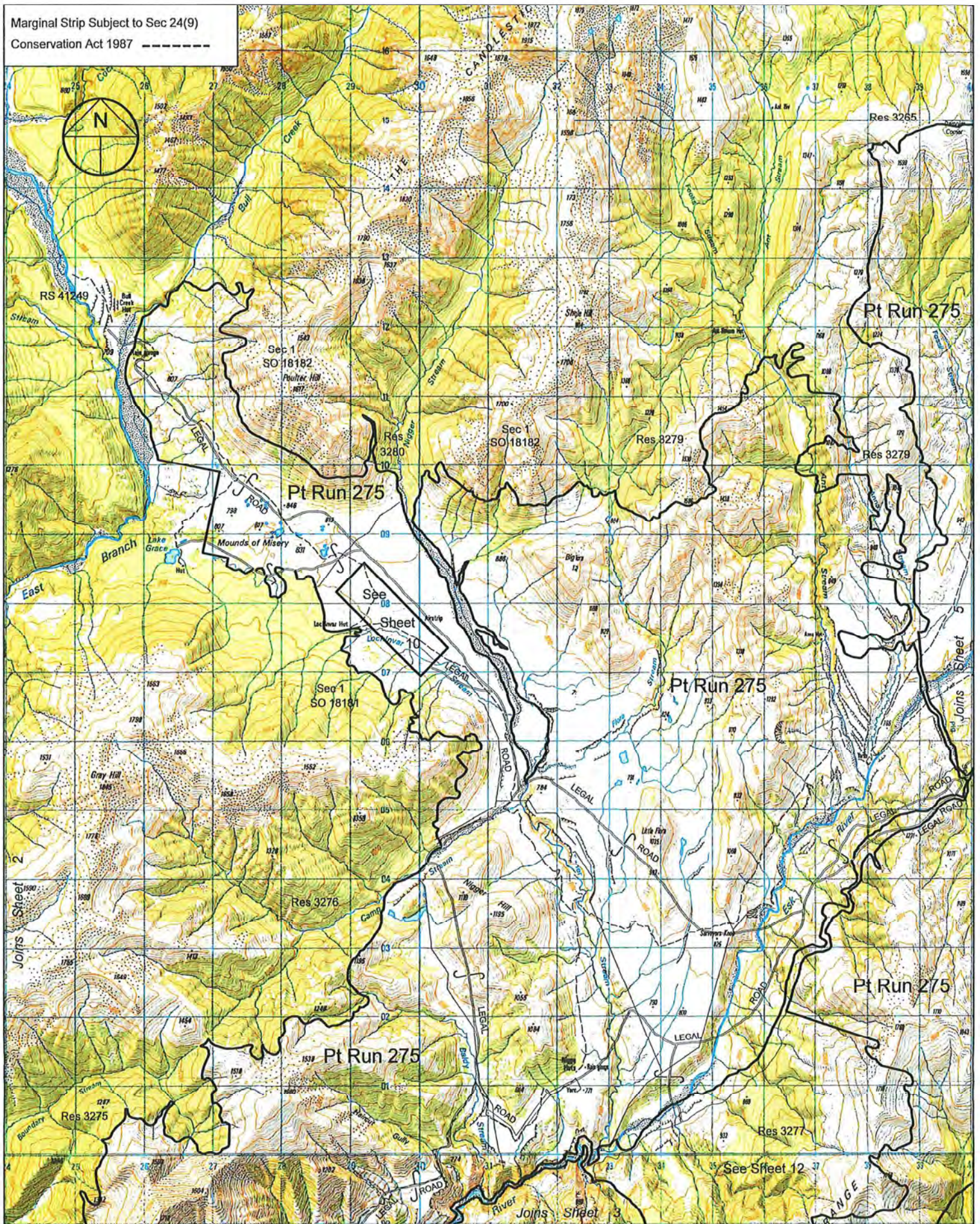


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Topographic Map 260 - K33, K34, L33, L34, M33					
Date 26/04/02					

Sheet 1 of 13

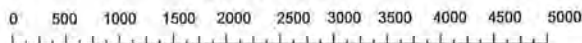


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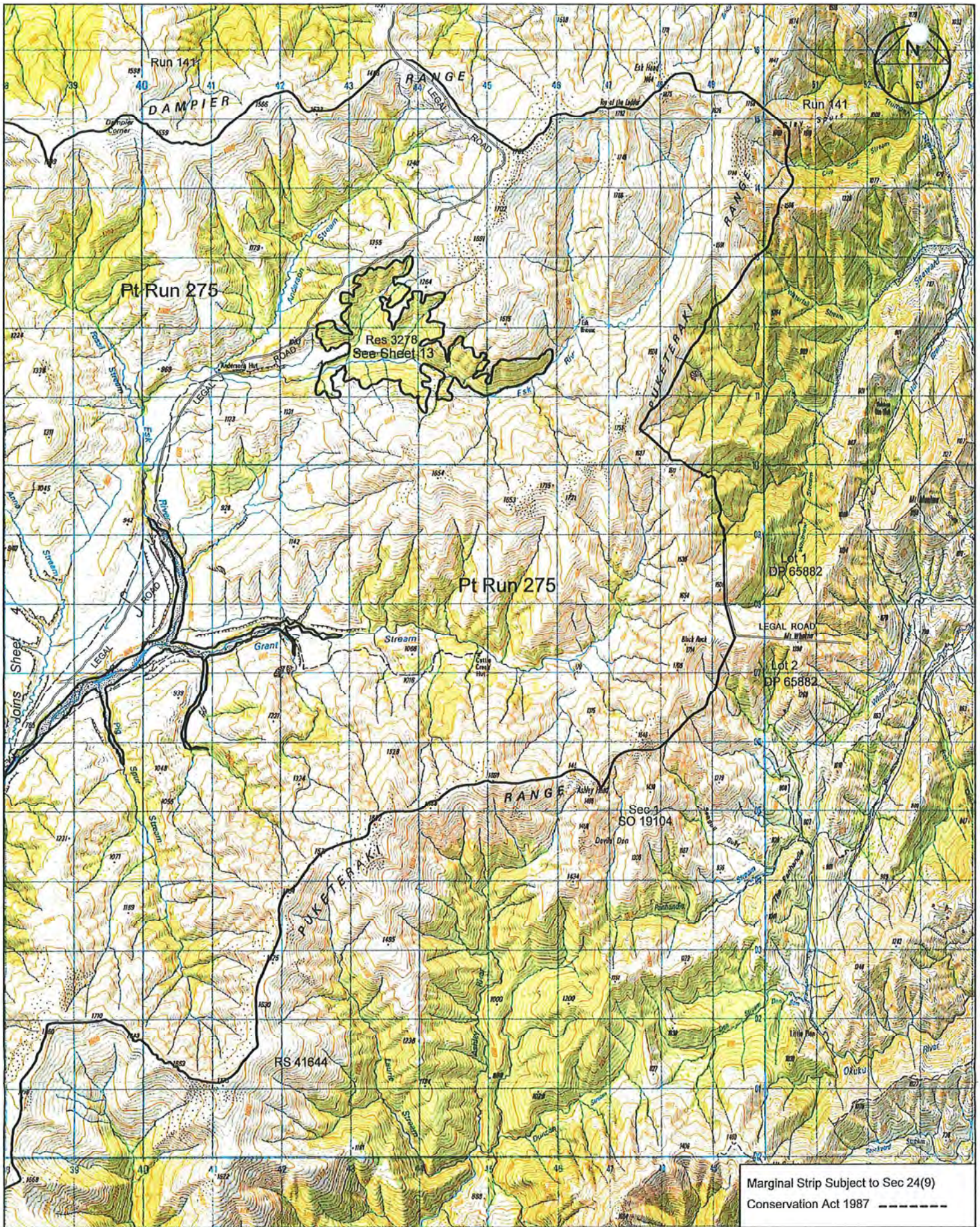


Mt White

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Version	1	2	3	4	5	
Canterbury Land District			Sheet 4 of 13			
Topographic Map 260 - K33, K34, L33, L34, M33 Date 26/04/02						



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



Pt Res 3535

Mt White

(See Report
1A of 16)

Pt RS 35368

3.6421 ha
SO 4319

(See Report
3 of 16)

Pt
RS 6711

15.4691 ha
(See Report
2 of 16)

SO 4319

LINE

Douglas Stream

MIDLAND

River

RIVERSDALE ROAD

Waimakariri

Version

1

2

3

4

5

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

Canterbury Land District

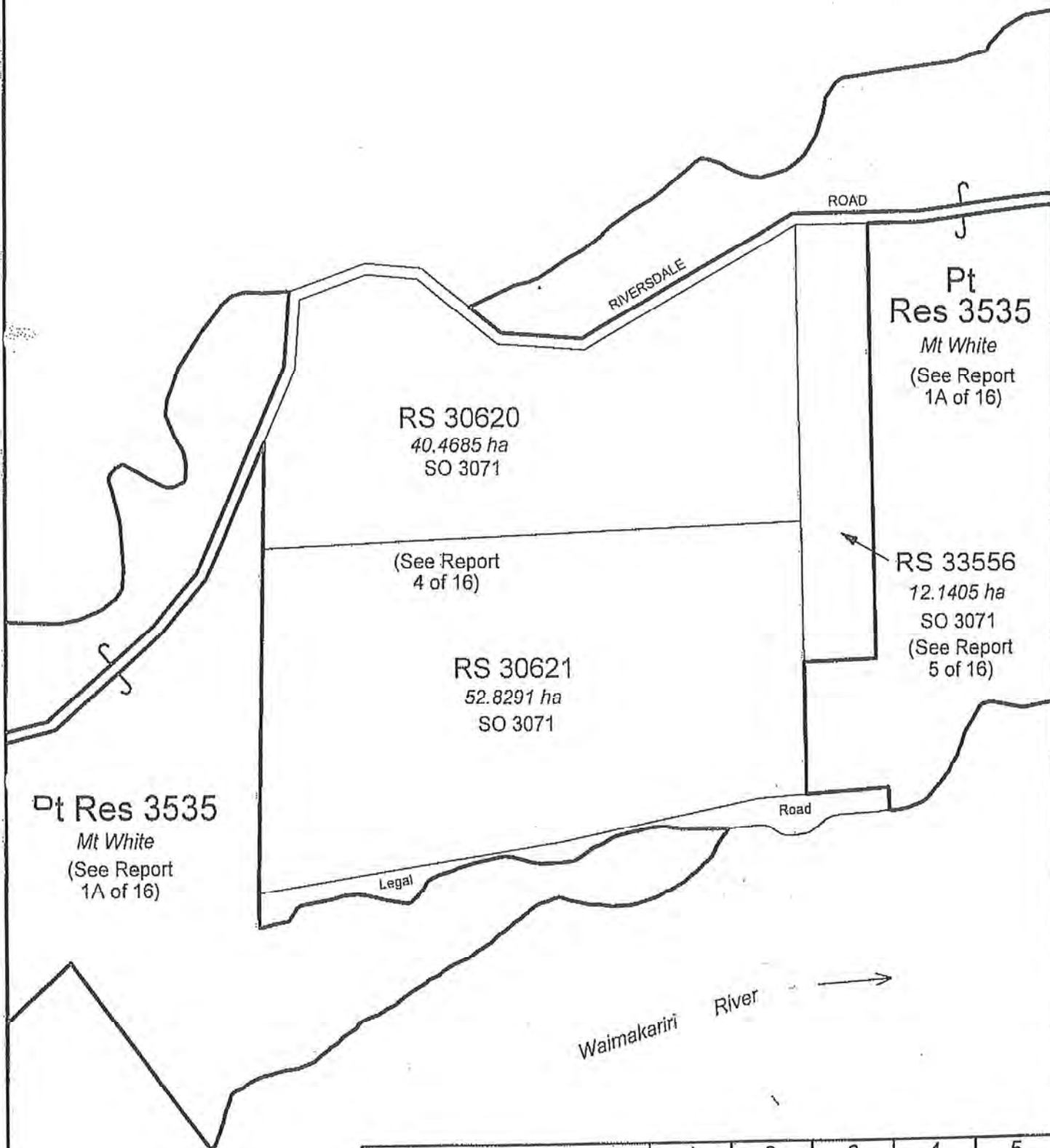
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Topographic Map 260 - K33, K34, L33, L34, M33 Date 26/04/02

Mt White

Scale 1:10000

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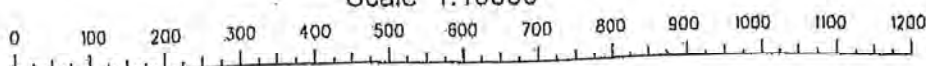
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Conservation Act 1987

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Sheet 7 of 13
Date 26/04/02

Mt White

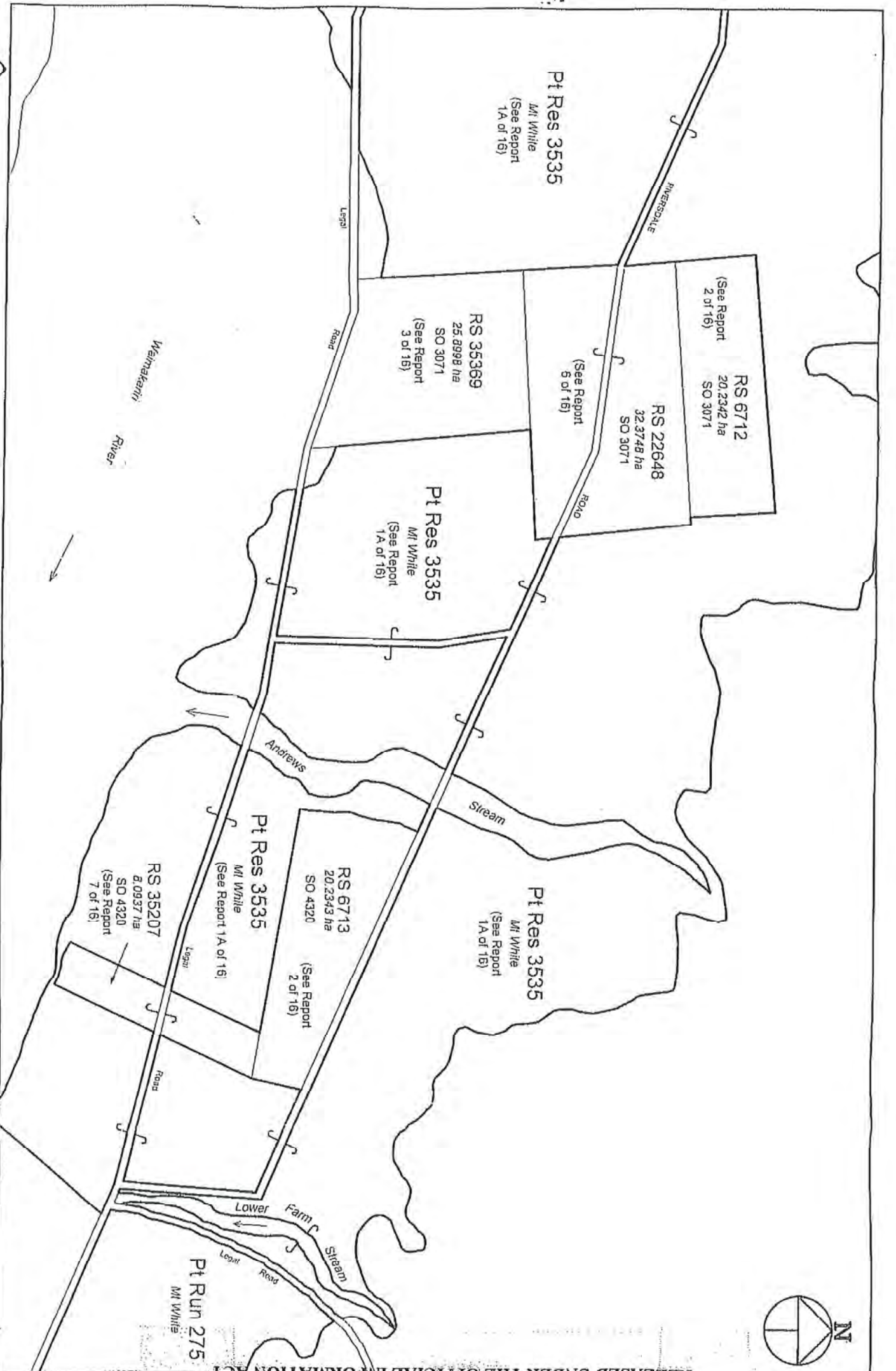
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Christchurch



RELIED UPON FOR THE OFFICIAL INFORMATION ACT



Pt Res 3535

Mt White
(See Report
1A of 16)

RS 6712
20.2342 ha
SO 3071
(See Report
2 of 16)

RS 22648
32.3748 ha
SO 3071

(See Report
6 of 16)

RS 35369
25.8998 ha
SO 3071
(See Report
3 of 16)

Pt Res 3535

Mt White
(See Report
1A of 16)

Pt Res 3535

Mt White
(See Report
1A of 16)

RS 6713
20.2343 ha
SO 4320

(See Report
2 of 16)

Pt Res 3535

Mt White
(See Report 1A of 16)

RS 35207
8.0937 ha
SO 4320
(See Report
7 of 16)

Pt Run 275

Mt White

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

Mt White

Scale 1:10000



Pt Run 275
Mt White

Res 4008
22.7636 ha
SO 5449
(See Report
8 of 16)

RS 27975
8.1114 ha
(See Report
10 of 16)

(See Report
2 of 16)

RS
33196
(See Report
9 of 16)
23.3099 ha
SO 3072

RS 33195
8.0937 ha
(See Report 9
of 16)

RS 7777
20.2343 ha

RS 22784
77.6996 ha
(See Report
11 of 16)

RS 33193
24.2871 ha

SO 3072

(See Report 9
of 16)

RS 33869
99.8562 ha

SO 3072

RS
33194
20.2343 ha

(See Report
12 of 16)

RS 33224
40.4433 ha

RS 33225
20.6086 ha

Pt Run 275
Mt White

Pt Run 275
Mt White

Pt Run 275
Mt White

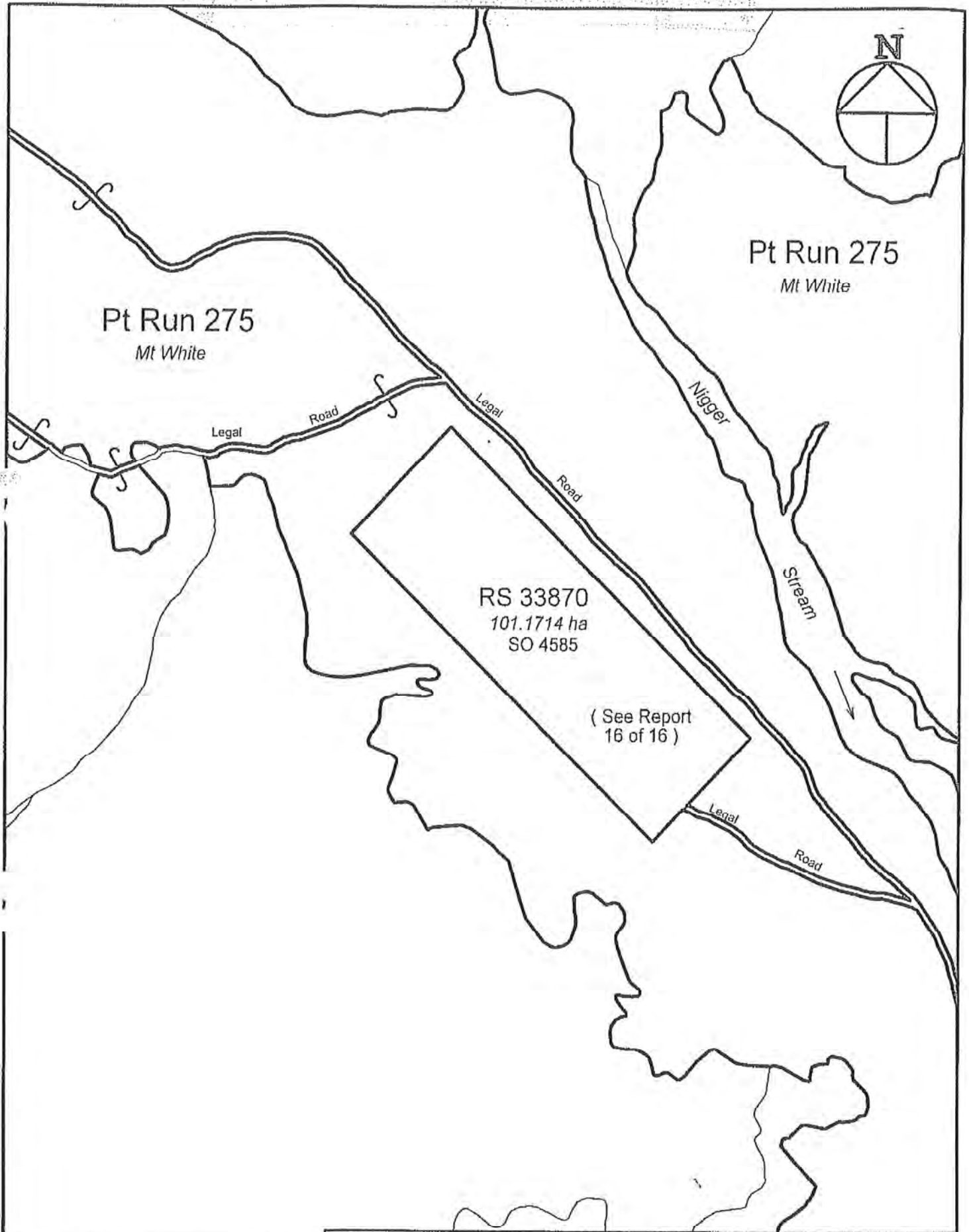
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Conservation Act 1987

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Topographic Map 260 - K33, K34, L33, L34, M33					

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Date 26/04/02

Mt White

Scale 1:15000



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

Version	1	2	3	4	5
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Topographic Map 260 - K33, K34, L33, L34, M33					
Date 26/04/02					

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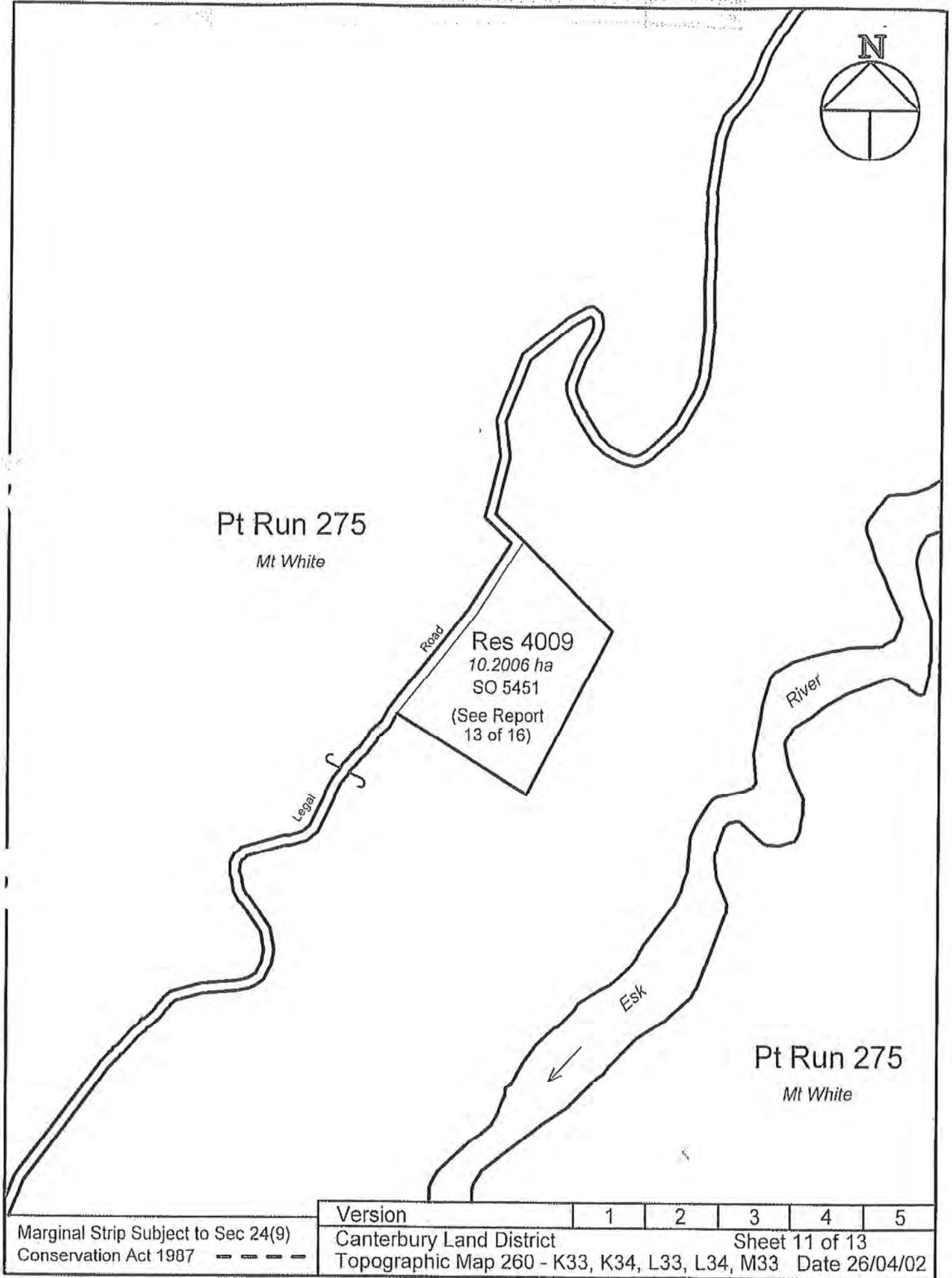


PO Box 13-343
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Mt White

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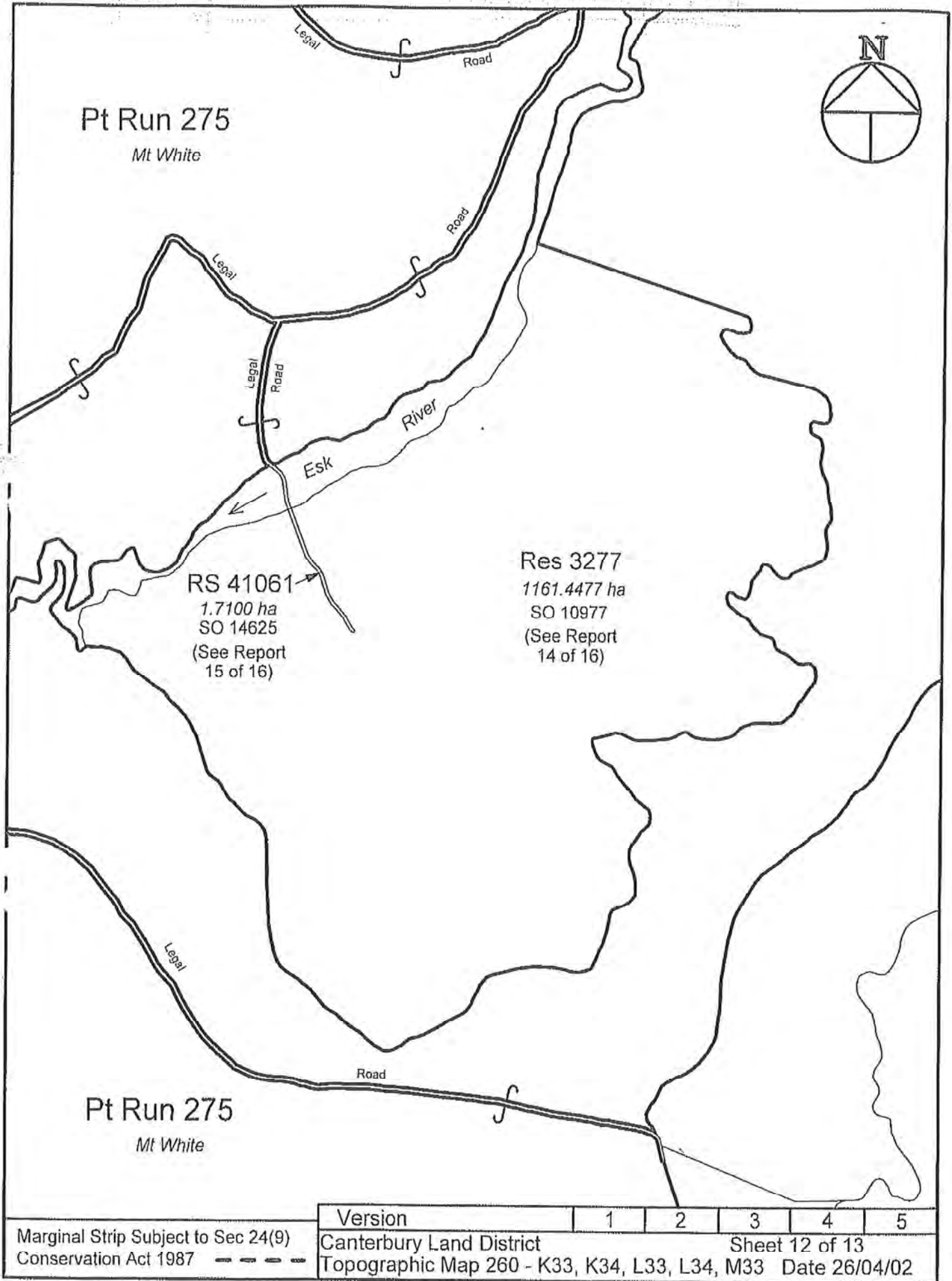
Mt White

Scale 1:10000



PO Box 12-343
Christchurch

0 100 200 300 400 500 600 700 800 900 1000 1100 1200





Pt Run 275
Mt White

Road

Legal

Res 3278
238.7645 ha
SO 10977

(See Report 14
of 16)

Pt Run 275
Mt White

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

Version	1	2	3	4	5
Canterbury Land District					
Topographic Map 260 - K33, K34, L33, L34, M33					

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Date 26/04/02

Mt White

Scale 1:25000

APPENDIX A – LAND STATUS REPORT
(and supporting plans)

**Q.V. VALUATIONS
CHRISTCHURCH OFFICE**

APPENDIX A1

Project No: QVV : 368

This report has been prepared on the instruction of Land information New Zealand in terms of **Contract No. 50272 (as yet undated)** and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Mt White Tenure Review	LIPS Ref: 12762
Property 1 of 16	

Land District	Canterbury.
Legal Description	Part Run 275, situated in Blocks XVI Katrine, XII and XVI Bealey, IV VII VIII IX XI XII XIII XIV XV and XVI Hawdon, I II III IV V VI VII VIII IX X XI XII XIII XIV and XV Esk, I and V Okuku, II III IV and VIII Grassmere and I II and V Upper Ashley Survey Districts.
Area	38339.3317 hectares.
Status	Crown land subject to the Land Act 1948.
Instrument of title / lease	Part Computer Interest Register CB529/73 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal 798148.2.
Encumbrances	Subject to: 1) Part IVA of the Conservation Act 1987, upon disposition. 2) 944274.1 Land Improvement Agreement pursuant to Section 30A of the Soil Conservation and Rivers Control Act 1941.
Mineral Ownership	The Mines and Minerals are, for the most part, owned by the Crown because except for the areas below the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Deed of Purchase. However insofar as the underlying RS 34587 acquired by HMQ as Crown land subject to the Land Act 1948 in 1962, is concerned the Crown is at liberty to invoke the standard Crown Mineral restrictions on disposition of the land.
Statute	Land Act 1948 and Crown Pastoral Land Act 1998.

Data Correct as at	13 June 2002.
[Certification Attached]	Yes.

Prepared by Crown Accredited Supplier	Don McGregor, McGregor Property Services Limited, Christchurch (for and on behalf of Q.V. Valuations.
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NOTES: This information does not affect the status of the land but was identified as possible requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6

- 1) Please note additional Reports of land within the periphery of the lease.
- 2) Computer Interest Register (Pastoral lease) CB529/73 does not but S.O.'s 10977, 10866, 10996 and 11084 all contain a notation that the lease is subject to Section 58 of the Land Act 1948 applying in respect of all rivers and streams in excess of 3 metres in width. **However such strips are 'notional' only pending disposition of the land.**
- 3) The attached topographical indicate that the formed tracks throughout the property deviate considerably from the legal roads.
- 4) Part Computer Interest Register CB529/73 (Part Reserve 3535) is Reserve for National Park pursuant to the Reserves Act 1987. That area, comprising 997.5501 hectares, has been included in the lease erroneously (Refer to Report 1A of 16).

LAND STATUS REPORT for Mt White Tenure Review	LPS Ref: 12762
Property 1 of 16	

Research Data: Some Items may not be applicable

SDF Print Obtained	Yes.
NZMS 261 Ref	K33/34, L33/34.
Local Authority	Selwyn District Council.
Crown Acquisition Map	Kemp Deed of Purchase.
SO Plans	SO 3071 - Plan of Bealey and Hawdon S.D.'s (Approved 1885). SO 3072 - Plan of Grassmere District (Approved 1885/1887). SO 4319 - Plan of RS's 6711 and 35368 (Approved 1885). SO 4320 - Plan of RS's 6713, 35207 and 35208 (Approved 1885). SO 4585 - Plan of R.S. 33870 (Approved 1889). SO 4847 - Plan of Land (incl RS's 6711 and 35368) for Railway (Approved 22 January 1911). SO 5449 - Plan of Reserve 4008 (Approved 17 November 1917). SO 5451 - Plan of Reserve 4009 (Approved 17 November 1917). SO 10485 - Plan of Parts Run 275 to be added to Arthurs Pass National Park - (Approved 13 April 1965). SO 10977 - Plan of Dampier area including Pt Run 275 and Reserves 3277 and 3278 (Approved 15 May 1968). SO 10866 - Plan of Ashley area including Pt Run 275 (Approved 15 May 1968). SO 10995 - Plan of Broken River area including Pt Run 275 (Approved 15 May 1968). SO 11084 - Plan of Otira area including Pt Run 275 and Pt Reserve 3535 (Approved 11 October 1968). SO 11779 - Plan of Pt Run 275 to be set apart for Road - (Approved 26 September 1972). SO 14625 - Plan of Road to be transferred (RS 41061) - (Approved 26 September 1972). SO's 17119, 17120, 17127 and 17128 -- DOC Allocation plans. SO 18026 - Plan of Section 1 (formerly Pt Run 275) - (Approved 24 May 1989).

	SO 18027 - Plan of Section 1 (formerly Pt Run 275) - (Approved 24 May 1989). SO 18028 - Plan of Sections 1-4 (formerly Pt Run 275) - (Approved 24 May 1989). SO 18181 - Plan of Section 1 (formerly Pt Run 275) - (Approved 5 September 1989). SO 18182 - Plan of Section 1 (formerly Pt Run 275) - (Approved 5 September 1989). SO 19104 - Sections 1 and 2 adjoining Part Run 275 - (Approved 21 April 1994).
Gazette Notices	N.Z. Gazette 1901 p.2034 set apart 150,000 acres of land as Reserve for National Park (997 5501 ha of which still has that status but is within the Pastoral lease). N.Z. Gazette 1978 p.95 proclaimed 7.3855 ha (SO 11779) of Pt Run 275 as road and vested the same in the Selwyn District Council. N.Z. Gazette 1994 p.1341 declared the land in SO's 18026-18028 and 18181 and 18182 to be held for Conservation purposes pursuant to the Conservation Act 1987. N.Z. Gazette 1994 p.2227 and 2228 added the land in SO's 18026-18028 to the Arthurs Pass National Park..
Lease Ref	Part Computer Interest Register CB529/73 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal 798148.2.
Legalisation cards	Searched. S.O.'s 18026-18028, 18181 and 18182. No outstanding actions.
CLR	Confirms Pastoral Lease tenure as to Run 275 (prior to redefinition)
Allocation Maps (if applicable)	Searched. No SOE Allocations within the periphery of the lease. DOC Allocation D*L34* 1, 2 and 6 (SO 17127 and 17128) deemed adjoining land to be Stewardship land pursuant to Section 62 of the Conservation Act 11987. Extracts of Allocation Schedules and plans attached.
VNZ Ref - if known	Part VR 24270/11700.
Crown Grant Maps	Not applicable.
Subject Land Marginal Strip:	
a) Type [Sec 24(9) or Sec 58]	a) Refer to Notes above.
b) Date Created	b) Not applicable.
c) Plan Reference	c) Not applicable.

LAND STATUS REPORT for Mt White Tenure Review		LIPS Ref 12762
Property 1 of 16		
If Crown land – Check Irrigation Maps	Searched – Not applicable.	
Mining Maps	Searched – Not applicable.	
If Road		
a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989	a) SO Plans 10836, 10977, 10995 and 11084 denoted Roads coloured burnt sienna as legal by Section 110A of the Public Works Act 1928. Refer also Topo Plans 4P, 10P, 11P, 19P and 54P.	
b) By Proclamation	b) Proclamation 164900.1.	
c) Gazette Ref:	c) N. Z. Gazette 1978 p.95.	
Other relevant information		
a) Concessions – Advice from DOC or DTZ New Zealand Limited	a) There are no known current DOC concessions within the lease boundaries. Part of the existing lease (Parts Reserve 3535) is Reserve for National Park (Refer to Report 1A of 16 attached). The only other known interests are in the Marginal Strips yet to be defined.	
b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998	b) Part 9 of the Ngai Tahu Claims Settlement Act 1998, upon disposition.	
c) Mineral Ownership	The Mines and Minerals are for the most part owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Deed of Purchase. The underlying RS 34587 comprised in CT 123/112 transferred to Her Majesty the Queen subject to the Land Act 1948 (for general settlement) by T580185 dated 3 July 1962 whereupon part was added to the adjoining National Park and part incorporated into the Pastoral lease. While the original title (CT 123/112) was issued in 1886 prior to the first Public Works legislation the land was not acquired in 1962 for a public work under a Public Works Act but as Crown land subject to the Land Act 1948. Therefore the Crown in the circumstances is at liberty to invoke the standard Crown Mineral restrictions on disposition of the land	
d) Other Info	d) Not applicable.	

CERTIFICATION

Report to the Commissioner of Crown Lands, or his delegate, for certification of Status Investigation for MT WHITE Pastoral Lease Tenure Review.

1. I, Donald McGregor of McGregor Property Services Limited, acting for and on behalf of Q.V. Valuations, certify that the status report enclosed for certification is in order for signature.
2. In giving this certification I, Donald McGregor of McGregor Property Services Limited, acting for and on behalf of Q.V. Valuations, undertake that the status report has been completed in compliance with all relevant policy instructions and in particular, OSG Standard 1999/05 and the Regulatory Chiefs' Land Status Investigations Guidelines 1999/01.



D McGregor
McGregor Property Services Limited
Accredited Supplier
14 June 2002

APPENDIX A – LAND STATUS REPORT
(and supporting plans)

**Q.V. VALUATIONS
CHRISTCHURCH OFFICE**

APPENDIX A1A

Project No: QVV:368

This report has been prepared on the instruction of Land information New Zealand in terms of Contract No. 50272 (as yet undated) and is undertaken for the purposes of the Crown Pastoral Land Act 1998.

LAND STATUS REPORT for Mt White Tenure Review (Reserve Land)	LIPS Ref: 12762
Property 1A of 16	

Land District	Canterbury.
Legal Description	Part Reserve 3535, situated in Blocks XII, XV and XVI, Bealey and IX, XIII and XIV, Hawdon Survey Districts.
Area	997.5501 hectares.
Status	Reserve for National Park by New Zealand Gazette 1901 p.2034.
Instrument of lease	Part Computer Interest Register (Pastoral Lease) CB529/73 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal 798148.2.
Encumbrances	Subject to: 1) Part IVA of the Conservation Act 1987, upon disposition. 2) Part 9 of the Ngai Tahu Claims Settlement Act 1998. 3) 944274.1 Land Improvement Agreement pursuant to Section 30A Soil Conservation and Rivers Control Act 1941.
Mineral Ownership	The Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Deed of Purchase.
Statute	Reserves Act 1977.

Data Correct as at	7 June 2002.
[Certification Attached]	Yes.

Prepared by Crown Accredited Supplier	Don McGregor, McGregor Property Services Limited, Christchurch for and on behalf of Q.V. Valuations.
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NOTES: This information does not affect the status of the land but was identified as possible requiring further investigation at the due diligence stage: See Crown Pastoral Standard 6

This land is in historical Reserve status but has been in the current Pastoral lease erroneously since issue and was held in prior Pastoral tenure prior to that. Successive lessees have been made aware of this anomaly but to date no significant action has been taken to rationalise the tenure of this land.

LAND STATUS REPORT for Mt White Tenure Review (Reserve Land)	LIPS Ref: 12762
Property 1A of 16	

Research Data: Some Items may not be applicable

SDI Print Obtained	Yes.
NZMS 261 Ref	K33/34, L33/34.
Local Authority	Selwyn District Council.
Crown Acquisition Map	Kemp Deed of Purchase.
SO Plans	SO 11084 - Plan of Otira area including Part Reserve 3535 (Approved 11 October 1968).
Gazette Notices	N.Z Gazette 1901 p.2034 reserved 150,000 acres (including the above area) for National Park purposes.
Lease Ref	Held in Computer Interest Register (Pastoral Lease) CB529/73 pursuant to Section 66 and registered under Section 83 of the Land Act 1948 as varied by Memorandum of Renewal 798148.2.
Legalisation Cards	Not applicable
CLR	Confirms Run 275 as Pastoral Lease tenure (inclusive of the above area).
Allocation Maps (if applicable)	Not applicable.
VNZ Ref – if known	Pt VR 24270/11700.
Crown Grant Maps	Not applicable.
Subject Land Marginal Strip: a) Type [Sec 24(9) or Sec 58]	a) SO 11084 indicates that land subject to Section 58 of the Land Act 1948 applying to all rivers and streams in excess of 3 metres in width on the presumption the land is held on Pastoral lease.
b) Date Created	b) Not applicable.
c) Plan Reference	c) Not applicable.

LAND STATUS REPORT for Mt White Tenure Review (Reserve Land)	LIPS Ref 12762
Property 1A of 16	

If Crown land – Check Irrigation Maps	Searched – Not applicable.
Mining Maps	Searched – Not applicable.
If Road a) Is it created on a Block Plan – Section 43(1)(d) Transit NZ 1989 b) By Proclamation c) Gazette Ref:	a) SO Plans 11084 denoted Roads coloured burnt sienna as legal by Section 110A of the Public Works Act 1928. Refer also Topo Plan 4P. b) Not applicable. c) Not Applicable.
Other relevant information a) Concessions – Advice from DOC or DTZ New Zealand Limited. b) Subject to any provisions of the Ngai Tahu Claims Settlement Act 1998 c) Mineral Ownership d) Other Info	a) No known current DOC concessions exist within the lease boundaries. The land is Reserve for National Park under the Reserves Act 1977 but there is no indication that concession have been granted in accordance with the Pastoral lease occupation. b) Part 9 of the Ngai Tahu Claims Settlement Act 1998, upon disposition. c) Mines and Minerals are owned by the Crown because the land has never been alienated from the Crown since its acquisition for settlement purposes from the former Maori owners under the 1848 Kemp Deed of Purchase. d) Not applicable.

Lands permanently reserved.

RANFURLY, Governor.

WHEREAS by the two hundred-and-thirty-fifth section of "The Land Act, 1892," it is enacted that the Governor may from time to time, either by 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 license, any Crown lands which in his opinion are required for any of the purposes in the said section mentioned:

And whereas by the two hundred-and-thirty-sixth section of the said Act it is provided that land temporarily reserved under the said two hundred-and-thirty-fifth section may, at the expiration of one month but not later than six months after the publication in the *Gazette* of notice of such temporary reservation, be permanently reserved, and that notice of such permanent reservation shall be published in the *Gazette*:

And whereas the lands specified in the first column of the Schedule hereto were, by the warrants the dates of which are specified in the third column of the said Schedule, and the notifications of which were published in the *Gazettes* specified in the fourth column, temporarily reserved under the authority of the said Act for the purposes specified in the second column of the said Schedule:

Now, therefore, I, Uchter John Mark, Earl of Ranfurly, the Governor of the Colony of New Zealand, in pursuance and exercise of the power and authority vested in me by the said Act, do hereby permanently reserve the lands so temporarily reserved as aforesaid, and enumerated in the first column of the Schedule hereto, for the purposes specified in the second column of the said Schedule, being the same purposes for which the said lands were so temporarily reserved as aforesaid.

SCHEDULE.

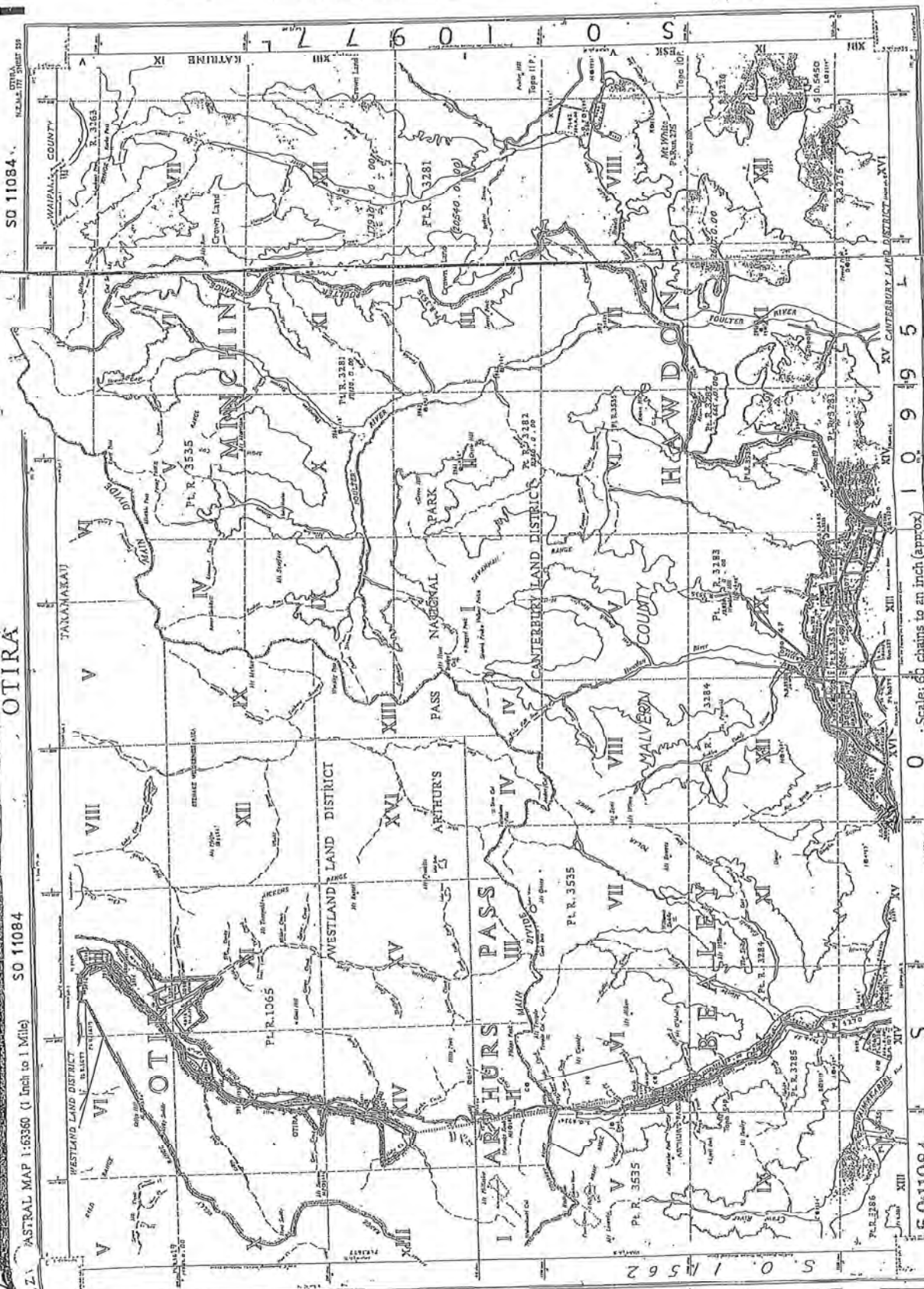
First Column. DESCRIPTION OF RESERVES.					Second Column.	Third Column.	Fourth Column.
Land District.	Locality.	Section.	Block.	Area.	Purpose for which Land reserved.	Date of Warrant.	Gazette.
Auckland ..	Matata Parish ..	166	..	A. R. P. 5 3 0	Public cemetery ..	1901.	1901.
" ..	Rotorua Town ..	2	V.	0 1 0	Site for a drill-hall ..	6 Sept.	No. 83, 12 Sept.
" ..	Pahi Suburbs ..	10 & 11	..	36 0 31	Drill-ground ..	"	"
" ..	" ..	15, 16, & 89	..	72 3 14	Agricultural and Pastoral Society's show-ground ..	"	"
" ..	Orahiri S.D. ..	7	XV.	10 0 0	Use of Department of Agriculture ..	"	"
" ..	Ohinemuri S.D. ..	3	XVI.	2 3 1	Addition to a public cemetery ..	"	"
" ..	Harataunga S.D. ..	17	V.	16 2 0	Recreation ..	"	"
" ..	Whangape S.D. ..	63	II.	12 3 0	Agricultural and Pastoral Society's show-ground ..	"	"
" ..	Karangahape Parish ..	Ptns. of 66 & 20	..	91 0 0	Water-supply for City of Auckland ..	"	"
" ..	Mahurangi Parish ..	82A	..	27 0 0	Recreation ..	"	"
" ..	Whakatane S.D. ..	11	IX.	10 0 0	" ..	"	"
" ..	Waipareira Parish ..	111A	..	0 2 14	Public-hall site ..	"	"
" ..	" ..	111	..	5 0 0	Public-school site ..	"	"
" ..	" ..	112	..	10 0 0	Public cemetery ..	"	"
" ..	Horotiu Parish ..	69B	..	1 2 22	Site for public buildings of General Government ..	"	"
" ..	Town of Cambridge East ..	Lots 607, 608, 609, & 610	..	0 1 24	Post and Telegraph buildings and purposes ..	"	"
Wellington ..	Makoura Village ..	9	..	0 2 0	Site for public buildings of General Government ..	"	"
" ..	" ..	8	..	0 2 0	Public-hall site ..	"	"
" ..	" ..	10	..	4 0 0	Public-school site ..	"	"
" ..	" ..	1	..	2 0 0	Public cemetery ..	"	"
" ..	" ..	2	..	6 2 6	Recreation ..	"	"
" ..	Hautapu S.D. ..	11	VIII.	89 0 0	Forest and scenery preservation ..	"	"
" ..	" ..	4	VII.	62 0 0	Ditto ..	"	"
" ..	Mangaone S.D. (Pae Creek Village) ..	3B	IV.	1 0 0	Public-school site ..	"	"
Nelson ..	Tadmor S.D. ..	21	XI.	0 1 24	Gravel ..	"	"
" ..	" ..	22A	..	0 1 24	" ..	"	"
" ..	" ..	19	VII.	0 1 31	" ..	"	"
" ..	" ..	20	..	1 0 18	" ..	"	"
" ..	" ..	9	X.	0 1 24	" ..	"	"
" ..	" ..	10	..	0 1 29	" ..	"	"
" ..	" ..	16	..	0 1 24	" ..	"	"
" ..	" ..	4	XI.	0 3 11	" ..	"	"
" ..	" ..	17	VII.	16 0 0	Recreation ..	"	"
" ..	" ..	12	..	7 2 0	Public cemetery ..	"	"
" ..	" ..	9	XI.	5 1 28	Public-school site ..	"	"
" ..	Motueka S.D. (Motueka Original District) ..	196A	VII.	2 0 0	Gravel ..	"	"
Marlborough ..	Motu Ngaro Island, Gore S.D. ..	..	..	..	Preservation of native fauna and flora ..	29 May	No. 55, 6 June.
Westland ..	Otira S.D. ..	347	X.	17,000 0 0	National park ..	2 May	No. 46, 9 May.
Canterbury ..	Minchin, Bealey, Davis, and Hawdon S.D. ..	3535	..	150,000 0 0	" ..	"	"
" ..	Rakaia S.D. ..	3545 (in red)	III.	1 0 0	Gravel ..	6 Sept.	No. 83, 12 Sept.
Otago ..	Benger S.D. ..	15	XII.	1 3 15	Public cemetery ..	"	"
Southland ..	Niagara Township ..	2	..	0 1 0	Site for a public library and athenaeum ..	"	"

As witness the hand of His Excellency the Governor: this nineteenth day of October 1902.

Appellation	Former Area	New Area	Gasoline	Notes
Remondet 1st	2,000.00	3,164.00	0.00	
Remondet 2nd	2,000.00	3,164.00	0.00	WMA-4573
Remondet 3rd	2,000.00	3,164.00	0.00	
Remondet 4th	2,000.00	3,164.00	0.00	
Remondet 5th	2,000.00	3,164.00	0.00	
Remondet 6th	2,000.00	3,164.00	0.00	
Remondet 7th	2,000.00	3,164.00	0.00	
Remondet 8th	2,000.00	3,164.00	0.00	
Remondet 9th	2,000.00	3,164.00	0.00	
Remondet 10th	2,000.00	3,164.00	0.00	
Remondet 11th	2,000.00	3,164.00	0.00	
Remondet 12th	2,000.00	3,164.00	0.00	
Remondet 13th	2,000.00	3,164.00	0.00	
Remondet 14th	2,000.00	3,164.00	0.00	
Remondet 15th	2,000.00	3,164.00	0.00	
Remondet 16th	2,000.00	3,164.00	0.00	
Remondet 17th	2,000.00	3,164.00	0.00	
Remondet 18th	2,000.00	3,164.00	0.00	
Remondet 19th	2,000.00	3,164.00	0.00	
Remondet 20th	2,000.00	3,164.00	0.00	
Remondet 21st	2,000.00	3,164.00	0.00	
Remondet 22nd	2,000.00	3,164.00	0.00	
Remondet 23rd	2,000.00	3,164.00	0.00	
Remondet 24th	2,000.00	3,164.00	0.00	
Remondet 25th	2,000.00	3,164.00	0.00	
Remondet 26th	2,000.00	3,164.00	0.00	
Remondet 27th	2,000.00	3,164.00	0.00	
Remondet 28th	2,000.00	3,164.00	0.00	
Remondet 29th	2,000.00	3,164.00	0.00	
Remondet 30th	2,000.00	3,164.00	0.00	
Remondet 31st	2,000.00	3,164.00	0.00	
Remondet 32nd	2,000.00	3,164.00	0.00	
Remondet 33rd	2,000.00	3,164.00	0.00	
Remondet 34th	2,000.00	3,164.00	0.00	
Remondet 35th	2,000.00	3,164.00	0.00	
Remondet 36th	2,000.00	3,164.00	0.00	
Remondet 37th	2,000.00	3,164.00	0.00	
Remondet 38th	2,000.00	3,164.00	0.00	
Remondet 39th	2,000.00	3,164.00	0.00	
Remondet 40th	2,000.00	3,164.00	0.00	
Remondet 41st	2,000.00	3,164.00	0.00	
Remondet 42nd	2,000.00	3,164.00	0.00	
Remondet 43rd	2,000.00	3,164.00	0.00	
Remondet 44th	2,000.00	3,164.00	0.00	
Remondet 45th	2,000.00	3,164.00	0.00	
Remondet 46th	2,000.00	3,164.00	0.00	
Remondet 47th	2,000.00	3,164.00	0.00	
Remondet 48th	2,000.00	3,164.00	0.00	
Remondet 49th	2,000.00	3,164.00	0.00	
Remondet 50th	2,000.00	3,164.00	0.00	
Remondet 51st	2,000.00	3,164.00	0.00	
Remondet 52nd	2,000.00	3,164.00	0.00	
Remondet 53rd	2,000.00	3,164.00	0.00	
Remondet 54th	2,000.00	3,164.00	0.00	
Remondet 55th	2,000.00	3,164.00	0.00	
Remondet 56th	2,000.00	3,164.00	0.00	
Remondet 57th	2,000.00	3,164.00	0.00	
Remondet 58th	2,000.00	3,164.00	0.00	
Remondet 59th	2,000.00	3,164.00	0.00	
Remondet 60th	2,000.00	3,164.00	0.00	
Remondet 61st	2,000.00	3,164.00	0.00	
Remondet 62nd	2,000.00	3,164.00	0.00	
Remondet 63rd	2,000.00	3,164.00	0.00	
Remondet 64th	2,000.00	3,164.00	0.00	
Remondet 65th	2,000.00	3,164.00	0.00	
Remondet 66th	2,000.00	3,164.00	0.00	
Remondet 67th	2,000.00	3,164.00	0.00	
Remondet 68th	2,000.00	3,164.00	0.00	
Remondet 69th	2,000.00	3,164.00	0.00	
Remondet 70th	2,000.00	3,164.00	0.00	
Remondet 71st	2,000.00	3,164.00	0.00	

[illegible]

Notes: 1. Rödtz chain coloured burnt Sienna and Legel Roads.
2. Run is subject to Section 56, Land Act 1948, along river and creeks over 10 feet wide.
3. The beds of rivers, streams and lakes within the original boundaries of R.3535 are deemed not to be part of R.3535.

[illegible][illegible]

Quoted are Year-to-date Minimum Payments \$ 1.00
 Price of Payment \$ 1.00
 The Treasury Dept. and Comptroller are holding these notes

NAME	DATE OF BIRTH	DATE OF DEATH	PLACE OF BIRTH	PLACE OF DEATH	CAUSE OF DEATH	REMARKS

APPENDIX A – LAND STATUS REPORT
(and supporting plans)

August 24. 1900.

The Surveyor General.

Wellington.

Proposed National Park at the head of the Waimakariri River.

S.G. 44401/2.

Referring to your memo. of the 30th. ulto., requesting a proposal for the reservation of an area at the head waters of the Waimakariri River for the purposes of a National Park, I now forward herewith a description of an area of 150000 acres which I have to suggest might be set apart for the purpose named. This comprises all the country covering the sources of the Waimakariri, with its tributaries the Bealey, Hawdon, and Poulter Rivers. I also enclose lithograph showing the boundaries of the proposed reservation.

You will observe that included within the boundaries indicated, is an area of 48000 acres, which has already been set apart as State Forest Reserves, being the whole of Reserves Nos. 3284/5, and parts of Reserves Nos. 3281, 3282, 3285, and 3286, as per schedule enclosed, which were set apart by notification in Gazette No. 68, page 1459, of September 15. 1898. It might be desirable, if legally possible, to cancel that portion of these reservations which is included within the boundaries of the proposed National Park, so as to have the whole of the area under one reservation for one purpose, and if this can be done, the area of the Park could be increased to 198000 acres.

As the Otira Gorge is not in this district, and we have no maps of it, I presume a proposal in respect thereto will be obtained from the Commissioner at Hokitika.

Sidney Wectman
Commissioner of Crown Lands.

Enclosures.

Mr Shanks
de has com d litho showing proposed

*Temporarily reserved by H.G. 1026 - 9/5/01
Permanently 927-2034 - 24/10-01*

Lands permanently reserved.

RANFURLY, Governor.

WHEREAS by the two-hundred-and-thirty-fifth section of "The Land Act, 1892," it is enacted that the Governor may from time to time, either by 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 license, any Crown lands which in his opinion are required for any of the purposes in the said section mentioned:

And whereas by the two-hundred-and-thirty-sixth section of the said Act it is provided that land temporarily reserved under the said two-hundred-and-thirty-fifth section may, at the expiration of one month but not later than six months after the publication in the *Gazette* of notice of such temporary reservation, be permanently reserved, and that notice of such permanent reservation shall be published in the *Gazette*:

And whereas the lands specified in the first column of the Schedule hereto were, by the warrants the dates of which are specified in the third column of the said Schedule, and the notifications of which were published in the *Gazettes* specified in the fourth column, temporarily reserved under the authority of the said Act for the purposes specified in the second column of the said Schedule:

Now, therefore, I, Uchter John Mark, Earl of Ranfurly, the Governor of the Colony of New Zealand, in pursuance and exercise of the power and authority vested in me by the said Act, do hereby permanently reserve the lands so temporarily reserved as aforesaid, and enumerated in the first column of the Schedule hereto, for the purposes specified in the second column of the said Schedule, being the same purposes for which the said lands were so temporarily reserved as aforesaid.

SCHEDULE.

First Column. DESCRIPTION OF RESERVES.					Second Column. Purpose for which Land reserved.	Third Column. Date of Warrant.	Fourth Column. Gazette.
Land District.	Locality.	Section.	Block.	Area.			
				A. R. P.		1901.	1901.
Auckland ..	Matata Parish ..	166	..	5 3 0	Public cemetery ..	6 Sept.	No. 83, 12 Sept.
" ..	Rotorua Town ..	2	V.	0 1 0	Site for a drill-hall ..	"	" "
" ..	Pahi Suburbs ..	10 & 11	..	36 0 31	Drill-ground ..	"	" "
" ..	" " ..	15, 16, & 39	..	72 3 14	Agricultural and Pastoral Society's show-ground	"	" "
" ..	Orahiri S.D. ..	7	XV.	10 0 0	Use of Department of Agriculture	"	" "
" ..	Ohinemuri S.D. ..	3	XVI.	2 3 1	Addition to a public cemetery	"	" "
" ..	Harataunga S.D. ..	17	V.	16 2 0	Recreation ..	"	" "
" ..	Whangape S.D. ..	63	II.	12 3 0	Agricultural and Pastoral Society's show-ground	"	" "
" ..	Karangahape Parish	Ptns. of 66 & 20	..	91 0 0	Water-supply for City of Auckland	"	" "
" ..	Mahurangi Parish ..	82A	..	27 0 0	Recreation ..	"	" "
" ..	Whakatane S.D. ..	11	IX.	10 0 0	" ..	"	" "
" ..	Waipareira Parish ..	111A	..	0 2 14	Public-hall site ..	"	" "
" ..	" ..	111	..	5 0 0	Public-school site ..	"	" "
" ..	" ..	112	..	10 0 0	Public cemetery ..	"	" "
" ..	Horotiu Parish ..	69B	..	1 2 22	Site for public buildings of General Government	"	" "
" ..	Town of Cambridge East	Lots 607, 608, 609, & 610	..	0 1 24	Post and Telegraph buildings and purposes	"	" "
Wellington ..	Makoura Village ..	9	..	0 2 0	Site for public buildings of General Government	"	" "
" ..	" ..	8	..	0 2 0	Public-hall site ..	"	" "
" ..	" ..	10	..	4 0 0	Public-school site ..	"	" "
" ..	" ..	1	..	2 0 0	Public cemetery ..	"	" "
" ..	" ..	2	..	6 2 6	Recreation ..	"	" "
" ..	Hautapu S.D. ..	11	VIII.	89 0 0	Forest and scenery preservation	"	" "
" ..	" ..	4	VII.	62 0 0	Ditto ..	"	" "
" ..	Mangaone S.D. (Paa Creek Village)	3B	IV.	1 0 0	Public-school site ..	"	" "
Nelson ..	Tadmor S.D. ..	21	XI.	0 1 34	Gravel ..	"	" "
" ..	" ..	22A	..	0 1 24	" ..	"	" "
" ..	" ..	19	VII.	0 1 31	" ..	"	" "
" ..	" ..	20	..	1 0 18	" ..	"	" "
" ..	" ..	9	X.	0 1 24	" ..	"	" "
" ..	" ..	10	..	0 1 29	" ..	"	" "
" ..	" ..	16	..	0 1 24	" ..	"	" "
" ..	" ..	4	XI.	0 3 11	" ..	"	" "
" ..	" ..	17	VII.	16 0 0	Recreation ..	"	" "
" ..	" ..	12	..	7 2 0	Public cemetery ..	"	" "
" ..	" ..	9	XI.	5 1 28	Public-school site ..	"	" "
" ..	Motueka S.D. (Motueka Original District)	196A	VII.	2 0 0	Gravel ..	"	" "
Marlborough	Motu Ngaro Island, Gore S.D. ..	..	..	..	Preservation of native fauna and flora	29 May	No. 55, 6 June.
Westland ..	Otira S.D. ..	347	X.	17,000 0 0	National park ..	2 May	No. 46, 9 May. 1902
Canterbury	Minchin, Bealey, Davie, and Hawdon S.D. ..	3535	..	150,000 0 0	" ..	"	" "
" ..	Rakaia S.D. ..	3545 (in red)	III.	1 0 0	Gravel ..	6 Sept.	No. 83, 12 Sept.
Otago ..	Benger S.D. ..	15	XII.	1 3 15	Public cemetery ..	"	" "
Southland ..	Niagara Township	2	..	0 1 0	Site for a public library and athenæum	"	" "

As witness the hand of His Excellency the Governor, this nineteenth day of October, one thousand nine hundred and one.

T. Y. DUNCAN,
Minister of Lands.

ALTERATION TO BE NOTED

FILE: PR
563

Lease/Licence No. _____ C.T. _____
 Lessee/Licensee: _____
 Description of Land: RUN 176 & Pt. RUNS 175 & 177
 Area: 119890 acs.
 Rating Authorities: TAWERA COUNTY COUNCIL

Full Details of Alteration.	Reason and Authority for Alteration.
<u>Pastoral Run 275 (118340 acs)</u> <u>formerly Run 176, Pt RUNS 175, 177</u> <u>and (Crown Land adjoining 1800 acs)</u>	<u>Issue of new</u> <u>Pastoral Lease</u>
<u>Pt. Run 175 (3350 acs) Hawdon SD</u>	<u>To be added to</u> <u>National Park</u>
<u>Issue of new lease will put DLR's Records correct</u>	

Prepared by: [Signature] Checked by: _____
 Date: 10 June 55 Date: _____

[Signature] Details of Action. R. G. Lading (Records & Maps)

ACTION REQUIRED:

LEASES:	ACCOUNTS:	TITLES:	RECORDS:
G.13 / /	Ledgers: /	Documents: / /	File / /
A/Book / /	C/Register /	C/T /	Index / /
Expiry Book / /	Index: /	Insurance: / /	
	A/c's Check /		

ACTION CHECKED / /

618523

CHANGE OF APPELLATION.
Particulars entered in Register-book

Vol. 502 folio 899.7; 529/73.

and on p. 615983, 549838, 616342, 618983
a 61065

the day of January 1964 at 9.1



Land Registrar,
CANTERBURY



MWC_0021067

LAND & DEEDS	
Nature:	6/ app.
Filed:	14 FEB 1964
Time:	9.1 am
Fees:	£ 2.00
Abstract No.	705

Would you please note them accordingly.

11. ... are changes of appellation affecting your records.

following are changes of appearance

12/2/64

Appellation	Former Appellation	Block and Survey District	Area	Titles affected	Plan
✓ 37541	Sec. 1 Mt. Harris Farm Settlement	✓ V Waitaki ✓ 20 chm	438 3 30	C.L. 502/8 ✓	S.O. 7665 ^L (D.P. 13317)
✓ 37542	Sec. 2 " "	✓ V Waitaki, VIII Elephant Hill ✓	341 2 00	C.L. 502/9 ✓	" "
✓ 37543	Sec. 3 " "	✓ " " no near hill map.	407 1 30	C.L. 502/7 ✓	" "
✓ 38990	Reserve 4815	VIII Hororata ✓ T 62 3 chm	4 0 13	K. 616342 ✓	S.O. 9017
✓ 51, Blk. VII Tekapo Village	Pt. Res. 181	XIII Tekapo } T. 88 5 chm ✓	0 1 20	-	S.O. 10241 *
✓ c. 52, Blk. VII Tekapo Village	Pt. Res. 181	XIII Tekapo }	0 2 06.5	-	S.O. 10241 *
✓ S. 38991	Closed Road and Pt. Res. 867	IX Teviotdale ✓	1 1 06.5	Proc. 549338 ✓	S.O. 9646 ^L
✓ S. 38992	Closed Road	III Leeston ✓	0 0 32 ✓	Pt. Proc. 610657 ✓	S.O. 10083 ✓
✓ S. 38993	Closed Road	IX and XIII Opihi ✓	1 0 10.1	Pt. Proc. 615983 ✓	S.O. 9957 ✓
✓ Run 275 ("Mt White")	Pt. Run 275 and Pt. R.S. 34587	Katrine, Bealey, Hawdon, Esk, Grasmore, and Upper Ashley	118175 2 00	C.L. 529/73 ✓	-

Affects titles shown in fifth column above.
not in all relevant plans, documents etc.

18/2/64

Note Page 615983 not noted as document & not in file at above date.

... of plan enclosed

ENCL: 1 photostat

FILE: P.60**ALTERATION** *to appellation*

Lessee/Licensee:

R. J. Turnbull

Description of Land:

*Run 275 ("Mt White") situated in Katrine,
Bealey, Howdon, Esk, Gosmore and Upper Ashby Survey
Districts, Tawera County.*Area: *118175-2-00*

Rating Authorities:

Tawera County Council

Full Details of Alteration

Run 275 formerly Pt Run 275 and Pt R.S. 34587

CHECKED

21 JAN 1965

Initials:.....

Reason and Authority for Alteration

*Change of appellation to simplify description and
eliminate reference to Pt. R.S. 34587
see folio 406 on file APB.1.*

J 13 No.

Prepared by:

Abelone

3/2/64. Checked by:

*J.D. Mappin**4/2/64*

ACTION REQUIRED:

Done Miller Lmb.

LEASES SEC.:

J. 13

Q. Regr.

Expiry Book:

ACCOUNTS DIV.:

Ledgers:

C./register:

Land AA

Index:

A/c's. Check:

TITLES SEC.:

Documents

Insurance

RECORDS SEC.:

File

Index

OKR notified

ACTION CHECKED:

*13/7/64**J.D. Mappin*

APPENDIX A

Tables 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

APPENDIX B

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.

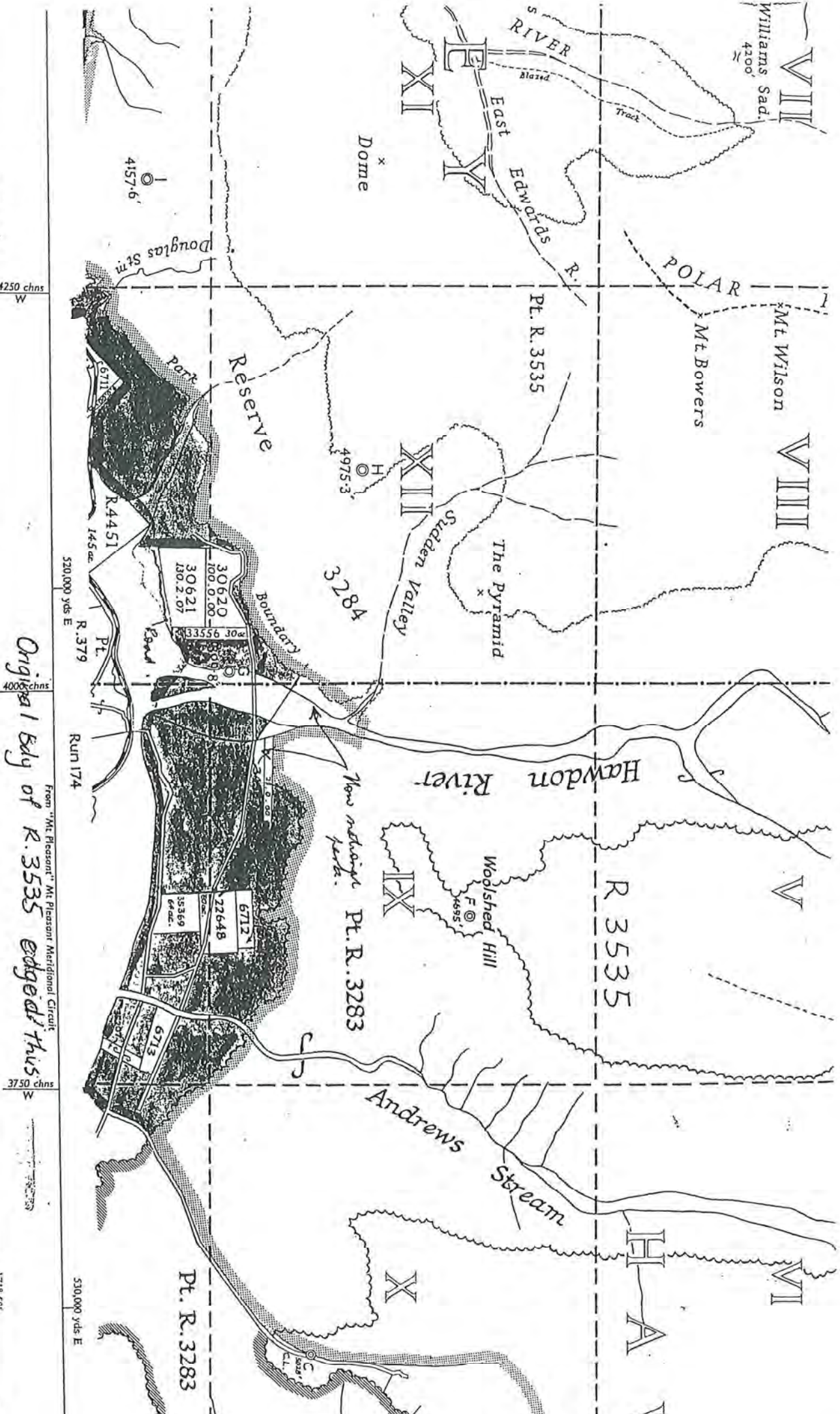
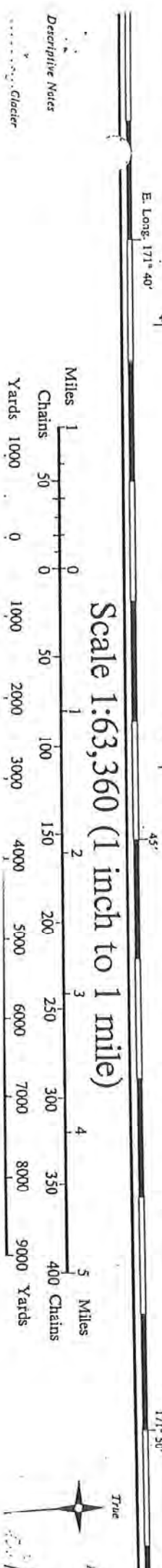
...to be herevly conveyed and the parcels of land included in a certain memorandum of Transfer of ? area ? herewith have the Company of the purchaser and the inheritance thereof in fee simple in posaession ? per ? have all encumbrances and also of the parcels of land and premises comprised in these several 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. Stidholme 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"



CHRISTCHURCH.

8 August 1968

The Asst. Commissioner of Crown Lands,
OFFICE.

A/CCL
T/S

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 M.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.

As Part of a Pastoral Run: Mr Savage has explicitly catalogued the history of this area as part of Run 277 "Round Hill". There is no need for me to comment

on 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 Gazettal 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 Gazettal 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 overriden by any prescriptive rights. 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

In my view the provisions of S. 117 Land Act may be ignored since technically resuming the Crown would not be resuming this land if it were taken out of the Pastoral Lease. The position, it seems to me, is that the Crown would be taking back something which rightfully belongs to it and which has wrongly been leased to another person. I do not consider that the present lessee of Mount

3264
131

...e 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 C.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.

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

15.

F. G. Hutchesson

(F.G. HUTCHESSON)
District Solicitor

HISTORY OF PT RES 3535 IN MT WHITE PASTORAL LEASE

In reply to request by Mr J. Fetherston, Mapping Division, for a clarification of land status in the Riversdale area. See Appendix A.

LOCATION

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

PRESENT AREA

118,175 acres 2 roods 00 perches.

PRESENT DESCRIPTION

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

HISTORY

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

1890: Together with Runs 174, 176 and 177 (Mt White and Gora 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, 175, 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 £1,290. 0. 0.

1896: The licence over these runs (including Riversdale - 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, Davie and Hawdon Survey Districts. Bounded by a line commencing at the confluence of the eastern and western branches of the Poulter River and proceeding thence along the summit of the spur leading to Poulter 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 P 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 Waimakariri 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 reserves..."

T.T. DURGAN

W. of Lands

Therefore, the Hawdon area of R 275 (175) was included in Reserve 3535 except for Rural Sections 30620, 30621, 34537, 6712, 27648, 35369, 6713, 3520 and 33556 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:

<u>Land District</u>	<u>Locality</u>	<u>Section</u>	<u>Block</u>	<u>Area</u>
Canterbury	Minchin, Bealey, Davie and Hawdon Survey Districts	R 3535	X	150,000
<u>Purpose</u>	<u>Date of Warrant</u>			
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. (Lessees 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 PR 453 gives the following information:

1. 1896: The licence to 1904 over R 175 - 22,000 acres - was granted under the PASTORAL TENANTS 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 Reserves included within the original boundaries having been deducted), was included among those proposed to be offered last Feb."

Note: The above-mentioned "Forest Reserves" were not Nat. Park land, and did not affect that 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, may 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.C. folio 3723/69 on FR 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 FR 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 3535 on the west and north. There are 823 acres of freehold land cut out of the run, all level ..."

Also mentioning 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 Area as verified in the C.L.R.'s letter, but the area is given on the map as being "R 175, 22,000 acres".

- 4 -
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 PR 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 0 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 war years.

1946: Search form on folio 81 of PR 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 - PR 380 Riverdale (R 175)
38510 - PR 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 Poulter 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 Poulter 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 Poulter *(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

1965: The same applies to land "added" to the park from the Hawdon River and Andrews Stream area. It was already gazetted National Park 1901, pages 1026 and 2034 and again gazetted as such in 1965, page 1456.

1966: This land is still part R 275 and part Reserve 3535 reserved for National Park purposes.

CONCLUSION

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

Hawdon-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 1946 - folio 81 of Tr 563, Schedule of Plan and Documents received 1964 - folio 495 of 8/6/1 (closed vol. and letter folio 580 of 8/6/1. 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 (R 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 Hawdon-Andrews area (where present National Park boundary is) to keep within the national park;
- (d) previous titles over the freehold sections 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 380 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

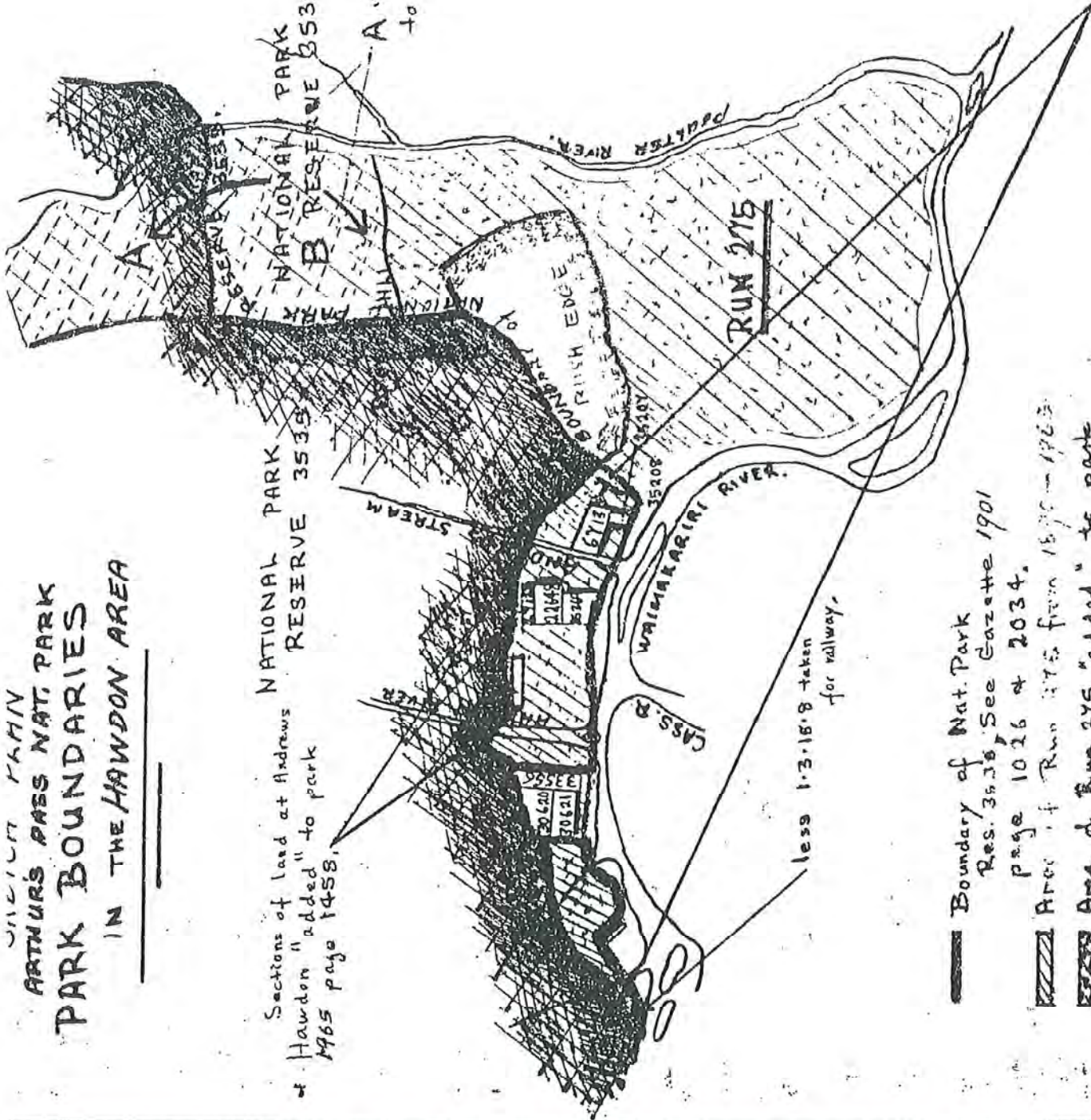
SECTION XXIV ARTHUR'S PASS NAT. PARK PARK BOUNDARIES IN THE HAWDON AREA

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

NATIONAL PARK
RESERVE 3535

2115 acres of Nat. Park Res.
1235 " Crown Land
385 " of State Forest
Res 3282.

A & B further "added"
to park 1963 page 145.



Boundary of Nat. Park
Res. 3535, 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 to DAY
Present Day Edge of Nat. Park

LAND X-Y
(Pt Run 275 also known
as Pt Reserve 3535)
Proposed to be ADDED to

749843

Change of Appellation

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

the 18th day November 1968 at 11 a.m.



Asst. Land Registrar
CANTERBURY



MWO_0020985

LAM² NEEDS

Nat.	61 Appel
R.	66 L
18 NOV 1968	
T.	11 a.m.
Fee	
Abstract No.	7041

Lead Registrar,

Showing are changes of appellation affecting your records.

Would you please note them accordingly.

DEPARTMENT OF LANDS AND SURVEY

743247

R.A. Innes
R.A. Innes, CHIEF SURVEYOR
8/11/68

Former Appellation	Survey Block and District	Area	Doc. or C/T Affected	Plan Numbers Plan Required
Part Reserve 3942 ✓	Blks I & II Lyndon S.D.	89 : 1 : 20	K.748492 ✓	S.O. 11040*
Part Reserve 3942 ✓	Blk II Lyndon S.D.	2 : 1 : 24.4	K.748492 ✓	S.O. 11040*
Pt Res. 282 and Pt Res. 2645 ✓	Blk IV Geraldine S.D.	11 : 3 : 37.6	K.733714 ✓	S.O. 11117*
Part Reserve 282 ✓	Blk IV Geraldine S.D.	5 : 1 : 03.5	K.733714 ✓	S.O. 11117*
Stopped Government Road	Blk XVI Christchurch S.D.	0 : 0 : 00.7	Proc. 601251 ✓	10022
Closed Road	Blk VIII Ellesmere S.D.	1 : 2 : 39.4	K.698635 ✓	10581L
Res. 4485 (Reverts to prior appellation)	City of Christchurch	0 : 0 : 34.6	Bal. C.T. 477/150 ✓	-
Res. 4621 (Reverts to prior appellation)	City of Christchurch	0 : 1 : 28	Bal. C.T. 390/49 ✓	-
Pt Sec. 109/Rosewill Settlement ✓	Blk XI Pareora S.D.	123 : 0 : 20	C.L. 218/15 ✓	S.O. 11109*
Pt Sec. 109/Rosewill Settlement ✓	Blk XI Pareora S.D.	115 : 0 : 00	C.L. 218/15 ✓	S.O. 11109*
Run 275 ✓	As before *	118175 : 2 : 00	C.L. 529/73 ✓	S.O. 11084*
Part Reserve 3065 ✓	Blk XIII Rakia S.D.	2 : 3 : 23.7	K.749660 - ✓	11079*
Reserve 2236 ✓	Blks XII, XVI Alford S.D.	5 : 0 : 00	K.749175 ✓	2367
Stopped Government Road	Blk VI, Tekoa S.D.	2 : 1 : 21.7	NZ Gaz. 1968 p.1822	10347L
Stopped Government Road	Blk VI Tekoa S.D.	0 : 2 : 05.5	"	10347L
Stopped Government Road	Blk VIII Skiddaw S.D. *	5 : 2 : 35	"	9563L
Stopped Government Road	Blk VIII Skiddaw S.D. *	0 : 0 : 03.4	"	9563L
Stopped Government Road	Blk VIII Skiddaw S.D. *	0 : 1 : 28.0	"	9563L
Stopped Government Road	Blk V Tekoa S.D.	5 : 2 : 31.9	"	9699L
Stopped Government Road	Blk V Tekoa S.D.	1 : 0 : 05.8	"	9699L
Stopped Government Road	Blk V Tekoa S.D.	0 : 0 : 03.1	"	9699L
Stopped Government Road	Blk V Tekoa S.D.	0 : 0 : 35.9	"	9699L
Stopped Government Road	Blk VIII Skiddaw S.D. *	0 : 0 : 35.5	"	9893L
Stopped Government Road	Blk VIII Skiddaw S.D. *	0 : 0 : 26.8	"	9893L
Stopped Government Road	Blk VIII Skiddaw S.D. *	1 : 0 : 14.0	"	9893L
Stopped Government Road	Blk VIII, XII Skiddaw S.D. *	0 : 2 : 10.9	"	9893L
Stopped Government Road	Blk IX Tekoa S.D.	0 : 1 : 18.8	"	9893L
Stopped Government Road	Blks V, IX Tekoa S.D.	0 : 2 : 11.8	"	9893L
Stopped Government Road	Blk IX Tekoa S.D.	0 : 0 : 36.7	"	9893L
Stopped Government Road	Blk VI Tekoa S.D.	7 : 3 : 30	"	9918L
Stopped Government Road	Blk VI Tekoa S.D.	0 : 0 : 06.9	"	9918L

* No L.T. Record Map as at 19/11/68. *Refer on relevant plans record map & drawing 188/11/68*
and encipher if not map or drawing

ALTERATION CHANGE OF APPELLATION and AREA

Lessee/Licensee: R. T. TUNBULLDescription of Land: Part Reserve 3535 and Part Run 275
formerly Run 275Area: See belowRating Authorities: Malvern County Council

Full Details of Alteration

- ① Part Reserve 3535 Formerly Part Run 275 situated in Bks. XII, XV, XVI, Beaky S.D. and IX, XIII, XIV, Howdon S.D.
Area: 2465. 0.00. S.O. 11084⁺
(National Park Reserve Gaz 1901 p 2034)

- ② Part Run 275 situated in IV, VII, VIII, IX, X, XI, XII, XIV, XV, XVI Howdon S.D., I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, Est S.D., IX, XIII, XIV, XVI Katrine S.D., IV, Okuku S.D., II, V, Upper Ashley S.D., II, III, IV, VIII Grasmere S.D.
Area: 118,930. 0.00 S.O. 10866⁺ 10977⁺ 10955⁺ 11084⁺
Former Area both parcels = 118,175 2.00

Reason and Authority for Alteration

- ① To correct appellation of ^{PL} 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: Baugholt 15/10/68Checked by: J. W. Duff 15/10/68

J 13 No.

ACTION REQUIRED:

LEASES SEC.:

G. 13 / /
C.L. Regr. / /
Expiry Book: / /
/ /

ACCOUNTS DIV.:

Ledgers: / /
C/register: / /
Land A/c. / /
Index: / /

TITLES SEC.:

Documents: / /
Insurance: / /

RECORDS SEC.:

File / /
Index / /

Ours: 100, and 1
Yours: 8/6/1

330

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 Foulter 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 Foulter 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

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

Copy for your information.

(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



33²

21 August 1969

Mr H.Y. Turnbull,
80 Memorial Avenue,
CHRY. TCHU/CH 5

Dear Mr Turnbull,

SCOTT HILL RUN AND ARTHUR'S PASS NATIONAL PARK

I refer to the discussion Mr J.K. 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 Foulter 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 Foulter 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 trampers and others engaged in healthy pursuits using the track up the Foulter.

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,

(M.J. Fitzgerald)
Chairman

Chief Ranger,
Arthur's Pass National Park

For your information.

(M.J. Fitzgerald)
Chairman

P.60

CHRISTCHURCH

26 September 1969

Office Solicitor, ROAD OFFICE

PAGE RESERVE 3535 ADJOINING ARTHUR'S PASS NATIONAL PARK

Dear Randall,

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 Gazetteal as a Reserve in 1901 is available if you want it.

Regards.

Encls.

(P. G. Hutchesson)

115

Ref. to 36 & District Solicitor's Opinion
on Res. 3535.

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

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

by J. Hyslop
21. 8. 69.

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

P. 331.
24/9/69.

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".

(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 necessary
 Should 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

CERTIFICATE OF ALTERATION

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
District Land Registrar of the

District of

MWO_0021157



District Land Registry
Christchurch No. 2

529/73

1 6 4 6 8 6 / 1

CATE OF ALTERATION UNDER SECTION 113, LAND ACT 1948

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

and

Pastoral No. 60
IN THE MATTER of/lease (licence) 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 increased in area
to 49131.4673 (Redefinition
by new Survey office plans.
see above)

Reg and o/s copy of CT
enclosed.

[Signature]
28.2

Wanh

19.77.

Assistant

[Signature]
Commissioner of Crown Lands.

as witness my hand, this 16th day of

CONFIDENTIAL COPY PROVIDED TO
LINZ (CROWN PROPERTY MANAGEMENT)
CONTRACTOR FOR PURPOSES ASSOCIATED
August 24. 1900.

WITH CONTRACT 50112 ONLY.

The Surveyor General. NOT TO BE FURTHER COPIED, REPRODUCED
W e l l i n g t o n . OR DISTRIBUTED WITHOUT THE
PERMISSION OF LINZ

Proposed National Park at the head of the Waimakariri River.

S.G. 44401/2.

Referring to your memo. of the 30th. ulto., requesting a proposal for the reservation of an area at the head waters of the Waimakariri River for the purposes of a National Park, I now forward herewith a description of an area of 150000 acres which I have to suggest might be set apart for the purpose named. This comprises all the country covering the sources of the Waimakariri, with its tributaries the Bealey, Hawdon, and Poulter Rivers. I also enclose lithograph showing the boundaries of the proposed reservation.

You will observe that included within the boundaries indicated, is an area of 48000 acres, which has already been set apart as State Forest Reserves, being the whole of Reserves Nos. 3254/5, and parts of Reserves Nos. 3281, 3282, 3285, and 3286, as per schedule enclosed, which were set apart by notification in Gazette No. 66, page 1459, of September 15. 1898. It might be desirable, if legally possible, to cancel that portion of these reservations which is included within the boundaries of the proposed National Park, so as to have the whole of the area under one reservation for one purpose, and if this can be done, the area of the Park could be increased to 198000 acres.

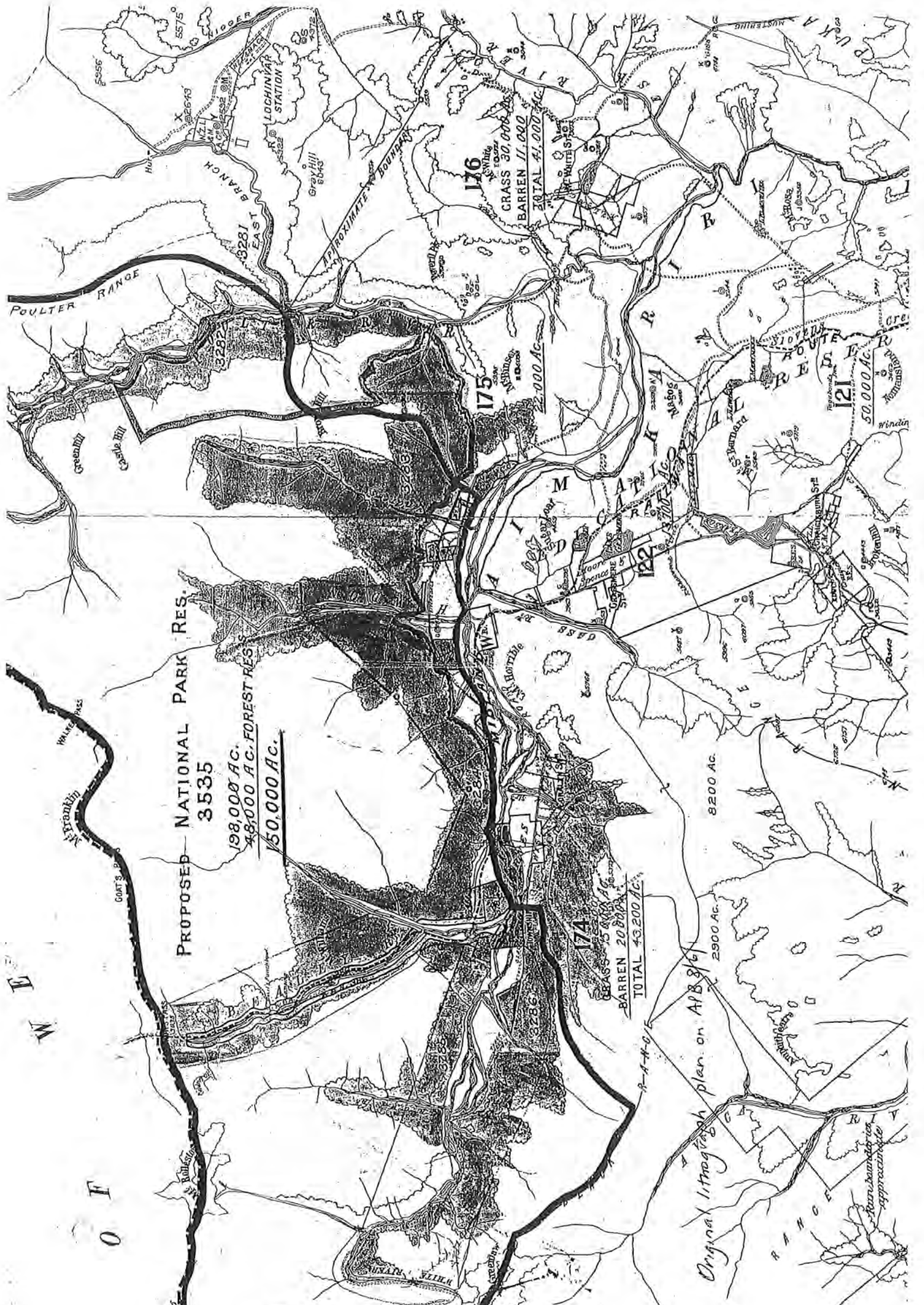
As the Otira Gorge is not in this district, and we have no maps of it, I presume a proposal in respect thereto will be obtained from the Commissioner at Hokitika.

Sidney Westman
Commissioner of Crown Lands.

Enclosures.

Mr. Shanks
no. 1. Com. d. litho showing proposed

*Indefinitely reserved by H.G. 1026 - 7/5/01
924-2034 - 24-10-01
Bromley*



PROPOSED NATIONAL PARK RES.
3535

198,000 AC. FOREST RES.

48,000 AC. FOREST RES.

150,000 AC.

176

CRASS 30,000 AC.

BARREN 11,000 AC.

TOTAL 41,000 AC.

175

CRASS 22,000 AC.

BARREN 11,000 AC.

TOTAL 33,000 AC.

174

CRASS 15,000 AC.

BARREN 20,000 AC.

TOTAL 35,000 AC.

121

CRASS 50,000 AC.

BARREN 11,000 AC.

TOTAL 61,000 AC.

Original lithograph plan on April 8/6

Four boundary lines approximately

Lands permanently reserved.

RANFURLY, Governor.

WHEREAS by the two-hundred-and-thirty-fifth section of "The Land Act, 1892," it is enacted that the Governor may from time to time, either by 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 license, any Crown lands which in his opinion are required for any of the purposes in the said section mentioned:

And whereas by the two-hundred-and-thirty-sixth section of the said Act it is provided that land temporarily reserved under the said two-hundred-and-thirty-fifth section may, at the expiration of one month but not later than six months after the publication in the *Gazette* of notice of such temporary reservation, be permanently reserved, and that notice of such permanent reservation shall be published in the *Gazette*:

And whereas the lands specified in the first column of the Schedule hereto were, by the warrants the dates of which are specified in the third column of the said Schedule, and the notifications of which were published in the *Gazettes* specified in the fourth column, temporarily reserved under the authority of the said Act for the purposes specified in the second column of the said Schedule:

Now, therefore, I, Uchter John Mark, Earl of Ranfurly, the Governor of the Colony of New Zealand, in pursuance and exercise of the power and authority vested in me by the said Act, do hereby permanently reserve the lands so temporarily reserved as aforesaid, and enumerated in the first column of the Schedule hereto, for the purposes specified in the second column of the said Schedule, being the same purposes for which the said lands were so temporarily reserved as aforesaid.

SCHEDULE.

First Column. DESCRIPTION OF RESERVES.					Second Column. Purpose for which Land reserved.	Third Column. Date of Warrant.	Fourth Column. Gazette.
Land District.	Locality.	Section.	Block.	Area.			
				A. R. P.		1901.	1901.
Auckland ..	Matata Parish ..	166	..	5 3 0	Public cemetery ..	6 Sept.	No. 83, 12 Sept.
" ..	Rotorua Town ..	2	V.	0 1 0	Site for a drill-hall ..	"	" "
" ..	Pahi Suburbs ..	10 & 11	..	36 0 31	Drill-ground ..	"	" "
" ..	" " ..	15, 16, & 39	..	72 3 14	Agricultural and Pastoral Society's show-ground	"	" "
" ..	Orahiri S.D. ..	7	XV.	10 0 0	Use of Department of Agriculture	"	" "
" ..	Ohinemuri S.D. ..	3	XVI.	2 3 1	Addition to a public cemetery	"	" "
" ..	Harataunga S.D. ..	17	V.	16 3 0	Recreation ..	"	" "
" ..	Whangape S.D. ..	63	II.	12 3 0	Agricultural and Pastoral Society's show-ground	"	" "
" ..	Karangahape Parish	Ptms. of 66 & 20	..	91 0 0	Water-supply for City of Auckland	"	" "
" ..	Mahurangi Parish ..	82A	..	27 0 0	Recreation ..	"	" "
" ..	Whakatane S.D. ..	11	IX.	10 0 0	" ..	"	" "
" ..	Waipareira Parish	111A	..	0 2 14	Public-hall site ..	"	" "
" ..	" ..	111	..	5 0 0	Public-school site ..	"	" "
" ..	" ..	112	..	10 0 0	Public cemetery ..	"	" "
" ..	Horotiu Parish ..	69B	..	1 2 22	Site for public buildings of General Government	"	" "
" ..	Town of Cambridge East	Lots 607, 608, 609, & 610	..	0 1 24	Post and Telegraph buildings and purposes	"	" "
Wellington ..	Makoura Village ..	9	..	0 2 0	Site for public buildings of General Government	"	" "
" ..	" ..	8	..	0 2 0	Public-hall site ..	"	" "
" ..	" ..	10	..	4 0 0	Public-school site ..	"	" "
" ..	" ..	1	..	2 0 0	Public cemetery ..	"	" "
" ..	" ..	2	..	6 2 6	Recreation ..	"	" "
" ..	Hautapu S.D. ..	11A	VIII.	89 0 0	Forest and scenery preservation	"	" "
" ..	" ..	4	VII.	62 0 0	Ditto ..	"	" "
" ..	Mangaone S.D. (Paa Creek Village)	3B	IV.	1 0 0	Public-school site ..	"	" "
Nelson ..	Tadmor S.D. ..	21	XI.	0 1 24	Gravel ..	"	" "
" ..	" ..	22A	..	0 1 24	" ..	"	" "
" ..	" ..	19	VII.	0 1 31	" ..	"	" "
" ..	" ..	20	..	1 0 18	" ..	"	" "
" ..	" ..	9	X.	0 1 24	" ..	"	" "
" ..	" ..	10	..	0 1 29	" ..	"	" "
" ..	" ..	16	..	0 1 24	" ..	"	" "
" ..	" ..	4	XI.	0 3 11	" ..	"	" "
" ..	" ..	17	VII.	16 0 0	Recreation ..	"	" "
" ..	" ..	12	..	7 2 0	Public cemetery ..	"	" "
" ..	" ..	9	XI.	5 1 28	Public-school site ..	"	" "
" ..	Motueka S.D. (Motueka Original District)	196A	VII.	2 0 0	Gravel ..	"	" "
Marlborough	Motu Ngaro Island, Gore S.D. ..	..	..	..	Preservation of native fauna and flora	29 May	No. 55, 6 June.
Westland ..	Otira S.D. ..	347	X.	17,000 0 0	National park ..	2 May	No. 46, 0 May. 1902
Canterbury	Minchin, Bowley, Davis, and Hawdon S.D. ..	3535	..	150,000 0 0	" ..	"	" "
" ..	Rakaia S.D. ..	3545 (in red)	III.	1 0 0	Gravel ..	6 Sept.	No. 83, 12 Sept.
Otago ..	Benger S.D. ..	15	XII.	1 3 15	Public cemetery ..	"	" "
Southland ..	Niagara Township	2	..	0 1 0	Site for a public library and atheneum	"	" "

As witness the hand of His Excellency the Governor, this nineteenth day of October, one thousand nine hundred and one.

T. Y. DUNCAN,
Minister of Lands.

ALTERATION TO BE NOTED

FILE: PR
563
231

Lease/Licence No. _____ C.T. _____
 Lessee/Licensee: _____
 Description of Land: RUN 176 & Pt. Runs 175 & 177
 Area: 119890 acs.
 Rating Authorities: TAWERA COUNTY COUNCIL

Full Details of Alteration,	Reason and Authority for Alteration,
Pastoral Run 275 (118340 acs) formerly Run 176, Pt Runs 175, 177 and Crown Land adjoining 1800 acs)	Issue of new Pastoral Lease
Pt. Run 175 (3350 acs) Hawdon SD	To be added to National Park
Issue of new lease will put DLR's Records correct	

Prepared by: [Signature]

Checked by: _____

Date: 10th June 55

Date: _____

[Signature] Clerk. Details of Action. R. G. Gading (Records & Maps)

ACTION REQUIRED:

LEASES:

G.I3 / /
 A/Book / /
 Expiry Book / /

ACCOUNTS:

Ledgers: /
 C/Register /
 Index: /
 A/c's Check /

TITLES:

Documents: / /
 C/A /
 Insurance: / /

RECORDS:

File / /
 Index / /

ACTION CHECKED / /

618523

CHANGE OF APPELLATION.
Particulars entered in Register-book

Vol. 502 folio 899.7; 529/73.

and on P. 615983, 549838, 616342, 618983
a 61068

the day of 1964 at 9.1 a



Land Registrar,
CANTERBURY, N.Z.



MWO_0021067

LAND & DEEDS	
Nature:	6/ app.
From:	Chris Swainson
174 FEB 1964	
Time:	9.1 am
Fee:	£ 10.00
Abstract No.	705

Land Registrar,

A.

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

Andrew
Chief Surveyor
13/2/64

Appellation	Former Appellation	Block and Survey District	Area	Titles affected	Plan
37541 ✓	Sec. 1 Mt. Harris Farm Settlement ✓	V Waitaki ✓	488 3 30	C.L. 502/8 ✓	S.O. 7665 ^L (D.P. 13317)
37542 ✓	Sec. 2 " " " ✓	V Waitaki, VIII Elephant Hill ✓	341 2 00	C.L. 502/9 ✓	" " "
37543 ✓	Sec. 3 " " " ✓	" " " no record map. ✓	407 1 30	C.L. 502/7 ✓	" " "
38990 ✓	Reserve 4815 ✓	VIII Hororata ✓ T. 62 3 chn ✓	4 0 13	K. 616342 ✓	S.O. 9017
c. 51, Elk. VII Tekapo Village ✓	Pt. Res. 181 ✓	XIII Tekapo } T. 88 5 chn ✓	0 1 20	-	S.O. 10241 *
c. 52, Elk. VII Tekapo Village ✓	Pt. Res. 181 ✓	XIII Tekapo } T. 88 5 chn ✓	0 2 06.5	-	S.O. 10241 *
S. 38991 ✓	Closed Road and Pt. Res. 867 ✓	IX Teviotdale ✓	1 1 06.5	Proc. 549838 ✓	S.O. 9646 ^L
S. 38992 ✓	Closed Road ✓	III Leeston ✓	0 0 32	Pt. Proc. 610657 ✓	S.O. 10083 ✓
S. 38993 ✓	Closed Road ✓	IX and XIII Opihi ✓	1 0 10.1	Pt. Proc. 615983 ✓	S.O. 9957 ✓
un 275 ("Mt White")	Pt. Run 275 and Pt. R.S. 34587	Katrine, Bealey, Hawdon, Esk, Gressmere, and Upper Ashley ✓	118175 2 00	C.L. 529/73 ✓	-

Affects titles shown in fifth column above.
Noted on all relevant plans, documents etc.

Ref
18/2/64

Note Proc. 615983 not noted, as document not in file at above date.

Copy of plan enclosed

ENCL: 1 photostat

FILE: P.60**ALTERATION** to *appellation*Lessee/Licensee: R. J. TurnbullDescription of Land: Run 275 ("Mt White") situated in Katoonia, Bealey, Hawdon, Esk, Graeme and Upper Noddy Survey Districts, Tawera County Area: 118175-2-00Rating Authorities: Tawera County Council

Full Details of Alteration

Run 275 formerly Pt. Run 275 and Pt. R.S. 34587

CHECKED

21 JAN 1965

Initials:.....

Reason and Authority for Alteration

Change of appellation to simplify description and eliminate reference to Pt. R.S. 34587
see folio 406 on file APB.1.

J 13 No.

Prepared by: R. Bayne 31/2/64. Checked by: S. D. Mapp 4/2/64ACTION REQUIRED: Done Miller Lmb.

LEASES SEC.:

J. 13 10/2/64O. Regr. 4/6/12/64Expiry Book: 1/1

ACCOUNTS DIV.:

Ledgers: 12/1/64C./register: 1/1Land A/A: 1/1Index: 1/1A/c's. Check: 25/1/64

TITLES SEC.:

Documents: 5/2/64Insurance: 1/1

RECORDS SEC.:

File: 25/1/5Index: 25/1/5DRR notifiedACTION CHECKED: 13/1/64 J. D. Mapp

APPENDIX A

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

APPENDIX B

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. Stndholme 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"

CHRISTCHURCH.

8 August 1968

The Asst. Commissioner of Crown Lands,
OFFICE.

A/CCL
T/S

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 H.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 1908.

As Part of a Pastoral Run: Mr Savage has explicitly catalogued the history of this land as part of the "Pastoral Run". There is no need for me to comment

on 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 overriden by any prescriptive rights. 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

In my view the provisions of S. 117 Land Act may be ignored since technically speaking the Crown would not be resuming this land if it were taken out of the Pastoral Lease. The position, it seems to me, is that the Crown would be taking back something which rightfully belongs to it and which has wrongly been leased to another person. I do not consider that the present lessee of Mount

3764
13

3. 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.J.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 C.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.

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

13

F.G. HITCHESON
(F.G. HITCHESON)
District Solicitor

HISTORY OF PT RES 3535 IN MT WHITE PASTORAL LEASE

In reply to request by Mr J. Patterson, Mapping Division, for a clarification of land status in the Riversdale area. See Appendix A.

LOCATION

Along the north bank of the Waimakariri 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, Esk, Grassmere and Upper Ashley.

PRESENT AREA

118,175 acres 2 roods 00 perches.

PRESENT DESCRIPTION

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

HISTORY

This area was formerly part of Riversdale 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, 175, 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 \$1,290. 0. 0.

1895: The licence over these runs (including Riversdale - 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, Davie 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 P 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 Waimakariri 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.B. 44401, Head Office.

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

G.T. DUNCAN

W. of Lands

Therefore, the Hawdon area of R 275 (175) was included in Reserve 3535 except for Rural Sections 30620, 30621, 34537, 6212, 22648, 35369, 6713, 3520 and 33556 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:

<u>Land District</u>	<u>Locality</u>	<u>Section</u>	<u>Block</u>	<u>Area</u>
Canterbury	Minchin, Bealey, Davie and Hawdon Survey Districts	R 3535	X	150,000
<u>Purpose</u>	<u>Date of Warrant</u>			
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. (Lessees 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 PR 453 gives the following information:

1. 1896: The licence to 1904 over R 175 - 22,600 acres - was granted under the PASTORAL TENANTS 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 22,600 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 Reserves included within the original boundaries having been deducted), was included among those proposed to be offered last Feb."

Note: The above-mentioned "Forest Reserves" were not Nat. Park land, and did not affect that 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, may 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 grant 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.C. 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 3535 on the west and north. There are 823 acres of freehold land cut out of the run, all level ..."

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

Suggests that S 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 Area as verified in the C.L.B.'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 PR 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 o roods 24.2 perches!!!

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

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

1946: Search form on folio 81 of PR 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 infecting it."

1948: New lease diagram made up as follows:-

*Reduced to 17920 - PR 380 Riverdale (R 175)
38510 - PR 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 Poulter 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 Poulter 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 Poulter (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

1965: The same applies to land "added" to the park from the Hawdon River and Andrews Stream area. It was already gazetted National Park 1901, pages 1026 and 2034 and again gazetted as such in 1965, page 1456.

1969: This land is still part R 275 and part Reserve 3535 reserved for National Park purposes.

CONCLUSION

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

Hawdon-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 1946 - folio 81 of Pr 263, Schedule of Plan and Documents received 1964 - folio 495 of 8/6/1 (closed vol.) and letter folio 500 of 8/6/1. 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 (R 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 Hawdon-Andrews area (where present National Park boundary is) to keep within the national park;
- (d) previous titles over the freehold sections 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 380 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

[illegible]

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

~~4~~ - A 14 IS further "added" to park 1963 page 145.

A. & B. further "added" to part 1963 page 145

less 1.3.15.8 taken for railway.

~~Boundary of Nat. Park~~
Res. 3536, See Gazette 1901
page 1026 & 2034.

Acc. of Res. for 1870-1871

~~Area of~~ Area of Farm 245 "added" to park
Gazette 1963 page 145.

Arrive Rm 245 today.

Present Day Edge of Nut. Park

LAND X-Y
(Pt Run 2YS also known
as Pt Reserve 3535
Proposed to be ADDED to

749843

Change of Appellation

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

the 18th day November 1968 at 11 a.m.



Asst. Land Registrar
CANTERBURY



MWO_0020985

LAM	NEEDS
No.	61 Appel
F.	662
18 NOV 1968	
T.	11 a.m.
Fee	
Abstract No. 7041	