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SECOND SUPPLEMENTARY BRIEF OF EVIDENCE WILLIAM (BILL) ECCLES FLEURY DEPARTMENT OF CONSERVATION LANDLOCKED LAND

Dated 15 August 2019

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FS 9/3/361

NEW ZEALAND FOREST SERVICE

TELEGRAMS AND CABLES: "FORESTRY", TELEPHONE 71 569, TELEX 3723

PRIVATE BAG,
WELLINGTON.

19 April 1974

Minister of Forests

ACQUISITION OF ORUAMATUA-KAIMANAWA IV FOR ADDITION TO KAIMANAWA FOREST PARK

When Cabinet approved the acquisition by compulsory purchase of freehold and Maori land for addition to the Waiouru training area on 1 October 1973 the Cabinet Minute (CM 73/45/14)

"(d) Invited the Minister of Forests to direct that NZ Forest Service negotiations for acquisition of land in the vicinity be deferred until the compensation claim in respect of the compulsory acquisition of further land for the Waiouru Defence Training Area has been settled;"

There is further comment in (h) that the Minister of Maori Affairs will be consulted when exchange proposals for other Maori land are being considered.

The Koreneffs own more than 1,000 of the 3,721 shares in Oruamatua-Kaimanawa IV, an area of 3,721 acres (1 505 ha) lying adjacent to the land taken. It is Maori land in multiple ownership. Before the Koreneffs' freehold land was taken they offered their shares in Oruamatua-Kaimanawa IV and the lease they held over it to the Forest Service. When their land was taken it left this block isolated and, on its own it became unproductive to them. Another major owner, Te Oira Aranui Patone, owns 597 shares and is also disposed to sell to the Forest Service. A number of other owners are likely to agree to sell their shares at a suitable price when a meeting of owners is called before the Maori Land Court for the purpose of deciding sale. Consequently, the Forest Service under ordinary circumstances could confidently expect to acquire this important block for addition to the Kaimanawa Forest Park by a consensus agreement with a majority of owners. However, no constraint operates with private individuals. Qualifying persons are able to acquire individual blocks of shares without regard to valuation or constraints applying to Government Departments.

*Copies sent to Mr. Defoe
4 Maori Affairs 3 5 74
JML*

One of the blocks of Maori land taken for Defence purposes (Oruamatua-Kaimanawa 4, comprising 1 397 ha - 3,452 acres) has an airstrip constructed by Lakeland Aviation Ltd. With the approval of the trustees development took place shortly before the land was taken for Defence purposes. The Army Training Group at Waiouru has given Lakeland Aviation a permit to operate from this airstrip for a three-month period - March to May 1974. Lakeland Aviation is actively pursuing a policy of encouraging safari and game meat recovery operations and this airstrip is in constant use when weather conditions permit. These activities have increased the value of this block in the eyes of the owners far above the Government valuation of \$4,300 (\$1.25 per acre) established on 22 November 1973 for the purpose of settling compensation. At the same time as these developments were taking place Consolidated Traders Limited (a venison exporting firm) indicated to the Koreneffs' solicitors that they would be interested in acquiring the Koreneff shares in Oruamatua-Kaimanawa IV for \$11 per acre.

... Oruamatua-Kaimanawa IV has considerable importance in relation to the Kaimanawa Forest Park. The attached map shows land taken for Defence purposes (cross-hatched in pink), the boundary of the park (edged green) and individual blocks of Maori-owned land in the Kaimanawa, Owhaoko, Tapapa, Runanga and Wharetoto areas. The Owhaoko Gift Blocks have not yet been vested in Trustees. The boundary between grazing land and wholly protective land based on a detailed Land Use Capability Survey (M317) is shown as a dotted brown line.

Oruamatua-Kaimanawa IW, IV and IU form the only practical corridor east of the Defence holdings capable of linking the southern boundary of the park to the Napier-Taihape road. Such a link would provide ready access from the Napier side and would be an important leg in the North Island walkway system. The owner of IW, who has recently dedicated the area as a Private Scenic Reserve (Alexander Park) is agreeable to this block being included in the Forest Park. The owners of IU will be approached in due time to ascertain their wishes in exchanging it for more productive land as part of the larger exchange proposals already in train but suspended meantime. The principal owners are known to be favourably disposed to a possible exchange with the Crown.

Urgency attaches to acquisition of Oruamatua-Kaimanawa IV because of the likelihood of the Koreneffs selling their shares under financial pressure and because of the strong interest by the meat hunter-safari operator group to obtain rights to land in this generally wild area as a base from which to operate. Under Forest Service control safari operators and other interested commercial groups wanting to operate in this block would be licensed in accordance with Forest Service standard procedures.

Because of the Cabinet directive the Forest Service has been unable to enter into any negotiations for acquisition of Oruamatua-Kaimanawa IV or to pursue further the exchange proposals involving over 40 000 ha of Maori land in the upland Kaimanawas. There has been continuous communication and liaison with the Ministry of Works and Development's Chief Land Purchase Officer acting for the Ministry of Defence in these claims. The position now is that if parties acting for Lakeland Aviation Ltd or Consolidated Traders acquire individual parcels of shares in Oruamatua-Kaimanawa IV, the Forest Service attempts to provide a southern corridor for the public from Kaimanawa Forest Park to the Napier-Taihape road will be completely blocked. Furthermore, if these parcels of shares change hands at around \$11 per acre the effect on the value of surrounding or similar land already subject to compensation claims or exchange proposals will be extremely inflationary.

The only solution seen and one that I believe is supported by the Ministry of Works and Development is to proceed with issuing a Panui and making an offer to purchase the whole of Oruamatua-Kaimanawa IV to an assembled meeting of owners. The earliest this can be expected to occur is in June and it is doubtful, because of the ill-health of the Judge, that even this timetable can be met. However, it is not possible to proceed as suggested unless Cabinet releases you from the instruction in the Cabinet Minute of 1 October 1973. Indications are that the compensation claim will not be settled until at least the end of this year and probably into 1975, thus bringing pressure to bear on the Koreneffs or their mortgagors to cash in promptly on the assets represented by shares in Oruamatua-Kaimanawa IV.

Given Cabinet's approval for the Forest Service to make an offer of purchase to an assembled meeting of owners it would be possible to advise the Koreneffs, who are at present actively seeking a buyer for their shares, that the Government will pay a reasonable price not only for their shares but for the whole block.

I understand that the District Valuer, Valuation Department, Hamilton recently valued Oruamatua-Kaimanawa IV and will be reporting that the value of this block for forestry purposes is at least \$5 per acre and in order to secure it against outside purchasers \$6 per acre would be a reasonable figure to pay. The standard procedure in acquiring Maori land has been to add at least 15% to a special Government value in order to satisfy the Court that a reasonable figure is being offered. I understand the Koreneffs and other owners would accept around \$7 per acre for their interests if it was made promptly. The total financial commitment would be \$26,047, ie 3,721 acres x \$7. Finance is available in the 1974-75 land purchase item, Environmental Forestry.

In view of the complexity of this situation and the need to obtain the approval of the Minister of Maori Affairs and the Minister of Defence for proceeding in the acquisition of Oruamatua-Kaimanawa IV I believe you should arrange for an

RECOMMENDED	
16/8/74	<i>[Signature]</i>
16/8/74	<i>[Signature]</i>
FUNDS	
<i>[Signature]</i>	<i>[Signature]</i>
16/8/74	CHIEF ACCOUNT
APPROVED	
19/8/74	<i>[Signature]</i>

BF2Supp2

D.G.

30 AUG 1974

MINISTER OF FORESTS

PROPOSED ACQUISITION OF LAND FOR ADDITION TO THE KAIMANAWA FOREST PARK

Background

1. For the last two or three years the Forest Service has been attempting to acquire additional land to the south of Kaimanawa Forest Park in order to improve public access and enjoyment of the area. Two of the blocks of land which it is proposed to acquire are Oruamatua-Kaimanawa IU (967 ha) and IV (1505 ha). The owners of these blocks are Maoris and Europeans although both pieces are "Maori land". Several of the owners are known to be very willing to have the land purchased by the Forest Service and made available for public use. A map showing the areas is attached.

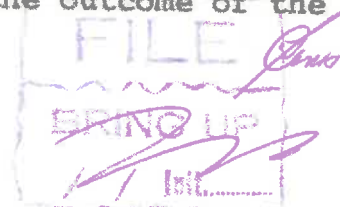
2. In October 1973, when this Service was about to make an offer for the two blocks to their respective owners, Cabinet invited you to direct the deferment of negotiations for land in that vicinity until the Koreneff claim for compensation against the Ministry of Defence was settled (CM 73/45/14). Mr Koreneff's claim has now been handed over by the Ministry of Works' Land Purchase Branch to the Crown Law Office as it is now the subject of Court proceedings. The claim has been lodged and thus any dealings which this Service has with neighbouring land will have no effect on its formulation and should have very little if any effect on its determination.

Proposal

3. It is now proposed that a meeting of owners of Oruamatua-Kaimanawa IU and IV Blocks be called so that a suitable offer for the acquisition of these blocks can be made to them. It is the intention that they should be offered a price of \$12,38 per ha (\$5 per acre) in accordance with the latest Special Government Valuation of the blocks, which the District Valuer considered to be a minimum value for Forest Park purposes.

Comment

4. The proposal has been discussed with the Secretary of Defence, the Chief of the General Staff, officers of the Ministry of Works and Development's Land Purchase Branch, and of the Valuation Department. These discussions produced an agreement that an offer of \$12.38 per ha as proposed would have no possible effect on the outcome of the Koreneff claim.



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5. Some of the owners in each block have stated a willingness to sell to the Forest Service. A member of one of the owning families, Mr R.A.L. Batley, is also a member of the Kaimanawa State Forest Park Advisory Committee. He has often indicated a desire for the Forest Service to acquire these blocks, and should acquisition be successful, he would arrange to make the use of his family's land available for Forest Park purposes.

Financial Provision

6. The two blocks total 2472 ha which, under this proposal, would involve an expenditure of \$30,744 with the possibility that the Maori Land Court would require the normal 15%, amounting to \$4,583, to be added to the Government Value. This would make a total expenditure of \$35,138. Provision has been made for this in the 1974/75 estimates, Vote: Forest Management, Programme IIIB, Environmental Forestry.

RECOMMENDATION:

You are recommended:

- (a) to approve the resumption of negotiations with the calling of a meeting of owners of each of Oruanui-Kaimanawa IV and IV Blocks in order to acquire these blocks for addition to the Kaimanawa Forest Park for a sum of not more than \$35,138; and
- (b) should the Court or the owners resolve that additional payment is required, you are recommended to approve a maximum of \$43,000, i.e., \$17.29 per ha (or \$7 per acre), subject to this figure being approved by the Valuer-General as an acceptable maximum and subject to such higher maximum payment not prejudicing the settlement of the Koroneff claim against the Ministry of Defence.

M. J. Conway
M.J. Conway
Director-General



MR Hood

CHECKED FOR
SIGNATURE

M. J. Conway



7

BF2Supp3

9/3/361

VALUATION DEPARTMENT

HAMILTON BRANCH,
ELLIS & BURNAND BUILDING
BRYCE STREET, HAMILTON.

P.O. Box 943

Telephone 84 189

Please address all correspondence to
Branch Manager.

OUR REF.: 31/21

YOUR REF.: 9/3/361

DATE: 30 April 1974



REFERRED TO	INT.
<i>J.D.G.</i>	
<i>J. Management</i>	

The Director General
N Z Forest Service
Private Bag
WELLINGTON.

Valuation of Oruamatua-Kaimanawa IV and other
Blocks. Kaimanawas.

1. Instructions.

The instructions are contained in your letter of 13 February 1974 for valuations of the following blocks.

1.	Oruamatua-Kaimanawa	IV	Area	1506 ha
2.	"	"	IU	967 ha
3.	"	"	IT	1450 ha
4.	"	"	IW1	48 ha

These were supplemented by verbal advice from Mr J D Rockell for the following additional blocks.

5.	Kaimanawa	3B2A	1651 ha
6.	Kaimanawa	3B2B	5145 ha
7.	Kaimanawa	2B	10927 ha
8.	Kaimanawa	1F	4197 ha

You suggest that the valuations should include recognition of the high recreational value the land would have for Forest Park purposes and in the case of the IV-IT blocks their value as access to the park from the south.

2. General Situation Kaimanawa Area

Since the report to you on the Owhaoko Gift blocks in October 1973 the situation in and around the southern Kaimanawa area can be described as superheated with Lakeland Aviation providing the catalyst.

Owhaoko Gift Blocks

It is public knowledge that the Crown are to return the Owhaoko Gift Blocks and there is already quite a scramble going on to establish ownership, management and hunting rights on these blocks.

Mr. Wendelken.

see minute sheet 15/5/74

(contd)

Mr. Wendelken.

could we call a meeting to see where we can go. Or should we aim at high level officials. 13/5

Mr. [unclear] to note.



The return of the blocks would mean that access to the Forest Park via Ngamatea Station previously a possibility if no more, can now be considered as virtually impossible as the value of the Owhaoko blocks to the Maori owners is dependant largely on keeping out other people, particularly the public. Without access from the south the owners of Owhaoko Gift blocks have almost exclusive access to a huge area of the present State park across the Mangamaire Stream.

With the knowledge that one Joe Collins successfully took several thousands of dollars of venison (figures range from \$3,000 to \$10,000) from the Owhaoka/Ngamatea/State Park area as soon as the Crown's intention became known, prospective owners are understandably excited about the prospect of cashing in on this supposed wealth themselves.

Lakeland Aviation Ltd - claim to have completed a deal with the owners of the following landlocked blocks:

Kaimanawa	2B	10,927 ha
"	1F	4,197 ha
"	3B2A	1,651 ha
"	3B2B	5,145 ha
Tapapa No 3 Block		7,311 ha
Wharetoto 1 "		3,099 ha
		<hr/>
		32,330 ha

You will note that nearly all of these blocks have been the subject of attempts to purchase by the Crown in recent years and some have been asked for in this report.

In exchange for the exclusive right to use the airstrips situated on most (excepting 3B2A and 3B2B) of the blocks, and to meat hunt by helicopter, the owners receive \$5 per head per day for access or hunting on the privately owned land - \$5 per head for the use of the strip if hunting Crown land. - 15-20% of the value of the venison recovered by hunters employed by Lakeland.

The scheme has been operating 4 months and payment to the owners made so far:

	<u>Permits \$</u>	<u>Venison \$</u>	<u>Total \$</u>
December	155.02	-	155.02
January	135.00	91.32	226.32
February	125.00	218.74	343.74
March	370.00	578.83	948.83
April (to 17th)	150.00	-	150.00
	<hr/>	<hr/>	<hr/>
	935.02	888.89	1823.91

Lakeland are hoping to extend their area with the inclusion of the Owhaoka Gift blocks. They had already made a similar type deal with the owners of Oruamatua-Kaimanawa No 4 after the Crown had resumed the land for defence purposes and have a landing-rights arrangement with Tremain and McNutt for the Boyd airstrip.

You will be aware that if they are permitted to retain their rights in Oruamatua-Kaimanawa No 4 and gain the gift blocks as well, they control nearly all the practical access to the South Western end of the park.

There are in the process of creating a private hunting preserve that includes probably 20,000 ha of Crown Forest Park.

It is a fact that this situation has persisted for a long time already, the point being that public access to this portion of the park is further away than ever and Lakelands and the owners' actions are designed to make it remain that way.

The conclusion as it affects values is that with the amount of money already being paid and the very expansive promises of more to come it is unlikely that the owners of these blocks will sell at any reasonable figure.

Oruamatua-Kaimanawa Blocks

These blocks, or some of them are as strategically placed as any to exploit both the joys of owning a hunting/shooting/fishing preserve personally, and obtaining access to the bottom end of the Forest Park. This particularly applies to Oruamatua-Kaimanawa No 4, O.K. IW2, O.K. IV and I.U. and to a lesser extent IT and IS.

The area above the Motumatai Bivouac on IV is ideal for an airstrip and one is already established on No 4.

Physical access from the south is possible as nearly all these blocks contain a low level valley along which a 4 wheel drive road already runs as far as the Motumatai block. This track is maintained by Ohinewairua station.

It is my opinion that these blocks are of such small relative size, are so well situated in relation to fishing with the river as a boundary, already have physical access by land and contain sufficient deer to attract the hunting fraternity that they would find a ready market for other than farming purposes. In addition, I consider the adjoining farm Ohinewairua Station would be interested in obtaining them for purposes mentioned above together with the knowledge that the lower levels are capable of being developed for farming.

Mr Rockell has advised me of several negotiations that have been made concerning shares in the IV (or Motumatai) Block. One of these from Consolidated Traders Ltd expresses the opinion that \$11 per acre is "reasonable" although it is noted that the letter can by no means be construed as being an offer of \$11 per acre. Consolidated have some form of arrangement with Lakeland also concerning meat hunting. Mrs Koreneff herself has offered the shares to the Crown at around the \$8 per acre mark.

The only established sales are those mentioned in my report on the Gift Blocks together with the sale of 1/2 share in Owahoako D2 at 80 cents per acre for some pretty rough country.

Nevertheless in accordance with my opinions expressed above I think the O.K. blocks would find a ready sale in today's affluent society. Individual blocks are dealt with below.

1. 1329/1, 742/580

Oruamatua-Kaimanawa 1V Blks XI, XIV, XV, Mangamairi S D
Area 1506 ha (3721-0-00acs)

Owner - N C Koreneff and others

Occupier - N C Koreneff. Lease 42 years from 1.7.56, annual
rent \$67 per annum for first 21 years.

(contd)

This block has already been described in previous reports. It contains a long river frontage and is within striking distance of the Kaimanawa Forest Park although access up the Rangitikei river below the Mangamaire junction looks very difficult.

Valuation: \$18,655 - \$18,605 - \$50

2. 1329/22

Oruamatua - Kaimanawa 1U. Blks XIV, XV, Mangamaire S D
Area 967 ha (2390-0-00 acs)

Owner - Whaitiketiki Aranui & Ors.

Occupier - Tussock Land Co Ltd (Part of Ohinewairua Station)

Leased 42 years from 1.7.56 for \$40 p.a. No R.O.R.
No Comp. for Imps.

Adjoining the Motumatai Block (IV) on the south, with an old boundary fence still in existence. Comprises largely a delightful 200 ha tussock valley rising on the west to the Stowman range and to the east over a rather badly eroded scrub covered range to the Rangitikei river. A 4 wheel drive track from Ohinewairua Station traverses the block to the Motumatai basin. Overall some 18 miles from Napier road.

Valuation - \$14,340 - \$14,340 - 0

3. 1329/21

Oruamatua - Kaimanawa IT Blks II, III, Motupuha S D. Blks XIV, XV, Mangamaire S D. Area: 1450 ha (3583-0-00 acres)

Owner - Crown L & S Dept.

Occupier - Ohinewairua Station.

Some 200 ha of easy tussock basin and flat on west of block falling into the Rangitikei river by a series of eroded and scrubby faces. The western portion is farmed by Ohinewairua and contains Bobs Hut and holding yard. The track from Ohinewairua to Motumatai traverses the block.

Valuation: \$18,600 - \$17,900 - \$700

4. 742/593

Oruamatua - Kaimanawa 1W1 Blk X Mangamaire S D.
Area 44 ha (108-0-00)

Owner - Kingi Pehira and Margaret Batley

Occupier - Owners.

High altitude open tussock land lying between 3700' and 4500' on the flank of the Stowman Range. No real attributes apart from space.

Valuation \$250 - \$250 - 0

5. 742/579

Kaimanawa 3B2A Blks VII, VIII, XI, XII, Kaimanawa S D.
Area 1651 ha (4080 -0-00 acs).

Lying between the Waikato River and the Kaimanawa range. This is a long narrow block traversing high altitude tussock tops over 5000'.

(contd)

Its addition to the Forest Park is desirable but not essential. As an access route it suffers from the high tops that would have to be traversed. It is being heavily meat hunted at present by Lakelands helicopter team and is one of the blocks involved in the composite deal with Lakelands.

Valuation: \$8160 - \$8160 - 0

6. 742/575

Kaimanawa 3B2B Blks IV, VII, VIII, XII Kaimanawa S D.
Blks I, V, IX Mangamaire SD. Area 5145 ha (12712-3-00acres)

Adjoining the 3B2A block it lies between the Waipakahi-Waikato rivers and the Forest parks and is similar in nearly all respects to 3B2A described above.

Valuation: \$25,400 - \$25,400 - 0

7. 742/570

Kaimanawa 2B. 10,927 ha (27,000-0-00 acres)

This block has been the subject of several reports to you. The valuation has been updated to take account of the upsurge in interest in this class of country. Mr Rockell regards this and the 1F block as being key blocks in the rounding off of the northern part of the Forest Park. While I agree that the IF block is nearly vital if access is obtained from the Poronui end I consider the 2B block to be a "space" block rather than a key one and one which is both difficult of access and alternate useage.

Valuation: \$40,500 - \$40,500 - 0

8. 742/571

Kaimanawa 1F. 4197 ha (10,370-0-00acs)

This block has been reported on previously. Containing both the Tupuritia and Mangamingi arms of the Ngaruroro River. There is an airstrip on the Tupiritia arm and a dilapidated hut on the Mangamingi arm. This block has a very high scenic and sporting use and is in my opinion a key block to utilisation of a large area of Forest Park at the northern end.

Valuation: \$41,500 - \$41,500 - 0

Recommendation:

The valuations supplied for the Oruamatua-Kaimanawa blocks are based on my expectations of a market realisation for persons or organisations who would wish to acquire the blocks for a variety of reasons mainly connected with sporting or recreation activities.

Because of the particular requirement you have asked about notably obtaining access to the southern portion of your Forest Park which is at present landlocked and under utilised I would recommend that you negotiate at figures up to 25% above the valuations shown.

P. E. Tierney
P E TIERNEY
Supervising Valuer

DEPARTMENT OF LANDS AND SURVEY

TELEGRAPHIC ADDRESS: 'LANDS'

FOR VERBAL INQUIRIES
PLEASE ASK FOR Mr Grant

TELEPHONE No. 725-808



OUR REFERENCE: LG 148

YOUR REFERENCE: FS 9/51/3

DISTRICT OFFICE,

P.O. BOX 5014
WELLINGTON

13 March 1984

Conservator of Forests
New Zealand Forest Service
P O Box 647
PALMERSTON NORTH

EXCHANGE OF LAND WITH NGAMATEA STATION

In 1981/82 there was some correspondence between our offices concerning the Crown land block Owhaoko D6 No. 2 which is virtually surrounded by land owned by Ngamatea Station. The outcome of this correspondence was the exchange of Owhaoko D6 No. 2 block 556.4428 ha for 800 ha approximately of freehold land owned by Ngamatea Station being Owhaoko Pt D7B block, with this latter block to be added to the Kaimanawa State Forest Park.

At about the same time this office received an application from a Mr H W Steedman of Taihape, on behalf of his mother, to purchase the Owhaoko D6 No. 2 block. This application was declined and Mr Steedman has complained to the Ombudsman about the matter. All action on the exchange is being held up until the Ombudsman's investigation is completed.

The Ombudsman has now sought some further information from me and I enclose an extract from his latest letter. To answer the questions asked by the Ombudsman I really require assistance from you in that the issues raised deal with access to the Kaimanawa State Forest Park.

I would greatly appreciate your advice, together with a plan which illustrates the Forest Service's long term acquisition proposals in this area, and which I could send to the Ombudsman.

G. M. Grant.

G M Grant
for Commissioner of Crown Lands

RECEIVED:	
.....	/ /
.....	/ /
.....	/ /
RESPONSIBLE FOR ACTION:	
①	<i>ACP</i> 25/3
②	<i>Other</i> 25/3
FILE	
/ /	



REF: 18680
Your REF: 10/92/82

tel: 739 533
fax: 10152
The Terrace, Wellington

337

Office of the Ombudsman

4th Floor, Chase 2002 House
163, 165 The Terrace
Wellington

D.L.A.

LA

13 January 1984

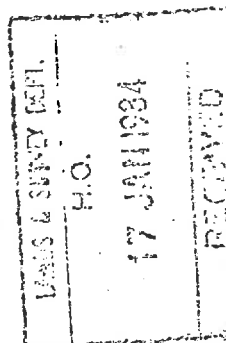
The Director General,
Department of Lands and Survey,
Private Bag,
WELLINGTON.

Dear Mr Lucas,

I have completed my consideration of the report and departmental files concerning Mr H.W. Steedman's complaint. Before I conclude my investigation however it would be helpful if the following matters could be clarified:

1. In the letter of 21 April 1983 to Mrs Steedman the Commissioner of Crown Lands, Wellington, explained that one of the reasons for entering into an exchange agreement with Mr and Mrs Apatu was to enable the Crown to acquire 800 hectares of land to provide the public with access to the Kaimanawa State Forest Park and thus the benefits to the Crown are quite considerable. From my perusal of the departmental files and from the various maps of the area I do not see how the acquisition of this land will provide public access to the Forest Park, particularly as it is separated from the Park by the Rangitikei River, Otamatea Stream and Mangamaire River.

I also note that when the exchange was being discussed the New Zealand Forest Service's first option was to obtain public access across Ngamatea Station in exchange for Owhaoko Block D6 No.2 but the Apatu would not agree with such a suggestion. A second option, the acquisition of the triangular piece of land adjoining the Motumatai leased area was therefore agreed to because although it gives no direct access to the Forest Park, it provides a continuous arc of forest that will ensure regular public access to and across all these areas. I had difficulty ascertaining from the various maps how the acquisition of a continuous arc of forest will ensure regular public access. I appreciate that the Forest Service is negotiating to lease other Owhaoko Blocks which will link with the Kaimanawa State Forest Park. How will the acquisition of these Blocks link with the land which has been acquired from the Apatu? What is the actual advantage which will be obtained by acquiring a continuous arc of forest? You say



3913

647 PALMERSTON NORTH

9/51/3 DV:EJB

9 April 1984

The Commissioner of Crown Lands
 Department of Lands and Survey
 PO Box 5014
 WELLINGTON

EXCHANGE OF LAND WITH NGAMATEA STATION
 Your Ref LG 148

Attached are three copies of a plan of part Kaimanawa and Kaweka State Forest Parks showing the land acquired from Ngamatea, land leased as State forest at Motumatai, the Owhaoko Blocks, and existing public access points in this locality.

The value of the land acquired from Ngamatea lies in the link that it provides between the land-locked Motumatai lease area, and the Owhaoko Blocks over which we continue to negotiate with the Tuwharetoa Trust. On its own the Ngamatea acquisition is of marginal value as an addition to the State forest park, but without it the more substantial Motumatai block is of no value because there is no public access to it once the Owhaoko Blocks are acquired.

The key to the whole question of public access to both the Motumatai and Ngamatea blocks lies in the leasing of the Owhaoko Blocks since only then all will be linked in a manner that will enable free public access to all blocks. In addition the Owhaoko Blocks will allow public access from the Napier-Taihape Road and this is something we have been seeking for many years. At present access to the Kaimanawa Forest Park is restricted to the various routes from the Desert Road, with no access at all from the south.

We have no intention of afforestation in the Ngamatea acquisition, rather we will manage the area for soil and water conservation primarily, and public recreation secondarily. Although the area has little grazing value it is a fact that this general area has been subject to intense grazing pressure despite its low value, and from a wise land use perspective exclusion of the possibility of future grazing is essential. The area does have significant recreational potential, not only for the more rugged tramping experience found in the wilderness area that has been proposed in the adjoining Kaimanawa Forest Park, but also for rafting parties, and more recently the fisheries management proposal being developed by the Department of Internal Affairs.

SEPR
 JH
 144



C/Dm - to see, will you please do a little search to confirm that there is public access from the Napier-Taihape Road onto the Owhaoko Blocks

We believe the best use of the Ngamatea acquisition is as proposed above, and that this is best secured under State forest park tenure because of its proximity to the Kaimanawa Forest Park.

I have not commented on the proximity of the Ngamatea acquisition to the private Batley Scenic Reserve. You will know the conditions attached to public use of this land and its relationship to the adjoining Motumatai block of the forest park.

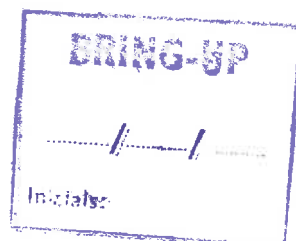
I hope this will assist you in responding to the Ombudsman.

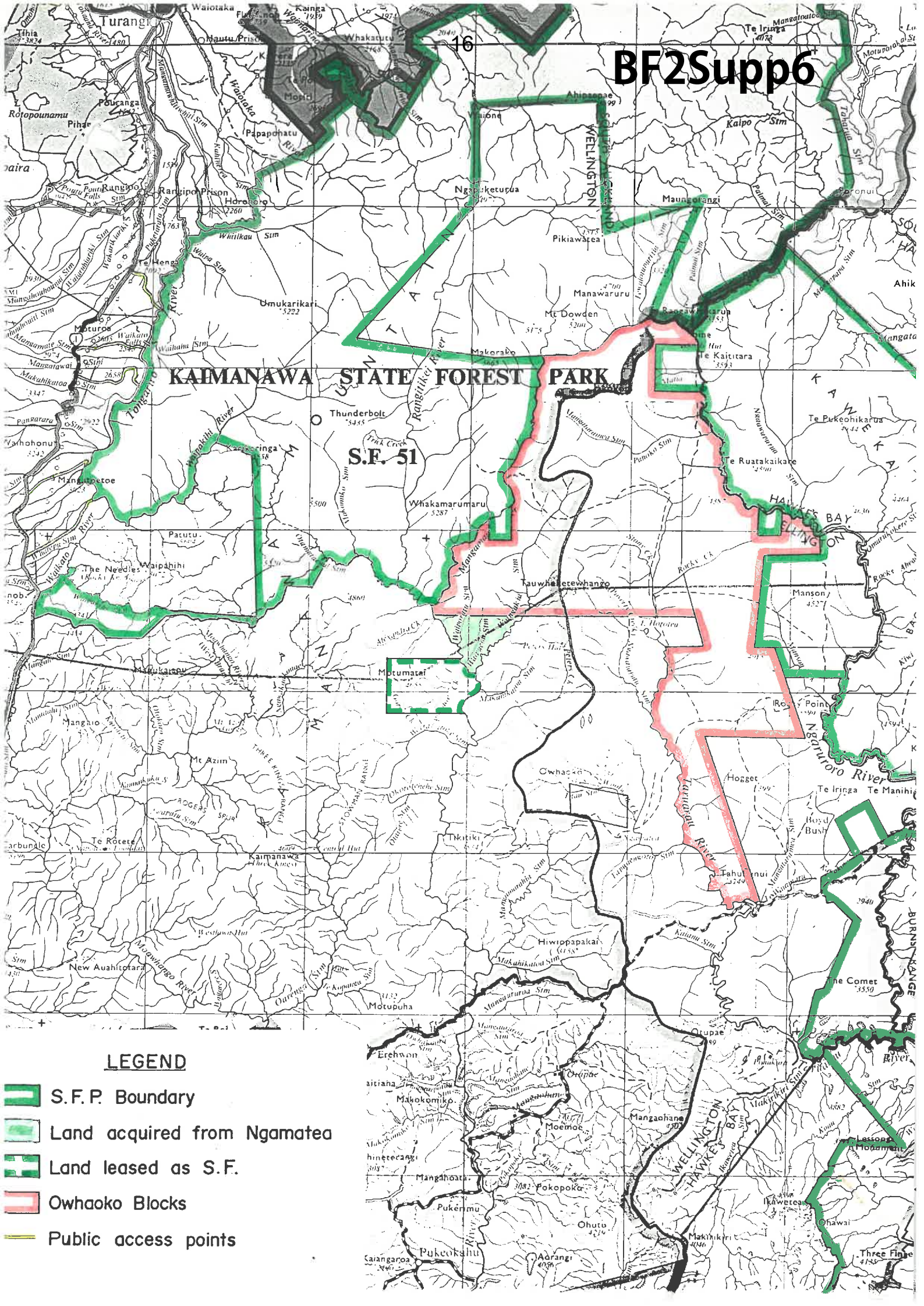


DGK Viles
Assistant Conservator

cc Napier

Action on the exchange has been held up by Lands Department until the Ombudsman's investigation of any complaint from Mrs Steadman of Taihape that the crown land Owhaoko D6 No. 2 should have been sold to her.










KAIMANAWA STATE FOREST PARK

S.F. 51

LEGEND

-  S.F.P. Boundary
-  Land acquired from Ngamatea
-  Land leased as S.F.
-  Owahoko Blocks
-  Public access points

Telegraph Address: MAORIFAIRS



Please quote this reference in your reply

MAORI LAND COURT

AOTEA DISTRICT

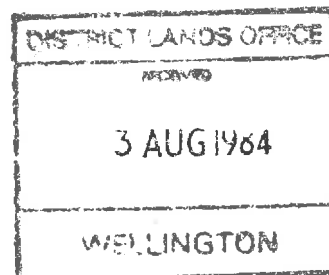
Departmental Building
Cnr Wicksteed Street and Cameron Tce.
Telephone: 54 075 (5 lines)

Private Bag,
WANGANUI.

1 August 1983

The Chief Surveyor
Department of Lands & Survey
PO Box 5014
WELLINGTON

Attention: Mr Wiley



CSH

OWHAOKO BLOCK

I refer to your memorandum dated 31 May, reference 20/194.

I have been closely involved with these blocks for a number of years and have been particularly concerned about the question of access.

As far as I am aware, the only physically formed access is through Ngamatea Station and such access is per courtesy of the European owners.

Owhaoko D6 No 3 is solely owned by the late Mrs K Steedman and her family has, for a number of years, been endeavouring to obtain physical and legal access.

We are unable to obtain a Maori Land Court roadway order through Ngamatea Station as the European owners refused consent and, at the present time, endeavours are being made to obtain access through Owhaoko D5 No 4 which ceased to be Maori land well after 1913 so that the consent of the European owners is not required.

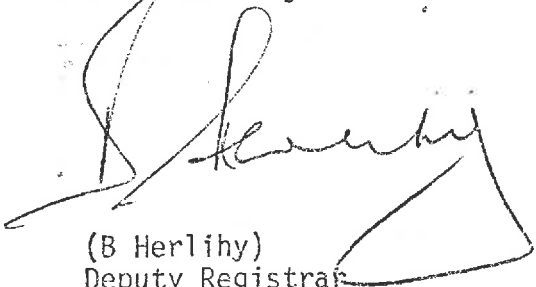
The Judge reserved his decision on the application, one of the reasons being a complaint to the Ombudsman about the transfer or exchange of Owhaoko D6 No 2 to the owners of Ngamatea Station.

... I am enclosing for your information a copy of the Ombudsman's final reply of 2 July and this very interestingly refers to the fact that as a result of the exchange, the Forest Service should be able to obtain public access from the Taihape-Napier road.

It would, therefore, be very much appreciated if you could make enquiries regarding this possibility as it may provide the answer to your query and it is also important from the point of view of the roadway application because, if the Forest Service obtains public access, it may well be that the roadway sought by Mrs Steedman (a very expensive exercise) will no longer be required.

2.

One final point is that many of the Owhaoko blocks are vested in the Tuwharetoa Trust Board as responsible trustees under the provisions of Section 438 of the Maori Affairs Act 1953 and representations to them in the past for assistance in obtaining access have been unsuccessful because the Trust stated that they were not interested in public ground access and that such access as they required could be obtained by way of helicopter or fixed wing aircraft.



(B Herlihy)
Deputy Registrar



Office of the Ombudsman

4th Floor, Chase NAA House

163-165 The Terrace

Wellington

Tel. int. 739 533
P.O. Box 10152
The Terrace, Wellington

2 July 1984

Mr H.W. Steedman,
32A Swan Street,
TAIHAPE.

Dear Mr Steedman,

I have now received and considered the further information which I sought from the Director-General of Lands. As a result of this information I am now in a position to conclude my investigation of your complaint that the decision to approve, pursuant to section 61 of the Land Act 1948, an exchange of Crown land comprising Owhaoko Block D6 No.2 for part of the land owned by Mr and Mrs Apatu which adjoins the Kaimanawa State Forest Park is unreasonable. When I notified the Director-General of your complaint I asked specifically:-

1. Why section 61 of the Land Act had been invoked in this instance as it can be used only where it is considered expedient in the public interest?
2. When the decision was made to allow the exchange of land with the Apatu's what consideration was taken of the fact that other landowners may be interested in acquiring the land?
3. Whether any consideration had been given to returning Owhaoko Block D6 No.2 to the former owners or whether the department was under an onus to return land to the former Maori owners?

It may be helpful if I outline my consideration and conclusions to each of these matters.

1. In order to invoke the provisions of section 61 of the Land Act, the exchange must be advantageous to the public. It is relevant, I believe, that from 1974 onwards the New Zealand Forest Service expressed an interest in acquiring Crown land in the area in order to obtain public access to the Kaimanawa and Kaweka State Forest Parks from the Taihape/Napier road. In 1980 the Forest Service confirmed that there were areas within Ngamatea Station which it was most interested in acquiring and, hence, the department's proposal that Owhaoko Block D6 No.2 be exchanged for approximately 800 ha of land within Ngamatea Station.

I am aware that the Forest Service is also negotiating the lease of other Owhaoko Blocks but I asked to what specific use the land within the Ngamatea Station would be put. The Director-General has explained the value

of the land would be to provide a link between the 1505 ha Motumatai area leased by the Forest Service and the Owhaoko Blocks over which the Forest Service is continuing to negotiate with the Tuwharetoa Trust Board. Without the Ngamatea Station land the more substantial Motumatai Block is of no value because there would be no public access to it once the Owhaoko Blocks are leased by the Forest Service. The acquisition of the Owhaoko Blocks will allow public access from the Taihape/Napier road. At present access to the Kaimanawa State Forest Park is restricted to various routes from the Desert Road.

I note that the area has significant recreational potential, not only for the more rugged tramping experience that would not be available were the land to remain in the ownership of the Ngamatea Station, but also for rafting parties and for a Fisheries Management proposal being developed currently in the area with the Department of Internal Affairs. Furthermore, to the north of the Motumatai Block is a private scenic reserve owned by a Mr R.A.L. Bately (the Motumatai Scenic Reserve). The Block has no legal access but it is used for tramping, fishing and study purposes. The acquisition of land in the Ngamatea Station and Owhaoko Blocks by the Forest Service will improve public access to the Motumatai Scenic Reserve and, through the Reserve, to the Motumatai Block.

It is clear that the acquisition of an area of land in Ngamatea Station which can be acquired only through exchange, does have considerable advantages for the public and thus the decision to invoke section 61 is not incorrect or unreasonable. I would agree that in this situation the use of section 61 is a valid means of obtaining land from private owners who would not otherwise be willing to sell the land in question.

2. The Director-General has explained that you were the only other local landowner in the area who expressed an interest in the acquisition of Owhaoko Block D6 No.2 and that careful consideration was given to your request to acquire this Block. The Commissioner of Crown Lands decided, however, that the Apatus had a much stronger claim to the land because they have the capital resources and the required expertise to farm this rugged type of country. I recognise that you believe the acquisition of the Block will provide an economic farming unit which is an equally compelling reason for the alienation of the land to you. The Director-General questions, however, whether Owhaoko Block D6 No.2 could be an economic unit as the land is high and exposed, the soils have very low fertility and the costs of development will be extremely high. In its natural state the land would carry about 1 stock unit to 4 ha but when grassed the carrying capacity should be approximately 6 stock units per ha. In such remote areas it is only large holdings, where economies of scale can be used, that farming becomes economic. About 440 ha of the Block are capable of development, the remainder being swamp. The total carrying capacity of the property when it is developed will be approximately 2640 stock units. In addition, for efficient operation in this area it is necessary that a farm

be self-contained. Contractors with machinery are not readily available for seasonal operations such as hay and silage making, and to guarantee success this sort of machinery needs to be owned by the farmer. It is very difficult for a smaller operation to justify having capital tied up in expensive machinery which is used only in a relatively short period of the year, although I appreciate that your family has joint ownership of a considerable amount of machinery. The difficulties of farming this type of country and the substantial capital required cannot be overlooked. Furthermore, the acquisition of legal access to the Block, which will be very costly, is another factor that had to be taken into account.

It is apparent from my consideration of the departmental files that full consideration was given to your request to purchase Owhaoko Block D6 No.2. The Commissioner of Crown Lands recognised your genuine desire to obtain the Block and does not doubt your full commitment to the development of the land, but he concluded that the Block should only be disposed of to an adjoining owner with the proven ability to develop this difficult country. However, as I have already stated, equally compelling arguments can be raised in support of the sale of the Block to you, particularly as you believe acquisition would result in the development of an economic unit. The provision of economic farming units is always in the interests of the public. The disposal of the Block to the Apatu results, however, in the acquisition by the Crown of a valuable portion of land with the substantial advantage (outlined above) which ensues from the transaction. This important fact which the department took into consideration cannot be overlooked. Given the fact that the Crown will obtain a valuable asset as a result of the exchange, I do not believe the decision to dispose of Owhaoko Block D6 No.2 to the Apatu was unreasonable. Moreover, the department may have decided not to dispose of the land at all on a straight purchase basis.

3. In respect of the issue as to whether the department should have returned the land to its former owners, I note from my study of the departmental files that a large area of the Owhaoko Blocks were gifted to the Crown by the Tuwharetoa Tribe in 1917 for the resettlement of returning Maori soldiers. Owhaoko Block D6 No.2 was not gifted however. It was sold to the Crown in 1913 by Mr N. Retimana for a consideration of \$400. The sale was made on a willing buyer seller basis. The Owhaoko Blocks acquired were not satisfactory for farming purposes and therefore it was agreed, after protracted negotiations, to return the land to the former Maori owners. This was finalised in March 1975. Because Owhaoko Block D6 No.2 was not gifted to the Crown, it did not form part of this agreement. As the land was not taken compulsorily but was acquired on a willing seller buyer basis, I would agree that the department is not under an obligation to return it to the descendants of the former owner.

In addition to the foregoing matters, I have also considered whether you were disadvantaged by the fact that you were given incorrect advice in respect of lodging the appeal under section 17 of the Land Act. Had you not pursued an appeal under section 17, a complaint would have been lodged with my office in May 1983. I have ascertained, however, that the Apatu's formal acceptance of the Crown's offer for the exchange of Owhaoko Block D6 No.2 for land

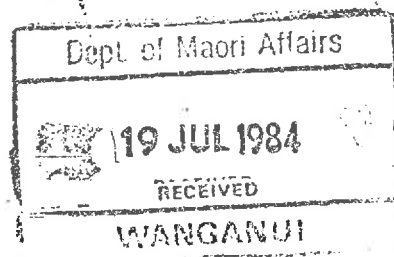
Matea Station was confirmed on 7 April 1983. Thus, even had you lodged the complaint in May 1983 instead of acting on the incorrect departmental advice, the decision to exchange the land had already been made.

For the reasons outlined above, I do not believe that your complaint can be sustained. I am sorry that I cannot reply in more helpful terms because I am aware of your genuine wish and commitment to develop Owhaoko Block D6 No.2.

Yours sincerely,



L.J. Castle,
Ombudsman.



9/3/361

FILE NOTE

FS -6/3/51/1

10 July 1974

BOUNDARY BETWEEN MINISTRY OF DEFENCE LAND AND
KAIMANAWA FOREST PARK

A meeting was held on 3 July 1974 to discuss three aspects related to this question. Present were:

Major-General Holloway, Colonels Mawson and Dickie, Secretary of Defence (Mr Robertson), Mr Loftus, Mr McLintock (Ministry of Works and Development), Mr Tierney (District Valuer, Hamilton), Mr M.J. Conway (Director-General of Forests and Mr W.J. Wendelken (Acting Director, Forest Management Division).

The three points are:

1. Transfer of the southern tip of State Forest 51 to the Ministry of Defence.
2. Adjustments to the common boundary between the two departments' land, and
3. The timing of acquisition of Oruamatua-Kaimanawa IV Block.

1. Transfer of Part State Forest to Ministry of Defence

It was agreed that the area to be transferred to Defence would be more extensive than the permit area as shown on the map provided by the Conservator of Forests on 30 January 1974. The approximate boundary over this section is shown on the attached map. It generally follows the high ridge leading from the Moawhango River, north branch (where Defence holdings meet the western boundary of the State forest) heading in a northerly and easterly direction via Trig H and then between Trigs L2 and L1 and thence southwards towards Trig G in Oruamatua-Kaimanawa 4 Block.

2. Adjustments to the Common Boundary between the Two Departments' Land

(a) From the Desert Road eastwards to the most eastward and southern headwater of the Waipahihi Stream, some 4 miles, the Forest Service line of June 1973 as provided to the Secretary of Defence has been accepted except that some ground inspection and agreement on some points will be required to identify the starting point from the Desert Road and the initial climb to Trig GG and thence eastwards via or near Trig 28A. This route as shown on the attached map can be accepted but will need marking carefully for subsequent survey, i.e., A to B (the whole route as advised in 1973 is shown as A-B-C-D-E).

(b) Almost at the junction of the Ministry of Defence land with the westward boundary of the State forest, i.e., Di where the Moawhango River (north branch) crosses briefly into State forest the precise westwards extension of the boundary will need to be discussed and agreed on (i.e., B to Di). Its approximate position is shown on the map for a distance of some 1½ miles to the west near Trig V. From the Forest

Mr Norris

Mr Hood

1/8

FILE

Service point of view it is desirable to keep this section of the boundary as far south as Defence requirements will permit aiming to skirt the southern edge of the block of hillside forest lying south of Trig V and between the Moawhango River (north branch) and the Moawhango West River.

(c) The line of the intervening section (B to Trig V) has to be agreed on with ground inspection, and is to link up the two points established so far. The final location of this middle section will most likely be decided on practicalities affecting a walking route and a clearly discernable physical boundary, i.e., a give and take between Forest Service and Defence. It was agreed that the Defence proposals reaching into Maori land were not acceptable, i.e., Ci.

(d) Eventually the northern part of Oruamatua-Kaimanawa 4 will be transferred to the Forest Service. General agreement was reached that the boundary through this block will follow more or less the high ridge defined by Trigs H, L2-L1 and thence southwards towards Trig G. This will also need to be inspected on the ground and marked clearly. Our aspirations to keep the legal boundary between the two parties further to the south, across the lower parts of the Ngawakaakauae Stream basin to provide a low-level route to the east into the Batley country will not be agreed to by the Ministry of Defence.

The Forest Service proposals of 1973 can be read from the map by following the line A-B-C-D-E. From E the intention to strike eastwards through Trig G to Alexandra Park was little more than a faint hope. The Ministry of Defence's original proposals as disclosed on 3.7.74 can likewise be read as following the line A-B-Cito Trig V-Di.

Defence wish to have the opportunity to use the forest between the line A-B, and the Waipahihi Stream for exercising troops without shooting, but with the carriage of rifles. It was indicated that this could be arranged, probably without closure to the public if Defence guaranteed that troops would behave as the public is expected to and would not carry ammunition.

3. The Timing of Acquisition of Oruamatua-Kaimanawa IV Block

The explanation by Mr Tierney that purchase of Oruamatua-Kaimanawa IV at \$5.00 per acre (his report dated 30 April 1974 on file 9/3/361) would not jeopardise compensation negotiations in respect of the Koreneff land permitted agreement to be reached that the Forest Service may now approach the owners and make an appropriate offer. The Ministerial to request acquisition of Oruamatua-Kaimanawa IV and IU can now be prepared. If, as is to be expected, the Maori owners reject the \$5.00 per acre offer we will have to go back to the Ministry of Defence to obtain their agreement for a higher offer. Hopefully the compensation claim with Koreneff will be sufficiently far advanced so that a higher offer will not affect that claim.

Action to be Taken

1. The Conservator is to re-issue the permit to the Ministry of Defence showing a revised area as indicated in the attached map, i.e., up to the boundary Di-Ei, and changing

the conditions to the extent needed to permit the Ministry to fire heavy artillery over the State forest into Koreneff land. The purpose of this requirement is to enable the Ministry of Defence to have a good reason to cancel the permit currently held by Lakeland Aviation Limited for using the airstrip in Oruamatua-Kaimanawa 4, based on the danger to small aircraft.

2. Head Office (Forest Service) to write to the Ministry of Defence outlining the general agreement for the boundary across Oruamatua-Kaimanawa 4 in order that an exchange of letters will record agreement on the intention eventually to transfer the northern part to the Forest Service.

done wjt
3. Head Office (Forest Service) to write to the Conservator of Forests, Palmerston North, with a copy to the Ministry of Defence, asking Mr Rockell to make arrangements with the Officer Commanding, Army Training Group (Colonel Harding) for a field trip to establish a mutually acceptable boundary line along the route as discussed above in section 1 and sections 2(a) to 2(d). Copies of maps showing the line of the boundary as understood from the meeting will be sent to the Conservator and Defence.

4. Concurrently obtain the Minister of Forests' approval for purchase of Oruamatua-Kaimanawa IV and IU and request the Commissioner of Crown Lands to arrange for a meeting of Maori owners at which an offer to purchase at \$5.00 per acre will be made.

4. Discussion on Eradication of Pinus contorta (file 1/4/7/1/3)

Mr Loftus tabled an aide memoire (copy attached) to introduce this subject. Mr Conway indicated that if the recognised authorities and experts, such as the Rangitikei-Wanganui Catchment Board in respect of soil conservation requirements, the Department of Lands and Survey in respect of re-establishing a suitable grass sward and the Commissioner for the Environment in respect of overall environmental considerations were all satisfied with the proposals and operational performance the Forest Service would be content with these safeguards. It was not an authority on these matters and would continue to assist the Ministry of Defence to carry out approved burning programmes. The Ministry is considering burns covering several thousand acres in the 1974-75 summer.

WJT
W.J. Wendelken
Acting Director
Forest Management Division
4.7.74

Kaimanawa

26

LAND RESOURCES / ORUAMATUA Kaimanawa BLOCK
New File 9/3/368

MINISTRY OF DEFENCE

9/3/368

All correspondence should be addressed to:
THE SECRETARY OF DEFENCE,
PRIVATE BAG, WELLINGTON, N.Z.
Telephone 749 299



15 OCT 1981

In reply please quote:

7816/B36/14 Sp
Wks

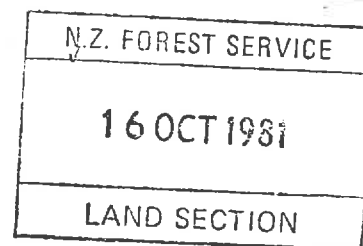
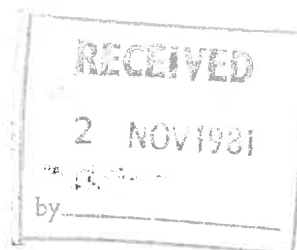
DEFENCE HEADQUARTERS
WELLINGTON, N.Z.

14 October 1981

The Director-General
New Zealand Forest Service
Private Bag
WELLINGTON



Attention: Mr J.C.M. Hood *Chas 20/10*



WAIOURU ARMY TRAINING AREA : OHINEWAIURUA STATION

BF2Supp9

Reference: Your FS 9/3/368

- 1 On 16 January 1981, the writer met with Mr Hood to ascertain the New Zealand Forest Service's interest in the land adjoining the eastern boundary of the Waiouru Army Training Area.
- 2 Mr Hood advised that your Service had been negotiating to purchase and/or lease several large parcels of land adjoining our eastern boundary, which included the land known as the Oruamatua Kaimanawa Nos 1S, 1T + 1K Blocks owned by a trading partnership called Ohinewairua Station.
- 3 We understand that the land in question was to be purchased for inclusion into the Kaimanawa Forest Park and specifically to provide for a public walking track west of the Rangitikei River to provide access from the Napier - Taihape Road to the foot of the Kaimanawa Ranges. This proposal also included the construction of associated trampers/hunters huts.
- 4 We are concerned that your Service's walking track proposal will conflict with the proposed expansion of the Waiouru Army Training Area. You will appreciate that this expansion is limited to the east by the National Park, State Forest and agricultural uses already established on our western, northern and southern boundaries respectively.
- 5 It is essential to maintain the Waiouru Army Training Area and expand as necessary in the national interest.
- 6 It is now necessary to expand to continue^{to} conduct live firing exercises with some measure of flexibility and in this respect we are shortly to commence negotiations with Ohinewairua Station to purchase additional land and to obtain firing/manoeuvre rights over other portions of the Station's property.

CR *SA 32/10* *P. copy to DIR & CC. for info*

8 We would be grateful if you would afford this matter some urgency as naturally we do not wish to compromise any Forest Service proposals where this can be avoided without prejudice to Defence.

Palmerston North

Clifford

O/c Kaimanawa

Copy for your info.

15

D/B

29/10/87

	To See	To Action	Initial
OIC	✓		<i>Dm</i>
21c	✓		<i>A</i>
F/R			