

Crown Pastoral Land Tenure Review

Lease name : MT GLADSTONE

Lease number : OM 016

Substantive Proposal

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

May

15

PROPOSAL FOR REVIEW OF CROWN LAND
Under Part 3 of the Crown Pastoral Land Act 1998

Date:

Commissioner of Crown Lands:

The Land

Legal Description: Part Run 210

Area: 3804.0449 hectares more or less

Certificate of Title/Unique Identifier: 131768 (Marlborough Registry)

Currently Subject to: Nil

Pastoral Occupation Licence: PL 5838251.1

Expiry Date: 31 December 2008

Summary of Designations

Under this Proposal, the Land is designated as follows:

- (a) Upon the expiry of the Pastoral Occupation Licence or the registration of the Final Plan (whichever is the later), the Crown Land (shown marked in pink on the Plan) is to be restored to, or retained by, the Crown as set out in Schedule One; and
- (b) Upon the expiry of the Pastoral Occupation Licence or the registration of the Final Plan (whichever is the later), the Disposal Land (shown marked in green on the Plan) is suitable for disposal in fee simple under the Land Act 1948 as set out in Schedule Two.

1 The Plan

**MT GLADSTONE
LICENCE TO OCCUPY
SUBSTANTIVE PROPOSAL**

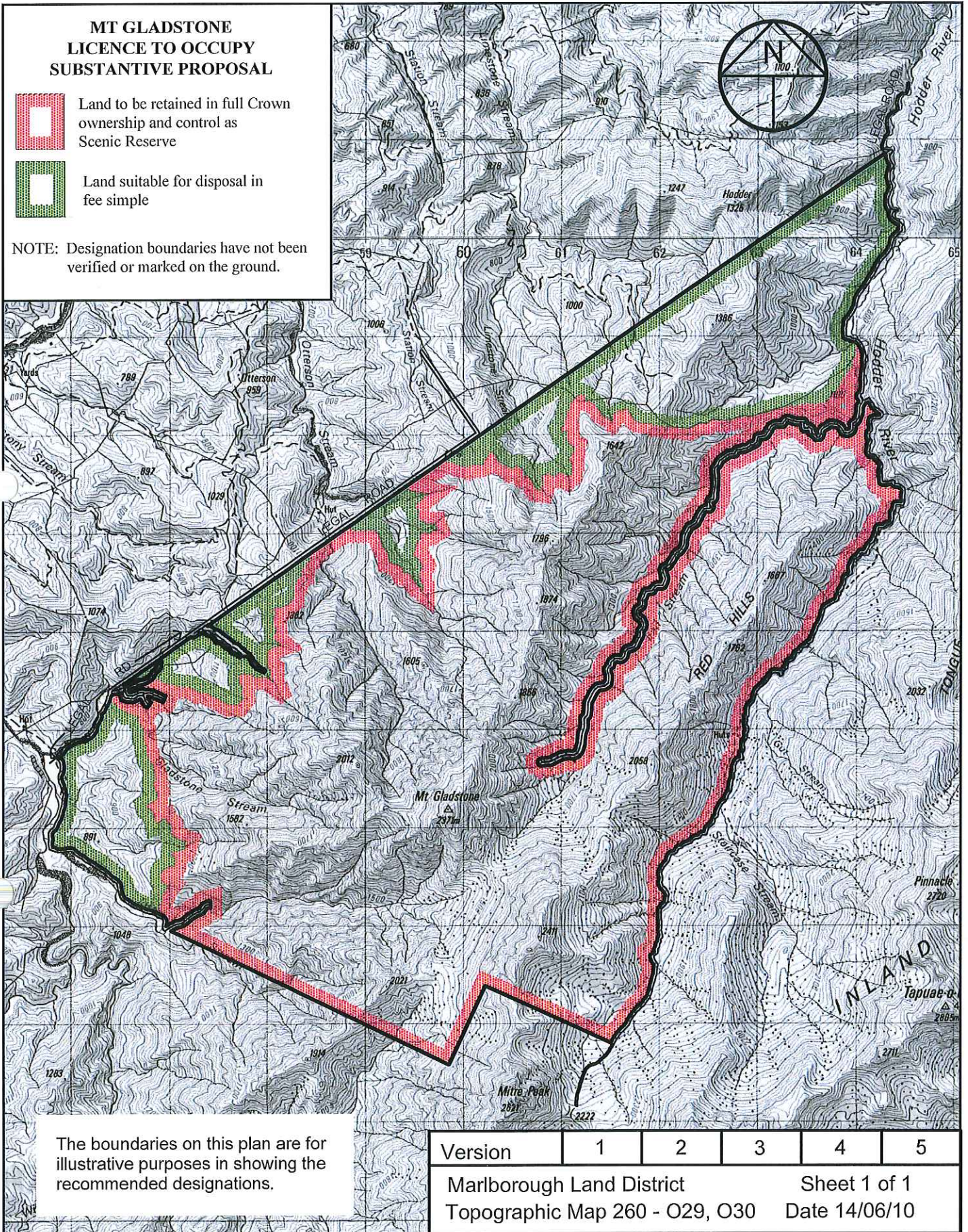


Land to be retained in full Crown ownership and control as Scenic Reserve



Land suitable for disposal in fee simple

NOTE: Designation boundaries have not been verified or marked on the ground.

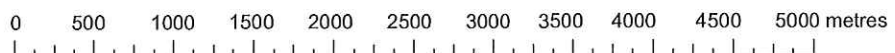


The boundaries on this plan are for illustrative purposes in showing the recommended designations.

Version	1	2	3	4	5
Marlborough Land District					Sheet 1 of 1
Topographic Map 260 - O29, O30					Date 14/06/10

Mt Gladstone

Scale 1:50000



2 Conditions

- 2.1 This Proposal is subject to the conditions contained in Schedule Three (if any).

3 Registration of Documents

- 3.1 The Commissioner will lodge all documents necessary to give effect to this Proposal (including, without limitation any easement, covenant, discharge of mortgage, and/or duplicate copy of the Pastoral Occupation Licence).

4 Improvements

- 4.1 The Commissioner shall only pay compensation to the holder of the Pastoral Occupation Licence in respect of the holder's improvements in accordance with the Act.

5 Fencing

- 5.1 The Commissioner shall, at its cost, erect new fencing approximately along the line marked as such on the Plan (if any).

- 5.2 The Commissioner shall erect the fencing referred to in clause 5.1 according to the specifications in Appendix 1.

- 5.3 If the fencing requires a resource consent or any other consent from any local or territorial authority ("the Fencing Consent"), the following provisions shall apply:

(a) The Commissioner shall use reasonable endeavours to obtain the Fencing Consent within 6 months of this Proposal taking effect pursuant to the Act.

(b) If the Fencing Consent:

(i) is not obtained within 6 months of this Proposal taking effect pursuant to the Act; and/or

(ii) is obtained on terms which are not satisfactory to the Commissioner in all respects;

the Commissioner may, acting reasonably, elect to do any one or more of the following:

(iii) erect the fencing in a position different from that shown on the Plan;

(iv) erect the fencing over a shorter distance than that shown on the Plan; or

(v) erect the fencing to specifications different from those in Appendix 1.

- 5.4 The ongoing maintenance of the fencing referred to in clauses 5.1 to 5.3 (inclusive) is subject to the terms of the Fencing Act 1978.

6 Survey

- 6.1 All areas of the Land forming part of this Proposal and delineated on the Plan are approximate and subject to preparation of the Final Plan. The measurements and boundaries of the areas may therefore alter on the Final Plan.

7 Vesting of Crown Land

- 7.1 The Crown Land will vest in the Crown on the expiry of the Pastoral Occupation Licence or the registration of the Final Plan (whichever is the later).

8 No Representations or Warranties by the Commissioner

- 8.1 The Commissioner gives no representations or warranties of any nature in respect of the Disposal Land. Without limitation, the Commissioner does not warrant the accuracy of any matter in this Proposal or in any notice, or any correspondence or other information provided by the Commissioner or by any agent, contractor or employee of the Commissioner.

9 Costs

- 9.1 The Commissioner will meet the costs of the survey (if any) of the Land, including all designation areas, and the Final Plan.

10 Interpretation

10.1 Definitions

In this Proposal unless the context otherwise requires:

Act means the Crown Pastoral Land Act 1998;

Commissioner means the Commissioner of Crown Lands appointed under section 24AA of the Land Act 1948;

Crown Land means the land (including any improvements) set out in Schedule One;

Disposal Land means the land set out in Schedule Two;

Fencing means any stock proof farm fence

Fencing Consent means any and all consents required under the Resource Management Act 1991

Final Plan means the final plan for the Land prepared and submitted by the Commissioner to the Surveyor-General under sections 90 and 62(4)(c) and (d) of the Act;

Improvements has the meaning attributed in section 2 of the Act;

Land means the land subject to the Review described on the front page of this Proposal;

Pastoral Occupation Licence means the pastoral occupation licence described on the front page of this Proposal;

Plan means the plans of the Land showing all designations and fencing requirements attached after page 2 of this Proposal;

Review means the review of the Land being undertaken by the Commissioner under Part 3 of the Act.

Surveyor-General means the Surveyor-General appointed under section 5 of the Cadastral Survey Act 2002;

10.2 Construction of certain references

In this Proposal, unless inconsistent with the context:

- (a) a reference to a certificate of title includes a reference to a computer register;
- (b) words importing a gender include all genders;
- (c) reference to a statute includes reference to all enactments that amend or are passed in substitution for the relevant statute and to all regulations relating to that statute;
- (d) words in the singular include the plural and vice versa;
- (e) reference to a person means an individual, a body corporate, an association of persons (whether corporate or not), a trust or a state or agency of a state (in each case, whether or not having separate legal personality);
- (f) references to sections, clauses, sub-clauses, parts, annexures, attachments, appendices, schedules, paragraphs and sub-paragraphs are references to such as they appear in this Proposal and form part of this Proposal;

- (g) headings are included for ease of reference only and will not affect the construction or interpretation of this Proposal;
- (h) references to obligations includes reference to covenants, undertakings, warranties and, generally, obligations or liabilities of any nature properly arising whether directly or indirectly, under or in respect of the relevant contract, agreement or arrangement;
- (i) all references to times are references to times in New Zealand;
- (j) if the Holder comprises more than one person, each of those person's obligations, as Holder, will be both joint and several.

Schedule One: Provisions relating to the Schedule One Land

1 Details of Designation

- 1.1 Under this Proposal the land shown marked in pink on the Plan, being 2850 hectares (approximately) is designated pursuant to section 86(5)(a)(ii) of the Act as land to be restored to or retained in full Crown ownership and control as scenic reserve.

2 Schedule One Improvements to remain on the Crown Land

Nil

Schedule Two: Provisions relating to the Schedule Two Land

1 Details of designation

- 1.1 Under this Proposal the land shown marked in green on the Plan, being 954 hectares (approximately) is designated pursuant to section 86(5)(b)(ii) as land suitable for disposal in fee simple under the Land Act 1948 subject to:
- (a) Part IVA of the Conservation Act 1987; and
 - (b) Section 11 of the Crown Minerals Act 1991.

2 Schedule Two Improvements to remain on the Disposal Land

Nil

Schedule Three: Conditions

- 1 The Commissioner is under no obligation, and may decide, in its sole discretion, not to proceed further with the Review unless and until the Director General of Conservation has completed all actions required under Part IVA of the Conservation Act 1987.

Appendix 1: Indicative Fencing Requirements

Nil

Execution Section

SIGNED for and on behalf of the
Commissioner of Crown Lands
by **Brian John Usherwood**
pursuant to a delegation
in the presence of:





Witness

EAO

Occupation

43A Baroda St, Khandallah, Wellington

Address