

Crown Pastoral Land Tenure Review

Lease name: CASTLE DENT

Lease number: TR 167

Substantive Proposal - Part 2

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

July

08

Appendix 1: Consents – Example of Mortgagee Consent

[] as Mortgagee under Mortgage [] ("the Mortgage"), hereby:

- (a) consents to acceptance of the Proposal dated [] ("the Proposal") by [the Holder] ("the Holder") pursuant to the Crown Pastoral Land Act 1998 and agrees and consents to the registration of the documents affecting the Freehold Land referenced in the Proposal prior to the registration of any new mortgage to be granted in its favour over the Freehold Land ; and
- (b) agrees to sign and execute all deeds, agreements, schedules and other documents and do all acts and things as may be reasonably required by the Holder or the Commissioner to register a discharge of the Mortgage and any new mortgage over the Freehold Land.

Dated:

SIGNED by []) _____
in the presence of: [])

Witness Signature: _____

Witness Name:
Occupation:
Address:

Appendix 1: Consents (continued) - Example of "Other" Consent

[], being the party entitled to the benefit of [] registered against Lease [], hereby consents to the acceptance of the Proposal dated [] by [the Holder] pursuant to the Crown Pastoral Land Act 1998.

Dated:

SIGNED for and on behalf of)
[])
in the presence of:)

Witness Signature:

Witness Name:
Occupation:
Address:

Appendix 2: Example of Solicitors Certificate

Certifications

I [] hereby certify as follows:

1. [[insert name of Holder] ("the Holder") is a duly incorporated company under the Companies Act 1993. The Holder's entry into and performance of its obligations under the Proposal dated [] ("the Proposal") have been duly authorised by the directors and, if required, by the shareholders of the Holder. The Holder has executed the Proposal in accordance with its constitution.] **OR**

The entry into the Proposal dated [] ("the Proposal") by [insert name of Holder] ("the Holder") and performance of the Holder's obligations under the Proposal have been duly authorised by the trustees of the [insert name of trust] in accordance with its trust deed **OR**

[[insert name of Holder] ("the Holder") has delegated responsibility for signing the Proposal on its behalf to an attorney in accordance with its constitution. The attorney of the Holder has properly executed the Proposal in accordance with this power of attorney and in accordance with the Holder's constitution and a certificate of non-revocation is enclosed.]

2. The consent of each person that has an interest (registered or unregistered) in the Land (as that term is defined in the Proposal), to the Holder's acceptance of the Proposal has been obtained and included in the copy of the Proposal, signed by the Holder, that has been provided to the Commissioner.
3. [No consent, licence, approval or authorisation by any court, regulatory authority or governmental agency is required to enable the Holder to accept the Proposal, perform the Holder's obligations under the Proposal and to acquire the freehold interest in the Land (as defined in the Proposal).] **OR**

[All necessary consents, licences, approvals and authorisations required to enable the Holder to accept the Proposal, perform its obligations under it and to acquire the freehold interest in the Land (as defined in the Proposal) have been obtained. Evidence of the consents, licences, approvals and authorisations are attached to this letter.]

Yours faithfully
[signed by principal of law firm]

Appendix 3: Indicative Fencing and Construction Requirements

Specifications:

Indicative Fencing Requirements:

New fences and some upgrading:

The fencing specification calls for the erection of a wooden post and seven wire fence with steel Y stakes between posts, to the indicative requirements set out in 1(a), 1(b), 1(c) and 1(d).

It also requires the replacement of some existing fences to the indicative requirements set out in 2 and upgrading of an existing fence to the indicative requirements set out in 3 of these specifications.

1.0 New Fence Lines

(a) Reserve Fence A-B, C-D (Area R1(Scenic)):

- 1.1 Six x 2.5 mm galvanized high tensile wires and the bottom wire being 4 mm galvanized mild steel. Total of 7 wires.
- 1.2 2.1 metre x 200 mm treated timber strainer posts with 2.4 metre x 125 mm stay posts to be used for gateways and end of strains.
- 1.3 1.8 metre x 125 mm treated wooden intermediate posts or T irons to be used at 20 metre gaps or at lesser intervals on appropriate high and low points as required. 117 cm (46") to remain out of the ground. Steel Y stakes, back to back, may be used on high spots and on corners instead of wooden posts or T irons, with tie backs on tussock country.
- 1.4 Six steel Y stakes per 20 metres to be used. Y stakes will be 1.65 metres in length.
- 1.5 Five x 3.6 metre galvanised gates to be erected at points marked GT3.
- 1.6 Swinging netting gates over waterways between GPS points 63 to 64, 102 to 103, 108 to 110, 116-118 are required to meet Otago Regional Council rules in relation to waterways.

Vegetation and Ground Clearance Requirements-

- 1.7 Lines, as shown on attached map labeled "Map R1", are to be hand cleared of vegetation, loose rock and debris to provide a suitable fence line unless otherwise specified below. For the most part this fence line skirts around the edge of the bush line. There are scattered manuka bushes that will need to be removed in various places on this line.

The fence line also cuts through figures of bush in various places that will require complete clearance. In these cases the width of the cut is to be no more than three metres wide. The cut vegetation will be removed from the site.

The areas lengths affected as follows:

- a line between GPS points 47 to 48
- a line between GPS points 63 to 64
- a line between GPS points 65 to 67

- a line between GPS points 73 to 76
 - a line between GPS points 107 to 110.
 - a line between GPS points 116 and GPS point 118.
 - a line between GPS points 128 to 130;
 - a line between GPS points 131 to 132
 - a line between GPS points 142 to 145;
- 1.8 Mechanical leveling is required to level the ground as necessary to provide a suitable fence line around the scrub. A line between GPS points 98 to 99 requires minor skimming to remove an edge created as a result of the cultivation of the adjoining paddock.
- 1.9 It is also necessary to widen the existing farm track where the boundary fence is positioned on the outside (conservation side) of the track. Widening is necessary for the continued use of the track for farm vehicles and stock movement (track width including provision for fence is to be not more than 4.0 metres). The widening of the track is only to occur where it is necessary to ensure access for a 4WD vehicle over the lengths noted below:
- a line between GPS points 98 to 99 requires minor skimming to remove an edge created as a result of the cultivation of the adjoining paddock.
 - the existing track between GPS point 112 to and including GPS point 116;
 - the existing track between GPS points 118 to GPS point 120;
 - a line between GPS points 128 to 132;
 - leveling required at GPS point 134 to remove knob on the edge of the track.
 - a line between GPS points 134 to 136;
 - the existing track between GPS point 136 to and including GPS point 142
- 1.10 The balance of the fence line will require hand clearing, if applicable.

(b) Conservation Fence E-F and Y-Z (Area CA2)

- 1.11 Six x 2.5 mm galvanized high tensile wires and the bottom wire being 4 mm galvanized mild steel. Total of 7 wires.
- 1.12 2.1 metre x 200 mm treated timber strainer posts with 2.4 metre x 125 mm stay posts to be used for gateways and end of strains.
- 1.13 1.8 metre x 125 mm treated wooden intermediate posts or T irons to be used at 20 metre gaps or at lesser intervals on appropriate high and low points as required. 117 cm (46") to remain out of the ground. Steel Y stakes, back to back, may be used on high spots and on corners instead of wooden posts or T irons, with tie backs on tussock country.
- 1.14 Six steel Y stakes per 20 metres to be used. Y stakes will be 1.65 metres in length.
- 1.15 Two x 3.6 metre galvanised gates to be erected at points marked at WP 30 and WP 34
- 1.16 One x 4.2 metre galvanized gate to be erected at WP 44 in sheep yards to replace existing wooden gate.
- 1.17 Lines, as shown on attached map labeled "Map CA2 and CA2a", are to be hand cleared unless otherwise specified.

Vegetation and Ground Clearance Requirements-

- 1.18 Hand clearing is required to remove the minimal amount of vegetation as necessary to provide a suitable fence line through the scrub. The line is to be no more than 3 metres wide. The lengths affected are as follows:
- a line between GPS points 293 and 30
 - a line between GPS points 30 and 36
 - a line between GPS points 36 and 35
 - a line between GPS points 35 and 31, 31 and 32,
- 1.19 Hand clearing is required to remove the minimal amount of vegetation as necessary to provide a suitable fence line through the scrub. The line is to be no more than 3 metres wide. The lengths affected are as follows
- a line between GPS points 158 and 162
 - a line between GPS points 163 and 165

Both these fence lines pass through steep gullies. All cut vegetation will be removed from the site.

- 1.20 The balance of the fence line will require hand clearing, if applicable. The line between 32 and 33 to top of rock bluff above point 33 will be hand cleared.

(c) Conservation Fence K-L and I-J (Area CA1)

- 1.21 Six x 2.5 mm galvanized high tensile wires and the bottom wire being 4 mm galvanized mild steel. Total of 7 wires.
- 1.22 2.1 metre x 200 mm treated timber strainer posts with 2.4 metre x 125 mm stay posts to be used for gateways and end of strains.
- 1.23 1.8 metre x 125 mm treated wooden intermediate posts or T irons to be used at 12 metre gaps or at lesser intervals on appropriate high and low points as required. 117 cm (46") to remain out of the ground. Steel Y stakes, back to back, may be used on high spots and on corners instead of wooden posts or T irons, with tie backs on tussock country.
- 1.24 Three steel Y stakes per 12 metres to be used. Y stakes will be 1.65 metres in length.
- 1.25 Two x 4 metre galvanised gates to be erected at points marked GT4

Vegetation and Ground Clearance Requirements-

- 1.26 Mechanical mulching is required along the fence line to remove tussocks to allow a suitable fence line.

(d) Conservation Fence G-H (Area CA3)

- 1.27 Six x 2.5 mm galvanized high tensile wires and the bottom wire being 4 mm galvanized mild steel. Total of 7 wires.
- 1.28 2.1 metre x 200 mm treated timber strainer posts with 2.4 metre x 125 mm stay posts to be used for gateways and end of strains.

- 1.29 1.8 metre x 125 mm treated wooden intermediate posts or T irons to be used at 20 metre gaps or at lesser intervals on appropriate high and low points as required. 117 cm (46") to remain out of the ground. Steel Y stakes, back to back, may be used on high spots and on corners instead of wooden posts or T irons, with tie backs on tussock country.
- 1.30 Six steel Y stakes per 20 metres to be used. Y stakes will be 1.65 metres in length.
- 1.31 One x 3.6 metre galvanised gate to be erected at WP 26 (See map labeled "Map CA3")

Vegetation and Ground Clearance Requirements-

- 1.32 Hand clearing of the fence line if applicable.

2.0 Replacement of Existing Fence Lines

(a) Conservation Fence L-M and I-N (Area CA1)

- 2.1 Removal of existing fence and replace with new fence on existing fence line.
- 2.2 Six x 2.5 mm galvanized high tensile wires and the bottom wire being 4 mm galvanized mild steel. Total of 7 wires.
- 2.3 2.1 metre x 200 mm treated timber strainer posts with 2.4 metre x 125 mm stay posts to be used for gateways and end of strains.
- 2.4 1.8 metre x 125 mm treated wooden intermediate posts or T irons to be used at 12 metre gaps or at lesser intervals on appropriate high and low points as required. 117 cm (46") to remain out of the ground. Steel Y stakes, back to back, may be used on high spots and on corners instead of wooden posts or T irons, with tie backs on tussock country.
- 2.5 Three steel Y stakes per 12 metres to be used. Y stakes will be 1.65 metres in length.
- 2.6 Retain existing gate at point p3

Vegetation and Ground Clearance Requirements-

- 2.7 Hand clearing of the line if applicable

3.0 Upgrading Existing Fence Lines

- 3.1 One 4.2 metre galvanized gate to be added to the existing fence line at WP 18 (Point "e" on the designations plan) to provide vehicle access to easement "e-h" -See map labeled " Map R1" attached
- 3.2 Restraining and stapling of existing netting is required on fences from WP 5 to WP 6. on map CA1 attached.
- 3.3 Restraining of existing wire required on CA2 fence from WP 42 to WP 155 on map CA2a attached.

4.0 Length and location:

- 4.1 New fence is to be erected along the lines marked as follows on the plan.
 - (a) Reserve Fence shown marked A-B, C-D (R1(Scenic)). Approximately 6,300 metres plus 5% for slope. Total 6615 metres. Approximately 900 metres will

require mechanical clearing and 700 metres will require benching and leveling.

- (b) Conservation Fence shown marked E-F and Y-Z (CA2). Approximately 3,000 metres plus 7% for slope. Total 3210 metres. Approximately 1300 metres will require mechanical clearing.
- (c) Conservation Fence shown marked L-M and I-N, I-J and K-L (Area CA1). Approximately 1,400 metres.
- (d) Conservation Fence shown marked G-H (Area CA3). Approximately 600 metres.

5.0 Preliminary and General Matters

5.1 New Materials

All materials forming a permanent part of the fence shall be new and shall conform to any relevant New Zealand or international standard.

5.2 Standards

Materials forming a permanent part of the specified fence shall conform to the applicable standard. Such materials shall either identify the applicable standard on the label or certificate from the supplier or manufacturer shall be supplied stating the materials have been manufactured in a process that has been tested and which conforms to that standard.

Current standards that apply to fencing materials include but may not be limited to:

- 3471:1974 (NZS) Specifications for galvanized steel fencing wire plain and barbed.
- 3607:1989 (NZS) Specifications for round and part round timber fence posts.
- 3640:1992 (NZMP) Specifications of the minimum requirements of the NZ Timber Preservation Council Inc.
- D360:1986 (NZS/ASTM) Creosote Treatment
- 4534:1998 (AS/NZS) Zinc and zinc/aluminum alloy coating on steel wire.
- 4680:1999 (AS/NZS) Hot dip galvanized (zinc) coating on fabricated ferrous articles.

Where no applicable standard exists then materials shall be of best quality as generally accepted in the New Zealand farming and fencing industries.

Documentation would be required of:

- Manufacturers (or suppliers) warranties and test certificates where applicable.
- Guarantee certificates that transfer to the owners of the completed fences.
- Remedies available under the guarantee.
- Installation instructions for hardware where applicable to the warrantee and guarantee.

- 5.3 Blasting
Any blasting required to loosen or remove rock shall be undertaken using electric detonators to reduce the risk of fire.
- 5.4 Drilling
Any rock drilling will be undertaken with a rock drill no larger than 40mm diameter.
- 5.5 Spiking
Where placement of posts requires spiking, the spike shall be 90mm or more diameter.
- 5.6 Lacing
The top wire is to be laced to the top of the steel Y stake with 3.15 mm (9 gauge) wire.
- 6.0 Materials General – to be used except where these have been specifically modified by the provisions of Clause 5 which shall take precedence.
- 6.1 Wire
Fence wire will be 2.5mm galvanized high tensile steel wires and 4 mm galvanized mild steel wire all of which are to be of good quality. Tie-downs and tie-backs will be 4mm galvanized mild steel kept clear of any ground contact.
- 6.2 Infill Posts
Infill posts will be steel Y stakes or galvanized T irons for use on high spots.
- 6.3 Strainer, Intermediate and Angle Posts
All timber posts used will be round and ground treated.
- 6.4 Stay Block
12 x 2 x 24 ground treated.
- 6.5 Staples
Staples will be 50mm x 4mm barbed galvanized steel.
- 6.6 Permanent Wire Strainers
Permanent wire strainers are to be of the yoke and reel type with a sprung loaded locking bar.
- 6.7 Crossing Netting
Netting on creek and river crossings will be 7 wire galvanized sheep netting.
- 6.8 Swung Gate
The swung gate shall be manufactured of 32 mm 2.6wt galvanized steel pipe frame, suitable braced to withstand normal pressure by beef cattle and fully covered with 50mm chain mesh manufactured from 3.15 mm gauge wire and attached with 2.24 mm galvanized lacing wire.
- 6.9 Gate Chains
Gate chains will be galvanized steel chain and staple type.
- 6.10 Gate gudgeons

Gudgeons are to be of galvanized steel. Top gudgeon is to be lock through type and the bottom gudgeon a bolt through type.

7.0 Best Practice

7.1 Best fencing practice must be adhered to on all occasions.

7.2 Strains

Length of strains to be determined by the territory but to not exceed 300 metres for HT and 250 metres for No 8 wire. To conform to best practice and if applicable the wire manufacturing recommendations. Strain to account for weather conditions at time of strain.

7.3 Placement of timber strainers, posts and stays

Under no circumstances are any strainers, stays or posts to be shortened either prior to or subsequent to their placement in the ground.

All strainers are to be dug in or driven and rammed and footed. No.8 (4 mm) galvanised steel wire is to be used on foots. Strainer, angle and intermediate posts are to have a minimum of 117 cm (46") out of the ground. Stays are to be 1/3 of the way up posts.

7.4 Placement of wires

Wires are to be located on the grazing side of the boundary, except where there is a high risk of snow damage where they shall be placed on leeward side away from the prevailing snow. The bottom wire to be 100 -150 mm above the ground.

Post staples are to be driven well in but allow the wire to run through.

All wires are to be securely and neatly tied off and strained evenly. Figure 8 knots are to be used in all joins.

7.5 Gate

Swung gate must close against a post and be able to fully open back against the fence.

7.6 Netting at creek crossing

Netting to be hung at creek and river crossings and left to swing.

7.7 Tie Downs

Tie downs are to consist of half or full steel Y stakes according to conditions and the tie down is to be with 4mm mild steel galvanised wire (which is to remain above ground). If a post is a tie down, it is to be fixed to the Y stake by a 150mm x 6mm galvanized nail.

Anywhere that there is a 100 mm or more upward pull on the wires is to have a tie down placed.

7.8 Tie backs

Tie backs can be used on angle posts or T irons and are permitted on both sides of the fence.

8.0 Resource Management Consents

The construction of fencing is subject to the Commissioner obtaining any and all consents required pursuant to the Resource Management Act 1991.

These specifications are to be read in conjunction with the addendum attached. Of particular note are the requirements in relation to waterways from the Otago Regional Council.