

Crown Pastoral Land Tenure Review

**Lease name: EREWHON PARK
(Mt Potts Special Lease)**

Lease number: SC 156

Substantive Proposal - Part 2

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

November


08


Appendix 1: Consents – Example of Mortgagee Consent

[ASB BANK LIMITED] as Mortgagee under Mortgage [6695198.2] ("the Mortgage"), hereby:

- (a) consents to acceptance of the Proposal dated [26 February 2008] ("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: 14th March 2008
 SIGNED by ASB BANK LIMITED by its Attorney
 SIGNED by [BRENDA ANNE WATERS])
 in the presence of:)





Witness Signature:

Witness Name: GLENN GRINDROD
 Occupation:
 Address:

**Bank Officer
 AUCKLAND**

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

RICHARD BERTRAM WALTON

I [] hereby certify as follows:

1. *MT POTTS STATION LIMITED*
[[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 [*26 February 2008*] ("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]

RB Walton
Solicitor
Timaru

18/3/08

Appendix 3: Indicative Fencing and Construction Requirements

New boundary fence lines and some upgrading/repairs

1 Length and location: Fence to be erected along lines shown marked:

- 1.1 New sheep/cattle fences: seven wire with T irons or posts:-
- (a) 'G-H' (1700 metres approximately) on the Fencing Plan; between CC1 and CA2
 - (b) 'I-J' (1300 metres approximately) on the Fencing Plan; between CC1 and CA1
 - (c) 'N-O' (650 metres approximately) on the Fencing Plan; between F/H and CA4 northern end
 - (d) 'P-Q' (600 metres approximately) on the Fencing Plan; between F/H and CA4 southern end
 - (e) 'T-U' (1500 metres approximately) on the Fencing Plan; between F/H and CA2
 - (f) 'V-W' (1150 metres approximately) on the Fencing Plan; between F/H and CA3
 - (g) 'X-Y' (1850 metres approximately) on the Fencing Plan; between F/H and CA3
- 1.2 New deer fence with standard 3000 mm mesh netting:-
- (a) 'Y-Z' (1650 metres approximately) on the Fencing Plan; between F/H and CA3 southern end
- 1.3 Fence lines to be upgraded by 5 wires from 2 to 7 wires, top wire to be retained as electric:-
- (a) 'H-I' (300 metres approximately) on the Fencing Plan; between CC1 and CA1 east side
 - (b) 'J-K' (500 metres approximately) on the Fencing Plan; between CC1 and CA1 west side
 - (c) 'L-M' (2250 metres approximately) on the Fencing Plan; between F/H and CA2
- 1.4 Fence line to be repaired i.e. broken wires fixed, popped staples replaced etc:-
- (a) 'R-S' (2550 metres approximately) on the Fencing Plan; between F/H and CA3 northern end

2 Specifications for Sheep/Cattle Fence

- 1 Fence to be constructed of five HT (2.5mm) wires with, one electrified wire on top (plant supplied by holder) and one bottom galvanised medium tensile 4mm (no 8) wire, with wires located on the grazing side of the boundary, except where there is a high risk of snow damage where they shall be placed on the leeward side away from the prevailing snow.
- 2 2.4 metre x 200 mm treated timber strainers with treated timber stays to be used for gateways and ends of strains (heavy T irons in lieu of strainers with steel stays may be used)
- 3 4.267 metre Cyclone gates to be erected.

- 4 2.4 metre x 125mm treated timber posts or T irons to be used at 20 m gaps or on appropriate high and low points.
- 5 Six steel Waratah standards per 20 metres to be used Waratah standards to be mostly 1.5m long with 1.35m standards allowed on rocky ground and 1.650m on soft ground.
- 6 Waratahs back to back may be used instead of posts on high spots and on corners, with tie-backs on tussock country
- 7 All strainers, to be driven or dug in and rammed and footed with acceptable footing material. No 8 wire to be used on all foots. All dips and hollows to be tied down.
- 8 Netting to be hung on creek crossings and left to swing.
- 9 All strainers and angles to be mortised, stayed and blocked. Stays to be one-third of the way up posts.
- 10 Tie-backs are permitted on both sides of the fence
- 11 All wires are to be securely and neatly tied off. Bottom wire to be between 100 and 150mm above the ground. Line to be benched where required. Most of the line will need to be cleared manually as required.
- 12 Post staples to be 50 X 4mm galvanised slice pointed barb to be driven well in but allow the wire to run through
- 13 Strains not to exceed 300 metres for HT and 250m for No8 and strained to a tension recommended by the wire manufacturer.
- 14 Strainers and angle posts to be dug in to such a depth that 117cm (46") remains out of the ground
- 15 Posts to be driven or dug in to such a depth that 112cm (44") remains out of the ground.
- 16 Under no circumstances are any strainers, post or stays to be shortened either prior to or subsequent to their placement in the ground.
- 17 Triplex strainers to be used on all strains.

3 Specifications for Deer Fence

3.1 Type of Post: Full Round 140 – 160 mm diameter

3.2 Fence Posts:

Average Top	12cm diameter
Minimum Length	2.75 m
Maximum Spacing	5.0 m
Minimum Height above ground	2.0 m

3.3 Strainer Posts:

Minimum Length	3.05 m
Average top	18cm diameter

3.4 Stays:

Minimum Length	2.29 m
Maximum Length	2.75 m
Average Top	0.09 m

3.5 Perimeter Mesh:

Minimum height	1.98 m
Maximum spacing	300 mm
Maximum space between verticals	300 mm

3.6 Construction practices:

- 3.6.1 All wires are to be fastened on inside of posts. The bottom wire of all fences must be placed as close to the ground as possible.
- 3.6.2 All strainers, angle posts and dip posts to be driven or dug in and rammed and footed with acceptable footing material. No. 8 or 9 wire to be used on foots. All dips and hollows to be tied down using 1.5 metre waratahs driven in so far as possible.
- 3.6.3 All strainers and angles to be mortised, stayed and blocked. Stays to be one-third of the way up the posts.
- 3.6.4 Tie-backs using 1.8 metre waratahs are permitted only on landward side of the fence.
- 3.6.5 Under no circumstances are any strainers, posts or stays to be shortened either prior to or subsequent to their placement in the ground.

4 Specifications for upgrading the sheep/cattle fences

Five extra plain HT wires are to be run out and included in the waratahs; with the top electrified wire to remain. This will give a total of 7 wires.

5 Specifications for Repair

Fence to be made stock proof by the repair of broken wires and replacement of lost staples etc.

6 Earthworks and vegetation clearance

Lines must preferably be cleared manually or by other means, as required by the fencing contractor to ensure a cost efficient and durable quality fence is erected.

Earthworks machinery e.g. bulldozers, are not to be used for fence line clearance or for tracking access to new fence lines, except for 'V-W' and 'Y-Z'.

The line 'V-W' may require mechanical vegetation and rock clearance only e.g. wiping off the matagouri by light weight machinery e.g. a 12 tonne digger. Such machinery is to be used for vegetation and rock clearance only, not earthworks. The grid reference for point 'V' is X2343784, Y5739344. The grid reference for point 'W' is X2341013, Y5738474.

The line 'Y-Z' may require mechanical vegetation and rock clearance only in Powerhouse Stream between grid references X2343784, Y5737352, and X2344168, Y5737253.

Consent for earthworks, if required, is to be sought by the LINZ implementation contractor and approval will require an undertaking to lessen visual or landscape impact via:

- Minimal vegetation disturbance
- Not to cause slope instability
- Not to cause erosion or siltation