

Crown Pastoral Land Tenure Review

Lease name: REDCLIFFE

Lease number: PC 141

Substantive Proposal - Part 2

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

June

08

Schedule Four: Conditions

- 1 The Holder acknowledges and agrees that:
 - (a) the land secondly described on page 1 of this Proposal, being the land comprising the area shaded pink and labelled CA3 on the Plan is the subject of a separate agreement between the parties for that land to be surrendered from the Lease;
 - (b) notwithstanding the provisions of this Proposal and their application to that land and the designation of that land under this Proposal, the Holder has been fully compensated for the surrender of that land from the Lease and no further consideration shall be payable or made by the Commissioner in respect of that land and no account shall be taken of it in the Commissioner's Consideration;
 - (c) all other matters pursuant to or associated with the agreement to surrender that land have been satisfied.

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

Fencing Requirements

Length and location: Fence to be erected along boundary line shown on fencing plan as follows;

- "P-Q" (400 metres) approximately,
- "R-S" (350 metres) approximately,
- "T-U" (2,300 metres) approximately,
- "V-W" (1,850 metres) approximately,
- "X-Y-Z" (6,900 metres) approximately.

In addition to the above new fence lines to be constructed the following fence lines are to be inspected and repaired (broken posts replaced broken wires rejoined or replaced where necessary);

- "W-X" (1,000 metres) approximately,
- "R-T" (2,000 metres) approximately,

Type: Sheep: Seven Wire Fence and T irons or posts

Specifications

1. Except as varied in 2 below fences to be constructed of six HT (2.5mm) wires, top wire to be laced on, bottom wire only to be 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. Two strains each way (i.e. 400 metres each way) from point 'Y' to be 5 only galvanised medium tensile 4mm (No.8) wires.
3. 2.4 metre x 200mm treated timber strainers with treated timber stays to be used for all gateways and end of strains. 2.1 metre x 200 mm intermediate strainers acceptable.
4. 1.8 metre x 125mm treated timber posts to be used at maximum 20 metre gaps or on appropriate high and low points.
5. 1.65 metre T-iron acceptable in rock.
6. 4.2 metre heavy duty cyclone gates to be erected across vehicle tracks. Other gates 3.6 metre heavy duty cyclone to be located at points marked 'GATE' on fencing plan. Gates to be swung as to 'knock-up' on strainers and open fully down hill.
7. All strainers to be driven or dug in and rammed and footed with acceptable footing material. No. 8 wire to be used on foots. All dips and hollows to be tied down.
8. 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 1.65m standards on soft ground.

9. Waratahs, back to back, may be used instead of posts on high spots and on corners, with tiebacks on tussock country.
10. All strainers and angles to be mortised, stayed and blocked. Stays to be one-third of the way up posts.
11. Netting floodgates in all creek crossings and sharp dips. To be swung independent of fence. Main fence to stop either side of major creeks with separate short strain across creek.
12. Tie-backs are permitted on both sides of the fence.
13. All wires are to be securely and neatly tied off and strained evenly. Bottom wire to be kept between 100mm -150mm above the ground.
14. Line will need to be cleared manually as required. For the avoidance of doubt there is to be no line clearing other than by hand. If it is considered that a specific section of line should be cleared using machinery then a separate consent from LINZ will be required prior to any work being undertaken (such consent is to be sought by LINZ's implementation contractor).
15. Post staples to be 50x4mm galvanised slice pointed barb and be driven well in but allow the wire to run through.
16. Strains not to exceed 300 metres for HT and 200m for No. 8 wire and strained to a tension recommended by the wire manufacturer.
17. Strainers and angle posts to be dug in to such a depth that 117cm (46") remains out of the ground.
18. Under no circumstances are any strainers, posts or stays to be shortened either prior to or subsequent to their placement in the ground.
19. Triplex strainers to be used on all strains.
20. There are some areas prone to snow or rock slides that will require 'customised' solutions (e.g. posts on high points with the fence wires suspended between on hunter chain tied down to waratahs driven in. The fence must be able to release and spring up when hit by snow or rock slides).
21. Fence lines 'R-T' and 'W-X' to be upgraded by replacement of broken wires and posts and restraining.
22. For the avoidance of doubt the existing fence line of approximately 600 metres going South East up the hill from point 'T' is obsolete and is to be removed and replaced.