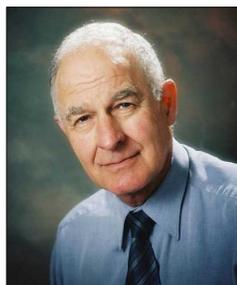


## Chair



### **Barry Gunson, Barrister and Solicitor, Hamilton**

Barry specialises in commercial contracts, trusts and estate planning, the rural industry, dispute resolution (particularly rural disputes) and plain English precedents. He is a member of the NZLS Property Law Section executive and presented at the 2002 NZLS Property Law Conference. Barry was the chair of the 2005 Rural Transactions Intensive.

## Keynote speaker



### **Rod Oram, Auckland**

Rod has more than 30 years' experience as an international financial journalist. He has worked in Europe and North America for leading publications such as the Financial Times of London. Rod and his family emigrated from the UK to New Zealand in 1997. He is currently a columnist for the Sunday Star-Times; a regular broadcaster on radio and television; and a frequent public speaker on business and economic issues. Rod is an adjunct professor in the Business School at Unitec in Auckland. In the 2006 Westpac Business & Financial Journalism Awards, he won the Reporting on Corporate Responsibility, Sustainability or Community Engagement category.

## Speakers



### **Ian Blackman, BlackmanSpargo, Rotorua**

Ian's diverse career experience includes employment with the Treasury, the Department of Inland Revenue, the Department of Labour and the Rural Banking & Finance Corporation. He was the Lending Manager of the Rural Bank in Rotorua prior to his move to private practice in 1985. He has been in private practice since then, using his banking background to build a strong client base, specialising in rural work. A significant aspect of Ian's work now involves legal structures, estate planning and succession planning for farmers.



### **Rob Braithwaite, KPMG, Hamilton**

Rob is a tax partner with KPMG in Hamilton. He advises a number of chartered accounting and legal practices in the Waikato and Bay of Plenty, and is responsible for tax compliance and consulting engagements for KPMG's corporate and private clients. A member of the Institute's Primary Sector Committee, Rob has presented a number of seminars on tax issues, particularly as they relate to the rural sector.



### **Richard Burcher, Kaimai Law, Katikati**

Richard works in the property and commercial area of law. He is a cost reviser and provides costing consultancy services to law firms. Richard has presented seminars on costing, represented members of the public and law firms at cost revision hearings, provided expert testimony in cost revision proceedings, and written a number of articles on costing for legal publications, *The National Business Review* and *New Zealand Management* magazine.

## Speakers



### **Mark Christensen, Anderson Lloyd Lawyers, Christchurch**

Mark has 20 years' experience in resource management law and large scale projects throughout New Zealand. He advises on and has obtained resource consents, including water take and air and water discharge permits for a range of corporate entities. He also specialises in Conservation Act issues particularly for mining clients and tourism related venture. Mark has advised network utility operators on designations and land use planning.



### **George Collier, Chartered Accountant, Alexandra**

George is a director of Ibbotson Cooney - a firm of chartered accountants and business advisers in Alexandra, Central Otago. He has a specific interest in succession planning, project management, tenure review negotiation and all aspects of rural accounting.



### **Peter Duncan, Tompkins Wake, Hamilton**

Peter has more than 25 years' experience in the law relating to property subdivision and development, trusts and personal and business succession planning. Since moving to the Waikato eighteen months ago Peter has had the opportunity to adapt the experience gained in many years of urban subdivision and development work to the rural environment. He has been a presenter for various NZLS conferences and seminars on a range of property law subjects.



### **John Gallie, Gallie Miles, Te Awamutu**

John Gallie has been in private law practice in Te Awamutu for over 30 years. He has gained wide experience in that time in rural conveyancing and local authority work including resource management. He has been president of Waikato Bay of Plenty District Law Society and was for three years the NZLS North Island vice-president. For over eight years, John was also a trustee of the New Zealand Law Foundation. A lifestyle change some three years ago means that John is now able to spend approximately half his time working from his home in the Bay of Islands.



### **David Goodman, Goodman Steven Tavendale & Reid, Christchurch**

David has 16 years' experience as a company commercial lawyer and is a founding partner of Goodman Steven Tavendale & Reid, a firm specialising in commercial law and the primary sector. David acts for irrigation companies, joint ventures and equity partnerships in the agri-business sector.



### **Brett Gould, Anderson Lloyd Lawyers, Queenstown**

Brett has a commercial and farming practice, a major portion of which in recent years has involved managed and closely-held dairy farm and commercial property syndications. He has also had considerable experience acting in completing shareholder agreements for syndicate investors. Brett is a member of the NZLS Property Law Section Rural Committee. Brett presented the session on equity farming at the 2005 NZLS Rural Transactions intensive and was a presenter for the 2006 NZLS seminar *Business Structuring and Operation*.

## Speakers



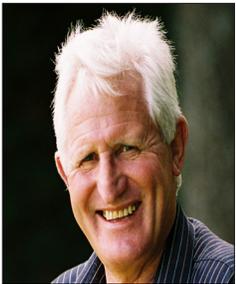
### **Matt Hanna, Lewis', Cambridge**

Matt was admitted in 1986 and is a partner of Lewis', a small firm with a long history in advising rural business clients. He is the author of *Forestry Rights in New Zealand* and advises forest owners, managers and local authorities on commercial forestry issues.



### **Deborah Hollings QC, Auckland**

Deb specialises in domestic property disputes and structures. Her practice particularly includes more complex cases, often including company and family trust interests. She has appeared as counsel in numerous reported decisions in this area, including as leading counsel for the wife in *Z v Z* and *B v M*. Deb is the co-author of *For Richer or Poorer* (CCH 2001), the best-selling handbook on domestic property and estate law, and has written numerous articles on these issues.



### **Cliff King, Director, AGInvest, Feilding**

Cliff has had much to do with the agricultural scene in NZ - as a farmer, a registered valuer, a farm consultant, and a director of companies involved in the agribusiness sector. He has been involved in funds management - in the late 1980s he helped establish the New Zealand Rural Property Trust with particular responsibility for acquiring NZ\$65 million of investment for rural property throughout NZ, and public company management - he was responsible for purchasing, managing and subsequently selling the Dairy Brands operation in Canterbury and Southland. Cliff is currently a director of several companies in both NZ and Australia, including AGInvest Ltd and MyFarm Ltd



### **Andrew Leete, Goodman Steven Tavendale & Reid, Christchurch**

Andrew specialises in corporate, commercial and securities law. He has considerable experience acting for co-operative companies in a range of industries, including the primary and agri-business sectors.



### **Chris Spargo, BlackmanSpargo, Rotorua**

Chris has for the last nine years specialised in rural commercial law. He commenced practice in a large provincial law firm and later joined Ian Blackman in a specialist rural legal practice, focusing on farm sales and acquisitions, joint ventures, subdivisions and estate and succession planning. Chris has a comprehensive understanding of Fonterra's capital structure as it affects the practising provincial lawyer.



### **Elizabeth Toomey, Associate Professor, Canterbury University, Christchurch**

Elizabeth teaches both the compulsory land law course, and an advanced course, Contemporary Issues in Real Property. She has published widely in this area, both in New Zealand and internationally, and is a co-author of Brooker's *New Zealand Land Law* (2005). Elizabeth has advised the New Zealand Law Commission on real property issues, does occasional consultancy work, and is a member of the Legal Aid Review Panel. She is a section editor of the *New Zealand Business Law Quarterly*, and is a regular contributor to *Butterworths Conveyancing Bulletin*.

## Speakers



### **Mark von Dadelszen, Bannister and von Dadelszen, Hastings**

Mark specialises in resource management law, local body and public law issues, and dispute resolution and litigation. He acts for local authorities, individuals, companies, and Maori entities, and has appeared in the Environment Court, the District and High Courts, Court of Appeal, and Privy Council. Mark is the convener of the NZLS Environmental Law Committee,



### **Jeannie Warnock, Greenwood Roche Chisnall, Wellington**

Jeannie has recently joined Greenwood Roche Chisnall, having been a partner in the Wellington Office of Buddle Findlay. She specialises in the area of commercial property. She practised in Wanganui for many years where she had a predominantly rural client base. Jeannie's practice continues to include many farming clients, both individual and corporate.



### **Andrew Watters, AGInvest, Feilding**

Andrew comes from a professional background as a dairy company manager and farm consultant. He owns two farms under irrigation and milking 550 cows. Andrew is responsible for the business growth, investor relationship and staff management of AgInvest, a rural investment and asset management company of which he is an owner. He was judged NZ Sharemilker of the Year in 2003 and was a Nuffield Farming Scholar in 2004.

*The statements and conclusions contained in this booklet are those of the author(s) only and not those of the New Zealand Law Society. This booklet has been prepared for the purpose of a Continuing Legal Education course. It is not intended to be a comprehensive statement of the law or practice, and should not be relied upon as such. If advice on the law is required, it should be sought on a formal, professional basis.*

# CONTENTS

## In session order

<b>The future of New Zealand's primary sector</b> .....	1
<i>Rod Oram</i>	
<b>Passing on the family farm – the agriculture scene and the human dimension</b> .....	33
<i>George Collier</i>	
<b>Passing on the family farm – planning ahead!</b> .....	57
<i>Ian Blackman</i>	
<b>Specific issues relating to relationships in the context of a succession plan</b> .....	85
<i>Deborah Hollings QC</i>	
<b>Syndication – a solution for all ages and stages</b> .....	97
<i>Andrew Watters</i>	
<b>Farm syndications</b> .....	107
<i>Brett Gould</i>	
<b>Multiple ownership: Co-operative companies</b> .....	145
<i>David Goodman and Andrew Leete</i>	
<b>Commercial forestry, tenure, harvest and Kyoto issues</b> .....	155
<i>Matt Hanna</i>	
<b>Conflicts of interest for conveyancers</b> .....	163
<i>Brett Gould</i>	
<b>Update on Fonterra Co-operative Group Limited</b> .....	217
<i>Chris Spargo</i>	
<b>Cutting up the farm</b> .....	227
<i>Peter Duncan</i>	

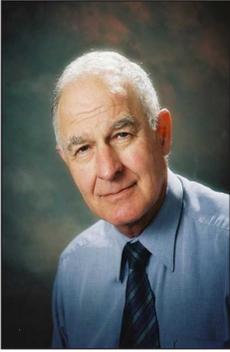
<b>Rural developments and subdivisions</b> .....	249
<i>Rob Braithwaite</i>	
<b>Resource Management Act - topical issues and recent cases</b> .....	269
<i>Mark Christensen</i>	
<b>Transferable development rights</b> .....	287
<i>John Gallie</i>	
<b>RMA: Protection of enforcement mechanisms – the effectiveness of tools in the property law tool box</b> .....	305
<i>Mark von Dadelszen</i>	
<b>Land title – access issues</b> .....	333
<i>Elizabeth Toomey</i>	
<b>Due diligence – doing it well and getting it right</b> .....	361
<i>Jeannie Warnock</i>	
<b>Selling your bill</b> .....	371
<i>Richard Burcher</i>	

# CONTENTS

## Alphabetical by author

<b>Author</b>		<b>Title</b>	<b>Page</b>
<b>Blackman</b>	Ian	Passing on the family farm – planning ahead!	57
<b>Braithwaite</b>	Rob	Rural developments and subdivisions	249
<b>Burcher</b>	Richard	Selling your bill	371
<b>Christensen</b>	Mark	Resource Management Act - Topical issues and recent cases	269
<b>Collier</b>	George	Passing on the family farm – the agriculture scene and the human dimension	33
<b>Duncan</b>	Peter	Cutting up the farm	227
<b>Gallie</b>	John	Transferable development rights	287
<b>Goodman</b>	David	Multiple ownership: Co-operative companies	145
<b>Gould</b>	Brett	Farm syndications	107
		Conflicts of interest for conveyancers	163
<b>Hanna</b>	Matt	Commercial forestry, tenure, harvest and Kyoto issues	155
<b>Hollings QC</b>	Deborah	Specific issues relating to relationships in the context of a succession plan	85
<b>Leete</b>	Andrew	Multiple ownership: Co-operative companies	145
<b>Oram</b>	Rod	The future of New Zealand’s primary sector	1
<b>Spargo</b>	Chris	Update on Fonterra Co-operative Group Limited	217
<b>Toomey</b>	Elizabeth	Land title – access issues	333

<b>von Dadelszen</b>	Mark	RMA: Protection of enforcement mechanisms – the effectiveness of tools in the property law tool box	305
<b>Warnock</b>	Jeannie	Due diligence – doing it well and getting it right	361
<b>Watters</b>	Andrew	Syndication – a solution for all ages and stages	97



## **FROM THE CHAIR**

This will be the second conference held by the NZLS focusing on issues of interest to rural law practitioners. Again, the conference will be presented twice – once in **Christchurch (8-9 October)** and once in **Hamilton (15-16 October)**. The first conference was a great success despite the snow in Christchurch. The aim this year is to build on that foundation – and we'll hope for better weather!

The theme of this year's conference reflects changes in the physical nature of our environment, ongoing changes to the law and new ways of dealing with old problems.

To open our conference we welcome financial journalist and Adjunct Professor at Unitec Rod Oram, who will take both a wide and a long view of the primary sector. The sessions which follow offer us new perspectives on important bread and butter practice areas as well as a selection of sessions to help us deal with problems that come out of left field – forewarned is forearmed.

This conference is for you, whether you are involved in rural transactions on a regular basis or only occasionally.

Emphasis continues to be on:

- Bringing you up to date with relevant law changes and current issues
- Learning new solutions to familiar problems
- Sending you away with checklists and practical tips galore for a range of rural-based transactions.

A handwritten signature in black ink, appearing to read 'Barry Gunson', written in a cursive style.

**Barry Gunson**