



IN THE MATTER of a Conservation Covenant entered into pursuant to Section 77 of the Reserves Act 1977

WHEREAS

A. **25CH INVESTMENTS LIMITED** ("the Covenantor") is the registered proprietor of an estate in fee simple in those pieces of land being:

- (i) Area comprising 9730 square metres more or less being Lot 10 on Deposited Plan 331965 and being all the land contained in Certificate of Title NA131228 ("Lot 10"); and
- (ii) Area comprising 4.0020 hectares more or less being Lot 14 on Deposited Plan 331965 and being all the land contained in Certificate of Title NA 131232 ("Lot 14").

(hereinafter jointly and severally called "the land").

B. **THE WHANGAREI DISTRICT COUNCIL** ("the Council") is the local authority within whose district the land is situated.

C. The Council is authorised by Section 77 of the Reserves Act 1977 ("the Act") to obtain conservation covenants in respect of private land for the purposes of managing such land so as to preserve the natural environment, or landscape amenity, or wildlife or fresh water life or marine life habitat or historical value of such land.

D. The Covenantor has agreed to grant to the Council a conservation covenant for the purpose and intent of preserving the natural environment, wildlife and historical

value of the land and to satisfy a condition in this regard of the Council's consent to a subdivision as evidenced by Deposited Plan 331965 ("the plan").

NOW THEREFORE in pursuance of this authority the Covenantor HEREBY GRANTS to the Council Conservation Covenants pursuant to Section 77 of the Act over:

- (i) Area comprising 4200 square metres more or less being that part of Lot 10 as is shown marked on the plan with the letter "W"; and
- (ii) Area comprising 5185 square metres more or less being that part of Lot 14 as is shown marked on the plan with the letter "Y".

(such areas being hereinafter referred to as "the conservation areas") to the intent that this covenant shall have effect in perpetuity or until the Council shall resolve to release this covenant.

THE Covenantor and the Council with the intent and so as to bind Lots 10 and 14 on the plan into whosoever hands such may come mutually covenant at all times to observe and perform the respective duties and obligations imposed upon them pursuant to the provisions of the Act and any statutory amendment or re-enactment thereof or any Act or Acts passed in substitution therefore.

THE COVENANTOR COVENANTS WITH THE COUNCIL :

1. WITH respect to the conservation area on lot 14 as such is shown and marked on the plan with the letter "Y":

- .1 To undertake pest and weed control measures should the need arise such including the removal of fauna and/or flora recognised as pest or weeds by the Council's Parks Division; and

- .2 To undertake restoration and/or enhancement and/or pruning of vegetation cover should the need arise, provided prior approval has been obtained from the Council's Parks Division.
- .3 To fence the boundaries of this conservation area such fences to be constructed to a standard equivalent to one of the specimen types of rural fence as provided for in the Second Schedule to the Fencing Act 1978 excluding electric fences.
- .4 To maintain such boundary fencing to the standard set pursuant to Clause 1.3 hereof.

2. WITH respect to the conservation area on Lot 10 as such is shown marked on the plan with the letter "W":

- .1 Neither to damage, modify or destroy nor give permission for the damage, modification or destruction of the pa site within this area;
- .2 Not to undertake or give permission for any undertaking that will be detrimental to the preservation of the area or to the appreciation or enjoyment of persons inspecting and viewing the area.
- .3 To manage the area so that:
 - (a) it shall not, without the prior consent of the Council, be used for any purpose other than as pasture for grazing stock with stock and pasture management practices to be directed to the maintenance of the vegetation cover on the site;
 - (b) heavy stock are excluded from the area whenever necessary;

- (c) good pasture management practices are followed (including the control of noxious weeds) with only light machinery to be permitted within the area and only under appropriate ground conditions; and
- (d) there shall be no disturbance to the surface of the ground of the area and in particular the Covenantor shall not within this area, without the prior written consent of the Council:
 - (i) erect any building or other structure;
 - (ii) construct or lay any drains or pipes in the ground;
 - (iii) cultivate the surface;
 - (iv) carry out any excavation;
 - (v) plant any trees or shrubs;
 - (vi) prune, cut or remove branches of any native trees.

.4 To pay all legal costs and disbursements including those incurred by the Covenantor relating and incidental to the preparation, completion and carrying into effect of these presents.

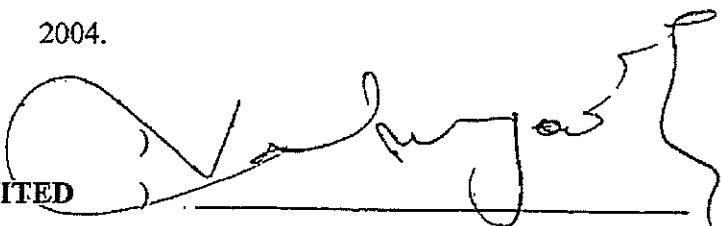
.5 To notify the Council immediately in the event of the area or any part of it being damaged or destroyed from any cause whatever.


IN WITNESS WHEREOF these presents have been executed this 25th day of March 2004.

SIGNED by 25CH

INVESTMENTS LIMITED

as Covenantor in the presence of:)


 TE Dooanapol (Director)


 A N Fraser (Director)

SEAL ↓

THE COMMON SEAL of THE)
WHANGAREI DISTRICT)
COUNCIL was hereunto affixed)
this 17th day of March)
2004 in the presence of :)



[Signature] Council Secretary

CONSERVATION COVENANT

Correct for the Purposes of the Land
Transfer Act



Solicitor for the Whangarei District
Council

25CH INVESTMENTS LIMITED

"the Covenantor"

WHANGAREI DISTRICT COUNCIL

"the Council"

Particulars entered in the Register as shown herein
on the date and at the time endorsed below

.....
Assistant/District Land Registrar
of the District of North Auckland

THOMSON WILSON
SOLICITORS
WHANGAREI

WDC F.104

SPARE COPY

In reply please quote: **P110550** 08/29539

Or ask for: Paul McDonald

17 April 2008



WHANGAREI
DISTRICT COUNCIL

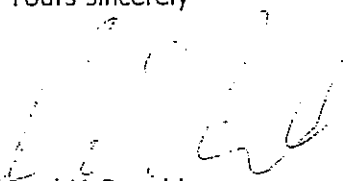
Rosa Andreassen
P O Box 66
WAIPU

Dear Ms Andreassen

Request to Plant Esplanade Reserve & Covenant Area

Thank you for your request to plant the esplanade strip and covenant area at your residence. I confirm I am happy with the use of the native species selected. Please ensure public access is not restricted across the esplanade strip.

Yours sincerely



Paul McDonald
PARKS MANAGER

*Creating the ultimate
living environment*

Forum North, Private Bag 9023
Whangarei, New Zealand
Telephone: +64 9 430 4200
Facsimile: +64 9 430 7522
Email: mailroom@wdc.govt.nz
Website: www.wdc.govt.nz