

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

WHEREAS

- A. **ARK TOOTS TRUSTEE LIMITED** ("the Covenantor") is the registered proprietor of an estate in fee simple in that piece of land in Certificate of Title NA89C/20 (hereinafter called "the land").
- B. **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 of the land and to satisfy a condition in this regard of the Council's consent to a subdivision as evidenced by Deposited Plan 363199 ("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 6645 square metres more or less being that part of lot 2 on the plan as is shown marked thereon with the letter "A";

(ii) Areas comprising 3249 square metres more or less being those parts of lot 4 on the plan as are shown marked thereon with the letters "B" and "C"; and

(iii) Area comprising 2,0495 hectares more or less being that part of lot 5 on the plan as is shown marked thereon with the letter "D"

(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 2, 4 and 5 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. TO fence the boundaries of the conservation areas 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.

2. TO maintain such boundary fencing to the standard set pursuant to Clause 1 hereof.

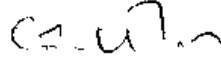
3. TO undertake pest and weed control measures within the conservation areas should the need arise including removal of fauna and/or flora recognised as pests or weeds by the Council's Parks Division.

4. TO maintain access to the conservation areas by way of any existing tracks to existing standards should the need arise such including minor clearance of vegetation over, and/or adjacent to, the existing tracks.



CONSERVATION COVENANT

Correct for the Purposes
of the Land Transfer Act



Solicitor for Whangarei
District Council

ARK TOOTS TRUSTEE 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

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Assistant/District Land Registrar
of the District of North Auckland

THOMSON WILSON
SOLICITORS
WHANGAREI

WDC R.217