

Form B

Easement instrument to grant easement or *profit à prendre*, or create land covenant

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

NEW ZEALAND FORESTRY GROUP LIMITED

Grantee

NEW ZEALAND FORESTRY GROUP LIMITED

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, **or creates** the covenant(s) **set out** in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Land Covenants	D.P. 366070 D.P. 414390	Lot 1 D.P. 414390 Lot 20 D.P. 414390 Lot 14 D.P. 366070 Lot 17 D.P. 366070 Lot 18 D.P. 366070 the five abovementioned Lots comprised in C.T. 453963 Lot 2 D.F.P. 414390 as in C.T. 453964 Lot 16 D.P. 414390 Lot 15 D.P. 366070 Lot 19 D.P. 366070 the three abovementioned Lots all being comprised in C.T, 453965 Lot 21 D.P. 414390 as in C.T. 453966 Lot 13 D.P. 366070 as in C.T. 267889	Lot 1 D.P. 414390 Lot 20 D.P. 414390 Lot 14 D.P. 366070 Lot 17 D.P. 366070 Lot 18 D.P. 366070 the five abovementioned Lots comprised in C.T. 453963 Lot 2 D.F.P. 414390 as in C.T. 453964 Lot 16 D.P. 414390 Lot 15 D.P. 366070 Lot 19 D.P. 366070 the three abovementioned Lots all being comprised in C.T, 453965 Lot 21 D.P. 414390 as in C.T. 453966 Lot 13 D.P. 366070 as in C.T. 267889

Easements or *profits à prendre* rights and powers (including terms, covenants and conditions)

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby [**added to**] by:

[the provisions set out in Annexure Schedule B]

Covenant provisions

Delete phrases in [] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out in:

[Annexure Schedule B]

ANNEXURE SCHEDULE B

BACKGROUND

- A. The land contained in the Servient and Dominant tenements is part of a subdivision which is to provide a living environment within an ecological reserve.
- B. Such reserve has the capability of sustaining a greater number of Lots than has been created for the land at present in the Servient and Dominant tenements including a greater use of the right of way area which provides access rights for the subdivision.
- C. It is the vision for the subdivision that a greater number of Lots will be created in those areas of the land which have been deemed suitable for building purposes and defined as sub-divisible land thereby enabling an increased number of owners to utilise the benefits of the ecological reserve in those specified sub-divisible areas of land.
- D. The Council have been actively involved in ensuring that the subdivision proceeds upon the basis that it provides a living environment within an ecological reserve.
- E. If any owner of the land wishes to further subdivide the sub-divisible land (and that includes being further subdivision of already sub-divisible land) and the Council as one of the Regulatory Authorities whose consent is required to such subdivision agrees in principle to that subdivision of the sub-divisible land then each owner of the land agrees to the subdivision of the sub-divisible land proceeding and will not exercise any rights to object to such subdivision of sub-divisible land.

DEFINITIONS AND INTERPRETATION

"affected owner" means any owner who wishes to complete or has already or is in the process of undertaking a subdivision of that owners land.

"Council" means the Wellington City Council or its successor.

"defaulting owner" means any owner who has failed to comply with his/her/their/its obligations under this Land Covenant.

"Owner" means and includes the following:

- a) The registered proprietor of any of the land
- b) The successors, executors, personal representatives, assigns, lessee and occupiers of the land.
- c) Any individual Company, Corporation, Firm, Partnership, Joint Venture, Association, Organisation and Trustees in each case whether or not having separate legal personality.

"Subdivision" means subdivision of land as defined in Section 218 of the Resource Management Act 1991 or its successor including but not limited to a subdivision pursuant to the provisions of the Unit Titles Act, a proportionate Title subdivision, and the issue of a separate legal Title for existing Lots of the land.

"the land" means any of the land comprised in the Servient and Dominant tenements including any land which issues as a result of a subdivision of the land initially comprised in the Servient and Dominant tenements but also includes any further subdivision or subdivisions of the subdivided land.

