

DATED

26 March

1998

BETWEEN:

HERITAGE DEVELOPMENTS (1977) LIMITED

A N D:

THE WESTERN BAY OF PLENTY DISTRICT COUNCIL

COV B484150.7 Covenant

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## DEED OF COVENANT

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**COONEY  
LEES AND  
MORGAN**

THIS DEED made the 26<sup>th</sup> day of March 1998

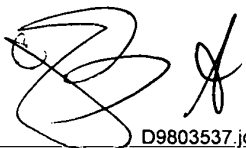
**BETWEEN** HERITAGE DEVELOPMENTS (1977) LIMITED a duly Incorporated Company having its registered office at Tauranga (herein called "Heritage")

**AND** THE WESTERN BAY OF PLENTY DISTRICT COUNCIL a local authority under the Local Government Act 1974 (herein called "the Council")

**WHEREAS**

- A. Heritage is registered as proprietor of the land described in the Schedule hereto ("the lands").
- B. Sportscares (NZ) Limited a duly Incorporated Company having its registered office at Tauranga (herein called "Sportscares") made application to the Council for a Resource Consent under the Resource Management Act to establish and operate on the lands a 150 unit retirement village, recreation resort and 18 hole golf course ("the Land Use Consent").
- C. Council granted the Land Use Consent on the following conditions inter alia:
  - (i) A covenant is to be registered on the Title of the land to ensure that the development is a bona fide retirement village and at least one of the occupants of each lot is aged 50 years or older.
  - (ii) That no buildings be located closer than 80 metres of the boundary of Lot 2 on Deposited Plan S.65955 (the property owned by Miss Sprigings Family Trust) and 10 metres of all other external boundaries of the land.
  - (iii) That building work not be commenced until certain works have been carried out to the Council's satisfaction.
- D. Heritage has agreed to enter into the covenant restricting settlement of unit sales set out herein.

**NOW THIS DEED WITNESSES** that Heritage covenants with the Council as follows:


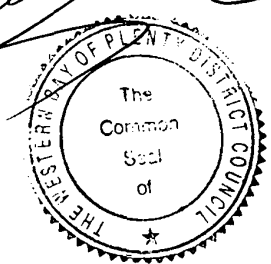


- a) The land will be developed and used as a bona fide retirement village.
- b) At all times at least one occupant of each dwelling erected or placed on the land shall be a person who is at least 50 years of age.
- c) Heritage shall not at any time hereafter erect or place or allow to be erected or placed on the land any building any part of which is closer than 80 metres to any boundary of Lot 2 on Deposited Plan S.65955 or closer than 10 metres to any of the boundaries of the land.
- d) Heritage will not settle the sale of any Principal Unit or Future Development Unit or allow any purchaser of such a unit to take possession under any agreement for the sale and purchase thereof unless the Council has first confirmed to Heritage in writing that the conditions of the land use consent have been sufficiently complied with to enable building work to commence on that Unit.

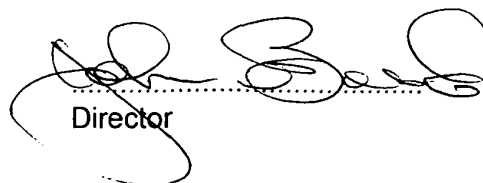
#### SCHEDULE

All that piece of land containing 77.5750 Hectares more or less being Lot 1 on Deposited Plan S.78525 and being all the land comprised in Certificate of Title Volume 62B Folio 527 (South Auckland Registry).

EXECUTED by  
THE WESTERN BAY OF PLENTY  
DISTRICT COUNCIL in the presence  
of:

EXECUTED by  
HERITAGE DEVELOPMENTS (1997)  
LIMITED by two of its Directors in  
the presence of:

  
Director  
  
Director



Hugh Owen Cooney  
Solicitor  
Tauranga

IN THE MATTER OF THE LAND TRANSFER  
ACT 1952

AND

IN THE MATTER OF THE RESOURCE  
MANAGEMENT ACT 1991

BETWEEN:

THE WESTERN BAY OF PLENTY DISTRICT  
COUNCIL

"the Council"

AND

DAVID JOHN FISHER and BARBARA ANNE FISHER

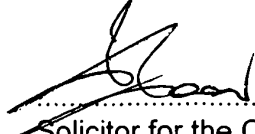
"the Owner"

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**DEED OF COVENANT**

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Correct for the purposes of the  
Land Transfer Act



Solicitor for the Council

COONEY LEES & MORGAN  
SOLICITORS  
TAURANGA

1.56 29.MAY.98 B 484150 7



PARTICULARS ENTERED IN REGISTER  
LAND REGISTRY SOUTH AUCKLAND  
ASST. LAND REGISTRAR

REGISTER

25  
2  
(7)