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IN THE MATTER of a Consent Notice issued pursuant to Section 221(1) of the Resource Management Act 1991 in respect of a condition of Subdivision Consent being a Subdivision of Lot 2 DP 20763, Plan Number 385658

I, FRANK VERSTEEG, Principal Administrative Officer of the New Plymouth District Council HEREBY CERTIFY that the following Condition to be complied with on a continuing basis was imposed when a Subdivision Consent was granted by the New Plymouth District Council by resolution passed under delegated authority on the 21 day of July 2006.

The Area marked 'AI' and 'AJ' and 'AK' on Lot 31 on the plan of Subdivision of Lot 2 DP 20763 shall be subject to a Conservation Covenant for the purpose of:

- *To protect and maintain the open space and natural character values of the land*
- *To protect native flora and fauna on the land*
- *To protect and maintain the wetland ecosystem and its associated areas as a habitat for native and introduced wildlife*
- *To protect the natural scenic values of the land as seen from South Road*
- *To protect and enhance the natural character of the land with particular regard to the indigenous flora and fauna*

Areas marked 'AI' and 'AJ' and 'AK' shall be subject to the conditions that:

1. *No act or thing shall be done or placed or permitted to be done or remain upon the land in the conservation area, which in the opinion of the Council materially alters the actual appearance or condition of the land or is prejudicial to the land as a conservation area.*
2. *No native or exotic trees located within the Covenant areas shall be modified, felled, removed or replaced by other species or by a different mixture of species in the conservation area except with the previous written consent of the Council and such consent shall not be unreasonably withheld if the Council is satisfied that the work is in accordance with the purpose of the Covenant, PROVIDED THAT the following may be undertaken without the Council's consent.*
 - (a) *The removal of dead or diseased trees.*

- (b) *Tree work carried out in accordance with sound arboricultural practice and which is necessary for the health and stability of the tree or the conservation area generally.*
- (c) *Enrichment planting using native flora.*
- 3. *There shall be no development or disturbance of soil on any of the said areas including but not limited to clearing, excavation, burning, filling and draining except as may be necessary for the due observance of the obligations set out herein and then only to the extent necessary.*
- 4. *The denoted conservation areas shall be kept free of stock by means of suitable stock-proof fences and the fences shall be maintained in good and substantial repair to the satisfaction of the Council. The fence shall be maintained to exclude stock at all times.*
- 5. *The land shall be kept free from all Total and Boundary Control Plant Pests pursuant to any provision of any pest management strategy under the Biosecurity Act 1993 and in particular as identified in the Taranaki Regional Council Plant Pest Management Strategy for Taranaki.*
- 6. *The Council, through its officers or agents, shall be permitted to enter at any reasonable time the conservation areas to determine whether the Covenant is complied with. Such entry shall be subject to prior written notification of any such visit or inspection.*
- 7. *The costs of the preparation, execution, registration and enforcement of this Consent Notice shall be borne by the applicant for the subdivision.*

DATED at New Plymouth this 7 day of March 2008

Signed by the said FRANK VERSTEEG)
 Principal Administrative Officer)
 of the New Plymouth District Council)


