

## **INSTRUMENT CREATING AN ESPLANADE STRIP**

*Sections 232 and 235, Resource Management Act 1991 affecting all the land in  
Identifier NA121C/868 (North Auckland Registry)*

### **BACKGROUND:**

- A. Portfolio Properties Limited at Auckland ("Grantor") is registered as proprietor of the land described in Schedule A ("the land").
- B. The Far North District Council ("Grantee") is a local authority (within the meaning of the Local Government Act 2002) in whose district the land is located.

### **CREATION OF AN ESPLANADE STRIP**

- 1. The Grantor creates in favour of the Grantee an esplanade strip described in Schedule B ("the strip") for the purpose of public access and amenity purposes over the land on the following terms.

### **COVENANTS**

- 2. The Grantor and Grantee covenant as follows:

The following acts are prohibited on the land:

- (a) Wilfully endangering, disturbing or annoying the lawful user of the strip (including the owner or occupier of the strip);
  - (b) Wilfully damaging or interfering with a structure adjoining or on the land (including a building, fence, gate, stile, marker, bridge or notice);
  - (c) Wilfully interfering with or disturbing livestock lawfully permitted on the strip.
- 3. The prohibitions in clause 2(b) and (c) do not apply to the owner or occupier of the strip or to employees or agents authorised by the owner or occupier.
  - 4. The following acts are also prohibited on the land over which the strip has been created:
    - (a) lighting a fire;
    - (b) carrying a firearm;
    - (c) discharging or shooting a firearm;

- (d) camping;
- (e) taking an animal onto or having charge of an animal on the land, except for the walking of dogs which shall remain on a lead at all times;
- (f) taking a vehicle onto or driving or having charge or control of a vehicle on the land (whether the vehicle is motorised or not), except for the purposes of maintaining vegetation and stormwater detention ponds;
- (g) wilfully damaging or removing a plant (unless acting in accordance with the Biosecurity Act 1993);
- (h) laying poison or setting a snare or trap (unless in accordance with the Biosecurity Act 1993)

5. The following requirements apply to the strip:  
Nil

6. Access to the strip is on the following terms:  
Any person shall have the right, at any time to pass and repass over and along the land over which the strip has been created.

5/11/14