



**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** 745724  
**Land Registration District** South Auckland  
**Date Issued** 16 June 2017

**Prior References**

745667

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**Estate** Fee Simple  
**Area** 6825 square metres more or less  
**Legal Description** Lot 9 Deposited Plan 500753

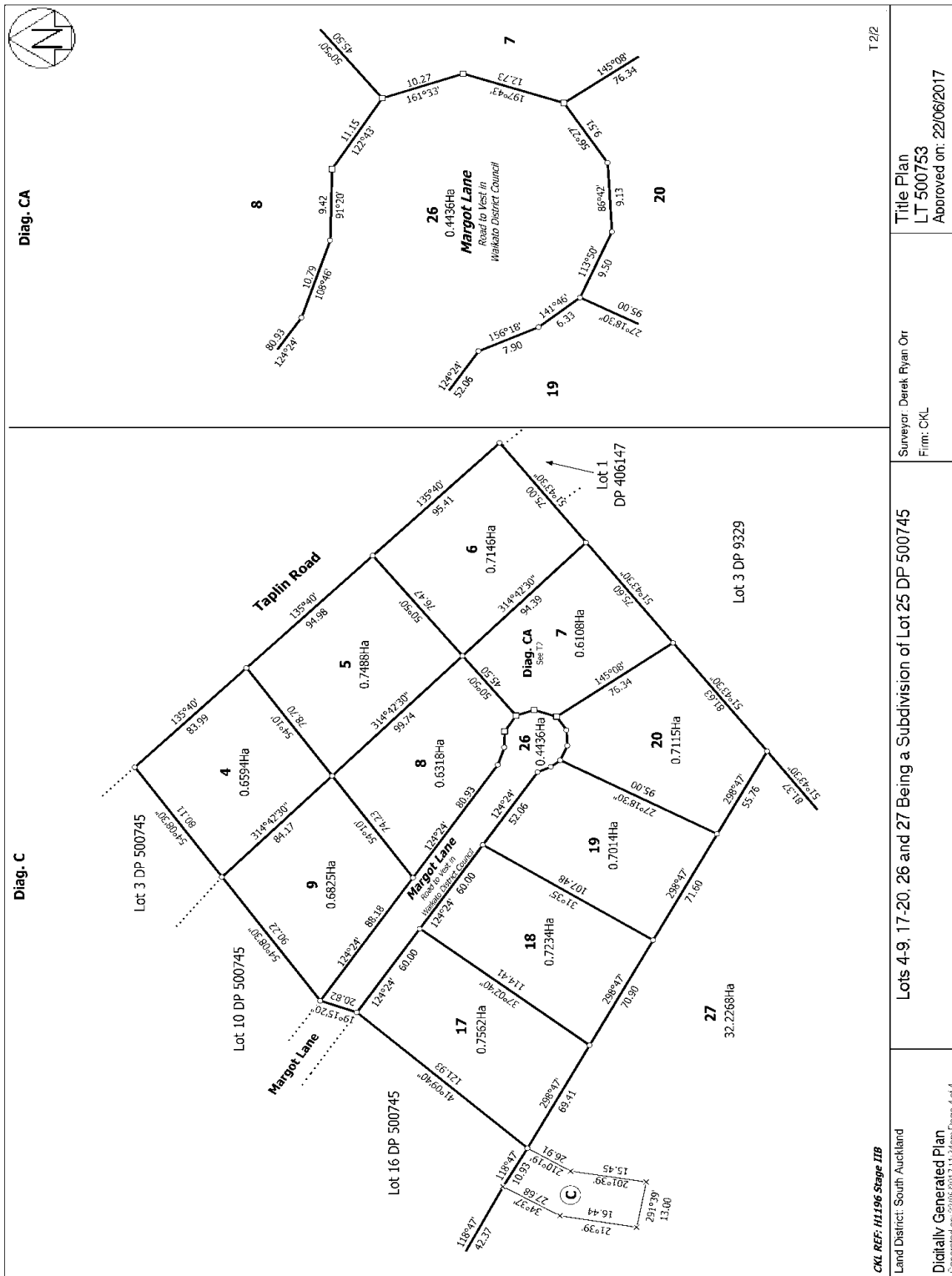
**Registered Owners**

Anthony Paul Blewman

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**Interests**

10789984.6 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 2.6.2017 at 2:38 pm  
Appurtenant hereto is a right of way created by Easement Instrument 10789984.8 - 2.6.2017 at 2:38 pm  
The easements created by Easement Instrument 10789984.8 are subject to Section 243 (a) Resource Management Act 1991  
10795937.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 16.6.2017 at 8:32 am  
Land Covenant in Easement Instrument 10795937.5 - 16.6.2017 at 8:32 am (Limited as to Duration)  
11453463.3 Mortgage to ANZ Bank New Zealand Limited - 31.5.2019 at 4:08 pm



Diag. CA

Diag. C

Lot 1 DP 500745  
 Lot 3 DP 500745  
 Lot 10 DP 500745  
 Lot 16 DP 500745  
 Lot 3 DP 9329  
 Lot 1 DP 406147

Lot 4 0.6559 Ha  
 Lot 5 0.7488 Ha  
 Lot 6 0.7146 Ha  
 Lot 7 0.6108 Ha  
 Lot 8 0.6318 Ha  
 Lot 9 0.6825 Ha  
 Lot 17 0.7582 Ha  
 Lot 18 0.7723 Ha  
 Lot 19 0.7014 Ha  
 Lot 20 0.7115 Ha  
 Lot 26 0.4436 Ha  
 Lot 27 32.2268 Ha

Taplin Road  
 Margot Lane  
 Margot Lane West in  
 Waikato District Council

Diag. C  
 Diag. CA

Scale 1:1000

North Arrow

Surveyor: Derek Ryan Orr  
 Firm: CKL

Title Plan  
 LT 500753  
 Approved on: 22/06/2017

T 2/2

CKL REF: H1196 Stage IIB  
 Land District: South Auckland  
 Digitally Generated Plan  
 Generated on: 22/06/2017 11:34am Page 4 of 4



# View Instrument Details

**Instrument No.** 10789984.6  
**Status** Registered  
**Date & Time Lodged** 02 Jun 2017 14:38  
**Lodged By** Wadsley, Jo-Anna Meredith  
**Instrument Type** Consent Notice under s221(4)(a) Resource Management Act 1991



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<b>Affected Computer Registers</b>	<b>Land District</b>
SA12D/956	South Auckland
SA12D/957	South Auckland
SA12D/958	South Auckland
SA12D/959	South Auckland
SA12D/960	South Auckland
SA12D/961	South Auckland
SA12D/962	South Auckland
SA12D/963	South Auckland
SA12D/964	South Auckland
SA12D/966	South Auckland
SA12D/967	South Auckland

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**Annexure Schedule:** Contains 9 Pages.

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## Signature

Signed by Edward Dean Clarke as Territorial Authority Representative on 14/06/2017 10:23 AM

**\*\*\* End of Report \*\*\***

**CONSENT NOTICE PURSUANT TO  
SECTION 221  
RESOURCE MANAGEMENT ACT 1991**



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The Registrar General of Land  
South Auckland Land Registry

IN THE MATTER

of a Consent Notice pursuant to Section 221 of  
the Resource Management Act 1991 ("the  
Act")

and

IN THE MATTER

of a subdivision Consent pursuant to Sections  
104, 108, 220, and 221 of the Act

I, GAVIN JOHN ION Chief Executive of the WAIKATO DISTRICT COUNCIL, hereby certify that the Waikato District Council has granted its consent to the subdivision shown on Deposited Plan 500745, (and being the land described in the First Schedule), subject to certain conditions, including the requirement that the Owner (as defined in the Act) comply on a continuing basis with the conditions set out in the Second Schedule and that this Notice be registered against the Computer Freehold Registers for Lots 1, 2, 3, 10, 11, 12, 13, 14, 15, 16 and 25 on Deposited Plan 500745.

**First Schedule**

An estate in fee simple in all those parcels of land containing 56.3103 hectares more or less being Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 14 and 15 on Deposited Plan 14674 comprised in Computer Freehold Registers SA12D/955, SA12D/956, SA12D/957, SA12D/958, SA12D/959, SA12D/960, SA12D/961, SA12D/962, SA12D/963, SA12D/964 SA12D/966 and SA12D/967 and Lot 1 Deposited Plan S17858 comprised in Computer Freehold Register SA16A/1339.

**Second Schedule**

**In respect of Lots 1, 2, 3, 10, 11, 12, 13, 14, 15 and 16**

- I. The Owners of Lots 1, 2, 3, 10, 11, 12, 13, 14, 15 and 16 shall be advised that:
  - (a) All external components of buildings and structures (including roofs, guttering, spouting, windows joinery and above ground water and septic tanks) shall have exterior colours that are visually recessive and/or do not contrast with surrounding natural colours in accordance with the following colours from the British Standard (BS 5252) colour range, Groups A and B with a maximum reflectivity of 40% for exterior walls and 30% for roofs:



Group A	00A01 - A13 inclusive, 02A03, 02A07, 02A11, 06A03, 06A07, 06A11, 08A14, 10A03 - A11 inclusive 16A03, 16A07, 16A11, 18A14
Group B	04B19 - B29 inclusive, 08B17 - B29 inclusive, 10B17 - B29 inclusive, 12B17 - B29 inclusive, 18B17 - B29 inclusive, 22B27, 22B29

Non-painted natural cladding materials (including, but not limited to, bricks or timber) that are not likely to result in reflective glare, are acceptable. The use of highly reflective materials, such as unpainted metallic surfaces, mirrored glazing and metallic finishes (such as Silver Zinalume), shall be avoided.

- (b) The exterior walls of buildings and structures should be textured to cast shadow lines, such as timber, weatherboard, board and batten or stone.
- (c) All buildings and structures shall not exceed a height of 5.5 metres above the formed house site level and shall not be two storey (excluding any chimney)
- (d) The roof pitch of all buildings shall be between 15 and 35 degrees, to avoid steep prominent roofs and flat roofs
- (e) Reflectivity from glazing on all buildings and structures should be minimised with shadows from overhangs and eaves. Highly reflective mirror glass should be avoided.
- (f) Ancillary buildings and structures, such as garages and sheds, are subject to the same building design controls as the main dwelling so that they are integrated into the dwelling and landscape.
- (g) All fencing shall be rural style post and wire or post and rail fences on boundaries. Any shelter screens or structures should be incorporated into the design and form of the residence and ancillary buildings. There shall be no board and batten or close paling fence styles.
- (h) The total building coverage on each lot shall not exceed 2% of the site area, or 500m<sup>2</sup>, whichever is the larger.
- (i) The gross floor area of all accessory buildings shall not exceed 80m<sup>2</sup>.
- (j) Each lot is allowed only one dwelling and is not allowed a dependant persons dwelling.



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2. The Owners of Lots 1, 2, 3, 10, 11, 12, 13, 14, 15 and 16 shall be advised that the building foundation design shall be carried out at the time of application for building consent by a suitably qualified and experienced Chartered Professional Engineer in accordance with the restrictions and recommendations identified in the Geotechnical Report prepared by Maunsell Limited dated 27 November 2007, reference number 60028315 ("the Geotechnical Report") and the Geotechnical Completion Report prepared by HD Geotechnical Limited dated 1 November 2016, reference number HD165 ("the Geotechnical Completion Report"), unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by the Council. Copies of the Geotechnical Report and the Geotechnical Completion Report can be obtained from the Waikato District Council.
  
3. The Owners of Lots 1, 2, 3, 10, 11, 12, 13, 14, 15 and 16 shall be advised that the minimum residential floor level for any future habitable area of a dwelling or ancillary unit shall be 300mm above the ground level, as recommended in the Geotechnical Report, unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by the Council.
  
4. The Owners of Lots 1, 2, 3, 10, 11, 12, 13, 14, 15 and 16 shall be advised that:
  - (a) A wastewater land application field (primary or secondary level treatment) design shall be carried out at the time of application for building consent by a suitably qualified and experienced professional, in accordance with AS/NZS 1547:2000 (or subsequent update) and shall refer to the requirements of the Waikato Regional Plan and the restrictions and recommendations identified in the Geotechnical Report, unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by the Council.  
 In particular, amongst other things, the design shall address:
    - (i) separation distances from sub-surface water/overland flow paths/potable water supplies;
    - (ii) any potential issues with ground stability due to effluent disposal and any mitigation methods necessary to counter these effects;
    - (iii) demonstrate that there is a suitable complying reserve area available; and
    - (iv) provide evidence that the system can adequately deal with peak loading, where applicable.
  - (b) The wastewater effluent field for dwellings shall be located to ensure that the effluent disposal system is located at least 1.5m within the boundaries of each Lot. To confirm compliance with this condition a plan, to a scale acceptable to Council, locating the position of the effluent field for the dwelling located on



each Lot, shall be provided and certified by a Registered Professional Surveyor.

5. The Owners of Lots 1, 2, 3, 10, 11, 12, 13, 14, 15 and 16 shall be advised that the design of on-site stormwater management shall be prepared by a suitably qualified person and shall be provided at the time of application for future building consents, to the satisfaction of Council. The stormwater management design shall be consistent with the Stormwater Management Plan contained in the Geotechnical Report prepared by Maunsell Limited dated 27 November 2007, reference number 60028315 to the satisfaction of Council, unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer, is approved in writing by the Council. The stormwater management design shall take into account the following matters:
- (a) Management of the net increase in runoff from roofs, driveways and other impermeable areas through the use of attenuation tanks;
  - (b) Be designed for 10 year – 60 minute storm (considering climate change);
  - (c) Unless soakage testing results or winter groundwater levels are adverse to soakage then soakage shall be adopted;
  - (d) Soakage systems shall be designed based on specific soakage tests undertaken in the area of the proposed system and be above the likely winter water table;
  - (e) Attenuation tanks shall be designed in accordance with NZWERF On-Site stormwater Management Guidelines 2004 or latest revision;
  - (f) All overflows from such systems shall have suitable outlet with erosion protection measures if deemed necessary by the Council.

**In respect of Lots 1, 2, 3, 12, 13, 14, 15 and 16**

6. The Owners of Lots 1, 2, 3, 12, 13, 14, 15 and 16 shall preserve and maintain the landscape planting established on each site in accordance with the Mitigation Planting Plan prepared by Bridget Gilbert Landscape Architecture dated July/August 2013, Revision A. If any of the trees/plants die or are removed they shall be replaced with the same species within the next available planting season. A copy of the Mitigation Planting Plan can be obtained from the Waikato District Council.

**In respect of Lots 1, 12 and 13**

7. The Owners of Lots 1, 12 and 13 shall be preserve, maintain and trim the hedgerow planting established along the northern boundaries of these Lots in



accordance with the Mitigation Planting Plan prepared by Bridget Gilbert Landscape Architecture dated July/August 2013, Revision A. The hedgerow is to be kept trimmed, once mature, to a maximum height of 1.8 metres. A copy of the Mitigation Planting Plan can be obtained from the Waikato District Council.

### In respect of Lot 25

8. The Owners of Lot 25 shall be advised that:
- (a) No buildings or structure shall be placed or erected on Lot 25 unless it is set back by a horizontal distance of at least 12 metres either side (total of 24 metres) from the centre lines of the Arapuni – Hamilton A, Arapuni – Hamilton B, Otahuhu – Whakamaru A, and Otahuhu – Whakamaru B transmission lines.
  - (b) No building or structure shall be placed or erected within 12 metres of the closest visible edge of any high voltage transmission line support structure foundation.
  - (c) No new building or structure shall be placed or erected within a horizontal distance of between 12 metres and 32 metres from the centre lines of the Arapuni – Hamilton A, Arapuni – Hamilton B, Otahuhu – Whakamaru A, and Otahuhu – Whakamaru B transmission lines without the prior written approval of the Council. Any request for such approval must be copied to Transpower NZ Limited and must be accompanied by a report from a suitably qualified electrical engineer confirming that the building or structure complies with the minimum safe distances from the transmission line as specified in Table 3 of the Code of Practice for Electrical Safety Distances 2001 (NZECP 34:2011).

#### Advisory Note:

- A. The restrictions on the use of the land described in the condition above are in addition to the mandatory requirements of the Code of Practice for Electrical Safety Distances 2001 (NZECP 34:2001), compliance with which is required at all times. Please contact Transpower for further details.
- B. Contact must be made with Transpower prior to the construction of any future buildings/structures on Lot 25 for advice about the provision of appropriate setback distances from the existing transmission lines.
- C. Fences of conductive materials (i.e. steel or metal) should not be attached to any tower of the Arapuni – Hamilton A, Arapuni – Hamilton B, Otahuhu –





Whakamaru A, and Otahuhu – Whakamaru B transmission lines. Refer section 2.3 of the NZECP 34:2001.

- D. All machinery and mobile plant operated on Lot 25 must maintain a minimum clearance distance of 4 metres from the transmission line conductors at all times and it is Transpower's preference that all mobile plant operated on site maintain a horizontal distance of at least 12 metres from the centre of the transmission line and support structures. Please refer to NZECP 34:2001 for further details about safe distance of mobile plant from conductors.
  - E. Transpower has a right of access to its existing assets situated on Lot 25 under section 23 Electricity Act 1992. Any development on Lot 25 must not preclude or obstruct this right of access. It is an offence under s163(f) Electricity Act to intentionally obstruct any person in the performance of any duty or in doing any work that the person has the lawful authority to do under section 23 of the Electricity Act.
9. The Owners of Lot 25 shall be advised that they must not excavate or otherwise interfere with any land:
- (a) At a depth greater than 300mm within 6 metres of the outer edge of the visible foundations of the transmission line tower (pylon); or
  - (b) At a depth greater than 3 metres, between 6 metres and 12 metres of the outer edge of the visible foundation of the transmission line tower (pylon); or
  - (c) In such a way as to create an unstable batter.

Advisory Note:

Refer to section 2 of the NZ Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) for further details of these restrictions and additional restrictions with respect to other activities near transmission lines support structures.

10. The Owners of Lot 25 shall be advised that they must not deposit any material (either permanently or temporarily) under or near the Arapuni –



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Hamilton A, Arapuni – Hamilton B, Otahuhu – Whakamaru A, and Otahuhu – Whakamaru B transmission lines which would reduce the vertical distance between the ground and the conductors to less than:

- (a) 6.5 metres vertically in the case of the Arapuni – Hamilton A, Arapuni – Hamilton B 110kV transmission lines; or
- (b) 7.5 metres vertically in the case of the Otahuhu – Whakamaru A, and Otahuhu – Whakamaru B 220kV transmission lines.

Advisory Note:

Refer to section 4 of the NZ Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) for further detail of these restrictions and additional restrictions with respect to maintaining safe distances between conductors and the ground.

- 11. The current and future owners of Lot 25 shall be informed that all newly planted trees or vegetation (exceeding a maximum height of two metres and over at full maturity) must:
  - (a) Be setback by horizontal distance of at least 12 metres either side (total of 24 metres) from the centre lines of the Arapuni – Hamilton A, Arapuni – Hamilton B, Otahuhu – Whakamaru A, and Otahuhu – Whakamaru B transmission lines; and
  - (b) When fully-grown, not fall within 5 metres of the Arapuni – Hamilton A, Arapuni – Hamilton B, Otahuhu – Whakamaru A, and Otahuhu – Whakamaru B transmission lines.

Advisory Note:

All trees and vegetation planted on the Lot 25 must comply with the Electricity (Hazards from Trees) Regulations 2003 which include additional restrictions with respect to the encroachment of trees and vegetation into 'Growth Limit Zones'.

**In respect of Lots 15, 16 and 25**

- 12. The Owners of Lots 15, 16 and 25 shall be advised that:



- (a) No new building or structure shall be placed or erected within a horizontal distance of between 12 metres and 32 metres from the centre lines of the Arapuni – Hamilton B transmission line without the prior written approval of the Council. Any request for such approval must be copied to Transpower NZ Limited and must be accompanied by a report from a suitably qualified electrical engineer confirming that the building or structure complies with the minimum safe distances from the transmission line as specified in Table 3 of the ZECP 34:2011.

Advisory Note:

- A. The restrictions on the use of the land described in the condition above are in addition to the mandatory requirements of the Code of Practice for Electrical Safety Distances 2001 (NZECP 34:2001), compliance with which is required at all times. Please contact Transpower for further details.
- B. Contact must be made with Transpower prior to the construction of any future buildings/structures on Lots 15, 16 and 25 for advice about the provision of appropriate setback distances from the existing transmission lines.
- C. Transpower has a right of access to its existing assets situated on Lots 15, 16 and 25 under section 23 Electricity Act 1992. Any development on Lots 15, 16 and 25 must not preclude or obstruct this right of access. It is an offence under s163(f) Electricity Act to intentionally obstruct any person in the performance of any duty or in doing any work that the person has the lawful authority to do under section 23 of the Electricity Act.
13. The Owners of Lots 15, 16 and 25 shall be advised that all newly planted trees or vegetation (exceeding a maximum height of two metres and over at full maturity) must:
- (a) Be setback by horizontal distance of at least 12 metres either side (total of 24 metres) from the centre line of the Arapuni – Hamilton B transmission line; and
- (b) When fully-grown, not fall within 5 metres of the Arapuni – Hamilton B transmission line.



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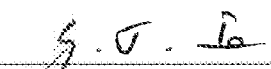
Advisory Note:

All trees and vegetation planted on Lots 15, 16 and 25 must comply with the Electricity (Hazards from Trees) Regulations 2003 which includes additional restrictions with respect to the encroachment of trees and vegetation into 'Growth Limit Zones'

**General Condition**

14. The Owners shall pay the Council's costs and disbursements in respect of the preparation, execution, registration and enforcement of this Notice and the Council's conditions set out in this Notice and any variation or cancellation of them.

**DATED** at Ngaruawahia this 28<sup>th</sup> day of April 2017

  
-----  
GAVIN JOHN ION  
Chief Executive  
SUB0236/08 – Stage 2A



**Instrument No.** 10789984.8  
**Status** Registered  
**Date & Time Lodged** 02 Jun 2017 14:38  
**Lodged By** Wadsley, Jo-Anna Meredith  
**Instrument Type** Easement Instrument



Affected Computer Registers	Land District
745667	South Auckland
SA12D/955	South Auckland

**Annexure Schedule:** Contains 3 Pages.

### Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

### Signature

Signed by Edward Dean Clarke as Grantor Representative on 13/06/2017 01:49 PM

### Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

### Signature

Signed by Edward Dean Clarke as Grantee Representative on 13/06/2017 01:49 PM

\*\*\* End of Report \*\*\*

## Form B

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

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

**Grantor**

Matangi Farm Lands Limited
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**Grantee**

Matangi Farm Lands Limited
----------------------------

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

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

**Schedule A**

*Continue in additional Annexure Schedule, if required*

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown DP500745	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right of Way	A	Lot 3 DP14674 - SA12D/955	Lot 25 DP500745 - 745667

**Form B** - continued

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

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

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 **varied** by the provisions set out in Annexure Schedule

**Covenant provisions**

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

N.A.

Form L

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**Annexure Schedule**

Page 3 of 3 Pages

*Insert instrument type*

**Easement Instrument**

*Continue in additional Annexure Schedule, if required*

**RIGHT OF WAY**

The same rights and powers as set out in paragraph 6 of the Fourth Schedule to the Land Transfer Regulations 2002 and Fifth Schedule to the Property Law Act 2007 TOGETHER WITH the rights and powers as set out in paragraphs 10, 11, 12, 13 and 14 of the Fourth Schedule to the Land Transfer Regulations 2002 SAVE THAT where there is a conflict between the provisions of the Fourth Schedule to the Land Transfer Regulations 2002 and the Fifth Schedule to the Property Law Act 2007, the provisions of the Fifth Schedule must prevail





# View Instrument Details

**Instrument No.** 10795937.3  
**Status** Registered  
**Date & Time Lodged** 16 Jun 2017 08:32  
**Lodged By** Wadsley, Jo-Anna Meredith  
**Instrument Type** Consent Notice under s221(4)(a) Resource Management Act 1991



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**Affected Computer Registers**    **Land District**  
745667                                  South Auckland

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**Annexure Schedule:** Contains 8 Pages.

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## Signature

Signed by Chadleigh Garfield Danswan as Territorial Authority Representative on 02/06/2017 02:12 PM

**\*\*\* End of Report \*\*\***

**CONSENT NOTICE PURSUANT TO  
SECTION 221  
RESOURCE MANAGEMENT ACT 1991**



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The Registrar General of Land  
South Auckland Land Registry

IN THE MATTER

of a Consent Notice pursuant to Section 221 of  
the Resource Management Act 1991 ("the  
Act")

and

IN THE MATTER

of a subdivision Consent pursuant to Sections  
104, 108, 220, and 221 of the Act

I, GAVIN JOHN ION Chief Executive of the WAIKATO DISTRICT COUNCIL, hereby certify that the Waikato District Council has granted its consent to the subdivision shown on Deposited Plan 500753, (and being the land described in the First Schedule), subject to certain conditions, including the requirement that the Owner (as defined in the Act) comply on a continuing basis with the conditions set out in the Second Schedule and that this Notice be registered against the Computer Freehold Registers for Lots 4, 5, 6, 7, 8, 9, 17, 18, 19, 20 and 27 on Deposited Plan 500753.

**First Schedule**

An estate in fee simple in all that parcel of land containing 39.6026 hectares more or less being Lot 25 Deposited Plan 500745 comprised in Computer Freehold Register 745667.

**Second Schedule**

**In respect of Lots 4, 5, 6, 7, 8, 9, 17, 18, 19 and 20**

1. The Owners of Lots 4, 5, 6, 7, 8, 9, 17, 18, 19 and 20 shall be advised that:

- (a) All external components of buildings and structures (including roofs, guttering, spouting, windows joinery and above ground water and septic tanks) shall have exterior colours that are visually recessive and/or do not contrast with surrounding natural colours in accordance with the following colours from the British Standard (BS 5252) colour range, Groups A and B with a maximum reflectivity of 40% for exterior walls and 30% for roofs:

Group A	00A01 - A13 inclusive, 02A03, 02A07, 02A11, 06A03, 06A07, 06A11, 08A14, 10A03 - A11 inclusive 16A03, 16A07, 16A11, 18A14
Group B	04B19 - B29 inclusive, 08B17 - B29 inclusive, 10B17 - B29 inclusive, 12B17 - B29 inclusive, 18B17 - B29 inclusive, 22B27, 22B29



- Non-painted natural cladding materials (including, but not limited to, bricks or timber) that are not likely to result in reflective glare, are acceptable. The use of highly reflective materials, such as unpainted metallic surfaces, mirrored glazing and metallic finishes (such as Silver Zincolume), shall be avoided.
- (b) The exterior walls of buildings and structures should be textured to cast shadow lines, such as timber, weatherboard, board and batten or stone.
  - (c) All buildings and structures shall not exceed a height of 5.5 metres above the formed house site level and shall not be two storey (excluding any chimney)
  - (d) The roof pitch of all buildings shall be between 15 and 35 degrees, to avoid steep prominent roofs and flat roofs
  - (e) Reflectivity from glazing on all buildings and structures should be minimised with shadows from overhangs and eaves. Highly reflective mirror glass should be avoided.
  - (f) Ancillary buildings and structures, such as garages and sheds, are subject to the same building design controls as the main dwelling so that they are integrated into the dwelling and landscape.
  - (g) All fencing shall be rural style post and wire or post and rail fences on boundaries. Any shelter screens or structures should be incorporated into the design and form of the residence and ancillary buildings. There shall be no board and batten or close paling fence styles.
  - (h) The total building coverage on each lot shall not exceed 2% of the site area, or 500m<sup>2</sup>, whichever is the larger.
  - (i) The gross floor area of all accessory buildings shall not exceed 80m<sup>2</sup>.
  - (j) Each lot is allowed only one dwelling and is not allowed a dependant persons dwelling.
2. The Owners of Lots 4, 5, 6, 7, 8, 9, 17, 18, 19 and 20 shall be advised that the building foundation design shall be carried out at the time of application for building consent by a suitably qualified and experienced Chartered Professional Engineer in accordance with the restrictions and recommendations identified in the Geotechnical Report prepared by Maunsell Limited dated 27 November 2007, reference number ref: 60028315 ("the Geotechnical Report") and the Geotechnical Completion Report prepared by HD Geotechnical Limited dated 1 November 2016, reference number HD165 ("the Geotechnical Completion Report"), unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by the Council. Copies of the Geotechnical Report and Geotechnical Completion Report can be obtained from the Waikato District Council.



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3. The Owners of Lots 4, 5, 6, 7, 8, 9, 17, 18, 19 and 20 shall be advised that the minimum residential floor level for any future habitable area of a dwelling or ancillary unit shall be 300mm above the ground level as recommended in the Geotechnical Report, unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by the Council.
  
4. The Owners of Lots 4, 5, 6, 7, 8, 9, 17, 18, 19 and 20 shall be advised that:
  - (a) A wastewater land application field (primary or secondary level treatment) design shall be carried out at the time of application for building consent by a suitably qualified and experienced professional in accordance with AS/NZS 1547:2000 (or subsequent update) and shall refer to the requirements of the Waikato Regional Plan and the restrictions and recommendations identified in the Geotechnical Report, unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by the Council.  
 In particular, amongst other things, the design shall address:
    - (i) separation distances from sub-surface water/overland flow paths/potable water supplies;
    - (ii) any potential issues with ground stability due to effluent disposal and any mitigation methods necessary to counter these effects;
    - (iii) demonstrate that there is a suitable complying reserve area available; and
    - (iv) provide evidence that the system can adequately deal with peak loading, where applicable.
  - (b) The wastewater effluent field for dwellings shall be located to ensure that the effluent disposal system is located at least 1.5m within the boundaries of each Lot. To confirm compliance with this condition a plan, to a scale acceptable to Council, locating the position of the effluent field for the dwelling located on each Lot, shall be provided and certified by a Registered Professional Surveyor.
  
5. The Owners of Lots 4, 5, 6, 7, 8, 9, 17, 18, 19 and 20 shall be advised that the design of on-site stormwater management shall be prepared by a suitably qualified person and shall be provided at the time of application for future building consents, to the satisfaction of Council. The stormwater management design shall be consistent with the Stormwater Management Plan contained in the Geotechnical Report prepared by Maunsell Limited dated 27 November 2007, reference number 60028315 to the satisfaction of Council, unless an alternative engineering report prepared by a suitably experienced Chartered Professional Engineer is approved in writing by the Council. The stormwater management design shall take into account the following matters:



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- (a) Management of the net increase in runoff from roofs, driveways and other impermeable areas through the use of attenuation tanks;
- (b) Be designed for 10 year – 60 minute storm (considering climate change);
- (c) Unless soakage testing results or winter groundwater levels are adverse to soakage then soakage shall be adopted;
- (d) Soakage systems shall be designed based on specific soakage tests undertaken in the area of the proposed system and be above the likely winter water table;
- (e) Attenuation tanks shall be designed in accordance with NZWERF On-Site stormwater Management Guidelines 2004 or latest revision;
- (f) All overflows from such systems shall have suitable outlet with erosion protection measures if deemed necessary by the Council.

#### **In respect of Lots 4, 5, 6, 17, 18, 19 and 20**

- 6. The Owners of Lots 4, 5, 6, 7, 17, 18, 19 and 20 shall preserve and maintain the landscape planting established on each site in accordance with the Mitigation Planting Plan prepared by Bridget Gilbert Landscape Architecture dated July/August 2013, Revision A. If any of the trees/plants die or are removed they shall be replaced with the same species within the next available planting season. A copy of the Mitigation Planting Plan can be obtained from the Waikato District Council.

#### **In respect of Lot 27**

- 7. The Owners of Lot 27 shall be advised that:
  - (a) No buildings or structure shall be placed or erected on Lot 27 unless it is set back by a horizontal distance of at least 12 metres either side (total of 24 metres) from the centre lines of the Arapuni – Hamilton A, Arapuni – Hamilton B, Otahuhu – Whakamaru A, and Otahuhu – Whakamaru B transmission lines.
  - (b) No building or structure shall be placed or erected within 12 metres of the closest visible edge of any high voltage transmission line support structure foundation.
  - (c) No new building or structure shall be placed or erected within a horizontal distance of between 12 metres and 32 metres from the centre lines of the Arapuni – Hamilton A, Arapuni – Hamilton B, Otahuhu – Whakamaru A, and Otahuhu – Whakamaru B transmission lines without the prior written approval of the Council. Any request for such approval must be copied to Transpower NZ Limited and must be accompanied by a report from a



suitably qualified electrical engineer confirming that the building or structure complies with the minimum safe distances from the transmission line as specified in Table 3 of the Code of Practice for Electrical Safety Distances 2001 (NZECP 34:2011).

Advisory Note:

- A. The restrictions on the use of the land described in the condition above are in addition to the mandatory requirements of the Code of Practice for Electrical Safety Distances 2001 (NZECP 34:2001), compliance with which is required at all times. Please contact Transpower for further details.
  - B. Contact must be made with Transpower prior to the construction of any future buildings/structures on Lot 27 for advice about the provision of appropriate setback distances from the existing transmission lines.
  - C. Fences of conductive materials (i.e. steel or metal) should not be attached to any tower of the Arapuni – Hamilton A, Arapuni – Hamilton B, Otahuhu – Whakamaru A, and Otahuhu – Whakamaru B transmission lines. Refer section 2.3 of the NZECP 34:2001.
  - D. All machinery and mobile plant operated on Lot 27 must maintain a minimum clearance distance of 4 metres from the transmission line conductors at all times and it is Transpower's preference that all mobile plant operated on site maintain a horizontal distance of at least 12 metres from the centre of the transmission line and support structures. Please refer to NZECP 34:2001 for further details about safe distance of mobile plant from conductors.
  - E. Transpower has a right of access to its existing assets situated on Lot 27 under section 23 Electricity Act 1992. Any development on Lot 27 must not preclude or obstruct this right of access. It is an offence under s163(f) Electricity Act to intentionally obstruct any person in the performance of any duty or in doing any work that the person has the lawful authority to do under section 23 of the Electricity Act.
8. The Owners of Lot 27 shall be advised that they must not excavate or otherwise interfere with any land:
- (a) At a depth greater than 300mm within 6 metres of the outer edge of the visible foundations of the transmission line tower (pylon); or



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- (b) At a depth greater than 3 metres, between 6 metres and 12 metres of the outer edge of the visible foundation of the transmission line tower (pylon); or
- (c) In such a way as to create an unstable batter.

Advisory Note:

Refer to section 2 of the NZ Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) for further details of these restrictions and additional restrictions with respect to other activities near transmission lines support structures.

- 9. Owners of Lot 27 shall be advised that they must not deposit any material (either permanently or temporarily) under or near the Arapuni – Hamilton A, Arapuni – Hamilton B, Otahuhu – Whakamaru A, and Otahuhu – Whakamaru B transmission lines which would reduce the vertical distance between the ground and the conductors to less than:
  - (a) 6.5 metres vertically in the case of the Arapuni – Hamilton A, Arapuni – Hamilton B 110kV transmission lines; or
  - (b) 7.5 metres vertically in the case of the Otahuhu – Whakamaru A, and Otahuhu – Whakamaru B 220kV transmission lines.

Advisory Note:

Refer to section 4 of the NZ Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) for further details of these restrictions and additional restrictions with respect to maintaining safe distances between conductors and the ground.

- 10. The Owners of Lot 27 shall be advised that all newly planted trees or vegetation (exceeding a maximum height of two metres and over at full maturity) must:
  - (a) Be setback by horizontal distance of at least 12 metres either side (total of 24 metres) from the centre lines of the Arapuni – Hamilton A, Arapuni – Hamilton B, Otahuhu – Whakamaru A, and Otahuhu – Whakamaru B transmission lines; and
  - (b) When fully-grown, not fall within 5 metres of the Arapuni – Hamilton A, Arapuni – Hamilton B, Otahuhu – Whakamaru A, and Otahuhu – Whakamaru B transmission lines.



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Advisory Note:

All trees and vegetation planted on Lot 27 must comply with the Electricity (Hazards from Trees) Regulations 2003 which includes additional restrictions with respect to the encroachment of trees and vegetation into 'Growth Limit Zones'.

**In respect of Lots 17, 18, 19, 20 and 27**

11. The Owners of Lots 17, 18, 19, 20 and 27 shall be advised that:
- (a) No new building or structure shall be placed or erected within a horizontal distance of between 12 metres and 32 metres from the centre lines of the Arapuni – Hamilton B transmission line without the prior written approval of the Council. Any request for such approval must be copied to Transpower NZ Ltd and must be accompanied by a report from a suitably qualified electrical engineer confirming that the building or structure complies with the minimum safe distances from the transmission line as specified in Table 3 of the ZECP 34:2011.

Advisory Note:

- A. The restrictions on the use of the land described in the condition above are in addition to the mandatory requirements of the Code of Practice for Electrical Safety Distances 2001 (NZECP 34:2001), compliance with which is required at all times. Please contact Transpower for further details.
- B. Contact must be made with Transpower prior to the construction of any future buildings/structures on Lots 17, 18, 19, 20 and 27 for advice about the provision of appropriate setback distances from the existing transmission lines.
- C. Transpower has a right of access to its existing assets situated on Lot 17, 18, 19, 20 and 27 under section 23 Electricity Act 1992. Any development on Lots 17, 18, 19, 20 and 27 must not preclude or obstruct this right of access. It is an offence under s163(f) Electricity Act to intentionally obstruct any person in the performance of any duty or in doing any work that the person has the lawful authority to do under section 23 of the Electricity Act.





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12. The Owners of Lots 17, 18, 19, 20 and 27 shall be advised that all newly planted trees or vegetation (exceeding a maximum height of two metres and over at full maturity) must:
- (a) Be setback by horizontal distance of at least 12 metres either side (total of 24 metres) from the centre line of the Arapuni – Hamilton B transmission line; and
  - (b) When fully-grown, not fall within 5 metres of the Arapuni – Hamilton B transmission line.

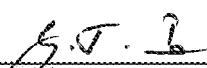
Advisory Note:

All trees and vegetation planted on 17, 18, 19, 20 and 27 must comply with the Electricity (Hazards from Trees) Regulations 2003 which includes additional restrictions with respect to the encroachment of trees and vegetation into 'Growth Limit Zones'

**General Condition**

13. The Owners shall pay the Council's costs and disbursements in respect of the preparation, execution, registration and enforcement of this Notice and the Council's conditions set out in this Notice and any variation or cancellation of them.

**DATED** at Ngaruawahia this 28<sup>th</sup> day of April 2017

  
 \_\_\_\_\_  
 GAVIN JOHN ION  
 Chief Executive  
 SUB0236/08 – Stage 2B

**Instrument No.** 10795937.5  
**Status** Registered  
**Date & Time Lodged** 16 Jun 2017 08:32  
**Lodged By** Wadsley, Jo-Anna Meredith  
**Instrument Type** Easement Instrument



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Affected Computer Registers	Land District
745719	South Auckland
745720	South Auckland
745721	South Auckland
745722	South Auckland
745723	South Auckland
745724	South Auckland
745725	South Auckland
745726	South Auckland
745727	South Auckland
745728	South Auckland

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**Annexure Schedule:** Contains 7 Pages.

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### Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

### Signature

Signed by Edward Dean Clarke as Grantor Representative on 26/06/2017 11:27 AM

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### Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

### Signature

Signed by Edward Dean Clarke as Grantee Representative on 26/06/2017 11:27 AM

\*\*\* End of Report \*\*\*

Form B

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

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

Grantor

**MATANGI LIFESTYLE DEVELOPMENTS LIMITED**

Grantee

**MATANGI LIFESTYLE DEVELOPMENTS 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**

*Continue in additional Annexure Schedules, if required*

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 Covenant	See First Schedule Annexure A	See First Schedule Annexure A	See First Schedule Annexure A

**Form B - continued**

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

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

~~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  varied  negated  added to or  substituted by:~~

~~{Memorandum number ..... , registered under section 155A of the Land Transfer Act 1952}~~

~~{the provisions set out in Annexure Schedule...}~~

**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:

~~{Memorandum number ..... , registered under section 155A of the Land Transfer Act 1952}~~

~~[Annexure Schedule A ]~~

**Form L****Annexure Schedule A**

Page 1 of 5 Pages

*Insert instrument type***Land Covenant**

It is the Grantee's intention to establish a modern and well-designed subdivision ("development") and to create for the benefit of the land set out in the First Schedule (hereinafter referred to as the "Dominant Tenements") the land covenants set out hereto over the land in Certificates of Title 745719, 745720, 745721, 745722, 745723, 745724, 745725, 745726, 745727 and 745728 (hereinafter referred to as the "Servient Tenements") **TO THE INTENT** that the Servient Tenements shall be bound by the stipulations and restrictions set out hereto and that the owners and occupiers for the time being of the Dominant Tenements may enforce the observance of such stipulations against the owners for the time being of the Servient Tenements **AND AS INCIDENTAL** to the transfer of the fee simple so as to bind each of the Servient Tenements and for the benefit of the other respective Dominant Tenements the Grantor **DOETH HEREBY COVENANT AND AGREE** with the Grantee in the manner set out hereto so that the covenants run with each of the Servient Tenements for the benefit of the Dominant Tenements as described in the First Schedule **PROVIDED ALWAYS** that the Grantor shall as regards the said covenants and restrictions be liable only in respect of the breaches thereof which occur while they shall be registered proprietors of the Servient Tenements or any part in respect of which any breach shall occur.

**First Schedule**

Lot 4 – Certificate of Title 745719  
 Lot 5 – Certificate of Title 745720  
 Lot 6 – Certificate of Title 745721  
 Lot 7 – Certificate of Title 745722  
 Lot 8 – Certificate of Title 745723  
 Lot 9 – Certificate of Title 745724  
 Lot 17 – Certificate of Title 745725  
 Lot 18 – Certificate of Title 745726  
 Lot 19 – Certificate of Title 745727  
 Lot 20 – Certificate of Title 745728

**LAND COVENANTS****Property Use:**

The Grantor shall not:

1. Allow the Servient Tenement to be used other than for ordinary and reasonable residential purposes.
2. Permit any trading or commercial activity on the Servient Tenement or use the Servient Tenement for any purpose which may cause a nuisance or disturbance in the surrounding environment.
3. Permit the Servient Tenement to be used for poultry farming, fish farming, pig farming, animal grazing, boarding and breeding kennels or catteries, or to allow any animals on the land other

than domestic pets. Not more than six domestic hens or more than two dogs to be kept on the Servient Tenement. The rearing of a lamb for pet days will be allowed (roosters, cattle or dangerous or aggressive dogs are specifically not permitted).

4. Cross-lease the Servient Tenement or create unit titles thereof or further subdivide the Servient Tenement in any manner.
5. Permit any advertisement sign or hoarding of a commercial nature to be erected on any part of the Servient Tenement.
6. Allow the removal of any soil from the Servient Tenement except as necessary for the construction of any dwelling or associated works on the Servient Tenement.
7. Light fires to rid construction materials.
8. Permit or cause any rubbish to accumulate or be placed on the Servient Tenement nor to permit any excessive growth of grass or vegetation so that the same becomes long or unsightly.
9. Permit or allow recreational motorcycling or other noisome activity on the Servient Tenement.
10. Erect any boundary fence constructed of materials other than post and rail or post and wire and no fence shall exceed 1.2 metres in height above ground level with the exception of tennis court fencing.
11. Allow any immobile or broken down vehicles to be placed or sited on the Servient Tenement in a position where they are visible from any road.

#### Approval of Design Plans:

12. All designs and plans for the main dwelling are subject to approval by Matangi Lifestyle Developments Limited, to be given or not given within 15 working days of the same being submitted to Matangi Lifestyle Developments Limited. A copy of all dwelling plans, specifications and building guidelines (as required by Matangi Lifestyle Developments Limited on a case by case basis) must be provided to Matangi Lifestyle Developments Limited in full before approval. Such approval not to be unreasonably withheld when such design is by a registered architect or draughtsman.

#### Dwelling, Design, Size and Completion:

The Grantor shall not:

13. Erect nor allow to be erected, constructed or placed, any dwelling house which is not a new residential dwelling house. Each Servient Tenement is allowed only one dwelling and is not allowed a dependent persons dwelling.
14. Without the prior written consent of Matangi Lifestyle Developments Limited, construct a dwelling with a minimum gross floor area of less than 200 square metres (excluding garages, decking or roof overhangs). Enclosed garaging for all dwellings must be attached to the dwelling.
15. Allow non-glazed exterior cladding of the dwelling house to be less than 90% of any of the following materials:
  - a) Kiln fired or concrete brick;
  - b) Stucco finish on linea, polystyrene, concrete block or solid concrete;

- c) Stone;
  - d) Cedar or solid timber;
  - e) Metal laminate on solid timber;
  - f) Tilt slab;
  - g) Linea board.
16. Allow any dwelling to be constructed as a single rectangle or square and it must contain more than two hips or two gables in the roof line. The roof pitch of all buildings shall be between 15 and 35 degrees, to avoid steep prominent roofs and flat roofs.
  17. Allow any form of metal roofing on the Servient Tenement unless the same has been pre-painted.
  18. Allow any new dwelling house, including attached garages or detached sheds, to remain unfinished or incomplete for a period of longer than 10 months after commencement of construction. For the purposes of this sub-clause, the commencement of construction shall be the initial dig out of the site.
  19. Allow any ancillary buildings to be constructed unless they are in keeping with the same building design controls of the main dwelling so are in keeping with the main dwelling and landscape. The gross floor area of any accessory building shall not exceed 80m<sup>2</sup>. For the avoidance of doubt, no secondary dwelling is permitted on any Servient Tenement.
  20. Permit or carry out the erection of any temporary building or structure upon the Servient Tenement except such as may be used in conjunction with the construction of permanent buildings and which will be removed from the Servient Tenement upon completion of the work.
  21. Permit or cause the Servient Tenement to be occupied or used as a residence unless:
    - (i) The main dwelling has been substantially completed in accordance with the terms of these covenants; and
    - (ii) The main dwelling, plus ancillary buildings are authorised and allowed under the Waikato District Council District Plan and/or the Waikato Regional Council Plan. All such buildings must be permitted and have Council sign off or Code Compliance Certificates issued once the buildings have been completed.
  22. Allow any external components of buildings and structures (including rooves, guttering, spouting, window joinery and above ground water and septic tanks) to have exterior colours which are not visually recessive and/or do not contrast with surrounding natural colours in accordance with the following colours from the British Standard (BS5252 colour range, Groups A and B with a maximum reflectivity of 40% for exterior walls and 30% for roofs).
  23. Allow to be transported onto the Servient Tenement any existing prebuilt house or out-building or use any second hand materials in the construction of any permanent buildings.
  24. Permit any driveway on the Servient Tenement to be constructed of anything other than a solid permanent surface such as concrete, asphalt, bricks or exposed aggregate finish or similar.
  25. Permit any driveway, fencing and landscaping in the course of construction to be left without substantial work being carried out for a period exceeding six (6) months or allow any such work to be delayed beyond 15 months of the laying of foundations for any dwelling.
  26. Site any clothesline in direct sight of any road.

27. Allow landscaping or other planting which grows to a height that would obstruct or unduly shade adjacent Servient Tenements.
28. Allow the construction of a dwelling within 10 metres of the front boundary of the Servient Tenement.
29. Permit the top of any water tank to be more than 600mm above ground level and ensure any such water tanks are and remain fully screen-planted.

**Miscellaneous:**

30. The Grantor agrees to reinstate, replace or be responsible for all costs arising from damage to the landscaping, roading, footpaths, kerbs or other structures in the development arising from the Grantee's use of the Servient Tenement directly or indirectly through the Grantees themselves, their agents, or invitees.
31. The Grantor acknowledges that Matangi Lifestyle Developments Limited is not responsible for any fencing as developers.
32. The Grantor expressly acknowledges that the development is located in a rural area and accordingly there will be noises and activities from time to time associated with farming, pastoral or horticultural production. The Grantor undertakes that they will not bring any action under the Resource Management Act 1991 or the local Government Acts 1974 and 2002 or any other associated Act to inhibit or prevent the day-to-day farming, pastoral or horticultural activities of any surrounding land, nor will they object or bring any action or make any submission against any intended subdivision of surrounding land whether under the Resource Management Act 1991 or any other associated Act.
33. The Grantor acknowledges they have been informed of, and are fully aware of all of the conditions relating to the subdivision as set out in Resource Consent SUB0236/08.03 and/or any Consent Notice and any variation or amendments to the same and further that they will at all times comply with the same. In the event that there is any inconsistency between the land covenants contained herein and the conditions contained in the said Resource Consent and/or Consent Notice, the said conditions contained in the said Resource Consent and/or Consent Notice shall override the land covenants.

**Breach of Covenants:**

34. Acknowledging that the value of the area of the development will be affected by the standard of buildings erected on the Servient Tenement and by failure to comply with the covenants contained in the preceding clauses and sub-clauses the Grantor covenants for the Grantor personally and the Grantor's executors, administrators and assigns that should the Grantor fail to comply with, observe, perform, or complete any of the special conditions and/or covenants and restrictions contained herein, then without prejudice to any other liability, the Grantor may have, the Grantor will:
  - (a) Pay the Grantee as liquidated damages the sum of **Fifty Thousand Dollars** (\$50,000.00) or a sum equal to 25 per centum of the cost of the erection of the dwelling house whichever sum is the larger immediately upon receipt of a written demand for payment from the Grantee or the Grantee's solicitors; and
  - (b) Permanently remove, or cause to be permanently removed from the Servient Tenement, any improvement or structure so erected or repaired or remedy any other breach or non-observance of the foregoing covenants.



**PROVIDED** and it is further agreed and acknowledged that:

- (c) The Grantor shall only have liability with respect to clause 34 above while the Grantor is a registered proprietor of the Servient Tenement; and
- (d) If there is a default or defaults and if:
  - (i) Such default is remedied within one month of notice in writing requiring the removal of such cause of default; and
  - (ii) The defaulting party pays all reasonable legal costs and other expenses incurred by the party enforcing the said covenants,
 then the penal sum prescribed for by clause 34 hereof shall be waived **PROVIDED THAT** this waiver shall not apply in respect of any subsequent default of a similar nature.
- (e) The rights and obligations of **Matangi Lifestyle Developments Limited** to enforce the terms of the rights and benefits conferred by the foregoing covenants and by this clause shall terminate twelve calendar months from the date on which Matangi Lifestyle Developments Limited ceases to be a registered proprietor of any lot in the development and from that date the right to enforce the rights and benefits so conferred shall in accordance with normal legal principles vest in the registered proprietor(s) of any lots in the said development which obtain benefits from the said covenants.

35. The Grantee will not be required or obliged to enforce all or any of these land covenants, stipulations or restrictions. Nor will the Grantee be liable to the Grantor for any breach of these covenants, stipulations or restrictions by the Grantee of any of the lots in the development.

**Expiry:**

36. The covenants shall run for a period of fifty (50) years from the date of registration of this easement instrument.

**Dispute Resolution:**

37. If a dispute in relation to any of these land covenants arises, the following process must be followed:
- (a) The party initiating the dispute must provide full written particulars of the dispute to any other party/ies;
  - (b) The parties must promptly meet in good faith to try and resolve the dispute;
  - (c) If the dispute is not resolved within 14 working days of the written particulars being given to the party/ies the dispute must be referred to arbitration, in accordance with the Arbitration Act 1996 (or any subsequent Act);
  - (d) The arbitration must be conducted by a single arbitrator to be agreed between the parties, or failing agreement, the president of the New Zealand Law Society; and
  - (e) The decision made by the arbitrator is binding on both parties contained and implied.