

LAND COVENANTS & CONSENT NOTICES



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CONO 6644973.2 Consent

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IN THE MATTER

of the Resource Management Act 1991 ("the Act")

A N D

IN THE MATTER

of a subdivision consent as evidenced by Land Transfer Plan No. 344303

A N D

IN THE MATTER

of a Consent Notice issued pursuant to Section 221 of the Act by THE WHANGAREI DISTRICT COUNCIL ("the Council")

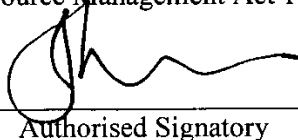
IT IS HEREBY CERTIFIED that the following conditions to be complied with on a continuing basis by the subdividing owner and subsequent owners were imposed by the Council as conditions of approval for the subdivision as effected by Land Transfer Plan No. 344303 ("the plan")

1. Vehicular access to Lot 1 shall only be obtained from the right of way marked "AH" on the plan.
2. Vehicular access to Lots 8 and 9 on the plan shall only be obtained from the right of way marked on the plan with the letter "B".
3. Vehicular access to Lots 17 and 20 on the plan shall only be obtained from the rights of way on the plan shown marked with the letters "AD".
4. Vehicular access to Lot 21 on the plan shall only be obtained from the rights of way on the plan shown marked with the letters "AD" and "AE".
5. Vehicular access to Lots 13, 16 and 18 on the plan shall only be gained from the rights of way shown marked on the plan with the letters "AB" and "AC".
6. The registered proprietors of the properties being Lots 1 through 24 on the plan acknowledge that their properties are located within a horticultural area and may be subject to activities such as pest control (chemical or otherwise), planting, thinning, and harvesting of orchards and that these activities may cause noise and associated air emissions such as dust, smoke and spray drift.

7. All building and access runoff not used for domestic purposes on the properties being Lots 1 through 24 on the plan shall be discharged to on-site soak holes designed by a registered civil engineer to assist recharging the catchment's aquifer.
8. All house platforms and service and access routes constructed on Lot 5 on the plan shall be located outside of the archeological site on that property, such being identified as "QO7/362" in the Clough and Associates Limited report dated 6 January 2004, a copy of which is attached hereto, with this site to be fenced off prior to construction on Lot 5 to ensure it is not damaged by heavy machinery

DATED at Whangarei this 30th day of August 2005

SIGNED for THE WHANGAREI DISTRICT COUNCIL pursuant to the authority of the Council given pursuant to the Local Government Act 2002 and the Resource Management Act 1991



Authorised Signatory

Blagrove Subdivision Archaeological Assessment

*Prepared for
Lands and Survey Ltd*

*By
Simon H. Bickler PhD
Rod Clough PhD*

6 January 2004

*Clough & Associates Ltd
Heritage Consultants
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Mobile (0274) 850-059 Email: heritage@clough.co.nz
www.clough.co.nz*

Executive Summary

Summary

This archaeological assessment was conducted to assess archaeological values and impacts in relation to the proposed subdivision described in Resource Consent Application P077749.SD RC37641. Three sites had previously been recorded in the area to be developed. An important burial site (Q07/361) was found to be located to the north of the proposed subdivision and will not be impacted on by the proposed development. A pit site (Q07/362) was relocated, but its significance is not clear. Another pit site (Q07/3630) could not be relocated during field survey, but is in an area where the surface has been damaged by cattle. No other sites were identified on the property.

Statutory Requirements

In addition to any requirements under the Resource Management Act 1991 the provisions of the Historic Places Act 1993 must be complied with. Under the HPA (1993) all archaeological sites are protected and may not be damaged or destroyed unless an Authority to Modify an archaeological site has first been obtained from the NZ Historic Places Trust.

Recommendations

- That there is no reason why the proposed subdivision may not proceed on archaeological grounds as there will be no, or limited, impact on archaeological values.
 - That impacts on the possible archaeological site (Q07/362, pit) in Lot 5 are avoided by ensuring that the house platform and service and access routes are not located on it; and by fencing it off prior to construction to ensure that it is not damaged by heavy machinery.
 - That if impacts on site Q07/362 cannot be avoided, an Authority to modify the site under Section 11 of the Historic Places Act 1993 must be obtained prior to earthworks and any conditions complied with. (Note that this is a legal requirement).
 - That if any subsurface archaeological features are exposed during development works (e.g. shell midden, pits, Maori or European artefacts of pre-1900 date), work must cease in the immediate vicinity and the Historic Places Trust must be contacted.
 - In the event of koiwi (human remains) being uncovered, work should cease immediately and the Historic Places Trust, NZ Police and tangata whenua should be contacted so that appropriate arrangements can be made.
-

Table of Contents

Assessment.....	2
Introduction.....	2
Results.....	4
Discussion and Recommendations	6
Appendix – Site Record Forms.....	9
Q07/361.....	9
Q07/362.....	10
Q07/363.....	11

Assessment

Introduction

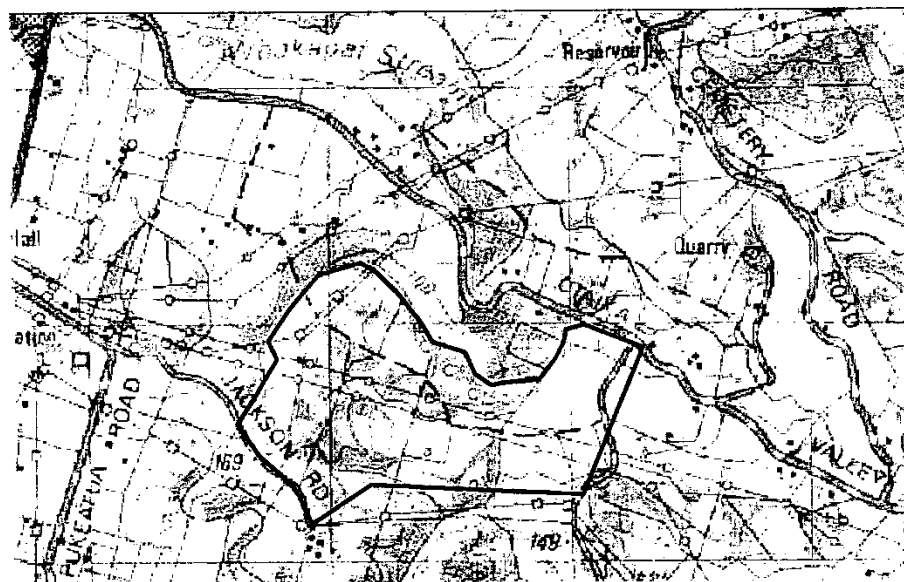
Project Background

The proposed Blagrove subdivision is located between Otaika Valley Rd and Jackson Rd, Maungatapere, south of Whangarei. This archaeological assessment was conducted at the request Lands and Survey Ltd in response to the Historic Places Trust (HPT) submission to the Whangarei District Council regarding Resource Consent Application P077749.SD RC37641.

In that submission the HPT highlighted the presence of three recorded archaeological sites within the boundaries of the proposed subdivision, and the possibility that other unrecorded sites might be present. HPT requested that an assessment of archaeological values be carried out pursuant to sections 88(4)(b), (6) and the Fourth Schedule of the RMA.

This report considers the effects of the development on archaeological values, but does not include an evaluation of effects on Maori values (also required by the HPT), since this can only be provided by the tangata whenua.

Figure 1.
Location of
Subdivision
(approximate
boundary of
subdivision
shown)



Continued on next page

Introduction, Continued

Methodology The New Zealand Archaeological Association's (NZAA) Site Record File was searched for archaeological sites in the general vicinity of the proposed subdivision.

Two archaeologists conducted a visual inspection over the extent of the property. Some probing and test pitting was also carried out. Most ridgelines were walked and ground cover was light enough for surface features to be visible. Particular attention was paid to the area around the recorded sites.

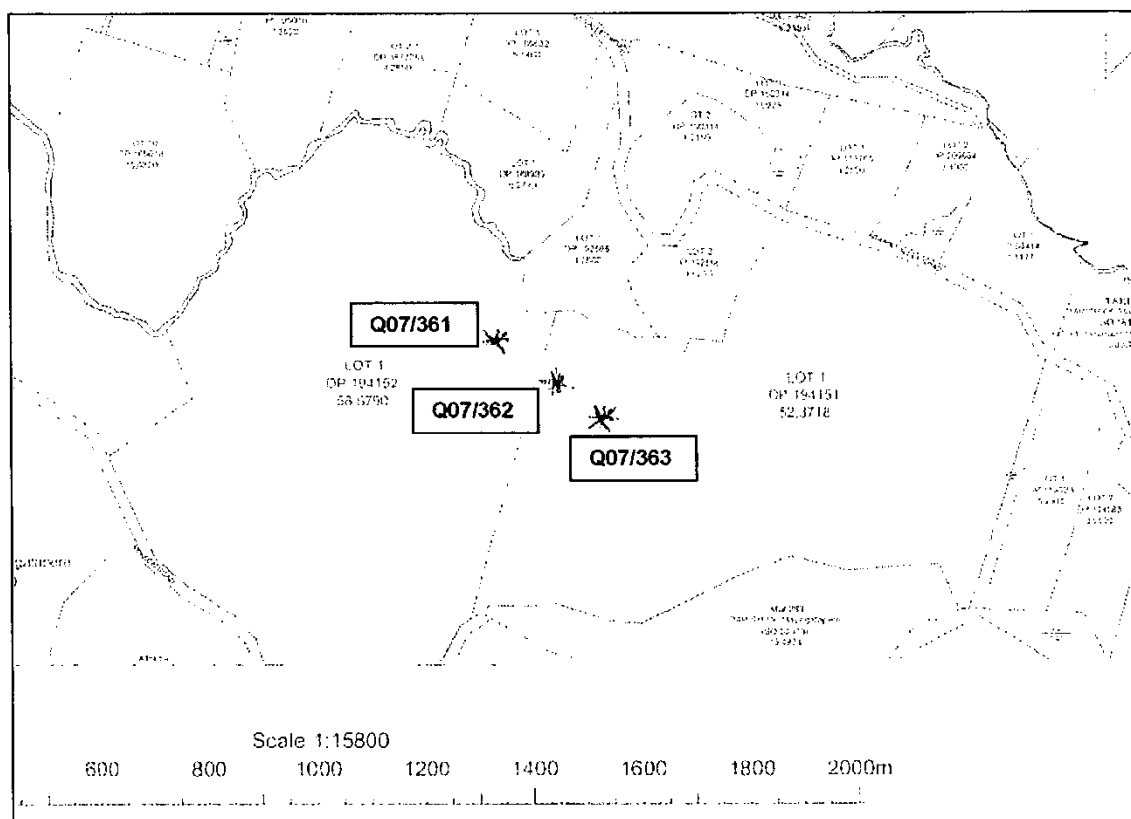


Figure 2. Area of subdivision and approximate location of sites as recorded in the NZAA Site Record File

Results

Background Research

As stated by the HPT, there were three sites recorded within the boundaries of the proposed development (see Figure 1 and Appendix). Q07/361 is a burial ground and Maori track, while Q07/362 and Q07/363 are both pit sites.

It should be noted that the recorded grid references of sites recorded in the NZAA site record file are not precise and sites may be over 100m from their recorded location.

Survey Results

One of the three recorded sites – Q07/362, a pit – was relocated during the survey, but Q07/361 (burial ground and track) and Q07/363 (pit) were not relocated despite good visibility. Examination of the site record for the burial site showed that it was within a huge rock outcrop and adjacent to the Otaika Valley Rd and that some skulls had been removed from it and reburied prior to road widening. The description makes it quite clear that the site was located to the north of the proposed subdivision, between the road and the river (upper reaches of the Otaika Stream?) that bounds the subdivision in the northwest.

Site Q07/363 was, according to the grid reference given, in an area where there was substantial cattle damage to the surface of the landscape (see Figure 3). This damage often extends to a depth of 150-200mm, which would create difficulties in identifying any surface features of sites and destroy any very shallow remains. No indication of a pit was observed anywhere in the vicinity.

No new sites were identified during the survey.

Q07/362

Q07/362 was originally described as a long narrow pit measuring 6m x 1m x 0.45m deep (Figure 4). This feature was relocated during the present survey, but a small testpit did not reveal any evidence to confirm the archaeological nature of the pit in the form of deeper topsoil or different fill material than in the surrounding area. A larger trench would have to be dug to establish whether any archaeology is present. Cattle trampling has probably damaged the definition of the feature during the 20 years since the site was originally recorded.

To the north of this possible pit there is a small stream gully and, as in nearby areas, there is evidence of erosion and slumping (Figure 5). It is possible that this feature is a result of natural processes. Its dimensions are unusual for a Maori storage pit and if it is archaeological in origin it is more likely to relate to historic processes such as a saw pit or a trench for the burial of stock.

The site was located by GPS with corners between:

E26211245 N6602921 and E262227 N6602914 (+/- 5m).

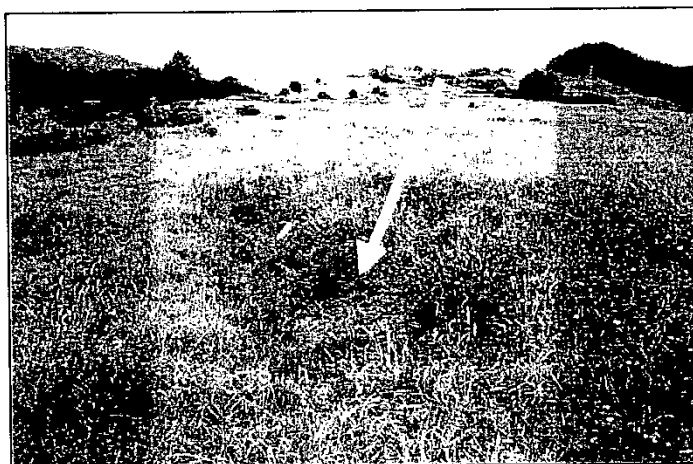
Continued on next page

Results, Continued

**Figure 3. Cattle
damage on
ground surface**



**Figure 4. Area of
pit Q07/362
(looking east)**



**Figure 5. Area
north of possible
pit Q07/362
(looking
northwest)**



Discussion and Recommendations

Summary of Results

Only one possible archaeological site (Q07/362, a pit) was relocated during the survey of the subdivision. The important burial site (Q07/361) is located to the north and outside of the property. The third site (Q07/363, another pit) was not relocated, but is in an area where the ground surface has been extensively damaged by cattle.

No new sites were recorded.

Archaeological Significance

The area proposed for subdivision does not have high archaeological significance. The site of most significance, the Maori burial ground (Q07/361), is not located within the property. The significance of the one site that was located (the pit, Q07/362) is unclear, as test pitting failed to confirm its archaeological origin. Its dimensions (very long and narrow) would be unusual for a Maori pit and the test pit showed no difference in fill from the surrounding topsoil. If it is an archaeological feature it may relate to later activities, e.g. a saw pit or trench for burying dead stock. Only if these activities occurred before 1900 would it be defined as an archaeological site within the meaning of the Historic Places Act 1993.

Effects of Subdivision on Archaeological Values

The proposed subdivision will have limited impact on archaeological values. The significant burial ground will not be affected as it is not located on the property. Only one possible archaeological site, of limited significance, was found on the property (on Lot 5), and impacts on this site could presumably be avoided by appropriate siting of the house platform and service and access routes.

While there is always potential for unrecorded subsurface archaeological features to be exposed during development (see below), this would apply equally to any area where archaeological sites have been recorded in the general vicinity.

Historic Places Act

The Historic Places Act (1993) protects all archaeological sites whether recorded or not, and they may not be damaged or destroyed unless an Authority to modify an archaeological site has been issued by the New Zealand Historic Places Trust.

Continued on next page

Discussion and Recommendations, Continued

General Considerations

It should be noted that archaeological survey techniques (visual inspection and minor sub-surface testing) cannot necessarily identify all sub-surface archaeological features, or detect wahi tapu and other sites of traditional significance to Maori, especially where these have no physical remains.

This is an assessment of impact on archaeological values and does not include an assessment of Maori values. Such assessments can only be made by tangata whenua.

In any construction project there is potential for damage to adjacent archaeological sites or features caused by heavy machinery and people, even when the proposed works does not directly affect these. All care must be taken to avoid damage to archaeological features, if necessary by marking them out at the start of construction.

Recommendations

- That there is no reason why the proposed subdivision may not proceed on archaeological grounds as there will be no, or limited, impact on archaeological values.
 - That impacts on the possible archaeological site (Q07/362, pit) in Lot 5 are avoided by ensuring that the house platform and service and access routes are not located on it; and by fencing it off prior to construction to ensure that it is not damaged by heavy machinery.
 - That if impacts on site Q07/362 cannot be avoided, an Authority to modify the site under Section 11 of the Historic Places Act 1993 must be obtained prior to earthworks and any conditions complied with. (Note that this is a legal requirement).
 - That if any subsurface archaeological features are exposed during development works (e.g. shell midden, pits, Maori or European artefacts of pre-1900 date), work must cease in the immediate vicinity and the Historic Place Trust must be contacted.
 - In the event of koiwi (human remains) being uncovered, work should cease immediately and the Historic Places Trust, NZ Police and tangata whenua should be contacted so that appropriate arrangements can be made.
-

Appendix – Site Record Forms

Q07/361

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION SITE RECORD FORM (NZMS1) NZMS 1 map number N20 NZMS 1 map name Whangarei NZMS 1 map edition 4th edition 1977		NZAA NZMS 1 SITE NUMBER N20 /266 DATE VISITED 14.4.82. Q07/3 SITE TYPE Burial ground and track SITE NAME: MAORI - OTHER	
Grid Reference		Easting <u>7 3 9</u> Northing <u>9 1 3</u>	
1. Aids to relocation of site (attach a sketch map) South beside Otaika Valley Road where it descends steeply through bush, where huge rocks outcrop.			
2. State of site and possible future damage The Burial ground and track are situated in bush and in fairly good condition.			
3. Description of site (Supply full details, history, local environment, references, sketches, etc. If extra sheets are attached, include a summary here) 1. The burial area is covered in bush and huge rock outcrops provide its graves. The bones are said to have been placed down rock fissures. The property owner said the skulls were taken away, and reburied by the City Council as they intended to widen the road. This burial area is not within the registered Maori Burial reserve which is North of the road. 2. According to the property owner, an old Maori track to Whangarei cuts through the top of the burial ground. Evidence of the track is still there, although it has been cut off due to Otaika V. Rd			
4. Owner <u>Paper</u> Address <u>Otaika Valley Road</u> <u>Whangarei</u>		<u>Stevens, K.M n.d. Maungatere-</u> <u>A History and Reminiscence</u> Pub. Advocate-Whangarei, page: 13	
5. Nature of information (hearsay, brief or extended visit, etc.) <u>Brief visit/hearsay</u> Photographs (reference numbers, and where they are held) <u>none</u> Aerial photographs (reference numbers, and clarity of site) <u>SN5091 1/30 (1979) in bush</u> <u>409/29 (1942) in bush</u>			
6. Reported by <u>Phillips, Quigley</u> Address <u>Whangarei P.E.P</u> <u>1982</u>		Filekeeper <u>S. M. BARTLETT</u> Date <u>50 CAIRNFIELD RD. 21/9/82</u> <u>WHANGAREI</u>	
7. Key words <u>Site Evaluation: Burial Reserve.</u> <u>Burial ground and track</u>			
8. New Zealand Register of Archaeological Sites (for office use) NZHPT Site Field Code			
☐ Type of site ☐ Local environment today		☐ Present condition and future danger of destruction ☐ Security code	

Continued on next page

Q07/361, Continued

Q07/362

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION SITE RECORD FORM (NZMS1) NZMS 1 map number N20 NZMS 1 map name Whangarei NZMS 1 map edition 4th edition 1977		NZAA NZMS 1 SITE NUMBER N20 /267 DATE VISITED 14.4.1982 SITE TYPE Pit SITE NAME: MAORI OTHER	
Grid Reference		Easting	Northing
		7 4 1	9 1 1
1. Aids to relocation of site (attach a sketch map) Situated on a small flat area beside a stream, in bush clad area			
2. State of site and possible future damage Fairly good condition, although the sides of the pit are slightly eroded due to weathering and cattle grazing.			
3. Description of site (Supply full details, history, local environment, references, sketches, etc. If extra sheets are attached, include a summary here). A long narrow pit measuring 6x1mx.45m deep, is situated parallel to the stream. It lies about 30m from pit (N20/268) Site Evaluation: Average condition.			
4. Owner Address Faber Otsika Valley Road Maungatapere		Tenant/Manager Address	
5. Nature of information (hearsay, brief or extended visit, etc.) Brief visit Photographs (reference numbers, and where they are held) Aerial photographs (reference numbers, and clarity of site) SN 5091 I/30 (1979) in bush 409/23 (1942) in bush			
6. Reported by Phillips, Quigley Address Whangarei P.E.P 1982		Filekeeper S. M. BARTLETT Date 50 CAIRNFIELD RD. 21/1/82 WHANGAREI	
7. Key words Pit			
8. New Zealand Register of Archaeological Sites (for office use) NZHPT Site Field Code			
☐ Type of site ☐ Local environment today		☐ Present condition and future danger of destruction ☐ Security code	

Continued on next page

Q07/362, Continued

Q07/363

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION SITE RECORD FORM (NZMS1) NZMS 1 map number N20 NZMS 1 map name Whangarei NZMS 1 map edition 4th edition 1977		NZAA NZMS 1 SITE NUMBER N20/268 DATE VISITED 14.4.1982 SITE TYPE Pit SITE NAME: MAORI - OTHER	
Grid Reference Easting 740		Northing 912	
1. Aids to relocation of site (attach a sketch map) Situated in bush, on small spur, above stream.			
2. State of site and possible future damage In good condition.			
3. Description of site (Supply full details, history, local environment, references, sketches, etc. if extra sheets are attached, include a summary here) On a small spur, heading in a South-East direction, a rectangular pit, measuring 4x2mx.75m deep, was found. A small stream cuts off the spur. The stream also creates a division between the edge of the volcanic lava flow and the beginning of the clay country. The pit is situated on the end of the lava flow, where huge rocks and bush cover the area. Site Evaluation: Average site.			
4. Owner Address Oteika Valley Road Maungatapere		Tenant/Manager Address	
5. Nature of information (hasty, brief or extended visit, etc.) Photographs (reference numbers, and where they are held) Aerial photographs (reference numbers, and clarity of site)			
6. Reported by Address Phillips, Quigley Whangarei P.E.P. 1982		Filekeeper Date S. M. BARTLITT 58 CAIRNFELD RD. 21/4/82 WHANGAREI	
7. Key words Pit			
8. New Zealand Register of Archaeological Sites (for office use) NZHPT Site Field Code			
Type of site Local environment today Land classification		Present condition and future danger of destruction Security code	

View Instrument Details



Instrument No 8597544.1
Status Registered
Date & Time Lodged 21 September 2010 15:51
Lodged By Bailey, Coral
Instrument Type Easement Instrument



Affected Computer Registers	Land District
181840	North Auckland
181841	North Auckland
181842	North Auckland
181843	North Auckland
181844	North Auckland
181845	North Auckland
181846	North Auckland
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181859	North Auckland
181860	North Auckland
181861	North Auckland
181862	North Auckland
181863	North Auckland

Annexure Schedule: Contains 4 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 ☒

I certify that the Mortgagee under Mortgage 6712084.4 has consented to this transaction and I hold that consent ☒

I certify that the Encumbrancee under Encumbrance 6644973.9 has consented to this transaction and I hold that consent ☒

Signature

Signed by Stephen Wayne Perkinson as Grantor Representative on 21/09/2010 01:36 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 Stephen Wayne Perkinson as Grantee Representative on 21/09/2010 01:37 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

TAYLOR BROWN BEEF LIMITED

Grantee

TAYLOR BROWN BEEF 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 Schedule, 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 Covenants	DP344303	181840	181840
		181841	181841
		181842	181842
		181843	181843
		181844	181844
		181845	181845
		181846	181846
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		181857	181857
		181858	181858
		181859	181859
		181860	181860
		181861	181861
		181862	181862
		181863	181863

Notes:

- Where the person who is signing this form is doing so under a Power of Attorney the identification required to be established is that of the attorney.
- Attach certificate of non-revocation of power of attorney if required.
- The full legal name of the corporate as registered must be used.
- A faxed copy of this form is acceptable (refer to Guideline 4).
- The consent of prior mortgagees, lessors, etc may be necessary to avoid a breach of covenants.

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 1

Notes:

1. Where the person who is signing this form is doing so under a Power of Attorney the identification required to be established is that of the attorney.
2. Attach certificate of non-revocation of power of attorney if required.
3. The full legal name of the corporate as registered must be used.
4. A faxed copy of this form is acceptable (refer to Guideline J).
5. The consent of prior mortgagees, lessors, etc may be necessary to avoid a breach of covenants.

Form L

Annexure Schedule 1

Page of Pages

Insert instrument type

Easement instrument to create Land Covenants

Continue in additional Annexure Schedule, if required

The grantor hereby covenants and agrees with the registered proprietor for the time being of the dominant tenement as follows:

1. Minimum Building Standards

1.1 Not to erect or permit to be erected on the servient tenement any buildings and associated improvements which are not of a quality and standard expected of a modern and well designed subdivision, provided however that this provision shall be satisfied if the buildings are designed by a Registered Architect.

1.2 Without limiting the above, all buildings shall

- Be constructed of permanent materials of good quality and
- Shall have a floor area of not less than 90 square metres (excluding garages, verandahs, porches and other accessory buildings) and
- Not incorporate any unpainted roofing iron or unpainted garage doors or flat asbestos or fibre cement or unbattened plywood exterior sheet cladding or unfinished in situ concrete or concrete blocks or non-permanent building materials

1.3 Once commenced, all building work shall be carried out continuously until completion and issue of a completion certificate from the appropriate local body.

2. Use of land

2.1 The servient tenement shall not be used for the erection of temporary structures or tents or for the placement of vehicles or caravans used for human habitation.

2.2 The servient tenement shall not be used for the keeping of pigs nor for the commercial farming of goats.

2.3 No advertising signs or hoardings shall be placed on the servient tenement except for conventional signs advertising that the property is for sale or owners' name signs.

2.4 The Grantor shall not object to Taylor Brown Beef Limited or its permitted assigns continuing to farm any part or parts of the dominant tenement of which it is the registered proprietor and the Grantor shall not at any time:

- (i) make or lodge;
- (ii) be party to or otherwise support in any way;
- (iii) finance nor contribute to the cost of

any submission, objection, application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or any other replacement enactment or other statute or regulation) which has the effect of limiting, prohibiting or restricting the Grantee's rights of continuing the Grantee's farming activities on the dominant tenement nor of prohibiting or restricting the Grantee's right to subdivide the dominant tenement into separate lots at the discretion of the Grantee.

3. Maintenance of the Property

3.1 The Grantor will not permit or suffer any rubbish to accumulate upon the servient tenement and all roadside berms, drains and access culverts shall be kept clean and clear of rubbish, noxious weeds and rank grass and the Grantor shall at all times keep the servient tenement in a neat and tidy condition. If the Grantor fails to comply with the provisions of this paragraph the Grantee or its agents or contractors may at its option enter upon the property and remedy any breach and all costs of so doing shall be recoverable from the Grantor.

Notes:

1. Where the person who is signing this form is doing so under a Power of Attorney the identification required to be established is that of the attorney.
2. Attach certificate of non-revocation of power of attorney if required.
3. The full legal name of the corporate as registered must be used.
4. A faxed copy of this form is acceptable (refer to Guideline J).
5. The consent of prior mortgagees, lessors, etc may be necessary to avoid a breach of covenants.

3.2	No temporary dwelling, caravan, trade vehicle, trade equipment or machinery, or vehicles which are either not mobile or not of a condition allowing the vehicle to obtain a Warrant of Fitness or Certificate of Fitness shall be placed on or permitted to be brought onto the servient tenement unless it is adequately garaged or screened from any adjoining land but this shall not prevent the placement of builders' equipment or temporary sheds on the servient tenement during the course of construction of buildings provided that they are not used for accommodation.
3.3	Any damage caused to roads, footpaths, berms, or services on common areas by the Grantor or the Grantor's contractors or agents during the course of construction of buildings shall be promptly repaired and made good by the Grantor.
4.	Fences and plantings and drainage
4.1	All fences, shelter belts and other plantings shall be placed and maintained in such a way as to cause the minimum interference to the dominant tenement, provided that no registered proprietor of the dominant tenement may object to a loss of a view under the provisions of this paragraph.
4.2	No channelled or directed water runoff from the servient tenement shall be directed onto an adjoining property and it shall be directed into soakage pits and contained within the servient tenement or shall be drained into the roadside water table.
5.	Grantor
5.1	"Grantor" includes the registered proprietor for the time being of any servient tenement. Any person who is at any time a "Grantor" shall be released from the terms and obligations under these covenants from and after the time when they cease to be registered proprietor of the servient tenement, provided that this shall not release any Grantor from liability for anything that occurred before the date on which they ceased to be the registered proprietor.

Notes:

1. Where the person who is signing this form is doing so under a Power of Attorney the identification required to be established is that of the attorney.
2. Attach certificate of non-revocation of power of attorney if required.
3. The full legal name of the corporate as registered must be used.
4. A faxed copy of this form is acceptable (refer to Guideline J)
5. The consent of prior mortgagees, lessors, etc may be necessary to avoid a breach of covenants.

View Instrument Details



Instrument No	11075542.3
Status	Registered
Date & Time Lodged	06 June 2018 10:58
Lodged By	Allen, Rosemary Jane
Instrument Type	Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Computer Registers	Land District
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771426	North Auckland
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771427	North Auckland
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Annexure Schedule: Contains 3 Pages.

Signature

Signed by Rosemary Jane Allen as Territorial Authority Representative on 20/06/2018 09:22 AM

*** End of Report ***

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

IN THE MATTER of the Resource Management Act 1991
("the Act")

AND

IN THE MATTER a subdivision consent as evidenced by
Deposited Plan No 507565

AND

IN THE MATTER of a Consent Notice issued pursuant to
s221 of the Act by the Whangarei
District Council ("the Council")

IT IS HEREBY CERTIFIED that the following conditions, to be complied with on a continuing basis by the subdividing owner and subsequent owners of lot 1 & 2, were imposed as conditions of the subdivision consent ("the consent") as effected by Deposited Plan No 507565 ("the Plan").

- 1) The location, foundation and access arrangements of any building shall be certified by a suitably experienced Chartered Professional Engineer prior to the issue of any building consent, noting that the site is identified as being medium unsuitability for onsite effluent disposal and site potential instability areas on Council's Geographic Information Systems maps.
- 2) Future owners of the subject lots are advised that there are no telecommunication connections provided. Whangarei District Council will not be responsible for ensuring nor providing telecommunication connections to the proposed lots, upon future development of the site, or at the time of further subdivision.
- 3) Upon construction of any habitable dwelling, sufficient water supply for fire fighting purposes is to be provided by way of tank storage or other approved means, and that this water supply be accessible by fire fighting appliances in accordance with Council's Environmental Engineering Standards 2010 and more particularly with the 'NZFS Fire Fighting Code of Practice SNZ PAS 4509:2008'. Demonstration of achievement of an alternative means of compliance with this standard will be considered to satisfy this requirement but note that written approval from the NZ Fire Service is required.
- 4) The owner shall be responsible to ensure that any further development of the site including building sites, earthworks, drainage works, effluent disposal fields & vehicle access formations will be undertaken in such a manner that will not result in the obstruction or diversion of any existing overland flow path unless a specific design has been done by an IQP or Chartered Professional Engineer which mitigates potential adverse flooding effects on any neighbouring properties created by the obstruction or diversion and is approved in writing by the Council's Development Engineer.

243

Note Overland flow paths are to be assessed in accordance with Section 4.9 of Council's Environmental Engineering Standards 2010 Edition and are to be certified by an IQP/CPEng.

Dated the 11th day of APRIL 2018

Signed by Whangarei District Council
pursuant to the authority of the Council
given pursuant to the Local Government
Act 2002 and the Resource Management
Act 1991:



Authorised Signatory

ANNEXURE SCHEDULE - CONSENT FORM¹

Land Transfer Act 1952 section 238(2)

Person giving consent <i>Surname must be underlined</i> Bruce Matheson <u>Cooper</u> and Prudence Anne <u>Cooper</u>	Capacity and Interest of Person giving consent <i>(eg. Mortgagee under Mortgage no.)</i> CAVEATOR UNDER CAVEAT 11088195.1
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Consent

[Without prejudice to the rights and powers existing under the interest of the person giving consent,]

the Person giving consent hereby consents to:

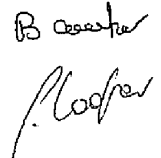
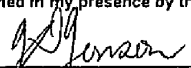
Completion of subdivision in accordance with Title Plan LT 507565 and registration of the following:

1. Consent Notice; and
2. Easement in gross to Northpower Limited and Northpower Fibre Limited

As required by Whangarei District Council Resource Consent SD1700199.

Dated this 22nd day of May 2018

Attestation

	Signed in my presence by the Person giving consent  Signature of Witness Witness to complete in BLOCK letters (unless legibly printed): Witness name Occupation JAN DOROTHY JONSON Address LEGAL EXECUTIVE, Palmer Macaulay KAIKOHE
	Signature [Common seal] of Person giving consent

¹ An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

STATEMENT OF PASSING OVER

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