



# View Instrument Details

**Instrument No.** 11468172.11  
**Status** Registered  
**Date & Time Lodged** 18 Jun 2019 07:05  
**Lodged By** Rejthar, Christopher Roman  
**Instrument Type** Land Covenant under s116(1)(a) or (b) Land Transfer Act 2017



Affected Records of Title	Land District
861964	South Auckland
861965	South Auckland
861966	South Auckland
861967	South Auckland
861968	South Auckland
861969	South Auckland
861970	South Auckland
861971	South Auckland
861972	South Auckland
861973	South Auckland

**Annexure Schedule:** Contains 14 Pages.

### Covenantor Certifications

- I certify that I have the authority to act for the Covenantor 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 Christopher Roman Rejthar as Covenantor Representative on 21/05/2019 08:28 AM

### Covenantee Certifications

- I certify that I have the authority to act for the Covenantee 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 Christopher Roman Rejthar as Covenantee Representative on 21/05/2019 08:28 AM

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

Form 26

**Covenant Instrument to note land covenant**

(Section 116(1)(a) &amp; (b) Land Transfer Act 2017)

**Covenantor**

Tasman Lands Limited

**Covenantee**

Tasman Lands Limited

**Grant of Covenant**

**The Covenantor**, being the registered owner of the burdened land(s) set out in Schedule A, **grants to the Covenantee** (and, if so stated, in gross) 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 of covenant	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Land Covenant	--	861964 861965 861966 861967 861968 861969 861970 861971 861972 861973	861964 861965 861966 861967 861968 861969 861970 861971 861972 861973

**Covenant rights and powers (including terms, covenants and conditions)**

*Delete phrases in [ ] and insert memorandum number as required.*

*Continue in additional Annexure Schedule if required.*

The provisions applying to the specified covenants are those set out in Annexure Schedule.

ANNEXURE SCHEDULE

RECITALS

Tasman Lands Limited, the registered proprietor of the land originally contained in certificate of title 563568 ("the land") is developing the land for, variously:

- A light industrial/commercial park ("the park")
- Rural residential life style blocks ("the life style blocks")
- Such other farming-purposes as are now and as may in the future be permitted from time to time under any District Plan as may be applicable to the land ("the district plan")

The development currently has approval for the creation of Light Industrial and life style lots.

INTERPRETATION

"support and co-operate" means the signing of all documents and consents in support of all substantive and ancillary applications made from time to time and at any time to any aforesaid statutory authority or, as the case may be, authorities required precedent to the completion of the developments above described.

"not oppose" includes, but without limiting the generality of this expression:

- all verbal, written, electronic, legal or financial support for all opposition to the developments aforesaid.
- upon the establishment of the park by rezoning or granting of resource consent/s and/or all or any of the lifestyle blocks, all verbal, written, electronic, legal or financial support for all opposition to the said developments and activities PROVIDED THAT such developments and activities operate within the provisions of the district plan and/or the provisions of any resource consent or consents permitting the same.

OPERATIVE CLAUSE

The Covenantor, so as to bind the land contained in each of the certificates of title comprising the burdened land, COVENANTS AND AGREES with the Covenantee, for the benefit of all and every part or parts of the land comprising the benefitted land, to observe and perform all of the stipulations and restrictions set out in Schedule B to this instrument TO THE INTENT that the Covenantee may enforce the observance of such stipulations and restrictions against the Covenantor or occupiers for the time being of the land contained in each of the certificates of title comprising the burdened land, for the benefit of all and every part or parts of the land comprising the benefitted land.

AND IT IS AGREED by the between the parties to this instrument:

- 1) The term of this instrument shall expire upon the expiration of 20 years, calculated from the date of registration of this instrument.
- 2) Any and all legal costs and disbursements incurred by the Covenantee or it's legal representative in:
  - (a) enforcing it's rights and powers as set out in this instrument; and/or
  - (b) remedying any default by the Covenantor in the observance and performance of any of the stipulations and restrictions contained in this instrument on it's part to be performed and observed,

shall be borne by the Covenantor.

SCHEDULE B

In respect of the burdened land to only use the same as and for:

- (a) Further subdivision of the burdened land
- (b) Light Industrial activities, in accordance with Appendix I ,(attached)

The Covenantor will support and co-operate with and not oppose Tasman Lands Limited or the Covenantee in any application made by it to the appropriate statutory authority or, as the case may be, authorities for:

- (a) the rezoning or granting or variation of resource consent/s, or further subdivision or issue of titles under the district plan such part or parts of the land to facilitate it's development as a park for light industrial/commercial purposes and life style.
- (b) By way of illustration only, but without any liability on the part of Tasman Lands Limited should the ultimate rezoning provide otherwise, the Park could be multi-zoned. Likely zoning could permit light industrial, country living and rural uses and activities.
- (c) Such consents and/or subdivisional consents or variations sufficient to proceed viably with:
  - i) the establishment of the Park; and
  - ii) the further subdivision of further part or parts of the land into lifestyle blocks.

A shared tower sign adjacent to SH23, is consented for on area BB on DP454300 and the Covenantor will have a proportional use of the space on the tower sign available to business' located within the Park and be liable for a proportion of the construction & maintenance costs as follows:

1. Lot 1 DP454300 – 15%
2. Lot 2 DP454300 – 6%
3. Lot 3 DP480287 – 5%
4. Lot 16 DP450114 – 40%
5. Lot 23 DP480287 – 5%
6. Lot 10 DP480287 – 15%
7. Lots 1 to 6 DP491648 – 1% each
8. Lots 7,8,9,10 DP491648 – 2%each

Not to sell, transfer, lease or otherwise dispose of, whether severally or together, the land contained in each of the certificates of title comprising the burdened land, without first obtaining from any purchaser, transferee, lessee or dispose or any subsequent purchaser, transferee, lessee or dispose, the execution by that party of powers of attorney in such form and on such terms, covenants, stipulations and restrictions as may be required by Tasman Lands Limited ("the company") or the Covenantee appointing it the attorney of such purchaser, transferee, lessee or dispose to ensure their continuing support and co-operation including but not limited to the signing by the attorney of any approval/s, consent/s and/or documents (including those set out below) as may be required of such purchaser, transferee, lessee or dispose to facilitate the development of the land as contemplated by this instrument.

Execute all documents to enable a) this land covenant to be partially surrendered in favour of land disposed of by the Covenantee and not intended to have the benefit of this covenant; and b) surrender any easements that may need to be removed or replaced on subsequent stages.

## APPENDIX I

### PROPOSED LAND USES AND PERFORMANCE STANDARDS - LIGHT INDUSTRIAL PRECINCTS

The following land uses and performance standards are to be applied over the Nau Mai Business/Industrial Precincts 12, 14, 15 and 16 (and any subsequent subdivision of these precincts) as shown on McCracken Surveys Plan Numbered 08157 Sheets 1 – 12. Industrial development shall only occur within the 'effective areas' within each precinct.

Meaning of Words: Unless otherwise stated, the meaning of words in the following sections labelled 'A', 'B' and 'C' shall be the same as those in the *Proposed Waikato District Plan (Appeals Version)*. Reference to the "District Plan" shall mean the *Proposed Waikato District Plan (Appeals Version)*.

#### A. Land Uses Permitted

Provided the performance standards in 'C' below are met the following land uses/activities will be permitted activities within Precincts 12, 14, 15 and 16 (and any subsequent subdivision of these precincts) of the Nau Mai Business and Industrial Park. Light industries/businesses involving the processing, manufacturing, fabricating, packing or storage of goods and servicing and repair activities including:

1. Depots for rural, roading, building contractors and building sub-contractors;
2. Light engineering, manufacturing, and sheet metal fabrication;
3. Woodworking, including but not limited to; kitchen manufacturing, pre-nailing of timber trusses and frames, and furniture making including upholstery;
4. Panel beating and auto trimming;
5. Spray painting;
6. Vehicle disassembly (only within a building);
7. Transport depot – as defined in Appendix P District Plan;
8. Research and technology activities involved in the research, development, manufacture and commercial application of advanced technology including, but not limited to: agritechnology, energy technology, transportation technology, manufacturing technology, soils/water/air resources;
9. Dwelling for caretaker or security personnel (one dwelling per precinct – 70m<sup>2</sup> habitable floor area);
10. An educational institution involving no more than 10 students;
11. Office that is ancillary to any permitted industrial uses listed herein;
12. Retail activities that are ancillary to any permitted industrial uses (retail activities shall not exceed 20% of floor area of the associated industrial building and the goods sold must be manufactured or stored within the site/lot/precinct or associated industrial building) not including specific uses listed here that have a higher inherent retail component e.g. 15, 20, 21;
13. Food outlet less than 200m<sup>2</sup> gfa (one for all four precincts);

14. Intensive farming activity but limited to plant nurseries permanently contained in buildings or outdoor enclosures, boarding kennels or catteries;
15. Veterinary facilities;
16. Vehicle and machinery hire;
17. Plant and equipment hire;
18. Self storage facilities;
19. Vehicle and engine repair activities including but not limited to maintenance, testing and certification;
20. Timber and hardware merchant;
21. Farming supplies merchant;
22. Boat repair, building, servicing, storage and chandlery, including bait, ice, and tackle;
23. Refuelling depot (Diesel) – contractors only (not general public);
24. Produce storage;
25. Fertiliser storage;
26. Landscaping supplies;
27. Clothing manufacture;
28. Pump shed;
29. Part Precinct 14 – Uses authorised by Waikato District Council Consent LUC0177/07 – Mini-Mix Plant;
30. Salvaged vehicle compound (provided salvaged vehicles are not visible from SH23);
31. Manufacturing of concrete and clay products, surf boards and sails;
32. Pastoral farming and/or cropping on unused parts of precincts; and
33. Any combination of the above listed uses.

**B. Land Uses Not Permitted**

Despite meeting the performance standards in C. below the following land uses/activities will not be permitted within Precincts 12, 14, 15 and 16 (and any subsequent subdivision of these precincts) of the Nau Mai Business and Industrial Park.

1. Residential activities of any type as defined in Appendix P of the District Plan except for caretaker or security personnel (one dwelling per precinct - max. habitable floor area = 70m<sup>2</sup>) and the acoustic design criteria specified in C. below;
2. Sale of liquor;
3. Retail activities (except as provided for in A. above);
4. Abattoir;
5. Dairy Factory;
6. Asphalt manufacturing;
7. Oil refining; and
8. Pulp and paper manufacturing.

**C. Performance Standards**

1. Where required, land uses and buildings within each precinct (or subdivision thereof) are to be connected to stormwater and on-site wastewater disposal in a way that complies with Appendix B (Engineering Standards) of the District Plan,

and services within each precinct are to be placed underground.

2. Internal access (within a precinct), vehicle entrance crossing, and internal parking, loading, queuing, and manoeuvring space is provided in accordance with Appendix A (Traffic) of the District Plan and the recommendations contained within the AECOM NZ Ltd Integrated Transport Assessment dated 4<sup>th</sup> June 2009.
3. Landscape Planting and Mitigation in terms of the Bernard Brown Associates Ltd report labelled "Landscape and Visual Effects Assessment & Proposed Landscape Mitigation Concept" dated May 2009 and supplement dated 3<sup>rd</sup> Dec 2009, is to be implemented and maintained thereafter within each precinct (and any subsequent subdivision thereof).
4. Any activity is a permitted activity if it is designed and conducted so that noise from the activity measured within any other site:
  - (a) In Precincts 12, 14, 15 and 16 does not exceed:
    - (i) 65dBA (L<sub>10</sub>), at all times.
  - (b) Within any of the rural-residential properties in the Nau Mai Business and Lifestyle Subdivision (Lots 5-9 and 11) and within the notional boundary of any dwelling on Lot 10 and in the Rural Zone does not exceed:
    - (i) 55dBA (L<sub>10</sub>), 7am to 10pm;
    - (ii) 40dBA (L<sub>10</sub>), 10pm to 7am the following day; and
    - (iii) 70dBA (L<sub>max</sub>), 10pm to 7am the following day.
 Construction noise and emergency sirens are not subject to this rule.
  - (c) Any caretaker's flat permitted in Precincts 12, 14, 15 and 16 shall be designed and constructed so as to ensure that:
    - (i) An internal noise level of 35dBA (L<sub>10</sub>) is not exceeded in any bedroom and 40dBA (L<sub>10</sub>) in all other habitable spaces;
    - (ii) The internal criterion shall be achieved based on a level of 65dBA (L<sub>10</sub>) incident on the external walls of the caretaker's flat; and
    - (iii) At the same time as compliance with (i) above is achieved, ventilation in accordance with the requirements of Clause G4 of the New Zealand Building Code shall be achieved.

Advice Note: A habitable space is defined as: a space used for activities normally associated with domestic living, but excludes any bathroom, laundry, water-closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods.
  - (d) Noise levels shall be measured in accordance with the requirements of



New Zealand Standard NZS 6801:1991 "Measurement of Sound" and assessed in accordance with the requirements of New Zealand Standard NZS 6802:1991 "Assessment of Environmental Sound".

5. Noise from construction shall not exceed the limits recommended in, and shall be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise".
6. Any vibration arising from the activity must comply with Appendix I (Ground Vibration) of the District Plan.
7. Light spill from artificial lighting, other than a street light, navigation light or traffic signals must not exceed 10 lux measured vertically at any precinct or subdivision thereof and any adjoining site in the Rural Zone.
8. No objectionable or offensive dust, smoke, fumes or odour having adverse effects on any other precinct or subdivision thereof or any other site in the Rural Zone.
9. No incineration of any kind including rubbish, waste and recreational fires is to take place in any precinct or subdivision thereof.
10. Storage and use of fireworks is prohibited.
11. Stockpiles of loose material must be contained or maintained to prevent dispersal of the material into the air, stormwater system or waterways.
12. Any electromagnetic field generated by an activity must not exceed the maximum exposure level in New Zealand Standard NZS2772.1:1999 *Radiofrequency Fields Part 1: Maximum exposure levels 3kHz – 300GHz* when measured in accordance with New Zealand Standard NZS6609.2:1990.
13. Earthworks (additional to earthworks approved as part of a subdivision, land use or building consent) must comply with Appendix B (Engineering Standards) of the District Plan, and if within 5m of the precinct boundary, including cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, and:
  - (a) Does not involve the removal of material from the site (except topsoil); and
  - (b) Retains sediment on the site through implementation and maintenance of sediment controls; and
  - (c) Does not adversely affect other adjoining land through changes in natural

- water flows or established drainage paths; and
- (d) Does not adversely affect any assumptions or design criteria of the subdivisional earthworks; and
- (e) The area of earthworks does not exceed 1ha.
14. Earthworks filling (additional to earthworks approved as part of a subdivision, land use or building consent) may be carried out provided:
- (a) All material for filling is clean fill;
- (b) Filling:
- (i) that is part of building work approved by a building consent is carried out in accordance with New Zealand Standard NZS4431:1989 Code of Practice for earth fill for residential development; or
  - (ii) that is not part of building work does not include a building platform; and
  - (iii) does not include placing fill into an area of significant indigenous vegetation or habitat; and
  - (iv) does not adversely affect any assumptions or design criteria of the subdivisional earthworks; and
  - (v) is above the 1% AEP flood contour.
15. Any storage or use of hazardous substances must comply with Appendix H (Hazardous Substances) of the District Plan, or be:
- (a) Domestic storage and use of consumer products for domestic purposes; or
  - (b) Consumer products, held for resale to the public and stored in the manufacturers' packaging; or
  - (c) Fuel or safety equipment in motor vehicles, aircraft, ships, boats or small engines; or
  - (d) Fire-fighting substances on emergency vehicles.
16. Any activity generating radioactivity must have radioactivity levels below that specified as an exempt activity in the Radiation Protection Regulations 1982, or be radioactive materials that are confined to domestic appliances.
17. When Building Consents are applied for, on site wastewater treatment is to be provided within each precinct (and if necessary, any subdivision thereof) in

accordance with:

- (a) Appendix B (Engineering Standards) of the District Plan; and
  - (b) The Waikato Regional Council's permitted activity standards (or alternatively a resource consent is obtained) for on-site wastewater treatment; and
  - (c) A wastewater land application field (primary or secondary level treatment) is to be designed by a suitably qualified person and submitted with the application. The site assessment and design documentation is to be in accordance with *AS/NZS 1547:2000* and refer to the requirements of the *Waikato Regional Plan*; and
  - (d) The requirements of the AECOM New Zealand Ltd report *Proposed Business Park Development at 4005 SH23 Okete, Wastewater Management Assessment* dated 10 September 2009.
18. When Building Consents are applied for, on-site stormwater disposal is to be provided within each precinct (and if necessary, any subdivision thereof) in accordance with:
- (a) Appendix B (Engineering Standards) of the District Plan; and
  - (b) The Regional Council's Permitted Activity standards for stormwater discharge; and
  - (c) The requirements of the Stormwater Management Plan approved by Council prior to the issuing of a certificate pursuant to section 224(c) of the Resource Management Act 1991; and
  - (d) A retention system shall be installed on each property for all stormwater from roof, paved and impermeable surface at time of building consent (or at any time that development alters site coverage or greenfields runoff characteristics). The design and sizing of the retention system shall be carried out by a suitably qualified person in accordance with *NZWERF On-site Stormwater Management Guideline, October 2004* (or similar approved), to attenuate 10% AEP storm event to greenfield runoff to the satisfaction of Council. All stormwater discharges (overflows and surface runoff) shall be controlled in a manner that does not accelerate, worsen or result in erosion, scour or slope instability.
19. Any advertising sign (free standing or attached to a building) visible from a public place:

- (a) Must not exceed 4m in height; and
  - (b) Must not be located on or above the road reserve, other than a traffic sign or safety sign erected by a public authority; and
  - (c) Must not exceed an area of 3m<sup>2</sup> per sign, provided that the total amount of signage per precinct does not exceed 10m<sup>2</sup>; and
  - (d) Must be set back at least 5m from the boundary of the precinct with the Rural Zone; and
  - (e) If illuminated, the sign must not have a light source that flashes or moves; and
  - (f) Must not imitate the content, colour or appearance of traffic control signs; and
  - (g) Must not obscure sight lines of drivers turning into or out of entrances on any site; and
  - (h) Must relate to goods or services available on the site, or is a property name sign.
21. Outdoor stacks or stockpiles of goods or materials:
- (a) Must not exceed a height of 9m; and
  - (b) Must not exceed 30% site coverage; and
  - (c) Must be screened from view from State Highway 23.
22. Any shelter belt, landscape mitigation planting or hedge will not cast a shadow longer than 12m onto an adjoining rural site outside the precincts at midday on the shortest day of the year.
23. Construction or alteration of a building or structure must comply with the following:
- (a) Height does not exceed 10m; and
  - (b) Buildings near the SH23 boundary of Precinct 15 will have heights determined by constraints set out in the *Bernard Brown Associates Ltd Landscape Mitigation Concept Report*, Appendix 3(c) Detail 1; and

- (c) No bare galvanised iron is to be used for fencing.
24. Construction or alteration of a building or stockpiling of materials must comply with the following:
- (a) The building or stockpile does not protrude through a height control plane rising at an angle of:
    - (i) 45 degrees commencing at an elevation of 2.5m above ground level at every point of the Rural Zone boundary; or
    - (ii) 37 degrees commencing at an elevation of 2.5m above ground level at every point of the Rural Zone boundary between south-east or south-west of the building or stockpile.
25. Construction or alteration of a building must comply with the following:
- (a) Total building coverage does not exceed 50% of the effective precinct area (i.e. Effective precinct areas shown on McCracken Surveys Ltd Plan 08157 Sheet 5); and
  - (b) No single building to have a floor area greater than 800m<sup>2</sup>.
26. Construction or alteration of a building must comply with the following:
- (a) 7.5m from the Nau Mai Business Park internal road boundary and precinct boundaries; and
  - (b) 15m from the state highway boundary; and
  - (c) Buildings must be constructed within the areas shown as "effective areas" on McCracken Surveys Plan 08157 Sheet 5; and
  - (d) No specific building setbacks apply within each precinct. These are to be determined by access, parking and fire separation requirements.
27. Construction or alteration of a building in the flood risk area of the internal streams must comply with the following:
- (a) The floor level of any habitable room is at least 0.3m above the 1% design flood level; and
  - (b) The floor level of any non-habitable room is at or above the 1% design flood level; and
  - (c) Wastewater and stormwater disposal systems comply with Appendix B

(Engineering Standards).

28. Construction or alteration of an aerial and its support structures must comply with the following:
- (a) The height of the aerial or support structure does not exceed:
    - (i) 15m; or
    - (ii) 5m more than the height of a building the aerial is mounted on; and
  - (b) No dish antenna exceeds 5m diameter, and no panel antenna exceeds 2.5m in any dimension.
29. No ground disturbance greater than 400mm depth below existing ground levels shall be undertaken within the 10m buffer zone within Precinct 15 as shown on McCracken Surveys Ltd Plan 08157, Sheet 5b.
30. To promote the visual integration of buildings into the surrounding landscape, exterior colours (including roofing materials) that are visually recessive and/or do not contrast with surrounding natural colours shall be used. 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.

Advice note: The following colours, from the BSS 5252 colour range, are considered to be acceptable and should be used for guidance when assessing the appropriateness of proposed colour schemes. Colours outside this range should only be considered where they are not visible from outside the property:

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

Group C

06C37 - C40 inclusive  
 08C37 - C40 inclusive  
 10C37, 10C39  
 12 C37 - C40 inclusive  
 14 C37 - C40 inclusive  
 16 C37 - C40 inclusive  
 18 C37 - C40 inclusive

- 31 The foundations for any building shall be constructed in accordance with the Geotechnical Completion Report provided at the time of issuing a certificate pursuant to section 224(c) of the Resource Management Act 1991 for each stage, and that report may require site specific testing and/or foundation design.
- 32 At the time of building consent application, an earthworks management plan shall be provided to the satisfaction of Council's Engineers showing how sediment shall be prevented from leaving the construction site. The management plan shall be in accordance with *Environment Waikato Erosion and Sediment Control Guidelines for Soil Disturbing Activities*, January 2009.
- 33 Erosion and sediment control works approved at the time of building consent application, shall be constructed and maintained at all times until 80% grass cover has been achieved, and hard landscaping has been completed.
- Advice Note: The intent of this condition is that the erosion and sediment control will remain in place until grass is established and driveways are formed so that sediment from these areas as a result of site works is controlled.
- 34 When building consents are granted, buildings shall have an independent domestic water supply sourced from within their respective boundaries or as otherwise approved by Council to the satisfaction of the Chief Executive. Confirmation of the source and location of the water supply shall be provided for each building.
35. If any use generates liquid trade wastes these wastes should be stored on site in tanks approved for the type of waste to be stored. The trade waste tanks should be emptied at a frequency recommended for the type of waste being stored, to the satisfaction of the Chief Executive.

