

View Instrument Details



Instrument No 9737857.4
Status Registered
Date & Time Lodged 29 May 2014 12:35
Lodged By Kashyap, Aaron Suraj Ram
Instrument Type Covenant (All types except Land covenants)



Affected Computer Registers	Land District
615359	North Auckland
615366	North Auckland
615367	North Auckland
615375	North Auckland
615382	North Auckland

Annexure Schedule: Contains 17 Pages.

Signature

Signed by Harold Ian Martin McCombe as Grantor/Grantee Representative on 29/05/2014 09:14 AM

*** End of Report ***

MANGAWAI PROPERTY LIMITED
(Owner)

KAIPARA DISTRICT COUNCIL
(Council)

COVENANTS

RECORD SHEET

(for Council records only - not part of this deed)

Date:	25/2/14
Property:	Kaiwaka - Mangawhai Road/Settlement Road, Kaiwaka
Subject:	Covenants under section 108 of the Resource Management Act 1991
Council Ref:	RM130024A

Brookfields
LAWYERS

COVENANTS

DEED dated the 25th day of February 2014

PARTIES

1. MANGAWAI PROPERTY LIMITED ("Owner")
2. KAIPARA DISTRICT COUNCIL ("Council")

INTRODUCTION

- A. The Land defined below is situated in the Council's district.
- B. The Owner has the estate or interest in the Land as set out in schedule 1.
- C. For a resource consent in respect of the Land, the Council has imposed the requirement that this deed be entered into by the Owner in favour of the Council under Part 6 of the Resource Management Act 1991 ("Act").

THIS DEED RECORDS that:

1. DEFINITIONS AND INTERPRETATION

Definitions

- 1.1 In this deed, unless the context otherwise requires:

"Covenants" means the covenants to be complied with by the Owner in the Council's favour under clause 2.2 and set out in schedule 2.

"Land" means the land described in schedule 1 and any part of it.

"Owner" has the same meaning as in the Act.

Interpretation

- 1.2 In this deed:

- (a) where the context permits, the singular includes the plural and vice versa;
- (b) references to clauses and schedules are to clauses in, and the schedules to, this deed. Each schedule forms part of this deed;
- (c) obligations and covenants to be complied with by more than one person shall bind those persons jointly and severally;
- (d) reference to "Council" include the Council's successors, as territorial authority for the time being of the district within which the Land is situated
- (e) references to "Owner" include the successors, executors, administrators and assigns (as the case may be) of the Owner;

- (f) all references to legislation are (unless stated otherwise) references to New Zealand legislation and include all subordinate legislation, any re-enactment of, or amendment to, that legislation and all legislation passed in substitution for that legislation.

2. COVENANTS

- 2.1 The Owner accepts the requirements imposed by the Council under Part 6 of the Resource Management Act 1991 relative to the resource consent for the Land.
- 2.2 The Owner, at the Owner's cost, shall duly and punctually, to the Council's reasonable satisfaction, comply with all the Covenants, provided that there shall not be, nor be deemed to have been, compliance with the Covenants until this deed is discharged by the Council by execution of a deed to that effect.

EXECUTION

SIGNED by)
MANGAWHAI PROPERTY LIMITED)
by its sole director in the presence of:)



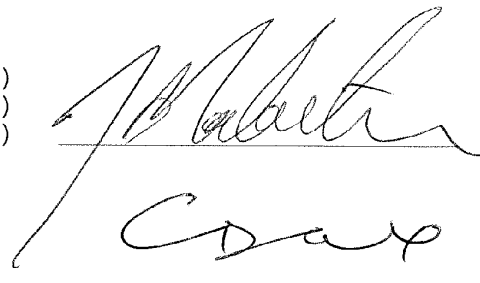

(Signature of Witness)

Feng zhu
(Name of Witness)

Sales Reps
(Occupation of Witness)

2/39 Regency Place, Sunnybrook.
(Address of Witness)

SIGNED by)
KAIPARA DISTRICT COUNCIL)
by two of its Commissioners)





SCHEDULE 1

The Land

An estate in fee simple in the following land on Deposited Plan 464004 (North Auckland)

Lot	Identifier
3	615359
10	615366
11	615367
20	615375
150	615382



SCHEDULE 2

The Covenants

1. The Owner having been granted a resource consent in respect of the Land covenants in favour of the Council that:
 - (a) Neither the Owner of, occupier of, or visitor to the Land or any part of shall make, and by this deed surrenders the right to make, a complaint to the relevant consent authority or the Environment Court as to any reverse sensitivity effects including any emission of noise, vibration, odour, dust or any effect associated with any vehicle which is expressly allowed by a rule in the regional or district plan, a resource consent, a designation, or regulations made under the Resource Management Act 1991 ("RMA") and shall not seek that a declaration or enforcement order be made by the Environment Court under section 311 or 316 of the Resource Management Act nor seek that an abatement or infringement notice be served by a duly authorised enforcement officer under Section 324 or 343(C) of the RMA or that criminal proceedings be commenced in the District Court by the relevant consent authority under Section 338 of the RMA in respect of any activity lawfully undertaken in respect of the Hakaru Landfill or Hakaru Refuse Transfer Station located on Lot 1 DP181761.
 - (b) The Owner of the Land shall not be a party to, finance or contribute to the costs of any complaint, application or other proceedings or process specified in clause 1(a).
2. The Owner's liability under the Covenants shall not be released, varied or affected in any way by any delay, extension of time or other indulgence to the Owner or suffered or permitted by the Council or by any failure or neglect of the Council to enforce its rights or powers or any obligation of the Owner under the Covenants.
3. The Council's powers, rights and remedies under this deed are in addition to and not in substitution for all other powers, rights and remedies conferred upon it by legislation and the exercise of any power, right or remedy under this deed shall not prejudice the Council's authority to exercise any such legislative powers, rights or remedies.
4. The Owner shall forthwith upon demand pay the Council's legal costs on a solicitor and own client basis in respect of settling the terms and conditions, and the preparation, execution, operation, enforcement, any variation and the ultimate release of this deed and of any action or proceedings relating to it.

Approved by Registrar-General of Land under No. 2003/6150

Annexure Schedule - Consent Form
Land Transfer Act 1952 section 238(2)Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page of pages**Consentor**Surname must be underlined or in CAPITALS**Capacity and Interest of Consentor**

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

MGG Finance Limited and Phoenix Capital Limited

Mortgage number 9455452.1

ConsentDelete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.
Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to ~~section 238(2)~~ of the Land Transfer Act 1952,~~Section~~ of the ~~Act~~

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

registration of Consent Notice with Kaipara District Council

subdivision and surrender of easement over Title 615386 being electricity supply easement marked by letter BJ in Deposited Plan 464004

Consent for Lots 201-203 in LT 464004 to vest as road

Order for issue of new Titles as set out in the OCT

Consent to the registration of the Conservation Covenant and further Covenants as required by the Kaipara District Council

Dated this 1st day of May 20 14**Attestation**

 Solicitor Attorney for MGG Finance Limited	Signed in my presence by the Consentor	
	 Signature of Witness	
Signature of Consentor	Witness to complete in BLOCK letters (unless legibly printed)	
	Witness name	
	Occupation	Samantha Chan Legal Secretary Kemps Weir Lawyers Auckland
Address		

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.

CERTIFICATE OF NON REVOCATION OF POWER OF ATTORNEY

I **STUART JASON WEIR** of Auckland, Solicitor, certify that:

1. By deed dated 24th October 2013 **MGG FINANCE LIMITED** of Auckland ("Appointer") appointed me as its attorney on the terms and subject to the conditions set out in that deed.
2. At the date of this certificate, I have not received any notice or advice of the revocation of that appointment, by any means whatsoever.

Date: 1st May 2014



Attorney - Stuart Jason Weir

Approved by Registrar-General of Land under No. 2003/6150

Annexure Schedule - Consent Form
Land Transfer Act 1952 section 238(2)Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page of pages**Consentor**Surname must be underlined or in CAPITALS**Capacity and Interest of Consentor**

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

MGG Finance Limited and Phoenix Capital Limited

Mortgage number 9455452.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to ~~section 238(2) of the Land Transfer Act 1952~~~~section~~ of the ~~Act~~

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

registration of Consent Notice with Kaipara District Council

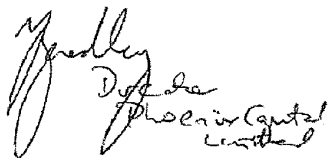
subdivision and surrender of easement over Title 615386 being electricity supply easement marked by letter BJ in Deposited Plan 464004

Consent for Lots 201-203 in LT 464004 to vest as road

Order for issue of new Titles as set out in the OCT

Consent to the registration of the Conservation Covenant and further Covenants as required by the Kaipara District Council

Dated this 1st day of May 20 14**Attestation**

	Signed in my presence by the Consentor
	Signature of Witness
	Witness to complete in BLOCK letters (unless legibly printed)
	Witness name <u>Samantha Chan</u> Occupation <u>Legal Secretary</u> <u>Kemps Weir Lawyers</u> Address <u>Auckland</u>
Signature of Consentor	

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.

Approved by Registrar-General of Land under No. 2003/6150

Annexure Schedule - Consent Form
Land Transfer Act 1952 section 238(2)Insert type of instrument
"Caveat", "Mortgage" etc

consent to deposit of plan

Page of pages**Consentor**Surname must be underlined or in CAPITALSMangawhai Property Limited**Capacity and Interest of Consentor**

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

registered proprietor

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to ~~section 238(2) of the Land Transfer Act 1952~~~~section~~ of the ~~Act~~

[Without prejudice to the rights and powers existing under the interest of the Consentor]

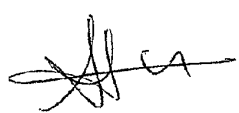
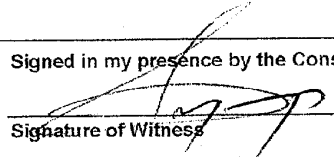
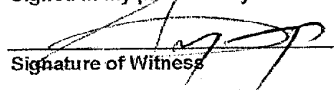
the Consentor hereby consents to:

consent to the deposit of the plan 464004 to enable Lots 201-203 in LT 464004 to vest as road

Dated this 19 day of April

2014

Attestation

 Director	Signed in my presence by the Consentor 
	Signature of Witness  Witness to complete in BLOCK letters (unless legibly printed) Witness name Occupation Aaron S R Kashyap Address SOLICITOR AUCKLAND
Signature of Consentor	

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.

Approved by Registrar-General of Land under No. 2003/6150
Annexure Schedule - Consent Form
 Land Transfer Act 1952 section 238(2)



Insert type of Instrument
 "Caveat", "Mortgage" etc

Mortgage and Caveat

Page ☐ of ☐ pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor
 (eg. Caveator under Caveat no./Mortgagee under
 Mortgage no.)

Wroston Finance Limited and Curzon Capital Limited

Mortgage number 9560072.2
 Caveat 9563674.1

Caveat 9563825.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section] of the

Act

(Without prejudice to the rights and powers existing under the interest of the Consentor)

the Consentor hereby consents to:
 registration of Consent Notice with Kaipara District Council
 subdivision and surrender of easement over Title 615386 being electricity supply easement marked by letter BJ in
 Deposited Plan 464004
 Consent for Lots 201-203 in LT 464004 to vest as road
 Order for issue of new Titles as set out in the OCT
 Consent to the registration of the Conservation Covenant and further Covenants as required by the Kaipara District
 Council

Dated this 08 day of April 2014

Attestation

By CURZON CAPITAL LIMITED BY
 ITS ATTORNEY

By WROSTON FINANCE LIMITED

DIRECTOR

Signature of Consentor

Signed in my presence by the Consentor

Signature of Witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name

Jerome Anthony Toomey

Occupation

Solicitor

Address

Christchurch

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.

**CERTIFICATE OF NON-REVOCATION
OF POWER OF ATTORNEY**

I, **KATHRYN MARCIA STANDAGE**, of Christchurch in New Zealand, Solicitor, **HEREBY CERTIFY:**

- 1 That by deed dated 20 July 2010, **CURZON CAPITAL LIMITED** appointed me its Attorney on the terms and subject to the conditions set out in the said deed.
- 2 That at the date hereof I have not received any notice or information of the revocation of that appointment by the liquidation of the said **CURZON CAPITAL LIMITED** or otherwise.

SIGNED this 28 day of April 2014


.....
Kathryn Marcia Standage

24-04-14;09:07 ;

;+84 9

2/ 8

Approved by Registrar-General of Land under No. 2003/6150
Annexure Schedule - Consent Form
 Land Transfer Act 1952 section 238(2)



Insert type of instrument
 "Caveat", "Mortgage" etc

Mortgage

Page ☐ of ☐ pages

Consentor
 Surname must be underlined or in CAPITALS

Shane Crilken Contracting Limited

Capacity and interest of Consentor
 (eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

Mortgage number 9572879.2

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.
 Delete words in [] if inconsistent with the consent.
 State full details of the matter for which consent is required.

Pursuant to ~~section 238(2) of the Land Transfer Act 1952~~

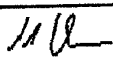
~~section~~ of the ~~Act~~

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:
 registration of Consent Notice with Kaipara District Council
 subdivision and surrender of easement over Title 615386 being electricity supply easement marked by letter BJ in
 Deposited Plan 464004
 Consent for Lots 201-203 in LT 464004 to vest as road
 Order for issue of new Titles as set out in the OCT
 Consent to the registration of the Conservation Covenant and further Covenants as required by the Kaipara District Council

Dated this 22 day of April 20 14

Attestation

 Director	Signed in my presence by the Consentor	
	 Signature of Witness	
Signature of Consentor	Witness to complete in BLOCK letters (unless legibly printed) Witness name	
	Occupation	IAN MICHAEL GIBSON
	Address	SOLICITOR OREWA

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.

Approved by Registrar-General of Land under No. 2003/6150

Annexure Schedule - Consent Form
Land Transfer Act 1952 section 238(2)Insert type of instrument
"Caveat", "Mortgage" etc:

Caveat

Page of pages**Consentor**Surname must be underlined or in CAPITALS**Capacity and Interest of Consentor**

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

Liansen Mao

Caveat number 9615532.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to ~~section 238(2) of the Land Transfer Act 1952~~~~section~~ of the ~~Act~~

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

registration of Consent Notice with Kaipara District Council

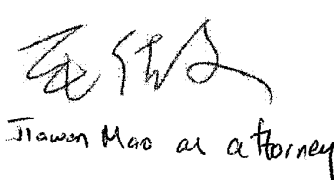
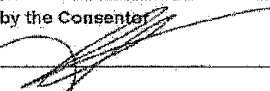
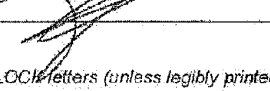
subdivision and surrender of easement over Title 615386 being electricity supply easement marked by letter BJ in Deposited Plan 464004

Consent for Lots 201-203 in LT 464004 to vest as road

Order for issue of new Titles as set out in the OCT

Consent to the registration of the Conservation Covenant and further Covenants as required by the Kaipara District Council

Dated this 23 day of April 20 14**Attestation**

 Liansen Mao as attorney	Signed in my presence by the Consentor 
	Signature of Witness  Witness to complete in BLOCK letters (unless legibly printed) Witness name Yu. Nie Occupation Barrister and Solicitor Address The High Court of New Zealand Auckland
Signature of Consentor	

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.

**CERTIFICATE OF NON REVOCATION
OF POWER OF ATTORNEY**

Power of Attorney dated 19th January 2012

DONOR: Liansen Mao of China

DONEE: Jiawen MAO of Auckland

**INSTRUMENT EXECUTED
PURSUANT THERE TO:**

1. Caveator consent form - Caveat number 9615532.1

The Donee hereby certifies:

1. THAT by the abovementioned Deed the Donor appointed me Attorney on the terms and conditions set out in the said Deed.
2. THAT at the date hereof I have not received any notice or information of the revocation of that appointment by the death of the said Donor or otherwise.
3. THAT I have executed the Instrument referred to above, and annexed hereto, on the date hereof and pursuant to the power granted me in the said Deed.

DATED this 24 day of April 2014



.....
Jiawen Mao

Approved by Registrar-General of Land under No. 2003/6150

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Mortgage

Page of pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

Sheridan Lee Martyn Ayson and Southern Cross Finance Limited

Mortgage number 9456311.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to ~~section 238(2) of the Land Transfer Act 1952~~

~~section~~ of the ~~Act~~

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

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Order for issue of new Titles as set out in the OCT

Consent to the registration of the Conservation Covenant and further Covenants as required by the Kaipara District Council

Dated this 23rd day of April 2014

Attestation

 (Attorney for Southern Cross Finance Ltd as attorney for Sheridan Lee Martyn Ayson) (Attorney for Southern Cross Finance Ltd)	Signed in my presence by the Consentor Signature of Witness
	Witness to complete in BLOCK letters (unless legibly printed) Witness name <u>Helen Margaret O'Connor</u> Occupation <u>Paralegal</u> Address <u>Auckland</u>
Signature of Consentor <u>Southern Cross Finance Ltd</u>	

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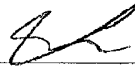
CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

(Individual - Schedule 1- Property Law Act 2007)

I, Struan Grant McOmish of Auckland, Solicitor, certify -

1. That by deed dated 25 March 2014, Sheridan Lee Martyn Ayson appointed as attorney Southern Cross Finance Limited having its registered office at Auckland, and I am authorised to give this certificate on its behalf. The capacity in which I give this certificate for the attorney is as attorney under Deed dated 22 July 2010.
2. That I have not received notice of any event revoking the powers conferred by the said deed and to the best of my knowledge and belief no such notice has been received by Southern Cross Finance Limited or by any employee or agent of that body corporate.

Signed at Auckland this 23rd day of April 2014



Struan Grant McOmish
Attorney

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

(Individual - Schedule 1- Property Law Act 2007)

I, Struan Grant McOmish of Auckland, Solicitor, certify -

1. That by deed dated 22 July 2010, Southern Cross Finance Limited appointed me its attorney.
2. That I have not received notice of any event revoking the powers conferred by the said deed.

Signed at Auckland this 23rd day of April 2014



Struan Grant McOmish
Attorney

Approved by Registrar-General of Land under No. 2003/6150
Annexure Schedule - Consent Form
 Land Transfer Act 1952 section 238(2)



insert type of instrument
 "Caveat", "Mortgage" etc

Mortgage

Page ☐ of ☐ pages

Consentor
 Sumame must be underlined or in CAPITALS

Russell Robert Harrison

Capacity and interest of Consentor
 (eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

Mortgage number 9583287.1

Consent
 Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.
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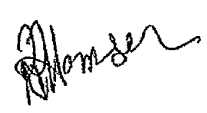
[section _____ of the _____ Act _____]

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:
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 Deposited Plan 464004
 Consent for Lots 201-203 in LT 464004 to vest as road
 Order for issue of new Titles as set out in the OCT
 Consent to the registration of the Conservation Covenant and further Covenants as required by the Kaipara District
 Council

Dated this 1 day of May 20 14

Attestation

 Signature of Consentor	Signed in presence by the Consentor
	Signature of Witness
	Witness to complete in BLOCK letters (unless legibly printed)
	Witness name <u>Adrian Robert Sisson</u>
	Occupation <u>Co Director</u>
	Address <u>37 Snawdon Road</u> <u>Christchurch</u>

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