



## **DEIGHTON DEVELOPMENTS: MANGOREI ROAD**

### **STAGE 4: SUMMARY OF LAND COVENANTS**

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We want to ensure that this subdivision is a modern and well-designed development. To meet this goal it is important that there are measures in place covering the nature and type of construction and section development required, with land covenants for the protection of the interests of all owners.

There are land covenants registered against the land which were applied during Stages 1- 3 of the development. These are registered as documents 9402755.4 & 9657084.4 which are available on request. We have a new land covenant proposed on Stage 4 which updates and replicates the existing land covenants where applicable and adds those applicable to the new stage. We advise the owners to review all the land covenants.

We have briefly summarised the Stage 4 land covenant below.

Please note: This is a summary only. A list of the covenants is available upon request. Purchasers should seek professional advice as to the effect and application of the covenants.

### **GENERAL COVENANTS APPLYING TO ALL LOTS**

1. All dwellings and improvements to be of an individual design and compatible with the appearance of other dwellings on the subdivision (to the intent that there should be a range of styles, design and appearances of dwellings).
2. One new residential dwelling and associated garaging with a minimum value of \$330,000 plus GST. But additional buildings will be permitted on lots over 1200m<sup>2</sup>.
3. Building drawings with design specifications and site plans are to be approved by Deighton Developments Limited (“DDL”) prior to construction. Approval of the plans will not be withheld if they comply with the covenants, particularly the following construction guidelines:

#### **Construction guidelines:**

- (a) materials shall be high quality and permanent.
- (b) no less than 80% of the external cladding on a dwelling shall be constructed of any one or number of:
  - kiln fired bricks or concrete blocks;

- stucco textured finished;
  - stone;
  - timber or solid weatherboard at least 16 mm thick with a maximum finished width not exceeding 180mm;
  - prefinished metal weatherboard bonded to solid timber (e.g. Lockwood type construction);
  - tilt slab concrete panel construction;
  - any other exterior cladding material approved in writing by DDL.
- (c) any dwelling with an exterior finish in the form of flat cladding, concrete block, poured concrete (other than tilt slab construction) or similar shall have the surface textured at the time of construction.
- (d) All basements, exposed subfloors, exposed areas, framing or decks, shall be covered in permanent materials in conformity with the main parts of the residence.
4. Fences to meet the following requirements (except for lots over 900m<sup>2</sup> when after the first 30m lesser quality fencing will be permitted):
- (a) be painted or prefinished (if not brick or dressed timber);
  - (b) corrugated iron, rough sawn timber, post and wire or second hand materials (other than brick) **not** permitted;
  - (c) maximum height of fences to be 1.8 metres.
  - (d) maximum height of fences to be 1.2 metres along the boundaries of the lane
5. The land is not be used for commercial purposes or by a government agency, community group, charitable organisation, service group, church or organisation of a similar nature.
6. No relocated or transportable buildings.
7. To protect views, no structures or fences exceeding 3.0 metres in height or any vegetation which will grow higher than 3.0 metres above ground level shall be permitted in areas surrounding the lake (i.e. above the fully protected area described in 8 below) and 2 metres on the top part of the hill to the east sloping to the river. Plans showing these areas are available.
8. Trees or shrubs planted by DDL or existing on the subdivision in the areas surrounding the lake or on the hill sloping to the river not to be removed prior to 31 December 2035 without the prior consent of DDL.
9. Existing lake or water features not to be altered prior to 31 December 2035 without the prior approval of DDL.
10. Domestic animals only, provided that normal farm animals (excluding goats and pigs) may be kept on Lots over 1200m<sup>2</sup> as long as no nuisance is created for other owners.
11. No subdivision or cross-lease prior to 31 December 2035.

12. Remedies are provided for in the covenants if the covenants are breached.
13. The covenants will expire on 1 January 2055.

## **SPECIAL CONDITIONS APPLYING TO INDIVIDUAL LOTS**

### **Lot 9**

1. There are earthworks proposed on this Lot, as shown on Plan ES4 R00 sheets 4 & 5.

### **Lot 10**

1. There are earthworks proposed on this lot, as shown on Plan ES4 R00 sheets 4 & 5.
2. Lot 10 will adjoin the urupa (Lot 35) which is to be a Historic Reserve vested in the Council. Deighton Developments Limited (“DDL”) to retain between Lots 10 & 35 and undertaking the fencing and other improvements on Lot 35 as shown on the urupa plans.
3. The Council is not required to contribute towards boundary fencing.
4. No further excavation within 2 metres of the urupa boundary shown as area Q on the Scheme Plan.

### **Lot 11**

1. There are earthworks proposed on this Lot, as shown on Plan ES4 R00 sheets 4 & 5. DDL plan to cut the area as shown on the plan adjacent to the urupa and there will be cut batters within Lot 11 site to retain as a result of the construction of the access to Lot 31 (refer to Plan sheets 12 & 13). Lot 11 will be responsible for retaining the batters.
2. Lot 11 will adjoin the urupa (Lot 35) which is to be a Historic Reserve vested in the Council. DDL will be retaining between Lots 11 & 35 and undertaking the fencing and other improvements on Lot 35 as shown on the urupa plans.
3. The Council is not to contribute towards boundary fencing.
4. No further excavation within 2 metres of the urupa boundary shown as area R on the Scheme Plan.

### **Lot 12**

1. A sewer main will be laid to the boundary as noted on Plan ES4 R00 sheet 16. A sewer pump facility may be required (depends how the building service area is situated) and this will be at the purchaser’s expense.
2. There is a fill area, as shown on ES4 R00 sheets 4 & 5. Finished height to be determined but indicative finished design heights are available.

3. The batter slope of the access to Lots 30 & 31 is within Lot 12 as shown on Plan ES4 R00 Sheet 5. Lot 12 shall be responsible for retaining the batter.
4. No boundary fencing adjoining the lane above 1.2 metres in height above finished ground level.
5. Restriction area J: No improvements, structures or planting to exceed the datum height of 81.8 metres, referenced in terms of Taranaki Level Datum 1970. Origin of height is NPDC Bench Mark No.60.

#### **Lot 13**

1. A rising sewer main will be laid to the boundary as noted in Plan ES4 R00 sheet 16. A sewer pump facility will be required and this will be at the purchaser's expense.
2. The owner must take their rubbish to the cul-de-sac in Manurau Crescent for collection.
3. No boundary fencing adjoining the lane to be above 1.2 metres in height above finished ground level.
4. Restriction area I: No improvements, structures or planting to exceed the datum height of 81.8 metres, referenced in terms of Taranaki Level Datum 1970. Origin of height is NPDC Bench Mark No.60.
5. Restriction area H: No improvements, structures or planting to exceed the datum height of 81.0 metres, referenced in terms of Taranaki Level Datum 1970. Origin of height is NPDC Bench Mark No.60.

#### **Lot 14**

1. A rising sewer main will be laid to the boundary as noted on Plan ES4 R00 sheet 16. A sewer pump facility will be required and this will be at the purchaser's expense.
2. The owner must take their rubbish to the cul-de-sac in Manurau Crescent for collection.
3. No boundary fencing adjoining the lane to be above 1.2 metres in height above finished ground level.
4. Restriction area G: No improvements, structures or planting to exceed the datum height of 81.0 metres, referenced in terms of Taranaki Level Datum 1970. Origin of height is NPDC Bench Mark No.60.
5. Lot 36 not responsible to erect or maintain a boundary fence.

### **Lot 15**

1. A rising sewer main will be laid to the boundary as noted on Plan ES4 R00 sheet 16. A sewer pump facility will be required and this will be at the purchaser's expense.
2. There will be a slight cut down to the pathway to Kapurau Pa.
3. The owner must take their rubbish to the cul-de-sac in Manurau Crescent for collection.
4. Lot 36 not responsible to erect or maintain the boundary fence.
5. No boundary fencing adjoining the lane to be above 1.2 metres in height above finished ground level.

### **Lot 16**

1. A rising sewer main will be laid to the boundary as noted on Plan ES4 R00 sheet 16. A sewer pump facility will be required and this will be at the purchaser's expense.
2. The owner must take their rubbish to the cul-de-sac in Manurau Crescent for collection.
3. No boundary fencing adjoining the lane to be above 1.2 metres in height above finished ground level.
4. The vehicle crossing and the first five (5) metres (measured from the Lane Boundary common with the allotment) of the driveway shall be formed to a Light Industrial standard in accordance with Figure 3.4a of the New Plymouth District Council Land Development & Infrastructure Code. This being a minimum 150mm thick 20mPA concrete with HRC 665 reinforcing steel mesh.

### **Lot 17**

1. A rising sewer main will be laid to the boundary as noted on Plan ES4 R00 sheet 16. A sewer pump facility will be required and this will be at the purchaser's expense.
2. The owner must take their rubbish to the cul-de-sac in Manurau Crescent for collection.
3. Restriction Area O:
  - No trees or shrubs planted by DDL to be removed before 31/12/2035
  - DDL to maintain planting until 31 December 2018 and to have reasonable access to do so. Owner to maintain from 1 January 2019, with all replacement plantings to be native species as planted by DDL.
4. No boundary fencing adjoining the lane to be above 1.2 metres in height above finished ground level.

### **Lot 18**

1. A rising sewer main will be laid to the boundary as noted on Plan ES4 R00 sheet 16. A sewer pump facility may be required (depends of how the building service area is situated) and this will be at the purchaser's expense.
2. Restriction Area N:
  - No trees or shrubs planted by DDL to be removed before 31/12/2035.
  - DDL to maintain planting until 31 December 2018 and to have reasonable access to do so. Owner to maintain from 1 January 2019, with all replacement plantings to be native species as planted by DDL.
3. No boundary fencing adjoining the lane to be above 1.2 metres in height above finished ground level.

### **Lot 19**

1. There is to be a sewer easement in favour of Lot 24.
2. There are earthworks proposed on this Lot, to be shown on Plan ES4 R00 sheets 4 & 5. The cut batter along the driveway access to Lots 19 & 21 and the rear boundaries to lots 20 & 21 will be cut back into Lots 20 & 21 as approximately shown on the plans, to allow for the construction of the retaining wall on the respective boundaries. Lot 19 shall be responsible to construct the retaining walls along the access (both sides) and the rear boundaries of Lots 20 & 21, where required, to a standard acceptable to DDL.
3. Restriction Area M:
  - No trees or shrubs planted by DDL to be removed before 31/12/2035.
  - DDL to maintain planting until 31 December 2018 and to have reasonable access to do so. Owner to maintain from 1 January 2019, with all replacement plantings to be native species as planted by DDL.

### **Lot 20**

1. There are minor earthworks proposed on this Lot, to be shown on Plan ES4 R00 sheets 4 & 5. The areas to be cut along the rear boundary to Lot 20 will be cut back into Lot 20 as approximately shown on the plans, to allow for the construction of the retaining wall on the respective boundaries. Lot 19 will be responsible to construct the retaining walls along the rear boundary of Lot 20 where required, to a standard acceptable to DDL.

### **Lot 21**

1. There are minor earthworks proposed on this lot, to be shown on Plan ES4 R00 sheets 4 & 5. The areas to be cut are along the driveway access to Lots 19 & 21 and the rear boundary to this lot will be cut back into Lot 21 as approximately shown on the plans, to allow for the construction of the retaining wall on the respective boundaries. Lot 19 will

be responsible to construct the retaining walls along the access and the rear boundary of Lot 21, where required, to a standard acceptable to DDL.

### **Lot 30**

1. There is right of way access over Lot 31 to Lot 30, with services easements required, shown as area S on the Scheme Plan.
2. The right of way will be cut and formed as shown on Plan ES4 R00 sheets 3, 5, 12 & 13. The surface will be 25mm Asphaltic concrete, sealed to 3.6 metres wide kerb to kerb.
3. There are cut and fill areas as shown on Plans ES4 R00 Sheets 4 & 5. Finished heights to be determined but indicative finished design heights are available..
4. The Council is not required to contribute towards fencing to the esplanade reserve.
5. There will be a Council stormwater and stormwater secondary path flow easement over the property shown as area Y on the Scheme Plan.
6. There will be a stormwater easement over Lot 30 in favour of Lot 31 shown as Area Z on the scheme plan.
7. A rising sewer main will be laid to the Lot 30 boundary as noted on Plan ES4 R00 Sheet 16. A sewer pump facility will be required and this will be at the purchaser's expense.
8. DDL will be constructing a pedestrian access track for Lot 30 to the esplanade reserve.
9. Lot 36 not responsible to erect or maintain a boundary fence.
10. Restriction area D: No improvements, structures or planting to exceed the datum height of 82.0 metres, referenced in terms of Taranaki Level Datum 1970. Origin of height is NPDC Bench Mark No.60.
11. Restriction area C:
  - No improvements, structures or planting to exceed 2 metres in height above existing ground level.
  - Domestic animals only
  - No motorised vehicles
12. Restriction Area B:
  - Domestic animals only
  - No motorised vehicles other than reasonable access for maintenance
13. Restriction Areas F & K:

- DDL to plant F & K area in native plantings.
- No improvements, above existing ground level other than fencing.
- No plantings which by natural process may grow higher than 2.0 metres above ground level.
- No trees or shrubs planted by DDL to be removed before 31/12/2035.
- DDL to maintain planting until 31 December 2019 and to have reasonable access to do so. Owner to maintain from 1 January 2020, with all replacement plantings to be native species.
- Domestic animals only.
- No motorised vehicles other than reasonable access for maintenance.
- No modification of existing contours, other than maintenance of private walking track to be constructed by DDL.

14. Restriction Areas A & E:

- DDL to plant A & E in native plantings.
- No improvements, above existing ground level other than fencing.
- No trees or shrubs planted by DDL to be removed before 31/12/2035.
- DDL to maintain planting until 31 December 2019 and to have reasonable access to do so. Owner to maintain from 1 January 2020, will all replacement plantings to be native species.
- Domestic animals only.
- No motorised vehicles other than reasonable access for maintenance.
- No modification of existing contours, other than maintenance of private walking track to be constructed by DDL.

**Lot 31**

1. There is right of way access over Lot 31 to Lot 30, with services easements required, shown as area S on the Scheme Plan.
2. The right of way will be cut and formed as shown on Plan ES4 R00 sheets 3, 5, 12 & 13. The surface will be 25mm Asphaltic concrete, sealed to 3.6 metres wide kerb to kerb.
3. There are cut and fill areas, as shown on Plans ES4 R00 sheets 4 & 5. Finished heights to be determined but indicative finished design heights are available.
4. Lot 31 will also adjoin the urupa (Lot 35) which is to be a Historic Reserve vested in the Council. DDL will retain between Lots 31 & 35 and undertaking the fencing and other improvements on Lot 35 as shown on the attached urupa plans.
5. The Council is not required to contribute towards boundary fencing.
6. No further excavation within 2 metres of the urupa boundary shown as area P on the Scheme Plan.



7. A sewer rising main will be laid to the Lot 30 boundary as noted on Plan ES4 R00 Sheet 16. A sewer pump facility will be required and this will be at the purchaser's expense.
8. There will be a stormwater easement over lot 30 in favour of Lot 31 shown as area Z on the Scheme Plan (see Plan ES4 R00 Sheet 14).
9. Covenant Restriction Area L: No improvements, structures or planting to exceed the datum height of 77.4, referenced in terms of Taranaki Level Datum 1970. Origin of Heights is NPDC Bench Mark No.60.

## **Lot 32**

1. A rising sewer main will be laid to the boundary as noted in Plan ES4 R00 sheet 16. A sewer pump facility will be required and this will be at the purchaser's expense.
2. The owner must take their rubbish to the cul-de-sac in Manurau Crescent for collection.
3. No boundary fencing adjoining the lane to be above 1.2 metres in height above finished ground level.
4. The vehicle crossing and the first five (5) metres (measured from the Lane Boundary common with the allotment) of vehicle access (driveway) shall be formed to a Light Industrial standard in accordance with Figure 3.4a of the New Plymouth District Council Land Development & Infrastructure Code. This being a minimum 150mm thick 20mPA concrete with HRC 665 reinforcing steel mesh.

## **PLEASE NOTE:**

The above is a summary only and does not include all the land covenants or other conditions relating to any particular Lot. While we have done our best to see that the above information is accurate, DDL will not be liable for any errors or omissions in this document. A full list of all the covenants is available upon request.

This summary should not be relied upon when making a decision to purchase. Full details of the terms of sale of any lot will be contained in the Agreement for Sale and Purchase. Purchasers should seek professional advice before signing the Agreement to Purchase.