

**Land Taken for Road and a Lease for the Functioning Indirectly of a Road—
Whangarei Improvements Project (State Highway 1, Loop Road North to
Smeatons Hill), 10 Portland Road, Whangarei, North Auckland District**

THE RIGHT HON DAME PATSY REDDY, GNZM, QSO,

Governor-General

A Proclamation

Pursuant to section 26 of the Public Works Act 1981, I, The Right Honourable Dame Patsy Reddy, Governor-General of New Zealand, hereby declare the land described in the First Schedule to be taken for road and to vest in the Crown on the 14th day after the date of the publication of this Proclamation in the *New Zealand Gazette*, and a lease taken over the land described in the Second Schedule for the functioning indirectly of a road on the terms and conditions described in the Third Schedule.

North Auckland Land District

First Schedule

Land

0.2597 hectares being part Lot 5 Deposited Plan 56155 (part Record of Title NA8C/1476) shown as Section 1 on SO 522594.

Second Schedule

Lease Land

0.1258 hectares being part of Lot 5 Deposited Plan 56155 (part Record of Title NA8C/1476) shown as Area A on SO 522594.

Third Schedule

Terms and Conditions for the Lease

Purpose for which the lease is required:

The lease is required to allow the Crown to occupy the lease land during the construction of the project. The lease land will be used to as a laydown area, access to construction sites and for the construction of an embankment and a storm water swale and for such other purpose or purposes reasonably required for construction of the project.

Terms of the lease:

1. For the purpose of the lease any reference to the Crown includes its employees, engineers, assistants, consultants, contractors and authorised invitees.
2. The lease shall commence on the 14th day after publication of a proclamation taking the lease in the *New Zealand Gazette*, and terminate on that date two years thereafter (“term”).
3. The registered proprietor shall be entitled to receive a current market rent for the term, at such rate determined by a registered valuer in accordance with the Public Works Act 1981 at the commencement of the lease.
4. The Crown may, on the giving of written notice to the registered proprietor, extend the term for two further periods of one year each should the project not be completed by the expiry of the original term. The current market rent shall be reviewed at the time the registered proprietor is given notice of any such extension, with effect from the commencement of the extended term for the extended term.
5. Notwithstanding the term created, the Crown may terminate the lease at any time by giving the registered proprietor one month’s notice in writing.
6. The Crown shall have the right to occupy the lease land for the purpose stated above for the term and for the avoidance of doubt such right shall include the right to enter and re-enter the lease land at all times, with or without such vehicles, machinery or materials for the purpose set out in the notice.
7. Prior to commencement of the project the Crown shall, if required, erect a temporary fence for the period of construction of the project to provide adequate security to the balance of the property.
8. The Crown shall take all reasonable steps to minimise damage to the lease land arising from the Crown’s occupation under the lease and/or the execution of construction of the project.

NEW ZEALAND GAZETTE

9. The Crown shall, at the expiration of the term, or any extended period taken in accordance with the lease, remove all debris arising from the Crown's occupation under the lease together with any temporary fences, construction machinery, hardstands, and other improvements required to be erected by the Crown during the lease. The Crown shall otherwise restore the lease land to a condition generally in keeping with the condition of the lease land prior to entry. The Crown shall complete such work in a good and workmanlike manner.

Given under the hand of Her Excellency the Governor-General of New Zealand, and issued under the Seal of New Zealand this 18th day of March 2019.

HON EUGENIE SAGE, Minister for Land Information.

GOD SAVE THE QUEEN!

(LINZ CPC/2017/1972)

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