

perpetuity in The Auckland Regional Council for water supply purposes on the date of publication in the *Gazette*.

Schedule

North Auckland Land District

Description of Easement

1. The full, free uninterrupted, and unrestricted right, liberty, and privilege for The Auckland Regional Council (hereinafter called "the council") from time to time and at all times to take, convey and to lead water in a free and unimpeded flow (except when the flow is halted for any reasonable period necessary for essential repairs) and in any quantity, consistent with the rights of other persons having the same or similar rights, from the point of entry and following the course of the land described in the Second Schedule (hereinafter called "the easement land") together with the following additional rights incidental thereto:

2. To use any line of pipes laid in or on the easement land or any pipe or pipes in addition, in replacement or in substitution for or of those pipes.

3. Where no such line of pipes exist, to lay, place and maintain or to have laid, placed and maintained, a line of pipes of a sufficient internal diameter and of suitable material for the purpose under the surface of the easement land.

4. In order to construct or maintain the efficiency of any such pipe line, the full, free, uninterrupted and unrestricted right, liberty and privilege for the council, its servants, agents and workmen, with any tools, implements, machinery, vehicles or equipment of whatsoever nature necessary for the purpose, to enter upon the easement land and to remain there for any reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining and renewing the pipe line or any part thereof and of opening up the soil of that land to such extent as may be necessary and reasonable in that regard, subject to the condition that as little disturbance as possible is caused to the surface of the easement land and that the surface is restored as nearly as possible to the condition in which the land was in immediately prior to any works being undertaken and any other damage done by reason of the aforesaid operations is repaired.

5. Kum Cheong Chooi, accountant, Sow Ling Chooi, share registrar, and Sow Yuen Chooi, accountant, all of Auckland, and Alexander Francis De Buisson, sales representative and Adellen Isobel De Buisson, his wife, both of Auckland, the owners for the time being of the easement land, together with their heirs, successors and assigns, shall not at any time on or over the easement land and without the prior written consent of the council:

(a) Place any buildings, building additions, erections or fences or permanent improvements of any nature excepting the improvements *in situ* at the 1st day of May 1992, and shown as "Flat 1" and "Flat 2" and the porch and eaves on the said Flat 1 on the plan marked "A" attached hereto; PROVIDED however that should these improvements be destroyed by whatever cause the owner shall not reinstate upon the easement area and any contingent liability owed to the owner by the council for the repair and maintenance of protective devices shall thereupon cease;

(b) Do permit or suffer any act whereby the rights, powers licences and liberties hereby granted to the council may be interfered with or affected; or

(c) Do permit or suffer any act whereby the said water supply pipes may be interfered with or damaged.

6. The council will:

(a) At all times repair and maintain such pipes, mains, associated works and protective devices as may be constructed on or laid through or under the easement land in pursuance of these presents in a good efficient state of repair for the purposes for which the same are

designed and will prevent the same from becoming a nuisance; for such period as the council uses the said pipes or associated works for the conveyance of water.

(b) Cause as little damage as possible to the surface of the easement land and repair and make good all damage caused by any such works to landscaping fences and drains in, upon or around the easement land;

(c) Accept liability to the extent of the compensation provisions of the Public Works Act 1981, or the Local Government Act 1974, for loss or damage caused to the easement land or anything upon the easement land arising from the construction, maintenance or operation of the easement, only so long as the council shall continue to convey water through the easement pipe;

(d) At all times use its best endeavours to ensure access to the easement land is maintained for the owners and their invitees while the council is performing or having the work performed which is more particularly described in clause 4 herein;

(e) Ensure that any spoil from excavation or work will be removed from the land on a regular basis as the work progresses.

7. That where the terms of this easement require the consent of the council to be obtained in respect of any matter herein referred to them the council shall not unreasonably or arbitrarily withhold consent.

8. Nothing herein contained or implied shall be deemed to compel the council to convey water through the said pipes and mains and the council may from time to time discontinue the conveyance of water through the same at will.

Second Schedule

North Auckland Land District

The Easement Land

215 square metres being part Lot 104, D.P. 41516; shown marked "A" on S.O. Plan 65272, lodged in the office of the Chief Surveyor at Auckland.

Dated at Auckland this 3rd day of August 1992.

G. A. DAWSON, Manager, Lands and Property.

(DOSLI Ak. D.O. S.O. 65272)

In7172

1CL

Declaring Road to be Stopped in North Shore City

Pursuant to section 116 of the Public Works Act 1981, and to a delegation from the Minister of Lands, the Manager, Department of Survey and Land Information, Auckland, declares the portion of road described in the Schedule to be stopped.

Schedule

North Auckland Land District

513 square metres, adjoining or passing through, Lot 3, D.P. 51037; shown marked "N" on S.O. Plan 50874, lodged in the office of the Chief Surveyor at Auckland.

Dated at Auckland this 29th day of July 1992.

G. A. DAWSON, Manager, Lands and Property.

(DOSLI Ak. D.O. S.O. 50874)

In7078

1CL

Land Acquired for Reservoir Site in Far North District

Pursuant to section 20 (1) of the Public Works Act 1981, and to a delegation from the Minister of Lands, the Manager, Lands and Property, Department of Survey and Land Information, Auckland, declares that, an agreement to that effect having been entered into, the land described in the