

---

## VARIATION OF AGREEMENT

---

Parties

The Crown acting by and through the Chief Executive of Land Information New Zealand  
("the Crown")

and

John Hayes Perkins  
("the Owner")



## MEMORANDUM OF AGREEMENT

### Parties

1. The Crown acting by and through the Chief Executive of Land Information New Zealand
2. John Hayes Perkins ("the Owner")

### Background

- A. The Owner is registered proprietor for an estate of freehold in possession of that land 427.5118 hectares being Part Lot 2 and Part Lot 5 Deposited Plan 4269 and being all of the land comprised in Computer Freehold Register WN40C/621 Wellington Land Registration District ("the Land").
- B. By agreement dated 9 June 2003 ("the Agreement") the Owner agreed to sell to the Crown certain land for the purposes of the Transmission Gully Motorway and the associated upgrade of the MacKays Crossing Intersection ("the Works").
- C. The Land enjoys a number of Limited Access Road Crossing Places. The Agreement provided amongst other things for various amendments to be made to some of the Limited Access Road Crossing Places.
- D. It has now been realised that the references prescribed to some of the Limited Access Road Crossing Places in the Agreement are incorrect.
- E. It has also now been realised that references to Smiths Creek and Smiths Stream in the Agreement are incorrect and that the water course should be correctly called Te Puke Creek.
- F. Since the Agreement the Parties have further agreed to the closure of an additional Limited Access Road Crossing Place (Limited Access Road Crossing Place 95) following the Works.
- G. The Crown and the Owner have agreed to enter into this Variation of Agreement to rectify the incorrect Limited Access Road Crossing Places references and water course references in the Agreement and to provide for the closure of Limited Access Road Crossing Place 95 following the Works.

### Agreement

1. In consideration of the obligations of the parties to be performed under this agreement, the parties agree to vary the Agreement as follows;
  - a. reference to "crossing place 97" at clauses 7(a)(i), 7(a)(iii) and 7(b)(v) of Schedule C shall be deleted and substituted with "crossing place 98".
  - b. reference to "crossing place 96" at clauses 7(a)(ii), 7(a)(iii), 7(a)(iv), 7(b)(i) and 7(e) of Schedule C shall be deleted and substituted with "crossing place 97".
  - c. reference to "crossing places 80, 81, 97 and 98" at clause 7(d)(i) of Schedule C shall be deleted and substituted with "crossing places 80, 81, 95, 96 and 98".



- d. reference to "Smiths Stream" at clauses 4(a)(i) and 21(a)(i) of Schedule C shall be deleted and substituted with "Te Puke Creek".
  - e. reference to "Smith Creek" at clause 7(b)(iii) of Schedule C shall be deleted and substituted with "Te Puke Creek".
2. The Crown agrees to reimburse the Owner's reasonable legal costs incurred in this transaction on production of account or receipt in accordance with Section 66 of the Public Works Act 1981.
  3. GST (if any) will only be payable upon the production of a valid tax invoice prepared in accordance with Section 24 of the Goods and Services Tax Act 1985.
  4. The Crown may register a compensation certificate against the title to the Land to record this agreement.
  5. The parties agree that the terms of the Agreement are unchanged save those that are expressly varied by this agreement.
  6. This agreement shall not be binding on the Crown until signed on behalf of the Crown.

Dated this 28th day of OCTOBER 2005

Signed by:

Jon Hayes Perkins  
*Jon Hayes Perkins*

In the Presence of

MS McKinley  
 Name  
[Signature]  
 Witness  
Wellington  
 Address  
Property Consultant  
 Occupation

Signed on behalf of:  
 Her Majesty the Queen and acting delegated authority from the Chief Executive of Land Information New Zealand pursuant to Section 41 of the State Sector Act 1988

ROSS JAMES SUTHERLAND  
 Name  
[Signature]  
 Signature  
Job AUC0571  
 Designation

In the presence of

[Signature]  
 Name  
Jerome J. Passi  
 Witness  
Auckland  
 Address  
Help Desk  
 Occupation

---

**VARIATION OF AGREEMENT**

---

Parties  
**The Crown**

and

**John Hayes Perkins**

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

*J.H.P.*



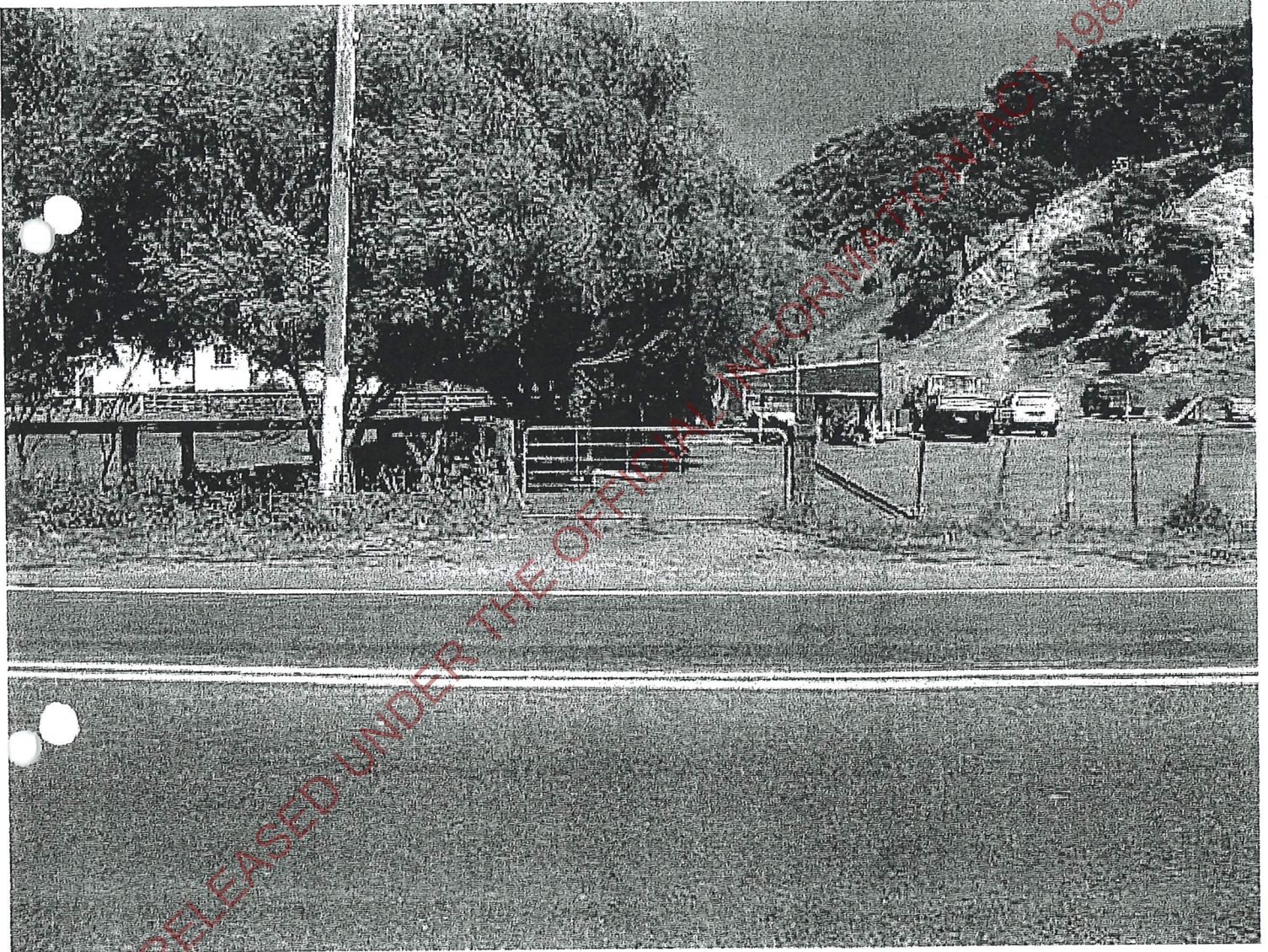
The Property Group Limited  
PO Box 2874  
WELLINGTON

*[Handwritten signature]*



*J.H.C.*  
*M*  
*O*

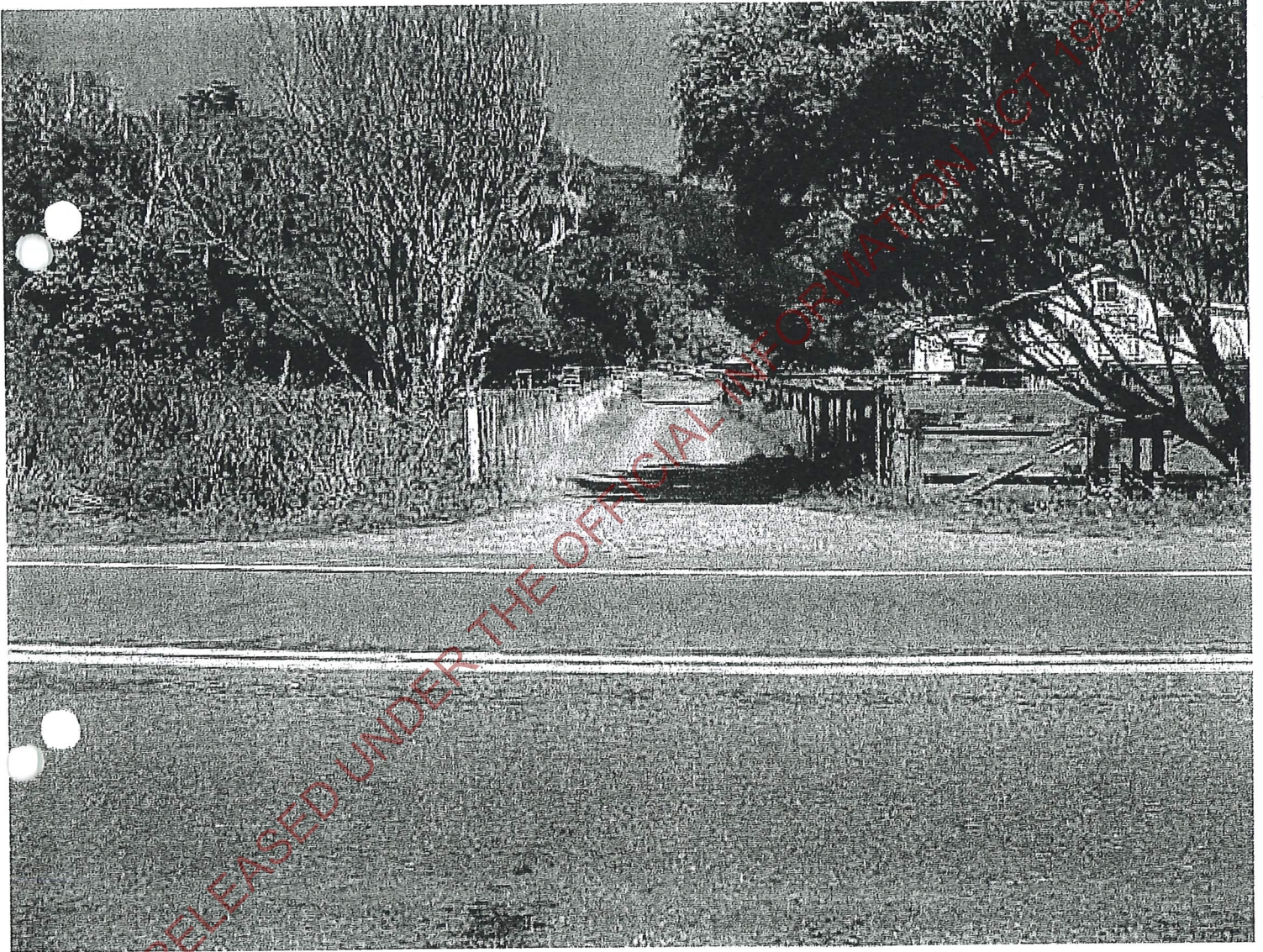
CP 95



210 m from Eastern Boundary

J.H.P. [Signature] [Signature]

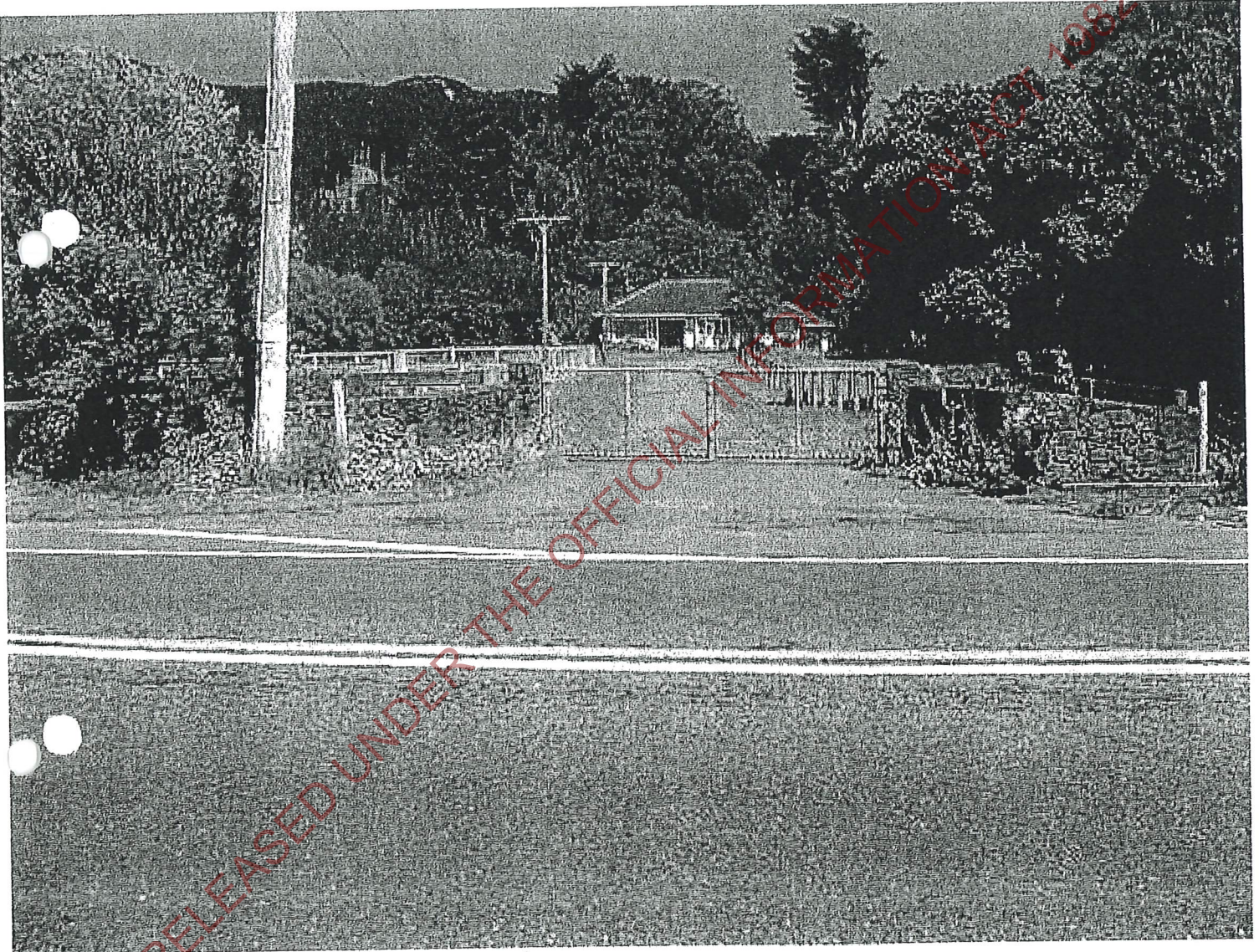
CP 97



150m from Eastern Boundary.

J.H. P M J

CP 98



55<sup>from</sup> m<sub>n</sub> Eastern Boundary

J.H. P. [Signature]