

Under the Resource Management Act 1991
In the matter of Notices of Requirement to enable the construction, operation and
maintenance of the City Rail Link

Between

Auckland Transport

Requiring Authority

And

Auckland Council

Consent Authority

Statement of Evidence of Deborah Shirley Godinet

QUALIFICATIONS AND EXPERIENCE

1. My full name is Deborah Shirley Godinet.
2. I am the Manager of Property and Planning within the Capital Development Division of Auckland Transport. I am responsible for property acquisition, and oversight of all new designations sought for capital projects undertaken by Auckland Transport and specifically for the City Rail Link Project (the Project).
3. This statement outlines Auckland Transport's approach to land acquisition and interim property management of properties required for the Project pending construction.
4. The Project is a 3.4km underground passenger railway (including two tracks and three underground stations) running between Britomart station and the North Auckland Line (NAL) in the vicinity of the existing Mount Eden Station, and an additional 850m of modifications to the NAL and local road network.
5. I am familiar with the area that the Project covers and the land requirements for the Project.
6. I am authorised by Auckland Transport to give this statement of evidence on behalf of Auckland Transport.

SCOPE OF EVIDENCE

7. My evidence will deal with the following:
 - a) My background and role in the Project.
 - b) An overview of the property acquisition strategy and programme to acquire all interests required for the Project, including the properties to be acquired, how these will be acquired and when acquisition will be undertaken.

- c) An outline of the proposed property management framework to govern the interim management of properties acquired for the Project pending construction.

SUMMARY OF EVIDENCE

Background and role in the Project

8. My professional qualifications are in law and planning (a Bachelor of Law (Hons) and Master of Planning Practice (Hons)). Over the course of my career I have held roles as a lawyer in private practice and local government. I have also held management roles within local government. In these positions I have been responsible for a range of functions including property acquisition, property development, property related technical services, property management, asset management and strategic project delivery.
9. I have been responsible for land acquisition for capital project delivery for Auckland Transport since its establishment in November 2010.
10. I established the property programme delivery management framework for the organisation (the Framework). This introduced end to end processes for land acquisition, property management pending construction, and post construction disposal. The Framework was developed and has since been implemented in collaboration with Auckland Council, and Auckland Council Property Limited. In the course of developing the Framework expert advice on land acquisition under the Public Works Act 1981 (PWA) was taken from Land Information New Zealand (LINZ) and LINZ accredited property acquisition professionals.
11. I have been a member of the Project team since July 2011. My role in the Project has been to oversee property acquisition, interim property management, place making and notice of

requirement related activities. This has involved the development of a land acquisition strategy and programme and a strategy for the management of property acquired for the Project pending construction. It has also involved project and resource planning, land owner consultation, and communication and stakeholder engagement.

Property Acquisition Strategy and Programme

Property to be acquired

12. Much of the land required for the Project is located within the road corridor which is already under the control and management of Auckland Transport, or is Auckland Council land. This has reduced land take requirements and the direct impact on private property owners. The balance of the land required for the Project is either privately owned land at some depth beneath the surface, or all or a part of privately owned property.
13. Detailed land requirement plans and related property schedules are contained within the six Notices of Requirement (NoR). A profile of the property interests to be acquired is included in Appendix 1.

How property will be acquired

14. Auckland Transport's approach to property acquisition for projects is shaped by the statutory framework within which the organisation operates and the need to support project delivery in a timely and cost effective manner.
15. Auckland Transport has developed a land acquisition and interim property management process in conjunction with Auckland Council and Auckland Council Property Limited. This process is implemented within statutory and wider council organisational frameworks. The approach enables acquisition

and interim property management to be structured around timeframes that support project delivery whilst at the same time ensuring that a landowner has a reasonable opportunity to engage in good faith negotiations undertaken by Auckland Council Property Limited or approved suppliers on behalf of Auckland Transport and Auckland Council.

16. Auckland Transport began a phased approach to consultation with directly affected landowners in early July 2012 prior to lodgement of the NoR with Auckland Council. Full details of consultation with directly affected landowners are outlined in the Consultation Report lodged with the NoR and the evidence of Aimee Barwick, Planning Integration Manager for Auckland Transport.
17. With specific regard to property acquisition, the Project Director wrote to all directly affected land owners and occupants on or about 2 July 2012 informing them that their properties were directly affected by the Project. The letter advised that information regarding the property owner's rights could be found at the Land Information New Zealand website www.linz.govt.nz. Owners were invited to information sessions during which an overview of both the RMA and PWA processes was provided.
18. At the information sessions owners were advised that land acquisition would commence from mid-2013 and would be based on assessments made under the PWA. A copy of the letter to owners and the information session presentation is referenced in Appendix 5 of the AEE. Auckland Transport offered to meet individually with directly affected landowners.
19. Meetings with individual property owners covered various engineering, planning and property matters and any specific concerns raised in relation to each property, including acquisition and PWA compensation provisions.

20. In early September 2012, following meetings with individual owners, the Project Director wrote to owners following up on issues raised at the meetings. The Project Director also wrote to all owners explaining the feedback from the landowner information sessions and providing an update on the project together with information relating to land purchase. The letter also advised that funding for land acquisition was in the Auckland Council Long Term Plan (2012-2022); spread from mid 2013 to 2015; and that based on the current programme Auckland Transport expected to commence property negotiations from mid-2013 onward.
21. Subsequent to the information sessions in 2012, 25 owners contacted the Project Director indicating that they wished to be purchased earlier than the programmed date due to financial or other personal circumstances including hardship. In response to these approaches, from mid 2012 Auckland Transport entered into discussions with owners. As at 30 June 2013 two commercial properties have been acquired, as a result of these discussions. One owner has withdrawn from negotiations and 22 are engaged in negotiations.
22. The land acquisition programme for the Project is led by an experienced Programme Manager who is responsible for acquiring all property required for the Project within project timeframes.
23. The preferred method for Auckland Transport property acquisitions is by negotiated agreement with the owner as if the sale and purchase was through an open market transaction. If this is not possible, compulsory purchase through Auckland Council under the PWA is pursued. This course of action is adopted only if reasonable endeavours to negotiate have failed to conclude an agreement.

24. Negotiations for the acquisition of each property are initiated in the first instance by a letter to the registered owner advising that Auckland Transport wishes to enter into negotiations for the acquisition of the property for the Project. The letter will introduce the negotiator appointed to represent Auckland Transport in negotiations and advise that the negotiator will contact the owner to commence negotiations.
- 25.. The land acquisition programme manager appoints the negotiator from a panel of LINZ accredited suppliers and employees of Auckland Council Property Limited to conduct negotiations on behalf of Auckland Transport and Auckland Council.
26. The property is valued by a registered valuer on a willing buyer willing seller basis to assess the current market value. The negotiator will present an offer on behalf of Auckland Transport and Auckland Council and take all reasonable steps to reach a sale and purchase agreement with the owner. During the course of negotiations full details of any occupancy agreements will be obtained from the owner, and consideration given to whether the occupier wishes to remain in occupation pending construction.
27. Where reasonable endeavours to conclude an agreement have not resulted in an agreement with the owner within a reasonable time, approval is sought from Auckland Transport's Chief Executive to take the first step in initiating compulsory purchase proceedings under the PWA - a formal notification to Auckland Council to issue a section 18 Notice of Desire (section 18 Notice) .
28. The section 18 Notice signals a desire to acquire the owner's land and is an invitation to sell the property at the independent valuation advised in the notice. The owners have the right to obtain their own valuation from a registered valuer. Auckland

Transport will meet the reasonable costs of valuation and legal costs related to the acquisition.

29. The issue of a section 18 Notice will set a timeframe (a minimum of three months) for engagement in good faith negotiations from the date of service to conclude negotiations. If agreement is not reached then Chief Executive approval is sought to notify Auckland Council to issue a Notice of Intention under section 23 of the PWA.
30. If Chief Executive approval is obtained the notices are issued by Auckland Council under delegated authority by the Auckland Council Manager Property in respect of Section 18 Notices and the Auckland Council Chief Executive in respect of Section 23 Notices, on receipt of a notice from Auckland Transport to serve the relevant notice.
31. The service of section 18 and 23 notices enables Auckland Transport to set a timeframe within which negotiations must be concluded and a structured process for advancing the acquisition where agreement cannot be reached with the owner within a reasonable time.

When will property be acquired?

32. The Project land acquisition programme is well defined. Funding of \$245m is available for property acquisition under the Auckland Council Long Term Plan (2012-2022) and allocated over the period 1 July 2013 to 30 June 2015 with the ability to bring forward funding.
33. Under the current programme all property acquisition is scheduled for completion by June 2015. As outlined above, two privately owned commercial properties already have been acquired for the Project and Auckland Transport is in negotiation with owners to acquire 22 other properties. Within the next

quarter it is proposed that Auckland Transport will invite the owners of the remaining whole properties to enter negotiations. Under the current programme negotiations for acquisition of the partial and subterranean interests for the tunnels will be initiated in the last quarter of 2013.

Interim Property Management

34. All the buildings required to be acquired for the Project (the Project portfolio) are varied in terms of building type, current condition and use. Such building uses and types include: residential, commercial offices, light industrial, warehouses, workshops, retail and religious and community purposes. Completion of acquisition related investigations will enable a fuller understanding of the uses, building condition, and terms of current occupancy to establish a baseline condition for the Project portfolio.
35. During the period between acquisition and demolition followed by construction the Project portfolio will be managed in a way that does not prevent or hinder the Project nor adversely change the character intensity or scale of existing use of the land. Acquisition agreements may include arrangements to enable the owners to stay in occupation until the property is required for construction. In these circumstances the occupancy will be formalised under appropriate lease terms negotiated at the time of acquisition. Applications under sections 176 and 178 of the RMA from owners of properties affected by the subterranean land take will be assessed having regard to the impact of development proposals on the ability to deliver the Project. To date all such applications have been approved.
36. The overall approach to interim property management will be to manage the Project portfolio in a way which balances the need to ensure properties are available for the start of construction with the responsibilities to ratepayers, the surrounding

community and stakeholders to act in a financially, socially, and environmentally responsible way. This will be a matter of professional property management judgement, assessed property by property by reference to a range of factors, recognising that areas naturally change over time.

37. The overarching objective is to maintain the baseline condition of the Project portfolio as assessed at acquisition, to contribute to the current functioning of the area within which a property is situated by maintaining occupancy as far as reasonably practicable, and to engender confidence in the future of the area to maximise investment and the place making opportunities that the Project provides.

Property Management Strategy

38. Work is currently underway to formally document a Property Management Strategy (the Strategy) to provide a framework for the interim management of the Project portfolio. The purpose of the Strategy is to provide guidance to Auckland Transport as Requiring Authority and Auckland Council Property Limited as the property manager responsible for the day to day management of the portfolio. The intention is that the Strategy will provide confidence to occupants, adjoining property owners, the community and other stakeholders that the properties are managed responsibly pending construction.
39. The Strategy will outline key objectives and principles, roles and responsibilities, and property management processes including annual inspections, occupancy and maintenance planning, leasing and licensing, and reporting on and monitoring against key performance indicators related to maximising occupancy and maintaining the baseline condition within acceptable financial parameters.

Place Based Approach

40. The Strategy will be underpinned by a ‘place-based approach’ which recognises that the way in which property is managed can have an impact beyond its boundaries and can contribute to broader place making objectives. By ‘place-based’ Auckland Transport means interim property management which:
- (a) Is consistent with and contributes toward Auckland Council’s commitment to place making as outlined in the Auckland Plan, City Centre Master Plan and other strategic plans;
 - (b) Understands the place, in which the property is situated, the elements which make a place successful, and recognises that an individual property sits within a building or site, a street, a neighbourhood and a community and that good quality property management can contribute to the neighbourhood and wider community;
 - (c) Contributes toward effective stakeholder engagement (occupiers, adjacent property owners, local business associations, community groups and the wider community);
 - (d) Identifies and attracts innovative opportunities for the interim use of available space on acceptable terms that reflect the needs of the Project to be fiscally prudent whilst supporting neighbouring communities by maintaining and attracting economic and social vitality;
 - (e) Integrates interim property management with post project opportunities to renew and improve the Project areas; and

(f) Is led by a Place Manager, a single point of accountability, who understands the importance of place, and is responsible for the delivery of successful integrated professional property management throughout the Project's lifecycle.

Key Objectives and Principles

41. The key objective of the Strategy is to ensure that the Project portfolio does not deteriorate to the detriment of the surrounding places. This objective is to be achieved through the provision of clear direction, clear responsibilities and accountabilities, and a consistent approach throughout the property lifecycle from acquisition, interim property management, through to remediation and integration into the surrounding urban realm.
42. The key principles underpinning the Strategy are:
 - (a) Integration; ensuring that all those involved with the Project portfolio work in an integrated manner toward the outcomes outlined in the Strategy.
 - (b) Best Practice Proactive Property Management underpinned by quality condition data which benchmarks the condition of all properties in the portfolio from the time of acquisition.
 - (c) Consistency and Accountability in approach.
 - (d) Financial Social and Environmental Responsibility.

Roles and Responsibilities

The Place Manager

43. Auckland Transport as Requiring Authority will be responsible for the successful delivery of the Strategy under the direct

management of a Place Manager appointed by Auckland Transport. The Place Manager will be responsible for the implementation of the Strategy and monitoring of key performance indicators relating to building condition, occupancy and stakeholder engagement. Auckland Council Property Limited will be responsible under an existing service level agreement with Auckland Transport for the day to day management of the portfolio.

44. The Place Manager will meet regularly with key stakeholder groups such as the Waitemata and Albert-Eden Local Boards, Karangahape and Eden Terrace Business Associations, Heart of the City, residents groups, land owners, body corporates and occupiers to provide information, share ideas and develop joint initiatives to contribute to successful interim property management of the Project portfolio.

Methods to Maintain Baseline Condition

45. Investigations during the acquisition process will establish the baseline condition of each property. Clear and accurate records will be made of the condition of the property by experts in building construction compliance and facility management. A photographic record of the site, any buildings and the immediate surrounding area will be taken. This will benchmark the condition of the property as at the date of acquisition and enable Auckland Transport to scope the appropriate occupancy and maintenance plan for the property pending construction.
46. After each property is acquired the Place Manager will develop a comprehensive property plan for each property which will incorporate all property information held, and outline an occupancy and maintenance plan for the period from acquisition until the programmed construction start. Auckland Council Property Limited will be required to manage the Project portfolio in accordance with the Strategy and the property plans. The

property plans will be reviewed annually by the Place Manager in consultation with the Auckland Council Property Limited Portfolio Manager.

47. An annual Planned Maintenance Programme will be prepared for the Project portfolio based on the property plans, regular timetabled inspections, and monitoring of building condition until construction. This will support the programming, monitoring and management of repairs in a timely, fiscally prudent and professional manner.
48. The Place Manager, Auckland Transport Manager Property Management and Auckland Council Property Limited Property Portfolio Manager will meet monthly to discuss the implementation of the Strategy and will undertake a quarterly site visit of the Project portfolio to assess the success of this strategy and agree any changes to ensure the objectives are met.
49. Keeping properties occupied will be a priority and where possible existing occupiers will be encouraged to remain in occupation until construction commences. In situations where occupiers cannot be secured the property will be kept in a clean and tidy condition suitable for occupation. In situations where, after a full assessment of all options, it is not fiscally prudent to retain a building having regard to costs of repair and the timeframe for construction, or safety and compliance issues it may be sensible to demolish a building.
50. If demolition is necessary the site will be cleared and made secure, safe, clean and tidy. In these circumstances Auckland Transport will explore all reasonable methods to maintain amenity having regard to the particular property and its location and the cost of any interim measures to maintain amenity.

Masterplanning

51. In terms of the future use of the land following Project completion, the Auckland Plan City Centre Masterplan, and Precinct Plans under development by Auckland Council will provide strategic direction for redevelopment of the land within the Project footprint and zone of influence.
52. Masterplanning work undertaken as part of the Project will provide for integration of the underground stations, and tunnel infrastructure into the above ground and surrounding public realm, and the remediation of land disturbed in the course of construction, guided by the Urban Design Framework. The masterplanning work will be managed under a separate Urban Integration Strategy guided by the Urban Design Framework.

CONCLUSION

53. The Project has a number of elements which provide certainty to property owners and occupiers and the wider community regarding the impact of the Project on properties.
54. Lodgement of the NoR in itself provides certainty as to the property within the Project footprint.
55. The land acquisition programme is well defined and funded.
56. The Auckland Council Long Term Plan (2012-2022) provides funding for property purchase over the years 2013 to 2015 to enable property purchases to be completed.
57. Auckland Transport has on several occasions since July 2012 provided information to land owners on the Project including the programme, planning and land acquisition processes.
58. Since information sessions with landowners in September 2012 Auckland Transport has responded to owners who have

approached the organisation requesting early purchase due to personal circumstances. Two commercial properties have been acquired and 22 negotiations are under way. Within the next quarter invitations will be issued to other landowners to commence negotiations.

- 59.. Applications from property owners wishing to develop properties impacted by the subterranean land take have been and will continue to be considered in a timely manner to enable development proposals to progress where these do not hinder the delivery of the Project.
60. The overall approach to interim property management will be to manage the Project portfolio in a way which balances the need to ensure properties are available for the start of construction with the responsibilities to ratepayers, the surrounding community and stakeholders to act in a financially, socially, and environmentally responsible way. This will be a matter of professional property management judgement assessed property by property by reference to a range of factors, recognising that areas naturally change over time.
61. Implementation of a place based approach to interim property management through the appointment of a Place Manager will provide a single point of accountability for maintaining properties at a baseline condition and occupancy to the fullest extent possible.
62. The aspirations for future use of the areas directly affected by the Project are articulated in the Auckland Plan and City Centre Masterplan. Precinct Plans for the Karangahape Road and Newton areas are currently being developed by Auckland Council. These strategic documents envisage transit orientated developments and recognise the relationship between delivery of a rail project which increases transport capacity within the region and place making opportunities.

63. Masterplanning for the integration of the underground stations and tunnel infrastructure and remediation and improvement of the construction yard areas forms part of the Project design work currently being advanced and enables the scoping of post construction development opportunities.
64. The above range of measures will support the on-going functioning of the areas directly impacted by the Project and address potential blighting effects in a practical and responsible manner.

Deborah Godinet

2 July 2013

The Project land impacts are summarised in the hectare and percentage values below.

Every attempt has been made to avoid any double counting of land values where properties are listed in more than one NoR

The values exclude areas identified in NoR 3.

Land impacts by percentage

72% Total tunnelling where no private land owners are displaced

24% Private land affected, with some potential for future redevelopment

50% is Council land

22% Private land running tunnels (TBM)

| | Land impact by Hectares | Tunnel land impact | Surface land impacts | Council land AT & AC | Private land surface (NoR1 to NoR 6) | Private running tunnel land |
|---|----------------------------|-----------------------|-------------------------|-------------------------|---|-----------------------------------|
| AT Road surface cut and cover | 7.76 | 29.5% | | 29.5% | | |
| AT Road substrata - running tunnels | 4.66 | 17.7% | | 17.7% | | |
| Crown (NITA Central Motorway Junction) sub-strata | 0.89 | 3.4% | | | | |
| Private land sub-strata | 5.71 | 21.7% | | | | 21.7% |
| | Tunnel land | 19.02 | | | | |
| AC Commercial land - surface | 0.85 | | 3.2% | 3.2% | | |
| NZ Railway Corp- surface | 0.02 | | 0.1% | | | |
| Dept. of Corrections - surface | 0.11 | | 0.4% | | | |
| Private land surface (NoR1 to NoR 5) | 1.94 | | 7.4% | | 7.4% | |
| Private land surface (NoR 6) | 4.36 | | 16.6% | | 16.6% | |
| | Surface impacts | 7.28 | 72% | 28% | 50% | 24% |
| | | | | | | 22% |