



12 July 2021

Matthew Hooton

By email: fyi-request-15615-a02cd2b6@requests.fyi.org.nz

City Rail Link (CRL) – Official Information Act Request

We refer to our correspondence of 9 June 2021 in relation to your LGOIMA request to Auckland Council and the Minister of Finance with respect to the “costs of securing subsurface rights for the City Rail Link” which has been transferred to CRL by Auckland Council to respond to.

As per our correspondence of 29 June 2021, CRL was formed on 1 July 2017. Auckland Transport will be providing you with a separate response to amounts paid or agreed to be paid prior to that time as per the partial transfer of the request.

Information

Please see our comments with respect to each Item below.

Item 1: *The total cost already paid or agreed to be paid by CRL for subsurface rights, up until 11.59pm on 28 May 2021.*

Response: The total cost already paid or agreed to be paid for subsurface rights by CRL from 1 July 2017 up until 28 May 2021 is **\$12,584,047** (rounded) which relates to **64** subsurface properties.

Notes regarding this figure:

- 1. This figure includes the total paid, or agreed to be paid, for subsurface rights including payments in accordance with Sections 62 and 72C of the Public Works Act and includes subsurface land acquired where compensation has been agreed in full and final as well as advance compensation payments where final compensation is yet to be agreed or determined.*
- 2. This figure also includes landowners’ consultants’ costs which have been reimbursed under Sections 66 and 76 of the Public Works Act, both under acquisition agreements and as separate reimbursement claims processes where subsurface rights have not yet been acquired.*
- 3. This figure is exclusive of GST but note the GST treatment on any individual transaction is dependent on the GST position of the other party and different categories of compensation.*
- 4. The figure does not include sums relating to eight properties where compensation was paid or agreed to be paid by Auckland Transport prior to 1 July 2017.*

Item 2: *The total costs paid by CRL for consultants and other external providers in relation to 1 above*

Response: As per your correspondence of 1 July 2021, we have put this item on hold at your request.

Items 3 and 4: CRL's total cost estimate of further subsurface rights, beyond those covered by Item 1 above, to allow the completion of the project

CRL's total cost estimate for consultants and other external providers in relation to 3 above

Response: As advised in our letter of 29 June 2021, estimates to respond to Items 3 and 4 in full do not exist.

There two categories of subsurface rights where compensation has not yet been fully determined or fully estimated. These groups are as follows:

- i) The first where land has been acquired or defined but compensation is still outstanding. This includes properties which have been acquired by Advance Compensation agreements or proclamation, as well as subsurface rights which are outstanding.
- ii) The second involves land required that is still subject to evaluations of the final tunnel position that will inform any estimates. We have not sought estimates of the professional fees to estimate the compensation yet - that figure could be estimated after we receive and review the results of the volumetric definition.

Item 3 – First Category

In relation to Item 3 and the first category, we can confirm that there are **18** properties where compensation has not yet been agreed or paid. These properties include subsurface land taken by Proclamation and land not yet acquired. The current estimate for compensation under Section 62 of the PWA for these properties is based on professional valuation advice is **\$1,731,825**.

Notes regarding this figure:

1. This figure does not include an estimate of s72C of the Public Works Act which is a statutory calculation once the subsurface land amount is determined.
2. This figure does not include an estimate of s66 of the Public Works Act which is dependent on costs incurred by landowners and claimed under this section.
3. This figure does not include an estimate to conclude compensation for properties where landowners have entered into Advance Compensation Agreements (13 Properties) and still have a right to make a further claim. The advance amount already paid on these properties is included in the response to Item 1 above. We do not hold an estimate for any further compensation in relation to these properties.
4. This figure is exclusive of GST but note the GST treatment on any individual transaction is dependent on the GST position of the other party and different categories of compensation.

Item 3 – Second Category

In relation to Item 3 and the second category, there are approximately 17 properties where the confirmed position of the tunnel is still being assessed and the land requirements have not yet been fully defined. As we have not received all of the technical advice and the valuation advice, we do not hold an estimate of compensation payable for these properties.

Item 4 – First and Second Category

In respect of item 4, we do not hold an estimate of costs for consultants and other providers in respect of either category as the costs are dependent on many factors including decisions by landowners and professional interactions necessary to progress and finalise acquisitions and compensation.

If you wish to discuss any of the above with us, please contact us at property@cityraillink.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of the above decisions. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely,

A handwritten signature in blue ink that reads "Richard Galli".

Rick Galli
Head of Property