## Before the Board of Inquiry Waterview Connection Project

in the matter of: the Resource Management Act 1991

and:

in the matter of: a Board of Inquiry appointed under s 149J of the

Resource Management Act 1991 to decide notices of requirement and resource consent applications by the NZ Transport Agency for the Waterview Connection

Project

Fourth supplementary evidence by Amelia Linzey on behalf of the **NZ Transport Agency** in response to the **Board's request**s for information

Dated: 16 March 2011

REFERENCE:

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# FOURTH SUPPLEMENTARY EVIDENCE BY AMELIA LINZEY ON BEHALF OF THE NZ TRANSPORT AGENCY IN RESPONSE TO THE BOARD'S REQUESTS FOR INFORMATION

#### INTRODUCTION

- 1 My full name is Amelia Joan Linzey. I refer the Board of Inquiry to the statement of my qualifications and experience set out in my first statement of evidence in chief (*EIC*) (dated 13 November 2010).
- I repeat the confirmation given in that statement that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court.

#### PURPOSE OF FOURTH SUPPLEMENTARY EVIDENCE

- This supplementary evidence primarily responds to the questions made by the Board of Inquiry (on 10 and 11 March 2011) seeking responses or further information in relation to the following:
  - 3.1 In respect of 51 Hendon Avenue, Owairaka, owned by Shima and Subhas Chand: 1
    - (a) Clarification of the **Project's** impacts on that property;
    - (b) Summary of communications in relation to that property; and
    - (c) Comment on the extent to which the adoption of Option 3 for the Southern Ventilation building would alleviate effects on that property, particularly the land take.
  - 3.2 The Board questioned the adequacy of consultation with the Chands (as owners of 51 Hendon Avenue) and other owners of Hendon Avenue, both in terms of quality and quantity;
  - 3.3 To what extent does the NZTA's proposal to mitigate the impacts of the Project on KiwiRail require impacts on the Chand property; and
  - 3.4 More generally, on the basis that the NZTA is proposing to mitigate the impacts on rail, by (amongst other things) providing a new rail corridor, the Board queried "whether NZTA has the ability to designate, that is as to whether that

At the Board hearing on 10 March 2011, Mr Subhas Chand appeared (who owns 51 Hendon Avenue) (Submitter No. 135), together with Mr Rupen Chand (Submitter No. 218).

## land is reasonably necessary to meet the objectives of NZTA $^{\prime\prime}$ $^2$

- In addition, in relation to representations given by Dr Jinhu Wu at the hearing on 9 March 2011, this evidence provides supplementary information and clarification on the land requirements of the designation on 103 and 105 Hendon Avenue and the property acquisition process with respect of those properties.
- Finally, in response to a query by Board Member Dunlop on 11 March 2011, this evidence provides a summary of 'whole property' acquisitions on the SH16 designation (Notice of Requirement 1).

### LAND REQUIREMENTS ON 51 HENDON AVENUE, OWAIRAKA

- The property at 51 Hendon Avenue, Owairaka is affected by both Notice of Requirement 5 (being substrata)<sup>3</sup> and Notice of Requirement 7 (surface designation).<sup>4</sup>
- 7 The property title is 697m<sup>2</sup> and the proposed land requirements for the Project designations are as follows:
  - 7.1 A subsoil or substrata designation, that pertains to land 7m below ground level, over an area of 84m<sup>2</sup>. This area is defined as that area from the rear boundary that extends underground 4.53m into the site on the southern side and 6.65m into the site on the northern side boundary;
  - 7.2 A surface designation area of 175m<sup>2</sup>, being the land on the surface defined as that area from the rear boundary that extends into the site 11.36m on the southern side and 11.53m on the northern side boundary.
- As the substrata designated area falls entirely within the surface designation on this property, the purchase of land for the surface designation includes the substrata designation requirement.<sup>5</sup>
- 9 The designation and acquisition (purchase) is required for this property for the following reasons:

Board of Inquiry Chair, Judge Newhook, 11 March 2011, Transcript page 1447, lines 5-8.

Property 17.13 on Notice of Requirement 5 Plans – Sheet 5.

<sup>&</sup>lt;sup>4</sup> Property 17.13 on Notice of Requirement 7 Plans – Sheet 1.

That is because the surface designation goes down to the centre of the earth (including the substrata area required).

- 9.1 Occupation during construction of the proposed temporary sportsfield<sup>6</sup> (and accessway), followed by occupation and use for Construction Yard 8. Activities for Construction Yard 8 include material storage, staff parking and lay-down area, stormwater management, site access (as per the activities identified in F.6 Construction Yard Plans Yard 8, Plan 108, and pages 5.53 5.54 of the AEE). This Yard has been identified specifically for mechanical and electrical works associated with the tunnel operating systems.
- 9.2 Following construction (i.e. operational phase), the initial use of the land was identified for temporary sportsfield replacement including vehicle access, with the longer term use of this area for the 'replacement rail corridor' to mitigate the impacts on rail (as shown on Sheet 219 of F.16 Urban Design and Landscape Plans).
- 9.3 Since lodgement of the Project, further review and design has been undertaken by the NZTA on the Southern Ventilation building which, in turn, has amended the design for temporary sportsfields in this area (as shown on Sheet 219 provided in Annexure B of the rebuttal evidence of Ms Lynne Hancock). However, a requirement for the interim use of land remains as it includes vehicle access and parking for the replacement 'rail-lease' sportsfield, with longer term use of this area for the replacement rail corridor.
- 10 **Combined**, the works (the establishment of temporary sportsfields and access to these fields, followed by occupation of land for Construction Yard 8) would extend over the majority of construction period (between five and seven years). In those circumstances, complete purchase of the affected land (rather than temporary occupation) was considered warranted by the NZTA.

#### **CONSULTATION - 51 HENDON AVENUE**

- The following section of my evidence provides specific comment and records in relation to consultation and communication undertaken with 51 Hendon Avenue. (A subsequent section of my evidence addresses general consultation in respect of Hendon Avenue and Owairaka residents).
- 12 From **the Project's** consultation database, the following provides a chronology of consultation documentation provided to 51 Hendon Avenue (from oldest to most recent).

It is noted that if a financial equivalent payment is made to the Auckland Council instead of the creation of this temporary field, this use would not be required (as provided in proposed Condition OS.8, in accordance with the 1 March 2011 Proposed Conditions, provided in Annexure A of the third supplementary evidence of Ms Amelia Linzey). However, the land requirement for Construction Yard 8 would remain.

- 13 Newsletters were sent to M and T Lee of 51 Hendon Avenue on the following:
  - 13.1 December 2003 (Newsletters 5 and 6);
  - 13.2 February 2004; and
  - 13.3 January 2006 (Newsletter 7).
- 14 From January 2006, the newsletters were sent to the 'owner/occupier' of 51 Hendon Avenue (i.e. in January 2006, May 2006, July 2006, November 2006, February 2008, and May 2009).
- Telephone consultation records indicate that in early 2009, phone conversations were **held with 'Tony / Nick' and then 'Nick'** regarding 51 Hendon Avenue. The phone calls are recorded as:
  - 15.1 'Purchase, impact on open space' (23 Jan 2009); and
  - 15.2 'Affect of options on properties' (10 February 2009).
- 16 File Notes from communication between representatives of the NZTA and Mr Chand indicate that he purchased the property at 51 Hendon Avenue in April 2009, though formal transfer of title was on 15 May 2009.
- 17 In May 2009<sup>7</sup>, a Project Newsletter was delivered to residents of the Project study area, advising of the Combined Surface Tunnel Option, this included a posted letter to the 'owner/occupier' of 51 Hendon Avenue. (A copy of this Newsletter is provided as **Annexure A**.)
- On 21 December 2009, door knocking was undertaken and it is confirmed that a letter was delivered to 51 Hendon Avenue. This letter (copy provided in **Annexure B**) advised that if the 'new proposal' that had been agreed by the NZTA Board (at its 17 December 2009 meeting) was confirmed, it "... may require all or part of your property in the future". If people had questions, they were encouraged to contact the Waterview Connection project team by phone or email.<sup>8</sup>
- 19 In August 2010, letters were sent to residents on Hendon Avenue inviting them to attend an information evening regarding the substrata tunnel and its potential effects on properties, and the process involved in underground property purpose for affected

<sup>&</sup>lt;sup>7</sup> The week 18 - 22 May 2009.

With respect of the property at 51 Hendon Avenue, this letter confirms the proposed rail alignment had not altered from May 2009, but that the previously open road section of the SH20 alignment that was running to the rear of this property was now in a deep tunnel and that the alignment of this tunnel was slightly to the north-east of the May 2009 alignment (beneath or in close proximity to the property).

- properties. (A copy of the letter sent to the Chands at their Stewart Road address is contained in **Annexure C**).
- An information evening was held on 12 August 2010 and records from that meeting were kept, including a note from discussions with Mr and Mrs Subhas and Shima Chand, confirming that they attended this meeting and that the NZTA was provided contact details (phone and email) for further information. The meeting notes recorded 'When are plans going to be provided? Owners want to extend their house asap'. At that time, plans were not available, but the Chands were advised (by phone) that these would be forthcoming (within two months) detailing specific land requirements.
- Following lodgement of the Project application with the EPA on 20 August 2010, the Chands were included in the notification area and it is recorded that a notification pack was provided to them by the EPA.
- A File Note from 5 October 2010 of a phone call between Mr Chand and representatives of The Property Group (TPG, the NZTA's property consultants) indicate that Mr Chand considered that he 'had always been told at NZTA's community meetings, that the Waterview Connection project does not affect his property'.

  Mr Chand also noted he did not want to sell any of his property and that he had not received anything from the EPA at that time.
- On 5 October 2010 a letter was sent to the Chands from TPG (Annexure D) in regards to the purchase of the property at 51 Hendon Avenue. This letter identified two forms of property impact: a sub-strata land requirement of 85m² and a surface land requirement area of 175m². The letter also stated "It is necessary to acquire the rear portion of your property been (sic) 175m² for Motorway and part of the tunnels will be beneath 175m² of land required". Plans were attached to that letter, as provided in Annexure D. These provide the total land area (on the coloured aerial photograph) and both the substrata and land requirement areas on two separate survey plans.
- On 25 November 2010, Mr Chand contacted the NZTA requesting information on the effects of the Project and land requirements from them. Following this communication, on 7 December 2010 a meeting was held with the Chands at 51 Hendon Avenue. At this meeting, the NZTA representatives (Mr Deepak Rama and Mr Rick Galli) and the Chands (Shima and Subhas Chand and Rupen Chand) discussed the potential effects of the Project on 51 Hendon Ave, including details on the Southern Ventilation Building, construction yard and realigned rail corridor.
- Following the meeting, a letter was personally delivered to the letterbox of 51 Hendon Avenue on 10 December 2010 by Mr Deepak Rama (**Annexure E**). This letter provided a copy of the earlier TPG letter 5 October 2010 (which Mr Chand claimed he had not

received), additional information from the Assessment of Environmental Effects (including relevant plans and a CD of the lodged documentation) and a Land Requirement Plan showing the "permanent land requirement" of 175m<sup>2</sup> and where it impacted the property.

- On 16 December 2010 there is a further File Note from TPG detailing a phone conversation with Mr Chand. In this phone call, Mr Chand claimed he did not know of the previous call from TPG (on 5 October), nor that he had received any earlier information regarding land requirements on the property at 51 Hendon Avenue.
- On 23 December 2010 a formal Notice of Desire to Acquire under section 18 of the Public Works Act 1981 was delivered to 51 Hendon Avenue by courier (the cover letter itself was dated 22 December 2010, **Annexure F**). Given that the substrata designation was wholly within the surface land requirement, the Notice of Desire only refers to the 175m² area of land as being required for motorway purposes.
- The file records indicate that attempts by TPG to discuss the impacts and land requirements for this property were also made in early February 2011. On 28 February 2011, a letter was sent by TPG reiterating the land acquisition programme and encouraging engagement in order to negotiate in good faith (**Annexure G**). 9
- On 2 March 2011, TPG confirmed in a file note that Mr Chand had agreed to access for a valuation of his property, both in respect of the land subject to the Notice of Desire and for the entire property. On 2 March 2011, TPG sought that this valuation be undertaken by Telfer Young (Auckland) Ltd.
- It is my understanding that the site visit for property valuation was undertaken by a Telfer Young valuer in the week of 8 March 2011.
- 31 Subhas and Rupen Chand appeared at the Board hearing on 10 March 2011.
- In summary, and on the basis of the above records, I do not accept:
  - 32.1 Mr Chand's statement at the Board hearing that he was advised only "yesterday" (being 9 March 2011), about the 11 metre land requirement from his property; 10

This letter also indicated the NZTA's intention to proceed shortly (within the next few months) with Notice of Intention from the Minister of Land Information pursuant to section 23 of the Public Works Act in respect of the property.

Mr Chand's answer to Judge Newhook question on 10 March 2011, page 1328 of the Transcript.

- 32.2 That the property will be reduced to '400m²'. The remaining property area is 521m²;
- 32.3 That "the main thing is from NZTA we were told our property's not going to be affected at all"; 12 or
- 32.4 That "we have not been receiving any letters from NZTA or EPA until the first letter we received was when Greg ... came a day before that letter was in December ... 15 or 16 ...". 13
- None of those statements are accurate. The amount of land take required of the Chands' property for the Project has been clearly explained to them, both in writing and in person, for many months now.

# IMPLICATIONS OF 'OPTION 3' ON THE PROPERTY AT 51 HENDON AVENUE

- As set out in my first supplementary evidence statement (28 February 2011), as a result of submissions and subsequent expert caucusing with submitters, three further options have been developed for the Southern Ventilation building (and consequently the stack location) in Alan Wood Reserve. Through the Hearing, 'Option 3' (Annexure C of my first supplementary evidence) has been identified as the 'preferred' of these options by submitters.
- While not developed to the same level of detailed design as the scheme design lodged with the application, it is considered that this design option has implications for 51 Hendon Avenue during both construction and operation. These are briefly discussed in turn.
- 36 For construction, the implications of 'Option 3' are as follows:
  - 36.1 This option shifts the Southern Ventilation building (and stack) some 70m to the south (towards Richardson Road). Following construction, the 'portal' for the tunnel also shifts some 70m to the south as a result of the Southern Ventilation building being partially below ground and forming an effective 'cut and cover' over what was previously open trench. During construction, no change would be made to the footprint of Construction Yard 9 (one of the main tunnel construction yards) as 'unaffected' land area adjoining the excavation would still be required (See F.5 Construction Scheme Plans, Sheet 17).
  - 36.2 As a result, Construction Yard 8 (which is proposed with an area of some 1ha adjoining Construction Yard 9) would retain

<sup>&</sup>lt;sup>11</sup> Mr Chand's comment, page 1328 of the Transcript.

<sup>&</sup>lt;sup>2</sup> Mr Chand's comment, page 1330 of the Transcript.

Mr Chand's comment, page 1333 of the Transcript.

the same southern boundary adjacent to Oakley Creek but could be reduced in length by 70 meters eastward commensurate with the movement of the Southern Ventilation building under Option 3 (subject to confirming the relocation of the proposed construction stormwater pond in this yard). This would reduce the western extent of the Construction Yard 8 boundary to approximately Chainage 1970. However, this reduction would not reduce its extent on the boundary of 51 Hendon Avenue.<sup>14</sup>

- 36.3 For the reasons set out in paragraph 9.1 above, it is expected that Construction Yard 8 would be used through to the completion of the construction works. As this is anticipated to continue over a number of years, the original recommendation that the relevant area of the Chand property be purchased from the landowner would remain.
- For operation, the implications of 'Option 3' are as follows:
  - 37.1 Only those works associated with the land area for a future rail corridor would require this land area.
- As noted earlier, given the lengthy construction period during which the land would be required, a complete purchase of the land affected would still be warranted even if 'Option 3' was to be implemented.

# CONSULTATION ON THE EFFECTS OF THE PROJECT IN OWAIRAKA

- This section of my evidence addresses the Board's request for further information concerning the consultation undertaken with Hendon Avenue residents.
- A full overview of the consultation undertaken on the Waterview Connection Project is provided in Part E.5 of the AEE. For the purpose of brevity, this section of my evidence will **only** relate to the consultation undertaken on the Combined Surface Tunnel (CST) Option which was confirmed by the NZTA Board as the preferred option for the Waterview Connection Project, in May 2009.
- As noted earlier (paragraph 17), a Project Newsletter #9 was distributed to all parties on the Project mailing list and delivered to streets surrounding the Project, including Hendon Avenue, Methuen Road, Valonia Street and Bollard Avenue. A copy of Newsletter #9 is provided as **Annexure A** (extracted from Appendix A of Part E.5 of the AEE).

This reduction would to some extent reduce the impact in the 'open space pinch point' referred to in discussions during the Hearing.

- This Newsletter informed the public about **the 'CST Option' and** invited participants to attend the Open Days, including one on 2 June 2009 at Owairaka Primary School. This newsletter also showed the proposed rail corridor and open road in Alan Wood.
- Section 6.3.3 of Part E.5 provides a summary of the feedback from the consultation undertaken in May August 2009.
- Following this consultation, in January 2010 a further media release and notification on the email database was made. Project Expos were held in March 2010, specifically in Owairaka, 13 March 2010 (as per 6.5.2.1 of Part E.5 Consultation Summary Report).
- As set out in my rebuttal evidence, <sup>15</sup> there were a number of elements of the Project that changed between the concepts presented in March 2010 and those that were lodged with the designation and consent applications. These key changes are set out in my earlier evidence and are not repeated here.
- The **future** 'rail corridor' **land was identified** to the east of the SH20 alignment on a similar corridor to that shown for the current Project.
- In September 2010, following lodgement of the Project, a media release (including newspaper and media advertising) and an email database update advised of further expos to inform residents on the Project as lodged. Information presented at these expos included a "fly through" of the Project, detailed designation plans and presentations from various experts regarding the effects of the Project. The expo in the Owairaka area was held at Owairaka District School on 18 September 2010. Copies of the designation (F.00 Notice of Requirement Plans), Operational Scheme Plans (part F.2 of the AEE) and Construction Scheme Plans (part F.5 of the AEE) and the landscape plans (part F.16 Urban Design and Landscape Plans) were available for review at these expos.
- In my opinion, consultation on the Project with the Hendon Avenue residents, in terms of both quality and quantity, was appropriate. While it is acknowledged that the Project did change as a result of consultation, both from May 2009 and December 2009 and between March 2010 and the lodged proposal (August 2010), I do not consider this detracts from this conclusion. This is a very large Project and consultation and design development are necessarily iterative and responsive processes.

Amelia Linzey (planning) rebuttal evidence (No. 33), paragraphs 30 and 31 which specifically address the changes made to the Project between March 2010 and the lodged plans in respect of the southern ventilation building and associated open space areas.

# LAND REQUIREMENTS AND ACQUISITION FROM 103 AND 105 HENDON AVENUE

- Dr Jinhu Wu appeared at the Board hearing on 9 March 2011. He lives in the front dwelling of 103 Hendon Avenue.
- The properties at 103 and 105 Hendon Avenue, Owairaka are affected by Notice of Requirement 7 (surface designation). <sup>16</sup> Both properties are currently subdivided as a Cross Lease with the front and rear dwellings holding undivided half shares in the entire lot, including a common area for access to the rear dwelling.
- While both lots are held as undivided half shares, the front and rear dwellings have rights of exclusive use to the area surrounding that dwelling. **Annexure H** shows the proposed designation line and the indicative demarcation of exclusive use in relation to 103 and 105 Hendon Avenue.
- The NZTA owns the rear dwellings of both properties. The front dwelling of 103 Hendon Avenue is owned by Jinhu Wu and R Zhao and the front dwelling of 105 Hendon Avenue is owned by the Maleks.
- The property negotiations currently being progressed in relation to the front dwellings on those lots are based on:
  - 53.1 The NZTA acquiring the portion of Wu and Zhao and the Maleks' half shares in those areas of 103 and 105 Hendon Avenue that are within the designation (being 280m<sup>2</sup> and 282m<sup>2</sup> respectively);
  - 53.2 In exchange for the NZTA's half share in the balance of the lot.
- Annexure H also demonstrates the Before and After property negotiation process. As a result of this process, the owners of the front dwellings of both 103 and 105 Hendon Avenue (Wu and Zhao and the Maleks) will derive a net property benefit from the establishment of a fee simple title for an area larger than their current area of exclusive use, not subject to any leases and with no shared common area.

Property 17.30 and 17.32 on Notice of Requirement 7 Plans - Sheet 1.

# PROPERTY ACQUISITION FOR NOTICE OF REQUIREMENT 1 DESIGNATION

- During the appearance of Mr and Mrs Lewis at the hearing on 11 March 2011, Board Member Mr Dunlop, <sup>17</sup> asked if there were other properties along the SH16 designation (Notice of Requirement 1) similarly affected where the designation of the property indicates a 'partial land requirement', but the extent of impact of this requirement is significant (e.g. impacts on living areas or buildings on the property). I confirm that there are other properties and, in these cases, I understand that a complete purchase of the property is being offered (as is the case with the Lewis' property).
- In summary, this offer of full purchase is being made to the owners of the following properties:
  - 56.1 3 and 10 McCormick Road, Te Atatu;
  - 56.2 11, 15, 17A, 23 and 25 Marewa Street (in the case of 17A and 25 Marewa Street, I understand agreement has been reached);
  - 56.3 15 (comprising 4 units), 16 and 17 Milich Terrace.

#### THE REPLACEMENT RAIL CORRIDOR AND DESIGNATION

- 57 The Board has sought clarification on the extent to which the designation sought for the Project has been defined by the need to protect the future rail corridor<sup>18</sup>.
- The Waterview Connection Project requires land from the existing Avondale-Southdown Rail designation and corridor and it is accepted that this is an effect of the Project. To mitigate this effect, the Project has sought to provide an integrated transport corridor solution for both the State highway and rail through Sector 9, including provision of an appropriate replacement rail corridor.
- The Future Rail Corridor is identified on F.7 Rail Alignment (AEE Part F) and is contained within the proposed surface designation (Notice of Requirement 7) from approximately Chainage 2040 through to Chainage 400 in the south. For ease of reference, those plans are provided in **Annexure I.**
- Within this approximately 1640m length of proposed alignment, there are two sections where the northern extent of the NZTA's designation corresponds to the northern boundary of the future rail corridor:

<sup>17</sup> Transcript on 11 March 2011 at page 1469.

Board of Inquiry Chair, Judge Newhook, 11 March 2011, Transcript page 1447, lines 5-8.

- 60.1 From approximately Chainage 2040 to approximately Chainage 1880 (which runs to the rear of properties 37 to 63 Hendon Avenue and includes properties 45A to 45D of Hendon Avenue) (Shown on Sheet 17); and
- 60.2 At approximately Chainage 1200, 5 Barrymore Road (Shown on Sheet 18).
- Throughout the designation, the land requirements to provide a replacement 'rail land corridor' were not the exclusive factor in setting the northern extent of the proposed designation. The only exception to this is the encroachment into 5 Barrymore Road at Chainage 1200 (a length of approximately 20m), a property owned by the NZTA.
- Important considerations (other than the rail corridor) which the NZTA has considered in determining the proposed designation boundary in this area of Sector 9 included:
  - 62.1 The degree of construction impacts, including the medium to long term requirements of land for Construction Yards 8 and 9 (which would extend more than three year period and potentially over five);
  - 62.2 The proximity of dwellings to high construction noise activities, particularly:
    - (a) Cutting / blasting through basalt material from approximate Chainage 1580 to Chainage 1395 (Shown on F.10 Geological Profile Sheets 329 and 335);
    - (b) Construction of the grout wall<sup>19</sup> extending some 23m northward from the proposed SH20 alignment from approximately Chainage 1810 to Chainage 1210 (shown on F.2 Operation Scheme Plans Sheets 17 and 18);
  - 62.3 From an operational perspective:
    - (a) Ongoing easement requirements for the grout wall (shown on F.2 Operation Scheme Plans Sheets 17 and 18) and stormwater drainage corridor (shown on F.14 Streamworks and Stormwater Discharge, Sheets 17 and 18);
    - (b) Appropriateness of minimum 20m separation distance from road carriageway for discharge of contaminants to air;

As described in the AEE (page 5.49), a grout curtain cut-off will be installed to limit groundwater flows into the southern portal area, both during construction and in the long term.

- (c) Operational noise impacts associated with new road alignment in areas where the road is not in trench cut from approximately Chainage 900 to Chainage 1350 (shown on F.3 Long Sections, Sheets 401 402);
- (d) Ensuring that properties affected by a partial land take retained outdoor living courts (particularly rear living areas) that would generally comply with the permitted activity standards of the District Plan; and
- (e) Managing flood risk by raising ground levels where, as a result of the Oakley Creek re-alignment and severance of surface water flows by the proposed alignment and rail corridor, localised ponding would otherwise occur.
- These are additional to the land requirements in order that the NZTA provide a replacement 'rail land corridor' to mitigate the impacts on KiwiRail's existing corridor.

Dated: 16 March 2011

Amelia Linzey

## **ANNEXURE A - PROJECT NEWSLETTER (MAY 2009)**





MAY 2009



# 20 WATERVIEW CONNECTION

## Completing the Western Ring Route - the Waterview Connection

The NZ Transport Agency (NZTA) has a new proposal to complete the Western Ring Route around Auckland by connecting SH20 to the Northwestern Motorway (SH16).

The proposal is a combined tunnel and surface option that is affordable within the current transport budget at about \$1.4b. There was no additional Government funding for the construction of the previous 2x2 tunnel scheme.

The project known as the Waterview Connection will begin where SH2O ends in Mt Roskill, travel through the suburbs of Mt Albert and Avondale and connect to SH16, adjacent to Great North Road.

The new proposal has a bored tunnel under New North Road and Avondale Heights and a cut and cover tunnel under Great North Road. In the south it will be built at surface like the neighbouring Mt Roskill motorway. It will be adjacent to an area already set aside for a rail line. (See map overleaf).

The motorway will have bus shoulders and capacity for three lanes in each direction. It will take four and a half years to build.

NZTA understands that the new proposal will have greater effects than the previous all-tunnel scheme. It has committed to work fairly and reasonably with the community to manage these effects and allowed for funding to achieve it.



Architect's impression of the tunnel portal at Avondale Heights looking south.

The project is critical to completing the Western Ring Route which will improve transport links for Aucklanders and businesses and provide more reliable travel time to Auckland International airport.

NZTA is now seeking your feedback on its new proposal for the Waterview Connection.

You can provide comment by using the

page of this booklet, by emailing us at waterview.connection@nzta.govt.nz or by visiting the project website www.waterviewconnection.co.nz

If English is not your first language we can organise a translation of this newsletter. Please contact us if you need this service. Ket te hiahiatia he kõrero anō ki te reo Māori? E mana'omia le tele o ni faamatalaga I le gagana Samoa? Ka mangaro koe I lelai atu au tuatua akamarama'anga I roto I te reo Maori Kuki Airani? Toe fema' uh a ngaahi fakamatala faka-Tonga? 您需要更多的中文有閱資訊嗎?

On 1 August 2008, Land Transport New Zealand and Transit New Zealand became the NZ Transport Agency. The NZ Transport Agency (NZTA) brings together the functions of Land Transport NZ and Transit to provide an integrated approach to transport planning, funding and delivery.

## Making the Waterview Connection

The 5.5km route will start where the SH20 Mt Roskill project ends at Maioro Street. A full diamond interchange will allow traffic to enter or exit the motorway in both directions.

It will go under Richardson Road and into Alan Wood Reserve where it will run alongside the existing rail designation. Although much of this area is seen as open space, it has already been set aside for a future rail line that would connect the south to Avondale.

The motorway would then pass underneath New North Road in a tunnel that would go 1.2 kms under Avondale Heights, emerging near the intersection of Blockhouse Bay and Great North Roads. See the section below on tunnelling under Avondale Heights.

After a short section in the open, it would be built in a tunnel under Great North Road to Waterview Park. An interchange would then connect it to the Northwestern Motorway (SH16).

The interchange at Waterview will allow traffic to move on motorway to motorway connections between SH20 and SH16 in both directions. All the current Great North Road connections with SH16 will remain.

SH16 will be widened between St Lukes and Te Atatu to accommodate extra traffic flows and allow for future improvements, such as priority lanes. The causeway which is sometimes flooded during spring tides will also be raised to improve road safety.

The opening of the Mt Roskill extension of SH20 means about 50,000 vehicles a day will be spilling into nearby streets. This is expected to rise to more than 60,000 in a few years. The Waterview Connection will keep through traffic off local roads.

# The Waterview Connection

- Completes the Western Ring Route
- 5.5km long
- Tunnelled under New North Road, Avondale Heights and Great North Road
- At surface in the south where it will be adjacent to land already set aside for rail
- NZTA committed to work with the community to manage adverse effects
- Compensation is available under the Public Works Act for any required properties including underground strata

# **Building under Great North Road**

Great North Road will remain open while the motorway is built in a tunnel under one side of the road at a time.

It will be built by excavating about 8 metres of soil and installing precast concrete tunnel segments. A concrete roof will be put on top. Great North Road will then be deviated above this tunnel while the other side of the road is built in short sections to maintain access to properties. Once complete, Great North Road will be replaced in its original position above the tunnel.

#### **Urban Form**

An urban design strategy will be created to consider how communities remain connected and provided with parks, pedestrian access ways and other facilities.

Landscaping and other environmental enhancement will be used to offset adverse project effects and where possible improve existing local amenities such as the extension of the cycleway beside SH20 at Mt Roskill to SH16.

## **Managing Effects**

The motorway will be built to meet all relevant national standards to manage issues such as safety, noise, air quality, dust, stormwater and environmental management.

## Meet the project team

Event	Venue	Date/Time
Open Day	Owairaka Primary School	June 2, 3.30pm-8.30pm
Open Day	Waterview Methodist Church, Fir St	June 3, 3.30pm-8.30pm
Information Day	Waterview Methodist Church, Fir St	June 20, 10am-3pm
Information Day	Avondale Community Centre	July 4, 10am-3pm

## **Tunnelling under Avondale Heights**

At the northern end of Alan Wood Reserve, the motorway will descend into twin tunnels, one for each direction of traffic, which will travel below New North Road, Cradock and Powell Streets.

The tunnels will return to the surface near the intersection of Great North and Blockhouse Bay Roads. The tunnels will need ventilation of vehicle emissions.

They will be between 30 and 40 metres below residential areas and take over a year to build. They'll have first class standards of

lighting, ventilation, fire and safety features.

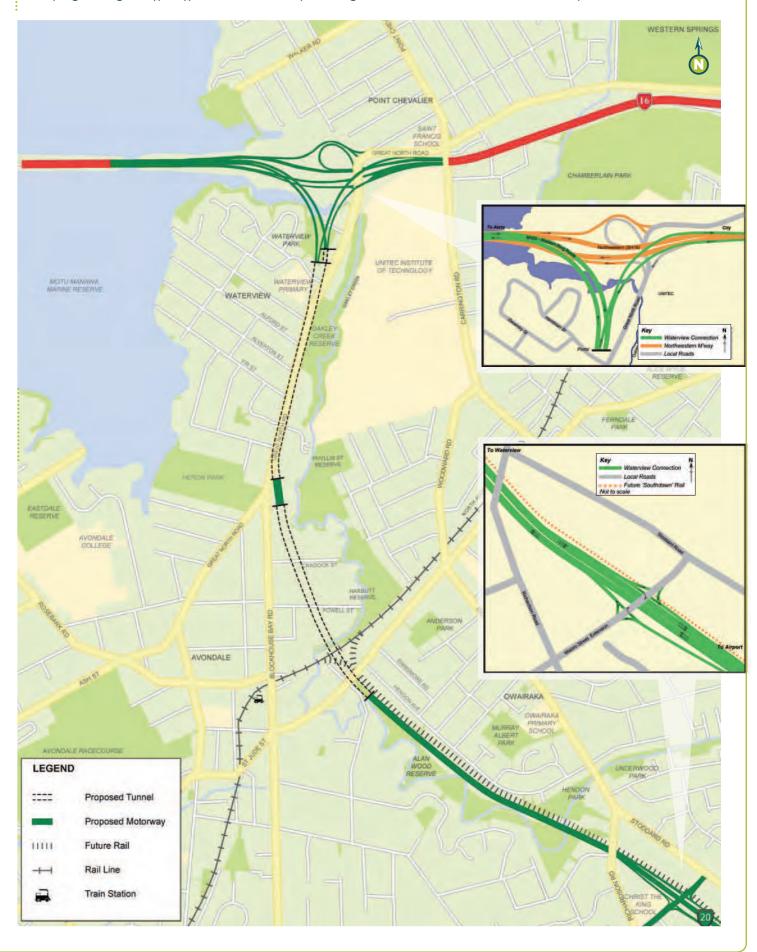
The tunnels will be bored with a machine called a road header, similar to the ones used to build the tunnels on the new tolled motorway near Orewa.

People living above the tunnel are unlikely

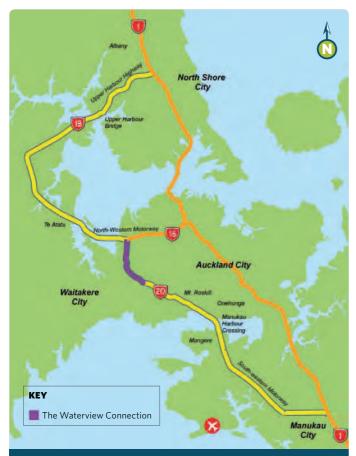
to notice the road headers working during construction and won't feel or hear anything once the tunnel is built. There will be some surface settlement. We will meet to discuss any concerns people who live above or near the tunnel may have about the work.

# Waterview Connection map

The Waterview Connection is a combined surface and tunnel proposal to complete the Western Ring Route, keeping through traffic off local streets and providing more reliable travel times to the airport.



## Western Ring Route



The Waterview Connection is the missing link in the Western Ring Route that will provide an alternative 48km motorway around Auckland that avoids the southern motorway and the Auckland Harbour Bridge.

## **Property Owners**

About 240 residential properties will need to be purchased between Mt Roskill and Waterview. NZTA will also need to negotiate the purchase of underground strata from about another 110 properties that will lie above the tunnel.

If you live on the proposed route you will be contacted directly by NZTA to explain in detail how you might be affected and answer any questions you may have.

NZTA aims to keep you fully informed and work with you to discuss your individual situation.

If you have not been contacted and believe you are directly affected, then contact the project team using the details provided below.

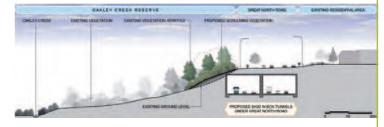
## **Construction Concepts**

Cross section views of how the road could look built at surface in Alan Wood Reserve and under Great North Road.

#### Alan Wood Reserve



#### **Great North Road**



## **The Western Ring Route:**

- One of seven Roads of National Significance
- A 48km motorway around Auckland to the west from Manukau to Albany
- Connects the Southwestern (SH20), Northwestern (SH16) and Upper Harbour (SH18) Highways
- An alternative to the Southern Motorway (SH1) and the the Auckland Harbour Bridge
- Better connects the west and the south of Auckland
- Provides a motorway link from the Auckland Central Business District to the airport
- Takes through traffic off local roads creating opportunities for passenger transport improvements
- Creates opportunities for employment development along the corridor, enabling more reliable and efficient transport of goods and services to boost the economy

Printed on environmentally sustainable paper. Please recycle.

#### For more information

**T** 09 368 2160

F 09 368 2059

**E** waterview.connection@nzta.govt.nz

www.nzta.govt.nz

P Waterview Connection Team, PO Box 6345, Wellesley St, Auckland 1141

W www.waterviewconnection.co.nz

# **Comment form**

NZTA wants to know your views on early completion of the Western Ring Route and how best local effects can be reduced and community facilities replaced or improved.

I O Support
Oppose
early completion of the Western Ring Route. My comments are:
The effects of the proposed option for the Waterview Connection that I am concerned about are:
My suggestions to reduce these effects are:
Tick any boxes that apply to you:
O I live in the project area
O I do not live in the project area
O I represent an organisation that has an interest in the project. Please specify:



Wellesley St Auckland 1141

NZTA

Waterview Connection Team

PO Box 6345

# FreePost Authority Number 100721

#### How to reply

Please return your completed form by July 31.

You can also fax it or email it using the contact details provided on the back page

Thanks for taking the time to provide your comments.

You				
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Name_			
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Email		

Address	

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#### **ANNEXURE B - NZTA LETTER DATED 21 DECEMBER 2009**

21 December 2009

Dear Property Owner/Resident

WATERVIEW CONNECTION PROJECT- Hendon Avenue Property Effects

The NZTA Board agreed at its meeting on 17 December to an altered alignment for the Waterview Connection project to connect SH20 at Mt Roskill to the Northwestern Motorway (SH16) at Waterview.

This new proposal, if confirmed, may require all or a part of your property in the future. Some of the land requirement may be for the railway line that has been proposed for many years to be built in the land behind you.

There is no immediate need for you to do anything. However, it will be important for us to keep in contact with you as our motorway project develops. You will probably have numerous questions about the project, how it affects you and your rights as a resident and/or landowner. We will aim to keep you fully informed.

Let us know how you would like us to communicate with you. We can talk to you on the phone or we can come and see you. You can contact the Waterview Connection project team at NZTA on 368-2000 or by email, waterview.connection@nzta.govt.nz.

In late February we will present more detail on the proposed scheme design to the community. Dates and times will be advertised locally. You can also visit the website www.waterviewconnection.co.nz for more information.

If you are not the property owner, please forward this letter to them, or contact us with their details. If you are a Housing New Zealand tenant, we have already advised HNZ and they will be in touch with you.

Yours sincerely

Clive Fuhr

Waterview Connection Principal Project Manager



#### **ANNEXURE C - NZTA LETTER DATED 6 AUGUST 2010**



Level 13, Qantas House 191 Queen Street Private Bag 106602 Auckland 1143 New Zealand T 64 9 969 9800 F 64 9 969 9813 www.nzta.govt.nz

6 August 2010

Subhas Chand & Shima Saileshni Chand 31 Stewart Road Mt Albert Auckland 1025

Dear Property owner,

#### PROPERTY INFORMATION EVENING - SH20 WATERVIEW CONNECTION TUNNELS

The NZ Transport Agency (NZTA) is planning an **INFORMATION EVENING** for property owners affected by the new SH20 Waterview Connection Tunnels.

# 6.30pm to 9pm on Thursday 12 August, Waterview Methodist Church Hall, Fir Street

The evening will provide key information about how the tunnels may affect your property and the process involved in underground property purchase for affected properties along the route.

The project team will be on hand to answer your questions and explain the approach to compensation for underground property purchase and your rights under the Public Works Act (PWA). We will also have experts on hand to discuss technical elements of the construction of tunnels and how these may impact your surface property.

You can find more information about the project at <a href="https://www.waterviewconnection.co.nz">www.waterviewconnection.co.nz</a> or call the Waterview team on 09 368 2001.

Form more information about property owners' rights under the PWA visit www.linz.govt.nz

If you are not the property owner, please forward this letter to them, or contact us with their details.

Yours sincerely,

Rick Galli

**Property Acquisitions Manager** 

Richard Galli

09 368 2004

#### **ANNEXURE D - TPG LETTER DATED 5 OCTOBER 2010**



5 October 2010

File Reference: CPC/2010/15444/A

Corporate Property Advisors and Negotiators ®

The Property Group Limited

Level 3, DLA Phillips Fox Tower

National Bank Centre

209 Queen Street, Auckland Central 1010

PO Box 104, Shortland Street, Auckland 1140

Auckland, New Zealand

Phone: 64-9-309 8531

Facsimile: 64-9-309 8902

Subhas Chand and Shima Saileshni Chand 51 Hendon Avenue Mt Albert AUCKLAND 1025

NZ TRANSPORT AGENCY: WESTERN RING ROUTE (ROADS OF NATIONAL SIGNIFICANCE) WATERVIEW CONNECTION PROJECT - 51 HENDON AVENUE, MT ALBERT, AUCKLAND

The Property Group Limited ("TPG") has been instructed by NZ Transport Agency ("NZTA") to contact you in regards to the purchase of part of your property at the above address for NZTA's Western Ring Route Roads of National Significance Waterview Connection Project.

The Property Group Limited is a company accredited by Land Information New Zealand ("LINZ") to undertake the acquisition and disposal of property under the Public Works Act 1981 ("PWA") on behalf of Crown agencies.

NZTA are proposing to construct two tunnels that will encase a three-lane motorway in each tunnel as part of the Waterview Connection project.

The tunnels run partially under the rear of your property and I have attached SO 434446 (Sheet 3 of 16) identifying 85m<sup>2</sup> as Section 15, showing highlighted pink, as the sub-strata land required for the tunnels.

Also attached is a Land Requirement Plan (Dated 27 September 2010) identifying 175m<sup>2</sup> of land at the rear of your property required for Motorway (as Section 5, showing highlighted Green).

It is necessary to acquire the rear portion of your property been 175m<sup>2</sup> for Motorway and part of the tunnels will be beneath 175m<sup>2</sup> of land required.

TPG's role is to negotiate the acquisition of the land required from your property in accordance with the PWA. It is our responsibility to advise you of the process involved in acquiring land under the PWA and to obtain the necessary acquisition agreements to purchase the land required. I have enclosed a copy of a booklet entitled "Landowners rights when the Crown wishes to acquire your Land for a Public Work" which outlines your rights under the PWA and advises you of my role as an accredited supplier in the process. Any agreement reached will be signed by LINZ on behalf of the Crown in accordance with the PWA.

The PWA covers your entitlement to compensation for the land required from your property. In summary, the entitlement to full compensation includes:

- Full compensation of the land required from your property;
- the reimbursement of your reasonable legal and valuation fees and costs incurred in negotiating the acquisition; Attached is a brochure entitled, "land purchase for public works" which sets out the process for the reimbursement of your costs incurred in negotiations.

We have instructed Telfer Young (Auckland) Limited, Registered Valuers, to provide us with a compensation assessment in terms of the PWA. We would like to arrange for Telfer Young (Auckland) Limited to inspect your property for the purposes of carrying out a compensation assessment in terms of the PWA.

Subject to NZTA securing a designation and consents for the project and acquiring all of the land required, the project is expected to commence late in 2011 and take approximately five years to complete.

We will contact you in the coming days to arrange a suitable time to meet to discuss the above in more detail and to respond to any concerns you may have. If you have any queries please do not hesitate to contact the writer.

Finally, we ask that you be aware that TPG is acting in this matter as a LINZ Accredited Supplier on the instructions of NZTA. We do not hold authority to bind the Crown or commit to a settlement. Any recommendation we may make for the purchase of your property will be subject to the approvals of both NZTA, as the authority responsible for the project, and LINZ on behalf of the Crown in terms of the PWA.

GLEN MCINTOSH

guzts.

Senior Property Consultant

DDI: 09 309 8521 Mobile: 027 451 0924

Email: gmcintosh@propertygroup.co.nz

encls







► Auckland Office

A: 8 Manukau Road Newmarket 1149 P: 09 524 7029 Hamilton Office

A: 58 Church Road Hamilton 3240

P: 07 849 9921 Te Awamutu Office

A: 103 Market Street Te Awamutu 3840 P: 07 871 6144

## LAND REQUIREMENT PLAN

(37 - 59 HENDON AVENUE, MT ROSKILL)

NZ TRANSPORT AGENCY Date: 27-09-10

Scale: 1:750 (A3 Original)

Job No: Revision: Page No:

K3303

1 of 6



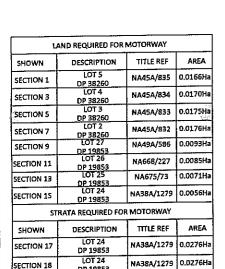
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RESTRICTIVE

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REMAINING LAND

DP 212106

Section 7 0,0176ha

Section 5-0.0175ha

Pt 3

DP 29969

NOTES:

SECTION 19

SECTION 20

SECTION 21

SECTION 22

SECTION 23

SECTION 24

- BEARING & COORDINATE DATUM - GEODETIC 2000 FALSE ORIGIN

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- BOUNDARIES ADOPTED FROM DP 19853 and DP 38260
- AREAS & DIMENSIONS SUBJECT TO FINAL SURVEY.



Planning | Surveying | Engineering

#### Auckland Office

A: 8 Manukau Road Newmarket 1149

P: 09 524 7029

Hamilton Office

A: 58 Church Road Hamilton 3240 P: 07 849 9921

#### Te Awamutu Office

A: 103 Market Street Te Awamutu 3840 P: 07 871 6144

## LAND REQUIREMENT PLAN

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(37 - 59 HENDON AVENUE, MT ROSKILL)

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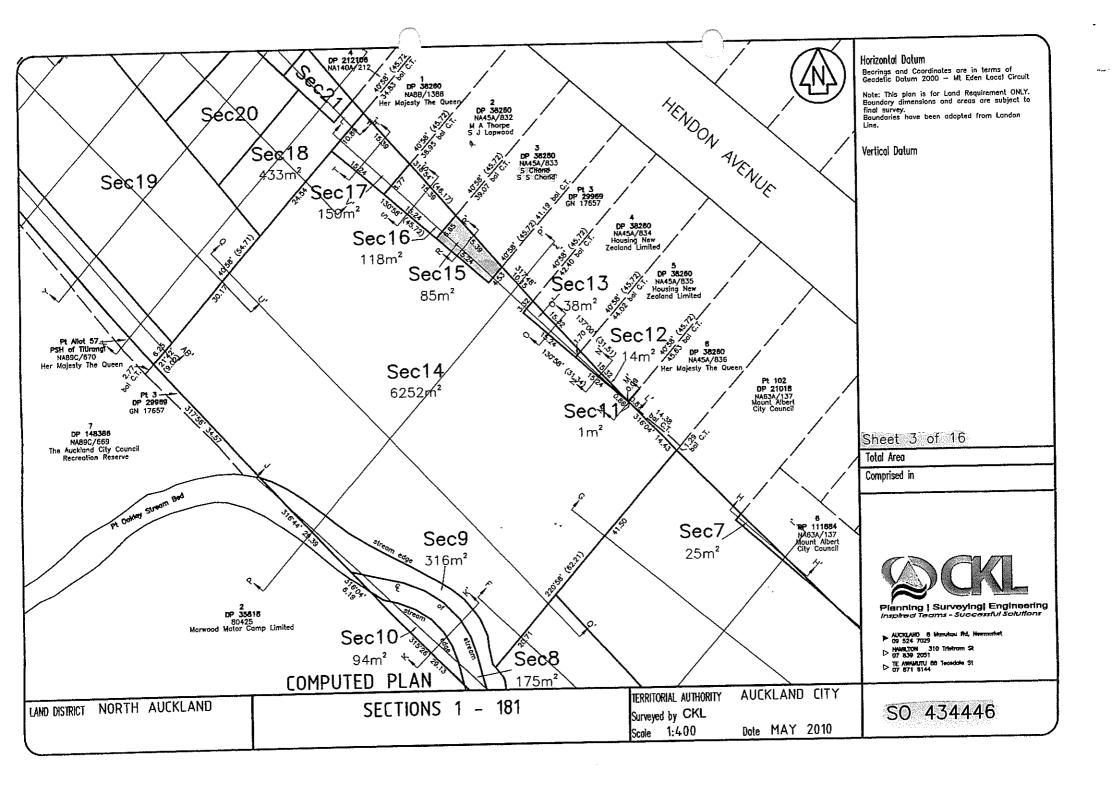
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Date: 27-09-10

(A3 Original)

Job No: K3303 Revision: **S8** 

Page No: 2 of 6



#### **ANNEXURE E - NZTA LETTER DATED 10 DECEMBER 2010**



10 December 2010 Mrs Shima Chand and Mr Subhas Chand 51 Hendon Avenue Mt Albert Auckland Level 13, Qantas House 191 Queen Street Private Bag 106602 Auckland 1143 New Zealand T 64 9 969 9800 F 64 9 969 9813 www.nzta.govt.nz

Dear Mr and Mrs Chand

We understand that you are concerned about potential effects of the Waterview Connection project on your property at 51 Hendon Avenue. The proposed designation which extends over part of 51 Hendon Avenue is required to accommodate the tunnel, southern ventilation building and stack, construction yard, and future Avondale Southdown rail corridor (please refer to attached plans).

To manage effects on residents during the construction period, we have developed a range of stringent management plans which will be put into place during construction, to ensure that effects such as noise, vibration, traffic and dust are managed to an acceptable level. Prior to the commencement of construction, a 24 hour toll free telephone number and email address for communication and complaints will be established, to ensure that residents can voice concerns during the project's construction.

Air quality modeling of the southern ventilation stack shows that the Project will have an insignificant effect local air quality, and the tunnel vents are designed to provide effective and efficient dispersion of vehicle emissions. Project emissions meet all air quality standards and guidelines, which are widely accepted as providing protection from health effects. Once the project is operational, air quality will be monitored for at least 24 months, to confirm that the Project meets these standards.

Noise modeling of the surface motorway was undertaken for properties along Hendon Avenue, up to 59 Hendon Avenue (as noise effects significantly diminish moving away from the proposed surface motorway). Noise levels are projected to be very similar when comparing a 'with project' and 'without project' scenario at this property, because a noise wall is proposed along the northern boundary of the motorway.

We are currently exploring options to mitigate the visual effects of the southern ventilation building and stack. This includes architectural design development to reduce the visual impact of these structures. This will be further determined during the Board of Inquiry Hearing.

Further to our meeting on the 7th of December please find attached evidence form Andre Walter and sections of the AEE providing justification for the location of the southern vent building and stack location and DVD's of the application lodged with the EPA and Evidence in Chief (please note the reports are in adobe format and therefore will require adobe software

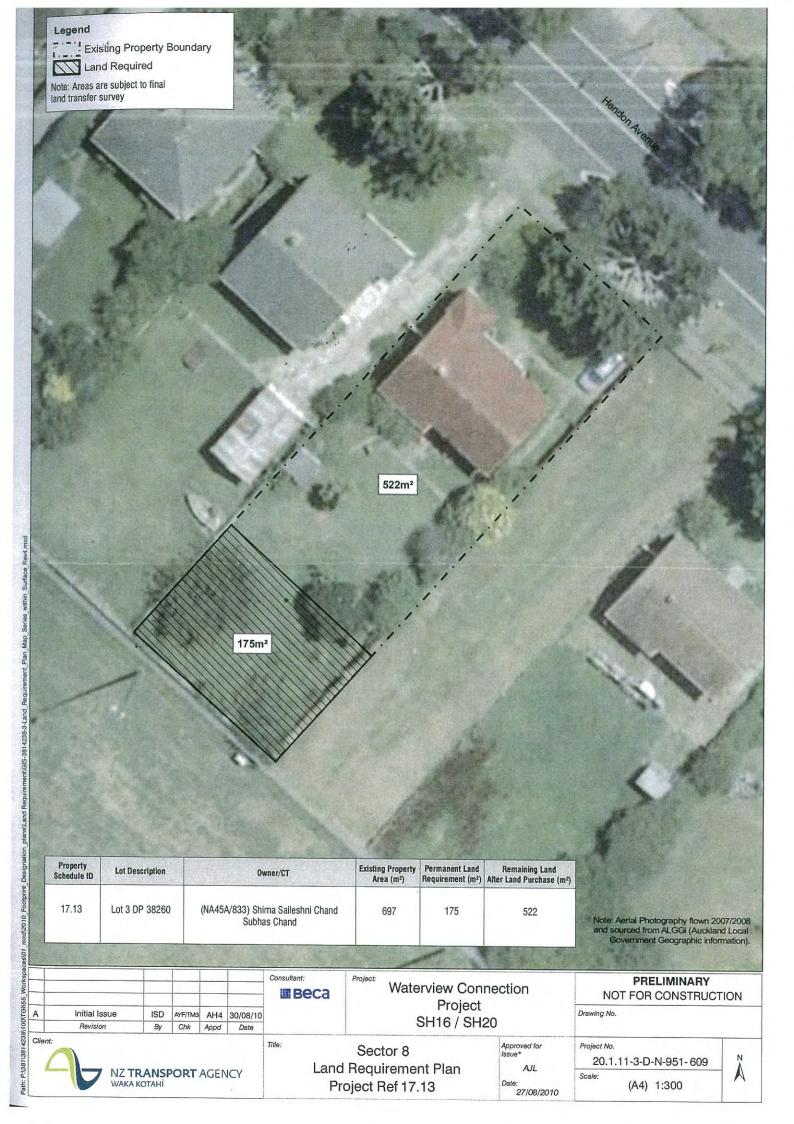
to be downloaded onto your computer in order to view the content of the DVD's). Also attached is the property information as per the discussion with Rick Galli.

Please do not hesitate to contact me if you have any further questions on 368-2014

Yours sincerely

Deepak Rama

Project Planner (Western Ring Route)



21 December 2009

Dear Property Owner/Resident

WATERVIEW CONNECTION PROJECT- Hendon Avenue Property Effects

The NZTA Board agreed at its meeting on 17 December to an altered alignment for the Waterview Connection project to connect SH20 at Mt Roskill to the Northwestern Motorway (SH16) at Waterview.

This new proposal, if confirmed, may require all or a part of your property in the future. Some of the land requirement may be for the railway line that has been proposed for many years to be built in the land behind you.

There is no immediate need for you to do anything. However, it will be important for us to keep in contact with you as our motorway project develops. You will probably have numerous questions about the project, how it affects you and your rights as a resident and/or landowner. We will aim to keep you fully informed.

Let us know how you would like us to communicate with you. We can talk to you on the phone or we can come and see you. You can contact the Waterview Connection project team at NZTA on 368-2000 or by email, waterview.connection@nzta.govt.nz.

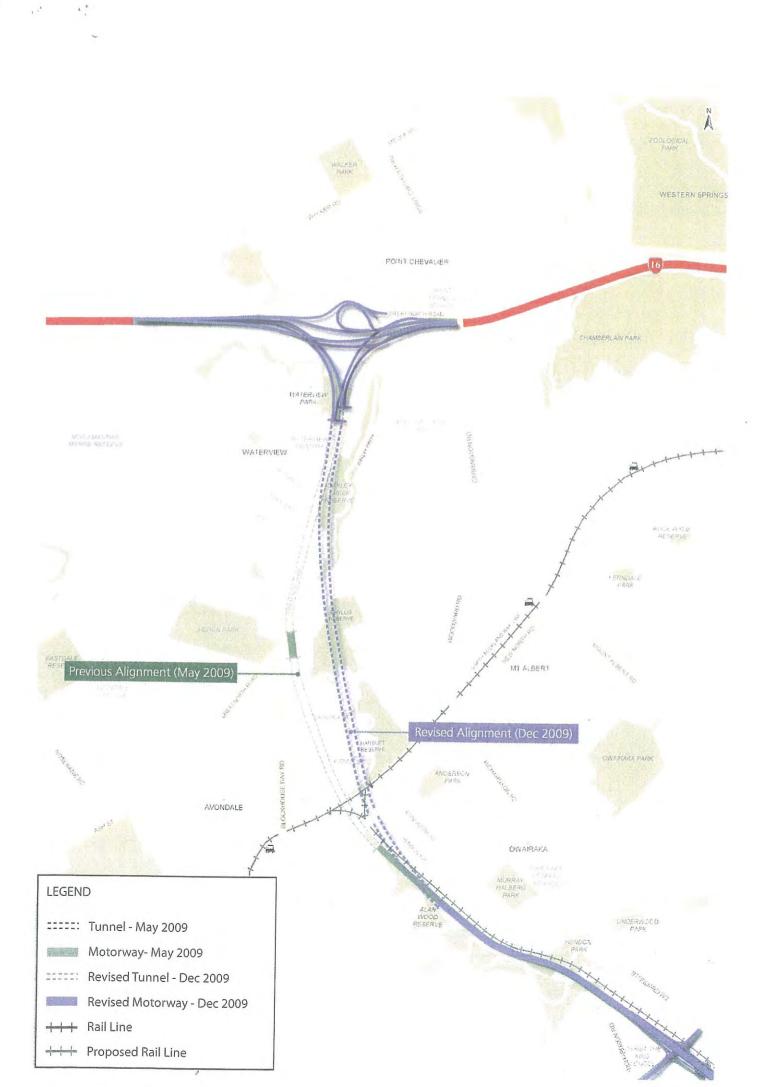
In late February we will present more detail on the proposed scheme design to the community. Dates and times will be advertised locally. You can also visit the website www.waterviewconnection.co.nz for more information.

If you are not the property owner, please forward this letter to them, or contact us with their details. If you are a Housing New Zealand tenant, we have already advised HNZ and they will be in touch with you.

Yours sincerely

Clive Fuhr

Waterview Connection Principal Project Manager



#### 11.6.9.2 Location of the Southern Portal

The location of the southern tunnel portals has sought to maximise the extent of tunnelling for the Project taking into account the geology of the area. In particular the portal location minimises the take of open space land and is in more favourable geology, which can result in reduced construction risk and a possible reduction in the duration of construction.

In confirming the location of the southern portal, options that increased the length of tunnel were not considered practicable as this design resulted in conflicts with the flood plain and Oakley Creek. To avoid these constraints, a more southern portal option would need to be located close to Richardson Road which would require the Project alignment to descend rapidly from the Maioro Street Interchange, resulting in steep north facing ramps for the interchange. In addition to cost issues, this design has potential safety limitations (e.g. the design is not considered appropriate for ramp signals).

### 11.6.9.3 Southern Ventilation System Building

The location of the southern ventilation building is above the southern portal, as an above ground structure (as described in the Project Description, Chapter 4 of this AEE). The option assessment considered a below ground structure (to minimise impacts on the open space land take and visual / amenity impacts). However, a below ground ventilation building would require a strong building structure, capable of withstanding lateral seismic loads transferred from the adjacent cut faces, and this significantly increases construction costs.

The location of the southern ventilation building is above the southern portal

#### 11.6.9.4 Grout Curtain

As a result of the geology, topography and hydrology of the area<sup>5</sup>, the groundwater table in the vicinity of the southern portal is relatively high (approximately 2m below ground level) and occurs as a perched water table within a basalt aquifer. Due to the fractured and jointed nature of the basalt, it has a relatively high permeability and without some form of barrier, large volumes of groundwater would flow into the portal excavation both during construction and during operation. This would, in the long term, result in excessive groundwater drawdown of the basalt aquifer which is an adverse effect. This drawdown would be costly and difficult to control by means of pumping. In addition, it may also result in excessive ground settlement for an extended distance away from the portal excavation with potential damage to surrounding buildings. On this basis, ongoing management (e.g. pumping) of the groundwater drawdown is not considered a practicable option.

Grout curtain
Is required to
control
groundwater
levels in the
long term

Mitigation options have concluded that a groundwater cut-off (a barrier to the groundwater flows) is therefore required around the perimeter of the portal excavation. In situations where basalt is not present this is practicably achieved by means of a secant pile or diaphragm wall. These methods however are not suitable where extremely strong rock such

<sup>&</sup>lt;sup>5</sup> In particular the basalt flows from Owairaka / Mount Albert, the relatively flat and low lying surrounded to the west and east by moderately (to steeply) sloping ground and Oakley Creek following a meandering path through the area and immediately to west of the proposed portal.



5 October 2010

File Reference: CPC/2010/15444/A

Corporate Property Advisors and Negotiators ®
The Property Group Limited
Level 3, DLA Phillips Fox Tower
National Bank Centre
209 Queen Street, Auckland Central 1010
PO Box 104, Shortland Street, Auckland 1140
Auckland, New Zealand
Phone: 64-9-309 8501
Facsimile: 64-9-309 8902

Subhas Chand and Shima Saileshni Chand 51 Hendon Avenue Mt Albert AUCKLAND 1025

NZ TRANSPORT AGENCY: WESTERN RING ROUTE (ROADS OF NATIONAL SIGNIFICANCE) WATERVIEW CONNECTION PROJECT - 51 HENDON AVENUE, MT ALBERT, AUCKLAND

The Property Group Limited ("TPG") has been instructed by NZ Transport Agency ("NZTA") to contact you in regards to the purchase of part of your property at the above address for NZTA's Western Ring Route Roads of National Significance Waterview Connection Project.

The Property Group Limited is a company accredited by Land Information New Zealand ("LINZ") to undertake the acquisition and disposal of property under the Public Works Act 1981 ("PWA") on behalf of Crown agencies.

NZTA are proposing to construct two tunnels that will encase a three-lane motorway in each tunnel as part of the Waterview Connection project.

The tunnels run partially under the rear of your property and I have attached SO 434446 (Sheet 3 of 16) identifying 85m<sup>2</sup> as Section 15, showing highlighted pink, as the sub-strata land required for the tunnels.

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It is necessary to acquire the rear portion of your property been 175m<sup>2</sup> for Motorway and part of the tunnels will be beneath 175m<sup>2</sup> of land required.

TPG's role is to negotiate the acquisition of the land required from your property in accordance with the PWA. It is our responsibility to advise you of the process involved in acquiring land under the PWA and to obtain the necessary acquisition agreements to purchase the land required. I have enclosed a copy of a booklet entitled "Landowners rights when the Crown wishes to acquire your Land for a Public Work" which outlines your rights under the PWA and advises you of my role as an accredited supplier in the process. Any agreement reached will be signed by LINZ on behalf of the Crown in accordance with the PWA.

The PWA covers your entitlement to compensation for the land required from your property. In summary, the entitlement to full compensation includes:

- Full compensation of the land required from your property;
- the reimbursement of your reasonable legal and valuation fees and costs incurred in negotiating the acquisition; Attached is a brochure entitled, "land purchase for public works" which sets out the process for the reimbursement of your costs incurred in negotiations.

We have instructed Telfer Young (Auckland) Limited, Registered Valuers, to provide us with a compensation assessment in terms of the PWA. We would like to arrange for Telfer Young (Auckland) Limited to inspect your property for the purposes of carrying out a compensation assessment in terms of the PWA.

Subject to NZTA securing a designation and consents for the project and acquiring all of the land required, the project is expected to commence late in 2011 and take approximately five years to complete.

We will contact you in the coming days to arrange a suitable time to meet to discuss the above in more detail and to respond to any concerns you may have. If you have any queries please do not hesitate to contact the writer.

Finally, we ask that you be aware that TPG is acting in this matter as a LINZ Accredited Supplier on the instructions of NZTA. We do not hold authority to bind the Crown or commit to a settlement. Any recommendation we may make for the purchase of your property will be subject to the approvals of both NZTA, as the authority responsible for the project, and LINZ on behalf of the Crown in terms of the PWA.

GLEN MCINTOSH

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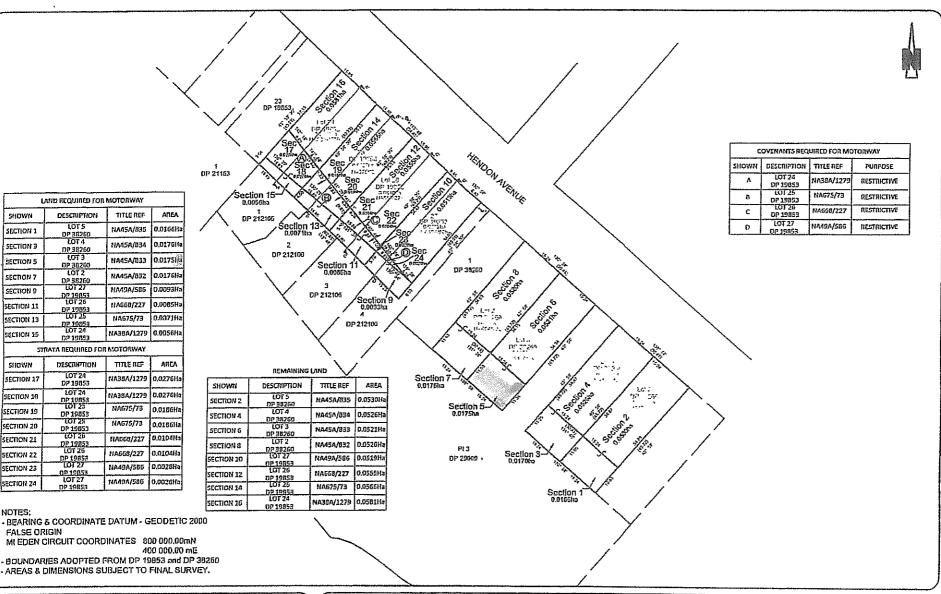
Senior Property Consultant

DDI: 09 309 8521 Mobile: 027 451 0924

Email: gmcintosh@propertygroup.co.nz

encls







SHOWN

SECTION 1

SECTION 3

SECTION S

SECTION 7

SECTION 9

SECTION 11

SECTION 13

SECTION 15

SHOWN

SECTION 17

SECTION 18

SECTION 19

SECTION 20

SECTION 21

SECTION 22

SECTION 23

SECTION 24

NOTES:

FALSE ORIGIN

DESCRIPTION

LOT 5

DP 98260

1,013

DP 38260 LOT 27

DF 1985

DP 19053 LOT 24 DP 19053

DESCRIPTION

DP 19853

DP 19853

DP 19053 COT 26 DP 19853 LOT 26

DP 19853

A: 8 Manulan Road Newmorket 1149 P: 09 524 7029 Hamilton Office

A: 50 Church Road Hamilton 3240 P: 07 E:10 9921

Te Awamulu Office

At 103 Market Street Te Awarenu 3840 Pr 07 871 6144

## LAND REQUIREMENT PLAN

(37 - 59 HENDON AVENUE, MT ROSKILL)

- P Shakeren

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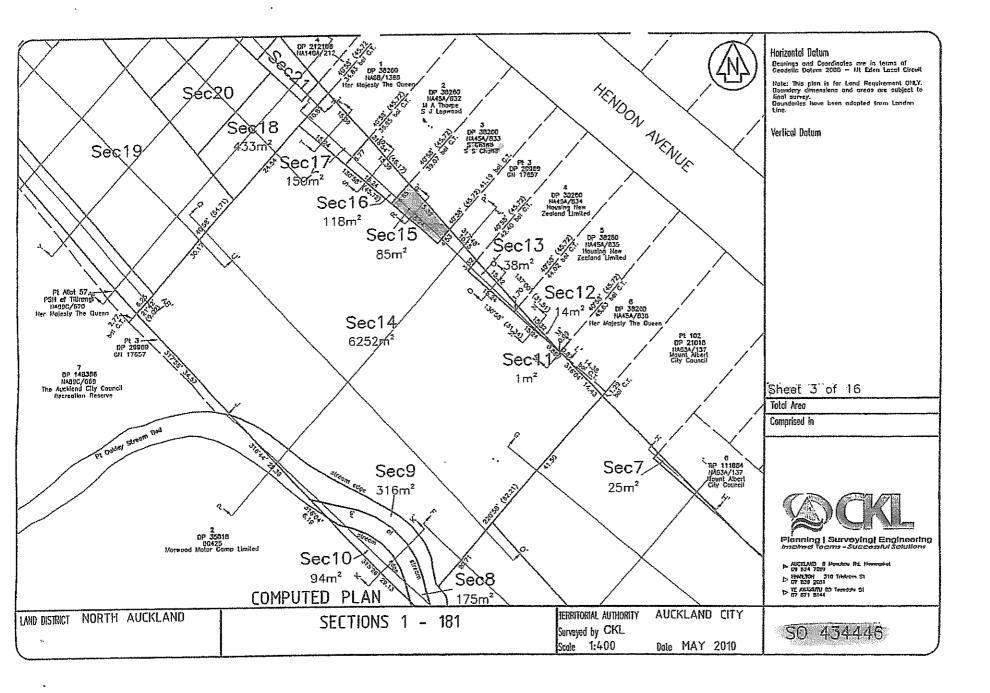
Job No:

Revision:

SB K3303

Page No: 2 of 6

Planning | Surveying | Engineering



### **ANNEXURE F - TPG LETTER DATED 22 DECEMBER 2010**



Corporate Property Advisors and Negotiators®

The Property Group Limited Level 3, DLA Phillips Fox Tower

National Bank Centre 209 Queen Street, Auckland Central 1010 PO Box 104, Shortland Street, Auckland 1140 Auckland, New Zealand

Phone: 64-9-309 8531 Facsimile: 64-9-309 8902

22 December 2010

Our Reference: CPC/2010/15444/A

Subhas & Shima Saileshni Chand 51 Hendon Avenue MtAlbert AUCKLAND 1025

Dear Mr and Mrs Chand

# NOTICE OF DESIRE TO ACQUIRE INTEREST IN LAND: PUBLIC WORKS ACT 1981

The NZ Transport Agency ("NZTA") intends to construct a tunnel for the State Highway 20 Waterview Connection, which affects your property located at 51 Hendon Avenue, Mt Albert, Auckland.

Land acquired for State Highways is acquired in the name of the Crown under the Public Works Act 1981 which provides for compulsory acquisition of land if written agreement between the landowner and the Crown is not reached first.

Part of the of the process is to serve you, the landowner and everyone with a registered interest in the affected land, with a Notice of Desire under section 18 of the Public Works Act 1981. Please note this is a preliminary step only. It serves to give formal notice that the Crown wishes to acquire the land, and provides a starting date for calculating the time taken for negotiations. The Crown must negotiate for at least three months with the landowner before continuing any further with the compulsory acquisition process. This is a minimum time period and the Crown, acting through The Property Group Limited as its accredited supplier, is required to take all reasonable steps to negotiate an agreement for sale and purchase of the required land.

Notices are attached to this letter by way of service in regard to the required interest in your property. A notice will also be registered against the title to the affected land.

#### Please find enclosed:

- Notice of Desire to Acquire Land and Other Interests Including Invitation to Sell and Advice of Valuation – 51 Hendon Avenue
- Authorisation and Notice of Entry on land under Section 110 of The Public Works Act 1981 – 51 Hendon Avenue

I have also attached by way of service a notice under section 110 of the Public Works Act 1981. This authorises entry onto your property for the purposes of completing a survey of the land required for the proposed tunnel. The surveying firm will contact you prior to entering your property.

You may wish to take independent valuation and legal advice if you have not already done so of which we encourage. Reasonable costs will be reimbursed by NZTA pursuant to Section 66 of the Public Works Act 1981.

I would ideally like to meet with you to discuss the process further and answer any queries you may have. Please contact me using the below details to arrange a time.

Yours sincerely

GLEN MCINTOSH

Property Consultant

DDI: 09 309 8521 Mobile: 0274 510 924

purel

Email: gmcintosh@propertygroup.co.nz



To:

Subhas Chand and Shima Saileshni Chand 51 Hendon Avenue

Mt Albert Auckland 1025

## Notice of Desire to Acquire Land Including Invitation to Sell and Advice of Valuation

Notice is hereby given pursuant to Section 18(1)(a) of the Public Works Act 1981 that the Crown desires to acquire that part of your land described below for the Western Ring Route (Roads of National Significance) Waterview Connection Project.

Land at 51 Hendon Avenue, Mt Albert, Auckland

Land required for motorway purposes;

0.0175ha (subject to survey) being part of Lot 3 Deposited Plan 38260 and being part of the land in Computer Freehold Register NA45A/833 shown marked "Section 5" on the attached Land Requirement Plan.

The land described above is being acquired for motorway purposes. It is required directly for use during the construction phase of the Waterview Connection Project and also indirectly to replace land currently held for the proposed Avondale-Southdown railway line that is required for the Waterview Connection Project.

Pursuant to Section 18(1)(c) of the Public Works Act 1981 I invite you to sell the land to the Crown. A registered valuer has carried out a valuation and the estimated amount of compensation to which you would be entitled is \$58,000 inclusive of GST (if any).

A Notice of Desire to acquire the land is being registered against the above Computer Freehold Register.

If you wish to negotiate further, please contact Glen McIntosh, The Property Group Limited, Level 3 DLA Phillips Fox Tower, National Bank Centre, 209 Queen Street, PO Box 104 Shortland Street, Auckland 1140, Telephone 09 309 8526.

Please note that the Crown may commence to acquire the land compulsorily if agreement cannot be reached within three months of the date of service of this notice.

As this notice affects your property rights, I recommend that you seek legal advice if you have any doubts as to its effect.

Minister for Land Information

8 1/2 /2010

### **ANNEXURE G - TPG LETTER DATED 28 FEBRUARY 2011**



Corporate Property Advisors and Negotiators®

28 February 2011

The Property Group Limited
Level 3, DLA Phillips Fox Tower
National Bank Centre
209 Queen Street, Auckland Central 1010
PO Box 104, Shortland Street, Auckland 1140
Auckland, New Zealand
Phone: 64-9-309 8531
Facsimile: 64-9-309 8902

Subhas Chand and Shima Saileshni Chand 51 Hendon Avenue Mt Albert AUCKLAND 1025

Dear Subhas and Shima

File Reference: CPC/2010/15444/A

NZ TRANSPORT AGENCY: WESTERN RING ROUTE (ROAD OF NATIONAL SIGNIFICANCE) WATERVIEW CONNECTION PROJECT - 51 HENDON AVENUE, MT ALBERT, AUCKLAND

This letter provides important information regarding your property further to our telephone conversation on 9 February 2011.

A Notice of Desire pursuant to section 18 of the Public Works Act 1981 (PWA) was delivered to you on 21 December 2010. The Property Group is seeking to negotiate the purchase of the rear portion of your property which is required for the Waterview Connection Project – a key component of the Western Ring Route Road of National Significance.

The Notice of Desire is the preliminary step in the compulsory acquisition process. It invites you as the landowner to sell the required land and provides an estimate of the amount of compensation you would be entitled to under the PWA.

From the date the Notice of Desire is served on the landowner, (in your case 21 December 2010), the PWA requires that all parties must make every endeavour to negotiate in good faith and attempt to reach an agreement for the acquisition of the land required. This negotiation period must continue for a period of no less than three months.

You are entitled to obtain your own legal and valuation advice to assist you in your negotiations with the Crown. The reasonable legal and valuation costs your incur are reimbursable under the PWA. We recommend you seek legal advice regarding the compulsory acquisition of your land.

In order to adhere to a critical programme timetable, the NZ Transport Agency is now proceeding to the next stage of compulsory acquisition for all property required for the Waterview Connection project. This means that the NZTA is now seeking a Notice of Intention from the Minister of Land Information pursuant to section 23 of the PWA.

When served, The Notice of Intention formally notifies you, as the landowner that the Crown intends to take the land required pursuant to section 23 PWA.

Once you have been served with the Notice of Intention you will have 20 working days to object. If no objection is received during that period, or the Environment Court does not allow the objection, the final acquisition step in the compulsory acquisition process may be the issuing of a Proclamation by the Governor General.

The Proclamation will be signed by the Governor General and advertised in a prominent New Zealand newspaper. The required land will come under ownership of the Crown 14 days following the Proclamation being signed by the Governor General.

The Property Group will continue to negotiate with you throughout this process in an effort to reach a negotiated outcome. If an agreement is reached with you, then the compulsory acquisition process will cease. Compulsory acquisition does not affect your compensation entitlements under the PWA. Your compensation entitlements remain the same whether your property is acquired compulsorily or by negotiated agreement.

I understand that the acquisition of some of your property may be unsettling for you and I would be happy to meet with you to answer any questions about the acquisition process or any other questions you may have.

The Waterview Connection application for designation and resource consents is currently before a Board of Inquiry. The NZTA is running the tender process to construct the Waterview Connection tunnels and Great North Road Interchange in parallel to the statutory approval process. It hopes to award the contract in September this year.

Given these timeframes it is important that you make contact with me as soon as possible.

As I have previously advised, I encourage you to engage the services of a lawyer to assist you with the Crown's requirement for part of your property. I am happy to discuss this matter further with your and your advisors. You can contact me on 309-8521

Yours sincerely

**GLEN MCINTOSH** 

Kisco With.

Senior Property Consultant

DDI: 64-9-309 8521 Mobile: 027 451 0924

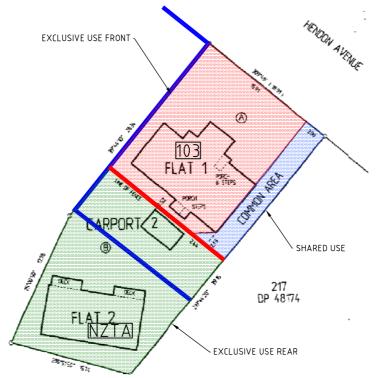
Email: gincintosh@propertygroup.co.nz



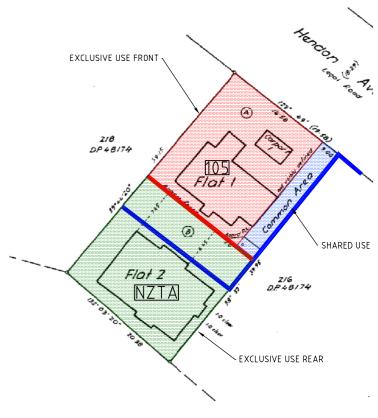
### ANNEXURE H - PLANS SHOWING 103 AND 105 HENDON AVENUE

KEY: INDICATIVE DEMARKATION OF EXCLUSIVE USE LINE OF PROPOSED DESIGNATION



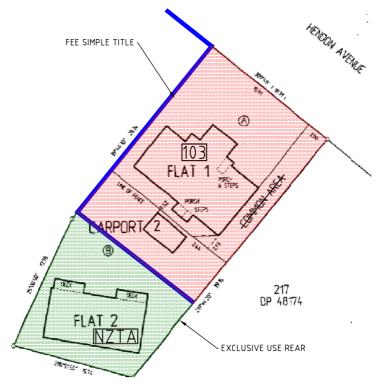


BEFORE CROWN AND WU & ZHAO EACH HOLD UNDIVIDED ½ SHARES IN THE ENTIRE PROPERTY (1056M2) AND BOTH HAVE A RIGHT TO USE THE COMMON AREA (BLUE)



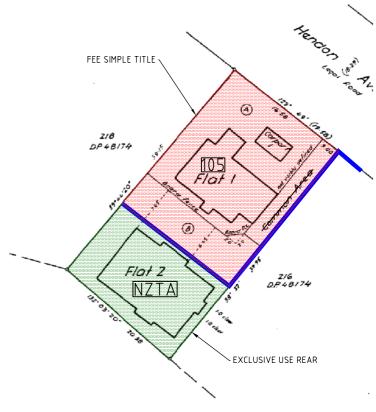
BEFORE

■ CROWN AND MALEK EACH HOLD UNDIVIDED ½ SHARES IN THE ENTIRE PROPERTY (1071M2) AND BOTH HAVE A RIGHT TO USE THE COMMON AREA (BLUE)



- AFTER

  CROWN TO ACQUIRE PORTION OF WU & ZHAO'S ½ SHARE IN 280M2 IN EXCHANGE FOR CROWN'S 1/2 SHARE IN THE BALANCE.
- WU & ZHAO WILL THEN HAVE A FEE SIMPLE TITLE OF 776M2 NO LONGER SUBJECT TO LEASES AND NO SHARED COMMON AREA.



- AFTER

  CROWN TO ACQUIRE PORTION OF MALEK'S ½ SHARE IN 282M2 IN EXCHANGE FOR CROWN'S 1/2 SHARE IN THE BALANCE.
- MALEK WILL THEN HAVE A FEE SIMPLE TITLE OF 789M2 NO LONGER SUBJECT TO LEASES AND NO SHARED COMMON AREA.

# ANNEXURE I - F.7 RAIL ALIGNMENT PLANS; FUTURE RAIL CORRIDOR (SHEETS 17-19)

