

CONFIDENTIAL

City Rail Link – Deed of Assignment of Warranties – Works Packages C2 and C8

For decision: For noting:

Ngā tūtohunga / Recommendations

That the Auckland Transport Board (board):

- Approves the Deed of Assignment of Warranties Works Packages C2 and C8: City Rail Link Project (the “Deed of Assignment”) between City Rail Link Limited (“CRL”), as assignor, and Auckland Transport (AT), as assignee, which has been provided to AT dated 3 February 2022;
- Notes the provision of certification by AT’s legal advisers in this matter, Buddle Findlay dated 22 February 2022; and
- Authorises two directors to sign the Deed of Assignment on behalf of AT.

Te whakarāpopototanga matua / Executive summary

- CRL Works Packages C2 (Lower Albert Street) and Otahuhu Third Platform (Part of C8 contracts) are complete and were handed over to AT in August 2021. Contractor and subcontractor warranties held by CRL are to be assigned to AT through a Deed of Assignment.
- Certification from Buddle Findlay confirms the deed is, from a legal perspective, suitable for execution by AT.

Ngā tuhinga ō mua / Previous deliberations

Date	Report Title	Key Outcomes
June 2019 Board	City Rail Link – AT Interface Arrangements Confidential	The board approved and authorised the signature by two directors of various interface deeds between AT and CRL Limited.
May 2020 Board	City Rail Link Progress update	The board noted the progress update on the City Rail Link.
May 2021 Finance and Assurance Committee	City Rail Link – Deed of Assignment of Warranties – Works Packages C2 and C8	The Committee recommended that the board approves the deed and authorises two directors to sign it on its behalf..

CONFIDENTIAL

Te horopaki me te tīaroaro rautaki / Context and strategic alignment

3. The City Rail Link project (the Project) comprises for the construction of a 3.4 kilometre underground heavy rail link between Britomart and Mt Eden, new stations at Aotea and Karangahape Road, remodelling of Britomart and Mt Eden stations and works on the wider network at Otahuhu, Newmarket, Henderson and the Strand.
4. The Project was identified in the 2012 Auckland Plan as Auckland's highest priority transport project, critical to support Auckland's growth. The City Rail Link and its new stations were identified in the 2012 City Centre Masterplan as transformational initiatives. The Auckland Plan 2050 identifies the Project as a critical piece of enabling infrastructure required to unlock Auckland's development areas.
5. The 2015-25 Regional Land Transport Plan identified the Project as the top priority transport project in Auckland, and as Auckland's biggest economic development project. The 2018-28 Regional Land Transport Plan assumes the completion of the Project by 2024, providing the fundamental underpinning of Auckland's public transport system and providing the ability to cater for Auckland's growth.

Ngā matapakinga me ngā tātaritanga / Discussion and analysis

6. The Project is being delivered by CRLL, which was established on 1 July 2017 following the transfer of the Project from AT. CRLL is a Crown entity owned 51% by the Crown and 49% by Auckland Council.
7. CRLL has the benefit of contractor warranties and various subcontractor warranties relating to the Project. Some assets delivered as part of contracts C2 and C8 are complete and were handed over to AT in August 2021.
8. These assets are Lower Albert Street (part of C2) and Otahuhu train station third platform (part of C8).
9. CRLL (Assignor) is to assign its rights and interest in the warranties relating to Works Packages C2 and C8 to AT (Assignee) as the end user of the assets through a Deed of Assignment of Warranties.
10. CRLL's constitution authorises execution of deeds by a director whose signature must be witnessed and consequently the deed has been executed in accordance with s 9 the Property Law Act.
11. AT has engaged Buddle Findlay, solicitors to advise in the matter and has provided certification confirming the Deed of Assignment is, from a legal perspective, in order for execution by AT.

Ngā tūraru matua / Key risks and mitigations

12. There are no associated risks.

CONFIDENTIAL

Ngā ritenga-ā-pūtea me ngā rauemi / Financial and resource impacts

13. There are no associated financial or resource impacts.

Ngā whaiwhakaaro ō te taiao me te panonitanga o te āhuarangi / Environment and climate change considerations

14. There are no associated environmental or climate change impacts.

Ngā whakaaweawe me ngā whakaaro / Impacts and perspectives

Mana whenua

15. Not applicable.

Ngā mema pōti / Elected members

16. Not applicable.

Ngā rōpū kei raro i te Kaunihera / Council Controlled Organisations

17. Not applicable.

Ngā kiritaki / Customers

18. There are no associated customer impacts.

Ngā whaiwhakaaro haumaruru me ngā whaiwhakaaro hauora / Health, safety and wellbeing considerations

19. There are no associated health, safety and wellbeing impacts.

CONFIDENTIAL



Ā muri ake nei / Next steps

20. Assuming subsequent approval by the board, management will coordinate with two directors to execute the Deed of Assignment of Warranties on behalf of AT and for AT to provide counterparts of the fully executed deed to the assignor.

Ngā whakapiringa / Attachments

Attachment number	Description
1	Deed of Assignment of Warranties between CRL and AT
2	Certification from Buddle Findlay Lawyers dated 22 February 2022

Te pou whenua tuhinga / Document ownership

Submitted by	Christian Messelyn GM Public Transport Development	
Recommended by	Mark Lambert EGM Integrated Networks	
Approved for submission	Shane Ellison Chief Executive	