

**THE CIVIC
ADMINISTRATION
BUILDING**



Expressions of Interest for Development Partner

Closing 5pm Wednesday 30 September 2015

Inspections available to Respondents

9:30am 11, 15, 18 September 2015

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CBRE



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THE AOTEA QUARTER IS THE CIVIC, ARTS AND CULTURAL HEART FOR THE PEOPLE OF TAMAKI MAKAURAU-AUCKLAND

A vibrant, resilient and unique place to indulge the senses, express creativity, and celebrate our Māori, Pacific and diverse cultures.

FOREWORD

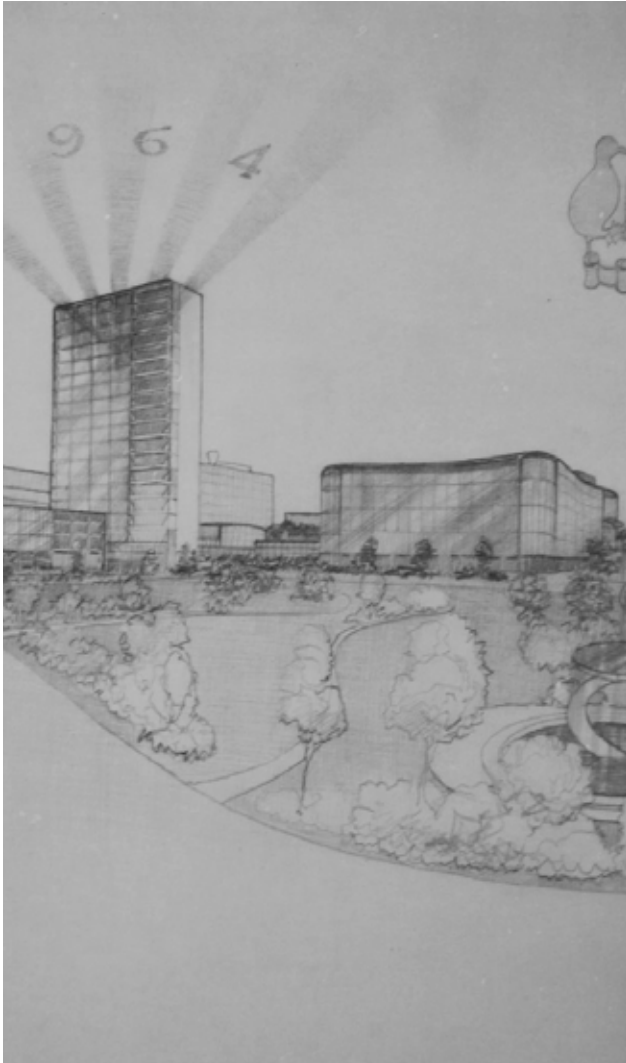


THE CIVIC ADMINISTRATION BUILDING (CAB) HOLDS A SIGNIFICANT PLACE IN AUCKLAND'S HISTORY, HAVING BEEN A SEAT OF LOCAL GOVERNMENT SINCE 1966.

Designed by Tibor Donner in 1951 and constructed in 1966 with advice on structure from internationally renowned American seismic engineer John A. Blume, the CAB was originally intended to form the centre piece of a wider master-plan for the site. Upon completion in 1966 the CAB was Auckland's tallest building.

The CAB and associated precinct is now ready to be repositioned for the next 50 years; Development Auckland Limited (Pānuku Development Auckland) is seeking a development partner with the vision to fulfil this master plan intention; a party capable of bringing a modern interpretation to the original site master plan, one which will establish a viable new purpose for the CAB and leverage the heritage value that exists.

The lower ground floor theatrette provides a link with the performing arts quarter, the 17th floor cafeteria and rooftop deck provide interesting and unique opportunities in the context of a residential or hotel concept and the natural light and 'mixed mode ventilation' are consistent with modern green star office principles. The height of the building, which exceeds current planning controls also provides for expansive views of the city from upper levels.



The land surrounding the CAB presents significant development potential as well as the ability to better connect with Aotea Square, Mayoral Drive and potentially Myers Park. This supports the objectives set down for the Aotea Quarter Framework (AQF), which is currently out to public consultation, entitled 'Towards the Aotea Quarter Framework: Consultation Document, September 2015'. This documents seeks to enhance the position of the CAB, provide opportunities to significantly improve the integration of the area and strengthen the vision for the quarter.

The CAB presents an exceptional renewal and adaptive re-use opportunity coupled with brownfields development potential on surrounding land; collectively, a project with the potential to play a significant role in revitalising and shaping the Aotea Quarter in central Auckland.

Pānuku Development Auckland (Pānuku) invites expressions of interest from leading developers with the capability, capacity and track record to support and contribute to this vision.

Pānuku Development Auckland is an Auckland Council Controlled Organisation, recently formed out of a merger between ACPL and Waterfront Auckland. Pānuku Development Auckland is charged with creating residential and commercial development opportunities in urban areas across the region using council-owned land in partnership with private developers, iwi, not-for-profit organisations and central government.

Expressions of Interest (EOI) close on 30 September 2015. All correspondence should be directed to John Schellekens and John Holmes of CBRE (Agency) Limited.





PURPOSE

01

AUCKLAND COUNCIL OBJECTIVES

On 7 July 2015, Auckland Council resolved at the Auckland Development Committee to undertake an Expression of Interest (EOI) process to identify a shortlist of development partners with the capability, financial capacity and track record to undertake a refurbishment of the Civic Administration Building (CAB) and redevelop the surrounding land.

The Auckland Development Committee instructed Pānuku to prepare and issue the EOI on the following basis:

1. Submitters need to demonstrate proposals that restore the heritage values of the existing building, as far as practicable, and subject to a detailed heritage restoration plan that would be developed with council's heritage team.
2. Submitters can propose any uses for the building that are compatible and complimentary with the wider objectives of the Aotea Quarter Framework, currently out for public consultation.
3. The site area to be made available is approximately 5,000sqm indicatively shown on page 20.
4. Submitters are encouraged to submit a proposal that intensifies the use of the site and creates a frontage to Mayoral Drive.
5. The council will consider the sale of the Civic Administration Building and its surrounding land to the selected development party on a freehold or long term leasehold basis, provided the heritage values of the building are restored as far as practicable.
6. Proposals will need to make provision for vehicle access to the Regional Facilities Auckland Aotea Centre performing arts centre.
7. Submitters need to recognise the importance of the location and submit proposals of exemplary design quality, responding specifically to Te Aranga Māori design, sustainability and urban design best practice.

Section 7 of this document outlines the information that is sought from Respondents as part of this initial EOI phase and it is noted that Respondents are not being asked to submit formal design proposals. Elements of items 1, 4, 6 and 7 will therefore be more fully evaluated as part of the second Request for Development Proposal phase and do not need to be fully addressed within the EOI response. However, Respondents are expected to demonstrate an understanding of what Auckland Council is seeking to achieve for the quarter – see “Towards the Aotea Quarter Framework - Consultation Document September 2015” (see shapeauckland.co.nz).



AUCKLAND COUNCIL ROLE

Auckland Council has a strong interest in the CAB and wishes to ensure the restoration of its identified heritage values. The CAB also forms part of the Aotea Quarter, an area which represents the heart of the arts and culture quarter in Auckland and the traditional home of civic administration. Regional Facilities Auckland owns and manages the Aotea Centre, and manages the Town Hall and Aotea Square in conjunction with Auckland Tourism and Events & Economic Development on behalf of Auckland Council, and is currently planning for a major refurbishment and expansion of the Aotea Centre.

For these reasons, Pānuku wishes to retain on an ongoing oversight role with respect to redevelopment of the CAB and its surrounds. However, Pānuku does not have an appetite to contribute capital to the project or take any significant development risk.

Pānuku will:

- Provide support in respect of consultation with Mana Whenua and help interface with Auckland Council for consenting;
- Consider land payment models that incorporate an element of risk sharing where this is attractive to the successful Respondent. Any contingent or at risk payment would be expected to be in addition to a level of base land payment that is not contingent on project outcomes and Pānuku will not take downside risk; and
- In the context of a commercial office space proposal, there may be some interest from within the council group to occupy some space (or facilitate availability of space for other civic or arts-related office uses) within the CAB.





THE BIG PICTURE ⁰²



INVESTING IN AUCKLAND

New Zealand offers a modern and sophisticated urban lifestyle combined with a natural and unspoiled rural heritage that sets it apart from the rest of the world. It has a stable political environment and has led the world in many areas of social policy, scientific achievements and sporting triumphs.

New Zealand is similar in land area to Japan and Britain and has a population of approximately 4.5 million. This low population density, lack of pollution and varied geography offer an exceptional quality of life. New Zealand prides itself on its stable democracy, independent regulatory authorities and lack of corruption.

According to the World Bank report “Doing Business 2015”, New Zealand is ranked second in the world for overall ease of doing business compared to 189 other countries. The report also places New Zealand first in the world for protecting minority investors and starting a business. The report also describes the planning and zoning regulations as being among the “world’s most efficient” and goes on to say “they are comprehensive, predictable and streamlined in implementation”.



NEW ZEALAND



Legal System

This is based on English law and there are three levels for resolving business issues: The High Court, Court of Appeal and the Supreme Court. New Zealand is a party to the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States and to the New York convention of 1958.



Contracts

In New Zealand, business relationships are outlined in contracts routinely and are fully enforceable by an independent legal system. The market is well served by local and global legal, accounting and other professional service providers.



Monetary Policy

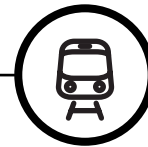
The Reserve Bank of New Zealand supervises the banking system and is mandated to maintain inflation in a 0% to 3% band. This mandate has been expanded to include intervention in currency markets to reduce excess volatility in the exchange rate and a set of macro prudential tools designed to manage systemic risks to the economy. It also registers and supervises other banks.

AUCKLAND



People

Auckland is New Zealand's largest city with a population of approximately 1.4 million people and it is expected to grow by an additional 700,000 over the next 30 years according to Auckland Council. Over the last fifteen years, Auckland and particularly its central CBD, has evolved into a world class city; the development of the Viaduct Harbour, Britomart and now Wynyard Quarter has opened Auckland to the outstanding Waitemata Harbour and delivered a range of dining, shopping and entertainment precincts.



Infrastructure

The city is going through a period of significant investment in infrastructure, with the Waterview Connection (nearing completion) one of the most important infrastructure developments ever to take place in New Zealand. The proposed City Rail Link which has local and central government commitment is a very significant public transport investment targeted at supporting Auckland's growth. There will be a new rail station on the doorstep of the Aotea Quarter metres from the CAB.



Lifestyle

Auckland was ranked the third most liveable city in the world by the Mercer Quality of Life Survey 2015 and has first-rate infrastructure, world-class education and healthcare systems, and a thriving food and wine scene in addition to abundant outdoor pursuits all of which is driving strong internal domestic and international migration.



Economy

A thriving economic hub, Auckland accounts for circa 35% of New Zealand's GDP and is unique in the world in its scale relative to the national economy. Auckland's GDP is growing at 2.9% per annum, and this growth is creating new investment opportunities in a range of sectors, attracting innovators and entrepreneurs from around the world. By value, Auckland's sea and land ports handle around 60% of New Zealand's imports and 30% of exports. Auckland International Airport handles 74% of New Zealand's international arrivals and 85% of airfreight.

Source: Auckland Tourism Events & Economic development, Auckland Transport, New Zealand Transport Agency, Auckland Airport, Ministry of Transport



- | | | | | | |
|---|----------------------------------|----|--------------------|----|-----------------------------------------|
| 1 | Viaduct Harbour | 6 | High Street retail | 11 | University of Auckland |
| 2 | Ferry terminal | 7 | City Works Depot | 12 | Motorway interchange |
| 3 | Britomart Transport Centre | 8 | SkyCity | 13 | Aotea Station - Proposed City Rail Link |
| 4 | Britomart entertainment precinct | 9 | Civic Theatre | 14 | Aotea Centre |
| 5 | Queen Street retail | 10 | Albert Park | 15 | Aotea Square |



CONTEXT ₀₃

THE AOTEA QUARTER FRAMEWORK

THE 'ARTS, CIVIC AND ENTERTAINMENT' QUARTER, KNOWN AS THE AOTEA QUARTER, IS LOCATED AROUND THE MID-TOWN AREA OF QUEEN STREET, WHICH BISECTS AUCKLAND'S CBD. IT PROVIDES A STRONG SENSE OF SHARED COMMUNITY IN CENTRAL AUCKLAND, ADDS CONSIDERABLY TO AUCKLAND AND NEW ZEALAND'S ECONOMY AND IS A STRONG ELEMENT OF THE CITY'S IDENTITY.

The focal point of the quarter is Aotea Square with many of Auckland's major arts and entertainment venues including the Aotea Centre, Civic Theatre, Town Hall, Q and Basement Theatres, Auckland Art Gallery and Central Public Library, all situated in close proximity.

The quarter is an area of outstanding cultural heritage with a fascinating pre-European history, being located around the now underground Waihorotiu stream which was an important resource for food and water for local Māori living in the area. Latterly, the area boasts many buildings being historic Auckland landmarks with significant heritage and character value. The Auckland Town Hall, Art Gallery and Civic and St James Theatres anchor the quarter as the most attractive and culturally significant arts and entertainment area in Auckland.





SINCE 2005 AUCKLAND COUNCIL (THROUGH THE THEN AUCKLAND CITY COUNCIL) HAS BEEN WORKING WITH RELEVANT STAKEHOLDERS THROUGH THE AOTEA QUARTER PLAN 2007 TO ENHANCE THE FOUNDATIONS OF THE AOTEA QUARTER AND ITS ROLE AS THE CIVIC, ARTS AND CULTURAL HEART OF THE CITY CENTRE AND REGION.

Much has been achieved over the past decade with new and enhanced cultural facilities (e.g. the Q Theatre and redeveloped Auckland Art Gallery), upgraded spaces (e.g. Queen Street, Aotea Square, Lorne Street, Khartoum Place and Bledisloe Lane) and the establishment of a lively events programme.





Auckland Council has recently released a consultation document 'Towards the Aotea Quarter Framework' which seeks to update and advance the strategic direction for the area set down in the Aotea Quarter Plan and more recently within the City Centre Masterplan 2012. The framework is currently out for public consultation and is available at shapeauckland.co.nz.



For the Quarter Vision to be realised the following future outcomes are expected:

The quarter as an enduring home for the arts, culture, entertainment and civic life, creating a unique destination experience.



Liveable vibrant and diverse neighbourhoods engaging with and supporting the core.



A public transport node that improves accessibility supports growth and enables high quality development.



Spaces and buildings that lead and showcase Auckland's drive for sustainability and celebrate its unique cultural identity through Te Aranga Māori design principles.

THE AOTEA QUARTER FRAMEWORK IS BEING COORDINATED BY THE AUCKLAND COUNCIL'S CITY CENTRE INTEGRATION TEAM AND IS INTENDED TO FUNCTION AS A NON-STATUTORY DOCUMENT WHICH WILL GUIDE FUTURE COUNCIL GROUP DECISION-MAKING AND INVESTMENT.



The Framework is intended to respond to:

1. The areas potential as a future growth node associated with the new Aotea rail station as part of the City Rail Link. This station, programmed to open by 2023, is expected to stimulate an additional 73,000sqm of residential net floor area (1825 additional residents) and 249,000sqm of commercial net floor area (12,450 additional workers) in the quarter according to research undertaken for Auckland Council.
2. The renewal and potential expansion of the Aotea Centre which we discuss briefly on page 19.
3. The development potential associated with, in particular, four key council land holdings including the West Bledisloe on-grade car park on the corner of Mayoral Drive and Wellesley Street, Aotea Centre and surrounds, the CAB and the South Town Hall (on-grade) car park adjoining Greys Avenue, and Mayoral. These four sites are marked on the image on the right.

The Framework provides a comprehensive review of the location, many of the key buildings within the Quarter, the transport network (road, rail and pedestrian) and the improvements proposed to it, and identifies a number of sub-quarters and their linkage to the surrounding locations. It also provides a review of the planning context and Te Aranga Design principles and is likely to be a particularly useful document for Respondents. The Framework also includes specific comment on the CAB site.

A

Bledisloe West car park (about 4,650sqm)

B

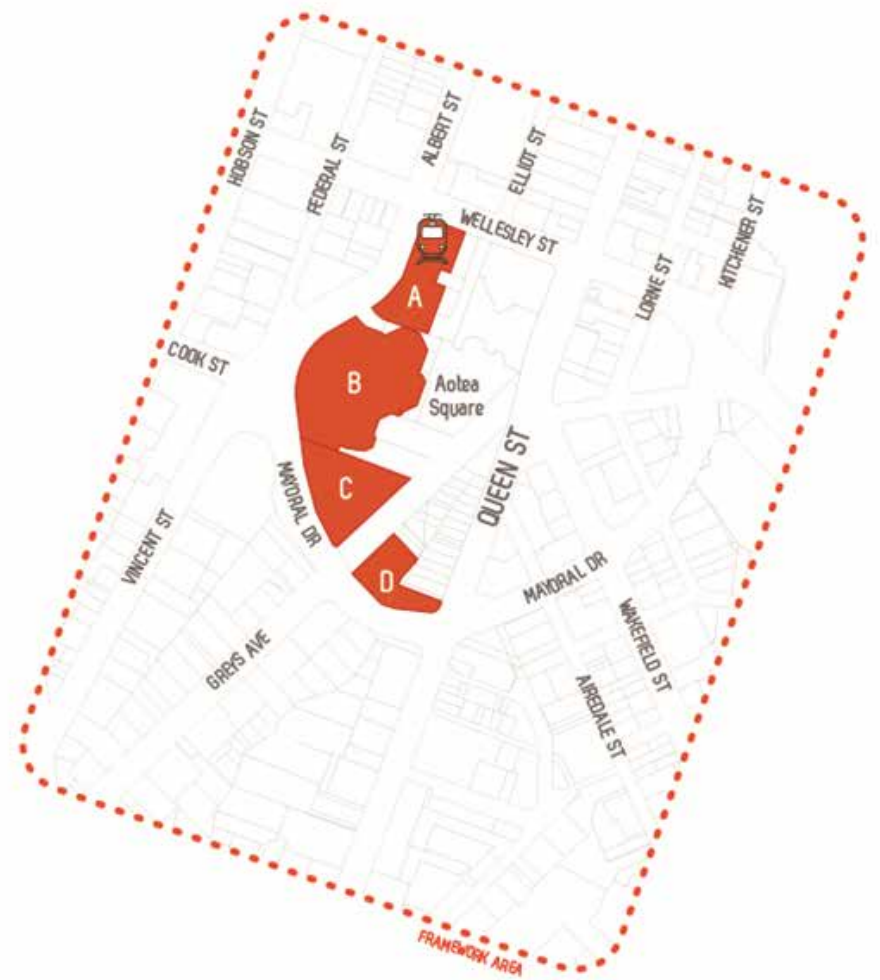
Aotea Centre and surrounds (about 1.2 hectares including the 8,000sqm Aotea Centre footprint)

C

Civic Administration Building, 1 Greys Avenue and surrounds (about 5,000sqm including the CAB footprint).

D

Town Hall South car park (about 1,900sqm)



4. Ongoing investment by the University of Auckland and Auckland University of Technology in the area.

5. The new regulatory framework being introduced (Proposed Auckland Unitary Plan) which includes new height controls and noise limits.





AOTEA CENTRE RENEWAL

The most recent Auckland Council Long Term Plan identifies circa \$100m for works associated with the upgrade of the Aotea Centre including replacement of the façade. Discussion with the performing arts community suggests that additional performance and administrative space may also be required and a business case is currently being prepared to assess the merits of expanding the Aotea Centre.

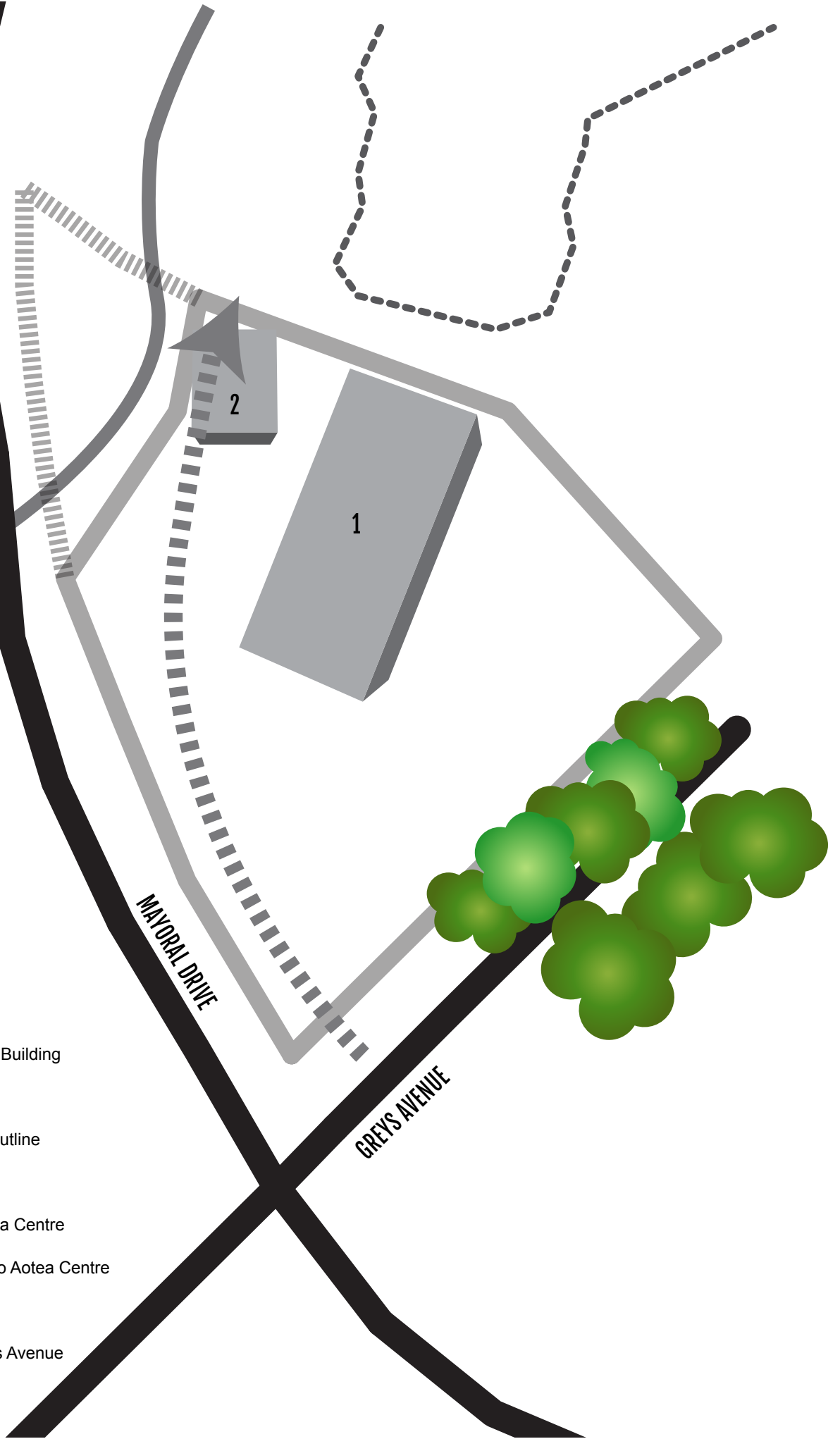
A decision on whether to proceed with expansion, or simply renewal, is anticipated in November 2015. In either case, this is expected to provide a significant lift to the Aotea Quarter. Regional Facilities Auckland has also identified the need for smaller working spaces to accommodate the growing independent arts groups in the Aotea Quarter. Given the qualities of the CAB, and in support of a mixed vertical use scenario, some of the floors could be well suited to civic, arts and cultural-based uses to support the clustering, and synergistic benefits for smaller arts groups, as well as contribute to the 'creative cool' vibe and identity of the quarter.

Shortlisted Respondents will be given the opportunity to engage with Regional Facilities Auckland to better understand their plans for the Aotea Centre and identify potential opportunities for integration (should that be desirable) as part of the Request for Development Proposal phase.

THE SITE

04

- 1 The Civic Administration Building
- 2 Cooling towers
- Indicative potential site outline
- Aotea Centre
- Current driveway to Aotea Centre
- > Potential new driveway to Aotea Centre
- Potential site extension
-  Protected trees on Greys Avenue





THE ADJACENT IMAGE IDENTIFIES THE INDICATIVE BOUNDARIES OF THE SITE WHICH BORDERS MAYORAL DRIVE TO THE SOUTH WEST, GREYS AVENUE TO THE SOUTH EAST AND AOTEA CENTRE AND AOTEA SQUARE TO THE NORTH. FURTHER DETAIL WILL BE PROVIDED TO THE SELECTED SHORTLISTED RESPONDENTS AS PART OF THE REQUEST FOR DEVELOPMENT PROPOSAL PHASE, BUT AT THIS STAGE AUCKLAND COUNCIL NOTES THAT:

- As part of its renewal and expansion considerations for the Aotea Centre, Regional Facilities Auckland is currently evaluating alternative service access options, one of which includes the route identified in the image to the left, with entry from Greys Avenue, running behind the CAB on the subject site. This approach contemplates development above the service access way, with ground floor entry from Mayoral Drive. There is no funding set aside for this access way.
- The existing building services for the CAB, Town Hall and Aotea Centre are shared (with the exception of the boiler).
 - The two cooling towers and transformers are located to the rear of the CAB as identified on the adjacent plan. The chiller plant is in the basement of the CAB.
 - The boiler plant services the CAB and Aotea Centre and is located on the roof of the CAB.
 - The on-floor air-handling units and the chillers are at the end of their economic life and need to be replaced.
- Auckland Council and Regional Facilities Auckland intend to separate and relocate the services for the Town Hall and the Aotea Centre so they are within their respective site bounds.



LEGAL DETAILS

The title to the CAB site currently forms part of a larger title that also includes the Aotea Centre and the Civic Car Park. Auckland Council is currently undertaking survey work to create separate titles for those three assets. Details of the proposed title for the CAB will be provided during the Request for Development Proposal phase. It is anticipated that there may be some easements over the CAB site but these are not expected to be material to the future use or redevelopment of the CAB site with the exception of the potential access point to the Aotea Centre identified on the site plan presented previously, should this proceed, in consultation with the successful Respondent.



ZONING

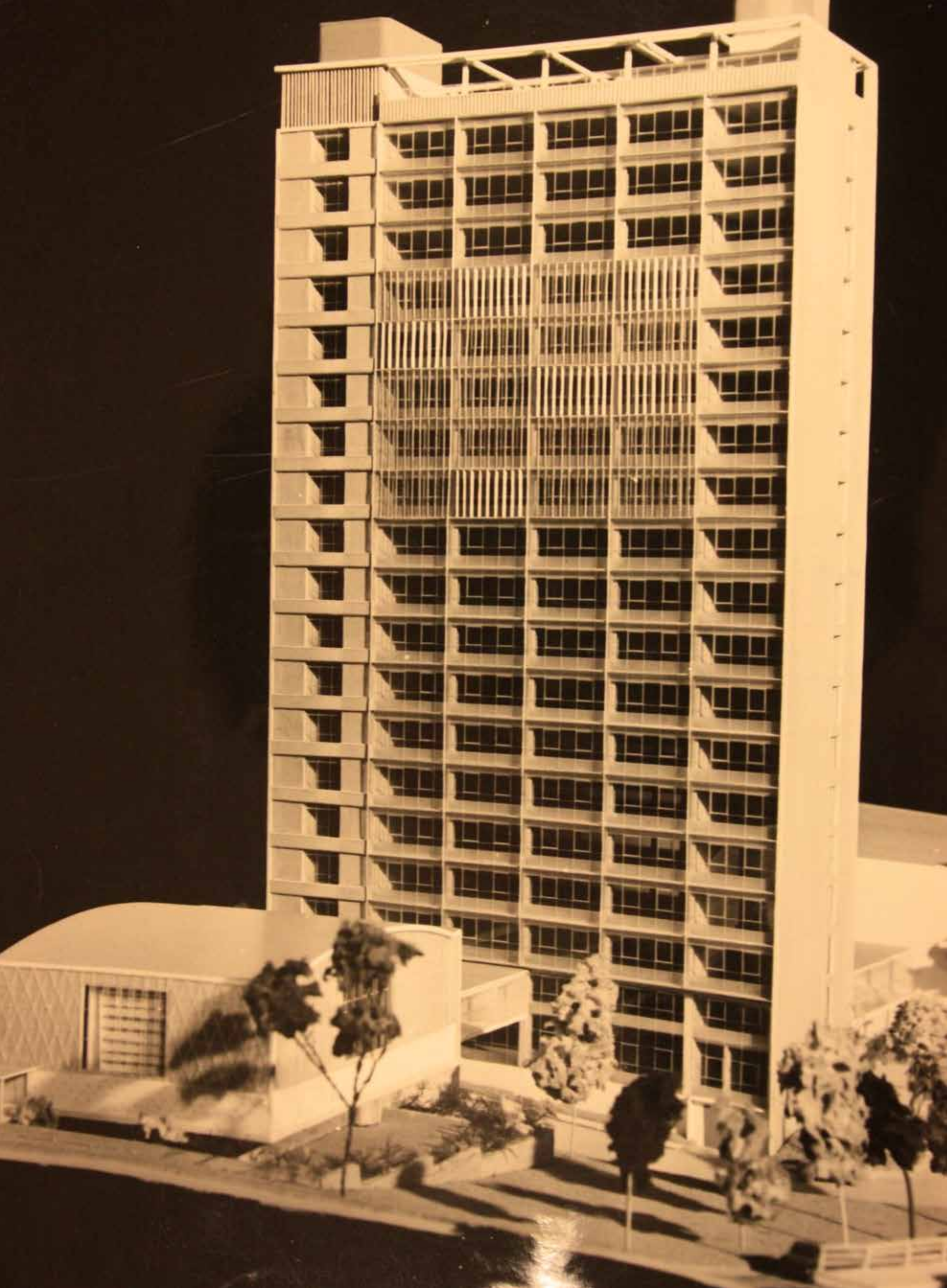


This section provides a non-exhaustive summary of the zoning pertaining to the site. We refer to the Operative District Plan and Proposed Auckland Unitary Plan (PAUP) for further zoning information.

OPERATIVE AUCKLAND CITY DISTRICT PLAN – CENTRAL AREA SECTION	
STRATEGIC MANAGEMENT AREA	One
PRECINCT	Aotea
ACTIVITY AREA	Pedestrian Orientated
ACTIVITIES	<ul style="list-style-type: none"> The zoning generally provides for a range of permitted activities including food and beverage, retail, education, entertainment, offices and accommodation development. The conversion of existing buildings to permanent accommodation is a restricted controlled activity. Non-permanent accommodation (including conversion of existing buildings) is a restricted discretionary activity. Because development is likely to require the erection of new buildings or external alteration or addition to the street frontage of any existing building, restricted discretionary activity consent status is likely to apply.
FLOOR AREA RATIO	Basic 6:1 Maximum 10:1 A variety of bonus features exist including accommodation (permanent and non-permanent), light and outlook, plaza, through site links etc.
HEIGHT	<ul style="list-style-type: none"> There is no general height control, however the site is subject to the Aotea Square Special Height Control; buildings or structures cannot exceed the heights determined by a 30 degree cone from the centre of origin which is an identified point in Aotea Square (detailed more specifically in Appendix 11 to the Central Area Section). At present, the E10 Mt Eden view shaft establishes the current height limit across the subject site at approximately 66 metres.
CITY CENTRE STREET SIGHT LINES	Appendix 5 of the Central Area Plan describes street sight line No. 4 as relevant to the subject site: No. 4 Northern kerbside of Rutland Street, corner Mayoral Drive.

The PAUP zoning is currently before the hearings panel and therefore remains subject to change. At this stage, the latest position is generally:

PROPOSED AUCKLAND UNITARY PLAN	
ZONE	City Centre
PRECINCT	Arts, Civic and Entertainment
ACTIVITIES	<ul style="list-style-type: none"> The PAUP generally extends the number of permitted activities and includes (for example) a wide range of permanent and non-permanent accommodation, commercial uses including office, retail, entertainment and conference facilities, education facilities and healthcare uses. Generally however, development triggers a restricted discretionary consent requirement.
FLOOR AREA RATIO	Basic 6:1 Maximum 10:1 The bonus features available have been reduced somewhat and include dwellings, publicly accessible space, through site links and works of art.
HEIGHT	<ul style="list-style-type: none"> The site is subject to a maximum height control of 50m In addition the site is subject to the 30 degree cone control from the centre of the Aotea Square that protect sunlight and urban form to the Aotea Square, per the operative plan. The site is also subject to volcanic viewshaft controls which generally sit above the general height control at between 61m and 65m.
CITY CENTRE STREET SIGHT LINES (ROLLED OVER INTO PAUP)	Appendix 5 of the Central Area Plan describes street sight line No. 4 as relevant to the subject site: No. 4 Northern kerbside of Rutland Street, corner Mayoral Drive.



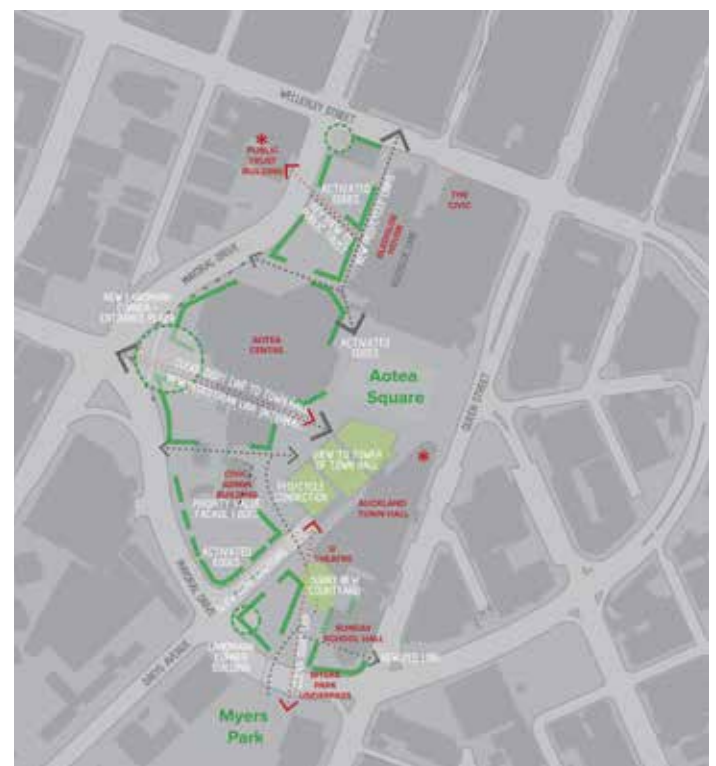
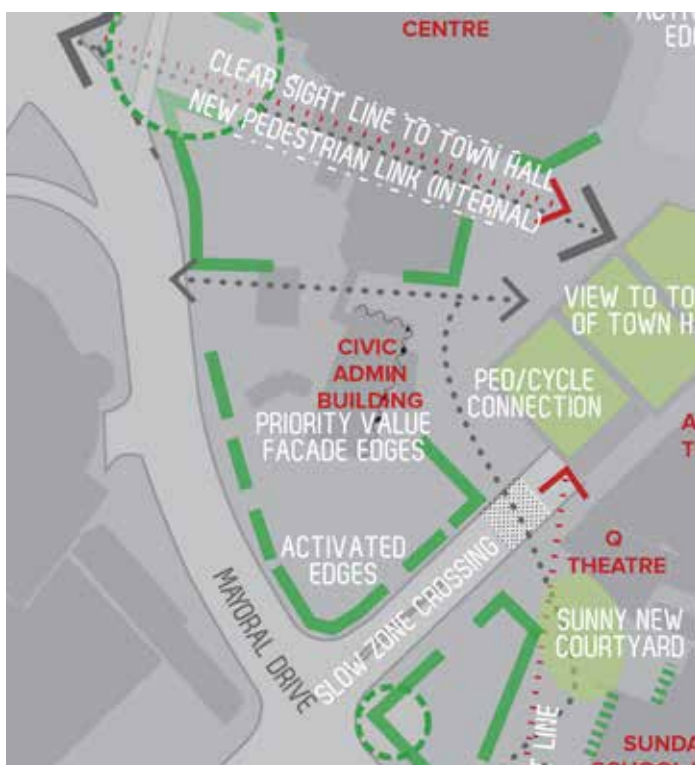
THE CIVIC ADMINISTRATION BUILDING 05



ADAPTIVE REUSE POTENTIAL

THE CAB IS CONSIDERED TO BE A REMARKABLE LIGHT-WEIGHT AND ELEGANT EXAMPLE OF THE MODERNIST ERA IN AUCKLAND AND EXHIBITS PROGRESSIVE EARTHQUAKE CONSTRUCTION AND INNOVATIVE STEEL STRUCTURAL COLUMNS. THE CAB LED AUCKLAND'S TALL BUILDING CONSTRUCTION.

The slender building is aligned loosely on a north-south axis to maximise natural daylight and this coupled with the curtain wall glazing system boasts spectacular views west towards the Waitakere Ranges and east up to the Auckland Domain, as well as a very pleasant and well-lit working environment. The CAB also boasted natural ventilation with operable windows which offered a level of wellness and self-determination within one's environment, a benefit not often available in contemporary office buildings. The CAB's lightweight, flexible steel frame with bolted moment connectors, rather than the more conventional frame with internal sheer walls with substantial diagonal bracing, also offers greater structural efficiency and improved internal planning.



Key design principles



IN ADDITION TO THE OBVIOUS POTENTIAL FOR OFFICE USE, THE CAB AND SURROUNDING SITE ALSO PRESENTS OPPORTUNITIES FOR HOTEL, HOSPITALITY AND RESIDENTIAL USES.

KEY OPPORTUNITIES INCLUDE:

The double-height space of the ground level and mezzanine which affords a natural welcome and sense of public invitation which presents attractive opportunities for hotel or civic spaces development.

Opportunities to project the building out to the east with good quality food and beverage tenancies in order to better activate the public space.

The rooftop level which offers a stunning vantage point and would be perfectly suited to a public bar or restaurant similar to the international rooftop bars of Radio (London), Aer (Mumbai) and Hotel de Rome (Berlin).



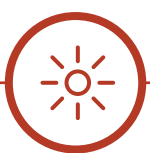


VITAL FIGURES

The spectacular views and natural daylight which present strong residential potential.

TOTAL GROSS FLOOR AREA	8,479sqm
AVERAGE FLOOR PLATE	453sqm
LEVELS	22 (2 basement, ground, mezzanine, 1-18)
HEIGHT	66m ¹
FLOOR TO FLOOR HEIGHT	3.1m
FLOOR TO CEILING HEIGHT	2.45m

1. Exceeds permitted height under proposed zoning but has existing use rights.





HERITAGE ASSESSMENT

A HERITAGE ASSESSMENT COMPLETED BY SALMOND REED IDENTIFIED THE CAB AS ONE OF THE FIRST CONSCIOUS HIGH-RISE EXPERIMENTS IN THE INTERNATIONAL STYLE UNDERTAKEN IN NEW ZEALAND.

Salmond Reed noted that:

1. While the exterior building remains largely unchanged, subsequent refurbishment internally has removed much of the original design consistency and integrity of the interior. Those spaces that remain substantially unchanged include the basement theatrette, the ground floor and mezzanine levels, the lift lobbies, the stairs, the seventeenth floor cafeteria, the eighteenth floor recreation lounge and roof viewing deck, and the roof with its service towers on level nineteen.
2. The building has strong historical significance because of its role in accommodating Auckland's local government over a long period.
3. The building design was highly innovative for the period and sat outside the building code in place at the time.
4. The building demonstrated early use of aluminium with an aluminium and glass curtain wall façade and in doing so played a role in the development of the aluminium industry in Auckland.
5. The building is a notable example of an American influenced office tower in the modernist 'international style'.

A peer review completed by Archifact considered the building and 'place' to be exceptionally distinctive for its aesthetic, visual and landmark qualities as a result of its contribution to important sightlines and vistas throughout the central city area and identified the 'place' as having a strong association with the Auckland community as the centre of civic administration throughout the Auckland region since 1966.





Both Salmond Reid and Archifact generally agreed that the CAB holds exceptional cultural heritage significance for historical, technological, physical, aesthetic and contextual reasons and supported a Category A listing. Auckland Council's current position is that the building warrants at least a Category B status and the matter is currently before the Auckland Unitary Plan Independent Hearings Panel with the following elements (not exhaustive) seen as worth keeping:

- The Civic Administration Building itself.
- Flexible 'Q-deck' structure – this is thought to be technologically unique in New Zealand, and the core structure and grid will need to be retained.
- Narrow floor plate, natural light and ventilation, and keeping the physical space and aspects of natural ventilation is considered important in recognising the design concept. However, the intention of the building was always to accommodate flexible partitions and potentially to house multiple tenancies.
- The bespoke manufactured aluminium and other curtain cladding details should where possible be retained, refurbished, replicated or referenced in a replacement equivalent. There is a possible opportunity to remove and replace the curtain wall to the north and south where the cladding has gone, and remove asbestos through here, while retaining the form of the principal east/west elevations.
- The basement auditorium contains some of the last surviving interior details and these would need to be retained.
- The stairwells (retained in current form, allowing for replacement of ardia board asbestos), ground floor/mezzanine relationship, Floor 17 and deck terrace (retain original aluminium walkways, external steel cladding to lift shaft, mosaic tiling and concrete floor tiles with crushed glass) would also be retained where possible.
- The original external mosaic tiling removed in the last 10-20 years from north and south elevations – development could consider a replacement that reflects this. The crest is a later addition, and an argument for its removal could be made. However, it does provide a strong interpretive historical and contextual element, which should be considered, especially if a new cladding system is proposed.





SEISMIC ASSESSMENT

BASED ON A DETAILED SEISMIC ASSESSMENT COMPLETED BY GHD IN SEPTEMBER 2013 (AND AVAILABLE ON REQUEST), IT IS EXPECTED THAT THE MAJORITY OF THE BUILDING'S STRUCTURAL ELEMENTS ARE CAPABLE OF ACHIEVING OVER 67% NBS VALUE. HOWEVER, THIS WILL REQUIRE SOME WORK AS FOLLOWS:

ELEMENT	NBS RATING	WORK REQUIRED TO ACHIEVE 67%
MEZZANINE FLOOR COLUMNS	Lowest 58%	This is where the most strengthening work is required; a number of columns between ground floor level to first floor level do not have adequate restraints at the mezzanine floor diaphragm. In addition, it may be necessary to install some additional steel beams from the mezzanine floor to the external East wall columns in certain locations on all four external walls.
STAIRCASE CHANNEL SUPPORT	Lowest 58%	Strengthening work will be required to the SHS columns supporting the stairs, possibly by welding steel plates or steel channel sections to these SHS columns or by replacing them with larger sizes. In addition, sliding joints to the stair need to be provided; likely by cutting away steel stringers at landings, attaching new stair bracket strut supports at landings and meeting capacity for sliding.
COLUMN ON LEVEL 19 NEAR THE LIFT MOTOR ROOM	Lowest 39%	Can be readily resolved by fixing horizontal rod bracing to the lift motor room roof.
CORNER COLUMN ON LEVEL 17	52%	Can be strengthened by welding additional steel plating to the existing column.
ROOF BEAM ON LEVEL 19 BETWEEN GRID 2-3/D-E	60%	Similarly this can be strengthened by welding additional steel plating to the existing column. Because the foundations of the building are founded down into the underlying sandstone rock formation, the capacity of these foundations exceeds the minimum 67% NBS and no strengthening work is therefore required to the foundations.

ASBESTOS

THE FIRST MAJOR REMOVAL OF ASBESTOS WAS IN 1989 BUT A SIGNIFICANT LEVEL OF ASBESTOS REMAINS.

WT PARTNERSHIP ASSESSED THE COST OF THE REMOVAL OF ASBESTOS WITHIN THE CAB IN 2014. THE APPROXIMATE COST ESTIMATE IS \$12.0 MILLION, THIS ALLOWS FOR CONTINGENCY AND ESCALATION TO JANUARY 2017.

In 2010 Noel Arnold & Associates undertook an asbestos risk assessment of the building which is available on request. The major audit findings were:

1. Sprayed Brown (Amosite) Limpet:
 - Aluminium and lightweight 50mm pre cast concrete columns and beams – the perimeter and internal clad columns and beams are insulated in asbestos sprayed limpet from the ground floor to level 18.
 - Beneath existing insulation products – in ceiling voids, risers, HVAC cupboards, to wall linings, original steel beams, window mullion brackets, electrical conduits, inside rebated surfaces of door frames, panelling brackets and other cavities throughout.
 - Curtain wall void/system – sprayed on steel brackets used to fix curtain wall system to aluminium mullions. It is assumed that the void between curtain wall system and the floor slab may still be fire rated with asbestos limpet, which would also include the west ceiling void to the perimeter of each floor.
 - Aluminium building façade internal and external – it is assumed that the entire aluminium façade of the building is still sprayed in limpet insulation including either overspray or deliberate sprayed limpet to the glazing pockets of the windows.
 - Voids throughout – these include (but are not limited to) the south wall void from ground floor to level 18 on both sides of the southern stairwell and the void to the west of the lift shafts between the curtain wall void and the internal lining of the lift shaft on the ground and mezzanine.
 - Original services, ducts and lighting trunking – it is likely that asbestos still remains between these services and the steel beams and ceiling slab above or the walls behind vertical services.
 - Penetrations through slab/Q deck – around the pipework penetrations to the north HVAC cupboard and assumed present to the south HVAC cupboard. It is assumed that any pipe/service penetrations through the floor slabs and the Q-decks are surrounded by asbestos packing material. It is also assumed that the floor slab penetrations will contain asbestos limpet residue from the original sprayed insulation.
 - ‘Trilock’ wall panels.
2. ‘Asdia’ Board wall linings: The majority has been identified to the north and south main wall of the office areas, surrounding the southern stairwells, to the internal areas (behind the services) of the southern HVAC cupboard, the southern riser and the northern riser, and surrounding the lift shafts and toilet blocks from ground/mezzanine to level 18.
3. Asbestos insulation to pipework: Pre-fabricated sectional asbestos containing pipe insulation has been identified to pipework in the basement and lower ground floors. Friable asbestos insulation has also been identified to the internals of calico wrapped organic pipe insulation to small diameter copper pipes throughout.
4. Riser and HVAC Cupboards (north and south).
5. Asbestos Rope: Asbestos rope packing was identified between the concrete spandrel brackets to the east and west perimeter walls between the ground floor and level 18 and as pipe insulation to a large diameter copper pipe in the lower ground floor ITC Suite store.
6. Asbestos containing fire doors: There are approximately 150 asbestos containing fire doors identified throughout the building from the basement to level 18.
7. Lift shafts.



THE PROCUREMENT PROCESS



Selection process

The process for selecting the developer for the CAB will consist of two phases:

Phase One: Expression of Interest

Interested parties (Respondents) respond to this EOI with the information requested in Section 7. Pānuku may then invite Respondents to present to Pānuku in order to elaborate and explain the contents of the EOI responses.

Pānuku will review and evaluate the responses in accordance with the criteria set out in Section 7. Pānuku may elect a small number of parties (Shortlisted Parties) for progression to the next phase (phase two below).

The intention of the EOI process is to identify a shortlist of parties (Shortlisted Parties) with the appropriate track record, capability, financial capacity and vision to undertake a redevelopment of the CAB and its surrounds, in a manner that is sympathetic to its location within the Aotea Quarter, the heritage values of the building, urban place making contribution to the Aotea Square and Te Aranga principles.

Phase Two: Request for Development Proposal

Subsequent to the EOI, Pānuku may elect to invite Shortlisted Parties into a Request for Development Proposal process.

Shortlisted Parties will be asked to submit a detailed development proposal including a detailed design response and a formal commercial offer. The Request for Development Proposal document will outline the information sought from Respondents but requested information will likely include:

1. A design response which outlines how the master-plan and concept plans respond to the site context, Pānuku's objectives for the site and wider quarter, Te Aranga design principles, and the heritage values of the CAB.
2. Site master-plan.
3. Concept plans for the CAB and additional development proposed.
4. A commercial offer that addresses payment for the land, conditions precedent, financing, tenure offered, procurement strategy, sales and marketing strategy etc.

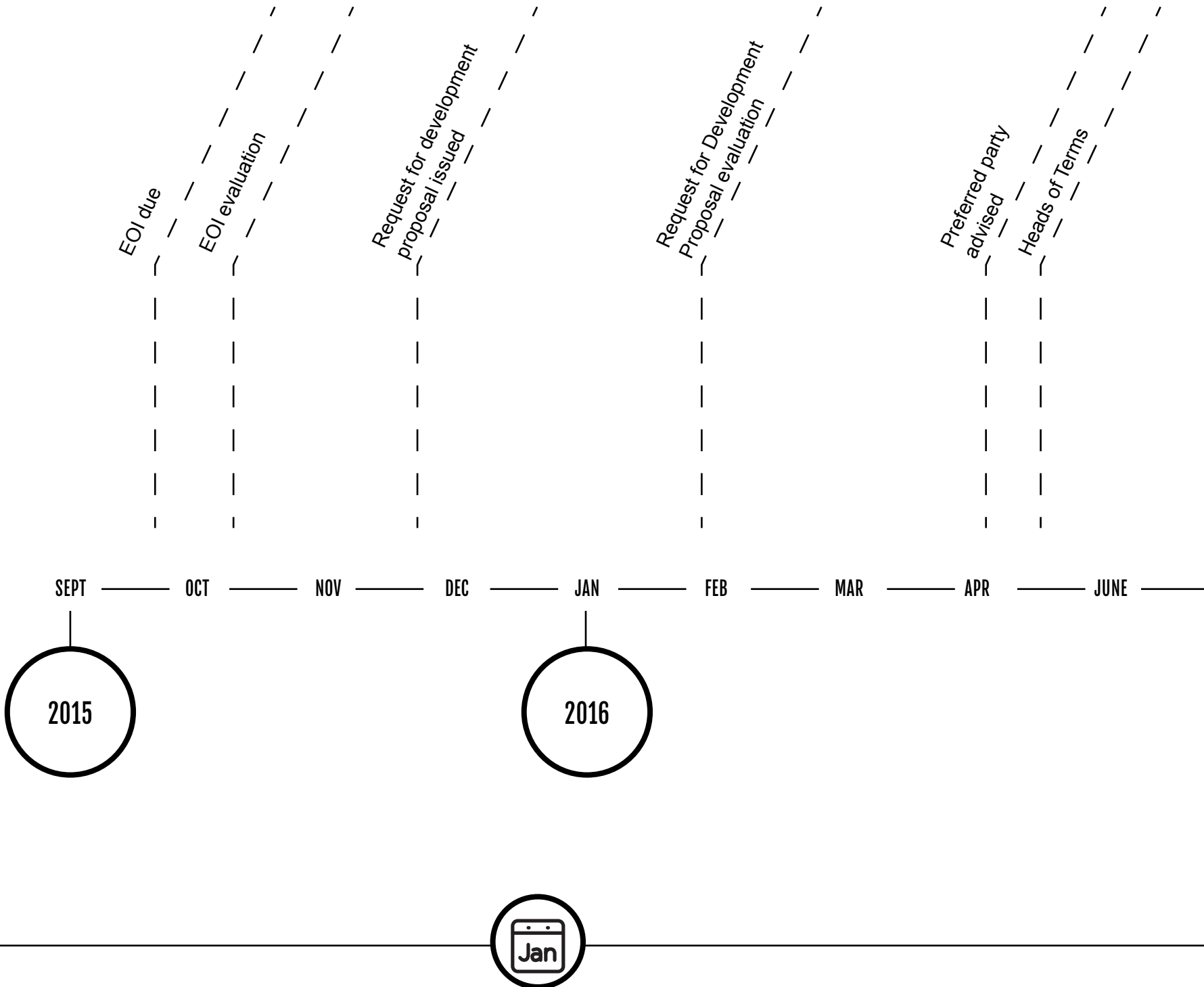
Pānuku anticipates that the Shortlisted Parties will be asked to participate in a briefing and question and answer session in the early stages of the Request for Development Proposal process and then present their proposal post submission.

Pānuku may then select a preferred developer with the intention of entering into a Development Agreement. The Development Agreement will establish the governance and partnering framework, the method by which the final design for the CAB and surrounds will be approved, the conditions precedent to land drawdown and the consideration payable. Further detail on the terms of the arrangement will be provided within the Request for Development Proposal.

A PARTNERING APPROACH

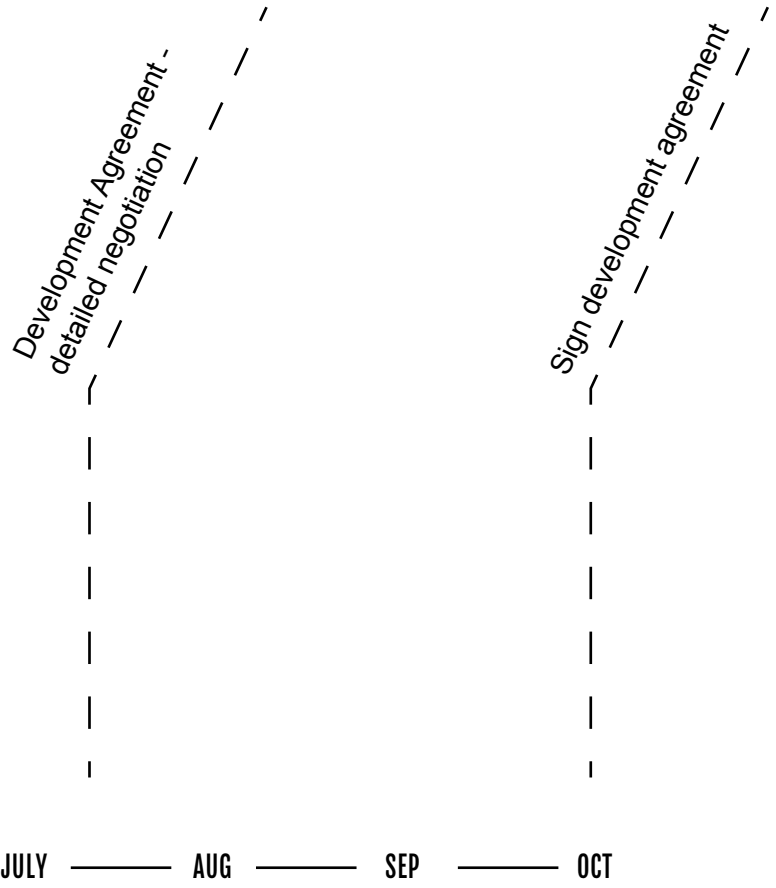


RESPONDENT PROGRAMME



AUCKLAND COUNCIL APPROVALS

Pānuku Development Auckland, with the evaluation panel, will jointly evaluate the EOI responses received and the Boards of Pānuku and Regional Facilities Auckland are then required to make a recommendation to the Auckland Development Committee on the parties (if any) considered most suitable to advance to the Request for Development Proposal phase. The programme provides for this recommendation to occur at the November Auckland Development Committee meeting, at which time, Respondents will be advised as to whether they have been shortlisted.



INFORMATION SOUGHT FROM RESPONDENTS



07

Ground Floor Public Office, with Mezzanine



Respondents are asked to present their submission in the following format:

Section One: The Respondent

ENTITY CONTACT DETAILS	
TRADING NAME	
LEGAL NAME	
DIRECTORS	
ADDRESS FOR SERVICE	
PRIMARY CONTACT PERSON	
CONTACT DETAILS	

Financial & delivery capacity

1. Information to demonstrate that the Respondent has the capacity to fund a development of this type.
2. Banker's references and the last three financial statements for each Respondent member company (excluding non-equity participants such as consultants).
3. Names of related bodies corporate and a structure diagram showing the companies within the group and ownership of each Respondent member.
4. Indication of which companies would provide parent company guarantees.
5. A list of all current projects the Respondent is committed to including the location and value of each project.
6. Provide details of any of your directors or major shareholders who have been personally declared bankrupt, or have been directors or shareholders of a company placed in receivership or liquidation.
7. Provide details of any relevant potential, pending or successful legal actions against you in the last five years.

Pānuku reserves the right to seek an independent review of the material provided by a Chartered Accounting firm.

Proposed delivery team

1. A statement of competence and biography for each of the key personnel proposed for this project including appointed consultants (if any), with particular regard to their skills and experience in delivering similar projects.
2. Full CVs for each member of the proposed delivery team are to be attached as an Appendix, in addition to the biography to be provided (per item 1) within the body of the EOI response.



Section Two: Track Record and Relevant Experience

Respondents are asked to provide:

1. A selection of (at least three) specific relevant projects (in New Zealand or overseas but preferably with at least one local case study example) of a similar scale, complexity and partnering approach to the CAB redevelopment and where the Respondent acted as the developer or development manager. Pānuku is seeking commentary on:
 - a. How these case studies demonstrate the attributes and value the Respondent will bring to this project.
 - b. How the objectives of the case study projects relate to Pānuku's objectives and how knowledge gained from those projects could be transferred i.e. learnings.
 - c. How these case studies demonstrate innovation and expertise in successful master plan design.
 - d. How these case studies demonstrate an understanding of the local context, its market drivers, construction landscape and legislative / regulatory environment.
2. A statement of the Respondent's experience and capability with partnering models and project development agreement delivery mechanisms with reference to specific case study examples; ideally this experience would include working with central, state or local government bodies.
3. Demonstration of the Respondent's and its consultant team's expertise and experience with heritage retention and adaptive re-use ideally via reference to case study examples led by the Respondent.
4. An appreciation of the opportunity in the context of 'Towards the Aotea Quarter Framework' document objectives and expectations contained in Point 7 of the Auckland Development Committee resolution.
5. A minimum of three references from previous or current clients / projects, stating the nature of the project, approximate value and duration of the work.

For each case study the Respondent is asked to:

1. Provide sufficient information on the project to enable the evaluation panel to appreciate its context, location, scale and purpose such that it can be compared with the CAB project.
2. Identify the specific individuals within the proposed delivery team that were part of the project, and their role.

Section Three: Understanding the Context and Basis of Interest

1. A detailed design response is not expected, or required, as part of the EOI. However, Respondents are expected to demonstrate an understanding of what Pānuku is seeking to achieve for the quarter – see "Towards the Aotea Quarter – Consultation Document September 2015" (shapeauckland.co.nz). In this respect, a one-page design response summary outlining the issues, opportunities, future outcomes and vision for the site and quarter is required.
2. A proposed land payment mechanism or acquisition price structure or structures. For the sake of clarity, Pānuku is not seeking a financial offer at this stage; rather it is seeking to understand on what basis the Respondent would anticipate making payment for the land. Pānuku is seeking a proposal that constitutes Value for Money, provides certainty and exposes Pānuku to limited risk.



APPENDIX 1: EOI ADMINISTRATION

DUE DATE	<p>5.00pm on 30 September 2015</p> <p>Pānuku reserves the right at its sole discretion to extend the closing date for responses.</p>
FORMAT OF RESPONSES	<p>Respondents are asked to provide responses in the format generally provided in Section 7 in order to assist the evaluation panel.</p> <p>The size limit for responses (including attachments) is 15 A4 pages (excluding CV's of key personnel and financial statements). Each CV should not exceed one A4 page in length.</p>
INSPECTIONS	<p>1.5 hour inspection options are available to Respondents at 9:30am on the 11th, 15th and 18th of September.</p> <p>Should you wish to inspect the property please advise Annie Hip (annie.hip@cbre.co.nz) with your preferred time slot and Annie will confirm arrangements.</p>
DELIVERY OF RESPONSES	<p>Responses can be delivered in electronic or hard copy format.</p> <p>Electronic responses are to be delivered to:</p> <p>john.holmes@cbre.co.nz john.schellekens@cbre.co.nz</p> <p>Hard copy responses should be delivered to:</p> <p>CBRE (Agency) Limited Level 14, Zurich House 21 Queen Street Auckland 1140 c/o John Schellekens and John Holmes</p>
ENQUIRIES & COMMUNICATIONS	<p>All communications relating to this EOI should be directed to John Holmes and John Schellekens of CBRE (Agency) Limited.</p> <p>Interested parties should not contact representatives of Pānuku directly.</p> <p>You must not make any public statements regarding this EOI, without the prior written consent of Pānuku. Unauthorised communication by you about this EOI or with Pānuku or any other person in relation to this EOI may lead to your disqualification from the process.</p> <p>Clarification or further information sought by Respondents may be provided to other interested Respondents at Pānuku's discretion.</p>
EVALUATION CRITERIA	<p>Pānuku will establish a panel to evaluate the responses to this EOI, which may include representatives from other stakeholders or independent experts.</p> <p>The panel will assess each response on how well it meets the requirements set out in Section 7 and completion of the Conflict of Interest Declaration provided as Appendix 2.</p>

APPENDIX 2: CONFLICTS OF INTEREST DECLARATION

REQUEST FOR EXPRESSION OF INTEREST	Pānuku Development Auckland (Pānuku) invites expressions of interest from leading developers with the capability, track record and vision to undertake a refurbishment of the Civic Administration Building (CAB) and redevelop the surrounding curtilage
COUNCIL ORGANISATION	Pānuku Development Auckland
ADMINISTRATOR	CBRE (Agency) Limited

Conflict of interest definition

A conflict of interest is a situation in which a participant could gain (or be seen to gain) an unfair advantage through an association with an individual or organisation. Associations include financial, personal, professional, family-related or community-related relationships.

- ✓ An actual conflict of interest is where there already is a conflict.
- ✓ A potential conflict of interest is where the conflict is about to happen or could happen.
- ✓ A perceived conflict of interest is where other people might reasonably think there is a conflict.

	QUESTION	RESPONSE
		Select one answer for each question. Select "potentially" if others could perceive that a conflict exists
1.	Does any person in your organization have a close friend or relative who is (or could be) involved in any evaluation or decision-making relating to this procurement process?	yes / no / potentially
2.	Has any person in your organization recently offered any special discounts, gifts, trips, hospitality, rewards or favours to any person involved in any evaluation or decision-making relating to this procurement process?(e.g. free travel, free samples for personal use)	yes / no / potentially
3.	Does any person involved in any evaluation or decision-making relating to this procurement process have a financial interest in your organization? (e.g. the person is an employee of, or a shareholder in, your organization)	yes / no / potentially
4.	Are you aware of anything that might give the appearance that any person involved in the evaluation stage or decision-making stage of this procurement process is biased towards or against your organization? (e.g. the person has used your organization's corporate box)	yes / no / potentially
5.	Is there anything else that we should know?	yes / no

Continued on following page >>

APPENDIX 3: TERMS AND CONDITIONS

1. Introduction

- 1.1 The following provisions set out the terms and conditions to be followed by a party (or parties) and its representatives (together the “Respondents”) in connection with a possible sale by Auckland Council of the Civic Building, Aotea Square, Auckland, New Zealand (the “Transaction”).
- 1.2 This EOI has been issued by Pānuku Development Auckland on behalf of Auckland Council. References in this EOI and these terms and conditions to Auckland Council include Pānuku Development Auckland. These terms and conditions are for benefit for Auckland Council, Pānuku Development Auckland and the wider council group.
- 1.3 Participation by the Respondent in the Expressions of Interest (“EOI”) process will constitute acceptance of, and agreement to be bound by, these EOI Conditions.

2. Interpretation

- 2.1 In this Appendix 3:
 - a. Contact Person means the EOI information contact person(s) stated in Appendix 1.
 - b. EOI Documents means this EOI and any and all documents and written information issued in relation to this EOI.
 - c. EOI Conditions means these conditions as set out in this Appendix 3.
- 2.2 The term “including” does not imply any limitation.
- 2.3 Any rights reserved to Auckland Council may be exercised at the sole discretion of Auckland Council or the Contact Person.

3. Issue of EOI Documents

- 3.1 The issue of the EOI Documents is not an offer to enter into a contract.
- 3.2 The EOI Documents have been provided to assist participants in preparing EOIs. Auckland Council and CBRE (Agency) Limited does not represent or warrant the completeness or accuracy of the EOI Documents. Participants rely on any information provided in relation to this EOI at their own risk and are responsible for the interpretation of that information. EOI documents remain the property of Auckland Council.
- 3.3 The Contact Person may be contacted with any questions in relation to this EOI. All questions must be received by the last date for questions set out in the Schedule to EOI Conditions.

4. Communications

- 4.1 All enquiries regarding the EOI must be directed by email to the Contact Person. Respondents must not directly or indirectly approach any representative of Auckland Council, or any other person, to solicit information concerning any aspect of the EOI.
- 4.2 Auckland Council will not be bound by any statement made by any person in relation to this EOI other than statements made via the Contact Person’s email address and by an authorised person of Auckland Council.

5. Ethics

- 5.1 Respondents must not attempt to influence or provide any form of personal inducement, reward or benefit to any representative of Auckland Council in relation to the EOI.
- 5.2 Auckland Council reserves the right to require declarations, or other evidence from a Respondent, or any other person, throughout the EOI process to ensure probity of the EOI process.

APPENDICES

- 6. Respondents must complete and submit the Conflict of Interest Declaration set out in Appendix 2.**
- 7. Auckland Council reserves the right to exclude any Respondent from this EOI process if Auckland Council becomes aware that the participant has:**
- any undeclared conflict of interest;
 - made any attempt to influence the outcome of the EOI process by canvassing, lobbying or otherwise seeking the support of any officers, consultants, advisors or elected representatives of Auckland Council or the administrator (whether before or after the issue of this EOI);
 - engaged in any practice that gives or is intended to give one or more Respondent's an improper advantage over any other participant; and/or
 - engaged in any practice that is illegal or which Auckland Council considers to be unfair or unethical (including collusion and secret commission arrangements).
- 8. Anti-collusion and bid rigging**
- 8.1 Respondents must not engage in collusive, deceptive or improper conduct in the preparation of their responses or other submissions or in any discussions with Auckland Council. Such behaviour will result in the Respondent being disqualified from participating further in the EOI or any further related processes. The Respondent warrants that its response has not been prepared in collusion with a competitor (except in the case of a consortium response).
- 8.2 Auckland Council reserves the right, at its discretion, to report suspected collusive or anti-competitive conduct by Respondents to the appropriate authority and to give that authority all relevant information including a Respondent's response.
- 9. Submission of EOIs**
- 9.1 Hard copy: The Response Box will open and close at the time and place stated in Appendix 1. Auckland Council reserves the right to extend the period allowed for the submission of EOIs. Each EOI must be:
- packaged, identified and addressed as set out in Appendix 1; and
 - deposited to the correct Response Box before the closing time. However, the Council reserves the right to accept late EOIs. Any late EOI in respect of which the Council chooses not to exercise its discretion will be returned unopened.
- 9.2 Soft Copy: For electronic tendering, each EOI must be delivered in electronic format as specified in Appendix 1:
- in the form and include the information required by the EOI Documents.
 - signed by or on behalf of the participant.
- 9.3 Joint EOIs may be submitted. One of the participants to the joint EOI must be identified as the contact point for all communications with the Council relating to the EOI.
- 9.4 The cost of preparing and submitting an EOI, and the cost to the participant of any subsequent negotiations, meetings or discussions, will be borne by the participant.
- 9.5 The participant warrants that all information that it submits:
- is complete and accurate in all material respects; and
 - does not breach any third party's rights, including intellectual property rights, and the use of the information in relation to this EOI will not breach such rights.
- 10. Acceptance of EOIs**
- 10.1 Auckland Council may request any Respondent to clarify and/or adjust aspects of its EOI and reserves the right to negotiate with any shortlisted Respondent/s with a view to proceeding to a competitive process or negotiate directly with one or more Respondent /s.
- 10.2 Short-listing of any participant does not constitute acceptance by Auckland Council of that participant's EOI or imply or create any obligations on Auckland Council to proceed to a competitive process or enter into any commitment to purchase any particular goods and/or services from the participant.

10.3 Auckland Council reserves the right to:

- a. accept none or any of the EOIs;
- b. waive any irregularities or informalities in the EOI process;
- c. amend the EOI process or any associated documents;
- d. suspend, withdraw or cancel, in whole or in part, the EOI process or withdraw the contract at any time;
- e. enter into negotiations with one or more of the participants (short-listed or not); and/or
- f. request additional EOIs; and/or
- g. proceed to the next procurement process of its choosing or not proceed to a competitive process at all without incurring any liability to any participant (short-listed or not).

11. Submission of response

11.1 The Respondent warrants that:

- a. all information it submits is complete and accurate in all material respects and is not misleading whether by omission or otherwise;
- b. none of the information it submits breaches any third party's rights, including intellectual property rights, and the use of the information in relation to this EOI will not breach such rights;
- c. it has not withheld any information potentially relevant to Auckland Council's consideration of its response, including any actual or potential controversies, disputes or claims involving the participant; and
- d. the foregoing warranties will remain true and correct during the period of any negotiations between the Respondent and Auckland Council.

12. Confidentiality of EOI information

12.1 For the duration of the EOI, to the date of the announcement of the Successful Respondent, or the end of the procurement process, the Respondent agrees to keep the EOI strictly confidential and not make any public statement to any third party in relation to any aspect of the EOI or the EOI process without Auckland Council's prior written consent.

12.2 A Respondent may disclose information relating to the EOI to any officer, employee, consultant, contractor, professional advisor, partner, principal or director, but only for the purpose of participating in the EOI. The Respondent must take reasonable steps to ensure that such recipients do not disclose Confidential Information to any other person or use Confidential Information for any purpose other than responding to the EOI.

13. Respondents must not make any public statement regarding this EOI process without the express prior written consent of the Council.

14. Auckland Council may, if it considers it appropriate, require a participant to sign a confidentiality deed before releasing any confidential or commercially sensitive information to the Respondent. The Respondent agrees to sign the confidentiality deed, if requested.

15. Auckland Council reserves the right to exclude any participant from this EOI process if the Council becomes aware that the participant has breached any of the obligations set out in this clause.

16. Auckland Council is subject to the Local Government Official Information and Meetings Act 1987. Information provided by participants may be required to be disclosed under that act. Respondents further acknowledge that Auckland Council's obligations under paragraph 5(a) are subject to requirements imposed by the Official Information Act 1982 (OIA), the Privacy Act 1993, parliamentary or constitutional convention and any other obligations imposed by the law.

17. Publishing of information

17.1 Auckland Council regularly publishes information on its procurement activities, spending and contracting as part of its public information programme (“the Programme”) to further promote openness and transparency of Council operations. As such, the successful participant will consent to Council disclosing information about the awarded agreement/contract in its Programme publicly, which will include:

- a. a description of the services being supplied;
- b. the name of the participant;
- c. the term of the agreement/contract;
- d. the value of the agreement/contract.

17.2 In addition the successful participant will also consent to Council disclosing the total spend regarding all agreements or contracts between the participant and Council over a certain time period (which Council will set at its own discretion).

18. Ownership of documents

18.1 The EOI and its contents remain the property of Auckland Council. All intellectual property rights in the EOI remain the property of Auckland Council or its licensors. Auckland Council may request the immediate return or destruction of any or all EOI documents and any copies. Respondents must comply with any such request in a timely manner.

18.2 All documents forming the response will, when delivered to Auckland Council, become the property of Auckland Council. Responses will not be returned to Respondents at the end of the EOI process.

18.3 Ownership of intellectual property rights in the response remain the property of the Respondent or its licensors. However, the Respondent grants to Auckland Council a non-exclusive, non-transferable, perpetual licence to retain, use, copy and disclose information contained in its response for any purpose related to the EOI process. This clause does not apply to any general ideas or concepts and Auckland Council will have complete freedom of use of those general ideas or concepts. If Auckland Council proceeds to Phase 2 Request for Development Proposal it will discuss with shortlisted Respondents how intellectual property and other information are to be managed.

19. No binding legal relations

19.1 Neither the EOI, nor the EOI process, creates a process contract or any legal relationship between Auckland Council and any Respondent, except in respect of:

- a. the Respondent’s statements, representations and/or warranties in its response and in its correspondence with Auckland Council; and
- b. these conditions as set out in Appendix 3 to the EOI.

19.2 Each exception in paragraph 19.1 is subject only to Auckland Council’s reserved rights in paragraph 21.

19.3 Except for the legal obligations set out in paragraph 19.1 no legal relationship is formed between Auckland Council and any Respondent under or in connection with this EOI.

20. Exclusion from participation in further processes

20.1 Auckland Council may exclude a Respondent from participating in any further processes (including any decision by Auckland Council to issue an Request for Development Proposal following this EOI process) related to this EOI process if Auckland Council has evidence of any of the following, and is considered by Auckland Council to be material to the EOI:

- a. the Respondent has failed to provide all information requested, or in the correct format, or materially breached a term or condition of the EOI process;
- b. the response contains a material error, omission or inaccuracy;
- c. the Respondent is in bankruptcy, receivership or liquidation;
- d. there is a serious performance issue in a historic or current contract delivered by the Respondent;
- e. the Respondent has been convicted of a serious crime or offence;
- f. there is professional misconduct or an act or omission on the part of the Respondent which adversely reflects on the integrity of the Respondent;
- g. the Respondent has failed to pay taxes, duties or other levies;
- h. the Respondent represents a threat to national security or the confidentiality of sensitive government information; or
- i. the Respondent is a person or organisation designated as a terrorist by New Zealand Police.

21. Auckland Council's additional rights

21.1 Despite any other provision in the EOI Auckland Council may, on giving due notice to Respondents:

- a. amend, suspend, cancel and/or re-issue the EOI, or any part of the EOI; and
- b. make any material change to the EOI (including any change to the timeline) on the condition that Respondents are given a reasonable time within which to respond to the change.

21.2 Despite any other provision in the EOI Auckland Council may:

- a. accept a late response if it is Auckland Council's fault that it is received late;
- b. in exceptional circumstances, accept a late Registration where it considers that there is no material prejudice to other Respondents. Auckland Council will not accept a late Registration if it considers that there is risk of collusion on the part of a Respondent, or the Respondent may have knowledge of the content of any other Registration;
- c. in exceptional circumstances, answer questions submitted outside the question and answer period described in appendix 1 of this EOI;
- d. accept or reject any response, or part of a response;
- e. accept or reject any non-compliant, non-conforming or alternative response;
- f. decide to issue or not to issue an RFP following completion of this EOI process;
- g. liaise or negotiate with any Respondent without disclosing this to, or doing the same with, any other Respondent;
- h. provide or withhold from any Respondent information in relation to any question arising in relation to the EOI. Information will usually only be withheld if it is deemed unnecessary, is commercially sensitive to a Respondent, is inappropriate to supply at the time of the request or cannot be released for legal reasons; and
- i. waive irregularities or requirements in the EOI process where it considers it appropriate and reasonable to do so.

22. Due diligence

22.1 As part of the EOI process, Auckland Council, its advisors and/or the Contact Person may carry out due diligence investigations of any Respondent that submits an EOI.

22.2 Each Respondent agrees to fully co-operate with any due diligence activities (including providing all information which may be requested).

23. New Zealand law

23.1 The laws of New Zealand shall govern the EOI process and each Respondent agrees to submit to the exclusive jurisdiction of the New Zealand courts.

24. Disclaimer

24.1 Auckland Council and CBRE (Agency) Limited will not be liable in contract, tort, equity, or in any other way whatsoever for any direct or indirect damage, loss or cost incurred by any Respondent or any other person in respect of the EOI process.

24.2 Nothing contained or implied in the EOI, or EOI process, or any other communication by Auckland Council to any Respondent shall be construed as legal, financial or other advice. Auckland Council has endeavoured to ensure the integrity of such information. However, it has not been independently verified and may not be updated.

24.3 To the extent that liability cannot be excluded, the maximum aggregate liability of Auckland Council is \$1.

24.4 Information provided in the EOI process has been prepared solely for general information purposes and does not purport to contain all of the information that may be required to evaluate any proposed Transaction and any recipient of such information should conduct its own independent analysis of the assets and the data contained or referred to.

24.5 Neither CBRE nor Council nor any of their respective affiliates, directors, employees or advisers are, or will be, responsible for any costs incurred by the Recipient in reviewing the Information or considering the Transaction.

24.6 Neither CBRE nor Council has have made a survey of the property and neither assumes any responsibility in connection with such matters. It is assumed that all improvements will be within the title boundaries.

CBRE

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