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Report seeking approval for a surface encroachment licence for the occupation of road reserve adjacent to 982a-986 East Coast Road, Northcross, Auckland

Recommendation

That the Board:

- i. Approves and agrees to execute a new surface encroachment licence as a Deed to allow The New Zealand Fire Service Commission occupation of legal road adjoining 982a-986 East Coast Road, Northcross for use as a parking area in front of the new fire station.

Executive summary

1. The New Zealand Fire Service Commission is seeking Auckland Transport's consent, as landowner, to occupy part of the road corridor adjacent to 982a-986 East Coast Road, Northcross for the parking of vehicles associated with the fire service station on either side of the authorised crossing place providing access to the fire station.
2. The application has been reviewed by Auckland Transport's internal teams. They have no issues with the proposed use for parking purposes and made no amendments to the proposed layout. The berm is sufficiently wide to allow pedestrian use without creating a conflict with the proposed parking area. It does not impact on the neighbours' access requirements.
3. It is recommended that The New Zealand Fire Service Commission be granted a surface licence to occupy a portion of the berm as shown in the attached plan (**Attachment 1**) for a period of 20 years together with early termination provisions should the land be required for other purposes by Auckland Transport.

Strategic context

4. The proposed utilisation of the unused portion of the berm to provide public benefit uses is consistent with the policies and objectives of the Auckland Unitary Plan.

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Background

5. New Zealand Fire Service Commission (“NZFSC”) owns the Property situated at 982a to 986 East Coast Road, Northcross, Auckland (“Property”). NZFSC have applied to Auckland Transport (AT) for a surface encroachment licence to occupy part of the road corridor adjacent to the Property for parking of vehicles associated with the fire service station.
6. NZFSC intend to construct a new fire station on the Property. Part of the proposed works (parking and access) will be located within the road corridor (**Attachment 1**).
7. AT’s approval, as landowner, to construct the works within the road corridor will be conditional upon NZFSA undertaking such works in accordance with the Auckland Transport’s Code of Practice (ATCOP) and NZFSC meeting all regulatory approvals.
8. The surface encroachment licence will include provision that the parking is not exclusive to the NZFSA. AT also reserves the right to terminate use or amend the area if additional land is required for the future road widening. Approval by AT will be subject to a number of standard and site specific conditions being included in the Licence to Occupy.

Internal and external Consultation

9. Internal approvals were sought and obtained from AT’s internal teams including Road Corridor Delivery (Maintenance), Network Operations and Safety (NOS), Road Corridor (Access), Strategy (Planning and Policy), Investigation and Design and Asset Management Planning and Policy.
10. In reviewing the application, AT’s internal teams confirmed they had no issues as long as AT’s standard conditions are imposed and the proposed works do not impact on future road widening requirements.

Issues and options

11. AT encroachment policy guideline require licences for the use of the road to be for a maximum period of 5 years. NZFSC require a licence period of 20 years. AT’s internal teams have no issues in allowing the NZFSC to use this location for a term of 20 years subject to standard conditions being included in the licence including early termination provisions.
12. The Chief Executive’s Register of Delegations ATDI2012/01 does not allow Deeds to be executed under delegation.

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Licence fee

13. Although AT's Encroachment Policy Guidelines for the use of road surface, airspace and subsoil refers to an annual lease fee for surface encroachments AT also reserves the right to waive the annual fee where an encroachment provides a public benefit or provides a public safety concern. Such waivers will be considered under the financial delegation's policy.
14. An annual licence fee is not considered applicable in this instance as NZFSC is a public body tasked with providing a public service in the interests of safety. The NZFSC is not a commercial organisation.

Terms of the Licence to Occupy

Licensee	The New Zealand Fire Services Commission
Property	982a-986 East Coast Road, Northcross being Computer Freehold Register - 260024, NA4A/463, & NA5A/1071
Term	Term of 20 years
Commencement Date	The date the licence is signed
Licence Fee	Nominal \$1.00 Plus GST (If demanded.)
Early termination provisions	6 months' notice by AT
Permitted Use	Parking
Conditions	AT standard terms and site specific terms following internal consultation.

15. Such other terms as contained in the attached licence document (**Attachment 2**).

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Next steps

16. Solicitors Simpson Grierson prepared the attached Licence to Occupy in accordance with AT's instructions. Should the Board approve the recommendations contained therein, the Licence to Occupy is in order for execution, by two Board Members.

Attachment

Attachment Number	Description
1	Plans showing proposed parking areas
2	Licence to Occupy Land Adjoining 982A-986 East Coast Road, Northcross, Auckland

Document ownership

Submitted by	Irene Tulloch Property Management Manager	
	Recommended by	Jane Small Group Property & Planning Manager
Approved for submission	Greg Edmonds Chief Infrastructure Officer	
	David Warburton Chief Executive	

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Glossary

Acronym	Description
ATCOP	Auckland Transport Code of Practice
AT	Auckland Transport
AC	Auckland Council
NZFSC	The New Zealand Fire Service Commission

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Attachment 1 Area Plan showing proposed parking areas

