

Entered by Board Secretary

Approval and Execution of Agreements to Grant for Section two of the Glen Innes to Tamaki Drive Shared Pathway

For decision:

For noting:

Ngā tūtohunga / Recommendations

That the Auckland Transport Board (board):

- a) Approves Auckland Transport (AT) entering into seven (7) Agreements to Grant between KiwiRail Limited (Grantor) and AT (Grantee) to locate services and structures in the North Island Main Trunk Line rail corridor for Section 2 of the Shared Pathway between Glen Innes train station and Tamaki Drive as summarised below:

Grant Number	Grant Description	Commencement Date	Annual Rental
G90964/1-1	To have and maintain Public Pedestrian Bridge 380D with a minimum clearance of 4.5m from the top of the rail at Glen Innes at 675.746km on the North Island Main Trunk Line.	1 April 2020	\$1,965.00 plus GST
G90964/2-1	To have and maintain a SN16 DN150 stormwater pipe at a minimum depth of 1.5m from the top of the rail at Glen Innes at 675.750km on the North Island Main Trunk Line.	1 April 2020	\$350.00 plus GST
G90964/4-1	To have and maintain a retaining wall at Purewa Road at Glen Innes at 675.230km to 676.340km on the North Island Main Trunk Line.	1 April 2020	\$2,193.00 plus GST
G90964/5-1	To have and maintain a stormwater pipe at Glen Innes at 676.280km on the North Island Main Trunk Line.	1 May 2020	\$523.00 plus GST
G90964/6-1	To have and maintain a catchpits for stormwater pipe at Glen Innes at 676.283km on the North Island Main Trunk Line.	1 May 2020	\$350.00 plus GST

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Grant Number	Grant Description	Commencement Date	Annual Rental
G90964/8-1	To have and maintain a stormwater manhole at Glen Innes at 676.080km on the North Island Main Trunk Line.	1 June 2020	\$350.00 plus GST
G90964/10-1	To have and maintain a catchpits for stormwater pipe at Glen Innes at 676.280km on the North Island Main Trunk Line.	1 May 2020	\$350.00 plus GST

b) Appoints two (2) directors to execute the Agreements to Grant.

Te whakarāpopototanga matua / Executive summary

1. AT and Waka Kotahi New Zealand Transport Agency (Waka Kotahi) are creating a shared path for cyclists and pedestrians from Merton Road near Glen Innes train station to Tamaki Drive – allowing people to walk, run or cycle from Auckland’s eastern suburbs to the Waitemata Harbour. The Glen Innes to Tamaki Drive shared path (GI2T) – Te Ara Ki Uta Ki Tai (the path of land and sea) is a joint project that will deliver a 7km–long path connecting Auckland’s eastern suburbs to the city centre.
2. Some structures and services for section 2 of the GI2T will be located in the rail corridor. The purpose of this paper is to request board approval to AT entering into seven (7) Agreements to Grant with KiwiRail Limited to permit these structures and services to be located in the rail corridor.
3. This paper also requests that the AT board appoint two (2) directors to execute the Agreements to Grant. Under AT Delegation 2019/01, any contract which commits AT to a financial commitment of 5 years or more including renewals requires board approval.

Ngā tuinga ō mua / Previous deliberations

4. On 3 December 2019, the board approved proceeding with the GI2T Project.
5. On 24 February 2020, the Waka Kotahi board agreed to deliver and fully fund the physical works construction programme for GI2T Section 2.

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Te horopaki me te tīaroaro rautaki / Context and strategic alignment

6. The Government Policy Statement on Land Transport sets investment in walking and cycling as one of the top transport priorities.
7. AT and Waka Kotahi are working together to develop a network of cycling routes to make Auckland safer and easier to get around.
8. In April 2015, the board approved commencement of the Urban Cycleway Programme (UCP), with a budget of \$123 million. In May 2019, an updated UCP funding package of \$179.8 million was approved, with GI2T Sections 2 and 4 included, up to the stage of being construction ready. Once complete, the UCP programme will deliver key links as part of the broader cycle network in Auckland.
9. Section 2 of GI2T, a joint project between Waka Kotahi and AT, has been progressed to being construction ready, subject to completion of some low risk tasks.
10. Delivery of Section 2 will provide the missing link between the completed Sections 1 and 3. And completion of Sections 2 and 4, will provide a transformational link for this part of Auckland.

Ngā matapakinga me ngā tātaritanga / Discussion and analysis

11. AT identified that a number of structures and services forming part of Section 2 GI2T would be located within the rail corridor and entered into negotiations with KiwiRail to establish the property rights required to facilitate physical works construction and ongoing occupation
12. KiwiRail requires Agreements to Grant when services or structures are located within the rail corridor. The terms of the Grants are standard and KiwiRail does not accept changes to the terms including only allowing 1 year perpetually renewal grants.
13. Key terms of the Agreements to Grant are:
 - The commencement dates vary: 1 April 2020, 1 May 2020 & 1 June 2020.
 - The initial term is 12 months, with a 12 months perpetual right of renewal, subject to a termination clause enforceable by either the Grantee or Grantor at any time upon twelve (12) months' written notice.
 - The Grantee acknowledges that KiwiRail may terminate the Agreement upon 3 months' notice, where the Grant Areas are required for railway use.
14. The terms of the Agreements to Grant have been approved by AT legal counsel for execution by AT.

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Ngā tūraru matua / Key risks and mitigations

15. The key risk is that KiwiRail could terminate the Agreement upon three (3) months' notice, where the grant areas are required for railway use. AT has numerous grants in the rail corridor across Auckland, all of these contain this provision. It has been rare that KiwiRail has exercised this clause and where it has, an alternative has been found in consultation with KiwiRail.

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

16. The Agreements to Grant combined annual rental is \$6,081 plus GST payable annually in advance, with an annual two percent (2%) increase and a market rent review date on each fifth anniversary of the commencement date.
17. The ongoing liability to pay rental under this Licence to Occupy has been included in the project cost and advised to the AT asset team to account for in the future.

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

18. The shared path will offer a high-quality active mode corridor contributing to increased use of alternative transport modes.

Ngā reo o mana whenua rātou ko ngā mema pooti, ko ngā roopu kei raro i te maru o te Kaunihera, ko ngā hāpori katoa / Voice of mana whenua, elected members, Council Controlled Organisations, customer and community

19. The shared path has been the subject of ongoing consultation and engagement with the local board, mana whenua and the community.

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

20. No considerations have been identified from the issue and options recommended.

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Ā muri ake nei / Next steps

21. Agreements to Grant will be provided and two (2) board directors will be requested to execute the Agreements.

Ngā whakapiringa / Attachments

Attachment number	Description
1	G90964/1-1 - To have and maintain Public Pedestrian Bridge 380D
2	G90964/2-1 - To have and maintain a SN16 DN150 stormwater pipe
3	G90964/4-1 - To have and maintain a retaining wall at Purewa Road
4	G90964/5-1 - To have and maintain a stormwater pipe
5	G90964/6-1 - To have and maintain a catchpits for stormwater pipe
6	G90964/8-1 - To have and maintain a stormwater manhole
7	G90964/10-1 - To have and maintain a catchpits for stormwater pipe

Te pou whenua tuhinga / Document ownership

Submitted by	Emma Cheetham Property Optimisation Manager	
	Recommended by	Jane Small Group Manager Property and Planning
Approved for submission	Mark Lambert Executive General Manager Integrated Networks	
	Shane Ellison Chief Executive	