

Entered by Board Secretary

Approval and Execution of Agreements to Grant for the New Lynn to Avondale Shared Path

For decision:

For noting:

Te tūhunga / Recommendation

That the Auckland Transport Board (board):

- a) Approves Auckland Transport (AT) entering into six (6) Agreements to Grant between KiwiRail Limited (Grantor) and AT (Grantee) to locate services and structures in the North Auckland Main Trunk Line rail corridor for the New Lynn to Avondale Shared Pathway Project as summarised below:

Grant Number	Grant Description	Commencement Date	Annual Rental
G90737-2	To have and maintain a 110mm HDPE PN16 Optic Duct at St Georges Road, New Lynn at 18.200km on the North Auckland Line	1 June 2020	\$448.00 plus GST
G90737-3	To have and maintain a Retaining Wall at St Georges Road at 17.950km on the North Auckland Line	1 May 2020	\$808.00 plus GST
G90737-4	To have and maintain a Pedestrian Underbridge at New Lynn at 17.880km on the North Auckland Line	1 June 2020	\$1095.00 plus GST
G90737-5	To have and maintain a Retaining Wall at New Lynn at 18.230km to 18.440km on the North Auckland Line	1 June 2020	\$1222.00 plus GST
G90737-6	To have and maintain a Lightweight Bridge at New Lynn at 17.440km to 17.470km on the North Auckland Line	1 June 2020	\$825.00 plus GST
G90737-7	To have and maintain a 110mm HDPE PN16 Optic Duct at Portage Road, New Lynn at 18.880km on the North Auckland Line	1 June 2020	\$350.00 plus GST

- b) Appoints two (2) directors to execute the six (6) Agreements to Grant.

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Te whakarāpopototanga matua / Executive summary

1. AT is partnering with the Whau Local Board, Auckland Council, and Waka Kotahi New Zealand Transport Agency to create a shared path for cyclists and pedestrians from New Lynn to Avondale.
2. The New Lynn to Avondale Shared Path will deliver a 2.9km continuous shared path linking New Lynn train station, Avondale train station, Waterview shared path, the north-western cycleway, and city centre networks.
3. Some structures and services for the New Lynn to Avondale shared path will be located in the rail corridor. The purpose of this paper is to request board approval to AT entering into six (6) Agreements to Grant with KiwiRail Limited to permit these structures and services to be located in the rail corridor.
4. 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 tuhinga ō mua / Previous deliberations

5. On 2 October 2018, the board approved proceeding with the New Lynn to Avondale shared path project.

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. The New Lynn to Avondale Shared Pathway is approximately 2.9km long and includes the construction of a new purpose-built bridge incorporating a cycle/footpath over the Whau River along the rail corridor between Avondale and New Lynn.
9. AT requires use of KiwiRail land to construct the pathway and for the ongoing occupation of utilities and structures in the rail corridor for the shared pathway.

Ngā matapakinga me ngā tātaritanga / Discussion and analysis

10. 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. KiwiRail will only enter into 1 year perpetually renewal Grants.

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11. Key terms of the Agreements to Grant are:

- The commencement dates vary between 1 May 2020 to 1 June 2020.
- The initial term of all six (6) Agreements to Grant is twelve (12) months, with twelve (12) months perpetual right of renewal, subject to a termination clause enforceable by either Grantee or Grantor at any time upon twelve (12) months' written notice.
- The Grantee acknowledges that KiwiRail may terminate the Agreement upon three (3) months' notice, where the Grant Areas are required for railways use.

12. The terms of the Agreements to Grant have been approved by AT legal counsel for execution by AT.

Ngā tūraru matua / Key risks and mitigations

13. 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 impacts

14. The Agreements to Grant combined annual rental is \$4,748 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.
15. 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 o te taiao me te panonitanga o te āhuarangi / Environment and climate change considerations

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

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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

17. 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

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

Ā muri ake nei / Next steps




19. Two (2) board directors will be requested to execute the Agreements to Grant.

Ngā whakapiringa / Attachments

Attachment number	Description
1	G90737/2 - To have and maintain a 110mm HDPE PN16 Optic Duct
2	G90737/3 - To have and maintain a Retaining Wall
3	G90737/4 - To have and maintain a Pedestrian Underbridge
4	G90737/5 - To have and maintain a Retaining Wall
5	G90737/6 - To have and maintain a Lightweight Bridge
6	G90737/7 - To have and maintain a 110mm HDPE PN16 Optic Duct

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Te pou whenua tuhinga / Document ownership

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