

Entered by Board Secretary

# Approval and Execution of Deed of Surrender of Lease for Westfield Station

For decision: ☒

For noting: ☐

## Ngā tūtohunga / Recommendations

That the Auckland Transport Board (board):

- a) Approves Auckland Transport (AT) entering a Deed of Surrender of Lease (**Attachment 1**), between KiwiRail Limited (KiwiRail) (Lessor) and AT (Lessee) for Westfield station.
- b) Appoints two (2) directors to execute the Deed of Surrender of Lease.

## Te whakarāpopototanga matua / Executive summary

1. Otahuhu interchange was built to facilitate an integrated transport network for Auckland. It enables improved bus and train services across the region. Westfield station had low patronage which could be met by the new Otahuhu interchange and was closed on 30 April 2017 as part of the ongoing development of rail in Auckland.
2. As AT no longer has a transport requirement to continue leasing this station from KiwiRail, KiwiRail and AT have agreed that AT will surrender the Lease.
3. The surrender must be recorded by way of Deed. Under AT Delegation 2019/01 Deeds are required to be executed by at least two members of the board.

## Ngā tuhinga ō mua / Previous deliberations

4. There are no previous board deliberations for these matters.

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## **Te horopaki me te tīaroaro rautaki / Context and strategic alignment**

5. Under the New Zealand Railway Corporation (NZRC) Act 1981, the NZRC has statutory powers, rights and obligations in respect of Crown land held for railways purposes. The Crown and NZRC lease this estate to KiwiRail. Rail stations are then leased to AT in the form of a standard Station Lease dated 29 September 2003. Westfield station is covered by the Station Lease.
6. Otahuhu interchange was built to facilitate an integrated transport network for Auckland. It enables improved bus and train services across the region. The project was implemented in several phases with phase one being the southern network.
7. Westfield station had low patronage which could be met by the new Otahuhu interchange. Westfield station was therefore closed on 30 April 2017 as part of the ongoing development of rail in Auckland.

## **Ngā matapakinga me ngā tātaritanga / Discussion and analysis**

8. AT currently leases the Westfield station from KiwiRail. AT as the Lessee, assumes responsibility for all obligations, duties and outgoings in relation to the land as if it were the owner. This includes, but is not limited to, obligations to adhere to the Health and Safety in Employment Act 1992, the Railway Safety and Corridor Management Act 1992 and the Transport Services Licensing Act 1989. AT also maintains responsibility for repairs and maintenance and for keeping the land and all persons on the land safe and free from hazards.
9. As Westfield station closed on 12 March 2017 and AT no longer has a transport requirement for the site, by surrendering the Westfield station Deed of Lease, AT extinguishes its obligations under the existing Deed of Lease.

## **Ngā tūraru matua / Key risks and mitigations**

10. If this Deed is not surrendered AT will remain liable for all matters relating to the site, this includes but is not limited to, obligations to adhere to the Health and Safety in Employment Act 1992, the Railway Safety and Corridor Management Act 1992 and the Transport Services Licensing Act 1989. AT also maintains responsibility for repairs and maintenance and for keeping the land and all persons on the land safe and free from hazards. On execution of the Deed of Surrender of Lease, these obligations cease.

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

11. The Station Lease is subject to a peppercorn rental if called upon so AT has not had ongoing rental obligations. AT has not been required to pay outgoings since the station closed. Execution of the Deed of Surrender will formalise the end of the Lease.

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

12. There are no environmental or climate change impacts associated with surrendering the Deed of Lease.

## **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**

13. Any relevant consultation was completed as part of the project to open Otahuhu station and close Westfield station in 2017. No further consultation is required to surrender the Deed of Lease.

## **Ngā whaiwhakaaro haumarū me ngā whaiwhakaaro hauora / Health, safety and wellbeing considerations**

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

## **Ā muri ake nei / Next steps**




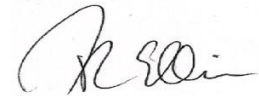
15. The Deed of Surrender of Lease for Westfield station will be provided and two (2) board directors will be requested to execute the Deed.

## **Ngā whakapiringa / Attachments**

Attachment number	Description
1	Deed of Surrender of Lease for Westfield Station

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## Te pou whenua tuhinga / Document ownership

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