
Leona McKenzie Memorial Seat - Short Street, Opaheke

File No.: CP2017/05741

Purpose

1. Seeking approval to fund the installation of a memorial seat in Short Street, Papakura, in memory of Leona McKenzie to acknowledge her years of work on the Opaheke School road crossing.

Executive summary

2. Leona McKenzie's family members have approached the local board requesting assistance with the installation of a memorial seat on the street berm outside Opaheke School on Short Street, Papakura. The family would like to acknowledge the years of service Leona had given to the Opaheke School road crossing.
3. Installing a memorial seat on a street berm requires an Auckland Transport Encroachment Licence which carries a \$1,000 non-refundable fee. Also depending on the scale of works a Corridor Access Request application may be required. The schedule of fees relating to a Corridor Access Request is attached as attachment C.
4. If the encroachment is permanent, a memorandum of encumbrance would be required to be registered against the adjoining properties' land title as no cost to Auckland Transport.
5. The board has two options to fund this application:
 - i) Fund the project from the locally driven initiatives (LDI) capital expenditure (capex) budget.
 - ii) Fund the project as an operational expenditure (opex) grant.
6. The benefits and risks associated with each option are discussed in paragraph 27. The recommendation is that the Board approve an operational grant of \$5,000 to the family of Leona McKenzie to install a memorial seat acknowledging Leona's Opaheke School road crossing work over many years.

Recommendation/s

That the Papakura Local Board:

- a) agree to an operational grant of \$5,000 to the family of Leona McKenzie from the _____ budget as a contribution to the installation of the memorial seat acknowledging the work Leona did with the Opaheke School road crossing.
- b) request staff ensure the Leona McKenzie family are aware of the following conditions relating to the grant:
 - i) the Leona McKenzie family are responsible for any repairs and maintenance to the memorial seat installed on Short Street, Papakura, going forward.
 - ii) the memorial seat will be removed at no cost to council or Auckland Transport should it fall in disrepair and not be maintained by the family.

Comments

7. Leona McKenzie's family members have approached the local board requesting assistance with the installation of a memorial seat on the street berm outside Opaheke School on Short Street, Papakura, to acknowledge Leona McKenzie's years of service on the Opaheke School road crossing.

8. Installing a memorial seat on a street berm requires an Auckland Transport Encroachment Licence and a Corridor Access Request to be approved.
9. The Auckland Council duty planner has advised that if the memorial seat is on Auckland Transport road reserve no building or resource consent would be required.

Auckland Transport Encroachment Licence

10. If the memorial seat is to be erected on Auckland Transport land, an encroachment licence will be required. See attachment A for a copy of an application form. There is a non-refundable cost of \$1,000.
11. A road encroachment licence authorises a right to occupy an area of legal road, but does not give the licence-holder exclusive possession in the way a lease does.

Applying for an Encroachment Licence

12. The Auckland Transport website advises the following process for applying for an encroachment licence.
13. Property owners or developers must submit an application to Auckland Transport and receive approval before placing any encroaching object on, under or above a legal road.
14. Auckland Transport reserves the right to exercise its discretion not to proceed with the licence or encumbrance at any point during the application process.

Who can apply

15. Usually only the owners of land immediately adjoining the legal road can apply for a licence. Any other applicant is likely to have their application declined unless they get prior written consent from adjoining landowners (and service/utility authorities if any of their utilities are affected).
16. Only those properties immediately next to the land in question are adjoining owners. This does not include neighbours who are one or more properties removed.

Application process

17. The application process is as follows:

No.	Task	Action
1.	Initial enquiry	Make an initial enquiry to Auckland Transport to see if they will consider the encroachment licence.
2.	Formal application	<p>If the initial enquiry is confirmed by Auckland Transport, then you can submit a formal application.</p> <p>Also required with the application:</p> <ul style="list-style-type: none"> • Written consent from adjoining landowners. • Signed consents from service authorities (if any of their utilities are affected), copies of plans, aerials (if applicable), cross sections etc. • Non-refundable deposit of \$1,000 (incl. GST).

Memorandum of Encumbrance

18. Consent to a licence by Auckland Transport does not constitute regulatory approval to placement of encroachments within the road corridor. In cases where the encroachment may be permanent, a memorandum of encumbrance will be required to be entered into and registered against the adjoining properties' land title at no cost to Auckland Transport.
19. There is further information regarding the encroachment licence and the process within the following link:

<https://at.govt.nz/about-us/working-on-the-road/road-processes-for-property-owners/road-encroachment-licences-or-leases/>

Corridor Access Request (CAR)

20. If the applicant is digging within the road corridor, they may also need to lodge a Corridor Access Request (CAR) separate from any licence.
21. However, if single excavations are only in the grass berm and are less than 3m² or less than 6 linear metres, a CAR is not required, unless the work site or equipment encroaches onto the road corridor.
22. See attachment B for details about the information required for applying for a Corridor Access Request.
23. See attachment C for the fee schedule relating to CAR applications.
24. Detailed information regarding how to apply for a Corridor Access Request can be found at the following website: <https://at.govt.nz/about-us/working-on-the-road/corridor-access-requests/>

Consideration

Options for Funding

25. The Papakura Local Board has two options to fund this project.
 - iii) Fund the project from the Locally Driven Initiatives (LDI) capital expenditure (capex) budget.
 - iv) Fund the project as an LDI operational expenditure (opex) grant.
26. The following table outlines the options with the benefits and risks:

No.	Option	Benefits	Risks
1.	Fund the memorial seat from the local board capital budget. (LDI capex)	<ul style="list-style-type: none"> • The memorial seat becomes an Auckland Council asset. • The seat is maintained to a standard. 	<ul style="list-style-type: none"> • The local board will pay the consequential operational expenditure going forward. • The project would need to meet the criteria for a locally driven initiative criteria. • The processes could take some time to work through.

No.	Option	Benefits	Risks
2.	Grant an amount to the family and they install the seat. (LDI opex grant)	<ul style="list-style-type: none"> The family would drive the project forward through to installation. Although the memorial seat is on public land the family would be responsible for the maintenance and upkeep. 	<ul style="list-style-type: none"> There is a potential risk of setting a precedent if the board funds this request outside of the contestable grants funding round. Although the memorial seat is on public land the family would be responsible for the maintenance and upkeep. The public would perceive the seat to be a council asset. Any delay in repair or lack of maintenance would reflect poorly on council.

Process for a locally driven initiative capital expenditure item

27. The process for a LDI capex item is as follows:

- i) The local board and department delivering the project agree on the initiative plus on how it will be maintained going forward, which means agree the consequential opex maintenance and renewals.
- ii) The costings are approved by Katrina Morgan in Investigation and Design who is in charge of the LDI Capex fund project costs.
- iii) The local board formally resolve the spend.
- iv) The department factor the item into their work programme to deliver.

Local board views and implications

28. The local board is being asked to make a decision about:

- i) whether it wishes to fund this project or not and
- ii) from which budget - the LDI capex budget or opex as a grant.

Māori impact statement

29. No consultation has been undertaken with mana whenua in relation to this project at this point.

30. Māori may benefit from the installation of the memorial seat in terms of having public access to a seat on a road berm.

Implementation

31. There are issues with implementation if the board choose to fund the memorial seat from the LDI Capex budget. There is no department to drive the project.

Attachments

No.	Title	Page
A	Auckland Transport application for encroachment form	

B	Information relating to applying for a Corridor Access Request	
C	Auckland Transport Fee Schedule - Corridor Access Requests	

Signatories

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