

I hereby give notice that an ordinary meeting of the Franklin Local Board will be held on:

**Date:** Tuesday, 28 February 2017  
**Time:** 9.30am  
**Meeting Room:** Local Board Chambers  
**Venue:** Pukekohe Service Centre  
82 Manukau Road  
Pukekohe

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## Franklin Local Board

# OPEN ADDENDUM AGENDA

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### MEMBERSHIP

<b>Chairperson</b>	Angela Fulljames
<b>Deputy Chairperson</b>	Andrew Baker
<b>Members</b>	Malcolm Bell
	Alan Cole
	Brendon Crompton
	Sharlene Druyven
	Amanda Hopkins
	Murray Kay
	Niko Kloeten

(Quorum 5 members)

**Anthea Clarke**  
**Democracy Advisor**

**23 February 2017**

Contact Telephone: (09) 237 1310  
Email: [Anthea.Clarke@aucklandcouncil.govt.nz](mailto:Anthea.Clarke@aucklandcouncil.govt.nz)  
Website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)



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## Local Board Delegations - Landowner Approvals (deferred from 23 August 2016)

File No.: CP2017/02230

### Purpose

1. To confirm the process for local board decision-making and delegations relating to minor landowner approval applications over local parks in Franklin.

### Executive summary

2. The Parks, Sport and Recreation and Community Facilities Departments receive numerous requests for landowner approval to undertake various activities on council park land. The current local board practice requires that all applications, regardless of their complexity, are workshopped and reported to the local board for approval. This can mean it takes between two to four months to process applications.
3. A workshop was held with the local board on 8 December 2015, to consider the current local board process. To improve the customer experience with respect to minor landowner approval applications (permanent private and public infrastructure, affected party approvals and developer-led park developments), the local board informally supported following the process set out in the Local Board delegations protocols for utilising the council delegations by enabling specific board members to either support staff to make the decision under delegation and complete the process, or require that the matter be reported to the full local board for consideration. Criteria were agreed for what is considered a minor application.
4. This proposal is recommended for a period of six months from the date of the resolution after which time it will be reviewed.

### Recommendation/s

That the Franklin Local Board:

- a) Nominate Board Members to utilise the process outlined in the Combined Chief Executive Delegations Register authority, for minor land owner approvals relating to park land for a period of six months from the date of this resolution.
- b) Review the process after six months.
- c) Continue to receive all other landowner approval applications relating to park land considered moderate or complex to a full local board workshop and subsequent business meeting for a decision.

### Comments

5. The Parks, Sport and Recreation and Community Facilities Departments receive numerous requests for landowner approval for various activities on park land including permanent public and private infrastructure (e.g. stormwater pipes, clubrooms), activities with no permanent infrastructure (e.g. events, mobile commercial operations, community gardens), affected party approvals, development led park developments, temporary use, plaques and memorials.
6. To improve the customer experience when seeking landowner approval, staff are looking at how current systems and processes can be improved. This includes reviewing current processes with local boards.

### Current local board process

7. The current process for all landowner applications regardless of their level of complexity, is as follows:
  - Application received and assessment undertaken by staff
  - Discussion and negotiation with applicant to obtain the best outcome
  - Workshop with the local board
  - Report to the local board
  - If the application is approved staff formalise the proposal via the appropriate mechanism which includes reinstatement/mitigation conditions (e.g. letter, easement, lease etc.). If not approved, the local board resolution is provided to the applicant
  - Monitor reinstatement and/or mitigation.
8. The process for approval can take between 2-4 months.

### Delegations

9. The local board delegation protocols set out the powers that are to be exercised by local boards, with staff being delegated remaining powers. Before staff can exercise their powers, they need to check if the portfolio holder wishes to have the decision made by the local board, rather than staff.
10. There is no requirement in the protocols for workshops prior to the staff decision, but the portfolio holder can work with staff to develop an appropriate process that works.

### Proposed process

11. Landowner approval requests vary in terms of their level of complexity from minor to complex. Examples of complexity for specific types of landowner approval are provided in the table below.

Type of application	Minor	Complex
Permanent infrastructure - utilities	Short length of underground pipe	New pump station
Permanent infrastructure – building	Small expansion within leased area	New clubrooms
Affected party approvals related to resource consent applications	Small height in relation to boundary infringement	Extensive height in relation to boundary infringement
Developer-led improvements	Specimen tree planting	New playground

12. A workshop was held with the local board in December 2015 to discuss processes around the different complexities of applications. The local board supported board members working with staff in line with the council delegations for landowner applications that are considered to be minor. It is recommended that a minimum of 2 board members be nominated to work with staff.
13. The process moving forward will involve parks staff assessing the application and seeking the best outcomes in discussion with the applicant. A summary of the application and staff recommendation will be emailed to the nominated board members for consideration. The nominated board members will either advise staff that they can use their delegation to formalise the activity or require that the application be reported to the full local board for

consideration. The nominated board members are to respond in five days. Should no response be received staff may assume that it is appropriate for the staff delegation to apply.

14. The criteria framework agreed for minor applications is as follows:

Type of application	Minor application criteria framework
Permanent infrastructure - utilities (private and public)	<ul style="list-style-type: none"> <li>• Upgrade or replacement of existing infrastructure where the location or footprint is largely unchanged</li> <li>• Stormwater disposal not involving infrastructure where the park can sustain the runoff (i.e. current and future park assets/uses are not affected)</li> <li>• Pipelines or cables less than 10 metres in length that are underground or have minimum impact when works are complete and do not affect current or future use and development of the park</li> </ul>
Permanent infrastructure – buildings	<ul style="list-style-type: none"> <li>• Alterations to a building(s) within a lease or licence area not exceeding the existing lease or licence boundary or intended purpose, for example building upgrades and small extensions</li> </ul>
Affected party approvals related to resource consent applications	<ul style="list-style-type: none"> <li>• Yard infringements where the yard is still 75% or more of the allowable distance</li> <li>• Height in relation to boundary infringements where the infringement affects less than 1m vertical height of the building or where the infringement affects less than 10% of the building façade; and the impacts on the park are no more than minor</li> <li>• Any other infringement (e.g. impermeable surface, temporary construction effects) which has a less than a minor effect on the park</li> </ul>
Development of reserves to vest	<ul style="list-style-type: none"> <li>• Specimen tree planting offered at no cost to the council</li> <li>• Pathways/seats/bins around drainage reserves offered at no cost to the council</li> <li>• Pathways/seats/bins around esplanade areas offered at no cost to the council</li> <li>• Pathways in accordance with District Plan or adopted Council Park's plans offered at no cost to the council</li> </ul>

15. A set of principles which form the foundation for how applications are assessed was also reviewed at the workshop and supported by the local board (refer Attachment A).

## Consideration

### Local board views and implications

16. A workshop was held with the local board on 8 December 2015 where the proposal to change the process to address minor landowner approvals was discussed. The recommendations of this report reflect the outcomes of the workshop.

### Māori impact statement

17. Maori were not consulted in preparation of this report as it is an internal process matter.
18. When assessing applications for landowner approval, it is standard practice to review the site for any areas of interest to mana whenua identified through the relevant district plan and Proposed Auckland Unitary Plan. Cultural values are also taken into consideration.
19. Where applications require resource consent, iwi consultation can also occur through this process. Where a decision relates to a reserve, the council is required to act in accordance with Treaty of Waitangi principles.

## Implementation

20. The new process for minor landowner applications for park land will be activated immediately should the local board endorse the proposal.
21. Moderate and complex landowner applications for park land will continue to be workshopped and reported to the local board.

## Attachments

No.	Title	Page
A  	Landowner Application Assessment Principles	9

## Signatories

Authors	Sophie Bell - Parks & Open Space Specialists Manager
Authorisers	Mace Ward - General Manager Parks, Sports and Recreation Sue O'Gorman - Relationship Manager

## Attachment A

### Landowner Application Assessment Principles

Principles forming the foundation on how applications are assessed;

- Protection of intrinsic values and integrity of parks
- Limit the privatisation of public open space
- Promote and demonstrate wise stewardship of the region's environment
- Enable mana whenua to express kaitiakitanga
- Provide a range of experiences and opportunities for use and enjoyment
- Enable safe public use
- Recover costs associated with activities on parks where the benefit to a recipient is greater than the public benefit
- Be a good neighbour and ensure new development does not unduly affect the people living and working in proximity to the park.
- Manage parks in accordance with the legislative framework