

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

**Date:** Wednesday, 27 February 2019  
**Time:** 04:00pm  
**Meeting Room:** Albert Eden Local Board Office  
**Venue:** 135 Dominion Road  
Mt Eden

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## **Albert-Eden Local Board**

### **OPEN ADDENDUM AGENDA**

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#### **MEMBERSHIP**

<b>Chairperson</b>	Peter Haynes
<b>Deputy Chairperson</b>	Glenda Fryer
<b>Members</b>	Lee Corrick
	Graeme Easte
	Rachel Langton
	Ben Lee
	Jessica Rose
	Margi Watson

(Quorum 4 members)

**Mark Macfarlane**  
**Democracy Advisor**

**21 February 2019**

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## Proposed new lease to the Auckland Horticultural Council Incorporated at 956 Great North Road, Point Chevalier

File No.: CP2019/01754

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### Te take mō te pūrongo

#### Purpose of the report

1. The purpose of this report is to seek approval from the Albert Eden Local Board to make an offer of terms for a lease of premises and if accepted to grant a lease to the Auckland Horticultural Council Incorporated (AHC) at 956 Great North Road.

### Whakarāpopototanga matua

#### Executive summary

2. The former Chamberlain Park Golf Course clubhouse at 990 Great North Road has been occupied by the AHC since 1989. The lease to the group expires on 31 July 2019 and there are no rights of renewal.
3. In 2017 the building and site were identified as the preferred location for a Community Recycling Centre after investigations by the Albert-Eden, Puketāpapa and Waitemata Local Boards.
4. Since 2016 there have been ongoing discussions with the AHC about relocation from the building at 990 Great North Rd. Numerous options and configurations have been considered and discussed.
5. The proposal to relocate the AHC to the Western Springs Garden Community Hall Building at 956 Great North Road was last discussed with AHC representatives on 10 December 2018 without resolution.
6. The board wishes to finalise an offer to the group and to progress the renovation of the building so that it is available at the time the current lease to the AHC expires on 31 July this year.
7. This report recommends the terms of a final offer to the AHC and the terms for a proposed community lease.

### Ngā tūtohunga

#### Recommendation/s

That the Albert-Eden Local Board:

- a) agree to forego an expression of interest process to identify a suitable occupant for the proposed lease area at 956 Great North Road.
- b) approve the terms of the offer of accommodation and new community lease to the Auckland Horticultural Council Incorporated (AHC) at 956 Great North Road as follows:
  - i) part of the building will be renovated at council cost to accommodate AHC as shown on the plan at Attachment B. The area for the exclusive occupation of AHC is shown shaded on the plan
  - ii) a lease for a term of three years, commencing 1 August 2019, with one right of renewal of three years

- iii) rental shall be one (\$1) dollar per annum plus GST if demanded
  - iv) meeting room one as shown on the plan is not included in the lease area and will continue to be managed by the council Venue for Hire team
  - v) AHC shall provide an annual schedule of events for when they wish to advance book meeting room one or other areas of the building. Bookings for room(s) can then be made in advance in accordance with council's standard booking procedures
  - vi) a concession shall apply to any such hire charges to AHC for the first 12 months of the lease. The Albert-Eden Local Board will meet the cost of four hours rental per month for 12 months, estimated to cost \$1,920 plus GST
  - vii) three parking spaces shall be provided at the rear of the building for the exclusive use of the AHC
  - viii) the permitted use of the premises will be for the purposes of running a horticultural council, promoting gardening and horticultural education
  - ix) AHC shall pay \$1,000 plus GST per annum as a contribution towards the operational costs of the building
  - i) AHC shall be responsible for maintaining the interior of the leased premises in good condition and substantial repair and condition
  - x) the lease will otherwise be on council's current community lease template and in terms of the Council's Community Occupancy Guidelines 2012.
- c) request that staff write to the Auckland Horticultural Council Incorporated making the offer of accommodation and new community lease at 956 Great North Road for acceptance by 27 March 2019.
- d) provided the offer made to the to the Auckland Horticultural Council Incorporated for a community lease at 956 Great North Road in clause (b) above is accepted and subject to public notification and iwi consultation, grant a new community lease in the building at 956 Great North Road for the area shown shaded on the plan attached to this report (Attachment B) commencing 1 August 2019 on the following terms and conditions:
- i) a term of three (3) years with one right of renewal of three (3) years
  - ii) a rental of one dollar (\$1) plus GST per annum if demanded
  - iii) an operational charge of \$1,000 plus GST as a contribution toward the operating costs of the building.
  - iv) all other terms and conditions in accord with the Council Community Occupancy Guidelines 2012.

## Horopaki Context

8. The AHC currently occupies council-owned premises at 990 Great North Road. Its lease of these premises ends on 31 July 2019 and there are no further rights of renewal.
9. 990 Great North Road is the selected site for a resource recovery facility, the details for which are currently being developed.
10. After 31 July 2019 the site is required for that purpose and the AHC will need to move from 990 Great North Road. The Board is willing to accommodate the AHC in renovated rooms at the rear of the Western Springs Garden Community Hall Building at 956 Great North Road.

11. The final details of the occupation and lease are still to be confirmed and this report deals with finalising these details with the AHC and, if accepted, granting a lease to the group.

## Tātaritanga me ngā tohutohu Analysis and advice

12. The local board has been in long-term discussions with the AHC about alternative premises, as its lease of 990 Great North Road ends on 31 July 2019.
13. Although other options were previously investigated, the most suitable alternative location to accommodate the group is occupation of the rear of the Western Springs Garden Community Hall Building at 956 Great North Road (Attachment A).
14. There have been various meetings between staff and the AHC over the period of October 2017 to December 2018 to discuss the lease and its requirements for a new building. A plan drawn up by an architect in February 2018 at the request of Waste Solutions was based on a list of requirements provided by the AHC committee at the time and this proposed option showed the hall (meeting room one) as part of proposed lease area to the AHC. This plan was shown to the new committee who then put together an additional list of needs. During discussions between staff and the AHC over a period, it appears that the AHC may have considered that the hall itself was part of the offer, however, there has been no firm offer to the AHC for the hall as part of the lease area.
15. The last of these discussions took place on 10 December 2018 without reaching an agreed way forward.
16. The land sited at 956 Great North Road at Point Chevalier is described as Section 26 SO 509896, comprising 1.9360 hectares, and contained in Certificate of Title NA532/265 (Part-Cancelled and Limited as to Parcels). Section 26 is currently held in fee simple by the Auckland Council and subject to the provisions of the Local Government Act 2002.
17. The building is the Western Springs Garden Community Hall Building that comprises two large meeting spaces with ancillary service areas including a former commercial kitchen area that served the building when it was used as restaurant (Attachment B).
18. It is intended that the commercial kitchen is removed and the area renovated to provide space that can be leased to a community group. The proposed space will provide toilets, a kitchen, an office, four meeting room spaces with one meeting room having an operable wall to allow it to be made into a larger meeting room, a locker space and a storage area.
19. Comparison of the available areas at the current premises at 990 Great North Road and the proposed premises at 956 Great North Road are as follows;

990 Great North Rd (Current premises)		956 Great North Rd (Proposed premises)	
Description	Area (m2)	Description	Area (m2)
Large meeting room	83	Meeting room two, three	51
Front meeting room (divisible)	66	Meeting room four	24
Kitchen	22	Meeting room five	73
Storage/Group Lockers	54	Kitchen	15
Toilet/Circulation etc	74	Storage/Group Lockers	42
		Toilet/Circulation etc	80
<b>TOTAL</b>	<b>299</b>	<b>TOTAL</b>	<b>285</b>
			Meeting room one is

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			<p>available for the AHC to book for events and this is 206 m2, however this room is not included in the lease area.</p>
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20. The lower floor of 990 Great North Road is used by the AHC and associated groups for storage. Similar storage is not provided in the premises at 956 New North Road as the new premises are provided for the purposes of running a horticultural council, promoting gardening and horticultural education and not for storage.
21. In addition, three car park spaces at the rear of the building will be included in the new lease. The current lease does not include car parks.
22. The new lease area in the building will be renovated and fit for purpose whereas the current premises are in average condition and due for renewal.
23. The large meeting room spaces on both sides of the building will continue to be managed by council's Venue for Hire team but will be available to be booked in advance by AHC for its activities.
24. Information provided by the Venue for Hire team shows meeting rooms are well used and use is increasing and income will exceed budget this year (Attachment C).
25. As noted, one of the requests from the AHC was to include the meeting room area into the lease and allow them to manage the space.
26. Analysis of the booking schedule provided by the AHC in 2017 at the time the current lease was renewed and a review of Eventfinda's published information, shows the use of the rooms at 990 Great North Road by the AHC, associated groups and other community groups is moderate. It is likely that if the meeting room was managed by AHC that utilisation would not be as high as if it remains under the management of the Venue for Hire. AHC management of the meeting room is not recommended and the meeting room should not be included into the lease area.

**Terms for a new lease**

27. Following on from the last discussion with AHC regarding a new lease, staff presented options to the local board at a workshop on 12 February 2019. At the workshop the local board asked staff to report to the board with a recommended offer to AHC which will be the basis for a new lease at 956 Great North Road. Staff recommend the following:
  - a) part of the building will be renovated at council cost to accommodate AHC as shown on the plan at Attachment B). The area for the exclusive occupation of AHC is shaded on the plan
  - b) a lease for a term of three years, commencing 1 August 2019, with one right of renewal of three years
  - c) rental shall be one (\$1) dollar per annum plus GST if demanded
  - d) meeting room one as shown on the plan **is not** included in the lease area and will continue to be managed by the council Venue for Hire team
  - e) AHC shall provide an annual schedule of events for when they wish to advance book meeting room one or other areas of the building. Bookings for room(s) can then be made in advance in accordance with council's standard booking procedures



- f) a concession shall apply to any such hire charges to AHC for the first 12 months of the lease. The Albert-Eden Local Board will meet the cost of four hours rental per month for 12 months, estimated to cost \$1,920 plus GST
  - g) three parking spaces shall be provided at the rear of the building for the exclusive use of the Horticultural Council
  - h) the permitted use of the premises will be for the purposes of running a horticultural council, promoting gardening and horticultural education
  - i) AHC shall pay \$1,000 plus GST per annum as a contribution towards the operational costs of the building
  - j) AHC shall be responsible for maintaining the interior of the leased premises in good condition and substantial repair and condition
  - k) the lease will otherwise be on council's current community lease template and in terms of the Councils Community Occupancy Guidelines 2012.
28. As the proposed lease is longer than six months, before the lease can be granted public notification and consultation with iwi is required. These processes can be undertaken concurrently and take approximately six weeks.

### **Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera Council group impacts and views**

- 29. The use of the large meeting room is managed by the Venue for Hire department. They were consulted regarding utilisation and the ongoing management and access to the meeting rooms. Provided the meeting rooms remain under their management there are no implications for council.
- 30. On reviewing the current use reports from Venue Hire and the schedule provided by AHC there should be capacity for the activities to be accommodated. There may have to be some adjustment to schedules, but it will encourage fuller and more efficient utilisation of limited community meeting spaces.

### **Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe Local impacts and local board views**

- 31. When a new space is available for a community lease normal practice is to call for expressions of interest. This ensures that groups seeking accommodation are assessed and the best community outcomes are delivered to the community.
- 32. Local boards have discretion to forego the expression of interest process if there are extenuating circumstances.
- 33. There is no obligation for the local board to provide accommodation to the AHC once its current lease ends, however in this case the group wishes to continue its activities.
- 34. In considering whether to forego an expression of interest the local board is entitled to ensure the activities of the group are still viable and supported by the wider Auckland community.
- 35. Analysis of the booking schedule provided in 2017 at the time the current lease was renewed and reviewing Eventfinda published lists shows the use of the rooms by horticultural associated groups and other community groups is moderate.

36. Given the long history of this group's contribution to Auckland horticultural activities and its need for meeting and activity space, it is appropriate that the expression of interest process not be undertaken in this case.

## Tauākī whakaaweawe Māori Māori impact statement

37. Auckland Council is committed to meeting its responsibilities under Te Tiriti o Waitangi and its broader legal obligations to Māori. The council recognises these responsibilities are distinct from the Crown's Treaty obligations and fall within a local government Tāmaki Makaurau context. These commitments are articulated in the council's key strategic planning documents the Auckland Plan, the Long-term Plan 2015-2025, the Unitary Plan and Local Board Plans.
38. Support for Māori initiatives and outcomes are detailed in Te Toa Takitini, Auckland Council's Māori Responsiveness Framework. An aim of community leasing is to increase targeted support for Māori community development projects.

## Ngā ritenga ā-pūtea Financial implications

39. Renovation costs for the building to provide accommodation for this or another group are budgeted for in the 2018/2019, 2019/2020 and 2020/2021 work programmes. Provided the meeting rooms remain under Venue for Hire Management there will be no reduction in revenue to council.

## Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

40. The discussions with the AHC on lease terms have been taking place since 2016 and this report provides the local board with a recommended offer to the AHC. The terms formulated in this report are yet to be considered by the AHC, and acceptance or rejection of the offer will depend on whether an occupation agreement can be progressed.
41. The renovation of the interior of the building will suit other community groups if the AHC decides not to accept the offer of accommodation.

## Ngā koringa ā-muri Next steps

42. Staff will write to the Auckland Horticultural Council setting out the terms of the offer with a timeframe for a response. If the offer is accepted staff can then progress with public notification and iwi consultation before the preparation of a new lease to the group.

## Ngā tāpirihanga Attachments

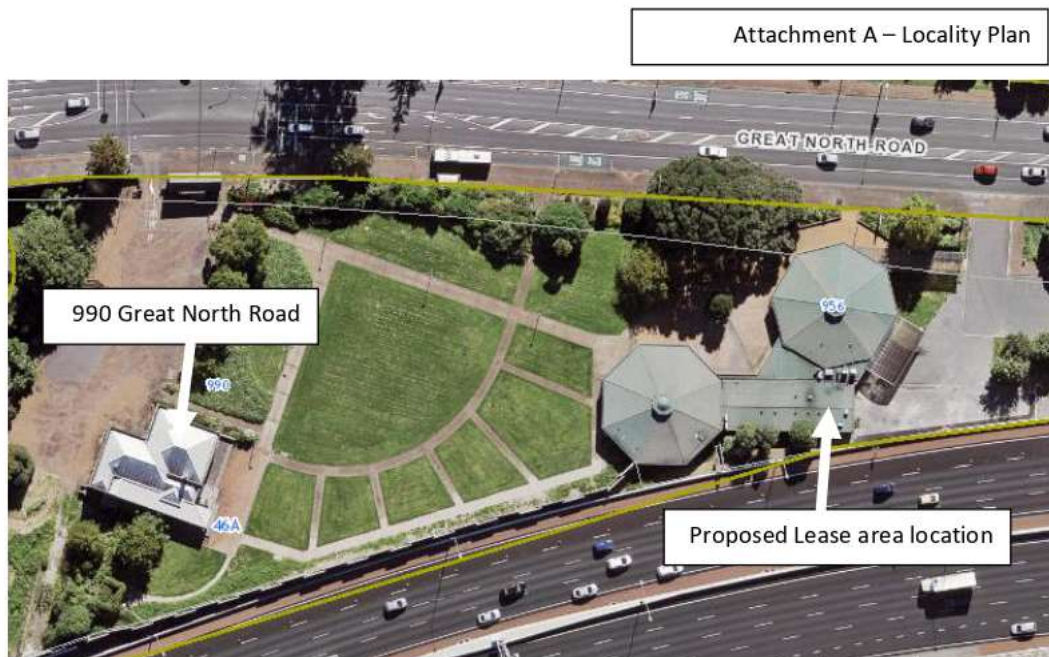
No.	Title	Page
<a href="#">A</a>	Attachment A Locality Plan	13
<a href="#">B</a>	Attachment B Lease Area Plan	15
<a href="#">C</a>	Attachment C Hall Usage	17

## Ngā kaihaina Signatories

Author	Ron Johnson - Lease Advisor
Authoriser	Rod Sheridan - General Manager Community Facilities Adam Milina - Relationship Manager - Albert-Eden & Orakei Local Boards

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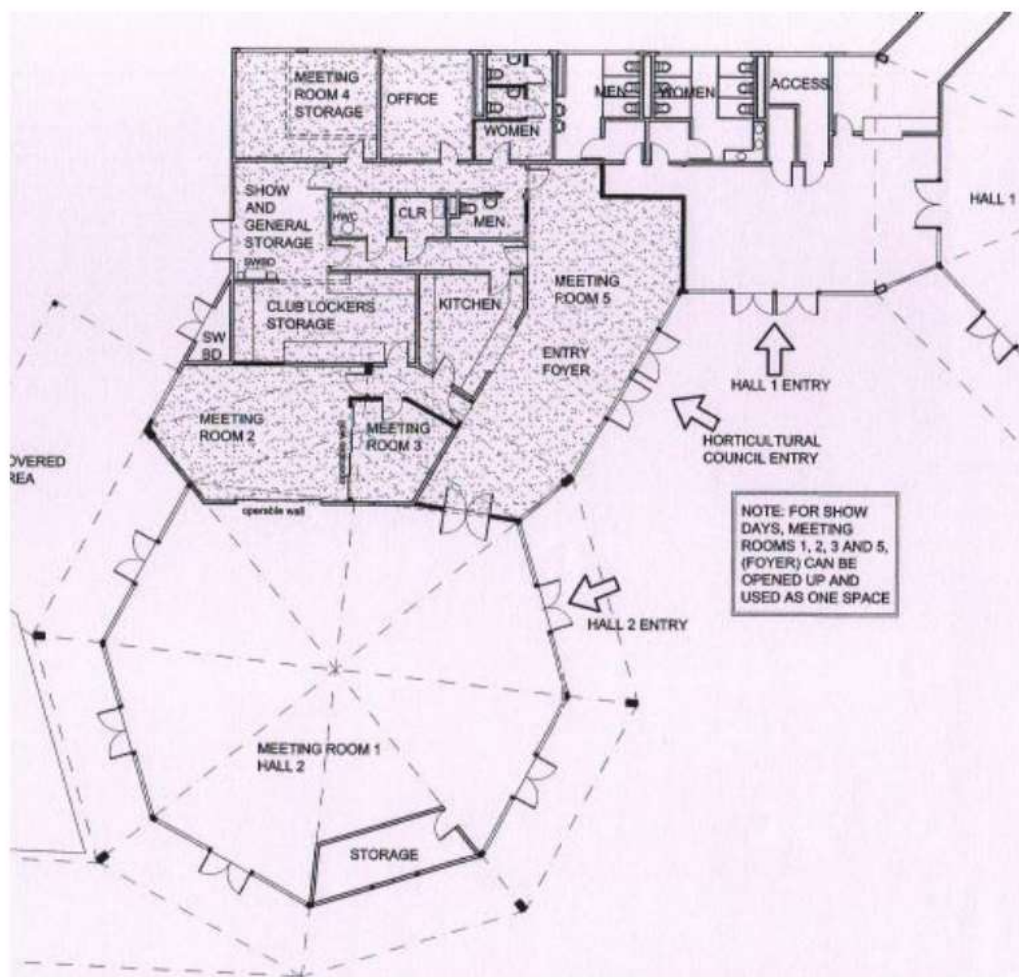




Proposed leased to the Auckland Horticultural Council  
Locality Plan - 956 Great North Road  
Not to scale



Attachment - B Proposed Lease Area



Proposed leased to the Auckland Horticultural Council  
Lease Area Plan - 956 Great North Road  
Lease area shown shaded  
Not to scale





Attachment B – Hall Usage

Usage - Western Springs Gardens Community Hall

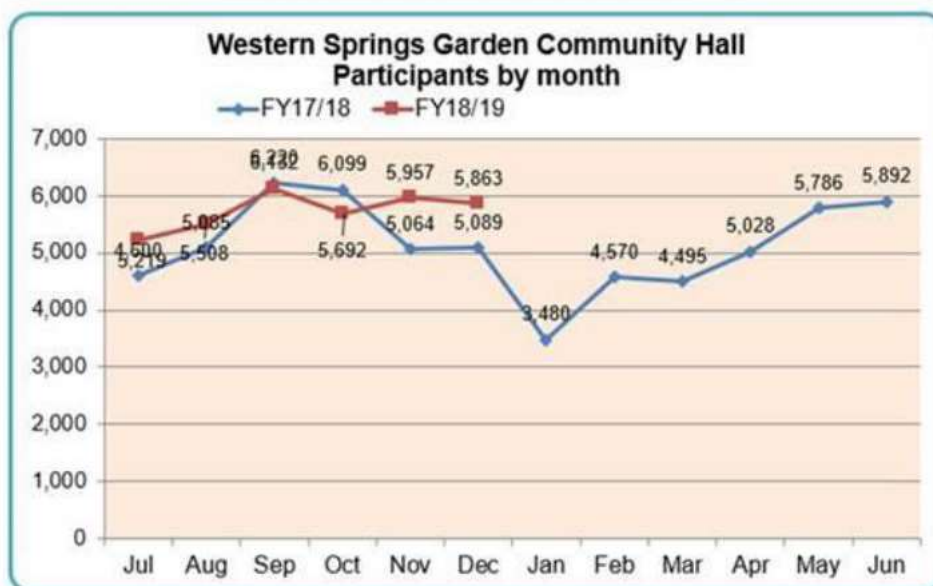
These charts show show the use of the Western Springs Gardens Community Hall as at the end of December 2018.

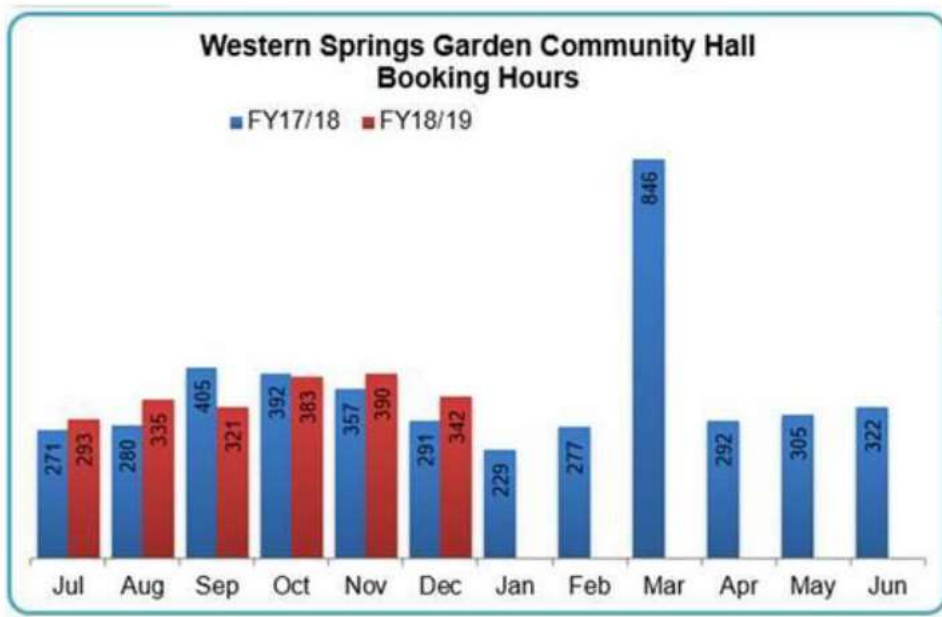
This is the use of both meeting rooms (It is not possible to separate out the use of each meeting room) but the two halls provide a similar level of service.

The pattern overall is of steady increase in use over time.

Satisfaction with the facility / service is good with 80% of customers satisfaction and 82% saying they would recommend the service.

Comments about the venue are that people are generally happy, however hall 2 needs a kitchen, Hall 1 kitchen could be better and that overall the venue needs a revamp. Most regular hirers are very happy with the space and people like the location.





Income

Income figures are as at the end of January 2019.

Revenue is correlated to usage and shows a similar upward trend.

With 5 months to go in FY19 income is on track to comfortably exceed budget and the prior year performance.

This steady growth in usage and revenue is attributed to the benefits of having a 24/7/365 online booking service, backed up by telephone and onsite support seven days per week.

## Resource consent strategy to develop the Chamberlain Park Master Plan

File No.: CP2019/01395

### Te take mō te pūrongo

#### Purpose of the report

1. To seek approval from the Albert-Eden Local Board to commence the work necessary to prepare a single comprehensive resource consent application to enable the implementation of the Chamberlain Park Master Plan.

### Whakarāpopototanga matua

#### Executive summary

2. The Albert-Eden Local Board adopted the Chamberlain Park Master Plan in 2015. The intention was to implement the master plan in stages as funding became available.
3. The local board allocated \$1.2 million of its locally driven initiatives budget to deliver the first stage of the master plan, which included development of a neighbourhood park in the western end of Chamberlain Park whilst retaining an 18 hole golf course.
4. A resource consent was granted on 27 September 2018 for the first stage works. Save Chamberlain Park Incorporated subsequently applied for a judicial review of this resource consent decision.
5. Following an assessment of the judicial review application a decision was made to surrender the resource consent and settle the proceedings.
6. The implementation of the master plan remains a key initiative for the Albert-Eden Local Board and staff have developed several options to progress the master plan. Options have been assessed against various criteria including time, cost, value and risk.
7. Staff recommend a single publicly notified resource consent for the implementation of the full Chamberlain Park Master Plan as the preferred option. It may be appropriate to seek a direct referral of any notified application to the Environment Court.
8. The preparation of a single comprehensive resource consent application requires a range of work to be undertaken, including further site investigations, concept and developed design, detailed business case, and preparation of a consent application. Engagement with iwi, stakeholders and the public should also be undertaken to inform this work.

### Ngā tūtohunga

#### Recommendation/s

That the Albert-Eden Local Board:

- a) request staff to commence all work required to enable a single resource consent application for the development of Chamberlain Park as envisaged in the Chamberlain Park Master Plan 2015, including:
  - i) concept and developed design
  - ii) detailed business case as required for major development elements
  - iii) resource consent application, including all required technical reports and assessments
  - iv) engagement with iwi, stakeholders and the public.
- b) request that any future resource consent application for the development of

Chamberlain Park is publicly notified.

- c) request that staff provide a further assessment of the relative benefits and disbenefits of requesting direct referral of the Chamberlain Park development resource consent application to the Environment Court prior to the application being submitted.

## Horopaki Context

9. In August 2015, the Albert Eden Local Board adopted the Chamberlain Park Master Plan. The Master Plan envisaged a number of changes to the current uses of Chamberlain Park, including: increasing the range of recreational facilities, restoring Meola Creek and wetlands, providing walking and cycling linkages through the park and promoting active and healthy lifestyles.
10. The Master Plan envisaged that physical works would be delivered in stages as budget became available. Separate resource consent applications were to be applied for at each stage.
11. In March 2017, the Save Chamberlain Park Society Incorporated was formed. The group want to see Chamberlain Park retained in its current state and its purposes include:
  - a) opposing the local board's plans to reduce Chamberlain Park to a nine-hole golf course
  - b) doing anything legally possible, including taking legal action against the council and/or local board, to achieve the above purpose.
12. On 27 September 2018, a resource consent for the first stage of works was granted. This included consent to construct a new playground area, including associated public amenities (toilets, paths, seating, bicycle parking, signage, barbeques, landscaping, etc.) and to modify five existing golf holes and connecting walkways.
13. On 11 December 2018, Save Chamberlain Park Inc. lodged a judicial review application, which alleged a number of errors in both the notification and consent decisions.
14. Following an assessment of the strength of Save Chamberlains Park's claim, staff concluded that successfully defending council's notification and consent decisions would be challenging. Agreement was subsequently reached to surrender the resource consent and settle the proceedings.

## Tātaritanga me ngā tohutohu Analysis and advice

15. Staff have undertaken an assessment of options for progressing the Chamberlain Park Master Plan. This assessment is described along with the summary of the assessment below. A more comprehensive assessment of options is provided in Attachment A.

### Options identified

16. There are two primary options available to council regarding how future resource consent applications and works are staged, including:
  - continuing with multiple resource consent applications and staging of physical works
  - applying for a single resource consent to implement the entire master plan and stage physical works.
17. Irrespective of which option is chosen, the Council, as the applicant, can request that the application be processed in several ways:
  - Non-notified
    - decision by independent commissioner without public or affected party input
    - consent authority would almost certainly notify

- as any decision not to notify would almost certainly be subject to judicial review, staff recommend that this option is not considered further.
  - Public Notification
    - requested by applicant or required by consent authority
    - public submissions, hearing and recommendation by hearings panel
    - any decision subject to appeal to Environment Court
    - Environment Court decision subject to appeal to High Court on points of law only.
  - Public Notification with direct referral to Environment Court
    - requested by applicant requires approval by consenting authority
    - public submissions and decision by Environment Court
    - Environment Court decision subject to appeal to High Court on points of law only.
18. Based on the identified options for staging of consents and options of processing of consent applications, four options have been assessed further, namely:
- Option 1A – Staged consents, notified applications
  - Option 1B – Staged consents, notified application with direct referral to Environment Court
  - Option 2A – Single comprehensive consent, notified application
  - Option 2B – Single comprehensive consent, notified application with direct referral to Environment Court

### Assumptions and assessment criteria

19. The assessment of options is predicated on the following main assumptions:
- it is the local board's aspiration to implement the full master plan
  - the master plan is deliverable within available budget
  - the Governing Body approves the indicative business case and budget for the Albert-Eden One Local Initiative (OLI)
  - Save Chamberlain Park Inc. will continue to oppose delivery of masterplan
  - physical works will be staged over time, but
    - staged consent approach anticipates interim physical works which may be reworked in later stages
    - single consent approach enables comprehensive delivery that reduces need for reworking.
20. Four assessment criteria have been used to assess the various options, as set out in Table 1 below:

**Table 1: Assessment Criteria**

<b>Time</b> <ul style="list-style-type: none"> <li>Project phase timeframes</li> <li>Works commencing</li> <li>Earthwork seasons</li> <li>Local authority elections</li> </ul>	<b>Cost</b> <ul style="list-style-type: none"> <li>Total project cost/budget</li> <li>Consenting costs as proportion of project cost</li> </ul>
<b>Value</b> <ul style="list-style-type: none"> <li>Efficient use of resources</li> </ul>	<b>Risk</b> <ul style="list-style-type: none"> <li>Legal challenge</li> <li>Reputation/perception</li> </ul>

**Summary of assessment**

- A summary of the option assessment is included in Table 2 below. A more comprehensive assessment of options is provided in Attachment A.
- The summary is based on a relative assessment of each criteria across the four options (e.g. for the “Time” criteria, the “Staged consent, notified” option would take the most time, while the “Single consent, direct referral” option would take the least time).

**Table 2: Summary of Options Assessment**

Criteria	Staged consents (two+) and physical works		Single consent and staged physical works	
	Notified	Direct referral	Notified	Direct referral
Time	Most	Less	More	Least
Cost	More	Most	Least	Less
Value	Less	Least	Most	More
Risk	More	Most	Least	Less

- The summary assessment highlights the following key points:
  - a single consent approach is preferred over a staged consent approach as it can be delivered at a lower cost, offers better value for money and generates less risk
  - a single consent that is publicly notified is assessed as offering least cost, most value for money and least risk, but would take longer than direct referral to the Environment Court
  - a single consent with direct referral is the most expeditious process but it would be more expensive than having a notified process as environment court costs would lie with the applicant if it requested direct referral.
- Staff recommend proceeding with a single consent application approach.
- At this time, staff believe that requesting direct referral to the Environment Court may be appropriate, although further detailed assessment of the benefits of this approach should be undertaken once greater certainty on the detail of the resource consent application is known.

### Work required and estimated timeline for preferred option

26. There is a range of work required to prepare the material necessary for a single consent application.
27. *Concept and developed design*  
Further design work is required to test and refine the elements included in the Master Plan and to provide sufficient information to allow a full assessment of impacts for the consent application.
28. *Detailed business case*  
The major elements of the Master Plan require further business case development to ensure appropriate investment decisions are being made. This would include as a minimum, the proposed changes to the golf offer, the addition of sports pitches, and the location of an aquatic centre. The detailed business case work would be informed by the indicative business case work currently being undertaken in support of the proposed One Local Initiative funding for the implementation of the Master Plan. Detailed business case development would be undertaken through an iterative process alongside the concept and developed design work to ensure the final design proposals are supporting the optimum business case outcomes.
29. *Technical investigations and assessments*  
A range of technical investigations will be required to inform concept and developed design, cost estimates, and business cases. Following approval of design, these technical reports will form the basis for subsequent assessments of effects to inform the consent application.
30. *Resource consent application*  
A single consent application is likely to be of significant scale and complexity and will require a range of specialist input to prepare.
31. *Engagement*  
The concept and detailed design process provides an opportunity for further engagement with iwi, stakeholders and the public. This engagement will enable aspirations of current and future users of Chamberlain Park to be fully understood and to inform both the design and business case work. Effective engagement will provide an opportunity to resolve issues of conflicting development aspirations where possible prior to the consent process commencing.
32. It is anticipated it will take 12 to 18 months to prepare the level of detail and associated specialist reports required to make a comprehensive resource consent application for the entire master plan.
33. Attachment B provides an indicative timeline for the work required.

### Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera Council group impacts and views

34. Provision of the budget necessary for the implementation of the full master plan is dependent on approval of the Chamberlain Park development through the local board's One Local Initiative proposal.
35. In May 2018 the Finance and Performance Committee passed a resolution (FIN 2018/85) that \$170 million of funding be included in the Long-term Plan for local boards' One Local Initiatives.
36. \$22 million was allocated towards the implementation of the Chamberlain Park Master Plan subject to the approval of the indicative business case by the Finance and Performance Committee.
37. The indicative business case is currently being prepared and is likely to go to the committee for review in June 2019.

## Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe Local impacts and local board views

38. The Albert-Eden Local Board Plan has a key outcome that *Our parks are enjoyed by all* and the following objective and key initiative are referenced:

*Objective: Our parks meet the needs of our growing population and our diverse communities.*

*Key Initiative: Progress the implementation of the Chamberlain Park Masterplan. The board will deliver the development of the local park and playground, new paths and cycleways, and restoration of the Waititiko / Meola Creek. There is also provision for a quality nine-hole golf course and driving range.*

39. Preparing a comprehensive publicly notified resource consent application is consistent with the key initiative of the Local Board Plan.

## Tauākī whakaaweawe Māori Māori impact statement

40. Auckland Council is committed to meeting its responsibilities under Te Tiriti o Waitangi/the Treaty of Waitangi and its broader statutory obligations to Māori.
41. Iwi have been engaged during the development of the Master Plan and will continue to be engaged through developed and detailed design phases.
42. Mana Whenua would like Te Aranga Values and Principles to underpin the design and approach at Chamberlain Park, and for the Local Board Mana Whenua partnership objectives in the Local Board Plan to be implemented through this project.

## Ngā ritenga ā-pūtea Financial implications

43. The Albert Eden Local Board have allocated a total of \$1.2 million of funding to this project over three financial years. (Resolution numbers AE/2017/69, AE/2016/107, AE/2015/169).
44. Approximately \$300,000 has been spent to date on the development of the master plan and the professional services work to obtain the resource consent to develop the local park.
45. Professional services fees and legal costs required to obtain a resource consent for the implementation of the full master plan are estimated to be \$900,000.
46. Staff propose that the costs associated with commencing the necessary investigations, design, business case development and engagement be met initially from the available balance of the current locally driven initiative budget allocation for Chamberlain Park.
47. Following decisions regarding budget allocation for the One Local Initiative, part of this budget could be used to undertake the remaining works for the preparation of the new resource consent application.

## Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

48. If a direct referral is sought to the Environment Court, it could be perceived as more difficult for members of the public to have their say either in support or opposition to the proposal. Staff believe the notification process would allow appropriate opportunities for public input. This potential risk can be mitigated by having a good communications strategy and making the general public aware of the process on how to be involved.
49. Auckland Council Community Facilities Department as applicant can request a referral direct to the Environment Court, but ultimately the decision to grant a direct referral is made by the Auckland Council Regulatory Department.



## Ngā koringa ā-muri

### Next steps

50. Subject to the local board's resolution, staff would move to a procurement process for an appropriately qualified multidisciplinary team to commence the investigations, design, business case and engagement process.
51. The board will be provided further information on short to medium term milestones for the progress of the work.

## Ngā tāpirihanga

### Attachments

No.	Title	Page
<a href="#">A</a>	Chamberlain Park Options Assessment	27
<a href="#">B</a>	Indicative timeline for work required	31

## Ngā kaihaina

### Signatories

Authors	Kris Bird - Manager Sports Parks Design & Programme
Authorisers	Rod Sheridan - General Manager Community Facilities Adam Milina - Relationship Manager - Albert-Eden & Orakei Local Boards



Option 1A - Staged consent – notified applications

Criteria		Comparative assessment
<b>Time</b>		
Project phase timeframes	<p><b>Stage 1</b></p> <ul style="list-style-type: none"> <li>Consent application could be resubmitted reasonably quickly – allow 2 months</li> <li>Public notification, submissions, hearings, decision – allow 4-6 months</li> <li>Assume appeal to Environment Court</li> <li>Environment Court proceedings, hearings, decision – allow 9-12 months</li> <li>Possible High Court appeal of Environment Court decision</li> <li>High Court proceedings, decision – allow 9-12 months</li> </ul> <p><b>Stage 2+</b></p> <ul style="list-style-type: none"> <li>Similar timeframe as above for each consenting stage (would follow completion of concept and developed design – allow 12-18 months)</li> <li>Preparation of application for Stage 2 would be delayed as resources are allocated to supporting Stage 1 process</li> </ul>	<p>May 2019 Sept -Nov 2019</p> <p>Jun-Nov 2020</p> <p>Mar-Nov 2021</p> <p>Nov 2021- Nov 2022</p>
Works commencing	<ul style="list-style-type: none"> <li>Earliest start date for physical work for stage 1 likely to be October 2021</li> <li>Physical works for subsequent stages potentially commence October 2023</li> </ul>	Most time to achieve fully consented masterplan
Local authority elections	<ul style="list-style-type: none"> <li>Public notification period and submission prior to election period</li> <li>Hearings and or decision possible during election period</li> </ul>	
<b>Cost</b>		
Total cost/budget	<ul style="list-style-type: none"> <li>Costs for each consent will include professional fees, processing costs, legal fees</li> <li>Costs accrued for both hearings process and Environment Court process</li> <li>Multiple consent processes lead to repeated costs being accrued</li> </ul>	Est consent cost per Stage - \$600k-\$900k
	<ul style="list-style-type: none"> <li>Multiple consent processes lead to repeated costs being accrued</li> </ul>	Total consent cost for 2 stage approach \$1,200k-\$1,800k
Consenting cost as proportion of project cost	<ul style="list-style-type: none"> <li>For lower value stages of physical work (e.g. Stage 1) consenting costs likely to become a very significant proportion – e.g. Stage 1 physical works tender price was \$2,300k – consent costs between 26% - 39%</li> </ul>	More costly
<b>Value</b>		
Efficient use of resources	<ul style="list-style-type: none"> <li>Stage consent approach requires allocation of resources to:                             <ul style="list-style-type: none"> <li>Support staged consent process that might otherwise be allocated to progressing subsequent stages of design and consenting</li> <li>Undertaking physical works that deliver an interim position that may require rework in the future (e.g. reconfiguration of 5 holes for previous Stage 1 estimated to cost \$1,800k)</li> </ul> </li> </ul>	Less efficient use of resources
<b>Risks</b>		
Legal challenge	<ul style="list-style-type: none"> <li>Assumed SCP will pursue all legal action to resist consent for works to deliver masterplan</li> <li>This option provides 2 points for actions, an appeal to the Environment Court of any granted consent and High Court appeals of any Environment Court decisions (on points of law only)</li> </ul>	More risk for legal challenge and reputation
Reputational	<ul style="list-style-type: none"> <li>Assuming applicant requests notification, this consenting approach provides clear opportunity for public to make their views known</li> <li>Previously adopted staged approach creates situation where council is applying for interim physical works which do not reflect the full aspiration for development (note Sec 91 of RMA)</li> </ul>	

Option 1B - Staged consent – notified and direct referral to Environment Court

Time		
Project phase timeframes	<p><b>Stage 1</b></p> <ul style="list-style-type: none"> <li>Consent application could be resubmitted reasonably quickly – allow 2 months</li> <li>Public notification, submissions, Environment Court process and decision – allow 6-8 months (note Environment Court process for direct referral generally quicker than for appealed decisions)</li> <li>Possible High Court appeal of Environment Court decision on points of law only.</li> <li>High Court proceedings, decision – allow 9-12 months</li> </ul> <p><b>Stage 2+</b></p> <ul style="list-style-type: none"> <li>Similar timeframe as above for each consenting stage (would follow completion of concept and developed design)</li> <li>Preparation of application for Stage 2 would be delayed as resources are allocated to supporting Stage 1 process</li> </ul>	<p>May 2019 Nov 2019-Feb 2020 Sept 2020-Feb 2021 May 2021- Nov 2022</p>
Works commencing	<ul style="list-style-type: none"> <li>Earliest start date for physical work for stage 1 likely to be Oct 2021</li> <li>Physical Works for subsequent stages likely to commence October 2023</li> </ul>	
Local authority elections	<ul style="list-style-type: none"> <li>Public notification period and submission prior to election period</li> <li>Environment Court proceedings possible during election period</li> </ul>	
Cost		
Total cost/budget	<ul style="list-style-type: none"> <li>Costs for each consent will include professional fees, processing costs, legal fees</li> <li>Cost savings in relation to initial hearings process, but additional costs accrued as Environment Court cost must be met by applicant</li> </ul>	<p>Est consent cost per Stage - \$600k-\$900k</p>
	<ul style="list-style-type: none"> <li>Multiple consent processes lead to repeated costs being accrued</li> </ul>	<p>Total consent cost for 2 stage approach \$1,200k-\$1,800k</p>
Consenting cost as proportion of project cost	<ul style="list-style-type: none"> <li>For lower value stages of physical work (e.g. Stage 1) consenting costs likely to become a very significant proportion – e.g. Stage 1 physical works tender price was \$2,300k – consent costs between 26% - 39%</li> </ul>	
Value		
Efficient use of resources	<ul style="list-style-type: none"> <li>Stage consent approach requires allocation of resources to:                             <ul style="list-style-type: none"> <li>Support staged consent process that might otherwise be allocated to progressing subsequent stages of design and consenting</li> <li>Undertaking physical works that deliver an interim position that may require rework in the future (e.g. reconfiguration of 5 holes for previous Stage 1 estimated to cost \$1,300k)</li> </ul> </li> </ul>	
Risks		
Legal challenge	<ul style="list-style-type: none"> <li>Assumed SCP will pursue all legal action to resist consent for works to deliver masterplan. This option provides 1 point for actions; a High Court appeal of any Environment Court decision (on points of law only)</li> </ul>	
Reputational	<ul style="list-style-type: none"> <li>While the notification process provides opportunity for submission from all interested parties, the cost of providing evidence to Environment Court may be a deterrent to some parties, and this process could be perceived to be reducing opportunity for effective public engagement in the consent process</li> <li>Previously adopted staged approach creates situation where council is applying for interim physical works which do not reflect the full aspiration for development (note Sec 91 of RMA)</li> </ul>	

Less time to achieve on stage 1, similar time to achieve decision on stage 2

Most costly

Least efficient use of resources

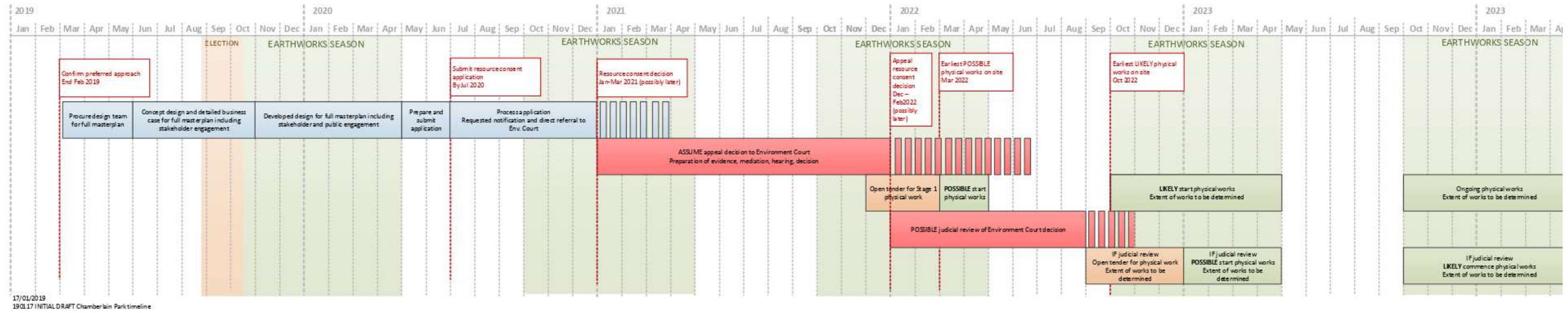
Most risk for legal challenge and reputation

Option 2A – Single consent – notified applications

Time			
Project phase timeframes	<ul style="list-style-type: none"> <li>Further design and consent preparation required for full masterplan – 12 – 18 months</li> <li>Public notification, submissions, hearings, decision – allow 4-6 months</li> <li>Assume appeal to Environment Court, hearings, decision – allow 9-12 months</li> <li>Possible High Court appeal of Environment Court decision on points of law only.</li> <li>High Court proceedings, decision – allow 9-12 months</li> </ul>	Apr – July 2020 Aug 2020 - Feb 2021 Mar – Nov 2022 Mar – Oct 2022	More time required for design and preparation of application
Works commencing	<ul style="list-style-type: none"> <li>Earliest possible start date for physical works October 2022</li> </ul>		
Local authority elections	<ul style="list-style-type: none"> <li>Design development and public engagement prior to election period</li> <li>No active consenting process during election period</li> <li>Consent application submitted post election</li> </ul>		
Cost			
Total cost/budget	<ul style="list-style-type: none"> <li>Costs will include professional fees, processing costs, legal fees</li> <li>Costs accrued for both hearings process and Environment Court process</li> </ul>	Est total consent cost \$900k	Least cost
Consenting cost as proportion of project cost	<ul style="list-style-type: none"> <li>Single stage approach minimises consent cost as proportion of total project costs</li> </ul>		
Value			
Efficient use of resources	<ul style="list-style-type: none"> <li>Single consent approach ensures resources are fully dedicated towards delivery of masterplan</li> <li>Single consent would enable efficient phasing of physical works to minimise interim of temporary works</li> </ul>		Most value
Risks			
Legal challenge	<ul style="list-style-type: none"> <li>Assumed SCP will pursue all legal action to resist consent for works to deliver masterplan</li> <li>This option provides 2 points for actions, an appeal to the Environment Court of any granted consent and a High Court appeal of any environment Court decision (on points of law only)</li> </ul>		Least risk
Reputational	<ul style="list-style-type: none"> <li>Assuming applicant requests notification, this consenting approach provides clear opportunity for public to make their views known</li> </ul>		

Option 2B – Single consent – notified and direct referral to Environment Court

Time			
Project phase timeframes	<ul style="list-style-type: none"> <li>Further design and consent preparation required for full masterplan – 12 – 18 months</li> <li>Public notification, submissions, environment court hearing, decision – allow 6-8 months</li> <li>Possible High Court Appeal of Environment Court decision on points of law only.</li> <li>High Court proceedings, decision – allow 9-12 months.</li> </ul>	Apr 2020 – July 2020  Feb - Apr 2021  Nov 2021 – May 2022	Least time for judicial process
Works commencing	<ul style="list-style-type: none"> <li>Earliest start date for physical work likely to be October 2021 (assumes no judicial review)</li> </ul>		
Local authority elections	<ul style="list-style-type: none"> <li>Design development and public engagement prior to election period</li> <li>No active consenting process during election period</li> <li>Consent application submitted post election</li> </ul>		
Cost			
Total cost/budget	<ul style="list-style-type: none"> <li>Costs will include professional fees, processing costs, legal fees</li> <li>Cost savings in relation to initial hearings process, but additional costs accrued as Environment Court cost must be met by applicant</li> </ul>	Est total consent cost \$900k	Less cost due to single judicial review process
Consenting cost as proportion of project cost	<ul style="list-style-type: none"> <li>Single stage approach minimises consent cost as proportion of total project costs</li> </ul>		
Value			
Efficient use of resources	<ul style="list-style-type: none"> <li>Single consent approach ensures resources are fully dedicated towards delivery of masterplan</li> <li>Single consent would enable efficient phasing of physical works to minimise interim temporary works</li> </ul>		More efficient
Risks			
Legal challenge	<ul style="list-style-type: none"> <li>Assumed SCP will pursue all legal action to resist consent for works to deliver masterplan</li> <li>This option provides 2 points for actions, an appeal to the Environment Court of any granted consent and an appeal of any Environment Court decision (on points of law only)</li> </ul>		Less risk
Reputational	<ul style="list-style-type: none"> <li>While the notification process provides opportunity for submission from all interested parties, the cost of providing evidence to Environment Court may be a deterrent to some parties, and this process could be perceived to be reducing opportunity for effective public engagement in the consent process</li> </ul>		



17/01/2019  
19/01/17 INITIAL DRAFT Chamberlain Park timeline

Item 16

Attachment B