

# Decision on application for resource consent under the Resource Management Act 1991



Controlled activity

**Application number:** LUC60126194  
**Applicant:** Eden Park Trust  
**Site address:** 4-42 Reimers Avenue, Kingsland

**Proposal:** Consent is sought to enable organised sport and recreation during night time under a comprehensive management plan.

The resource consent is required for:

Land use consent (s9) – LUC60126194

## Auckland Unitary Plan Operative In Part Version

### District land use

- Landuse consent is required as a **controlled activity** pursuant to I310.4.1(A4) for “organised sports and recreation undertaken during the night time”.

## Decision

I have read the application(s), supporting documents, and the report and recommendations on the application. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104A and 108 the application is **GRANTED**.

## 1. Reasons

The reasons for this decision are:

- As the application is for controlled activity resource consents, under s104A the council must grant resource consent.

- The application is for controlled activity resource consent, as such under s104A only those matters over which council has reserved its control have been considered. Those matters are identified in I310.7.1. In addition, conditions have only been included in relation to those matters.
- In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be acceptable as:
  - The Eden Park Trust's established track record for event management and its comprehensive event management systems and procedures have been well tested and are continuously refined to improve the outcomes for patrons and neighbours. The effects that night-time activities may have on surrounding residential amenity are able to be adequately avoided, remedied or mitigated via the implementation of the procedures and protocols that are part of the OMP.
  - The level and sophistication of consultation and communications continues to adapt and evolve to ensure that residents, stakeholders and the general public are aware of upcoming events and measures put in place to manage the event, enabling people to pre-plan for event day. The effects of night time use of the stadium can be adequately avoided, remedied and mitigated through the consultation and communication processes and procedures to ensure that surrounding residents, businesses and stakeholders are aware of activities undertaken at night-time at the stadium and the associated measures put in place to manage these activities, including the movement of patrons to and from the stadium.
  - The transport and traffic effects associated with the use of the Number 1 field for night-time activity are able to be avoided, remedied or mitigated via the TTMP's to ensure the safety of pedestrian and vehicular movement around the stadium.
- In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular, the proposal is consistent with the AUP(OP) for the following reasons:
  - Overall, it is considered that this proposal is in accordance with those high-level policy matters set out in the Unitary Plan RPS chapter.
  - The use of Eden Park for night-time activities is broadly consistent with the objectives and policies of the Major Recreation facility zone which provides for large multi-functional facilities capable of hosting large-scale sports events, while ensuring that any adverse effects arising from these activities are minimised.

- The proposal is consistent with the objectives and policies of the Eden Park Precinct, noting its objectives and policies recognise that Eden Park is a multi-purpose stadium and is one of New Zealand's premier sports facilities and specifically recognises and provides for the efficient on-going use of Eden Park. The precinct provisions seek to manage the adverse effects of the operation of Eden Park, having regard to the amenity of surrounding properties, while recognising that Eden Park's primary activities may generate adverse effects that are not able to be fully internalised. The use of the Number 1 field at night-time is anticipated by the Unitary Plan and the adaptive management plans are implemented to minimise impacts on the surrounding neighbourhood and are able to be adapted over time to incorporate improvements in operating processes and procedures. In particular, the transport and traffic effects associated with the use of the Number 1 field for night-time activity are able to be avoided, remedied or mitigated via the TTMP's to ensure the safety of pedestrian and vehicular movement around the stadium.

## 2. Conditions

Under section 108 of the RMA, this consent is subject to the following conditions:

1. The proposed activity shall be carried out in accordance with the information submitted with the application, detailed below, and all referenced by the council as consent number LUC60126194.
  - Application Form and Assessment of Environmental Effects prepared by Tattico Limited, dated May 2017.
2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
  - a. The consent is given effect to; or
  - b. The council extends the period after which the consent lapses.
3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$1,000.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

**Advice note:**

*The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc, all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice. Only after all*

*conditions of the resource consent have been met, will Council issue a letter confirming compliance on request of the consent holder.*

4. All 'organised sport and recreation activities undertaken at night time on the Number 1 field' shall meet the following standards:
  - (1) There must be no more than 25 activities within any 12 month period;
  - (2) There must be no more than one day/night cricket test match within any 12 month period;
  - (3) If scheduled between Monday and Friday (inclusive), these activities (excluding day/night cricket test matches) must commence after 7:30pm and be scheduled to finish no later than 9:30pm. Activities on public holidays are excluded from these time limits;
  - (4) Day/night cricket test matches must be scheduled to finish no later than 10.00pm;
  - (5) These activities must not be undertaken on a Sunday;
  - (6) These activities must not exceed four occurrences within any 35 day period; and
  - (7) The crowd attending any of these activities must not exceed 50,000 persons.
  - (8) For the purpose of these standards, a day/night cricket test match of up to five days in duration is to be counted as one activity.

**Advice Note:**

*Night time is defined in the AUP(OP) as 'night time activities are those undertaken between 30 minutes before sunset on one day and 30 minutes before sunrise on the following day. For clarity, any activity that continues longer than 30 minutes before sunrise remains defined as a night time activity.'*

5. The consent holder shall maintain, to the satisfaction of the Council, an up-to-date Operating Management Plan that combines the Community Consultation and Communication Management Plan, a suite (that varies depending on the anticipated crowd size for an event) of Events Management Plans and Transport and Traffic Management Plans (authorised by Auckland Transport).
6. Pursuant to section 128 of the RMA, condition (5) of this consent may be reviewed by the Resource Consents Monitoring Team Leader (Central) at the consent holder's cost at any time on an ongoing basis to deal with any adverse effect on the environment which may arise or

potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage.

## Advice notes


1. *For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring inspector unless otherwise specified. Please contact [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.*
2. *For more information on the resource consent process with Auckland Council see the council's website [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: [www.mfe.govt.nz](http://www.mfe.govt.nz).*
3. *If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.*
4. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*

### Delegated decision maker (LUC60126194):

Name: Quentin Budd  
Title: Senior Resource Consent Project Manager,  
Resource Consents

Signed:

Date:

  
23<sup>rd</sup> June 2017

# Decision as to notification of an application for resource consent under the Resource Management Act 1991



## Controlled and restricted discretionary activity

**Application number:** LUC60301178 (land use consent)  
**Applicant:** Eden Park Trust  
**Site address:** 4-42 Reimers Avenue, Kingsland  
**Legal description:** Lot 1 & 2 DP 45553 and Lot 3-4 DP 46401, Lot 124 DP 3513 (62 Walters Rd), Pt Lot 125 DP3513 (60 Walters Rd), Lot 126 and Pt Lot 125 DP 3513, Lot 127 DP 3513, Lot 128 DP 3513, Lot 129 DP 3513, Lot 130 DP 3513, Lot 131 DP 23513, Lot 132 DP 3513, Lot 133 DP 3513, Lot 134 DP 3513, Lot 135 DP 3513, Lot 136 DP 3513, Lot 137 DP 3513, Lot 138 DP 3573, Lot 139 DP 3513, Pt Lot 140 DP 3513, Pt Lot 141 DP 3513, Pt Lot 140-142 DP 3513, Pt Lot 142-143 DP 3513, Pt Lot 143 DP 3513, Pt Lot 143 DP 3513, Pt Lot 56 DP 4194, Lot 57 DP 4194, Lot 58 DP 41911, Lot 59 DP 4194, Lot 60 DP 4194, Lot 21 DP 4194, Lot 19-20 DP 4194, Lot 18 DP 3841, Lot 17 DP 3841, Pt Lot 16 DP 3841, Lot 2 DP 46401, Lot 1 DP 46401, Pt Lot 13 DP 3841, Pt Lot 12 DP 3841, Pt Lot 7 DP 3841, Lot 6 DP 3841, Lot 2 DP 83356, Lot 1 DP 83356, Lot 3 DP 3841, Lot 2 DP 3841, Pt Allot 137 Sec 10 Suburbs of Auckland, Pt Allot 137 Sec 10 Suburbs of Auckland, DP 28687, Pt Allot 137 Sec 10 Suburbs of Auckland, Lot 1 DP 132323, Lot 1 DP 132323, Pt Allot 137 Sec 10 Suburbs of Auckland, Pt Allot 137 Sec 10 Suburbs of Auckland, Pt Allot 137 Sec 10 Suburbs of Auckland

### Proposal:

To enable Eden Park to host 'ODI' cricket matches with a scheduled finish time of 10pm on a week day/night (as currently provided in Eden Park's resource consent for night-time activity) and T20 cricket matches held during a week night between 7:00pm and 10pm.

The reasons consent is required are:

Land use consents (section 9) – LUC60301178

Auckland Unitary Plan Operative in Part ("AUP: OP")

### District land use

- Consent is required as a controlled activity pursuant to I310.4.1(A4) for "*organised sports and recreation undertaken during the night time*".

- Consent is required as a restricted discretionary activity pursuant to C1.9(2) for “*an activity that is classed as a permitted, controlled or restricted discretionary activity but that does not comply with one or more of the standards applying to that activity is a restricted discretionary activity unless otherwise specified by a rule applying to the particular activity*”.

## **NOTIFICATION DECISION**

Having read the application, supporting documents, and the report and recommendations prepared on behalf of the Council, I am satisfied I have sufficient information to consider the matters required by the Resource Management Act 1991 (“RMA”) and to make a decision regarding notification.

### Public notification

Under section 95A of the RMA this application is to proceed without public notification because:

1. The adverse effects on the environment will be less than minor because the effects are able to be mitigated through well tested traffic, event and communications management strategies proposed by the applicant and are otherwise consistent with the effects either anticipated to arise from the operation of Eden Park under the AUP: OP or form part of the existing/consented environment.
2. There is no district or regional rule or national environmental standard that requires public notification and nor has the applicant requested it.
3. There are no special circumstances that warrant public notification under section 95A(4) because there is nothing exceptional or unusual about the application to suggest that public notification should occur.
4. There is adequate information and nothing about the specifics or issues of the proposed activity that warrants the exercise of any residual discretion under section 95A (1) for public notification to inform substantive decision making better in achieving the purpose of the RMA.

### Limited notification

Under section 95B of the RMA this application is to proceed without limited notification because:

1. There are no adversely affected persons because the effects are able to be mitigated through well tested traffic, event and communications management strategies proposed by the applicant and are otherwise consistent with the effects either anticipated to arise from the operation of Eden Park under the AUP: OP or form part of the existing/consented environment.
2. There are no protected customary rights groups in the region adversely affected by this proposal.

Accordingly, this application is being determined on a **NON-NOTIFIED** basis.



**Leigh McGregor**

**Duty Commissioner**

9 August 2017



# Decision on an application for resource consent under the Resource Management Act 1991



## Controlled and restricted discretionary activity

**Application number:** LUC60301178 (land use consent)  
**Applicant:** Eden Park Trust  
**Site address:** 4-42 Reimers Avenue, Kingsland  
**Legal description:** Lot 1 & 2 DP 45553 and Lot 3-4 DP 46401, Lot 124 DP 3513 (62 Walters Rd), Pt Lot 125 DP 3513 (60 Walters Rd), Lot 126 and Pt Lot 125 DP 3513, Lot 127 DP 3513, Lot 128 DP 3513, Lot 129 DP 3513, Lot 130 DP 3513, Lot 131 DP 23513, Lot 132 DP 3513, Lot 133 DP 3513, Lot 134 DP 3513, Lot 135 DP 3513, Lot 136 DP 3513, Lot 137 DP 3513, Lot 138 DP 3573, Lot 139 DP 3513, Pt Lot 140 DP 3513, Pt Lot 141 DP 3513, Pt Lot 140-142 DP 3513, Pt Lot 142-143 DP 3513, Pt Lot 143 DP 3513, Pt Lot 143 DP 3513, Pt Lot 56 DP 4194, Lot 57 DP 4194, Lot 58 DP 41911, Lot 59 DP 4194, Lot 60 DP 4194, Lot 21 DP 4194, Lot 19-20 DP 4194, Lot 18 DP 3841, Lot 17 DP 3841, Pt Lot 16 DP 3841, Lot 2 DP 46401, Lot 1 DP 46401, Pt Lot 13 DP 3841, Pt Lot 12 DP 3841, Pt Lot 7 DP 3841, Lot 6 DP 3841, Lot 2 DP 83356, Lot 1 DP 83356, Lot 3 DP 3841, Lot 2 DP 3841, Pt Allot 137 Sec 10 Suburbs of Auckland, Pt Allot 137 Sec 10 Suburbs of Auckland, DP 28687, Pt Allot 137 Sec 10 Suburbs of Auckland, Lot 1 DP 132323, Lot 1 DP 132323, Pt Allot 137 Sec 10 Suburbs of Auckland, Pt Allot 137 Sec 10 Suburbs of Auckland, Pt Allot 137 Sec 10 Suburbs of Auckland

### Proposal:

To enable Eden Park to host 'ODI' cricket matches with a scheduled finish time of 10pm on a week day/night (as currently provided in Eden Park's resource consent for night-time activity) and T20 cricket matches held during a week night between 7:00pm and 10pm.

The reasons consent is required are:

Land use consents (section 9) – LUC60301178

Auckland Unitary Plan Operative in Part ("AUP: OP")

### District land use

- Consent is required as a controlled activity pursuant to I310.4.1(A4) for "*organised sports and recreation undertaken during the night time*".

- Consent is required as a restricted discretionary activity pursuant to C1.9(2) for “*an activity that is classed as a permitted, controlled or restricted discretionary activity but that does not comply with one or more of the standards applying to that activity is a restricted discretionary activity unless otherwise specified by a rule applying to the particular activity*”.

## **DECISION**

Having read the application, supporting documents, and the report and recommendations prepared on behalf of the Council, I am satisfied I have sufficient information to consider the matters required by the Resource Management Act 1991 (“RMA”) and to make a decision on this application.

Pursuant to sections 104, 104A, 104C and Part 2 of the RMA the application is **GRANTED**.

The reasons for this decision are:

1. The application requires a controlled and a restricted discretionary activity resource consent. Under sections 104A and 104C only those matters over which the Council has reserved its control or restricted its discretion can be considered. Those matters are identified in I310.7.1, I310.7.2, C1.8 and C1.9(3). In addition, conditions can only relate to those matters.
2. In terms of section 104(1)(a) of the RMA the actual and potential effects of the proposal will be avoided, remedied or mitigated as the proposed ODI and T20 cricket matches are activities that will generate effects that can be mitigated through traffic, event and communications management strategies, and are otherwise consistent with the effects either anticipated to arise from the operation of Eden Park under the AUP: OP or are part of the existing/consented environment and are less than minor overall.
3. The proposal is consistent with the relevant statutory documents required to be taken into account by section 104 (1)(b). In particular:
  - The proposal is consistent with the high-level policy matters set out in the regional chapter of the AUP: OP, noting that the proposed ODI and T20 cricket matches will be played in an existing major recreation facility and this is consistent with the regional policy matters set out in that instrument.
  - The proposed ODI and T20 cricket matches are broadly consistent with the objectives and policies for the Major Recreation Facility zone which provides for large multi-functional facilities capable of hosting large-scale sports events while ensuring that any adverse effects arising from these activities are minimised and appropriately managed. Importantly, the policy direction explicitly recognises the need for major recreation facilities to provide for the social and economic wellbeing of people and communities and to respond to changes in recreation and leisure trends.
  - The proposal is broadly consistent with the objectives, policies and assessment criteria for the Eden Park Precinct. Its objectives and policies recognise that Eden

Park is a multi-purpose stadium being one of New Zealand's premier sports facilities and specifically recognises and provides for its efficient ongoing use. The precinct provisions seek to manage the adverse effects of the operation of Eden Park, having regard to the amenity of surrounding properties, while at the same time recognising that the Park's primary activities may generate adverse effects that are not able to be entirely internalised. This consent provides for an earlier start time for a T20 cricket match and a later finish time for both T20 and ODI cricket matches held during the week. The cricket matches will still fall within the standards that limit the number and frequency of night time sports events.

4. As a controlled and restricted discretionary activity no 'other matters' are to be considered under section 104(1)(c).
5. The proposal is consistent with Part 2 of the RMA. In particular, the proposal will provide for an efficient use of an existing resource in a manner that is compatible in the context of existing development on the subject land and in the wider locale.

## **CONDITIONS OF CONSENT**

Pursuant to section 108 of the RMA, this consent is subject to the following conditions:

1. The proposed activity is to be carried out in accordance with the information submitted with the application, detailed below, and all referenced by the Council as consent number LUC60126194.
  - Application form and Assessment of Environmental Effects prepared by Tattico Limited, dated 25 May 2017 and attachments.
2. Under section 125 of the RMA, this consent will lapse five years after the date it is granted unless:
  - a. The consent is given effect to; or
  - b. On application the Council extends the period after which the consent will lapse.
3. The consent holder is to pay the Council an initial consent compliance monitoring charge of \$ 1,000.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions of this consent.

### Advice note:

*The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc, all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice. Only after all conditions of the resource consent have been met, will the Council issue a letter confirming compliance on request of the consent holder.*

4. All 'organised sport and recreation activities undertaken at night time on the Number 1 field' must meet the following standards:
  - i. There must be no more than 25 activities within any 12 month period;
  - ii. There must be no more than one day/night cricket test match within any 12 month period;
  - iii. Night games scheduled between Monday to Friday (inclusive) are allowed to commence before 7:30pm but must be scheduled to finish no later than 10:00pm. Activities on public holidays are excluded from these time limits;
  - iv. These activities must not be undertaken on a Sunday;
  - v. These activities must not exceed four occurrences within any 35 day period;
  - vi. The crowd attending any of these activities must not exceed 50,000 persons;
  - vii. For the purpose of these standards, a day/night cricket test match of up to five days in duration is to be counted as one activity.

Advice Note:

*"Night time" is defined in the AUP: OP as 'night time activities are those undertaken between 30 minutes before sunset on one day and 30 minutes before sunrise on the following day. For clarity, any activity that continues longer than 30 minutes before sunrise remains defined as a night time activity.'*

5. The consent holder must implement, to the satisfaction of the Council, an up-to-date Eden Park Operating Management Plan tailored to the events authorised by this consent that combines a Community Consultation and Communication Management Plan with a suite of Events Management Plans and Transport and Traffic Management Plans (authorised by Auckland Transport).
6. Pursuant to section 128 of the RMA condition (5) of this consent may be reviewed by the Council at the consent holder's cost at any time on an ongoing basis to deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent, in particular with respect to the effectiveness of the management plans, and which it is appropriate to deal with at a later stage.

## **ADVICE NOTES**

1. *For the purpose of compliance with the conditions of consent, "the Council" refers to the Council's monitoring inspector unless otherwise specified. Please contact [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.*
2. *If you disagree with any of the above conditions, and/or disagree with the additional charges relating to processing of the application, you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act. Any objection must be made in writing to the Council within 15 working days of notification of this decision and/or additional charges.*
3. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those required by the Building Act 2004 and the Heritage New Zealand*

*Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable statutes (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant bylaws, and rules of law.*



**Leigh McGregor**

**Duty Commissioner**

9 August 2017

# Decision on an application for resource consent under the Resource Management Act 1991



## Restricted discretionary activity

<b>Application number:</b>	LUC60337912
<b>Applicant:</b>	Eden Park Trust
<b>Site address:</b>	42 Reimers Avenue, Kingsland, Auckland
<b>Legal description:</b>	Pt Lot 56 DP4194 Lot 58 DP 4194

### Proposal:

The Eden Park Trust Board ('the applicant') seek consent to amend the finishing times of One Day Internationals (ODI) and T20 cricket matches at Eden Park, for future tours by the India national team. The proposal seeks the following:

- that ODI's start at 3:00pm and finish at 11:00pm (Friday and Saturday only);
- that T20's start at 8:00pm and finish at 11:00pm (Friday and Saturday only);
- that the amended finishing times apply to ODI and T20 cricket matches involving the India men's national team only;
- that such games involving the India national cricket team are limited to a maximum of three games per year within the existing 25 night-time games provided for (these are not additional games).

The resource consents required are:

## Land use consents (s9) – LUC60337912

### Auckland Unitary Plan (Operative in part)

The following consents are required pursuant to the AUP (OIP):

- Activity Table I310.4.1 (A4) states that organised sports and recreation undertaken during the night time require consent as a **Controlled Activity**.
- Standard I310.6.1 (1) states that the noise level from any activity (as measured within the boundary of any site in a residential zoned property, not owned by the Eden Park Trust) must not be greater than the noise limits in Table I310.6.1.1 (below).

**Table I310.6.1.1: Noise standards**

Time, day, duration and frequency	Noise limit
All days between 8:00am and 10:30pm	55dB L <sub>A10</sub> (13hr) 60dB L <sub>A10</sub> (10min) 85dB L <sub>Amax</sub>
At all other times	40dB L <sub>A10</sub> and 75dB L <sub>Amax</sub>

The noise limit for all days/times outside of 8.00am – 10.30pm is 40dB L<sub>A10</sub>.

*Consent is required to infringe the 40dB L<sub>A10</sub> by up to 20 dB (inclusive of the adjustment for duration correction, which does not normally apply at night time when sleep disturbance is an issue) for up to 30 mins (until 11pm) on Fridays and Saturdays only.*

*The infringement of standard I310.6.1 (1) requires resource consent pursuant to Rule C1.9 (3) as a **Restricted Discretionary Activity**.*

- I310.6.11 states that organised sports and recreation activities undertaken at night on Monday-Friday (inclusive) shall not commence before 7.30pm and be scheduled to finish no later than 9.30pm.

*This application seeks consent to hold ODIs and T20 cricket matches (involving the Indian national team only) on a Friday and/or a Saturday with a scheduled finish time of 11pm. The infringement of I310.6.11 requires resource consent pursuant to Rule C1.9 (3) as a **Restricted Discretionary Activity**.*

## Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I am satisfied that I have adequate information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104C, and Part 2 of the RMA, the resource consent is **GRANTED**.

## Reasons

The reasons for this decision are:

1. The application is for restricted discretionary activity resource consent, and as such under s104C only those matters over which council has restricted its discretion have been considered. Those matters are:

I310.7.1 Matters of Control:

Organised sports and recreation undertaken during the night time:

- the effects of the proposed activity on the safety and efficiency of the transport network.
- the effectiveness of any community liaison.

- effects associated with any event management plan.

#### I310.8.1 Matters of Discretion

Any activity that does not comply with noise and/or lighting standards:

- the effects of non-compliance with a noise and/or lighting standard on the amenity values of surrounding properties and safety of transport networks.
2. The granting of this resource consent is considered to be generally consistent with the expected environmental outcomes for the Eden Park Precinct Plan as expressed through the relevant Assessment Criteria Objectives and Policies of the Auckland Unitary Plan (Operative in Part).
  3. In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be acceptable as:
    - Following an assessment of the actual and potential adverse amenity effects on the surrounding residential sites, it is considered that the proposal will be acceptable. The proposal will provide for the on-going use of the stadium by allowing the India National Cricket team to tour and broadcast this event, while at the same time, conditions of consent will avoid or mitigate the effects of the extension of the operating hours;
    - An extensive review of the traffic effects of this proposal has been undertaken on behalf of the Council. That review has confirmed that the proposal is acceptable, subject to conditions;
    - Any noise effects arising from the proposal will be suitably managed;
    - In terms of positive effects, the proposal will provide for the operation of Eden Park, which is a nationally significant venue and enable people and communities to provide for their social wellbeing and their economic needs;
  4. In accordance with an assessment under s104(1)(b) of the RMA the proposal is generally consistent with the relevant statutory documents. In particular, the proposal will meet the relevant objectives, policies and assessment criteria Auckland Unitary Plan (Operative in Part).
  5. In accordance with an assessment under s104(1)(c) of the RMA, the following other matters are considered appropriate:
    - The site will be subject to monitoring to ensure activities are carried out in accordance with the approved plans and conditions;
    - The application will include a suite of conditions as offered by the applicant or suggested by the specialists reviewing the application, that will serve to avoid or mitigate the adverse effects of the proposal;



## Conditions

Under section 108 of the RMA, this consent is subject to the following conditions:

### General conditions

1. The proposed activity shall be carried out in accordance with the documents and all supporting additional information submitted with the application, detailed below:
  - Application Form, and Assessment of Environmental Effects prepared by Tattico, dated April 2019, and all referenced by the Council as consent number LUC60337912 including the following:

Report/Plan and reference	title	Author	Resource	Dated
Eden Park Operating Management Plan		Eden Park	-	Dec 2016
Traffic Assessment		TPC	C	19 April 2019
Acoustic Assessment		Marshall Day	-	22 March 2019

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
  - a. The consent is given effect to; or
  - b. The council extends the period after which the consent lapses.
3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$990.00 inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent/s.

*Advice note:*

*The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.*

4. This consent shall be limited to cricket matches featuring the India National Men's Cricket Team only with no more than three matches inclusive of the existing 25 night time activities provided for in the Auckland Unitary Plan (Operative in Part). There shall be no more than two consecutive 12 month periods where such matches are held. If such matches are held in two consecutive 12-month periods, a 12-month gap must be provided before any further such matches are played.
5. The consent holder shall operate in accordance with all existing consent conditions in accordance with the Eden Park Operations Plan authorised under LUC60300178 (**OMP**) as

part of this resource consent (except where altered by new conditions imposed under this consent).

### Transport

6. The consent holder shall continue to implement an appropriate traffic and transport management plan (**TMP**) around the stadium and a communications strategy in accordance with the Eden Park Operations Plan authorised under LUC60300178 (**OMP**) for matches featuring the India National Men's Cricket Team. The updated TMP shall include provision for liaison with Auckland Transport regarding additional train services and carriages on the Western Line and special event bus services during ODIs and T20 matches when the India National Team is touring. The updated TMP and communications strategy shall be submitted for the certification of the Team Leader Central Monitoring three months prior to the first event enabled by this consent and shall be implemented for each event, unless altered with the agreement of the Team Leader Central Monitoring.
7. The consent holder shall update its communications management plan to provide for liaison with Kowhai Intermediate School around the afternoon pick up period for students, if that coincides with the scheduled start time of a Friday one day international match featuring the India National Men's Cricket Team. The updated communications management plan shall be submitted for the certification of the Team Leader Central Monitoring three months prior to the first event enabled by this consent.

### Acoustic

8. The OMP shall be updated in respect of events enabled by this consent to include provisions requiring all noise sources controlled by the consent holder to be promptly shut down upon cessation of the events enabled by this consent. The OMP shall also be updated to give surrounding residents advanced warning of the matches that will finish at 11pm. The updated OMP shall be submitted for the approval of the Team Leader Central Monitoring three months prior to the first event enabled by this consent and shall be implemented for each event, unless altered with the agreement of the Team Leader Central Monitoring.

## **Advice notes**

1. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
2. *For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring inspector unless otherwise specified. Please contact **XX** [insert unit specific detail and/or general council #] on [insert phone number or email address] or monitoring@aucklandcouncil.govt.nz] to identify your allocated officer.*
3. *For more information on the resource consent process with Auckland Council see the council's website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: [www.mfe.govt.nz](http://www.mfe.govt.nz).*
4. *If you as the applicant disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991.*

*Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).*

5. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*

**Delegated decision maker:**

Name: Quentin Budd

Title: Principal Project Lead, Premium Resource Consents

Signed:



Date: 

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30<sup>th</sup> May 2019