

# 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