

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



## Restricted discretionary activity

**Application number:** LUC60337912  
**Applicant:** Eden Park Trust  
**Site address:** 42 Reimers Avenue, Kingsland, Auckland  
**Legal description:** 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