

Hagley Oval

Proposal to exercise the powers under section 71 of the Greater Christchurch Regeneration Act 2016 to provide for the operation and use of Hagley Oval (South Hagley Park, 57 Riccarton Avenue)

September 2019: Proposal submitted to the Minister under section 66(2) of the Greater Christchurch Regeneration Act 2016



1. INTRODUCTION

1.1 This Proposal is provided to the Associate Minister for Greater Christchurch Regeneration (the **Minister**) in accordance with section 66(2)(b) of the Greater Christchurch Regeneration Act 2016 (the **GCR Act**). It relates to the existing Hagley Oval cricket ground, including the embankment, cricket pavilion, and curtilage, which is situated in Hagley Park (known as 57 Riccarton Avenue), Christchurch.

Hagley Park

1.2 The land within Hagley Park holds considerable cultural and spiritual connections for Te Ngāi Tūāhuriri, reflecting its location within the Rūnanga's takiwā and the historic occupation of Ōtautahi. It is one of Christchurch's most distinctive natural features, making a significant contribution to the shape and character of Christchurch's urban form and identity. Renowned for its extensive area, its large open spaces and mature trees, it offers a diverse and much-loved range of recreational opportunities within close proximity to the city centre¹.

1.3 The Park is set aside as public reserve land and is managed by the Christchurch City Council (the **Council**) in accordance with the Hagley Park Management Plan 2007, prepared under the Reserves Act 1977. The Hagley Park Management Plan states:

“The vision for Hagley Park is for it to be an iconic inner-city open space area for the city of Christchurch and to be a place for present and future residents and visitors to the city to visit, recreate in and appreciate”.

1.4 This vision, alongside the Mahaanui Iwi Management Plan, sets the framework for management of the Park, in particular the principles of:

- **Ki uta ki tai** – the interdependence between nature and function; reciprocity; respect and care in use of the environment; and
- **Kaitiakitanga** – the intergenerational responsibility to pass the environment to future generations in a state that is as good as, or better than, the current state.

The Hagley Oval

1.5 Cricket has been played at the Oval in Hagley Park for over 150 years. While the land is public reserve managed by the Council, the Canterbury Cricket Trust (the **Trust**) owns the Pavilion building and holds a lease from Council for the footprint of this building and related buildings and structures such as floodlights.

¹ Hagley Park Management Plan, page 1.

- 1.6** Following the 2010/11 earthquakes, the Christchurch Central Recovery Plan (the **Recovery Plan**) was developed by the Canterbury Earthquake Recovery Authority based on a draft Plan prepared by the Council through extensive consultation with the community. The Recovery Plan identified Hagley Oval as an 'Anchor Project' for the City, directing that it be enhanced so that it can host domestic and international matches with capacity of up to 20,000 people with sports lighting to international broadcasting standards, whilst also maintaining a 'village green' character. The GCR Act states that the Christchurch District Plan (the **District Plan**) cannot be inconsistent with the Recovery Plan².
- 1.7** The Oval in its current form was authorised by resource consent³ granted by the Environment Court in 2013 (the **2013 Resource Consent**). This enabled construction of an embankment, pavilion, four retractable lighting poles, and included conditions relating to the establishment of temporary facilities, the number of allowable games, and the terms of the Oval's operation. In 2014 construction of the embankment and pavilion was completed, and over the last five years domestic and international matches have been successfully hosted, contributing positively to regeneration of the Central City and the national and international perception of Christchurch as a whole.
- 1.8** A variation to the Resource Consent was granted in August 2016 in relation to the location of, and pack in and out of, temporary facilities and structures. Since the 2013 Resource Consent and subsequent variation were granted, key lessons have been learnt about operation of the venue, and the lighting required to meet International Cricket Council broadcasting standards.

² Section 60 of the Greater Christchurch Regeneration Act 2016.

³ Resource consent decision [2013] NZEnvC 281 dated 29 November 2013, which was subsequently varied by the Council on 25 August 2016.

2. THE PROPOSAL

2.1 This Proposal sets out changes to the District Plan which are intended to enable the use and operation of Hagley Oval in a manner which fulfils the intentions of the Recovery Plan, supports regeneration of the Central City and greater Christchurch, and is consistent with the vision of the Hagley Park Management Plan, principles of the Mahaanui Iwi Management Plan, and the objectives and policies of the District Plan⁴.

2.2 At a broad level, the changes permit the same activities that were authorised through the 2013 Resource Consent and subsequent variation. They do, however, also:

- permit six permanent light poles and structures (as opposed to four retractable poles permitted by the 2013 resource consent);
- increase the number of match days allowed (from 13 days with over 2,000 spectators to 20 days with over 2,000 spectators, and from two days with over 12,000 spectators to five days with over 12,000 spectators);
- enable an additional five match days in years when International Cricket Council events occur;
- increase the time allowed for pack-in and pack-out for matches;
- require the preparation of an Operations Management Plan and Events Management Plan (including a Transport Management Plan) with details of what these plans must include.

2.3 **Appendix 1** contains the proposed District Plan amendments. **Appendix 2** contains a summary of the proposed amendments compared with the existing Resource Consent and variation conditions.

2.4 Implementation of the proposed amendments would enable Christchurch to bid for top-tier international cricket matches. Over the next three years (2020 – 2023) it is estimated that the ability to host top-tier matches would increase visitor nights in Christchurch by an additional 54,000, with an associated increase in visitor spend on accommodation, transport, hospitality and other attractions supporting the economic and social regeneration of the Central City and Greater Christchurch. These benefits are discussed in the following technical reports:

- **The International Cricket Opportunity for Christchurch** prepared by New Zealand Cricket (July 2019).

⁴ The Planning Assessment prepared by INCITE Limited (September 2019) provides an assessment of the Proposal against the District Plan objectives and policies.

- **Economic Technical Report** prepared by Brown, Copeland and Company Limited (July 2019).

2.5 The decision being sought is for the Minister to exercise her powers under section 67 of the GCR Act to proceed with this Proposal and seek public comment, and then to consider whether to exercise her powers under section 71 of the GCR Act to approve the proposed amendments. If the Minister does decide to exercise her powers under section 71 of the GCR Act, the amendments to the District Plan would apply to Hagley Oval until such time as there is a review of the relevant provisions (either through a District Plan Review or a Plan Change under Schedule 1 of the RMA).

2.6 Separately the Council may consider a variation to the Trust's current lease of land for buildings and structures. Under the Reserves Act 1977 Council must consult the public and hold hearings before deciding on this.

3. THE BASIS FOR AMENDING THE DISTRICT PLAN

3.1 Over the last five years since its upgrade in 2014, it has become apparent that the parameters governing the operation of Hagley Oval are not suitable to enable it to be fully utilised as a world class international cricket ground as envisaged in the Recovery Plan. Specifically, lighting to international broadcast standard is not enabled, and there are a number of operational issues which are increasing costs and health and safety risks. Cumulatively these factors make it more difficult for Christchurch to bid for, and be awarded, key domestic and international cricket matches, and result in Christchurch either having to subsidise bids to attract the games or risk forgoing the potential regeneration benefits. The specific issues identified with the current use and operation of Hagley Oval are set out below.

Operational matters

3.2 Cricket as a sport is growing in participation and audience, particularly in Canterbury. The current limit of 13 match days a year for fixtures over 2,000 spectators is now proving too restrictive, resulting in Christchurch being unable to competitively bid for, and host, the full number of international games allowed under the current 2013 Resource Consent. The 13 match day limit also does not provide for, or encourage growth in the game, particularly in relation to women's cricket which has increased in popularity dramatically over the last five years.

3.3 Practical application of the current timeframes allowed for pack in and pack out has shown that they provide insufficient contingency for adverse weather, increase the health and safety risks to contractors undertaking the work, and increase the health and safety risks to the public who are able to access the area during this work. In addition, the different timeframes allowed for packing in and out test matches compared with one day games and T20 games are not consistent with the workload required (which is not different based on the type of game being played).

3.4 The size of the event area authorised by the 2013 Resource Consent does not allow for additional activities to be undertaken in the concourse area. Such activities are increasingly part of international cricket games (for example children's activation zones) and contribute to the attractiveness of Christchurch bids.

3.5 Finally, the 2013 Resource Consent requires the Trust to provide parking for the public on the adjacent Polo Grounds (or to provide 2000 carparks in another location). Parking on the Polo Grounds was found to cause damage to turf and trees and given the proximity of the Oval to parking buildings within the Central City and the Bus Interchange, this requirement is no longer considered necessary.

Lighting

- 3.6** Like many sporting codes and organisations, the Trust funded construction of the embankment and new pavilion at the Hagley Oval through subscriptions, grants and fundraising. The four retractable lightpoles permitted by the 2013 Resource Consent, however, proved prohibitively expensive to implement. In addition, it became apparent relatively quickly that the retractable technology envisaged had drawbacks – the frequent use of heavy machinery damaging surfaces, and the set up and take down imposing higher maintenance costs. For these reasons, at Lords Cricket ground in London (the only other cricket ground with retractable lights) the decision was made in 2017 to change to permanent lights.
- 3.7** In addition, in March 2019, a lighting work by Signify Limited, Musco Limited and ELC Limited identified that six lightpoles would be needed to meet ICC broadcasting guidance (ensuring consistent lux levels across the ground for players and spectators, and high-quality television viewing for audiences).
- 3.8** With high audience numbers, particularly in the U.K. and India, international cricket is increasingly being played under lights. The lack of lighting to ICC broadcast standards has unfortunately meant that whilst Christchurch has been successful in hosting some domestic and international matches, Christchurch has missed opportunities to host top-tier international games and will continue to do so unless lighting that meets ICC lighting guidance is implemented.
- 3.9** These matters are all outlined in further detail in the following technical reports which support this Proposal:
- **Memorandum to Regenerate Christchurch** prepared by Canterbury Cricket Trust (July 2019);
 - **Planning Assessment** prepared by INCITE Limited (September 2019);

4. OPTIONS TO ACHIEVE THE CHANGES SOUGHT

4.1 Amending the District Plan to address the issues set out in section 3 of this Proposal will enable Hagley Oval to be enhanced so that Christchurch is able to host top-tier domestic and international matches, in accordance with the direction established in the Recovery Plan.

4.2 The District Plan changes sought could be achieved through a number of processes, including:

- A change to the District Plan under Schedule 1 of the Resource Management Act (RMA)

Schedule 1 of the RMA provides for changes to district plans to be made by the relevant Council or requested by others, provided such requests are made no earlier than two years after the plan becomes operative. In Christchurch, the restriction on plan changes was only lifted in March 2019, so the plan change route under the RMA has only been available to the Council and others since this date.

With regards to the plan change process, a plan change is prepared, notified for public submission and further submissions, and hearings are held if required. This process is well understood and 'standard' under the RMA. It can, however, be lengthy due to the number of steps and potential for the decision to be appealed to the Environment Court. The process takes at least one year to complete and appeals can add a further year to this. Plan changes are also usually relatively costly due to the litigation often involved, especially if the decision is appealed.

- Application for a new resource consent or variation to existing Resource Consent

The Trust could apply for a new resource consent (or a variation of the existing Resource Consent) to address the operational issues identified and establish suitable lighting. Under the current District Plan provisions the changes proposed would overall be assessed as a non-complying activity. Non-complying activities are specified as non-complying because '*the District Plan has anticipated that they would normally be inappropriate*'. Non-complying consent applications are therefore likely to cost more, take longer to process and have a greater chance of being refused consent.

Accordingly, a resource consent application (or variation of consent) to facilitate the use of Hagley Oval is highly uncertain. Whether such an application is appealed or is directly referred to the Environment Court for determination in the first instance, is expected to take up to one year for a decision, as a minimum.

- A change to the District Plan under Section 80C of the RMA

This process enables councils to make a request to the Minister for the Environment to use a streamlined planning process, if one of six criteria can be met. One of the criteria (80C(2)(c)) regarding significant community need could potentially be suitable, but there is substantial uncertainty around this. In addition the streamlined process would not be able to be completed in time to realise some of the key regeneration benefits of hosting top-tier matches.

- Development of a Regeneration Plan or an amendment to the Recovery Plan under Sections 12 – 59 of the GCR Act.

A Regeneration Plan under the GCR Act would enable the Minister to consider amendments to the District Plan. A Regeneration Plan is, however, better suited to more complex development proposals, often involving a number of sites in a wider area, and potentially a number of land uses and zones. It is a two-stage process that requires the preparation of a draft outline of amendments, and then draft amendments. Experience of Regenerate Christchurch and Council has shown that Regeneration Plans also take between one and two years to complete.

Section 12(1)(c) of the GCR Act refers to other sections in the GCR Act that contemplate amendments to Recovery Plans, including the Christchurch Central Recovery Plan. Appendix 1 of the Recovery Plan (which contains District Plan provisions) could be amended to reflect the direction of the main Recovery Plan document as proposed. As with a Regeneration Plan, however, amending a Recovery Plan is a two-stage process that requires the preparation of a draft outline of amendments and then draft amendments, which is a process more suited to more complex issues or rezoning of a wider area. If approved, the amended Appendix 1 would then direct the Council to amend the District Plan, in effect a third step. The section 11 necessity tests for the Minister to reasonably consider it necessary to use the GCR Act apply to this process as well. Overall, making District Plan amendments through amending Appendix 1 of the Recovery Plan inefficient and unnecessarily complex.

- Amendment of the District Plan using Section 71 of the GCR Act.

Section 71 of the GCR Act enables the Minister for Greater Christchurch Regeneration to amend the District Plan directly, following receipt of a Proposal from a Strategic Partner (such as Regenerate Christchurch), and a period of public comment. This part of the GCR Act has

been used three times to date⁵ by the relevant Minister, and the entire process is expected to take nine months to one year to complete.

- 4.3** More detailed information on each of these options and an assessment of their appropriateness is provided in the **Planning Assessment** background report prepared by INCITE Limited (September 2019).

⁵ To facilitate redevelopment of Redcliffs School, development of a sports facility at Yaldhurst, and to address an issue that restricted rebuilding in Southshore, Brighton and Redcliffs. Further information on these can be found at: <https://dpmc.govt.nz/our-programmes/greater-christchurch-recovery-and-regeneration/section-71-proposals>

5. CONSIDERATIONS

5.1 In September 2019 Christchurch submitted a bid to host matches in the 2021 Women's Cricket World Cup. If Christchurch is able to demonstrate that Hagley Oval will meet ICC lighting guidelines, Christchurch will have the opportunity to bid for top-tier matches of the World Cup in addition to the daylight games for the early rounds. New Zealand Cricket has advised that it must confirm the ICC schedule of matches by the end of December 2019. If the timeframe to complete the section 71 process, however, means a decision to approve or reject the proposal cannot be made by end December 2019, then Christchurch would still benefit from the ability to bid for future top-tier matches.

5.2 Amending the District Plan through exercise of the powers under section 71 of the GCR Act is the preferred option for Hagley Oval. The development of a Regeneration plan is not considered appropriate for the scale of the proposal, and the alternative processes under the RMA do not provide the certainty of outcome, timeliness of decision-making, ability to realise the full regeneration benefits and potentially involve significantly greater costs.

5.3 The GCR Act is specifically intended to support the regeneration of greater Christchurch. It has five specified purposes as set out in section 3(1). These purposes are:

- (a) *Enabling a focused and expedited regeneration process;*
- (b) *Facilitating the ongoing planning and regeneration of greater Christchurch;*
- (c) *Enabling community input into decisions on the exercise of powers under section 71 and the development of Regeneration Plans;*
- (d) *Recognising the local leadership of Canterbury Regional Council, Christchurch City Council, Regenerate Christchurch, Selwyn District Council, Te Rūnanga o Ngāi Tahu, and Waimakariri District Council and providing them with a role in decision making under the Act;*
- (e) *Enabling the Crown to efficiently and effectively manage, hold, and dispose of land acquired by the Crown under the Canterbury Earthquake Recovery Act 2011 or the Act.*

5.4 Section 3(2) of the GCR Act provides a definition of 'regeneration' as follows:

regeneration means—

- (a) *rebuilding, in response to the Canterbury earthquakes or otherwise, including—*
 - (i) *extending, repairing, improving, subdividing, or converting land;*
 - (ii) *extending, repairing, improving, converting, or removing infrastructure, buildings, and other property;*

(b) improving the environmental, economic, social, and cultural well-being, and the resilience, of communities through—

(i) urban renewal and development:

(ii) restoration and enhancement (including residual recovery activity)

urban renewal means the revitalisation or improvement of an urban area, and includes—

(a) rebuilding:

(b) the provision and enhancement of community facilities and public open space.

5.5 In relation to the definition of ‘regeneration’, the exercise of powers under section 71 of the GCR Act would enable Hagley Oval to be **improved, developed and enhanced**, contributing further to the economic and social urban renewal and development of greater Christchurch.

5.6 As set out in greater detail below, the exercise of power will support the regeneration of greater Christchurch by:

Enabling a focused and expedited regeneration process

Exercising the power under section 71 would contribute to the expedited regeneration and enhancement of an important community facility in central Christchurch and support the regeneration of the central City as well as the wider community.

Facilitating the ongoing planning and regeneration of greater Christchurch

The ongoing regeneration of greater Christchurch will be supported through the use and operation of Hagley Oval in a manner which fulfils its potential as a top-tier venue for domestic and international cricket matches.

These changes would enable Christchurch to competitively bid for, and if successful ultimately host, top-tier fixtures including the 2021 Women’s Cricket World Cup event, with associated economic and social regeneration benefits to Christchurch and the region.

Enabling community input into decision on the exercise of powers

The GCR Act provides for community input on the decision to exercise powers under section 71 in the following ways:

- a) If the Minister decides to proceed with the Proposal, a public notice published by the Minister will invite written comments on the Proposal, which the Minister must take into account before making the final decision on exercising the power.
- b) In considering whether to exercise the power in section 71, the Minister must –
 - (i) take into account the comments provided under section 68(c); and

- (ii) have particular regard to any views of the strategic partners that are expressed in the comments provided under section 68(c).

Early engagement with the Hagley Park Reference Group, the Council, the Trust and Te Rūnanga o Ngāi Tahu nominated representatives has helped to shape the draft Proposal.

Recognising the local leadership of the councils operating in greater Christchurch and Te Rūnanga o Ngāi Tahu in decision making

Regenerate Christchurch has sought the views of the strategic partners, including the Council, Canterbury Regional Council, and Te Rūnanga o Ngāi Tahu, under section 66 of the GCR Act, and their feedback has been considered as summarised in the **Concise Statement of Views** prepared by Regenerate Christchurch to accompany this Proposal (September 2019).

Why the exercise of GCR Act power is considered necessary and preferable

- 5.7** Under section 11(2) of the GCR Act a Minister or a chief executive may exercise or claim a power, right or privilege under this Act where he or she reasonably considers it necessary.
- 5.8** The necessity test centres on whether it is reasonable for the Minister to consider it necessary to use the section 71 powers to achieve one or more of the purposes of the Act, taking into account any alternative powers that are available.
- 5.9** Regenerate Christchurch considers the necessity for using the GCR Act to make the proposed amendments to the District Plan arises from:
 - (a) The identification of Hagley Oval as an Anchor Project in the Recovery Plan to contribute to the recovery and regeneration of greater Christchurch. Hagley Oval was identified as capable of hosting domestic and international cricket matches of up to 20,000 people with lighting to an international broadcast standard.
 - (b) The Proposal supports the regeneration of greater Christchurch through providing a world class sporting venue capable of hosting high profile domestic and international cricket events in a central city location.
 - (c) An assessment of alternatives has concluded that amending the District Plan using section 71 of the GCR Act is the most appropriate and efficient method to address the specific issues restricting the enhancement, development and operation of Hagley Oval in order to provide the necessary certainty to enable the intended regeneration outcomes to be realised.
- 5.10** A full assessment of the Proposal against the reasonably considered necessary test is set out at **Appendix 3**.

6. CONCLUSION

- 6.1 Regenerate Christchurch considers that the Minister can reasonably consider it necessary to exercise her powers under section 71 of the GCR Act to amend the District Plan as set out in **Appendix 1** of this Proposal. The Proposal meets purposes of the GCR Act, will enable economic and social regeneration benefits to be realised, is identified as an Anchor Project in the Recovery Plan, and would enable Christchurch to compete for the opportunity to host top-tier matches in the 2021 Women's Cricket World Cup.

APPENDIX 1 – Proposed amendments to the District Plan.

APPENDIX 2 – Summary of amendments to the District Plan compared with existing Resource Consent and variation conditions.

APPENDIX 3 – Legal assessment of ‘necessary and preferable’ Test.

APPENDIX 4 – Draft Notice if Proposal approved for public comment under s68 of the GCR Act

APPENDIX 5 – Draft Notice if exercise of s71 of the GCR Act approved

APPENDIX 1

Chapter 18 Open Space

Add new permitted activities to Rule 18.4.1.1 as follows:

Activity		Activity specific standards:
P1	Recreation activity and/or recreation facility, other than as provided for under the following rules: <ol style="list-style-type: none"> a. Rule 18.4.1.3 RD10, and Rule 18.4.1.4 D5 (Major sports facility); b. Rule 18.4.1.1 P7 and Rule 18.4.1.4 D3 (Golf course); c. Rule 18.4.1.1 P14 (Gymnasium); d. Rule 18.4.1.5 NC2 (Motorised sports facility); e. <u>Rule 18.4.1.1 P24-P27 (Hagley Oval).</u> 	<ol style="list-style-type: none"> a. On sites less than 5,000 m² in area, parking areas shall be limited to: <ol style="list-style-type: none"> i. One per site; and ii. A maximum of 6 car parking spaces per parking area. b. For Hagley Park, permanent parking areas are restricted to the existing formed car parks.
...
P24	<u>Sporting events and the use of existing facilities for sporting events at Hagley Oval (as identified in the Hagley Oval Layout Plan in Appendix 18.11.6) .</u>	<ol style="list-style-type: none"> a. <u>A maximum of 20 sporting event days for 2,000 or more spectators shall occur per annum, except that:</u> <ol style="list-style-type: none"> i. <u>Within this limit, there shall be a maximum of 5 event days with 12,000 or more spectators per annum; and</u> ii. <u>The limits in clause a and a(i) shall not apply for up to 5 additional sporting event days per annum for any International Cricket Council administered tournament events, including the ICC Cricket World Cup, ICC Women's World Cup, World Twenty20, and/or international age-group events.</u> b. <u>Events for 2,000 or more spectators shall not occur on days where the cumulative attendance at events in South Hagley Park exceeds 20,000 people.</u> c. <u>Events shall occur within 0700 hours to 2300 hours, Monday to Sunday, except that for 7 televised sporting event days per annum the hours may be extended to 2400.</u> d. <u>All activities shall be undertaken in accordance with an operations management plan prepared in accordance with Rule 18.4.2.8.</u> e. <u>All events for 2,000 or more spectators shall be undertaken in accordance with an event management plan prepared in accordance with Rule 18.4.2.9.</u>
P25	<u>Construction and use of temporary structures and facilities ancillary to broadcasting or hosting sporting events at Hagley Oval.</u>	<ol style="list-style-type: none"> a. <u>The structures and facilities shall be limited to:</u> <ol style="list-style-type: none"> i. <u>Broadcasting and media production facilities,</u> ii. <u>Broadcasting and media technical services and facilities,</u> iii. <u>Broadcasting camera towers and media transmission equipment,</u> iv. <u>Temporary power generators,</u> v. <u>Event, directional wayfinding and/or sponsor signage,</u> vi. <u>Event administration or operational facilities,</u>

		<ul style="list-style-type: none"> vii. <u>Facilities designed to cater for spectators and participants at events (including grandstands, corporate boxes, ticket sales, pedestrian entry structures, changing rooms, toilets, first aid and medical rooms, food and beverage outlets, souvenirs, sporting goods and liquor sales, score boards and officials rooms).</u> b. <u>Television scaffolding towers shall not be located within the 'Flood Light and TV Scaffolding Exclusion Zone' as shown on the Hagley Oval Layout Plan in Appendix 18.11.6.</u> c. <u>All structures and facilities shall be managed in accordance with an operations management plan prepared in accordance with Rule 18.4.2.8.</u> d. <u>All structures and facilities shall be managed in accordance with an event management plan prepared in accordance with Rule 18.4.2.9.</u> e. <u>The total number of days that temporary facilities and structures associated with sporting events may occupy the site or parts of the site, as specified by the Hagley Oval Layout Plan in Appendix 18.11.6:</u> <ul style="list-style-type: none"> i. <u>shall not exceed 15 consecutive days; and</u> ii. <u>shall not exceed 60 days per year, except that</u> iii. <u>in years when International Cricket Council events are scheduled, the total number of days shall not exceed 75; and</u> iv. <u>admission to Hagley Oval by paid access only shall not exceed 40 days per year;</u> v. <u>this rule does not apply to television scaffolding towers or to the picket fence around the oval (refer to Rule 18.4.2.8(f)(iii) on Operations management plan).</u>
P26	<u>Floodlighting for recreation activities at Hagley Oval.</u>	<ul style="list-style-type: none"> a. <u>There shall be a maximum of six floodlight poles, with a maximum of 550 luminaries in total across all poles, at Hagley Oval as shown on the Hagley Oval Layout Plan in Appendix 18.11.6.</u> b. <u>The floodlight headframes shall not exceed a maximum horizontal dimension of 14.3m.</u> c. <u>The floodlight poles shall be located within the 'Floodlight perimeter' area shown on the Hagley Oval Layout Plan in Appendix 18.11.6.</u> d. <u>The floodlight poles shall not be located within the 'Flood Light and TV Scaffolding Exclusion Zone' as shown on the Hagley Oval Layout Plan in Appendix 18.11.6.</u> e. <u>The footings for floodlight poles shall not extend above the finished ground level of any part of the Hagley Oval embankment.</u> f. <u>Chapter 6.3 rules controlling light spill and glare from outdoor lighting shall apply to Hagley Oval except where otherwise specified below.</u> g. <u>Horizontal and vertical spill light from floodlighting shall not exceed 25 lux (horizontal and vertical) when measured at a height of 1m above ground level within the Transport Zone on Riccarton Avenue.</u> h. <u>Use of floodlights:</u> <ul style="list-style-type: none"> i. <u>at full illumination level shall be confined to the duration of the sporting events within the hours of set out in Rule 18.4.1.1. P24(c), or for testing purposes;</u> ii. <u>shall not exceed 300 lux (measured on the field) for a period of up to 30 minutes after the conclusion of the training event or sporting event;</u> iii. <u>at full illumination for training purposes shall be</u>

		<p>limited to training on the day of a sporting event only, unless approved in advance by the Council's Head of Parks or Hagley Park Manager;</p> <p>iv. shall not exceed 50 lux for the period of 30 to 60 minutes after the conclusion of the sporting event or training; and</p> <p>v. Shall cease within 60 minutes of the conclusion of the sporting event or training.</p> <p>i. All floodlighting shall be subject to an operations management plan prepared in accordance with Rule 18.4.2.8.</p> <p>Note: The finished colour of the floodlight poles and headframes requires a separate approval from the Council under the Hagley Park Management Plan.</p>
P27	The use of the Hagley Oval Pavilion (identified in the Hagley Oval Layout Plan contained in Appendix 18.11.6) for recreation activities and accessory administrative, social, professional, and retail activities.	<p>a. Excluding opening hours for events, the Hagley Oval Pavilion shall close no later than 11.00 pm Sunday - Thursday (inclusive) and 12.00 am on Friday or Saturday.</p> <p>b. The Hagley Oval Pavilion shall be managed in accordance with an operations management plan prepared in accordance with Rule 18.4.2.8.</p> <p>c. The Hagley Oval Pavilion shall be managed in accordance with a Hagley Oval Pavilion Management Plan prepared in accordance with Rule 18.4.2.10.</p>

Amend Rule 18.4.1.3 as follows:

Activity	Activity specific standards:
<p>RD1</p> <p>Any activity listed in Rules 18.4.1.1 P1-P234 and P26 and Rule 18.4.1.3 RD10 below that does not meet one or more of the built form standards in Rule 18.4.2, unless otherwise specified.</p> <p>Advice note:</p> <p>1. Refer to relevant built form standard for provisions regarding notification.</p>	<p>As relevant to the built form standard that is not met:</p> <p>a. For rules 18.4.2.1, 18.4.2.2 and 18.4.2.3 - Setback from boundaries – Rule 18.10.15.</p> <p>b. Outdoor storage – Rule 18.10.16.</p> <p>c. Building height – Rule 18.10.17.</p> <p>d. Recession planes – Rule 18.10.18.</p> <p>e. Water supply for firefighting – Rule 18.10.19.</p> <p>f. Building footprint, site coverage and impervious surfaces – Rule 18.10.21</p> <p>g. Where the site is within the Akaroa Heritage Area, the matters set out in Rule 9.3.6.3.</p> <p>h. In addition, in the case of Hagley Park, for applications relating to Rule 18.4.2.1 and 18.4.2.6 - Additional matters for Hagley Park - building footprint, site coverage and impervious surfaces - Rule 18.10.20.</p>

Add new discretionary activity to Rule 18.4.1.4 as follows:

Activity	
...	...
D6	Any activity listed in Rule 18.4.1.1 P24-P27 that does not meet one or more of the activity specific standards.

Amend Rule 18.4.2.4 as follows:

18.4.2.4 Building Height

- a. The maximum height of any building shall be as follows:

	Applicable to	Standard
i.	All buildings unless specified below	8 metres
ii.	All buildings in the Banks Peninsula area (refer Appendix 2.1)	6 metres
iii.	Central New Brighton Beach Park (adjacent to the New Brighton Pier)	
iv.	Canterbury Museum and Robert McDougall Art Gallery site (9-11 Rolleston Avenue, legally described as Pt Res 25 and Lot 1 DP 45580)	15 metres
v.	Any pole or support structure for flood or training lights accessory to sports facilities in Hagley Park, <u>except where otherwise specified in viii.</u>	30 metres
vi.	For a major sports facility on Lot 1 DP 12727 developed in conjunction with part of the adjacent Heaton Street Intermediate Normal School	12 metres
viii.	<u>Any pole or support structure for flood or training lights, including the headframes, accessory to sports facilities in Hagley Oval.</u>	<u>48.9m</u>

Amend Table 1 (under Rule 18.4.2.6 Building footprint, site coverage and impervious surfaces) as follows:

18.4.2.6 Building footprint, site coverage and impervious surfaces

Table 1

	Size of Community Park	A (Single building)	B (Site coverage)	C (Impervious surfaces)
...
h.	Hagley Park (excluding Botanic Gardens) <u>unless specific in k. below</u>	300 m ²	1%	10%
i.	Botanic Gardens	500 m ²	6%	10%
j.	That part of Elmwood Park located at 83D Heaton Street (Lot 1, DP 12727)	1500 m ²	60%	20%
k.	<u>Temporary seating and associated temporary structures for sporting events in Hagley Oval.</u>	<u>No maximum</u>	<u>No maximum</u>	<u>No maximum</u>

Insert new standards (under Rule 18.4.2 Built form standards – Open Space Community Parks Zone) as follows:

18.4.2.8 Operations management plan

- a. All activities shall be undertaken in accordance with an operations management plan (OMP) that has been prepared by the venue operator in accordance with Rule 18.4.2.8 (b)-(h) and certified by the Council's Resource Consents Manager as having addressed the matters set out in Rule 18.4.2.8. The OMP shall be made available to the Council on request.
- b. The OMP shall:
- i. Set out the practices and procedures to be adopted to meet the following objective:
 - A. that venue managers have a full and clear understanding of the District Plan and/or resource

consent requirements associated with operations and facilities at Hagley Oval.

- ii. Include the following methods, measures and techniques to achieve the above objective:
 - A. assigning roles and responsibilities, including appointment of a representative to be the primary contact person in regard to the management of Hagley Oval;
 - B. a complaints procedure that specifies actions to be taken following receipt of a complaint, including records to be kept and responses to any complaints including remedial action taken;
 - C. a monitoring regime to evaluate compliance with the objectives of the OMP and District Plan and/or resource consent requirements; and
 - D. methods for reviewing and amending the OMP.

 - iii. Outline a process for representatives of the Hagley Oval venue operator to consult with Canterbury Cricket Trust, Canterbury Cricket Association, Hagley Park Reference Group, the Council and Te Rūnanga o Ngāi Tahu on the preparation or amendment of the OMP and recording the findings from and response to any consultation.

 - iv. Be made publicly available at all times on the Hagley Oval venue website.

 - v. Be reviewed, in accordance with Rule 18.4.2.8 b. ii. D. above, a minimum of every five years.
- c. Public access-** the OMP will specifically include a section providing for the maintenance of general public access to Hagley Oval (excluding during sporting events for 2,000 or more spectators). This shall include identifying specific areas and times where it is necessary to exclude the general public to specific, limited areas, for the purpose of maintaining the health and safety of staff, contractors or members of the public during the commissioning and decommissioning of facilities for sporting events, and how, during these times, access to remaining areas will be maintained.
- d. Lighting -** the OMP will specifically include a section on floodlighting which includes provisions related to:
- i. The initial commissioning and testing of floodlighting on installation.
 - ii. The re-testing of floodlighting following luminaire replacement or general maintenance cleaning.
 - iii. Maximum standards and times of operation for the floodlighting, including the process and any applicable timeframes for warming up and shutting down the lighting, to ensure compliance with Rule 18.4.1.1 P26 Floodlighting for recreation activities at Hagley Oval.
 - iv. A monitoring regime.
- e. Noise -** the OMP will specifically include a section on noise which includes provisions related to:
- i. Where and how noise will be measured, monitored and assessed.
 - ii. How any sound system(s) will be calibrated.
 - iii. How noise from mechanical plant associated with the site will be managed.
 - iv. Procedures for noise complaint recording and action, including liaison and cooperation with Council Noise Control Officers.
- f. Facilities (including Temporary Facilities and Structures) -** the OMP will specifically include a section on the provision and operation of facilities, which includes provisions related to:
- i. Ensuring facilities for the storage, collection and disposal of refuse and recycling are provided on site at all times.
 - ii. Ensuring that all temporary facilities and structures (excluding sight screens) are stored off- site or internally out-of-sight within a building when not in use.

- iii. Providing for the following commissioning, use and decommissioning periods and associated restrictions for temporary facilities and structures:

<u>Temporary structure</u>	<u>Restrictions</u>
<u>Sight screens</u>	<u>No restriction.</u>
<u>Picket fence no more than 1.2m high and positioned within the interior of the embankment</u>	<u>May remain in place for all of the cricket season.</u> <u>When games are not being played, public access is to be maintained through the picket fence and signage shall be erected on the fences to communicate this to the general public.</u>
<u>Television scaffolding towers</u>	<u>May be established four days prior to the first televised match of the cricket season, and shall be removed no later than three days after the last televised match of the cricket season.</u>
<u>Temporary grandstands</u>	<u>Five days either side of an event.</u>
<u>Advertising signage</u>	<u>Three days either side of an event.</u> <u>Signage shall be restricted to on and within the embankment, on temporary infrastructure, and on the Hagley Oval Pavilion.</u>
<u>Perimeter fencing around the edge of the site as shown in the Hagley Oval Layout Plan in Appendix 18.11.6</u>	<u>Three days either side of an event.</u> <u>Public access to the site shall be restricted for sports events exceeding 2,000 spectators on the day of the event only.</u> <u>Signs shall be erected on the perimeter fencing advising that the public have access to the site on non-event days.</u>
<u>Security and safety fencing within Hagley Oval</u>	<u>Three days either side of an event, or five days either side of an event for fencing required for the commissioning and decommissioning of temporary grandstands, provided that:</u> <ol style="list-style-type: none"> a. <u>Fencing shall be limited in extent and duration to that which is required for security purposes and/or in order to comply with Health and Safety regulatory requirements; and</u> b. <u>Public access to the site shall otherwise be maintained to the fullest extent practicable.</u>
<u>All other temporary facilities and structures (i.e. portable toilets, food and beverage outlets etc).</u>	<u>Three days either side of an event.</u>
<u>Note: 'Day' excludes any statutory public holidays or days of inclement weather which preclude the commissioning, or decommissioning of facilities or structures in accordance with Health and Safety regulatory requirements.</u>	

- g. Landscape protection - the OMP will specifically include a section on tree and plant protection, including provisions related to:

- i. The methods for avoiding adverse effects from construction activity, events, and car parking on trees and planting and remediating any damage caused to the Park, trees, planting and accessways: including:
 - A. The establishment of temporary fencing or other measures to ensure that the storage of heavy equipment, vehicles, machinery and materials does not occur within the drip lines of trees surrounding Hagley Oval;
 - B. The exclusion of any refuelling of plant and machinery within 50 metres of any tree.
 - C. The appointment of an independent, suitably qualified and experienced arborist to supervise works or require measures to maintain tree health and amenity values, in respect of:
 - I. The OMP or Event Management Plan referred to in Rule 18.4.2.9;
 - II. Any works that require the scraping of topsoil;
 - III. Construction of foundations for buildings or structures;
 - IV. The transportation of the lighting tower components;
 - V. Temporary or service vehicle access or parking in proximity to trees; and
 - VI. The siting of temporary facilities and structures.

- h. **Construction Management**– the OMP will specifically include a section on the way in which any construction works shall be undertaken, including specific details addressing:
 - i. Ingress and egress to the construction site for construction, delivery, trade and worker vehicles and machinery during the construction period.
 - ii. Measures to be adopted to minimise impacts on visual and aural amenity, including any screening proposed, and to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities.
 - iii. Details of consultation undertaken with Heritage New Zealand Pouhere Taonga (HNZPT) with respect to their Category 2 listing of the Cricket Pavilion and Setting (HNZ 3656), and protocols to be followed prior to and during any construction works.
 - iv. the Accidental Discovery Protocol that will apply to any archaeological finds on the site.
 - v. A Temporary protection plan (TPP), certified by the Council's Heritage Team Leader, setting out how the heritage fabric of the Cricket Pavilion and Setting (Christchurch District Plan, Appendix 9.3.7.2, listed Items 458 and 242) will be protected during construction works, including a detailed photographic record of Hagley Oval prior to the works starting, the erection of fencing to protect the area around the Cricket Pavilion during works, construction vehicles routes, and fire protection measures.
 - vi. The management of construction noise in accordance with NZS 6803:1999 Acoustics – Construction noise Table 2 and Annex E.
 - vii. Temporary construction lighting and directing of such lighting away from adjacent properties and roads.
 - viii. Measures to provide local residents and businesses information about the construction activity and timeframes.
 - ix. Procedures for complaints recording and actioning.
 - x. Location of off-street parking sufficient for site workers and contractors.
 - xi. Hours of operation and days of the week for construction activities.
 - xii. Means of ensuring the safety of the general public.
 - xiii. Procedures for controlling sediment runoff, contamination of stormwater drains, dust and the removal of soil, debris and demolition and construction materials from waterways and drains, adjacent

properties, public roads or places.

xiv. The exclusion of any refuelling of vehicles or equipment within 20 metres of any waterway or drain.

18.4.2.9 Events management plan

a. All events shall be undertaken in accordance with an events management plan (EMP) that has been prepared by the venue operator in accordance with Rule 18.4.2.9 (b)-(g) and certified by the Council's Resource Consents Manager as having addressed the matters set out in Rule 18.4.2.9, at least two weeks prior to the start of an event. The EMP shall be made available to the Council on request.

b. The EMP shall:

i. Set out the practices and procedures to be adopted to meet the following objectives:

A. that event managers have a full understanding of the management requirements associated with events on Hagley Oval;

B. that information relating to forthcoming events is communicated to nearby landowners/occupiers, by providing them at least two weeks advance knowledge of when events are to be held, and their related arrangements;

C. that information on travel and parking options to facilitate non-car modes of travel is effectively communicated to spectators (at a minimum such communication is to be included as part of the ticket purchase process);

D. to ensure contractors engaged in the provision of temporary facilities and structures comply with pack-in and pack-out times stipulated in the OMP referred to in Rule 18.4.2.8;

E. to ensure contractors engaged in the provision of temporary facilities and structures maintain public access to Hagley Oval and to the temporary hospital car park;

F. to ensure food and beverage facilities are efficiently managed;

G. to provide waste facilities that are adequate to cope with the numbers of spectators expected to attend the fixture;

H. that rubbish is picked up throughout South Hagley Park and that portion of North Hagley Park between Riccarton Avenue and the Avon River by 10am of the day following an event;

I. to ensure crowd behaviour is effectively managed at all major fixtures through the provision of security personnel and marshals;

J. to ensure there is safe and orderly access to and from the Hagley Oval for officials, media, players, staff, contractors, and spectators; and

K. to protect trees within the Park from potential damage caused by event activities.

ii. Include the following methods, measures and techniques to achieve the above objectives:

A. assigning roles and responsibilities, including appointment of a representative to be the primary contact person in regard to the management of Hagley Oval;

B. a complaints procedure that specifies actions to be taken following receipt of a complaint, including records to be kept and responses to any complaints including remedial action taken;

C. a monitoring regime to evaluate compliance with the objectives of the EMP; and

D. methods for reviewing and amending the EMP.

iii. Address at least three typical event scenarios including:

- A. events of more than 12,000 capacity;
 - B. events of up to 12,000 capacity combined with spectator activity nearby e.g. an event at North Hagley Park; and
 - C. events of up to 12,000 capacity.
- iv. Outline a process for representatives of the Hagley Oval venue operator to consult with Canterbury Cricket Trust, Canterbury Cricket Association, Hagley Park Reference Group, the Council and Te Rūnanga o Ngāi Tahu on the preparation or amendment of the EMP and recording the findings from and response to any consultation.
- v. Be made publicly available at all times on the Hagley Oval venue website.
- c. **Coordination of all relevant agencies - the EMP shall:**
- i. Outline a process for convening and documenting, prior to each event, a briefing meeting of all key agencies to confirm arrangements for the particular event (including confirmation of the number and contact details of personnel involved from each agency). The agencies involved may include:
 - A. Police
 - B. Security companies (in ground and street security patrol)
 - C. Council parking, traffic and roading operations
 - D. CDHB (Christchurch hospital)
 - E. Environment Canterbury and Transport companies (bus and train)
 - F. St John (first aid, ambulance)
 - G. Fire service (if required)
 - H. Taxi operators
 - I. Tow truck operators
 - J. Department of Labour occupational safety and health (if considered appropriate by the venue operator)
 - K. Media
 - L. Caterers and merchandisers
 - M. Cleaning contractors
 - N. Traffic management contractor
 - O. Venue users
 - P. The Civil Aviation Authority
- d. **Facilities (including Temporary Facilities and Structures) for events - the EMP will specifically include a section on the provision and operation of facilities for events, including provisions related to:**
- i. Providing additional temporary public toilet facilities external of Hagley Oval at the conclusion of every event.
 - ii. Preparing a litter management plan and identifying an area within the vicinity of Hagley Oval, including any waterway or drain, that shall be cleaned of rubbish and litter attributable to the activities at the Oval between the hours of 08:00 and 14:00 on the day following any event. (The litter management plan will need to address how to limit any adverse effects of this operation).
 - iii. Ensuring that there is no sale or supply of alcohol within car parking areas or other open areas outside

of the Hagley Oval perimeter.

- iv. Taking all reasonable and practical steps to prevent the consumption of alcohol in public areas in the immediate vicinity of Hagley Oval after events finish and shall, through the use of security staff or other means actively encourage patrons to leave the area as soon as practicable.

e. **Communication** - the EMP will specifically include a section on communication, including provisions related to:

- i. Ensuring ongoing community liaison to inform each household and business within the vicinity of Hagley Oval of forthcoming events and related arrangements. The timing, manner and extent of distribution of information shall be undertaken after consultation with the Council.
- ii. Providing a telephone "Hotline" to be maintained and advertised by the venue operator for the purposes of enabling residents to contact the appropriate authorities or gain assistance. The Hotline shall operate for two hours prior to any event and shall continue to operate until midday (12:00 hrs) the following day. The Hotline shall be implemented in such a way that ensures all callers can make contact with event organisers without delay.
- iii. Developing a protocol to effectively and promptly deal with any complaints arising, including, but not limited to, noise, lighting, litter, the actions of spectators and concerns over the management of night time events.

f. **Transport Management** - the EMP will specifically include a section on transport, including provisions related to:

- i. Establishment and functioning of a Transport Management Group ("TMG") comprising representatives of the Venue Operator, Canterbury Cricket Trust, Canterbury Cricket Association, the CDHB, the Council, the Christchurch Transport Operations Centre, and the traffic management contractor as well as where possible representatives of appropriate transport agencies, organisations and service providers. These should include NZ Police, bus, coach, and taxi operators and others as considered appropriate by the Council. The TMG will provide input into the preparation of the various Transport Management Plans and meet at least annually to review and modify the Transport Management Plans.
- ii. The requirement for a Transport Management Plan (TMP) to be prepared by the venue operator in accordance with Rules 18.4.2.9(f), certified by the Christchurch Transport Operations Centre (CTOC), and finalised at least one month prior to the commencement of an event. The TMP shall be operational for every event and shall show how transport and traffic aspects of events will be managed to reduce or mitigate any adverse effects. The TMP shall be made available to the Council on request.
- iii. The goal of the TMP is to avoid, mitigate and/or manage the adverse effects of event-related traffic on the wider neighbourhood and to manage the overlapping transport effects that could result from events occurring at Hagley Park on the same day. The objectives of the TMP and any future modifications shall be:
 - A. to manage the potential impact of events at Hagley Oval and/or at South Hagley Park occurring at the same time period;
 - B. to ensure that emergency service vehicles and other vehicles travelling to or from Christchurch Hospital do not experience any delay or disruption as a result of event related activity;
 - C. to ensure emergency vehicle access, both to the ground and the surrounding neighbourhood, is maintained at all times;
 - D. to ensure access to properties and on street permitted parking at all times during events days;
 - E. to ensure that Arterial and Main Distributor roads continue to function and do not experience

excessive congestion as a result of event related activity;

- F. to strongly encourage patrons and staff to make increasing use of passenger transport to access Hagley Oval for events and to provide passenger transport information and to promote passenger transport services and Information;
- G. to maximise pedestrian safety particularly immediately before and after the event;
- H. in the immediate vicinity of the ground, to separate the different modes to achieve safe and efficient traffic flow;
- I. to provide for the movement of passenger transport, so as to encourage this form of transport and assist efficient traffic movement before and after events;
- J. to manage traffic flows around Hagley Oval so as to facilitate efficient clearing of people and vehicles after events;
- K. to ensure the TMP is reviewed on a regular basis;
- L. that contingency plans are developed, to ensure that solutions are available to accommodate foreseeable deviations from the expected operation of the TMP;
- M. provide for a communication strategy to include the following for events with greater than 2,000 spectators:
 - a. media promotion that provides details of travel options available; and
 - b. for all spectators who pre-purchase tickets to be provided with details of transport options to Hagley Oval, including a request to avoid the use of Riccarton Avenue and including (but not limited to) information regarding car parking locations and public transport.
- N. to provide facilities for cyclists and for the safe and efficient storage of bicycles; and
- O. to ensure that convenient and accessible parking is provided for the mobility impaired.

g. **Noise Management Plan-** the EMP will specifically include a section providing for the implementation of a noise management plan (NMP) for events. The NMP shall include:

- i. Practices and procedures to be adopted to ensure compliance with relevant District Plan rules and/or consent conditions relating to noise, including a monitoring regime;
- ii. A complaints procedure that specifies actions to be taken following receipt of a complaint, including records to be kept and responses to any complaints including remedial action taken;
- iii. Procedures to manage noise from traffic, spectators, Public Address (PA) and music from events;
- iv. Methods for testing any PA system including the set-up, positioning, and operation of speakers;
- v. The locations of all measurement/monitoring sites and the noise measurements that are to be undertaken at those sites; and
- vi. The process to review the NMP in order to respond to any specific issues that arise.

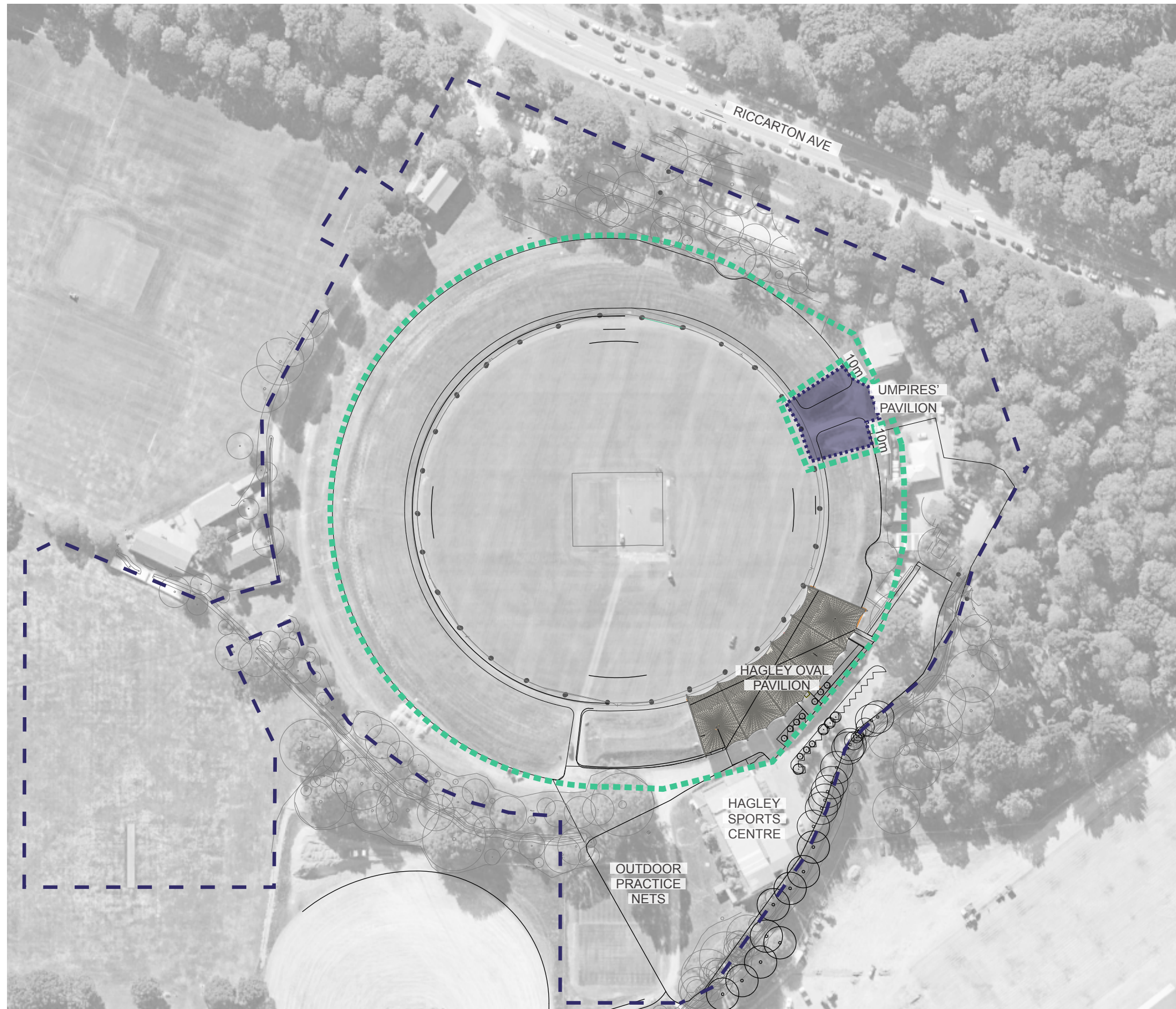
18.4.2.10 Hagley Oval Pavilion management plan

- a. All activities shall be undertaken in accordance with a Hagley Oval Pavilion management plan that has been prepared by the venue operator in accordance with Rule 18.4.2.10 (b)-(d) and certified by the Council's Resource Consents Manager as having addressed the matters set out in Rule 18.4.2.10. The Hagley Oval Pavilion Management Plan shall be made available to the Council on request.
- b. The Hagley Oval Pavilion Management Plan shall set out the practices and procedures to be adopted to meet





the following objectives:

- i. the Pavilion is only to be used for recreation activities and accessory administrative, social, professional, and retail activities, unless a resource consent for other activities is obtained;
 - ii. the Pavilion is managed so that it is not used for functions which exceed more than 300 people;
 - iii. deliveries and glass recycling are to occur during business daytime hours and noise and disturbance associated with these activities is to be minimised;
 - iv. to ensure noise emissions associated with use of the Pavilion comply with applicable noise rules. Such measures shall include a requirement that in order to minimise noise emissions all external windows and doors are to be closed after 10.00pm (except for the timely entry and exit of patrons and/or the use of the Pavilion during events);
 - v. the operation of the Pavilion shall be carried out in accordance with any conditions of a lease granted by the City Council for use of the Pavilion; and
 - vi. the parking management regime ensures the safe and orderly arrival and departure of visitors.
- c. The Hagley Oval Pavilion Management Plan shall include the following methods, measures and techniques to achieve the above objectives:
- i. assigning roles and responsibilities, including appointment of a representative to be the primary contact person in regard to the management of the Pavilion;
 - ii. a complaints procedure that specifies actions to be taken following receipt of a complaint, including records to be kept and responses to any complaints including remedial action taken;
 - iii. a monitoring regime to evaluate compliance with the objectives of the Hagley Oval Pavilion Management Plan; and procedures for the use of the Pavilion by the community, including the private hire of the venue for events that are unrelated to recreation activity; and
 - iv. methods for reviewing and amending the Hagley Oval Pavilion Management Plan.
- d. A copy of the Hagley Oval Pavilion Management Plan shall be made publicly available at all times on the Hagley Oval venue website.

APPENDIX 18.11.6. HAGLEY OVAL LAYOUT PLAN.



Note:
The purpose of this Appendix is to spatially identify the area where Rules 18.4.1.1 P24 – P27 apply. It does not override the requirement for any other Council or landowner approvals or permissions to be obtained for activities within, or use of, this area.

-  FLOODLIGHT PERIMETER
-  PAVILION
-  AREA TO WHICH RULES 18.4.1.1 P24-P27 APPLY
-  FLOOD LIGHT AND TV SCAFFOLDING EXCLUSION ZONE

Chapter 6 General Rules and Procedures

Chapter 6.3 Outdoor Lighting

Amend Rule 6.3.5.1 Permitted activities as follows

Activity		Activity specific standards
P1	Any activity involving outdoor artificial lighting <u>except as specified in Rule 18.4.1.1 P26.</u>	<p>a. Any outdoor artificial lighting shall comply:</p> <ul style="list-style-type: none">i. with the light spill standards in Rule 6.3.6 as relevant to the zone in which it is located, and;ii. where the light from an activity spills onto another site in a zone with a more restrictive standard, the more restrictive standard shall apply to any light spill received at that site. <p>Advice Note:</p> <ul style="list-style-type: none">1. See Appendix 6.11.13 for guidance on lighting design to reduce light spill and glare.

Chapter 9 Natural and Cultural Heritage

9.3 Historic heritage

Amend Section 9.3.3 How to interpret and apply the rules as follows:

9.3.3 How to interpret and apply the rules

- m. The following exemptions apply in relation to Rule 9.3.4.1 - Activity Status Tables
 - i. For the Annandale Woodshed heritage setting (12 Starvation Gully Road) Rule 9.3.4.1.3 RD1 and RD2 shall not apply to the modification of, or new stockyards within, the heritage setting shown on Heritage Aerial Map 476.
 - ii. For the Elmwood Park heritage item, the rules for heritage items shall not apply to the hatched area shown on the Heritage Aerial Map 672.
 - iii. For the Hagley Park heritage item (HID 1395) as identified on the planning maps and in Appendix 9.3.7.2, the rules for heritage items shall not apply to Hagley Park other than to heritage items and heritage settings within Hagley Park individually scheduled in Appendix 9.3.7.2.
 - iv. For the Hagley Oval Cricket Pavilion Setting (HID 242) as identified in Appendix 9.3.7.2 and Heritage Aerial Map No. 93, the rules for heritage settings shall not apply to activities that are permitted by Rule 18.4.1.1 P25 and P26.

APPENDIX 2 – Summary of proposed amendments to the District Plan compared with existing Resource Consent and variation conditions.

		Resource Consent 2013 – conditions and variation	Proposed District Plan amendments 2019
1	Description of key activity permitted	Activity described as an international cricket venue, including new cricket wicket block and outfield. A low-rise embankment, new pavilion and four partially retractable light towers were enabled.	Six light towers permanent light towers permitted (in lieu of four retractable towers).
2	Match/event days	Maximum of 13 match days a year with over 2,000 spectators allowed, of which 2 events every three years can exceed 12,000 spectators. Additional four days provided for ICC Cricket World Cup 2015.	Maximum of 20 event days per year with over 2,000 spectators, of which 5 events a year can exceed 12,000 spectators. Additional 5 days provided per year for ICC events if these occur.
3	Hours of operation	If over 12,000 spectators, only Fridays from 7pm or on weekends (other than ICC 2015 World Cup fixtures).	Events can only occur between 7am – 11pm (Monday to Sunday). Except 7 televised events per year which may extend to midnight.
4	PA system and amplified music	Not beyond 10pm, except 3 times per season may extend to 10.30pm.	All noise (including PA system and amplified music) must meet District Plan provisions.
5	No. of days for Temporary facilities and structures (pack-in and pack-out days)	14 consecutive days allowed. 40 event days per year allowed.	15 consecutive days enabled. 60 event days a year enabled (although paid access to Hagley Oval must not exceed 40 days per year, and when ICC events scheduled the maximum is 75 event days a year).
6	Number and Height of lighting poles and Size of headframes	4 lightpoles of 48.9m when fully extended, must be retracted to 30.9m when not in use, and headframes removed in the off season.	6 permanent lightpoles of 48.9m, i.e. not retractable. Total number of luminaires limited to maximum of 550 (approximately 92 per headframe).

		Headframes of up to 96 luminaires per pole (total around 380-400). Maximum dimension of headframes of 10.795m wide and 5.795m height.	Maximum dimension of headframes of 14m wide and 8m high.
7	Operations (OMP), Event (EMP) and Transport Management (TMP) Plans	Events Management Plan (EMP) and Access Management Strategy, to be provided to Council for review 3 months prior to events to certify consent conditions are met.	OMP and EMP (including TMP) to be certified by Council.
8	Parking	Up to 2000 temporary carparks on Polo Grounds.	No provision for temporary parking on Hagley Park.

APPENDIX 3: NECESSARY AND PREFERABLE: LEGAL ASSESSMENT

Greater Christchurch Regeneration Act 2016: Sections 65(2)(d) and 11(2)

- 1 Section 65(2)(d) of the Greater Christchurch Regeneration Act 2016 (*Act*) requires a proponent for an exercise of power under section 71, to explain, in its draft proposal, why it considers the exercise of power is necessary and preferable to any alternatives to the exercise of power.
- 2 Moreover under section 11(2) of the Act, before she can lawfully exercise her power under section 71, the Minister must reasonably consider that the exercise of power is necessary. The explanation required under section 65(2)(d) and set out below has been prepared to assist the Minister in that assessment.
- 3 In preparing this explanation, Regenerate Christchurch recognises that the “reasonably considered necessary” test (in its previous form under the now revoked Canterbury Earthquake Recovery Act 2011) has already received the benefit of judicial interpretation. In *Canterbury Regional Council v Independent Fisheries*, the Court of Appeal held that:¹
 - (a) In relation to the threshold of “necessity”, the term “necessary” should not be interpreted to mean “expedient or desirable” or alternatively “indispensable, vital, essential” but rather simply, “needed” or “requisite” or being “required by the circumstances”.
 - (b) In relation to the Minister’s requirement to “reasonably consider” that the exercise of power was necessary, it was not an opportunity for the Court to consider the merits of the decision. Rather, the Court must simply be satisfied that the Minister’s consideration of necessity was reasonable. This would involve the Court being satisfied that the Minister did, in fact, consider that the exercise of the particular power was necessary to achieve a particular purpose or purposes of the Act at the time the power was exercised, taking into account: the nature of a particular decision, its consequences and any alternative powers that may have been available. In making this assessment, the Court determined that it would give such weight as it considered appropriate to the Minister’s expertise and opinion, while recognising that the test was intended to operate as a constraint on the exercise of power.²
- 4 Applying that interpretation in this instance, there are two parts to the inquiry under section 11(2):
 - (a) Is the exercise of power necessary or required in the circumstances to support regeneration?
 - (b) If the decision maker considers that is so, is that conclusion “reasonable”, taking into account the nature of the particular decision, its consequences and the alternative powers available?

¹ *Canterbury Regional Council v Independent Fisheries Limited* [2012] NZCA 601, [2013] 2 NZLR 57.

² *Canterbury Regional Council v Independent Fisheries*, above n1 at [17] – [23].

Necessary and Preferable - Overview

- 5 In support of that inquiry, and for the reasons explained in more detail in this document, Regenerate Christchurch considers that the Minister's exercise of power to approve this Proposal is necessary and preferable to any alternatives. Specifically,
- (a) The "necessity" of an enhanced Hagley Oval's contribution to the recovery and regeneration of the Christchurch district has already been recognised through its inclusion as an Anchor Project in the Christchurch Central Recovery Plan (CCRP).
 - (b) As described in in the Proposal (and summarised below), the enhanced use and development of Hagley Oval also comprehensively meets the definition of "regeneration" under the Act, and will achieve the purposes of the Act.
 - (c) The power under section 71 of the Act to approve this Proposal represents the most appropriate method to enable the purposes of the Act to be met in this instance, particularly when considered against the alternative options available.

CCRP: Recognised role

- 6 The CCRP was prepared under the Canterbury Earthquake Recovery Act 2011, and has continued to have statutory effect through the Greater Christchurch Regeneration Act 2016. It *"defines the form of the central city, sets out the locations of the key anchor projects needed to optimise recovery, and outlines block plans to show what the city could look like in future."*³ The CCRP envisages that anchor projects will contribute to recovery by *"catalys[ing] investment, growth and social energy, bringing people back into the central city"*.⁴
- 7 One of the anchor projects described in the CCRP is the enhancement of the Cricket Oval on Hagley Park, designed to provide *"central Christchurch with a venue capable of hosting domestic cricket matches and international tests"*.⁵ The enhancement envisaged by the CCRP would include *"a domestic and international purpose built cricket venue", "sports lighting to international standards", and "training and coaching facilities with indoor and outdoor nets"*.⁶ In its description of the enhancement, the CCRP recognises that the *"regeneration of the Cricket Oval will stimulate activity in the area. International events will bring a demand for hotel accommodation and other services for visitors"*.⁷
- 8 Before the Minister of Canterbury Earthquake Recovery could exercise his power to approve the CCRP (which included the enhanced Hagley Oval as an Anchor Project), he too was required to reasonably consider that the exercise of power was necessary to achieve the purposes of the Act.⁸ Inherent in the Minister's approval of the CCRP is therefore a recognition of the necessary contribution that an enhanced Hagley Oval would make to the recovery and regeneration of Christchurch. Within that context, if the Proposal is approved by the Minister, it will contribute to the realisation of the CCRP's vision for supporting the recovery and regeneration of the Central City; a vision which includes an enhanced Hagley Oval and a vision that has already been deemed

³ CCRP, page 3.

⁴ CCRP, page 3.

⁵ CCRP, page 87

⁶ CCRP page 87

⁷ CCRP 87.

⁸ CER Act section 10(2).

“necessary”. For the reasons set out below, no other mechanism will better or more efficiently enable that vision to be realised.

Outcomes

- 9 Outside of its “endorsement” under the CCRP, Regenerate Christchurch considers that the enhancement of Hagley Oval in the manner proposed will support, and is in fact a necessary part of, the regeneration of greater Christchurch.
- 10 As illustrated below, the exercise of power under section 71 will enable the regeneration benefits offered by the Proposal to be delivered more time-efficiently than other mechanism (consequently ensuring that the regeneration benefits offered by the likes of the 2021 Women’s Cricket World Cup can be captured). However it is also necessary (rather than simply desirable or expedient) because it also enables those benefits to be assessed using the most appropriate decision-making framework.
- 11 By enacting the Greater Christchurch Regeneration Act 2016, Parliament recognised that additional tools over and above those under existing legislation were still required along with a decision making framework which placed specific emphasis on the regeneration of Christchurch. By including the specific tools including section 71, Parliament has recognised that these tools are appropriate vehicles for Proposals which will achieve the purposes of the GCR Act. In this context, the inquiry under section 11(2) remains as set out by the Court of Appeal. However, in instances where there is more than one method available, the question should become which method will best achieve the outcomes being sought. While that will inevitably involve an assessment of the efficiencies of each mechanism, it should also consider the outcomes that each mechanism was set up to achieve.
- 12 As discussed further below it is inevitable that there will be some adverse effects of the Proposal on the environment. The GCR Act provides the ability for these to be considered through the definition of “regeneration” which includes “environmental wellbeing”. However critically, the decision making framework under the Act enables the Minister to consider those matters alongside:
 - (a) the contribution that the Proposal will make to the hauora of greater Christchurch as an integrated whole;
 - (b) Christchurch’s current context, including the challenges it is experiencing with attracting events, building momentum and vibrancy, and encouraging residents, businesses, visitors, investment and expenditure into the central city. (detailed below).

Alternatives

- 13 A number of alternative mechanisms have been considered that can be used to achieve the desired outcomes of the Proposal. These are:
 - (a) a private plan change request under Schedule 1, Part 1 of the Resource Management Act 1991 (RMA);
 - (b) Council-initiated plan change request;
 - (c) a streamlined process to prepare or change a planning instrument under Section 80C of the RMA;

- (d) a resource consent application or a variation application to the current consent to provide for activities not complying with the Christchurch District Plan (the District Plan) provisions; and
 - (e) under the GCR Act, the alternatives of preparing a full Regeneration Plan or an amendment of Christchurch Central Recovery Plan 2012 (CCRP).
- 14 A full assessment of these alternative mechanisms has been undertaken in the Planning Assessment⁹, with the conclusions set out below.

RMA, Schedule 1. Part 2 – Private Plan Change Request

- 15 The RMA Schedule 1, Part 2, Clause 21 provides for requests from any person to change a district plan provided such requests are made no earlier than two years after the plan becomes operative. As the CDP has now been operative for two years the restriction on private plan changes has now been lifted. The Planning Assessment notes that:
- (a) plan change process “would take a minimum of six months, but is more likely to take up to or beyond a year to complete”.
 - (b) in addition to limited certainty around the timeframe for a plan change process, there is limited certainty of outcome. Until a decision is released, it would not be known what aspects of the Proposal will be endorsed and what aspects might be foregone.
 - (c) Any decision on a plan change is also subject to appeal to the Environment Court.
- 16 In contrast, a section 71 process is estimated by Regenerate Christchurch to take approximately nine months. CCT carried out its own planning assessment and concluded that a private plan change process could take significantly longer than a GCR Act section 71 proposal.¹⁰

RMA, Schedule 1 Council initiated plan change

- 17 This process involves largely the same process as the private plan change request with the key difference being that the change to the CDP is prepared and put forward by the Council rather than a private applicant. The context and detail of the plan change, as well as the timeframe, would be determined by the Council and as such this option is likely to provide less certainty of timeframe and outcomes compared to an applicant initiated plan change.

RMA Section 80C streamlined process

- 18 If a local authority considers it appropriate to use the section 80 streamlined planning process to prepare or change a planning instrument, it may apply to the responsible Minister under section 80C for a direction to proceed to do this under subpart 5 (sections 80B and 80C) of the RMA.

⁹ Paragraphs 42 to 69 of the Planning Assessment.

¹⁰ Appendix 4 of the Canterbury Cricket Trust Memorandum sets out that a private plan change process is unlikely to be completed before October 2023.

- 19 An application to the responsible Minister can only be made if the local authority considers that the application satisfies at least one of the six criteria listed in section 80C(2). One of the criteria (80C(2)(c)) regarding significant community need could potentially be suitable, but there is substantial uncertainty around this. In addition the streamlined process would not be able to be completed in time to realise some of the key regeneration benefits of hosting top-tier matches.

Resource consent or variation based on current Christchurch District Plan provisions

- 20 CCT could apply for resource consent, for a non-complying activity, to operate Hagley Oval and establish lighting in their preferred manner. However, as noted above, the CDP states that non-complying activities 'are specified as non-complying because the District Plan has anticipated that they would normally be inappropriate'. Non-complying applications are required to meet the 'gateway test' under section 104D of the RMA where an application must either be consistent with the objectives and policies of the relevant plan or have no more than minor effects. An assessment is then made on whether consent can be granted. Therefore more careful justification will need to be provided as to why they should be approved. Non-complying resource consent applications are likely to cost more, take longer and have a greater chance of being refused consent.
- 21 Accordingly, a resource consent application (or variation of consent) to facilitate the use of Hagley Oval is highly uncertain. Whether such an application is appealed, or is directly referred to the Environment Court for determination in the first instance, it is expected to take twelve to eighteen months for a decision, as a minimum.¹¹ This is well outside any time frames for the making of a bid for the 2021 Women's World cup.
- 22 Further, when undertaking the relevant assessments under all the RMA processes listed above, no provision or explicit recognition of the concept of 'regeneration', as it is defined in the GCR Act, is provided for in the RMA. As set out in the Planning Assessment regeneration is at the core of the GCR Act process, which is focussed on enabling the regeneration process and facilitating the ongoing planning and regeneration of greater Christchurch. This necessarily requires consideration of effects on environmental, economic, social and cultural well-being, as the definition of regeneration includes the improvement of these aspects of community well-being. It is not the same as the provisions of the Resource Management Act, a matter which is clearly within the intention of Parliament in passing this complementary legislation.
- 23 The GCR Act framework in essence allows for consideration of what best delivers regeneration as a whole. In this regard, a proposal can be considered as to how it impacts on well-being, with any negative aspects considered in the round and balanced against the positive aspects. This can include a much broader consideration than the narrower sustainable management focus of the RMA and consequently the CDP. For example, the GCR Act framework can take into account the extent to which the proposal will help address the challenges that Christchurch is currently facing in attracting events, building momentum and vibrancy, and attracting more residents, businesses, visitors, investment and expenditure into the central city.

Greater Christchurch Regeneration Act 2016: Regeneration Plan or an amendment to the Christchurch Central Recovery Plan (CCRP)

¹¹ See paragraphs 60 and 61 of the Planning Assessment.

- 24 Like the section 71 process, a Regeneration Plan under the GCR Act would enable the Minister to consider amendments to the CDP. A Regeneration Plan, however, is better suited to more complex development interventions, often involving a number of sites in a wider area, and potentially a number of land uses and zones.
- 25 The Proposal for changes to the CDP to enable the use of Hagley Oval in a manner consistent with the CCRP is limited to one particular site and is of much more discrete scope than would be expected with a Regeneration Plan. In this instance, therefore, a Regeneration Plan process is not considered necessary.
- 26 Section 12(1)(b) of the GCR Act refers to other substantive sections in the GCR Act that contemplate amendments to Recovery Plans, including the CCRP. One option is to amend Appendix 1 of the CCRP to direct the Council to amend the CDP. As with a Regeneration Plan, however, it is a two stage process that requires the preparation of a draft outline of amendments and then draft amendments, which is a process more suited to more complex issues or rezoning of a wider area. If approved, the amended CCRP Appendix 1 would then direct the Council to amend the CDP, in effect a third step. The section 11 necessity tests for the Minister to reasonably consider it necessary to use the GCR Act apply to this process as well. Overall, making CDP amendments through the CCRP inefficient and unnecessarily complex.

The preferred option - GCR Act, Section 71

- 27 As set out above, the Proposal may be able to be authorised through a plan change or a new or varied resource consent under the RMA, through a Regeneration Plan under the GCR Act or through an amendment to the LURP.
- 28 Given the extent of the changes required to the CDP in this instance, an exercise of power under section 71 would be more appropriate than a Regeneration Plan which would generally be appropriate for more comprehensive interventions.
- 29 In addition to the costs of advancing through any such process, any on-going delay would continue to exacerbate the challenges which has necessitated the Proposal in the first place and would likely result in the loss of international cricket fixtures at Hagley Oval, including key games for the 2021 Women's Cricket World Cup as well as contributing to the further loss of economic, social and cultural opportunities and momentum in the central city.
- 30 However, even if the application was not notified or contested in anyway, it would still fall to be considered within a sustainable management framework that would struggle to take account of an objective assessment of Christchurch's progress towards a vibrant, post-earthquake identity. As set out above, the regeneration framework allows the Minister to account for those considerations in determining whether to approve the Proposal. By enacting the GCR Act and utilising that framework and those tools, Parliament has already determined that it is appropriate for the Minister to do so. For these reasons, even if the RMA process was more efficient, the regeneration framework would still be more appropriate and as such reasonably considered necessary because of the wider outcomes it allows the decision maker to consider.
- 31 For these reasons it is considered that the exercise of powers under section 71 of the GCR Act is the preferable option as it provides the most appropriate and efficient, method to make the required amendments to the CDP.

Conclusion – necessary and preferable

- 32 As a result of this assessment Regenerate Christchurch considers that the Minister for Greater Christchurch Regeneration can reasonably consider it necessary to use her powers under section 71 to amend the District Plan. The Proposal meets four of five of the purposes of the GCR Act and none of the alternatives explored above are as effective and efficient in these particular circumstances.
- 33 Granting the Proposal will allow Hagley Oval to be operated and used in a manner consistent with the CCRP and provide social, cultural and economic benefits to Christchurch.

APPENDIX 4

DRAFT PUBLIC NOTICE:

OPEN FOR WRITTEN COMMENT

Proposal to exercise s71 of the Greater Christchurch Regeneration Act to amend the Christchurch District Plan to provide for the operation and use of Hagley Oval.

Pursuant to section 68 of the Greater Christchurch Regeneration Act 2016 (the **GCR Act**), the Minister for Greater Christchurch Regeneration invites written comment on the Proposal to exercise her powers under section 71 of the GCR Act to amend Chapters 18 – Open Space, 6 – General Rules and Procedures, and 9 – Natural and Cultural Heritage of the Christchurch District Plan to enable the operation of Hagley Oval in a manner consistent with that set out in the Christchurch Central Recovery Plan.

The amendments proposed include requiring the preparation of an Operations Management Plan and Events Management Plan (including Transport Management) for use of the Oval and permitting:

- Six permanent light poles (including headframes and luminaires) to a maximum of 48.9m in height;
- Hagley Oval to be used up to 20 days a year for events with over 2,000 spectators, with five of those event days allowed to be over 12,000 spectators;
- An additional five days a year when International Cricket Council events are scheduled;
- Use of temporary facilities and structures for a maximum of 60 days a year, with no more than 15 consecutive days enabled.

The Proposal may be inspected on the Department of the Prime Minister and Cabinet's website at [website] and copies are available for inspection at: Christchurch City Council service centres and libraries, and the main office of Selwyn and Waimakariri District Councils from [date], during normal business hours.

Written comments on the Proposal may be made to the Greater Christchurch Group of the Department of the Prime Minister and Cabinet by no later than [date].

Written comments may be made online at [website]

Or emailed to [email address]

Or posted to [address]

Dated [dated]

HON [XX], Associate Minister for Greater Christchurch Regeneration.

APPENDIX 5

DRAFT GAZETTE NOTICE:

GREATER CHRISTCHURCH REGENERATION ACT 2016

Decision to amend the Christchurch District Plan to provide for the operation and use of Hagley Oval in a manner consistent with that set out in the Christchurch Central Recovery Plan.

Pursuant to sections 69 and 71 of the Greater Christchurch Regeneration Act 2016 (the **GCR Act**), the Minister for Greater Christchurch Regeneration has exercised her powers to approve the Proposal to amend the Christchurch District Plan as it applies to Hagley Oval in Chapter 18 – Open Space, Chapter 6 – General Rules and Procedures, and Chapter 9 – Natural and Cultural Heritage.

The amendments include requiring the preparation of an Operations Management Plan and Events Management Plan (including Transport Management Plan) for use of the Oval, and permit:

- Six permanent light poles (including headframes and luminaires) up to a maximum of 48.9m in height;
- Hagley Oval to be used up to 20 days a year for events with over 2,000 spectators, with five of those events allowed to be over 12,000 spectators;
- An additional five days a year for International Cricket Council events;
- Use of temporary facilities and structures for maximum of 60 days a year, with no more than 15 consecutive days enabled;

The date on which the exercise of the power takes effect is [date].

REGENERATE
CHRISTCHURCH
TE KŌWATAWATA

