

NOTICE OF MEETING
INDEPENDENT COMMISSIONER HEARING
RESOURCE CONSENTS

TO: Commissioner: Harry Bhana
Les Simmons

An Independent Commissioner Hearing will take place in the Council Chambers, Rodney District Council, Centreway Road, Orewa on Monday, 23 November 2009 commencing at 9.00 a.m.

for: CHIEF EXECUTIVE
Rodger Kerr-Newell

OREWA
13 November 2009

PROGRAMME

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9.00 a.m.	AN APPLICATION FOR RESOURCE CONSENT TO ERECT SEVEN FLOODLIGHT TOWERS OF 16M IN HEIGHT TO REPLACE THE EXISTING FLOODLIGHTS FOR THE LEAGUE FIELDS. FLOODLIGHTING TOWERS LESS THAN 16M IN HEIGHT ARE A DISCRETIONARY ACTIVITY. THE ACTIVITY IS THEREFORE CONSIDERED A DISCRETIONARY ACTIVITY IN ACCORDANCE WITH RULE 10.9.2 OF THE PROPOSED DISTRICT PLAN – OPERATIVE IN PART	1
	Address: 4 Glanville Close, Stanmore Bay	
	APPLICANT: RODNEY DISTRICT COUNCIL	

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	Address: 4 Glanville Close, Stanmore Bay	
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ITEM NO: 1

APOLOGIES

ITEM NO: 2

REPORT



TO Resource Consents Hearings Panel
ON 23 November 2009
FROM Nick McCool – Planner

SIGNATURE

A handwritten signature in black ink, appearing to be "S. Seager".

APPROVED FOR Steve Seager – Team Leader
RELEASE BY

SIGNATURE

A handwritten signature in black ink, appearing to be "S. Seager".

SUBJECT **AN APPLICATION FOR RESOURCE CONSENT TO ERECT SEVEN FLOODLIGHT TOWERS OF 16M IN HEIGHT TO REPLACE THE EXISTING FLOODLIGHTS FOR THE LEAGUE FIELDS. FLOODLIGHTING TOWERS LESS THAN 16M IN HEIGHT ARE A DISCRETIONARY ACTIVITY. THE ACTIVITY IS THEREFORE CONSIDERED A DISCRETIONARY ACTIVITY IN ACCORDANCE WITH RULE 10.9.2 OF THE PROPOSED DISTRICT PLAN – OPERATIVE IN PART**

Address: 4 Glanville Close, Stanmore Bay

APPLICANT: RODNEY DISTRICT COUNCIL

FILE REF **L55477**

Ward Hibiscus Coast

NOTE: This report sets out the advice of the reporting planner. This report has yet to be considered by the Panel of Commissioners delegated by the Council to determine this application. The recommendation is not the decision on this application. A decision will only be made after the Commissioners have considered the application and heard the applicant and any submitters.

1.0 APPLICATION AND PROPERTY DETAILS

SITE ADDRESS:	4 Glanville Close, Stanmore Bay	
APPLICANT:	Rodney District Council	
LEGAL DESCRIPTION:	Lot 17 DP 128249, Allot 717 Psh of Waiwera SO 59176, and Pt Lot 32 DP 56618	
SITE AREA:	5.4194Ha	
DISTRICT PLAN:		
ZONING:	Operative District Plan 1993:	N/A
	Proposed District Plan 2000:	Open Space 4
	Other Notations:	N/A
ACTIVITY STATUS:	Operative District Plan 1993:	N/A
	Proposed District Plan 2000:	Discretionary Activity
	Overall:	Discretionary Activity
	SNA:	None
OTHER RELEVANT CONSENTS:	ABA-991383 – Relocation of floodlights – granted 30 June 1999	
	LAN-54284 - Limited notified application for resource consent by the Rodney District Council for consent to erect six floodlight towers of 21 metres in height at 4 Glanville Close, Stanmore Bay - refused consent.	
CONSENT NOTICES:	None	

2.0 BACKGROUND

2.1 S93/94 Decision

This application was notified for the following reason.

“The potential adverse effects on the environment in terms of visual and amenity values is no more than minor, however the potential adverse effects on people in particular those people who reside in the properties adjacent to the reserve is greater than de minimus and therefore it is recommended that the application be limited notified.”

A copy of the S93/94 report is attached as **Attachment B**.

2.2 Relevant Planning History

Building consent reference ABA-991383 was granted on 30 June 1999. This included the relocation of two of the existing floodlights from Edith Hopper Park which were 9m in height, and the installation of two more floodlight poles. As the poles were 9m in height they were considered to be a permitted activity, and therefore did not require resource consent.

Resource Consent 54284 was refused resource consent on 16 March 2009. The applicant, Rodney District Council, applied for consent to erect six floodlight towers of 21 metres in height at 4 Glanville Close, Stanmore Bay. The Panel concluded that the height of the proposed light towers will have an adverse effect upon the surrounding environment in terms of scale and character and outlook from residential properties. The towers were also

considered to have an adverse visual effect and an adverse effect on the amenity values of the area.

A full copy of the Decision is attached as **Attachment D**.

3.0 THE PROPOSAL AND REASONS FOR APPLICATION

The applicant proposes to erect 6 fixed floodlight columns around the perimeter of two existing rugby league fields and erect a seventh movable floodlight column that will be located in the middle of the two fields during the winter months. During the summer months the seventh movable floodlight column will be relocated to the southeast to allow summer sports such as cricket and Australian Rules football which require larger unobstructed areas.

The seventh movable floodlight column will enable the minimum column height for effective playing field lighting to be reduced from 21 metres to 16 metres. The 6 fixed floodlight columns will contain 2 number 2kW asymmetric floodlights while the seventh floodlight column will contain 4 floodlights. The design comprises 15.3 metre high tapered galvanised steel columns each with a head frame containing the floodlights. The total overall height will not exceed 16 metres. The seventh movable floodlight column's summer location will not be powered and is purely a passive parking location.

The applicant proposes to remove the 4 existing floodlighting columns which run down the middle of the two fields. The light provided by the existing floodlights is said to be poor, creates glare and does not comply with the current lighting standards (AS2560 – Sports Lighting).

The applicant proposes to maintain the existing operating hours which currently operate from 5pm until not later than 9:30pm.

Approximately 60m³ of earthworks will be required for the erection of the proposed lights.

3.1 Reason for Application

Resource Consent is required for the following reasons

3.2 Proposed District Plan 2000

The applicant's site is zoned Open Space 4 under the Proposed District Plan – Operative in Part.

Chapter 10

Rule 10.9.2 Activity Table 1 states that floodlighting towers up to 16 metres high are considered a Discretionary Activity.

The applicant proposes to erect 7 floodlighting towers with a maximum height of 16 metres. The proposal therefore complies with Rule 10.9.2.

Rule 10.9.2 Activity Table 1 also refers to District Wide Activities, Chapter 16 – General Rules and Earthworks and Vegetation and Wetland Modification Activities, Chapter 18 – Urban Land Modification and Vegetation Protection.

Chapter 16

Rule 16.5.1 All exterior lighting facilities shall be designed, located and at all times directed, screened, adjusted and maintained to ensure that:

Other Zones –Daytime

A person shall not use on any site between the hours of 7am to 10pm any artificial lighting in such a manner that the use of such lighting causes an added illuminance in excess of 100 lux, measured horizontally or vertically on or directly above the boundary of any adjacent site at that point which is closest to any window of an adjacent household unit; and

Other Zones – Night-time

A person shall not use on any site between the hours of 10pm on one day to 7am on the next day any artificial lighting in such a manner that the use of such lighting causes an added illuminance in excess of 10 lux measured horizontally or vertically on or directly above the boundary of any adjacent site at that point which is closest to any window of an adjacent household unit; and

The submitted assessment of environmental effects indicates that the greatest lux value at any boundary will be 13.4 lux (14 nominal) and that the artificial lighting will not be used between the hours of 10pm on one day to 7am on the next day. The proposal is considered to comply with Rule 16.5.1.

Chapter 18

Rule 18.9.2 Activity Table 1 states that earthworks greater than a total volume of 5m³ but less than or equal to 200m³ (excavation plus deposition) and/or greater than an area of 25m² but less than or equal to 1000m² (excavation plus deposition) which comply with Rule 18.10 are considered a Permitted Activity.

Rule 18.10 relates to development controls such as avoidance of soil erosion, earthworks, vegetation removal, importation and deposition of urban cleanfill, excavations and unretained filling.

The applicant proposes to undertake 60m³ of earthworks associated with foundation and trenching work. The proposal is considered to comply with Rule 18.10.

Overall the application is a Discretionary Activity.

4.0 SITE DESCRIPTION

The subject site is 5.419Ha in size and is accessed from Glanville Close. The subject site is part of the larger Stanmore Bay Recreation Reserve which is split in half by Brightside Road. The entire park is generally flat and low lying, and is located at the bottom of a valley which rises from north to south up to the Whangaparaoa Town Centre. The reserve contains a tidal creek on the eastern boundary, and directly fronts Stanmore Bay Beach to the north. The site is located adjacent to the Stanmore Bay Leisure Centre. There are currently two league fields and the Hibiscus Coast Raider's clubrooms on the site. There are currently four floodlights on the site which are 9m in height, and which run down the middle of the two fields. The floodlights are currently directed away from the HBC Raider's clubroom building.

The subject site is split into three separate parcels of land (Lot 17 DP 128249, Allot 717 Psh of Waiwera SO 59176, and Pt Lot 32 DP 56618). One of these parcels of land is large in size and contains the majority of the fields used for league/general sporting purposes. There is also a smaller triangle-shaped piece of land which appears to have been created as a separate lot due to the arrangement of the school designation to the south east of the subject site. The remaining lot is thin in shape, and is used for access to the lot from Brightside Road.

The subject site consists mainly of the existing league fields and is reasonably flat in topography. However, the topography of the land is such that it slopes up steeply from the league field to the surrounding areas to the east and south west. These areas consist mainly of residential (residential medium intensity) lots with lot sizes averaging approximately 600m² - 1000m² in size.

The land to the north of the subject site (Lot 8 DP 64710, Stanmore Bay) containing the Leisure Centre building is subject to a scheduled activity (121 within the Proposed District Plan – Operative in Part) whereby it is a permitted activity for the erection of buildings exceeding 150m² in gross floor area for a sports and recreation complex, including swimming pools, halls, meeting rooms, childcare facilities, restaurant, reception lounge and refreshment facilities, and the use of such buildings for these purposes and for commercial activities such as fairs, exhibitions and displays.

To the south east of the subject site (Lots 1 and 2 DP 40078; Pt Lot 32, 34 DP 56618; Pt Lot 59 and Lot 162 DP 36272; Pt Allot 51 Waiwera Parish; Lots 1 and 2 DP 70644; Lot 2 DP 69110; Lots 22, 23 and 24 DP 21728; Lots 46 and 48 DP 54709) there is a designation (323 within the Proposed District Plan – Operative in Part) for the Stanmore Bay secondary, intermediate and primary school complex.

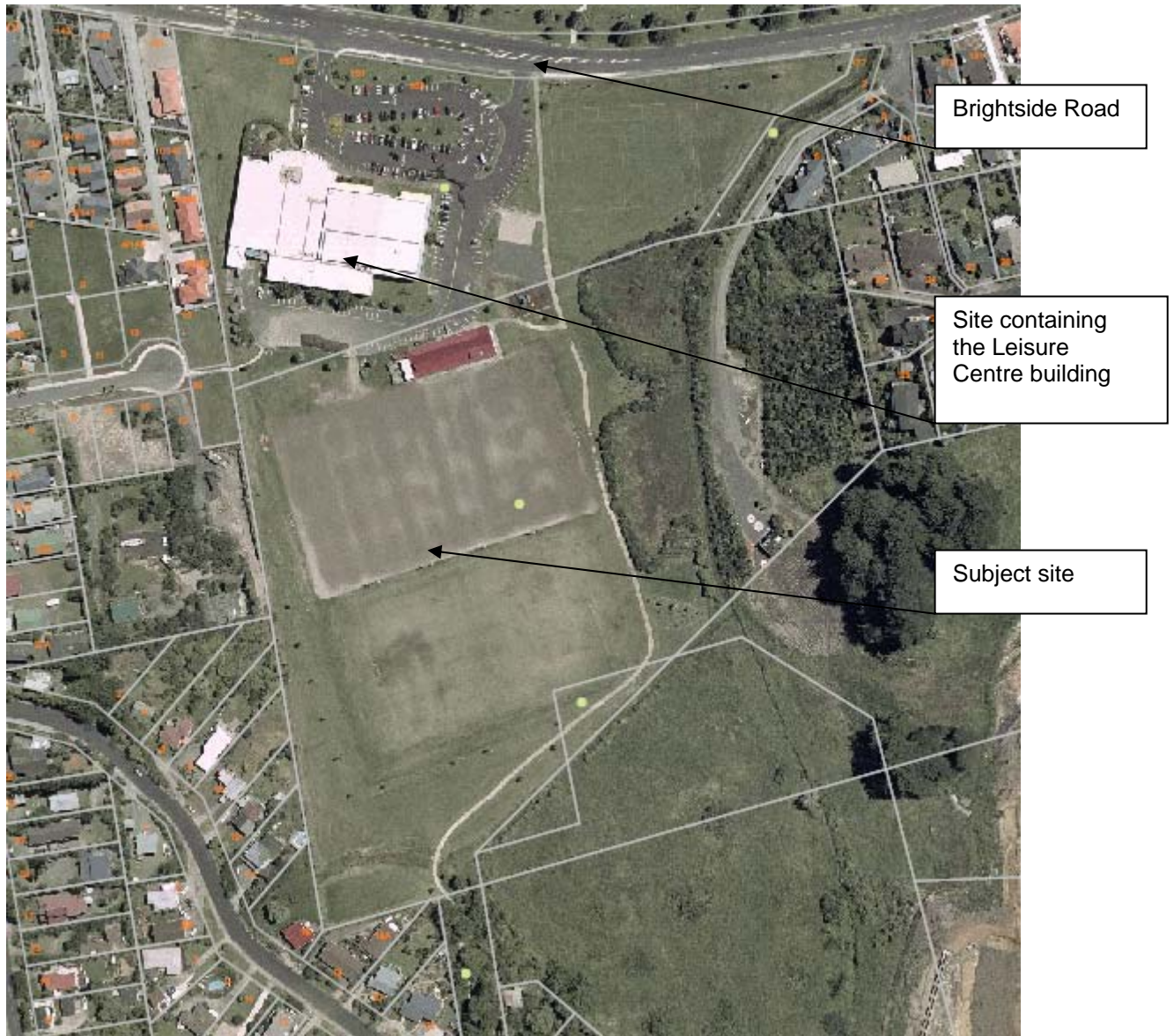


Figure 1: Aerial photograph of the applicant's site.



Figure 2: Site photograph of the existing league fields.



Figure 3: Site photograph of two of the existing floodlight towers.

5.0 WEIGHTING OF DISTRICT PLANS

- 5.1 The subject site is zoned Open Space 4 under the Proposed District Plan – Operative in Part. Chapter 10 of the Proposed District Plan – Operative in Part was made operative on 30 January 2009 and is therefore the Operative District Plan.

6.0 NOTIFICATION AND SUBMISSIONS

6.1 Notification

The application was limited notified on 28 September 2009 and submissions closed on 28 October 2009. A summary of the submissions is set out below. A full copy of the submissions is attached as **Attachment C**.

6.2 Submissions

A total of fifteen (15) submissions were received by the close of the submission period. All of the 15 submissions received were opposed to the application.

LOCAL RESIDENTS

Name	Address	Main Concerns	Relief Sought	Wish to be heard
1. Andre Boltar	10 Te Ruru Way, Stanmore Bay	- height of structures - location of lights being in a residential area	- withdraw application or comply with 9m height limit and fully notify application	No comment
2. Victoria Hunt	10 Te Ruru Way, Stanmore Bay	- height of floodlights - parking	- new lights same height as existing - another location	No comment
3. A W & F A Robertson	18A Rimu Road, Stanmore Bay	- height - visual pollution - colour (galvanised) - Extra poles i.e. for Aussie Rules - 9:30 shut off time	- reduce number of poles - change colour - remove goal post in off season -9pm shut off	Yes
4. Ian & Pamela Crowe	12 Te Ruru Way, Stanmore Bay	- mass of objects - colour of poles	- Remove goal posts in off season - Paint galvanised lighting poles dark green	Yes
5. The Society Of Mary Trust Board (John Holden)	23 Kathy Terrace, Stanmore Bay	- adverse impact on visual, character and amenity values of the area - glare - light spillage - noise - notification - other usage i.e. functions - light shut off times	- decline application	No
6. Doris Savage	22 Rimu Road, Stanmore Bay	- height	- retain current height	No
7. Glennis Cash	22 Rimu Road, Stanmore Bay	- height - noise - increased usage - parking - potential effects on wetland	- retain current height with improved lighting	Yes

Name	Address	Main Concerns	Relief Sought	Wish to be heard
8. Kathy Bowmast	25 Kathy Terrace, Stanmore Bay	<ul style="list-style-type: none"> - adverse impact on visual, character and amenity values of the area - glare - light spillage - noise - notification - other usage i.e. functions - light shut off times 	- decline application	Yes
9. Denny Bowmast	25 Kathy Terrace, Stanmore Bay	<ul style="list-style-type: none"> - adverse impact on visual, character and amenity values of the area - glare - light spillage - noise - notification - other usage i.e. functions - light shut off times 	- decline application	No
10. S Warrington	6 Rimu Road, Stanmore Bay	<ul style="list-style-type: none"> - adverse impact on visual, character and amenity values of the area - glare - light spillage - noise - notification - other usage i.e. functions - light shut off times 	<ul style="list-style-type: none"> - install towers only 9 metres high - decline application 	Yes
11. Joyce and Donald Smith	18 Rimu Road, Stanmore Bay	<ul style="list-style-type: none"> - height of towers - position of goal post for Australian Rules 	- approve 12m high towers	No
12. Afke Bath	8 Rimu Road, Stanmore Bay	<ul style="list-style-type: none"> - height of towers - view - value of property - lights wide and obtrusive 	<ul style="list-style-type: none"> - decline application - increased number of towers at 9m of height 	No comment
13. Eleanor Robins	26 Kathy Terrace, Stanmore Bay	<ul style="list-style-type: none"> - adverse impact on visual, character and amenity values of the area - glare - light spillage - noise - notification - other usage i.e. functions - light shut off times 	- decline application	No
14. Raymond Robins	26 Kathy Terrace, Stanmore Bay	<ul style="list-style-type: none"> - adverse impact on visual, character and amenity values of the area - glare - light spillage - noise - notification - other usage i.e. functions - light shut off times 	- decline application	Yes

Name	Address	Main Concerns	Relief Sought	Wish to be heard
15. Jacquie and Trevor Dunn	2 Rimu Road, Stanmore Bay	- visual effects of floodlights - light into bedroom	- retain lights at the current level	No

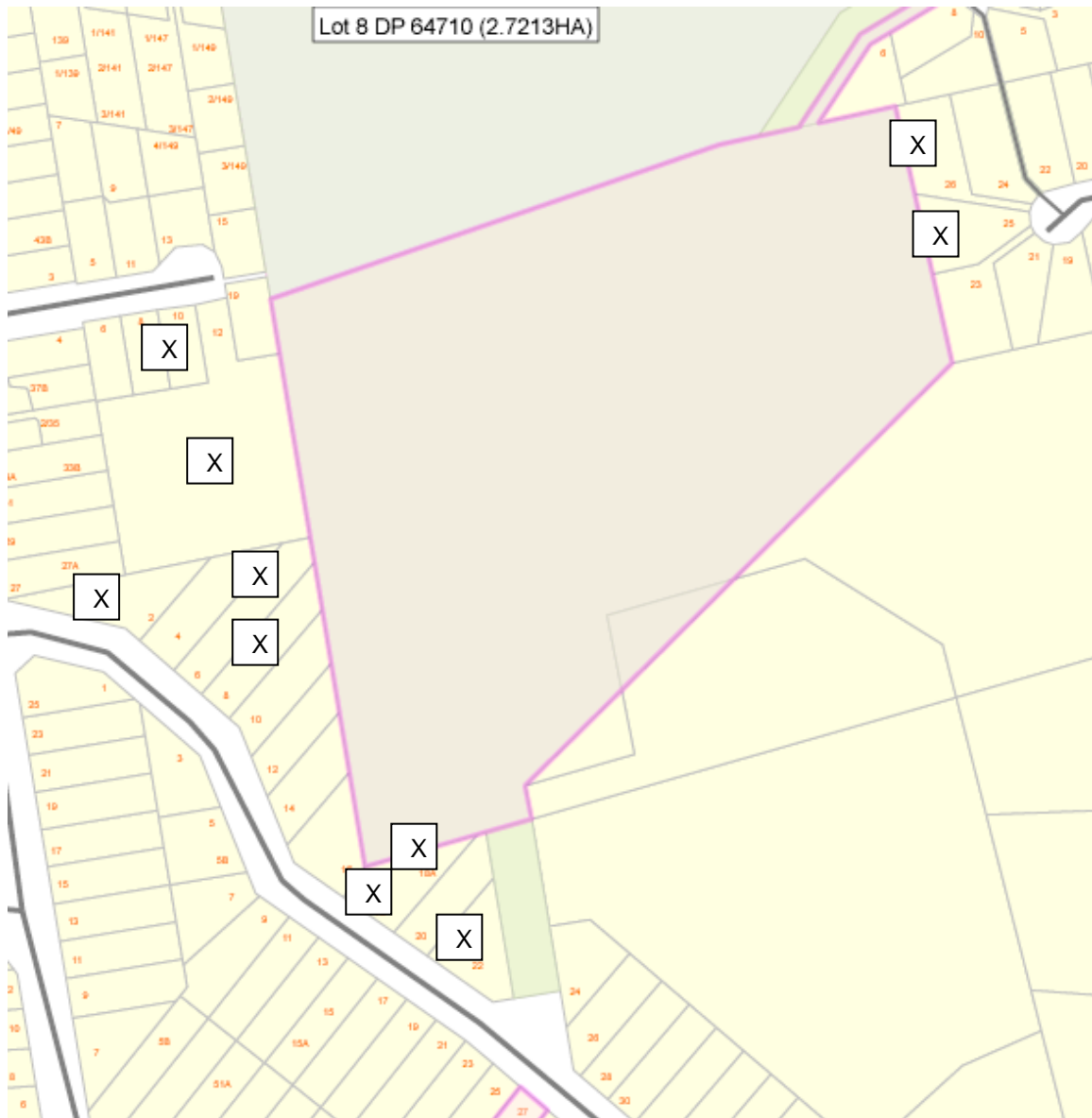


Figure 4: Location of submitters

6.3 Written Consents

Section 104 (3) of the Act states that a consent authority must not have regard to any effect on a person who has given written approval to the application.

The applicant has undertaken extensive consultation with the parties that were notified of Resource Consent 54284 which was declined by the Hearings Panel. The alternative proposal (Resource Consent application 55477) was presented and discussed at a residents' meeting held on Monday, 27 April 2009 at the Hibiscus Coast Boating Club. A further residents' meeting was held on Monday, 18 May 2009 at the Hibiscus Coast Raider's Clubrooms, at which Mary Buckland, Consultant Landscape Architect, presented a photomontage of the alternative proposal. Following the final residents' meeting a letter was sent to all persons originally notified of the application requesting their feedback on the amended proposal. The feedback was provided to the Council with the amended application and is briefly outlined below:

Oppose

S. V. Kraakman – 6 Glanville Close, Denny and Kathy Bowmast - 25 Kathy Terrace, Joyce and Donald Smith – 18 Rimu Road, Peter McLeod - 6 Glanville Close, S Warrington – 6 Rimu Road, Raymond and Eleanor Robins – 26 Kathy Terrace, A.W and F. A Robertson – 18A Rimu Road, Glennis Cash – 22 Rimu Road, Jim Kissel – 8 Glanville Close, C. J Holland – 75 Park Hill Road.

The main issues raised in opposition related to the proposed floodlights being too high, requesting an earlier shut off time of 8:30pm, having 9 metre high floodlights, potential visual effects, noise, and privacy.

Support

Brian O'Connell - Whangaparaoa College
Believe it will be an excellent facility and have no concerns.

One feedback form was provided in support of the application.

7.0 PRE HEARING MEETING

No pre hearing meeting has been held.

7.1 REPORTS FROM OTHER OFFICERS/DEPARTMENTS/CONSULTANTS

Reports and/or comments have been received from the persons with respect to this application:

- (1) Comments from the Council's Development Engineer Paul Howes (see **Attachment E**)
- (2) Peer review of the Visual Landscape Assessment from Patrick Corfe Landscape Architects Ltd (see **Attachment G**)

8.0 STATUTORY ASSESSMENT

8.1 The Act requires for all applications for resource consent that subject to Part 2 of the Act, the Council must have regard to the matters set out in section 104 of the Act.

8.2 Section 104 (2) of the Act states that the Council "may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect." The permitted baseline of effects will therefore be assessed prior to the assessment in terms of section 104 (1) of the Act.

8.3 Following the section 104 (1) assessment an assessment will be made in terms of sections 104 B and 104D, as applicable, and Part 2 of the Act.

9.0 SECTION 104 ASSESSMENT

9.1 Permitted Activities Assessment

9.2 The Existing Environment

There are currently four existing floodlight towers on the site which are 9m in height and run down the middle of the two league fields on the site. The floodlights were relocated onto the site, and erected with Building Consent reference ABA-991383 which was granted in June 1999. The floodlights were considered to be a permitted activity to erect at that time, and therefore no resource consent application was required. There is also a clubroom building existing on the site for the use of the Hibiscus Coast Raider's league club.

The subject site is located adjacent to other sections of the Stanmore Bay Recreation Reserve, one of which accommodates the Stanmore Bay Leisure Centre. The area containing the Leisure Centre (Lot 8 DP 64710, Stanmore Bay) is subject to a scheduled activity 121 within the Proposed District Plan – Operative in Part) whereby it is a permitted activity for the erection of buildings exceeding 150m² in gross floor area for a sports and recreation complex, including swimming pools, halls, meeting rooms, childcare facilities, restaurant, reception lounge and refreshment facilities, and the use of such buildings for these purposes and for commercial activities such as fairs, exhibitions and displays.

To the south east of the subject site (Lots 1 and 2 DP 40078; Pt Lot 32, 34 DP 56618; Pt Lot 59 and Lot 162 DP 36272; Pt Allot 51 Waiwera Parish; Lots 1 and 2 DP 70644; Lot 2 DP 69110; Lots 22, 23 and 24 DP 21728; Lots 46 and 48 DP 54709) there is a designation (323 within the Proposed District Plan 2000) for the Stanmore Bay secondary, intermediate and primary school complex.

9.3 Unimplemented Consents

There are no unimplemented resource consents that are relevant to this proposal.

9.4 Activities Permitted by the Plan

Within the Proposed District Plan – Operative in Part, floodlighting towers up to 16 metres high are a Discretionary Activity. There are no permitted activities for the erection of floodlights within the Proposed District Plan – Operative in Part.

The following activities are considered a Permitted Activity under the Proposed District Plan – Operative in Part in the Open Space 4 zone.

- Amenity facilities, observation and viewing areas and associated structures (including boardwalks, bridges, fencing, picnic and barbecue areas, seating, memorials and sculptures)
- Buildings, facilities and structures, not otherwise provided for in this table, of up to and including 150m² Gross Floor Area, for recreation and/or community purposes
- Child Care Facilities for not more than 10 children at any one time
- Children's playgrounds and associated equipment
- Outdoor Recreation excluding buildings except for goal posts, seating, and fencing
- Public toilets, changing rooms, shelters and storage and implement sheds not exceeding 50m²
- Walking tracks up to and including 1.7 metres in width

In regard to the lighting levels, rule 16.5 states:

- Residential Zone – Daytime*
A person shall not use on any site between the hours of 7am to 10pm any artificial lighting in such a manner that the use of such lighting causes an added illuminance in excess of 100 lux, measured horizontally or vertically at any point on or directly above the boundary of any adjacent land which is zoned residential; and
- Residential Zone – Night-time*
A person shall not use on any site between the hours of 10pm on one day to 7am on the next day any artificial lighting in such a manner that the use of such lighting causes an added illuminance in excess of 10 lux measured horizontally or vertically at any point on or directly above any adjacent boundary of any adjacent land which is zoned residential; and
- Other Zones – Daytime*
A person shall not use on any site between the hours of 7am to 10pm any artificial lighting in such a manner that the use of such lighting causes an added illuminance in excess of 100 lux, measured horizontally or vertically on or directly above the boundary of any adjacent site at that point which is closest to any window of an adjacent household unit; and
- Other Zones – Night-time*
A person shall not use on any site between the hours of 10pm on one day to 7am on the next day any artificial lighting in such a manner that the use of such lighting causes an added illuminance in excess of 10 lux measured horizontally or vertically on or directly above the boundary of any adjacent site at that point which is closest to any window of an adjacent household unit ; and
- The Council considers that the luminance or glare does not cause a significant level of discomfort or inconvenience to adjacent household units.*

All welding activities shall be screened from adjacent sites and roads.

Lighting facilities which may cause confusion with lights for navigation and traffic purposes shall not be constructed.

Lighting shall not be constructed so that direct or indirect luminance or glare causes adverse effects on traffic safety.

Rule 16.5 shall not apply to street lighting.

Explanation and Reasons

The spill of artificial light into adjacent household units can have an adverse effect on amenity values. It can cause annoyance, discomfort, distraction, and loss of sleep. It can also reduce the ability to see. The rules reflect the need to manage these effects, particularly at night.

9.5 Section 104(1) (a) Any Actual and Potential Effects on the Environment of Allowing the Activity.

Section 3 of the Act states that the term “effect” includes any positive or adverse effect; temporary or permanent effect; past, present, or future effect; any cumulative effect; and, potential effects.

(a) Scale and intensity

The subject site is zoned Open Space 4. The objective of the Open Space 4 zone is to enable the community’s recreational, sporting and leisure needs to be met without compromising amenity values of the surrounding areas. The proposal may have some effects on the character of the area, as the surrounding area consists mainly of residential activities. However, there are already existing league fields on this lot. Floodlights are generally consistent with the character of this zone, as they are often required for outdoor sports to occur at night and during the winter. The proposed lights are considered to provide for recreation and sporting needs within the community, and still allow for amenity values within the surrounding environment.

The proposed floodlights will replace 4 existing floodlights which are located between the two fields. The four existing floodlights are approximately 9 metres in height and each contain 4 luminaires which are aimed approximately 60 degrees above horizontal and are all directed away from the HBC Raider’s clubroom building. The proposed floodlights will be taller than the existing floodlights having a maximum height of 16 metres and there will be 7 columns rather than 4. The proposal therefore may have some effects on the character of the area, due to the scale and intensity of the activity proposed, as the surrounding area consists mainly of residential dwellings. The potential adverse effects of this however are considered to be no more than minor. The proposed lights are not considered to increase the intensity on the site to a large degree due to the small area of land that the lights will occupy. The structures will be tall, but they will not be large in terms of bulk. Overall the scale and intensity of the floodlights are considered to be in keeping with the character of the surrounding environment.

(b) Location

The subject site is zoned Open Space 4 under the Proposed District Plan – Operative in Part. According to Council records a building consent was issued in 1995 to relocate and modify the club rooms and in 1999 to relocate floodlights. It is therefore considered that the activity has been located within the zone for many years and that the proposal is to enhance the function of the activity.

The applicant proposes to erect 6 fixed floodlight columns around the perimeter of two existing rugby league fields and erect a seventh movable floodlight column that will be located in the middle of the two fields during the winter months. During the summer months the seventh movable floodlight column will be relocated to the southeast to allow summer sports such as cricket and Australian Rules football which require larger unobstructed areas. The applicant proposes to remove the 4 existing floodlighting columns which run down the middle

of the two fields. The light provided by the existing floodlights is said to be poor, creates glare and does not comply with the current lighting standards (AS2560 – Sports Lighting).

The submitted Assessment of Environmental Effects under section 4 Description of Proposal states that *“the position of the existing lighting columns also conflicts with the Council's intention of enabling the playing fields to be effectively used for playing daytime sports during the summer months, including cricket and Australian Rules football. In order to utilise the fields for summer sports, the playing area needs to be considerably larger and include the unobstructed area of both rugby league fields. The existing columns obstruct the area needed for summer sports, including for safety reasons, and effective summer sport use of the reserve is therefore prevented at present.”*

The subject site is not considered to have a high conservation value and the effect of the activity on the natural features of the area is considered to be minimal. The proposal will allow for multiple uses such as rugby league in the winter and cricket and Australian Rules football in the summer. Overall it is considered that the activity has been located in the zone for many years and that the proposal will enhance the function of the open space zone.

(c) Exterior lighting

The applicant has provided a report which was prepared by LDP and is titled *“Stanmore Bay League Fields, Proposed Training Lights, Description & Assessment of Effects”*. The report concludes that *“the proposed lighting is in keeping with good design practice and the design has been based upon the tenets of minimising the size of the lighting structure to the greatest extent possible and minimising any light effects on the environment. The lighting design as proposed complies with the requirements of the Rodney District Plan - Operative in Part, as a Permitted Activity under Rule 16.5, as in our opinion an activity with less than minor effects under Rule 10.13.2.2 and as a Discretionary Activity under Rule 10.9.2.”*

Rule 16.5.1 (a) requires that a person shall not use on any site between the hours of 7am to 10pm any artificial lighting in such a manner that the use of such lighting causes an added illuminance in excess of 100 lux, measured horizontally or vertically on or directly above the boundary of any adjacent site at that point which is closest to any window of an adjacent household unit.

The submitted report states that *“As indicated on the enclosed illuminance plot (Appendix A – Sketch 7,062-L-SK04/F), the greatest value achieved at any residential boundary will be 2.5 lux (3 lux nominal) and at any other boundary will be 13.4 lux (14 lux nominal). Hence, the proposal will readily comply with this.”*

The provided report states that Rule 16.5.1 (b) is not applicable as the lighting will not be used between 10pm on one day and 7am on the next day.

The submitted report also states that *“The most appropriate standard for assessing obtrusive light effects is AS4282 (Control of the Obtrusive Effects of Outdoor Lighting). This standard lists a maximum recommended luminous intensity of 7,500cd from any luminaire towards any neighbouring residence for pre-curfew conditions (up until 11:00pm in dark environments. We have calculated that the most affected residence (#19 Te Ruru Way) will experience no more than 2,600cd from any luminaire. Hence, in our opinion, the obtrusive effects of the lighting to adjacent household units will be less than minor.”*

Overall, it is considered that the proposal complies with the general rules for exterior lighting as set out in Chapter 16 – General Rules of the Proposed District Plan – Operative in Part as demonstrated by the submitted report titled *“Stanmore Bay League Fields, Proposed Training Lights, Description & Assessment of Effects”*, therefore the potential adverse effects of exterior lighting are considered to be no more than minor.

(d) Screening, buffer areas and separation distances

The proposal has the potential to create adverse visual effects within the surrounding environment, as the columns will have a maximum height of 16m. The fields are flat in topography and open in nature, so they are visible from many areas within the surrounding environment. Therefore the lights will be visible and may have adverse visual effects on the surrounding area.

Although the columns and the lights may be visible from some of the surrounding dwellings, due to the thin nature of the columns, they are not considered to obscure significant views. The lighting is to be directed downwards, and therefore the light spill is not considered to extend out sideways to a great extent. Generally the light spill will extend to a larger area closer to the ground rather than at the top of the light, therefore the light spill is not considered to have effects on these properties that are more than minor.

Views from the lower end of Rata Road towards the league fields are, for the most part, screened by intervening vegetation. The elevated properties on Kathy Terrace 23/25/26 appear to have mixed views of the existing /proposed floodlights. While most predominantly face north, No. 3 faces south. These locations will view the proposed lights at a distance of at least 140m and in the context of overlooking existing bush and against a backdrop of the park and houses. The site visit revealed that the existing lights (predominantly the existing four south facing lights) are visible from Rimu Road and roads above the college. A relatively limited number of residents will view these columns within their main northerly outlook and many of these will be affected to some degree by the existing arrangement.

The proposed lighting columns are to be slim with reasonably small heads to house the luminaires. While the reserve is a large open area, it is located within a built environment. The proposed columns are to be located in excess of 20 metres from the nearest residential boundary. This distance, along with the angle of the luminaires which will point straight down to reduce light spill will ensure the potential adverse effects are no more than minor.

(e) Topography

The topography of the land surrounding the league fields is varied in nature, the league fields themselves are flat. The land to the north is predominately flat and contains the existing clubrooms and the Leisure Centre behind as well as a few dwellings to the north west. The land to the east falls away to an unnamed watercourse before rising up at a moderate slope to a residential area. The land to the south is relatively low lying and contains more of the unnamed watercourse. The land to the west and south-west rises up from the league fields to a residential area where numerous dwellings and sites are oriented to look over the fields towards the coast.

The topography of the bay and of the reserve, specifically the sloped valley sides surrounding the field site, is of particular importance in defining and limiting the visual catchment and potentially affected viewing audience. The site is in close proximity to Stanmore Bay and has the added amenity value of this coastal location. Homes on higher contours overlook the park and gain views to the bay. The area of the league fields, Leisure Centre and Stanmore Bay form a hub of existing social and leisure related activities. Due to the topography of the peninsula and Stanmore Bay the elevation of homes and roads is variable. This topographic change limits the immediate viewing catchment of the site; however it also has the effect of isolating pockets of light i.e. some residences will look up at lights and others will look over or down on lit areas.

Overall, it is considered that the topography of the surrounding area plays an important part in defining and limiting the viewing catchment. However there are a number of properties adjacent to the league fields that will have views of the proposed floodlights. It is further considered that the topography of the site has been taken into account and that the submitted Landscape and Visual Assessment by Mary Buckland concludes that there will be no more than minor adverse effects on the amenities of residential properties.

(f) Reticulation underground

The submitted assessment of environmental effects makes limited reference to underground reticulation however Section 6.4 Landform Modification states "*The proposal involves minimal earthworks, approximately 60m³. This relates to minor site specific earthworks for column foundations and associated underground electrical cabling.*" It is therefore considered that all wiring will be underground and it is likely that control equipment will be completely enclosed to prevent damage.

(g) Duration of activities

The submitted assessment of environmental effects under Section 4 Description of Proposal states that *“The proposed new lighting will enable the fields to be used for rugby league training four nights per week, from 5pm until not later than 9:30pm during the winter months, as they do at present.”* The proposal therefore will not extend the duration of the existing activities; instead it will enable the HBC Raider’s club to make better overall use of the facility. This will ensure the potential adverse effects on amenity values such as noise will remain the same or substantially similar. It is noted that the use of the site for sporting activities is permitted by the planning documents, and as such forms part of the permitted baseline.

The applicants have advised that the proposal will not extend the hours for the use of the fields, it will simply allow for more effective use of the area during the winter months. The applicant has advised that the lighting will not be used between the hours of 10pm to 7am, and this restriction on times of use will not increase the noise levels and light effects on the adjacent neighbours over what is allowed as of right. The applicant has advised that the activity will comply with the relevant noise rules within the District Plan.

The submitted Assessment of Environmental Effects under section 6.1 Character and Amenity Values states *“The new lighting is for rugby training purposes only and will not result in an extended duration of the existing evening activities undertaken within the reserve.”* As such it is considered that there would be no additional adverse effects created that would otherwise result from extending the duration of the activity.

(h) Traffic hazard

The applicant has provided a report which was prepared by LDP and is titled *“Stanmore Bay League Fields, Proposed Training Lights, Description & Assessment of Effects”*. Section 3.2 of the report states that *“The luminaires will be flat glass type with no upward tilt and will be aimed such that the lamp within the luminaires will not be directly visible from any main road. Hence, in our opinion, the likelihood of the lighting creating a distraction which could create a traffic hazard on any arterial road or State Highway, will be less than minor.”*

Overall, it is considered that as the proposed floodlights will have no upwards tilt and are located a significant distance from the local roads the potential adverse effects on traffic will be no more than minor.

Council’s Transportation Engineer David Mitchell has reviewed the submitted information and has undertaken a site visit. He has provided the following comments:

“I went and had a look yesterday and do understand the concerns of the neighbours. The issue is that only one field is lit at the moment and the proposal will light two fields, so there will be additional traffic. In this area, the leisure centre is still operating well into the evening with the pool, gym and sports activities in the stadium (typically basketball leagues), and with the Hibiscus Coast soccer having training across the road, I’m concerned that additional parking demand will not be able to be accommodated on the site. Given the location of the parking around the back, I would expect this to be used predominantly by the rugby league club.”

The applicant responded to the Transport Engineer’s comments below:

“As discussed, the intention of the application is to enable a better distribution of players across the two fields to assist with turf management and also to facilitate a safer practice area for players.”

While an increase in numbers of people using the fields is not the reason for the application, the numbers of people using the fields for rugby league training may gradually increase over time due to the popularity of rugby league and club membership.

We agree with the comments from David Mitchell below that rugby league training occurs at the quietest time of the year and the layout and geography of the carparking area means that carparks at the back of the leisure centre are predominantly used by the rugby league club.

To address concerns raised with respect to parking, we would suggest that a review condition is imposed to assess the situation with respect to parking at 3 yearly intervals. Should parking ever become an issue, a traffic management plan could be required."

A review condition is considered acceptable and should include monitoring through the first winter to get a baseline for future comparison (i.e. it's not likely to change significantly throughout the first winter period.)

(i) Ecological values

The submitted Assessment of Environmental Effects provides minimal information on the potential adverse effects on the ecology and wildlife of the area. From the site visit and discussions with the Council's Ecological Advisor a number of general comments can be made. The subject site is located within an urban environment and receives stormwater runoff from the urban environment and is therefore likely to contain some contaminants such as heavy metals. Also due to past development the watercourse is likely to contain higher volumes of sediment than from an undeveloped catchment. The area has minimal shading and is not shown on Council's Planning Maps as a significant natural area. It is therefore considered unlikely that the area has a high conservation value.

The subject site currently contains 4 floodlighting columns and the submitted lighting assessment states that *"the proposed lighting will provide minimal off site effects, it will be well within the District Plan Lighting Rules and in our opinion, any effects of the proposed lighting will be less than minor."*

Overall, it is considered that the potential adverse effects on the ecology and wildlife of the area, especially in areas of high conservation value such as significant natural areas will be no more than minor.

(j) Modification of the natural character

The proposed earthworks and associated vegetation removal is considered to have no more than minor effect on any significant natural character or conservation value. The proposed earthworks relate to minor site specific earthworks for column foundations and associated underground electrical cabling. The proposed earthworks will have an approximate volume of 60m³ which is well within the permitted criteria of 200m³. The earthworks will take place as the columns are installed and will be completed in a short duration.

The submitted Assessment of Environmental Effects under Section 6.4 Landform Modification states *"Appropriate sediment control measures are able to be utilised during the earthworks to ensure any adverse effects generated by the proposed earthworks is mitigated."* It is considered that due to the minor volume of earthworks, short duration and proximity to the receiving environment adequate erosion and sediment controls can be installed in accordance with Auckland Regional Council, Technical Publication Number 90.

The 7 identified column locations and identified works area are shown to be clear of protected vegetation therefore the proposed vegetation removal can be undertaken as a permitted activity and will consist predominantly of grass.

The proposal may have some effects on the character of the area, as the surrounding area consists mainly of residential activities. The objective of the Open Space 4 zone is to enable the community's recreational, sporting and leisure needs to be met without compromising amenity values of the surrounding areas. However, there are already existing league fields on this lot. Floodlights are generally consistent with the character of this zone, as they are often required for outdoor sports to occur at night and during the winter. The proposed lights are considered to provide for recreation and sporting needs within the community, and still allow for amenity values within the surrounding environment. The proposed lights are not considered to increase the intensity on the site to a large degree due to the small area of land that the lights will occupy. The structures will be tall, but they will not be large in terms of bulk. Overall the floodlights are considered to be within the character of the surrounding environment.

(k) Amenity values

Amenity is defined in section 2 of the Resource Management Act 1991 as: "...those natural and physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes". The proposed floodlights may have some effects on the amenity of the surrounding residential properties. The proposed floodlights will be taller than the existing floodlights (16m high rather than 9m), and will be located closer to the edges of the site rather than running down the middle of the league fields. There will also be seven floodlights rather than the four currently existing on the site.

The applicant has provided a detailed examination of potential visual and amenity effects from a range of locations around the application site. The selected residences include 6 properties on Glanville Close, Kathy Terrace and Te Ruru Way plus 10 locations to the north side of Rimu Road. These representative properties are those located closest to the field and those who are anticipated to be most potentially affected by the proposal.

From these locations viewers will either see the lights in close proximity lit up at night or as unlit columns during the day or may look over the lights and lit fields. From each of these viewing audiences within the identified catchment the assessment establishes if there will be any potential amenity effects or visual effects of a) the proposed lights resulting from either light spill or b) from any impact of the lighting columns themselves. The assessment also evaluates the proposal through simulated photomontages of the proposed lighting columns. A 'worst case' scenario view of the proposal from 18A Rimu Road is used for the photomontages with both the summer and winter lighting configurations indicated. Both photomontages of the proposed columns are compared to the existing view from the same location. Photomontage 1 indicates the visual effect of the lighting columns in winter from this location. Photomontage 2 provides an indication of the same view of the lights during summer with the movable column relocated to its position on the eastern side of the field.

The Council engaged Patrick Corfe Landscape Architects Ltd (PCLA) to undertake a peer review of the assessment of Landscape and Visual Effects, submitted by Mary Buckland Landscape Architect. The peer review under visual and amenity effects states "*Our site visit and review confirms that the Assessment provides an honest analysis of the expectations of the proposal and any likely effects. The site visits revealed the extent of existing light in the area: the existing league field lights themselves were not evident from the north as they are directed to the south, 15 soccer field floodlights were visible and in use on the north of Brightside Road, 6 floodlights on the south side of Brightside Road are directed south to the open training field and leisure centre car park – these lights were not on, the leisure centre was well lit up on Brightside Road and a number of wall mounted floodlights up on the building lit up the car park to the east and south sides, the league clubrooms feature about 17 lights but none of these were operating during that visit and are likely to only be on during night training games or functions, the cycle/walkway from Rimu Road has recently been partially fenced and is lit by 7 down lights on 4m poles. The footpath to the Te Ruru way is not lit by pedestrian lights but has spill from the back of the leisure centre floodlights.*"

"The site visits revealed the extent of potential views of the proposed lights which concur with the assessment and conclusions made by Mary Buckland. The key observations include:

- *Views from the lower end of Rata Road towards the league fields are, for the most part, screened by intervening vegetation.*
- *The elevated properties on Kathy Terrace 23/25/26 would appear to have mixed views of the existing proposed floodlights. While most predominantly face north, No. 3 faces south. These locations will view the proposed lights at a distance of at least 140m and in the context of overlooking existing bush and against a backdrop of the park and houses.*
- *The site visit reveals that the existing lights (predominantly the existing four south facing lights) are visible from Rimu Road and roads above the college.*
- *A relatively limited number of residents will view these columns within their main northerly outlook and many of these will be affected to some degree by the existing arrangement.*

- *The proposed lighting design is aimed at directing light straight down with the most light being evident at ground level not as spill in the wider area. Worst case exposure will be at ground level and will diminish with elevation”.*

“The proposed positions and height of the proposed columns have the potential to affect a wider audience than the existing lights. Whereas the existing lights directly face only those residents to the south, the proposed lights are located to the north end and western and eastern sides of the fields and will shine in those directions. The permanent viewing audiences on these sides are limited, with the leisure centre located to the north and residences to the east being predominantly north facing. The design of the light fittings which meet current floodlight standards will effectively ameliorate any potential affect through limited light spill and glare. The column height will mean that some viewers will view the columns against the skyline with most viewers seeing these against a backdrop of trees and houses.

The existing lights are of an inefficient height and arrangement to be of suitable use to maximise use of the Reserve. The existing lights do not meet current standards and currently direct light sideways across the field resulting in light spill and glare to neighbouring residents. It appears that the new configuration will provide a positive use of the area with negligible effects on residents.

The proposed lighting columns meet the objectives, policies and assessment criteria outlined within the District Plan, and with the inclusion of the relocatable column, also provide for further activity on the sports field. The Assessment provides a thorough investigation of the potential effects of the proposal.

This review surmises that the information the Assessment provided confirms that the presence of lighting columns will not be a new or unexpected element within the sports field context. They will be viewed within the context of the existing modified landscape character which includes the notable scale of existing buildings (Leisure Centre and Whangaparaoa College) and the presence of a range of existing outdoor lights and public as well as private spaces. The reduction in height of the proposed columns represents a positive reduction in light spill and views of light fittings from the existing lights. This proposal indicates a reduction of both light spill and visibility of light columns and fittings from the previous application. It is the opinion of this review that the current proposal is favourable to the previous application.

My visits to the site carried out for this review confirms the extent of views from the potential audiences. The increased number and height of the columns is not anticipated to increase the effected viewing audience significantly. This review agrees with the ‘not more than minor’ conclusion of the assessment of visual effects”.

The assessment of Landscape and Visual Effects, submitted by Mary Buckland Landscape Architect concludes that:

“The new lights will have no effect on the physical landscape, or on the natural character of the area. There will be some amenity effects on views for people whose houses overlook the fields, but in my opinion these effects will be minor.

In terms of visual effects, the lights will be a new element in the view, but because they are tall and slim in design the landscape visually flows beneath them. In my view there is very little contrast between the lights and the surrounding environment and the effects of the lights will be mitigated because they will be oxidised and will be light grey.

In my opinion the landscape, natural character, amenity and visual effects of the new lights will be no more than minor.”

The independent peer review by Patrick Corfe Landscape Architect of the submitted Assessment of Landscape and Visual Effects by Mary Buckland, concluded that:

“The Assessment conducted by Mary Buckland together with the report produced LDP Ltd provide sufficient detail of any potential effects of the proposal to support the conclusion that the effect of the proposal on landscape, natural character, amenity and visual value will be no more than minor.

The Photomontages and Viewpoint assessments provide a useful and real indication of the proposed columns and how these will be viewed from the most likely affected parties. They confirm that the increased columns fulfil their goal of providing additional light thus maximising use of the park without having a negative effect on the existing values of neighbouring residents.

It is the opinion of this review, that within the context of the Reserve, neighbouring Leisure Centre, and surrounding public and recreation based amenities and due to the nature of the topography the proposed lights will be of minimal effect on the landscape character, and the amenity and visual landscape values of the area.”

Overall, the potential adverse effects upon the amenity values of the environment are considered to be no more than minor.

(l) Compatibility and cumulative effects

The proposed floodlights will allow for activity that is compatible with the other activities operating on the site. Rugby league training and games have been occurring on the site for many years, and this improved lighting will allow for this activity to continue while not affecting the other uses of the area. The proposal is not considered to have a cumulative effect, as it is not considered that any other floodlights will be required within the reserve area. All floodlights require a resource consent, and therefore any future resource consent applications for floodlights will be assessed on their own merits.

(m) Cultural heritage resources

The proposal is not considered to have effects that are more than minor on cultural heritage resources of the open space area, as there are no known heritage items on the site. Comments have been received from MOKO which state that no further involvement is required.

9.6 Section 104(1) (b) Any Relevant Plan Provisions

9.7 District Plan Provisions

9.8 Proposed District Plan – Operative in Part

9.9 Objectives and Policies

The proposal is considered to be **consistent with** the following objectives and policies.

- (a) Objective 10.3.1 on Page 7 and Policy 10.4.1 on Page 9
- (b) Objective 10.3.2 on Page 7 and Policy 10.4.2 on Page 9
- (c) Objective 10.3.4 on Page 7 and Policy 10.4.4 on Page 10
- (d) Objective 10.3.5 on Page 7 and Policy 10.4.5 on Page 11
- (e) Objective 10.8.4.1.1 and Policy 10.8.4.2.1 on Page 20

- 9.10** The proposal will ensure that adequate land and facilities are available to meet the recreational needs of the existing and future population of the District and the Region. There is a small wetland/estuary area at the edge of the site, and the proposal will not affect this area. The site is not considered to be within an area of particularly high conservation value. The proposal will allow for the use and development of this open space and recreation facility without significant adverse effects upon the surrounding environment including the community, or on the amenity values of the open space area or its ability to function as a reserve or open space.

9.11 Strategic Issues

The following issues are considered to be relevant in the assessment of the proposal:

- (a) Issue 10.2.1 on Page 4
- (b) Issue 10.2.3 on Page 5
- (c) Issue 10.2.4 on Page 6

The proposal will help to achieve a satisfactory level of recreational facilities and open space within the area which meets the demands of a growing population, and involves a variety of organisations. The proposal has the potential to affect the amenity values of, and significant natural features in the surrounding environment. The issues also discuss adverse effects which may result including noise, glare from floodlighting, increased pedestrian and vehicular traffic and parking in an area, and the impact of building size or scale on surrounding properties. These effects may adversely impact upon people's health and well-being, so it is important that adverse effects upon the surrounding environment are avoided or mitigated. There can often be conflicts between recreational activities and/or other activities undertaken on open space areas which can impact upon the function and the use and enjoyment of those areas. Some of these issues can be addressed through Reserve Management Plans.

9.12 Assessment Criteria

The following assessment criteria are relevant to the proposal:

- (a) 10.13.1 (a - k) on Page 40 & 41
- (b) 10.13.2.2 (a - f) on Page 41

9.13 The proposal is considered to be in accordance with these as the light fittings will be located and directed to ensure that no direct light rays fall onto land zoned residential, and that reflected light falling onto any land zoned residential is to be minimised so that it does not disrupt the amenities of that land. The applicant has provided a lighting assessment report which states that the lighting will comply with the Council's lighting standards. All reticulation to the poles will be underground and all wiring and control equipment will be completely enclosed. These floodlights will not be used outside the hours of 0700 - 2200 hours. The applicant has advised that they will not exceed these hours, and the Council has the ability to impose conditions relating to noise and hours of operation to protect adjoining residential amenities if consent is granted. The floodlighting proposed is not considered to cause a distraction which could create a traffic hazard on any arterial road or state highway due to the distance of the lights from such roads.

9.14 Any Relevant National Policy Statement or Regional Policy Statement

The strategic direction within the Auckland Regional Policy Statement (RPS) focuses on the natural and physical resources in the Auckland Region. The Regional Policy Statement addresses matters of significance to iwi, transport, energy, heritage, coastal environment, water quality, water conservation and allocation, air quality, natural hazards, soil conservation, minerals, pests, waste, hazardous substances, contaminated sites, esplanade reserves and strips. This proposal is not considered to have an effect on the issues raised within the Auckland Regional Policy Statement that is more than minor.

9.15 Section 104 (1) (c) Any other Matter

9.16 Relevant Council Documents

Vision Rodney is a document incorporating the statements of the future that people and communities of Rodney want for the District. Vision Rodney sets the following community outcomes:

- Prosperous - We will have a growing and resilient economy based on a wide variety of businesses that fit our character.
- Vibrant - We will have a range of recreational and cultural facilities and events across the district and we will encourage creativity and diversity.
- Distinctive - We will maintain and enhance the character of our townships and rural areas through excellent urban and rural planning and the intelligent management of growth.
- Connected - We will have the infrastructure and services needed for our residents, business and visitors.
- Safe and Healthy - We will continue to have a sense of community and we will provide for the emotional and physical well-being of our people.
- Clean and Green - We will continue to value, protect and enjoy the natural environment

The statement 'vibrant' is considered to be most relevant to this proposal as it will improve a recreational facility.

The proposal is considered to be within the values of Vision Rodney.

- 9.17** The Stanmore Bay Recreation Reserve Management Plan outlines the features, objectives and policies for the Stanmore Bay recreation reserve area. Of particular relevance is Policy (vi) on Page5, this states *develop the area behind the leisure centre for additional sports fields in general accordance with the concept plan included as 20D*. The concept plan does not have great detail, and does not show the existing floodlighting. However the proposal is considered to be in general accordance with this plan, as there will still be two fields available (for rugby league), and the entire area can also be used for cricket and Australian Rules football. This document is included as **Attachment I**.

9.18 Section 104 Assessment Conclusions

Overall it is considered that having regard to all the relevant section 104 matters that consent be granted subject to conditions.

10.0 SECTION 104B ASSESSMENT

As a discretionary activity section 104B of the Act states the Council may grant or refuse consent, and if consent is to be granted impose conditions under section 108 of the Act. For all the reasons contained in this report it is recommended that consent be granted subject to conditions.

- 10.1** Based upon the section 104 assessment of actual and potential effects in Section 9 of this report, it is considered that the adverse effects on the environment in terms of visual, amenity, character, noise, glare, light spill, and traffic will be no more than minor. The reasons for this conclusion are set out in the Section 9 assessment.

- 10.2** Based upon the section 104 assessment of the relevant objectives and policies of the plan in Section 9 of this report, it is considered that the proposed activity will be consistent with the objectives and policies of the Proposed District Plan - Operative District Plan. The reasons for this conclusion are set out in the Section 9 assessment.

11.0 PART II ASSESSMENT

The purpose of the Act is to promote the sustainable management of natural and physical resources. Section 5 of the Act outlines the purpose of the Act and defines Sustainable Management as managing the use, development and protection of natural and physical resources in a way which enables people and communities to provide for their wellbeing. The proposal will allow for improved recreation facilities which will provide for the wellbeing of part of the community.

- 11.1** Section 6 of the Act refers to matters of national importance. Included within this are the preservation of the natural character of the coast, protection of outstanding natural features and landscapes, including significant vegetation, habitats and historical heritage and maintenance and enhancement of the quality of the environment. The subject site does not contain any outstanding natural features so will not adversely affect this attribute. The proposal will not have an effect on matters of national importance.

- 11.2** Section 7 of the Act discusses other matters including kaitiakitanga, maintenance and enhancement of natural and physical resources, intrinsic values of ecosystems, and the maintenance and enhancement of the quality of the environment. The proposal will not adversely affect the character and amenity values of the area. Comments have been received from MOKO which state that no further involvement is required.

- 11.3** Section 8 of the Act refers to the Treaty of Waitangi. The proposal is considered to be consistent with Section 8 as there are no known cultural heritage items on the site. Comments have been received from MOKO which state that no further involvement is required.

- 11.4** Overall it is considered this application is consistent with Part 2 matters.

12.0 RECOMMENDATION

That, pursuant to Sections 104 and 104B of the Resource Management Act 1991, the notified application for resource consent by Rodney District Council to erect seven floodlight towers of 16m in height to replace the existing floodlights for the league fields at 4 Glanville Close, Stanmore Bay (Lot 17 DP 128249, Allot 717 Psh of Waiwera SO 59176, and Pt Lot 32 DP 56618) is granted consent subject to conditions.

12.1 REASONS FOR THE RECOMMENDATION

Pursuant to Section 113 of the Resource Management Act 1991, the reasons for this decision are as follows:

1. The proposed lights are not considered to increase the intensity on the site to a large degree due to the small area of land that the lights will occupy. The structures will be tall, but they will not be large in terms of bulk. The proposed floodlights will have no upwards tilt and the proposed lights will be located at least 20m from the surrounding residential lots. The proposed towers will be thin in their design with only the top of the light being slightly wider in size. The Council engaged Patrick Corfe Landscape Architects Ltd (PCLA) to undertake a peer review of the assessment of Landscape and Visual Effects, submitted by the applicant. The peer review concluded that the assessment together with the report produced by LDP Ltd provide sufficient detail of any potential effects of the proposal to support the conclusion that the effect of the proposal on landscape, natural character, amenity and visual value will be no more than minor.
2. The proposed floodlights comply with the district plan lighting standards and will not exceed 100 lux at the boundary. The lights will not be used from 10pm to 7am the next day as required by the Proposed District Plan – Operative in Part. The applicant proposes to maintain the existing operating hours which currently operate from 5pm until not later than 9:30pm.
3. The proposal is considered to be consistent with the objectives and policies of the Proposed District Plan – Operative in Part as the proposal is considered to allow for the use of the recreation area without creating effects on character, visual and amenity values of the surrounding environment that are more than minor.
4. The proposal is consistent with the purpose and principles of Part II of the Resource Management Act, 1991. It is considered that the proposal is consistent with the provisions of section 5 of the Act.

12.2 LAPSING OF CONSENT

Pursuant to Section 125 of the Resource Management Act 1991, this resource consent will expire 5 years after the date of commencement of consent unless, before the consent lapses;

- (a) the consent is given effect to; or
- (b) an application is made to the Council to extend the period of consent, and the Council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Resource Management Act 1991.

13.0 PROPOSED CONDITIONS OF CONSENT:

1. (general) The development shall proceed in general accordance with the application submitted by O'Connor Planning Consultants Ltd, and the plans drawn by LDP Limited, dated 30th June 2009 and 3rd July 2009, numbered 7062-L-SK01/1, 7062-L-SK02 and 7062-L-SK04, including but not limited to the following key documentation and drawings:
 - (i) The Assessment of Landscape and Visual Effects by Mary Buckland and the photomontages dated 5 May 2009;
 - (ii) The recommendations in the peer review titled Assessment of Landscape and Visual Effects, Erection of Seven Floodlight Columns at Stanmore Bay League Fields by Patrick Corfe dated September 2009.

Note: (building consent) The granting of this resource consent does not preclude the consent holder from the need to obtain a building consent prior to construction commencing.

2. (notification of commencement) At least 7 days prior to the work commencing the resource consent holder shall notify the Council's RMA Compliance Administrator by telephone (0800 426 5169) the expected date of work commencing.
3. (lighting) The lighting on the site shall be in accordance with Rodney District Council District Plan requirements except that between the hours of 7am to 9:30pm, the lighting shall not create illuminance in excess of 100 lux, measured horizontally or vertically on or directly above the boundary of any adjacent site at that point which is closest to any window of an adjacent household unit. Between the hours of 9:30pm on one day to 7am on the next day the lighting shall not create illuminance in excess of 10 lux measured horizontally or vertically on or directly above the boundary of any adjacent site at that point which is closest to any window of an adjacent household unit. If monitoring of the lighting levels is required, this shall be at the landowners cost.

On completion of the final aiming and commissioning the consent holder shall engage a professional lighting designer/engineer (MIES or FIES) to provide confirmation that the installed spill light and glare is equal to or less than that in the application. This shall be provided within 5 working days of the completion of the aiming.

4. (lighting shut off) A time clock or automated device, to the approval of the Council's consent monitoring manager, shall be installed to control the lighting to ensure operation only occurs during the designated times.
5. (seventh relocatable floodlight column) The seventh relocatable floodlight column shall be re-located from the summer position to the winter position a maximum of two weeks prior to the commencement of the rugby league season and shall be relocated from the winter to the summer position a maximum of two weeks from the end of the season.
6. (colour of floodlighting columns) The floodlighting columns shall be galvanised and left to oxidise naturally to ensure the effects of the columns on the visual and amenity values within the surrounding environment are minimised.
7. (parking) Adequate parking shall be provided and maintained for the activity to be undertaken on the subject site in accordance with the requirements of the District Plan.
8. (review condition) Pursuant to s128 of the Resource Management Act 1991, the Council may serve notice on the consent holder of its intention to review Condition 7 (parking) of this consent:
 - (i) Within the first winter season following construction of the proposed floodlights monitoring shall be undertaken to establish a baseline for future comparison.
 - (ii) Monitoring shall then be undertaken at no less than 3 yearly intervals to assess the situation in regards to parking.
 - (iii) The costs of the reviews shall be carried out at the consent holder's expense.
9. (silt retention) Before commencement of any works, adequate silt retention structures as detailed in the Auckland Regional Council Technical Publication No. 90 "Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region" shall be installed. These structures shall be maintained and cleaned out as necessary until such time as complete grass cover, or other non-erodible surfacing, has been re-established over the site.

The location and detail of the sediment control shall be included in the Engineering Plans for approval prior to commencement of construction.

Advice note: Existing open streams shall not be modified without Council permission and they shall be retained and maintained in their existing position and alignment.

