

## 20 Special Use Zone – Baypark

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## 20A Purpose of the Special Use Zone – Baypark

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The Special Use Zone - Baypark provides a centrally located multi-use events centre accommodating a wide range of activities ranging from local, national and international events and sporting fixtures, including speedway, rugby, conferences, trade shows, commercial activities and awards dinners.

Baypark represents a significant recreation asset to *the City* and the *sub-region* and makes a major contribution towards the social, cultural and economic well-being of the community. Baypark comprises a large array of facilities, including a stadium, pavilions, playing fields, a speedway track, administration offices, sports and exhibition centre and parking areas.

The overall approach with the Special Use Zone – Baypark is to enable the flexible use of this major multi-purpose facility, while ensuring adverse environmental effects from activities are minimised.

### 20A.1 Objectives and Policies of the Special Use Zone - Baypark

#### 20A.1.1 Objective – Role and Function

Development of Baypark supports its role and function as the principal multi-purpose events facility for *the City* and *sub-region*.

##### 20A.1.1.1 Policy – Role and Function

By providing for the role and function of Baypark through:

- a) Enabling a wide range of event-related commercial, promotional, recreational, cultural, civic and educational activities to establish and operate;
- b) Maintaining and enhancing opportunities for commercial, recreational, cultural, civic, and educational events that serve *the City* and sub-regional population.

#### 20A.1.2 Objective – Bulk and Scale of Buildings and Structures

*Buildings* and *structures* are of a bulk and scale sufficient to provide for the needs of activities, while not compromising the *landscape character* or amenity of the surrounding *environment*.

##### 20A.1.2.1 Policy – Bulk and Scale of Buildings and Structures

By limiting the *building* envelope sufficient to provide for development, while:

- a) Ensuring the maintenance of *landscape character* of the surrounding *environment*;
- b) Ensuring the amenity of the surrounding *environment* is not compromised;
- c) Ensuring the effects of development are mitigated by landscaping and appropriate *building* form where the *building* envelope is exceeded.

#### 20A.1.3 Objective – Site Layout and Building Design

Development is unrestricted in the layout and design of *buildings*, provided regard is had to the amenity of the surrounding *environment*, or area of natural character where development shall have regard to the amenity of that area.

##### 20A.1.3.1 Policy – Site Layout and Building Design

By providing an unrestricted layout and design of *buildings*, while ensuring that:

- a) Development opposite a *sensitive zone* provides landscape planting to soften and integrate the development;
- b) Activities have regard to the amenity of adjacent zones by providing a physical separation and a *building* form to minimise noise, disturbance, visual intrusion and overshadowing of the *sensitive zone*;
- c) Development is appropriately *setback* from areas of *natural character*, or land zoned Conservation.

## 20A.1.4 Objective – Adverse Effects on the Surrounding Environment

*Buildings, structures, and activities do not adversely affect the amenity values, landscape character, or heritage values of the surrounding environment.*

### 20A.1.4.1 Policy - Adverse Effects on the Surrounding Environment

By ensuring the siting, design, operation and maintenance of activities:

- a) Emits acceptable levels of noise and light to *sensitive zones*;
- b) Maintains the *landscape character* and *streetscape* of the surrounding *environment*, including the mitigation of visual effects of the *buildings* when viewed from State Highway 2, 29 and Truman Lane;
- c) Do not damage or destroy *indigenous* flora and fauna, or heritage, cultural or archaeological values;
- d) Do not damage waterways and associated *ecosystems*;
- e) Signs, including the proliferation of signage, are to be designed and located to ensure there are no adverse effects on traffic safety.

## 20A.1.5 Objective – Safety, Efficiency and Sustainability of the Transport Network

The safety, efficiency and sustainability of the transport network is not adversely affected by activities at Baypark.

### 20A.1.5.1 Policy - Safety, Efficiency and Sustainability of the Transport Network

By ensuring that *site layout*, and on-*site* development and operations:

- a) Do not compromise the integrated, safe, sustainable and efficient function of the *transport network*;
- b) Enable and encourage all patrons to park conveniently within Baypark, rather than within the *Road Zone* or in the surrounding area;
- c) Provide alternative modes of transport;
- d) Provide for traffic flows on the state highway and rail corridor that will increase substantially over the long term;
- e) Provide for the effects likely to arise as the scale of events increases.

## 20A.2 Activity Status Rules

### 20A.2.1 Activities within the Special Use Zone - Baypark

All activities within the Special Use Zone - Baypark shall have the status identified in *Table 20A.1*. Symbols used in *Table 20A.1* have the meaning described in *Table 1A.2: Activity Status*.

**Table 20A.1: Activity Status for Activities occurring within the Special Use Zone – Baypark**

Use/Activity	Relevant Rule	Stadium Area	Exhibition Centre Area	Pit / Hardstand Area	Carpark Area	Protected Ridge Area	
<i>Accessory building, structure or activity</i>	-	P <i>(Refer Rule 20A.3)</i>	P <i>(Refer Rule 20A.3)</i>	P <i>(Refer Rule 20A.3)</i>	P <i>(Refer Rule 20A.3)</i>	P <i>(Refer Rule 20A.3)</i>	
<i>Business activities, including sports and events administration</i>	-	P <i>(Refer Rule 20A.3)</i>	P <i>(Refer Rule 20A.3)</i>	P <i>(Refer Rule 20A.3)</i>	C <i>(Refer Rule 20A.4)</i>	RD <i>(Refer Rule 20A.5)</i>	
Conferences, concerts, exhibitions and trade shows	-	P <i>(Refer Rule 20A.3)</i>	P <i>(Refer Rule 20A.3)</i>	P <i>(Refer Rule 20A.3)</i>	C <i>(Refer Rule 20A.4)</i>	RD <i>(Refer Rule 20A.5)</i>	
Entertainment, cultural, and sports and recreation activities and events (including sports grounds)	-	P <i>(Refer Rule 20A.3)</i>	P <i>(Refer Rule 20A.3)</i>	P <i>(Refer Rule 20A.3)</i>	C <i>(Refer Rule 20A.4)</i>	RD <i>(Refer Rule 20A.5)</i>	
<i>Minor public recreational facilities and activities</i>	20A.3	P	P	P	P	P	Definition Appealed
<i>Public recreational facilities and activities</i>	-	P <i>(Refer Rule 20A.3)</i>	P <i>(Refer Rule 20A.3)</i>	P <i>(Refer Rule 20A.3)</i>	P <i>(Refer Rule 20A.3)</i>	RD <i>(Refer Rule 20A.5)</i>	
<i>Places of assembly</i>	-	P <i>(Refer Rule 20A.3)</i>	P <i>(Refer Rule 20A.3)</i>	P <i>(Refer Rule 20A.3)</i>	C <i>(Refer Rule 20A.4)</i>	RD <i>(Refer Rule 20A.5)</i>	

Use/Activity	Relevant Rule	Stadium Area	Exhibition Centre Area	Pit / Hardstand Area	Carpark Area	Protected Ridge Area
<i>Community facilities</i>	-	P (Refer Rule 20A.3)	P (Refer Rule 20A.3)	P (Refer Rule 20A.3)	C (Refer Rule 20A.4)	RD (Refer Rule 20A.5)
<i>Speedway racing</i>	-	P (Refer Rule 20A.3 and 20A.3.8)	NC (Refer Rule 20A.7)	P (Refer Rule 20A.3 and 20A.3.8)	NC (Refer Rule 20A.7)	RD (Refer Rule 20A.5)
<i>Speedway activities and events</i>	-	P (Refer Rule 20A.3 and 20A.3.8)	P (Refer Rule 20A.3 and 20A.3.8)	P (Refer Rule 20A.3 and 20A.3.8)	P (Refer Rule 20A.3 and 20A.3.8)	RD (Refer Rule 20A.5)
<i>Signs</i>	-	P (Refer Rule 20A.3)	P (Refer Rule 20A.3)	P (Refer Rule 20A.3)	P (Refer Rule 20A.3)	RD (Refer Rule 20A.5)

## 20A.3 Permitted Activity Rules

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*Note: Where an activity does not comply with a Permitted Activity Rule it shall be considered a Restricted Discretionary Activity unless stated otherwise.*

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### 20A.3.1 Building Height

- a) The maximum *height* of any *building* or *structure*, with the exception of the *permitted intrusions* in *Rule 4H.2.3*, shall be 16 metres, except for:
    - i) *Network utilities* which shall comply with the relevant provisions of *Chapter 10 – Network Utilities and Designations*. If a maximum *building height* is not specified, then the maximum *height* provisions of the Special Use Zone – Baypark shall apply;
    - ii) Stadium flood lighting, which shall be no greater than 47.3 metres in *height*, located within Sub-Zone A – Stadium Area in accordance with *Appendix 20A: Special Use Zone - Baypark Outline Development Plan*.
  - b) Provided that no *building* or *structure* within any identified *Viewshaft Protection Area* shall exceed the maximum *height* identified within the *Plan Maps (Part B)*, except for exempted activities listed in *Rule 20A.3.1 a) - Building Height*.
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*Note: Any activity that does not comply with Permitted Activity Rule 20A.3.1 – Building Height shall be considered a Discretionary Activity.*

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### 20A.3.2 Landscaping

Landscaping shall be provided and maintained in accordance with *Appendix 20A: Special Use Zone – Baypark Outline Development Plan* and *Appendix 20B – Landscape Planting Specification*.

### 20A.3.3 Streetscape

- a) All *buildings* and activities, excluding *signs* provided for in *Rule 20A.3.5 - Signs*, shall be set back at least 5 metres from the road *boundary*
- b) All *buildings* on a *site* adjoining a Road Widening designation (as identified on the *Plan Maps, Part B*) shall have the *setback* measured from that designation *boundary*.
- c) *Buildings, structures* and activities (other than vehicle parking, manoeuvring and vehicle loading) shall be set back at least 5 metres from the zone *boundary*. This rule shall exclude basement areas located entirely below *ground level*.

### 20A.3.4 Building Amenity

All *building* roof surfaces shall be painted with a colour that has a reflectance value not exceeding 25% in accordance with *Australian Standard 1580*.

### 20A.3.5 Signs

The following *sign* rule shall apply to freestanding *signs* where the *sign* face is visible from the State Highway:

- a) A maximum of 10 free-standing advertising *signs* shall be permitted along the frontage of the State Highway, provided the area of each *sign* does not exceed:
    - i) Eight *signs* of up to 18m<sup>2</sup>;
    - ii) Two *signs* of up to 25m<sup>2</sup>.
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*Note: Where a maximum permitted area is specified in Rule 20A.3.5 - Signs, then it shall apply to each face of the sign and where any 'V' shaped sign contains an interior angle of greater than 90 degrees, then the sign area shall be deemed to have a single face.*

*Note: Any activity that does not comply with Permitted Activity Rule 20A.3.5 – Signs shall be considered a Discretionary Activity.*

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## 20A.3.6 Traffic Management, Safety and Convenience

### 20A.3.6.1 Access

Access to and from Baypark shall be in accordance with *Appendix 20A: Special Use Zone – Baypark Outline Development Plan*.

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*Note: Any activity that does not comply with Permitted Activity Rule 20A.3.6.1 – Access shall be considered a Discretionary Activity.*

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### 20A.3.6.2 On-Site Parking

The transportation provisions of *Chapter 4 – General Rules* shall apply to all activities provided the following requirements are met:

- a) A minimum of 3,000 on-site parking spaces shall be provided in accordance with *Appendix 20A: Special Use Zone – Baypark Outline Development Plan*, except where:
  - i) Activities are undertaken within Sub-Zone D – Carpark Area, then alternative on-site parking shall be provided to comply with the relevant provisions contained within *Appendix 4C 4A: General Minimum On-Site Parking and Loading Requirements*;

#### **(VAR 6)**

- b) Where an activity or activities occur on-site that are required to provide more than 3,000 on-site parking spaces, as assessed in accordance with *Appendix 4C: General Minimum On-site Parking and Loading Requirements*, then that additional number of overflow parking spaces shall be temporarily provided on-site.

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*Note: Any activity that does not comply with Permitted Activity Rule 20A.3.6.2 – On-Site Parking shall be considered a Restricted Discretionary Activity. Any Restricted Discretionary Activity application shall be assessed in accordance with Rule 4B.3.21 - Restricted Discretionary Activity – Matters of Discretion and Conditions Rules and Chapter 4 – General Rules.*

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#### **(VAR 6)**

### 20A.3.6.3 Activity and Event Traffic Management

- a) A certified Traffic Management Plan (which shall include, but is not limited to, the provisions of a wide area assessment in accordance with *Appendix 4M 4K – Integrated Transportation Assessment Information Requirements*) shall be in place and implemented for all activities. The Traffic Management Plan shall:

#### **(VAR 6)**

- i) Provide for the supervision and control of patrons entering and exiting Baypark, and the transportation of patrons to and from Baypark;
  - ii) Limit the speed of traffic within Baypark to 30 km/h within any access to Baypark, and 15 km/h within the Carpark Area Sub-Zone (or any overflow on-site parking area);
  - iii) Provide at least one method of determining the number of people at Baypark at all times, other than arrival/departure;
  - iv) Provide for monitoring and reporting on the number of vehicle movements for all activities and events;
  - v) Include protocols for undertaking reviews of the Traffic Management Plan by an Implementation Monitoring Committee consisting of the New Zealand Police, the *Council*, Baypark operator and New Zealand Transport Agency;
  - vi) Be reviewed, certified and endorsed by the New Zealand Transport Agency, the *Council*, and the Baypark operator by 8 June of each year.
- b) For any activity and event, or combination of activities and events where there is likely to be in excess of 5,000 people, the operator of Baypark shall advise the *Council* and New Zealand Transport Agency a minimum of 10 working days before the activity and event occurs of the details of the activity and event and the relevant provisions of the Traffic Management Plan that are to be implemented;
  - c) For any activity and event, or combination of activities and events where there is likely to be in excess of 12,000 people, the operator of Baypark shall advise the *Council* and New Zealand Transport Agency a minimum of 10 working days prior to the activity and event occurring of the details of the activity and the relevant provisions of the Traffic Management Plan that are to be implemented for the activity and event to occur;

- d) For any activity and event, or combination of activities and events where there is likely to be in excess of 15,000 people at Baypark at any one time, a Traffic Management Plan (which shall include, but is not limited to, the provisions of a wide area assessment in accordance with *Appendix 4M 4K – Integrated Transportation Assessment Information Requirements*) specific to the activity and event shall be prepared, submitted to the Council and the New Zealand Transport Agency a minimum of 10 working days before the start of the activity and event. The Traffic Management Plan shall detail mechanisms to be used to achieve management of travel demand that does not exceed the capacity for on-site parking and access or the transportation network capability in the surrounding environment.

**(VAR 6)**

*Note: Any activity that does not comply with Permitted Activity Rule 20A.3.6.3 – Activity and Event Traffic Management shall be considered a Discretionary Activity.*

*Note: For the purposes of the Plan, and complying with Rule 20A.3.6.3 – Activity and Event Traffic Management - the development review and certification of the Traffic Management Plan shall be undertaken by an Implementation Monitoring Committee consisting of those parties listed in Rule 20A.3.6.3 a) v) and a) vi) – Activity and Event Traffic Management.*

*Note: An agreement is in place between the New Zealand Transport Agency, Tauranga City Council and Tauranga City Venues Limited regarding provision for alternative access from Truman Lane and the existing State Highway 29 Roundabout removal.*

### 20A.3.6.4 Activity and Event Arrival and Departure Times

- a) Activity and Events held between Monday and Friday inclusive (except public holidays), other than those that do not generate arrival or departure crowds in excess of 3,000 people in any one-hour period, shall not:

Start within the following time periods:	After 0700 and before 0900
	After 1600 and before 1900
Finish within the following time periods:	After 0600 and before 0900
	After 1500 and before 1800

*Note: Any activity and event that does not comply with Rule 20A.3.6.4 – Activity and Event Arrival and Departure Times shall be considered a Restricted Discretionary Activity.*

### 20A.3.7 Site Noise Monitoring

- a) No activity and event shall take place unless there is a Noise Management Plan in place that details the measures to be implemented to ensure that noise does not exceed the limits specified in *Rule 20A.3.8.3 – Noise, 20A.3.8.4 – Noise Monitoring and 4E.2.6 Special Use Zone - Baypark*, and fulfils the duty under Section 16 of the RMA.
- b) The Noise Management Plan shall, as a minimum, provide details of the following measures:
- i) Procedures and protocols for the setting up, installation and monitoring responsibilities (including reporting) of the noise monitoring device (microphone) located within the Stadium Area;
  - ii) Procedures for the ongoing testing and calibration of the noise monitoring device (microphone) located within the Stadium Area;
  - iii) The erection of barriers for the purpose of reducing noise emissions;
  - iv) The design and operation of the public address system with respect to management of noise emissions;
  - v) Procedures to monitor all activities and events that may meet the noise levels specified in *Rules 20A.3.8.3 – Noise, 20A.3.9.2 – Noise and 4E.2.6 Special Use Zone – Baypark*;
  - vi) *Procedures to correlate the noise monitoring device (microphone) located within the Stadium Area required by Rule 20A.3.8.4 - Noise Monitoring to be utilised to monitor all activities that may meet the noise levels specified in Rules 20A.3.8.3 – Noise, 20A.3.8.4 – Noise Monitoring and 4E.2.6 Special Use Zone – Baypark*;

- vii) Procedures to monitor activities and events that may meet the noise levels specified in *Rules 20A.3.8.3 – Noise, 20A.3.8.4 – Noise Monitoring and 4E.2.6 Special Use Zone – Baypark*; that are unable to be monitored utilising the noise monitoring device (microphone) located within the Stadium Area.

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*Note: For the purposes of clarity, a Noise Management Plan combining the requirements for Rules 20A.3.7 – Site Noise Monitoring, 20A.3.8.4 – Noise Monitoring and 20A.3.9.3 – Noise Monitoring shall be deemed to meet compliance with the Plan provisions.*

*Note: Any activity that does not comply with Permitted Activity Rule 20A.3.8.4 – Noise Monitoring shall be considered a Discretionary Activity, unless stated otherwise.*

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## **20A.3.8 Special Baypark Permitted Activity Rules – Speedway Racing, Activities and Events**

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*Note: Where an activity does not comply with a Permitted Activity Rule it shall be considered a Discretionary Activity, unless stated otherwise.*

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### **20A.3.8.1 Number and Duration of Speedway Racing, Activities and Events**

The number and duration of any *speedway racing*, activities and events that exceed the noise provisions of *Rule 4E.2.6 – Special Use Zone – Baypark* shall comply with the following:

- a) The maximum number of days when *speedway racing*, activities and events shall occur, inclusive of practice sessions, within any *race season* shall be 20;
- b) *Race vehicles*, operating within the noise levels of *Rule 20A.3.8.3 – Noise*, shall operate on the racetrack, within the Sub Zone A - Stadium Area for the purpose of *speedway racing*, between the hours of 1830 and 2220 on any one day provided that:
  - i) At any race meeting, no *speedway race* shall finish later than 2200, except in the following circumstances:
    - a) Where the last scheduled *speedway race* is interrupted by a crash or crashes causing that race to be temporarily stopped to allow the racetrack to be cleared. In this circumstance, *speedway racing* shall not extend beyond 2210;
    - b) Where two or more previously raced vehicles are on equal points and a run off is required to determine final placings. This circumstance shall apply only to New Zealand, North Island, or Grand Prix activities and events allocated by Speedway New Zealand Incorporated. In this circumstance, racing shall not extend beyond 2220;
- c) On no more than 3 days during the month of October in any calendar year, *race vehicles* may operate for a maximum of 3 hours in total between 1400 and 2200 hours for the purpose of practice sessions;
- d) There shall be no *speedway racing*, activities and events on any Sunday, except after 1200 in the following circumstance:
  - i) Where *speedway racing*, activities and events, scheduled for the previous Friday or Saturday, are abandoned, then the provisions of *Rule 20A.3.8.2 – Abandonment of a Race Meeting* shall apply; and
  - ii) *Race vehicles*, operating within the noise levels of *Rule 20A.3.8.3 – Noise*, shall operate on the racetrack, within the Sub Zone A - Stadium Area for the purpose of *speedway racing*, between the hours of 1200 to 2200, with the maximum duration that race vehicles can operate on the racetrack for being no greater than 3 hours and 30 minutes;
- e) *Speedway racing*, activities and events shall not be held on Christmas Day, Good Friday or Easter Sunday.

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*Note: Any activity that does not comply with the Permitted Activity Rule 20A.3.8.1 a) – d) – Number and Duration of Speedway Racing, Activities and Events shall be considered a Discretionary Activity.*

*Note: Any activity that does not comply with the Permitted Activity Rule 20A.3.8.1 e) – Number and Duration of Speedway Racing, Activities and Events shall be considered a Non-Complying Activity.*

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## 20A.3.8.2 Abandonment of a Race Meeting

Where *speedway racing, activities and events* undertaken in accordance with *Rule 20A.3.8.1 – Number and Duration of Speedway Racing, Activities and Events* are abandoned for any reason, a new race meeting in accordance with the requirements of *Rule 20A.3.8 - Special Baypark Permitted Activity Rules – Speedway Racing, Activities and Events* may be rerun within that current *race season* as if the abandoned race meeting had never taken place, provided that paying spectators have either:

- a) Been reimbursed the value of their entrance fee when departing Baypark; or
- b) Been issued with an abandoned race meeting pass when departing Baypark which allows for attendance at an alternative race meeting.

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*Note: Where a speedway race, activity and event is abandoned part way through a race meeting and no reimbursement or abandoned race meeting passes are issued, then the speedway racing, activity and event will be considered one of the 20 activities and events permitted by Rule 20A.3.8.1 a) - Number and Duration of Speedway Racing, Activities and Events.*

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## 20A.3.8.3 Noise

All *speedway racing, activities and events* shall comply with the following:

- a) All *speedway racing, activities and events*, apart from the backfiring of race vehicles, shall comply with the following noise limits measured as identified in Sub Zone A – Stadium Area in accordance with *Appendix 20A: Special Use Zone – Baypark Outline Development Plan*:

Activity	Noise limit
Race Vehicles	100dB <i>Leq</i> <sub>(5min)</sub> and 95dB <i>Leq</i> <sub>(event duration)</sub>
Public address system	92dB <i>Leq</i> <sub>(5min)</sub> and 87dB <i>Leq</i> <sub>(event duration)</sub>

- b) *Rule 20A.3.8.3 – Noise, and Rule 4E.2.6 – Special Use Zone – Baypark* shall not apply to the back firing of race vehicles (which shall be managed through the Noise Management Plan), helicopter landing and takeoff activities associated with one annual *speedway racing* activity and event, and one annual fireworks display;
- c) Outside of the days and hours specified in *Rule 20A.3.8.1 - Number and Duration of Speedway Racing, Activities and Events*, all *speedway racing, activities and events*, and the operation of any public address system associated with *speedway racing, activities and events*, shall not exceed the noise limits outlined in *Rule 4E.2.6 – Special Use Zone - Baypark*:

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*Note: Any activity that does not comply with Permitted Activity Rule 20A.3.8.3 - Noise shall be considered a Discretionary Activity.*

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## 20A.3.8.4 Noise Monitoring

- a) All sound levels shall be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise. No adjustments for special audible characteristics or duration corrections shall be made.
- b) No *speedway racing, activity and event* shall take place unless there is a Noise Management Plan in place that details the measures to be implemented to ensure that noise does not exceed the limits specified in *Rule 20A.3.8.3 – Noise*, and fulfils the duty under Section 16 of the *RMA*.
- c) The noise monitoring device (microphone) locations, for the purpose of measuring compliance with *Rule 20A.3.8.3 - Noise* shall be between 1.2m and 1.5m above the timber platform located on top of the stadium opposite the finishing line on the south western side of the track and within 1m of the north eastern side (front) of the platform in accordance with Appendix 20A.
  - i) The level for comparison with the limits specified in *Rule 20A.4.8.2 – Noise* shall be the logarithmic average of the two time-synchronised 5 minute and duration measurements.
- d) The Noise Management Plan shall, as a minimum, provide details of the following measures:
  - i) The design and operation of the public address system with respect to management of noise emissions;
  - ii) Procedures for the public notification of *speedway racing, activities and events*;
  - iii) Procedures to ensure that all race vehicles comply with the noise limits specified in *Rule 20A.3.8.3 – Noise*;

- iv) Procedures to identify and remove vehicles from a race that do not comply with the noise emission requirements, including backfiring, and to restrict the ability of such vehicles to race until they have been modified as necessary and re-tested such that compliance is demonstrated;
- v) Procedures and protocols for dealing with the backfiring of vehicles. In addition to requiring compliance with *Rule 20A.3.8.3 - Noise*, the Noise Management Plan shall require that the noise levels from backfiring of vehicles are monitored during every race. Should any vehicle backfire more than twice in any one race or be found not otherwise complying with the noise emissions standards, it must be withdrawn as soon as practically possible from the race immediately. It may race again if appropriate noise reduction modifications are made. In the event of the same vehicle backfiring or generating other non-compliance with the noise limits in any later race in the same meeting, the offending vehicle must be immediately withdrawn as soon as practically possible from the remainder of the race meeting,
- vi) Procedures for the monitoring of all speedway race noise, activities and events to ensure that the noise emissions comply with *Rule 20A.3.8.3 – Noise*; including the provision of monitoring results to the *Council* within 5 working days from the date of each speedway activity and event;
- e) Prior to the commencement of the race season as outlined in *Rule 20A.3.8.1- Number and Duration of Speedway Racing, Activities and Events*, a *speedway racing* and events program outlining the dates of each scheduled *speedway racing* activity and event shall be advertised in a free local newspaper circulating within the local area:
  - i) Prior to the 1<sup>st</sup> of October of each calendar year prior to the commencement of the *race season*;
  - ii) 5 working days prior to the first *speedway racing*, activity and event takes place;

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*Note: Any activity that does not comply with Permitted Activity Rule 20A.3.8.4 c) – Noise Monitoring shall be considered a Controlled Activity.*

*Note: Any activity that does not comply with Permitted Activity Rule 20A.3.8.4 – Noise Monitoring, excluding Rule 20A.3.8.4 c) – Noise Monitoring which shall be considered a Controlled Activity, shall be considered a Discretionary Activity.*

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## **20A.3.9 Special Baypark Permitted Activity Rules – Activities and Events (other than Speedway Racing, Activities and Events)**

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*Note: Where an activity does not comply with a Permitted Activity Rule it shall be considered a Discretionary Activity, unless stated otherwise.*

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### **20A.3.9.1 Number and Duration of Activities and Events**

The number and duration of any activities and events that exceed the noise provisions of *Rule 4E.2.6 – Special Use Zone - Baypark* shall comply with the following:

- a) The maximum number of activities or events, within any calendar year, that exceed the noise provisions of *Rule 4E.2.6 – Special Use Zone – Baypark* shall be 6.
- b) Activities and events, operating within the noise levels of *Rule 20A.3.9.2 – Noise*, within the Sub Zone A - Stadium Area, between the hours of 0900 and 2300 on any one day provided that:
  - i) Sound checks shall occur only between 0900 and 1900, and shall not exceed 4 hours in total duration;
  - ii) The cumulative duration of amplified noise on any day shall not exceed 4 hours;
  - iii) All activities and events shall be programmed to finish no later than 2230, and shall only extend beyond 2230 to accommodate unforeseen delays.

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*Any activity that does not comply with Permitted Activity Rule 20A.3.9.1 – Number and Duration of Activities and Events shall be considered a Discretionary Activity.*

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## 20A.3.9.2 Noise

- a) Activities and events provided for by *Rule 20A.3.9.1 – Number and Duration of Activities and Events* shall comply with the following:

Measurement Area	Noise Level
In accordance with <i>Appendix 20A: Special Use Zone – Baypark Outline Development Plan</i>	102dB Leq (5min)

- b) Outside of the days and hours specified in *Rule 20A.3.9.1 - Number and Duration of Activities and Events*, all activities and events, and the operation of any public address system associated with an activity and event, shall not exceed the noise limits outlined in *Rule 4E.2.6 – Special Use Zone – Baypark*.

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*Any activity that does not comply with Permitted Activity Rule 20A.3.9.2 – Noise shall be considered a Discretionary Activity.*

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## 20A.3.9.3 Noise Monitoring

- a) All sound levels shall be measured in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise. For Activities and Events, undertaken in accordance with *Rule 20A.3.9.1 - Number and Duration of Activities and Events*, no adjustments for special audible characteristics or duration corrections shall be made;
- b) *All activities and events provided for under Rule 20A.3.9 – Special Baypark Permitted Activity Rules – Activities and Events (other than Speedway Racing, Activities and Events) shall be monitored to ensure compliance with Rule 20A.3.9.2 – Noise.*

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*Any activity that does not comply with Permitted Activity Rule 20A.3.9.3 – Noise Monitoring shall be considered a Discretionary Activity.*

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## 20A.3.10 Rules in Other Sections of the Plan

Activities shall also comply with the following sections of *the Plan*. In the event of any conflict, the provisions of *Chapter 20 – Special Use Zones: Baypark* shall prevail.

- The provisions of *Chapter 4 – General Rules*;
- The provisions of *Chapter 7 – Heritage*;
- The provision of *Chapter 8 – Natural Hazards*;
- The provisions of *Chapter 9 – Hazardous Substances and Contaminated Land*;
- The provisions of *Chapter 11 – Financial Contributions*;
- The provisions of *Chapter 12 – Subdivision, Infrastructure and Services, Section 12G - Infrastructure and Services*;
- The provisions of any Plan Area.

## 20A.4 Controlled Activity Rules

The following are Controlled Activities:

- a) Any Permitted Activity that does not comply with:
  - i) *Rule 20A.3.8.4 c) – Noise Monitoring*
- b) Any activity identified as a Controlled Activity in *Table 20A.1*.

### 20A.4.1 Controlled Activities – Standards and Terms

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*Note: Any activity described as a Controlled Activity that does not comply with a Controlled Activity standard and term shall be considered a Restricted Discretionary Activity.*

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Controlled Activities shall comply with the following standards and terms:

- a) Any activity described as a Controlled Activity in *Rule 20A.4 – Controlled Activity Rules* shall meet the Permitted Activity Rules outlined in *Rule 20A.3*, except for *Rule 20A.3.8.4 c) – Noise Monitoring* which shall be assessed in accordance with *Rule 20A.4.1 c) – Controlled Activities – Standards and Terms*;
- b) A site development and landscape plan shall be submitted with each application in accordance with *Appendix 20A: Special Use Zone – Baypark Outline Development Plan*. The site development and landscape plan shall indicate the design, location and type of proposed *buildings* and on-site landscaping and tree planting to be provided and maintained. The site development and landscape plan shall have regard to the following design principles:
  - i) The visual mitigation of the bulk and location of the *buildings* on the site as viewed from the surrounding area;
  - ii) The use of tree species of a scale (at maturity) similar to the scale of *buildings* proposed within the relevant sub-zone (including a mix of *indigenous* and exotic species in accordance with *Appendix 20A: Special Use Zone – Baypark Outline Development Plan* and *Appendix 20B: Landscape Planting Specification*).
- c) For any activity that does not comply with *Rule 20A.3.8.4 c) – Noise Monitoring* a Noise Assessment shall be submitted to demonstrate how any new proposed location of the noise monitoring device (microphone) identifies compliance with *Rule 20A.3.8.3 – Noise*.
- d) A Noise Assessment shall be submitted with each application to demonstrate how the activity will comply with *Rule 4E.2.6 – Special Use Zone - Baypark*;
- e) A Traffic Management Plan (which shall include, but is not limited to, the provisions of a wide area assessment in accordance with *Appendix 4M 4K: Integrated Transportation Assessment Information Requirements*) shall be submitted to demonstrate how the proposed layout of access and parking at Baypark will comply with *Rule 20A.3.6 - Traffic Management, Safety and Convenience*.

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### 20A.4.2 Controlled Activities - Matters of Control and Conditions

The *Council* reserves control over the following matters:

- a) The degree to which the design, location and type of proposed on-site landscaping and tree planting achieves the requirements of *Rule 20A.3.2 - Landscaping*;
- b) The recommendations of any *integrated transport assessment*;
- c) The provision of on-site parking, manoeuvring, loading and access to ensure the development does not exceed Baypark's overall capacity for on-site parking and access or the road network capability in the locality;
- d) The effects of the activity, in relation to the sensitivity of the receiving *environment* and the effects noise will have on potential receivers;
- e) The location of the noise monitoring device (microphone) and the consideration of any change to meeting compliance with *Rule 20A.3.8.3 – Noise* shall create no greater effect on the receiving environment than that already anticipated under the existing limits, and does not introduce any uncertainty into the measuring process.

## 20A.5 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a) Any Permitted Activity that does not comply with:
  - i) *Rule 20A.3.2 – Landscaping;*
  - ii) *Rule 20A.3.3 – Streetscape;*
  - iii) *Rule 20A.3.4 – Building Amenity;*
  - iv) *Rule 20A.3.6.2 – On-site Parking;*
  - v) *Rule 20A.3.6.3 – Activity and Event Traffic Management;*
- b) Any activity described as a Controlled Activity that does not comply with a Controlled Activity standard and term, other than:
  - i) *Rule 20A.3.1 – Building Height;*
  - ii) *Rule 20A.3.5 – Signs;*
  - iii) *Rule 20A.3.6.1 – Access;*
  - iv) *Rule 20A.3.6.4 – Activity and Event Arrival and Departure Times,* which are Discretionary Activities.
- c) Any activity identified as a Restricted Discretionary Activity in *Table 20A.1.*

### 20A.5.1 Restricted Discretionary Activities – Standards and Terms

Restricted Discretionary Activities, located on the Protected Ridge Area, shall comply with the following Standards and Terms:

- a) A qualified archaeologist shall prepare an archaeological assessment and cultural assessment for any resource consent application proposed to undertake an activity on the identified Protected Ridge.

### 20A.5.2 Restricted Discretionary Activities - Matters of Discretion and Conditions

The *Council* restricts the exercise of its discretion to:

#### 20A.5.2.1 Landscaping

In considering activities that do not comply with the *Rule 20A.3.2 - Landscaping*, the *Council* restricts the exercise of its discretion to:

- a) The effect of the activity on the surrounding *landscape character* described in *Policy 6A.1.9.1.*

#### 20A.5.2.2 Streetscape

In considering activities that do not comply with the *Rule 20A.3.3 - Streetscape*, the *Council* restricts the exercise of its discretion to:

- a) The effect of the activity on the amenity values inherent in the zone directly across the legal road fronting the *site*;
- b) The provision of a consistent *streetscape* with land adjacent to the *site*.

#### 20A.5.2.3 Building Amenity

In considering activities that do not comply with the *Rule 20A.3.4 – Building Amenity*, the *Council* restricts the exercise of its discretion to:

- a) The effect of the activity on the amenity values inherent in the zone directly across the legal road fronting the *site*.
- b) The effect of the activity on the amenity values of the Tauranga Harbour.

#### 20A.5.2.4 On-site Parking

In considering activities that do not comply with the *Rule 20A.3.6.2 – On-Site Parking*, the *Council* restricts the exercise of its discretion to:

- a) *Rule 4D.2 – Restricted Discretionary Activities – Matters of Discretion and Conditions* outlined in *Chapter 4 – General Rules.*

## 20A.5.2.5 Activity and Event Traffic Management

Activities described as a Restricted Discretionary Activity in *Rule 20A.5 b) – Restricted Discretionary Activity Rules*, the *Council* restricts the exercise of its discretion to:

- a) The extent to which the activity complies with the Controlled Activity standards and terms in *Rule 20A.4.1*;
- b) The matters over which the *Council* has reserved control in *Rule 20A.4.2 - Controlled Activities - Matters of Control and Conditions*.

## 20A.5.2.6 Activities occurring on the Protected Ridge Area

In considering activities identified as Restricted Discretionary within the Protected Ridge Area, the *Council* restricts the exercise of its discretion to:

- a) The retention of the ridge as a cultural landscape feature;
- b) The *height*, scale and location of any *building*, *structure* or sign;
- c) The nature, location and extent of any proposed *earthworks*.

## 20A.6 Discretionary Activity Rules

The following are Discretionary Activities:

- a) Any Permitted Activity that does not comply with:
  - i) *Rule 20A.3.1 – Building Height*;
  - ii) *Rule 20A.3.5 – Signs*;
  - v) *Rule 20A.3.8 – Special Baypark Permitted Activity Rules – Speedway Racing, Activities and Events*; except for the following:
    - a) Speedway racing, activities and events proposed to be held on Christmas Day, Good Friday or Easter Sunday, which are Non-Complying Activities;
    - b) Activities provided for under *Rule 20A.9.1 c) – Controlled Activities – Standards and Terms*;
  - vi) *Rule 20A.3.9 - Special Baypark Permitted Activity Rules - Activities and Events (other than Speedway Racing, Activities and Events)*;
- b) Any activity described as a Restricted Discretionary Activity that does not comply with a Restricted Discretionary Activity Standard and Term;
- c) Any activity identified as a Discretionary Activity in *Table 20A.1*;
- d) Any activity not listed as Permitted, Restricted Discretionary or a Non-Complying Activity.

### 20A.6.1 Assessment of Discretionary Activities

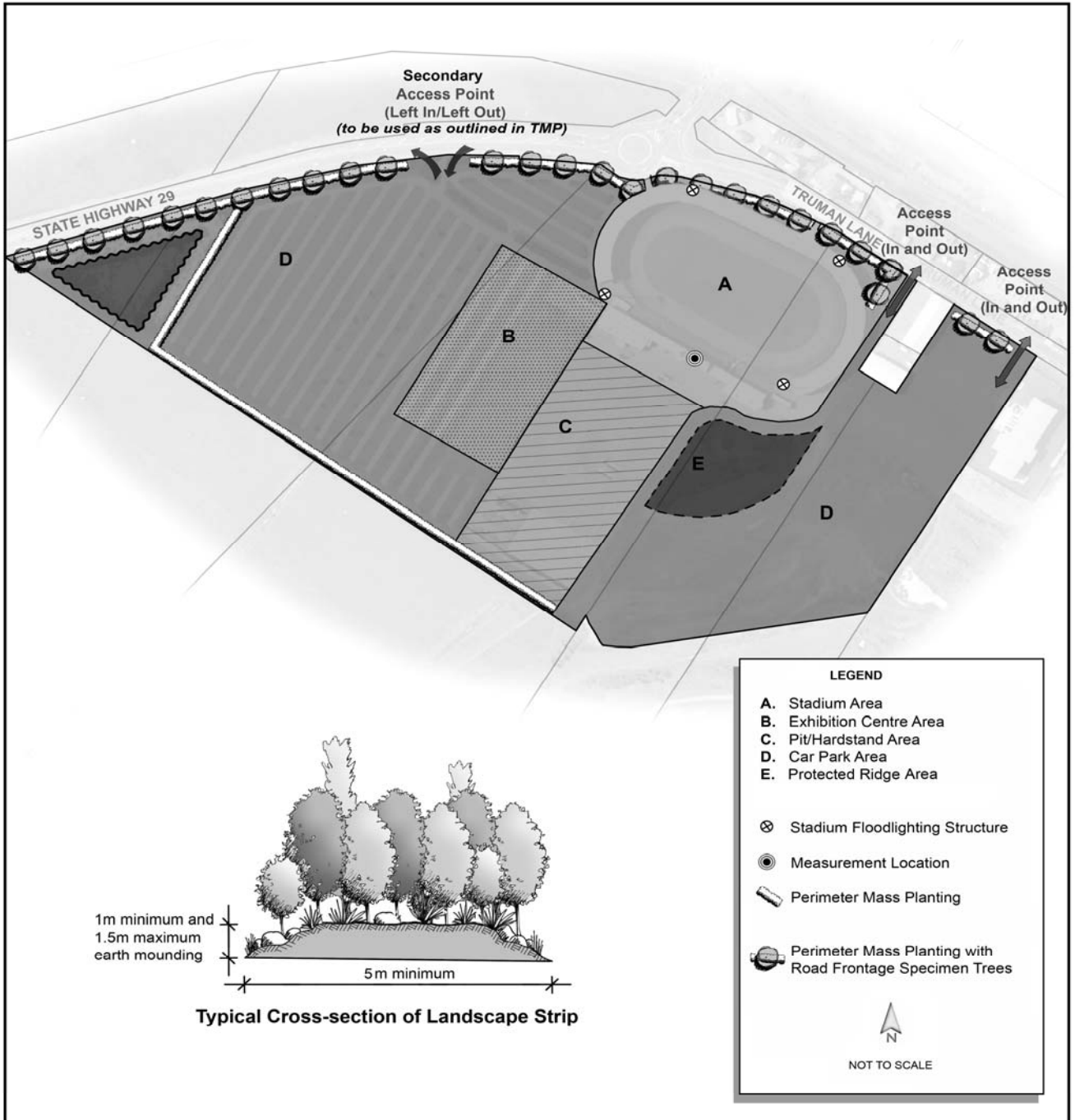
In considering a Discretionary Activity the *Council's* discretion is unrestricted. The *Council* will consider any relevant matter with particular regard to the relevant objectives and policies of *the Plan*.

## 20A.7 Non-Complying Activity Rules

The following are Non-Complying Activities:

- a) Any activity listed as Non-Complying in *Table 20A.1*.

# Appendix 20A: Special Use Zone – Baypark Outline Development Plan



## Appendix 20B: Landscape Planting Specification

Area (Refer Appendix 20A: Special Use Zone Baypark Outline Development Plan)	Species	Planting Standards
Perimeter Mass Planting	Coprosma lucida Coprosma robusta Hebe parviflora Phormium tenax Pseudopanax arboreus Coprosma repens Cordyline australis Dacrydium cupressinum Knightia excelsa Myoporum laetum Metrosideros excelsa	Planting on raised earth bunds to 1m.
Road Frontage Specimen Trees	Metrosideros excelsa	PB 150 Grade. 10m spacings along road frontage except for entry/exit points.