

20. SPECIAL USE ZONE – BAYPARK

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20.1 PURPOSE OF THE SPECIAL USE ZONE – BAYPARK

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 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.

20.2 Objectives and Policies of the Special Use Zone - Baypark

20.2.1 General Objectives and Policies of the Special Use Zone – Baypark

20.2.1.1 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*.

20.2.1.1.1 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.

20.2.1.2 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*.

20.2.1.2.1 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.

20.2.1.3 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*.

20.2.1.4 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.

20.2.1.5 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*.

20.2.1.5.1 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 and Truman Road;
- c) Do not damage or destroy *indigenous* flora and fauna, or heritage, cultural or archaeological values;
- d) Do not damage waterways and associated *ecosystems*.

20.2.1.6 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.

20.2.1.6.1 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) Avoid hazards and inconvenience to people who choose to walk or cycle to Baypark;
- 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.

20.3 Activity Status Rules

20.3.1 Activities within the Special Use Zone - Baypark

All activities within the Special Use Zone - Baypark shall have the status identified in *Table 20.3A*. Symbols used in *Table 20.3A* have the meaning described in *Table 1B: Activity Status*.

Table 20.3A: Activity Status for Activities occurring within the Special Use Zone – Baypark

Use/Activity	Relevant Rule	Stadium Area	Exhibition Centre Area	Pit/Hardstand Area	Future Development Area	Carpark Area	Protected Ridge Area
<i>Accessory building, structure or activity.</i>	-	P <i>(Refer Rule 20.4)</i>	P <i>(Refer Rule 20.4)</i>	P <i>(Refer Rule 20.4)</i>	C <i>(Refer Rule 20.5)</i>	P <i>(Refer Rule 20.4)</i>	P <i>(Refer Rule 20.4)</i>
<i>Business activities, including sports and events administration.</i>	-	P <i>(Refer Rule 20.4)</i>	P <i>(Refer Rule 20.4)</i>	P <i>(Refer Rule 20.4)</i>	C <i>(Refer Rule 20.5)</i>	C <i>(Refer Rule 20.5)</i>	NC <i>(Refer Rule 20.8)</i>
Conferences, concerts, exhibitions, trade shows, entertainment, cultural, sports grounds, activities and events.	-	P <i>(Refer Rule 20.4)</i>	P <i>(Refer Rule 20.4)</i>	P <i>(Refer Rule 20.4)</i>	C <i>(Refer Rule 20.5)</i>	C <i>(Refer Rule 20.5)</i>	NC <i>(Refer Rule 20.8)</i>
<i>Minor public recreational facilities and activities.</i>	20.4	P	P	P	P	P	P



Use/Activity	Relevant Rule	Stadium Area	Exhibition Centre Area	Pit/Hardstand Area	Future Development Area	Carpark Area	Protected Ridge Area
Public recreational facilities and activities.	-	P (Refer Rule 20.4)	P (Refer Rule 20.4)	P (Refer Rule 20.4)	P (Refer Rule 20.4)	P (Refer Rule 20.4)	NC (Refer Rule 20.8)
Places of assembly.	-	P (Refer Rule 20.4)	P (Refer Rule 20.4)	P (Refer Rule 20.4)	C (Refer Rule 20.5)	C (Refer Rule 20.5)	NC (Refer Rule 20.8)
Community facilities.	-	P (Refer Rule 20.4)	P (Refer Rule 20.4)	P (Refer Rule 20.4)	C (Refer Rule 20.5)	C (Refer Rule 20.5)	NC (Refer Rule 20.8)
Speedway racing.	-	P (Refer Rule 20.4 and 20.4.8)	NC (Refer Rule 20.8)	P (Refer Rule 20.4 and 20.4.8)	D (Refer Rule 20.7)	NC (Refer Rule 20.8)	NC (Refer Rule 20.8)
Speedway activities and events.	-	P (Refer Rule 20.4 and 20.4.8)	P (Refer Rule 20.4 and 20.4.8)	P (Refer Rule 20.4 and 20.4.8)	P (Refer Rule 20.4 and 20.4.8)	P (Refer Rule 20.4 and 20.4.8)	NC (Refer Rule 20.4 and 20.4.8)
Signs.	-	P (Refer Rule 20.4)	P (Refer Rule 20.4)	P (Refer Rule 20.4)	P (Refer Rule 20.4)	P (Refer Rule 20.4)	NC (Refer Rule 20.8)

20.4 Permitted Activity Rules

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

20.4.1 Building Height

- a) The maximum *height* of any *building* or *structure*, with the exception of the permitted intrusions in *Rule 4.8.2.3*, 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 20.4.1 a) - Building Height*.

Note: Any activity that does not comply with Permitted Activity Rule 20.4.1 – Building Height shall be considered a Discretionary Activity.

20.4.2 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*.

Note: Any activity that does not comply with Permitted Activity Rule 20.4.2 – Landscaping shall be considered a Restricted Discretionary Activity.

20.4.3 Streetscape

- a) All *buildings* and activities, excluding *signs* provided for in *Rule 20.4.5 b) - 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*.

20.4.4 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*.

20.4.5 Signs

In addition to any matter listed within *Rule 4.4.2 - Permitted Activity Rules* specified within *Chapter 4 - General Rules*, the following *sign* rule shall also apply (in the event of any conflict, the provisions outlined below shall prevail):

- a) A maximum of 10 free-standing general advertising *signs* shall be permitted along the frontage of State Highway 2 South, provided the area of each *sign* does not exceed:
 - i) Eight *signs* of up to 18m²;
 - ii) Two *signs* of up to 25m².

Note: Any activity that does not comply with Permitted Activity Rule 20.4.5 a) – Signs shall be considered a Discretionary Activity.

20.4.6 Traffic Management, Safety and Convenience

20.4.6.1 Access

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

Note: Any activity that does not comply with Permitted Activity Rule 20.4.6.1 – Access shall be considered a Discretionary Activity.

20.4.6.2 Alternative Access to Truman Road

In the event that alternative road or other appropriate access becomes available to Truman Road, then:

- a) The access roundabout into Truman Road (and Baypark) shall be removed which shall include the reinstatement of the relevant section of State Highway 2 South at no cost to the New Zealand Transport Agency;
- b) The reasonable costs to the New Zealand Transport Agency shall be paid for carrying out the works described in *Rule 20.4.6.2 a)*.

Note: Any activity that does not comply with Permitted Activity Rule 20.4.6.2 – Alternative Access to Truman Road shall be considered a Discretionary Activity.

20.4.6.3 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: General Minimum On-Site Parking and Loading Requirements*;
- 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.

Note: Any activity that does not comply with Permitted Activity Rule 20.4.6.3 – On-Site Parking shall be considered a Restricted Discretionary Activity. Any Restricted Discretionary Activity application shall be assessed in accordance with Rule 4.2.3.2 - Restricted Discretionary Activity - Matters of Discretion and Conditions Rules and Chapter 4 – General Rules.

20.4.6.4 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 – Integration Transportation Assessment Information Requirements*) shall be in place and implemented for all activities. The Traffic Management Plan shall:
 - 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 any agreed protocols for undertaking reviews of the Traffic Management Plan by 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 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 5 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 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 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 – Integration 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*.

Note: Any activity that does not comply with Permitted Activity Rule 20.4.6.4 – Activity and Event Traffic Management shall be considered a Discretionary Activity.

20.4.6.4.1 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.
Shall not finish within the following time periods:	After 1800 and before 2100.
	After 1500 and before 1800.

Note: Any activity and event that does not comply with Rule 20.4.6.4.1 –Activity and Event Arrival and Departure Times shall be considered a Discretionary Activity.

20.4.7 Natural Character: Rivers and Streams

Within:

- a) 5 metres of the *edge of a bank* of any *permanently flowing river or stream*;
No activity shall result in:
- b) The clearance of more than 5m² of *indigenous* vegetation on any *site* in any calendar year;
- c) Additions to, or the replacement of any existing lawfully established *building* or *structure* that is proposed to exceed the existing *building* or *structure* envelope or footprint;
- d) The erection or placement of any new *building* or *structure*.

Note: Any activity that does not comply with Rule 20.4.7 – Natural Character: Rivers and Streams shall result in the activity being considered a Non-Complying Activity.

20.4.8 Special Baypark Permitted Activity Rules – Speedway Racing, Activities and Events

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

20.4.8.1 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 4.5.2.6 – 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 20.4.8.2 – 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 circumstances:
 - i) Where *speedway racing*, activities and events, scheduled for the previous Saturday, are postponed or abandoned, then the provisions of *Rule 20.4.8.1.1 - Postponement or Abandonment of a Race Meeting* shall apply;
 - ii) For one annual *speedway racing*, activity and event.
 - e) *Speedway racing*, activities and events shall not be held on Christmas Day, Good Friday or Easter Sunday.

Note: Any activity that does not comply with the Permitted Activity Rule 20.4.8.1 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 20.4.8.1 e) - Number and Duration of Speedway Racing, Activities and Events shall be considered a Non-Complying Activity.

20.4.8.1.1 Postponement or Abandonment of a Race Meeting

Where *speedway racing*, activities and events undertaken in accordance with *Rule 20.4.8.1 – Number and Duration of Speedway Racing, Activities and Events* are postponed or abandoned for any reason, a new race meeting in accordance with the requirements of *Rule 20.4.8 - Special Baypark Permitted Activity Rules – Speedway Racing, Activities and Events* may be rerun within that current *race season* as if the postponed or 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 a ‘rain-out’ pass when departing Baypark which allows for attendance at an alternative race meeting.

Note: Where a speedway race, activity and event is abandoned part way through a race meeting, however no reimbursement or ‘rain-out’ passes are issued, then the speedway racing, activity and event will be considered one of the 20 activities and events permitted by Rule 20.4.8.1 a) - Number and Duration of Speedway Racing, Activities and Events.

20.4.8.2 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	107dB <i>Leq</i> _(5min) and 102dB <i>Leq</i> _(event duration)
Public address system	92dB <i>Leq</i> _(5min) and 87dB <i>Leq</i> _(event duration)

- b) *Rule 20.4.8.2 – Noise*, and *Rule 4.5.2.6 – 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 20.4.8.1 - 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 4.5.2.6 – Special Use Zone - Baypark*:

Note: Any activity that does not comply with Permitted Activity Rule 20.4.8.2 - Noise shall be considered a Discretionary Activity.

20.4.8.2.1 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 20.4.8.2 – 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 20.4.8.2 - Noise* shall be no lower than 1.5 metres from the underside of the stadium roof cladding and shall protrude at least 1.5 metres from the inner edge of the stadium roof towards the centre of the stadium.
 - i) The level for comparison with the limits specified in *Rule 20.4.8.2 – 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 erection of barriers for the purpose of reducing noise emissions;
 - ii) The design and operation of the public address system with respect to management of noise emissions;
 - iii) Procedures for the public notification of *speedway racing*, activities and events;
 - iv) The duties of a liaison person for enquiries from the community regarding noise;
 - v) Procedures to ensure that suitable equipment and trained personal are available as required to conduct noise emission testing from vehicles so as to ensure compliance with the noise limits specified in *Rule 20.4.8.2 - Noise*;
 - vi) Procedures to ensure that every race vehicle is tested for noise emission prior to being permitted to *race* so as to ensure compliance with the noise limits specified in *Rule 20.4.8.2 – Noise*;
 - vii) Procedures to ensure that vehicles that do not comply with the noise emission requirements are not permitted to race until they have been modified as necessary and re-tested such that compliance is demonstrated;
 - viii) Procedures for forwarding the date and time of any proposed noise emission testing to the *Council*, and the allowance for access to the tests by any person or persons nominated by the *Council* as independent observers;
 - ix) Procedures for keeping a register of the individual vehicle emission testing that identifies the date of the test, the vehicle(s) tested and the measured noise level, as well as the details of testing for any vehicle that failed the noise emission test;
 - x) Procedures for keeping a register that identifies the vehicles at each *speedway racing*, activities and event;

- xi) Procedures and protocols for dealing with the backfiring of vehicles. In addition to requiring compliance with *Rule 20.4.8.2 - 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 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 from the remainder of the race meeting;
- xii) Procedures for ensuring that all registers shall be made available for inspection by *Council* staff upon request;
- xiii) Procedures to provide for the ongoing monitoring, by the *speedway racing*, activity and event operator, of noise emissions to ensure that the noise emissions comply with *Rule 20.4.8.2 – Noise*;
- xiv) Procedures to allow for the continual improvement in accuracy and reduction in uncertainty of the level difference between the stadium roof noise limits and the noise limit applying in the receiving community, where the stadium roof limits may be adjusted to better represent the noise levels in the community;
- xv) A procedure detailing the meteorological corrections necessary to adjust the measured noise levels for the weather conditions at the time of measurement. The Noise Management Plan shall detail how meteorological measurements are made and how the resulting corrections are applied to the measured levels;
- xvi) A procedure for the continual improvement of the accuracy of the meteorological corrections as appropriate;
- e) The *speedway racing*, activity and event operator shall permit *Council* Officers or their authorised agents, acting in the course of their duties, free and unrestricted access to the *site* for the purpose of monitoring compliance with *the Plan*;
- f) During the first and tenth meeting in each *race season*, the *speedway racing*, activity and event operator shall undertake the noise monitoring of *rac*es to demonstrate compliance or otherwise with *Rules 20.4.8.2– Noise*, and shall provide the monitoring results to the *Council* within 10 working days from the date of each race meeting;
- g) Prior to the commencement of the *race season* as outlined in *Rule 20.4.8.1- Number and Duration of Speedway Racing, Activities and Events*, a nominated *speedway racing*, activity and event operator shall be appointed to receive noise complaints through a complaints phone line. The phone number of the complaints phone line shall be advertised in a free local newspaper circulating within the local area, on the:
 - i) 1st 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;
- h) All complaints shall be investigated and recorded in a register.

Note: Any activity that does not comply with Permitted Activity Rule 20.4.8.2.1 – Noise Monitoring shall be considered a Discretionary Activity.

20.4.9 Special Baypark Permitted Activity Rules – Activities and Events (other than Speedway Racing, Activities and Events)

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

20.4.9.1 Number and Duration of Activities and Events

The number and duration of any activities and events that exceed the noise provisions of *Rule 4.5.2.6 – 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 4.5.2.6 – Special Use Zone - Baypark* shall be 6.
- b) Activities and events, operating within the noise levels of *Rule 20.4.9.2 – 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.

Any activity that does not comply with Permitted Activity Rule 20.4.9.1 – Number and Duration of Activities and Events shall be considered a Discretionary Activity.

20.4.9.2 Noise

- a) Activities and events provided for by *Rule 20.4.9.1 – 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>	103dB Leq (5min)

- b) Outside of the days and hours specified in *Rule 20.4.9.1 - 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 4.5.2.6 – Special Use Zone – Baypark*.

Any activity that does not comply with Permitted Activity Rule 20.4.9.2 – Noise shall be considered a Discretionary Activity.

20.4.9.2.1 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 20.4.9.1 - Number and Duration of Activities and Events*, no adjustments for special audible characteristics or duration corrections shall be made;

- b) Access to the mixing desk and other parts of the *site* shall be provided to *Council* staff or their agent during any activities and events for the purpose of Noise Monitoring to assess compliance with *Rule 20.4.9.2 - Noise*.

Any activity that does not comply with Permitted Activity Rule 20.4.9.2.1 – Noise Monitoring shall be considered a Discretionary Activity.

20.4.10 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.

- a) The provisions of *Chapter 4 – General Rules*;
- b) The provisions of *Chapter 7 - Heritage*;
- c) The provision of *Chapter 8 - Natural Hazards*;
- d) The provisions of *Chapter 9 - Hazardous Substances and Contaminated Land*;
- e) The provisions of *Chapter 11 – Financial Contributions*;
- f) The provisions of *Chapter 12 - Subdivision, Infrastructure and Services, Section 12.16 - Infrastructure and Services*;
- g) The provisions of any Plan Area.

20.5 Controlled Activity Rules

Any activity listed as a Controlled Activity within *Table 20.3A* is deemed a Controlled Activity.

20.5.1 Controlled Activities - Standards and Terms

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.

Controlled Activities shall comply with the following standards and terms:

- a) Any activity described as a Controlled Activity in *Rule 20.5 – Controlled Activity Rules* shall meet the Permitted Activity Rules outlined in *Rule 20.4*;
- 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) A Noise Assessment shall be submitted with each application to demonstrate how the activity will comply with *Rule 4.5.2.6 – Special Use Zone - Baypark*;
- d) A Traffic Management Plan (which shall include, but is not limited to, the provisions of a wide area assessment in accordance with *Appendix 4M: Integration Transportation Assessment Information Requirements*) shall be submitted to demonstrate how the proposed layout of access and parking at Baypark will comply with *Rule 20.4.6 - Traffic Management, Safety and Convenience*.

20.5.2 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 20.4.2 - 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.

20.6 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a) Any Permitted Activity that does not comply with:
 - i) *Rule 20.4.2 – Landscaping*;
 - ii) *Rule 20.4.3– Streetscape*;
 - iii) *Rule 20.4.4 – Building Amenity*;
 - iv) *Rule 20.4.6.3 – On-site Parking*.
- b) Any activity described as a Controlled Activity that does not comply with a Controlled Activity standard and term, other than:
 - i) *Rule 20.4.1 – Building Height*;
 - ii) *Rule 20.4.5 a) – Signs*;
 - iii) *Rule 20.4.6.1 – Access*;
 - iv) *Rule 20.4.6.2 – Alternative Access to Truman Road*;
 - v) *Rule 20.4.6.4 – Activity and Event Traffic Management*;
 - vi) *Rule 20.4.6.4.1 – Activity and Event Arrival and Departure Times*, which are Discretionary Activities;
 - vii) *Rule 20.4.7 – Natural Character: Rivers and Streams*, which is a Non-Complying Activity.

20.6.1 Restricted Discretionary Activities - Matters of Discretion and Conditions

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

20.6.1.1 Landscaping

In considering activities that do not comply with the *Rule 20.4.2 - Landscaping*, the *Council* restricts the exercise of its discretion to:

- a) The effect of the activity on the surrounding *landscape character* described in *Policy 6.2.1.7.1*.

20.6.1.2 Streetscape

In considering activities that do not comply with the *Rule 20.4.3 - 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*.

20.6.1.3 Building Amenity

In considering activities that do not comply with the *Rule 20.4.4 – 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*.

20.6.1.4 On-site Parking

In considering activities that do not comply with the *Rule 20.4.6.3 – On-Site Parking*, the *Council* restricts the exercise of its discretion to:

- a) *Rule 4.2.3.2 - Restricted Discretionary Activities, - Matters of Discretion and Conditions* outlined in *Chapter 4 – General Rules*.

20.6.1.5 Activities Described as a Restricted Discretionary Activity in Rule 20.6 b) – Restricted Discretionary Activity Rules

In considering activities identified as Restricted Discretionary in *Rule 20.6 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 20.5.1*;
- b) The matters over which the *Council* has reserved control in *Rule 20.5.2 - Controlled Activities - Matters of Control and Conditions*.

20.7 Discretionary Activity Rules

The following are Discretionary Activities:

- a) Any Permitted Activity that does not comply with:
 - i) *Rule 20.4.1 – Building Height;*
 - ii) *Rule 20.4.5 a) – Signs;*
 - iii) *Rule 20.4.6 2 – Alternative Access to Truman Road;*
 - iv) *Rule 20.4.6.4 – Activity and Event Traffic Management;*
 - v) *Rule 20.4.8 - 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;
 - vi) *Rule 20.4.9 - Special Baypark Permitted Activity Rules - Activities and Events (other than Speedway Racing, Activities and Events);*
- b) Any activity identified as a Discretionary Activity in *Table 20.3A*;
- c) Any activity not listed as Permitted, Restricted Discretionary, Non-Complying or a Prohibited Activity.

20.7.1 Assessment of Discretionary Activities

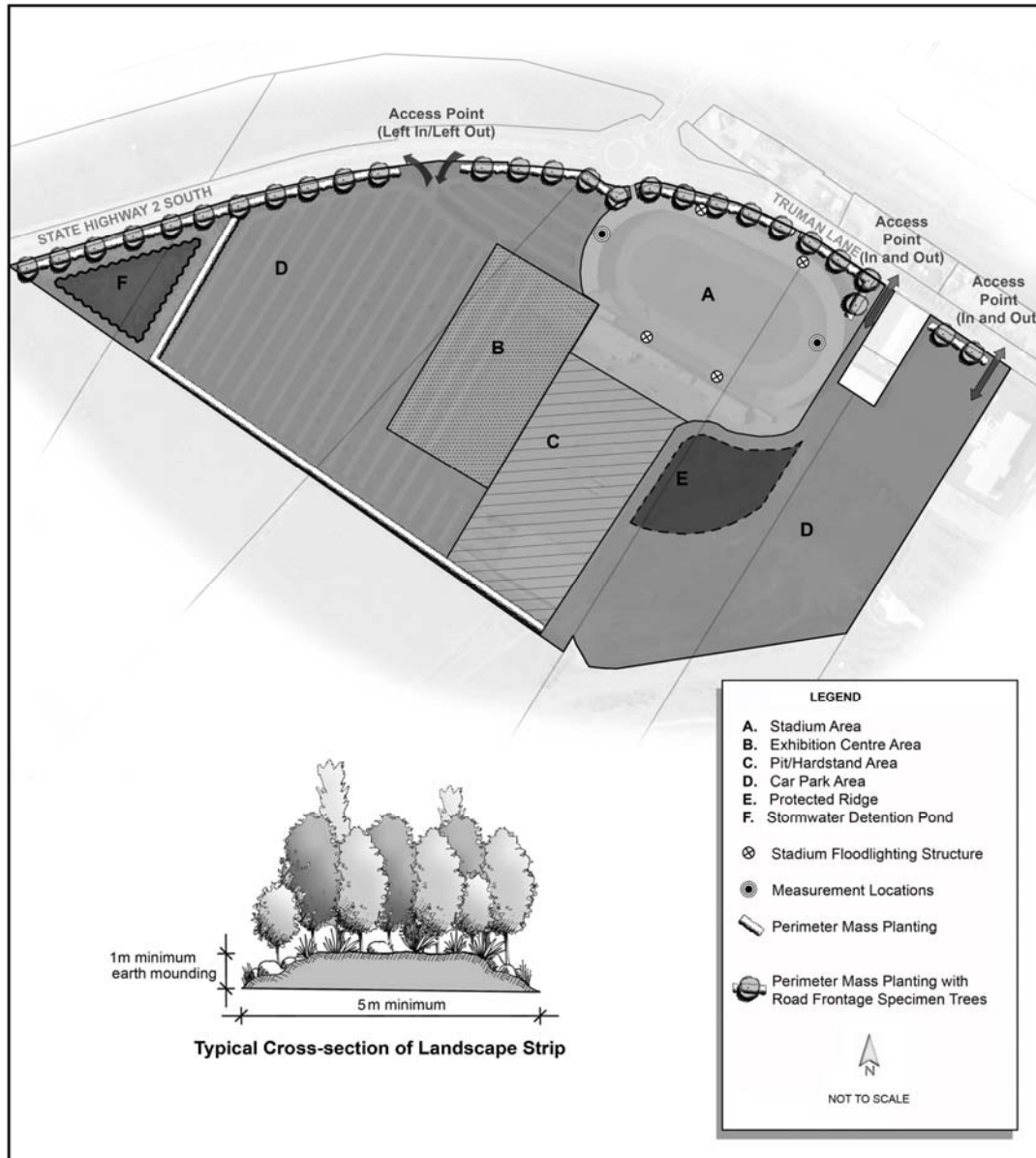
In considering a Discretionary Activity the *Council's* discretion is unrestricted. The *Council* will consider any relevant matter with particular regard to the relevant objectives and policies of *the Plan*.

20.8 Non-Complying Activity Rules

The following are Non-Complying Activities:

- a) Any activity listed as Permitted that does not meet *Rule 20.4.7 - Natural Character: Rivers and Streams;*
- b) Any activity listed as Non-Complying in *Table 20.3A*.

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.