



TAURANGA CITY COUNCIL

CITY PLAN SECTION 32 REPORT

Chapter 20 – Special Use Zones Baypark



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1. INTRODUCTION

The Council is required under section 32 of the Resource Management Act 1991 (the RMA) to carry out an evaluation of alternatives, costs and benefits, and efficiency and effectiveness of the various components of the proposed City Plan.

Section 32 of the Act requires that the evaluation must examine:

- (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.

An evaluation must also take into account:

- (a) the benefits and costs of policies, rules, or other methods; and
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

This report fulfils the obligations of the Council under s32 of the RMA. The following is a section 32 analysis in regard to Special Use Baypark Zone It should be read together with the text of the proposed City Plan itself.

2. PURPOSE OF THE CHAPTER

The Special Use Zone - Baypark provides for event-based activities at the Baypark. The overall approach is to enable flexible use of a significant public facility whilst protecting the surrounding area from significant adverse environmental effects, particularly from noise and traffic.

3. RECORD OF DEVELOPMENT OF PROVISIONS

3.1 Background Research

The Special Use Baypark Zone provisions consolidate the management of effects of existing activities at Baypark that were originally authorised under nine separate resource consents granted between 1999 and 2009:

There are two main consents relevant to the site, and a number of minor consents and variations to the main consents.

- The first consent was for the establishment and operation of Speedway (commonly referred to as the Speedway Consent);
- The second consent was for non-speedway related activities, including the development of a Sports and Exhibition Centre (commonly referred to as the Sport and Exhibition Centre Consent).
- The minor consents, include the staging of a rock music concert, rugby matches, operation of a conference/events centre and a number of temporary activities. Two variations have also been approved to the Sport and Exhibition Centre consent which involve amendment in the layout and size of the proposed building and car parking effects.

The specific consents and their approval dates are outlined below:

- December 1999 Speedway consent;
- March 2001 Change to Speedway consent– buildings, layout and parking;
- November 2001 Use of speedway buildings for other events;
- December 2001 Change to Speedway consent – slip lane;
- July 2002 Extend use for conferences and other events;
- April 2003 Change to Speedway consent – noise controls;

- March 2005 Non-Speedway related Sports and Events (commonly referred to as the Sport and Exhibition Centre Consent)
- December 2009 Exhibition Centre change in building layout
- March 2008 Exhibition Centre change in building layout

The resource consent conditions were derived from Assessments of Environmental Effects that have been tested through the resource consent application process and the case of the original speedway consent in 1999, through the Environment Court appeal process (settled by consent).

Copies of the relevant resource consents are available under file reference P6630-1185-2 from the Tauranga City Council. Reference should also be made to the applications referred in these consents as they are referred to in consent conditions.

3.2 Plan Provisions

The environmental standards included in the plan rules are based on those contained in the resource consent conditions.

Resource consent conditions dealing with construction and site services were complied with at the time of the facilities being established and continuing compliance is not at issue. Therefore, these conditions have not been converted into plan rules.

Resource consent conditions dealing with traffic, noise, landscape, artificial lighting, visual and cultural effects require continuing compliance. These conditions have been converted into plan rules (conditions for permitted activities and assessment criteria). A further noise report has been undertaken to support the continuing noise monitoring requirements, which is discussed further in this report.

The requirement for a Community Liaison Group (CLG) to be constituted under the Speedway Consent is not suitable as a plan rule. The CLG was established to provide feedback to the Council on Speedway operations. This can be implemented under Councils wider policy for monitoring and community engagement. This matter is further discussed in the Consultation Outcomes of this report.

An overview of the key provisions of the Plan Content is set out below:

3.3 Activities and Location

An Outline Development Plan and Activity Schedule defines the location of the key activities on the site. This plan is a compilation and reconciliation of the site plans approved under each resource consent.

The proposed provisions establish permitted activities that correspond with the activities and related effects authorised under the granted resource consents.

Future activities that have effects that exceed defined standards will require resource consent:

- Controlled Activity, where the effects are highly predictable and meet established visual, noise and traffic standards for the site, for example building within a carparking area where alternative parking is made available.
- Restricted Discretionary Activity, where the effects are less predictable, but localised and generally meet established visual, noise and traffic standards for the site, for example development that does not meet the landscaping rules.

- Discretionary Activity, where the effects are not predictable and extend over a wide area beyond the site, for example development that does not meet the noise or traffic rules.
- Non-Complying Activity, where significant adverse effects are likely, for example development that does not meet the restriction on speedway on Christmas Day, Good Friday or Easter Sunday..

3.4 Traffic Effects

Traffic effects for the entire site were addressed in 2005 by Traffic Design Group and reviewed and confirmed by GHD (and sub-consultant) as part of subsequent consent variations in 2008 and 2009.

A Comprehensive Traffic Management Plan (TMP) for the site was developed as part of the 2005 application for consent to expand the range of activity and event uses to include conferences and large concerts. This report was reviewed and updated in August 2008.¹

In the TMP thresholds are defined for activities and events based on the number of attendees, triggering increasingly rigorous traffic management plan responses.

For activities and events in excess of 15,000 people, the on-site parking capacity of the site is exceeded and a traffic demand management requirement applies. This is likely to require alternatives such as “park and ride” arrangements to be put in place on a temporary basis. The TMP framework is included in the permitted activity rules. The resource consents provided a threshold of 17,000. However this has been reduced to 15,000 in recognition of the uncertainty over parking provision available on site for large events.

It is recognised that once the City Plan is made operative, or the requirements of Chapter 20 – Special Use Zone: Baypark are past the point of challenge, then the TMP will need to be reviewed and updated to reflect these amended provisions.

Parking on the site is addressed on a comprehensive basis given the extent of shared parking between the activities. At least 3000 permanent car parking spaces must be available for the combined establishment of permitted activities allowed on the site. Where greater parking numbers are required on site based upon the activity or event size and requirements (not the gross floor area of buildings or seating requirements when a building or structure is not being utilised), temporary overflow parking must be provided in accordance with the general plan rules for parking of the City Plan.

Event based activities can occur within the defined car parking areas provided the activity can still meet the District Plan requirements for its own on-site parking.

Where any new activity will result in the permanent loss of parking capacity, resource consent will be required to address any effects.

3.5 Noise Effects

Noise effects were reviewed in September 2009². Whilst the noise standards have been maintained as provided under resource consent conditions, more meaningful and robust measurement procedures have been included, with particular reference to the measurement and assessment of speedway noise.

¹ Comprehensive Traffic Management Plan, Hjarne Poulsen, Traffic Design Group, 29 August 2008

² Special Use Zone – Baypark Acoustic Considerations, Jon Styles, 31 August 2009

The review report provides a detailed technical assessment of the required changes in methodology relating to:

- New noise descriptors under NZS 6801:2008 and 6802:2008
- Changing from a community measurement of noise (outside the stadium) to an “at source” measurement (within the stadium).

3.6 Landscape and Visual Effects

The large scale buildings for the stadium, lighting and events centre are impossible to conceal from wider view. As a site for events and large public gatherings a high profile character is generally appropriate. The site was previously zoned “Industrial Business” and the development was consistent with the character of permitted structures in this zone.

Signage to advertise events is allowed on buildings. Billboards of a defined number and scale are also provided for as these are lawfully established activities on the site.

Landscape and visual effects are addressed through controls on building location, scale, and exterior colours, and on-site landscape buffers and amenity planting on the site perimeter. The core mitigation requirements defined on the landscape concept plans approved as part of the consenting process have been compiled into a single framework that is shown on the Outline Development Plan with planting standards specified in a separate schedule.

The primary mitigation elements are screening of vistas into the site from the State Highway and Truman Road. Landscaping serves mainly to screen the large expanse of car parking to the western end of the site and to soften the edges of the site and to integrate with the coastal harbour environment.

3.7 Artificial Lighting

Artificial lighting is addressed under the general plan rules, and no special rules are required.

3.8 Archaeological and Cultural Effects

The site is situated at a harbour edge location with raised land features that were previously islands on the harbour edge. These islands were used by local Maori as fishing and camping sites.

A ridge feature within the site is restricted from development as this feature has particular significance to tangata whenua., however it is noted that there is an established residential building permitted as an existing use on the ridge.

The roadway along the site margins to the south has been assessed by an archaeologist as having no adverse effects on any features.

3.9 Consultation Outcomes

In April 2009 a community feedback exercise was undertaken on draft content for the City Plan. As a result of this process the following feedback was received:

- Need to make sure that the intent of the existing resource consent conditions are instilled through the Plan process (maintain integrity of the resource consent);
- Continue to undertake consultation;
- Seek to ensure that the effects of noise and traffic movements do not escalate to increase the adverse effects on the surrounding community;
- Questions have been raised over process and activities proposed within the site (such as the burnout pad).

Tauranga City Venues Limited (TCVL)

TCVL initiated the proposed zoning change for the site and, through working with Boffa Miskell Ltd and TCC a Chapter for public notification was developed. This included the review of consent conditions and the development of the noise report from JP Styles.

Community Liaison Group

Two meetings were held with the community liaison group. The first was to outline the concept of transferring the intent of the rule requirements into Plan content, and the second was to present the working draft of Chapter 20 for their consideration. This included a discussion on the proposed noise monitoring methodology. Following the meeting the noise report that underpins the noise levels specified within the Chapter was also provided to this group.

As part of the process all members of the Community Liaison Group were written to by Peter Frawley: Customer and Environmental Services Group Manager. The purpose of the letter was to check on membership aspirations of all parties. The Liaison Group normally meets three times a year, once at the start of the Speedway season (prior to October), then during the season (January) and at seasons end (April/may). Only one part provided written feedback to this correspondence identifying that they no longer wished to be part of the Liaison Group. This matter was also discussed at the liaison group meeting on the 11th September 2009. No opposition to ending the group was raised, however it was noted that the group would continue to work together and meet until such a time as the Proposed Chapter was passed the point of challenge (i.e. operative)

Bay of Plenty Speedway Association

A meeting was held with the Bay of Plenty Speedway Association in March of 2009 to discuss the proposed Special Use Zone, and to explain the details of the zone and process for the review of the operative District Plan. A general overview was provided of the existing planning controls under the resource consents for the site. Further detail was provided of the proposed rules. The Association were generally satisfied with the approach, provided that the proposed changes did not impact on the operation of the Speedway facilities. The Association reiterated contractual obligations of the Speedway promoter and TCVL to provide for ongoing speedway events.

Baypark Speedway Promotions Ltd

A meeting was held with the Speedway Promoter following the development of the Draft in September 2009. The purpose of the meeting was to work through the draft provisions and highlight any minor technical issues which the site currently operates within and identify whether changes could be made the Draft Plan content prior to notification.

3.10 Council Meetings

Meeting: Strategy and Policy Committee – 20 July 2009

- There is a need to make sure that the intent of the existing resource consent conditions are instilled through the Plan process (maintain integrity of the resource consent);
- Continue to undertake consultation;
- Seek to ensure that the effects of noise and traffic movements do not escalate to increase the adverse effects on the surrounding community;
- Questions have been raised over process and activities proposed within the site (such as the burnout pad).

Meeting Outcomes:

- Continue to transfer the resource consent into Draft Plan content provided the intent of the existing resource consent is met.

3.11 Relevant Legislation, Strategies and Policy

Resource Management Act 1991

Section 5 - Purpose and Principles

The development of Baypark enables the community to provide for its social economic and cultural wellbeing and:

- Natural and physical resources will be sustained, providing for the needs of future generations;
- Life supporting capacity of natural systems will not be adversely affected.
- Adverse effects of the proposed activities will be adequately mitigated.

Section 6 - Matters of National Importance

Section 6(e)

The Baypark site sits alongside the Tauranga Harbour which as a natural feature having high cultural significance. There are archaeological and cultural sites within and to the southern boundary of the site which have been recognised and provided for.

Section 7 - Other Matters

Sections 7(c) and 7(f):

The Baypark site is located adjacent to sensitive residential areas to the east where amenity and environmental quality need to be protected. Noise emissions are an issue of particular importance. Overspill effects of traffic, including traffic movement and parking in surrounding residential streets is also an issue that must be addressed.

Section 7(g):

The Baypark site is located adjacent to state highway and rail corridor. Effects of activities on the site these nationally important physical resources must be taken into account.

In achieving the purpose of this RMA, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to:

- (c) *the maintenance and enhancement of amenity values:***
- (f) *maintenance and enhancement of the quality of the environment:***

Those administering the RMA must give particular weight or consideration to the matters of section 7. The matters in section 7 must be recognised as “important to the particular decision” and therefore to be considered and carefully weighed in coming to a conclusion.

Part 5 – Standards, Policy Statements, and Plans

Section 74 Matters to be Considered by Territorial Authority

There are no specific provisions within the Regional Policy Statement or any Regional Plan that are relevant to the site or that require regard to be given in any City Plan provision (Section 74(2)(a)).

Management plans or strategies prepared under other Acts that are relevant to the site or that that require regard to be given in any City Plan provisions are (Section 74(2)(b)(i)):

1. The development of Baypark for a Sports and Exhibition Centre is identified in the TCC “Ten Year Plan” as a major project. The proposed City Plan provisions are consistent with the objectives of the Ten Year Plan.
2. The road infrastructure within the Eastern Corridor is identified as strategically important for economic growth in the SmartGrowth Strategy and Regional Land Transport Plan. The City Pan provisions are consistent with the objectives of these plans.

There is an identified historic site present alongside the southern site boundary of Baypark that requires regard to be given for any future development on parts of the site. (Section74(2)(b)(iia)).

The are no inconsistencies with the plans or proposed plans of the Western Bay of Plenty Districts Council (Section 74(2)(c)).

Known relevant provisions of iwi planning documents have been taken into account in the provisions (Section74 (2A)(a)). The Ngaiterangi Iwi Management Plan identifies heritage values and waahi tapu in this general area. This has been taken into account in the site development and restrictions on development on some parts of the site (ridge feature).

Section 75 Contents of District Plans

There are no relevant National Policy Statements, NZ Coastal Policy Statement, or Regional Policy Statement that need to be given effect matters in the provisions (Section 75(3)).

4. ISSUES

4.1 Summary of Issues

The issues for Baypark are to provide sufficient and suitable space for large scale public activities and events in a location that will have acceptable effects on the environment, including strategic transport routes.

The effects of activities occurring within Baypark have the potential to adversely affect the surrounding environment and create effects on strategic transport routes. The Council has an important role through this Plan's provisions, to ensure the development of these resources is consistent with the values of the land and is compatible with adjoining activities and manage these appropriately.

Baypark, as a multi purpose recreation and leisure facility provide for a wide range of recreation and leisure opportunities within large scale integrated complexes. These complexes are highly valued by the community and add to the social, cultural and economic well being of residents. Equally, the Council recognises the need to reconcile the unique role of individual events and activities within Baypark, their operational requirements and the future development expectations of the respective administering bodies together with the need to protect, particularly, the amenity of surrounding residential properties.

Baypark, as a facility hosts a diverse range of recreation community and leisure activities and serves a substantial regional catchment of people. Through adopting a flexible approach to the development of multi-purpose recreation and leisure activities, the Council considers that it will enable Baypark to manage the planned development while ensuring adverse effects are limited to within acceptable levels which have been previously set by resource consent.

4.2 Issue 1 - Provision of Space for Large Scale Activities and Events

Inadequate provision of space for large scale activities and events in the City will result in restricted access for the City and sub-regional community to valued social, cultural and economic opportunities.

4.2.1 Objectives

This table identifies the appropriateness of the listed objectives in achieving the purpose of the RMA.

Objective Number	Objective	Appropriateness
20.2.1.1	<i>Role and Function Development of Baypark Stadium supports its role and function as the principal large scale events facility for Tauranga and the sub region.</i>	<i>This Objective is consistent with purpose of the Act as it enables important social cultural and economic outcomes to be achieved.</i>

Objective 20.2.1.1 is addressed through Policy 20.2.1.1.1. These policies are to be achieved through:

- A Special Use Zoning over land that provides sufficient space for current and future event- based use and development;
- Identifying the permissibility of activities and events within the Activity Status Rules Table within Chapter 20 –Special Use Zones: Baypark.

4.2.2 Policies, Methods and EREs

<i>Policies and Methods</i>	<p><i>Policy 20.2.1.1.1 - By providing for the role and function of Baypark Stadium through:</i></p> <p>(a) <i>Enabling a wide range of event related commercial, recreational, cultural, civic, educational and living activities to establish and operate;</i></p> <p>(b) <i>Maintaining and enhancing opportunities' for commercial, recreational, cultural, civic, educational and living activities that serve the City and sub regional population;</i></p>
<i>Costs</i>	<i>The activity is already established and operating on the site and providing the role and function provided for by the Objective through existing resource consents, thus the cost is low..</i>
<i>Benefits</i>	<i>The Special Zone will provide greater certainty that ongoing use and development of this existing public resource can occur, making optimal use of a large existing investment.</i>
<i>Risk</i>	<p><i>The activity exists and is strongly supported by the community.</i></p> <p><i>There is a low risk that the outcomes sought will not be achieved.</i></p>
<i>Efficiency</i>	<i>The provisions are efficient. They will provide appropriate certainty in achieving the intended community outcome.</i>
<i>Effectiveness</i>	<i>The provisions are effective. The extent of the Special Zoning encompasses identified future needs, which are managed through rule requirements (controlled activity status).</i>
<i>Appropriateness</i>	<i>The provisions enable important social cultural and economic outcomes to be achieved.</i>

<i>Alternative 1 – Status Quo – Status Quo (Industrial Zone with Resource Consents)</i>	<i>This Alternative provides adequately for current use, but does not recognise the long term needs which require resource consents to establish and operate on the site that are not covered by the existing resource consents. Furthermore, because of the numerous resource consents, and differing management provisions within those it is considered that this method is not appropriate nor efficient for the continued functioning of the site.</i>
<i>Alternative 2 – Reserve Zoning</i>	<p><i>This Alternative could provide for current use, and long term needs, but does not provide sufficient certainty for future development.</i></p> <p><i>It is appropriate to more clearly identify the community's intentions for the site and identify that it will continue to develop in response to growth and change in the needs of the community, provided adherence is complied within respect to development limitation sets through rule requirements..</i></p>

Based on the finding of the assessment of cost and benefits and the efficiency and effectiveness of the Policies and Methods, the Objective “Development of Baypark Stadium supports its role and function as the principal large scale events facility for Tauranga and the sub region” is an appropriate way to achieve the purpose of the RMA.

4.2.3 Monitoring Proposed Plan Provisions

ERE	Indicator	Evaluation of Plan Effectiveness
<i>The sustainable management of Baypark to efficiently and effectively meet the recreation, and leisure needs of all residents.</i>	<i>Number of activities and events that occur at Baypark each year.</i>	<i>Council records/Baypark Operator Records</i>

4.3 Issue 2 - Maintenance and Enhancement of Amenity Values and Environmental Quality in the Areas Surrounding Baypark

The use, development and operation of Baypark can create adverse effects on the surrounding amenity of the environment. Specifically, these adverse effects can effect amenity values, heritage values, and environmental quality that adjoining landowners expect to enjoy. The key resource consents established a baseline of effects (greater than that permitted by the Operative District Plan) permissible within the surrounding environment. There is a need to continue to provide for these effects (as it is required to ensure that the existing resource is able to be utilised to its potential), while ensuring all effects are managed within appropriately levels.

4.3.1 Objectives

This table identifies the appropriateness of the listed objectives in achieving the purpose of the RMA.

Objective Number	Objective	Appropriateness
20.2.1.2	<i>Bulk and Scale of Buildings and Structures</i> <i>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.</i>	<i>The Council has a statutory duty to ensure that amenity values, heritage values, and environmental quality are maintained at an acceptable level in the areas surrounding Baypark.</i>
20.2.1.3	<i>Site Layout and Building Design</i> <i>Development is unrestricted in the layout and design of buildings, provided regard is had to the amenity of the surrounding environment.</i>	
20.2.1.5	<i>Adverse Effects on the Surrounding Environment</i> <i>Buildings, structures, and activities do not adversely affect the amenity values, landscape character, or heritage values of the surrounding environment.</i>	

Objectives 20.2.1.2, 20.2.1.3 and 20.2.1.5 is addressed through Policies 20.2.1.1.2, 20.2.1.3.1 and 20.2.1.5.1. These policies are to be achieved through:

- A Special Use Zoning over land that provides sufficient space for current and future event-based use and development;
- Identifying the permissibility of activities and events within the Activity Status Rules Table within Chapter 20 –Special Use Zones: Baypark;
- Policy 20.2.1.2.1 is achieved through
 - Rule 20.4.1 – Building Height, which sets a maximum height for buildings and structures;

- Policies 20.2.1.3.1 and 20.2.1.5.1 are achieved through
 - Rule 20.4.2 – Landscaping, which provides for a consistent landscaped boundary of the sites frontage;
 - Rule 20.4.3 – Streetscape, which provides for a consistent setback from front boundary of sites and opportunities for landscaping;
 - Rule 20.4.4 – Building Amenity, which provides for the potential reflectivity of large buildings to be minimised;
 - Rule 20.4.5 – Signs, which sets a framework for acceptable effects of promotion of activities on the surrounding environment.

4.3.2 Policies, Methods and EREs

<i>Policies and Methods</i>	<p>20.2.1.2.1 Bulk and Scale of Buildings and Structures</p> <p><i>By limiting the building envelope sufficient to provide for development, while:</i></p> <ul style="list-style-type: none"> a) <i>Ensuring the maintenance of landscape character of the surrounding environment;</i> b) <i>Ensuring the amenity of the surrounding environment is not compromised;</i> c) <i>Ensuring the effects of development are mitigated by landscaping and appropriate building form where the building envelope is exceeded.</i> <p>20.2.1.4 Site Layout and Building Design</p> <p><i>By providing an unrestricted layout and design of buildings, while ensuring that:</i></p> <ul style="list-style-type: none"> a) <i>Development opposite a sensitive zone provides landscape planting to soften and integrate the development;</i> b) <i>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;</i> c) <i>Development is appropriately set back from areas of natural character, or land zoned Conservation.</i> <p>20.2.1.5.1 Adverse Effects on the Surrounding Environment</p> <p><i>By ensuring the siting, design, operation and maintenance of activities:</i></p> <ul style="list-style-type: none"> a) <i>Emits acceptable levels of noise and light to sensitive zones;</i> b) <i>Maintain the landscape character and streetscape of the surrounding environment, including the mitigation of visual effects of the buildings when viewed from State Highways 2 and 29 and Truman Road;</i> c) <i>Do not damage or destroy indigenous flora and fauna, or heritage, cultural or archaeological values;</i> d) <i>Do not damage waterways and associated ecosystems.</i>
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Costs	<p><i>Minimal costs are likely to arise as the activity is already established and operating on the site and complies with the standards specified in resource consents and the plan rules.</i></p> <p><i>The plan provisions will reduce some compliance costs through more robust monitoring provisions.</i></p>
Benefits	<p><i>Greater clarity in the required standards will enable more effective monitoring and enforcement where required.</i></p> <p><i>Future development will be more efficiently controlled through consent procedures that restrict discretion in circumstances where there will be no adverse effects on the surrounding environment</i></p>
Risk	<p><i>The plan provisions use proven techniques with standards derived from existing resource consents. These techniques are also employed extensively in other parts of the City Plan, and throughout New Zealand. There is a low risk that the intended outcomes will not be achieved.</i></p> <p><i>The intent of S128 Review provisions under several consent conditions will continue. These conditions relate to traffic effects. Permitted activities require that a certified Traffic Management Plan be maintained, including a review requirement every year.</i></p> <p><i>The facility is owned and operated by the Council on behalf of the community which further mitigates any risk that unanticipated adverse outcomes would continue unabated.</i></p>
Efficiency	<p><i>The provisions are efficient. They will provide appropriate certainty in achieving the intended environmental outcomes. Little discretion needs to be applied to implement the provisions.</i></p>
Effectiveness	<p><i>The provisions are effective. The plan provisions use proven techniques with standards derived from existing resource consents. These techniques are also employed extensively in other parts of the City Plan, and throughout New Zealand.</i></p>
Appropriateness	<p><i>The provisions are appropriate as the Council has a statutory duty to ensure that amenity values, heritage values, and environmental quality are maintained at an acceptable level in the areas surrounding Baypark.</i></p>

<p><i>Alternative 1 – No Policies relating to anticipated character and amenity</i></p>	<p><i>The alternative ‘do nothing’ relies on continuing with the current Approach by managing the site by resource consent. This Alternative provides adequately for current use although there are some deficiencies in the consents that should be addressed. The ability to manage the site activities in a straightforward manner is compromised by having nine separate consents to refer to.</i></p> <p><i>The status quo does not recognise long term needs and is an inefficient method given the need to respond to changing community needs that should be enabled on the site.</i></p>
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Based on the finding of the assessment of cost and benefits and the efficiency and effectiveness of the Policies and Methods, the Objectives:

- *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.*
- *Development is unrestricted in the layout and design of buildings, provided regard is had to the amenity of the surrounding environment.*
- *Buildings, structures, and activities do not adversely affect the amenity values, landscape character, or heritage values of the surrounding environment.*

are appropriate ways to achieve the purpose of the RMA.

4.3.3 Monitoring Proposed Plan Provisions

ERE	Indicator	Evaluation of Plan Effectiveness
<i>The protection of amenity values of residential areas which abut the City's Recreation Zones</i>	<i>Number, cause and frequency of complaints Compliance with Noise Monitoring Requirements (i.e. number of breaches in sound levels)</i>	<i>Council records Complaints phone line (manage by Baypark Operator)</i>

4.4 Issue 3 – Activities and Events, through their traffic generation, parking and access requirements, can adversely affect the safe, efficient and sustainable functioning of the transport network

Growth has a major impact on the efficient functioning of the transport network which can adversely affect the levels of service of the roads that form part of that network, in particular the primary roads. The Regional Land Transport Strategy states:

“The western Bay of Plenty sub-region has undergone significant growth which has placed a strain on the existing infrastructure. The roading network in the western Bay of Plenty sub-region has become congested. The sub-region has previously had great difficulty in obtaining central government funding in order to complete the roading network within the timeframes that the infrastructure is required, due predominantly to the high costs of construction... .The sub-region is in a serious lag position owing to a lack of key arterial roads. The resultant traffic congestion is having a negative effect on the region’s economy.”
(para 4, section 2.4)

Baypark access and egress is directly onto the State Highway Network and because of this the safety, efficiency and sustainability of the transport network may be adversely affected by off-site effects from some activities and events that operate at Baypark

4.4.1 Objectives

This table identifies the appropriateness of the listed objectives in achieving the purpose of the RMA.

Objective Number	Objective	Appropriateness
20.2.1.6	<i>Safety, Efficiency and Sustainability of the Transport Network The safety, efficiency and sustainability of the transport network is not adversely affected by the activities at Baypark.</i>	<i>Baypark is located adjacent to state highway and rail corridor. The eastern corridor is planned to have significant growth over the long term, with consequential increases in traffic flow along the state highway. The rail way is an important route to the Port of Tauranga. Effects of event activities on these nationally important physical resources must be taken into account.</i>

Objective 20.2.1.6 is addressed through Policy 20.2.1.6.1. This Policy is to be achieved through:

- A Special Use Zoning over land that provides sufficient space for current and future event- based use and development including identifying entry and eexit points;
- Rule 20.4.6 – Traffic Management, Safety and Convenience which puts in place on-site parking, access and traffic management requirements.

<p><i>Policies and Methods</i></p>	<p>20.2.1.6.1 - <i>By ensuring that site layout, and on-site development and operations:</i></p> <ul style="list-style-type: none"> (a) <i>Do not compromise the integrated, safe, sustainable and efficient function of the transport network;</i> (b) <i>Enable and encourage all patrons to park conveniently within the Baypark site rather than in streets or sites in the surrounding area;</i> (c) <i>Avoid hazards and inconvenience from the movement of people who choose to walk or cycle to Baypark;</i> (d) <i>Provide for traffic flows that will increase substantially over the long term on the highway and rail corridor;</i> (e) <i>Provide for the differing effects that are likely to arise as the scale of events increases.</i>
<p><i>Costs</i></p>	<p><i>No or minimal costs are likely to arise as the activity is already established under resource consents and operating on the site. The activity complies with the standards specified in the City Plan.</i></p> <p><i>For new activities, lower compliance costs will arise through the consent process.</i></p>
<p><i>Benefits</i></p>	<p><i>Greater clarity in the required standards will enable more effective monitoring and enforcement where required.</i></p> <p><i>Future development will be more efficiently controlled through consent procedures that restrict discretion in circumstances where there will be no adverse effects on the surrounding environment</i></p>
<p><i>Risk</i></p>	<p><i>The plan provisions use proven techniques with standards derived from existing resource consents.</i></p> <p><i>The use of a Comprehensive Traffic Management Plan review technique that is continuously monitored and updated to reflect changing conditions in the surrounding road network is an adaptive response that has been used in similarly dynamic environmental settings.</i></p> <p><i>There is a low to moderate risk that the intended outcomes will not be achieved.</i></p> <p><i>It is relevant that the facility is owned and operated by the Council on behalf of the community which further mitigates any risk that unanticipated adverse outcomes would continue unabated. The Council is also a road control authority in its own right and has a formal alliance with the New Zealand Transport Agency to manage strategic transport corridors.</i></p>
<p><i>Efficiency</i></p>	<p><i>The provisions are generally efficient. They will provide appropriate certainty in achieving the intended environmental outcomes. Some discretion needs to be applied to implement the review provisions. However, the extent of this discretion is clearly defined and under the control of competent agencies.</i></p>

<i>Effectiveness</i>	<i>The provisions are effective. The plan provisions use proven techniques with standards derived from existing resource consents that have been tested and refined over several years.</i>
<i>Appropriateness</i>	<i>Baypark is adjacent to the State Highway network and rail corridor. The eastern corridor is planned to have significant growth over the long term, with consequential increases in traffic flow along the State Highway. The railway is an important route to the Port of Tauranga. Effects of activities and events on these nationally important physical resources must be taken into account.</i>

<i>Alternative 1 – No Policies relating to anticipated character and amenity</i>	<p><i>The alternative ‘do nothing’ relies on continuing with the current Approach by managing the site by resource consent. This Alternative provides adequately for current use although there are some deficiencies in the consents that should be addressed.</i></p> <p><i>The status quo does not recognise long term needs and is an inefficient method given the need to respond to changing community needs that should be enabled on the site.</i></p>
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Based on the finding of the assessment of cost and benefits and the efficiency and effectiveness of the Policies and Methods, the Objective “the safety, efficiency and sustainability of the transport network is not adversely affected by the activities at Baypark” is an appropriate way to achieve the purpose of the RMA.

4.4.2 Monitoring Proposed Plan Provisions

ERE	Indicator	Evaluation of Plan Effectiveness
<i>Major event activities for Tauranga are satisfactorily accommodated at Baypark.</i>	<i>Number of major events that cant be accommodated at Baypark.</i>	<i>Excluding commercial factors such as market demand and pricing of facilities, Baypark should be capable of accommodating large scale events.</i>
<i>No reduction of environmental quality in the surrounding environment.</i>	<i>Noise levels specified in rules are not exceeded.</i>	<p><i>Noise levels in surrounding residential areas comply with plan requirements.</i></p> <p><i>Methods of measurement and reporting are conclusive and unambiguous.</i></p>
<i>The avoidance of any loss of safety and efficiency on the state highway and railway</i>	<i>Post event traffic reports do not identify significant adverse safety or efficiency impacts.</i>	<p><i>Mechanisms for managing event traffic are triggered at appropriate scales of event.</i></p> <p><i>Unanticipated congestion and safety issues on arterial routes are avoided.</i></p> <p><i>The need for event parking within surrounding neighbourhoods is minimised.</i></p>

		<p><i>Mitigation of traffic effects from the site is constrained to an extent by the likelihood that some patrons who leave nearby or who will choose to park lawfully away from the site and walk in, will create effects in surrounding streets.</i></p> <p><i>It is not possible to completely eliminate this outcome and this is common to stadium/event sites wherever they locate.</i></p>
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5. LIST OF CONSENTS/CONDITIONS AND HOW THEY HAVE BEEN INCORPORATED IN CHAPTER 20 – SPECIAL USE ZONE: BAYPARK

The following lists analyses each consent and the relevant conditions and identify how they each have been treated through the development of Chapter 20 – Special Use Zones: Baypark.

Speedway Consent (December 1999)

Condition	Topic	Scope	Rule	Comment
1.1	Traffic	Access	No	Compliance achieved at establishment– rule not needed.
1.2	Traffic	Access	No	Compliance achieved at establishment– rule not needed.
1.3	Traffic	Alternative access	Yes	
1.4	Traffic	Access	No	Compliance achieved at establishment– rule not needed.
1.5	Traffic	Management Plan	Yes	
2	Parking	Numbers	Yes	
3.1	Noise	Levels	Yes	
3.2	Noise	Levels	Yes	
3.3	Noise	Levels	Yes	
3.4	Noise	Measurement	Yes	
3.5	Noise	Number and duration	Yes	
3.6	Noise	Number and duration	Yes	
3.7	Noise	Number and duration	Yes	
3.8	Noise	Number and duration	Yes	
3.9	Noise	Management Plan	Yes	

3.1	Noise	Management Plan	Yes	
3.11	Noise	Management Plan	Yes	
3.12	Noise	Management Plan	Yes	
3.13	Noise	Management Plan	Yes	
3.14	Noise	Management Plan	Yes	
3.15	Noise	Management Plan	Yes	
3.16	Noise	Management Plan	Yes	
3.17	Noise	Management Plan	Yes	
3.18	Noise	Management Plan	Yes	
3.19	Noise	Management Plan	Yes	
4.1	Landscaping	Establishment	No	
4.2	Landscaping	Maintenance	Yes	
4.3	Landscaping	Consultation	No	Compliance achieved at establishment– rule not needed.
5.1	Pollution Control	Stormwater	No	Covered by discharge consents
5.2	Pollution Control	Rubbish	No	Covered.
6.1	Site Works		No	Compliance achieved at establishment– rule not needed.
7	Artificial lighting		Yes	
8	Water supply		No	Compliance achieved at establishment– rule not needed.
9	Sewer		No	Compliance achieved at establishment– rule not needed.
10	Archaeological		No	Compliance achieved at establishment– rule not needed.
11	Other consents		No	Information only
12	Review		No	Addressed under RMA process for plan changes.
13	Community Liaison		No	Addressed under Council policy on community engagement and

	Group			plan monitoring
14	Other Activities		Yes	
15	Signage		Yes	

Speedway Consent (March 2001)

Condition	Topic	Scope	Rule	Comment
1	General	Buildings	No	Compliance achieved at establishment– rule not needed.
		Parking	Yes	Application refers to 3,500 parking spaces
2	Traffic	Traffic Management Plan	Yes	15km/hr in carpark
3	Landscape	Landscape Development Plan	Yes	

Speedway Consent (November 2001)

Condition	Topic	Scope	Rule	Comment
1	General		No	Not relevant
2	Signs		Yes	
3	Noise	Levels	Yes	
4	Use of facility		No	Condition limited use of facility during speedway events - now superseded by event centre consent.
5	Community use opportunity		No	Superseded by events centre consent.
6	Requiring authority	Written approval under s176 RMA	No	Not applicable

Event Centre (July 2001)

Condition	Topic	Scope	Rule	Comment
1	Traffic	Slip Lane to SH29	Yes	Policy Plan

Speedway Consent (April 2003)

Condition	Topic	Scope	Rule	Comment
1	Noise	Backfiring	Yes	Policy Plan
2	Noise	Non-speedway event noise	Yes	
3	Noise	Numbering	No	
4	Noise	Practice days	Yes	
5	Noise	Race continuation	Yes	
6	Noise	Non-speedway event noise	Yes	
7	Noise	Numbering	No	
8	Noise	Midgets and TQs	No	Baypark do not intend running these vehicles
9	Noise	Noise Management Plan - backfiring	Yes	
10	Noise	Registers	Yes	
11	Noise	Renumbering	No	
12	Noise	Review following breaches	No	Use of RMA plan change procedures

Event Centre (August 2004)

Condition	Topic	Scope	Rule	Comment
1.1	General		No	Not relevant
2.1	Noise	Outdoor concert numbers	Yes	
2.2	Noise	Outdoor concert numbers	Yes	
2.3	Noise	Stadium roof	No	Compliance achieved at establishment– rule not needed.
2.4	Noise	Stadium roof	No	Compliance achieved at establishment– rule not needed.
2.5	Noise	Stadium roof	No	Compliance achieved at establishment– rule not needed.
2.6	Noise	Outdoor concert duration	Yes	
2.7	Noise	Measurement	Yes	
2.8	Noise	Measurement	Yes	
2.9	Noise	Review following non-compliance	No	Addressed in plan monitoring
3.1	Traffic	Traffic management plan	Yes	
3.2	Traffic	Traffic management plan	Yes	
3.3	Traffic	Traffic management plan	Yes	
3.4	Traffic	Traffic management plan	Yes	

3.5	Traffic	Traffic management plan	Yes	
3.6	Traffic	Traffic management plan	Yes	
3.7	Traffic	Traffic management plan	Yes	
3.8	Traffic	Traffic management plan	Yes	
4.1	Works	Traffic improvements	No	Compliance achieved at establishment– rule not needed.
5.1	Events	Events exceeding 5K people	Yes	
5.2	Events	Numbers	Yes	
5.3	Events	Measurement	Yes	
5.4	Events	Monitoring	No	
5.5	Events	Duration	Yes	
5.6	Events	Events exceeding 12K people	Yes	
5.7	Events	Events exceeding 17K people	Yes	
6.1	Review	Traffic management plan	Yes	
6.2	Review	Traffic management plan	Yes	
7.1	Lighting	Levels	Yes	
7.2	Lighting	Structure height measurement	No	Compliance achieved at establishment– rule not needed.

8.1	Appearance of buildings	Roof colour	Yes	
9.1	Archaeological	Avoidance of site	No	Archaeological buffer area/consent requirements addressed
9.2	Archaeological	Plan of works	No	Archaeological buffer area/consent requirements addressed
9.3	Archaeological	Notification of hapu	No	Archaeological buffer area/consent requirements addressed
9.4	Archaeological	Site find protocol	No	Archaeological buffer area/consent requirements addressed
10.1	General	Costs	No	Not relevant
10.2	General	Costs	No	Not relevant

Event Centre (2007/08 – Variations)

Conditions are related only to references to new plans and noise certification

6. RECOMMENDED OBJECTIVES, POLICIES AND METHODS

The Objectives, Policies and Rules seek to provide for the flexible use of the major multi-purpose facility while ensuring the adverse environmental effects from activities are minimised.

The Objectives, Policies and Rules regulates by way of newly defined generic activities, that are controlled by rules based on their potential effects on amenity and environmental values, and will achieve the sustainable management of the City's resources and the purpose of the Act.

It is considered that the above evaluation fulfils Council's requirements with regard to section 32 of the Act, and that the analysis of alternatives benefits and costs has been carefully undertaken and summarised accordingly.

The recommended plan content to:

- Provide for the role and function of Baypark;
- Manage the effects of activities undertaken within Baypark;
- Manage the adverse effects of traffic movements

Clearly covers and outlines the key issues with respect to Bayparks provision, development, maintenance and enhancement.

Council has a clear responsibility under Section 7 of the RMA to:

- Maintain and Enhance Amenity Values:

This responsibility, coupled with the Councils adopted strategic direction through the LTCCP provides for a strong focus to deliver on.

The principal alternatives considered are to implement management provisions or to “do nothing”. The assessment is that a “do nothing” alternative will not enable Council to deliver its strategic objectives or to meet community expectations nor appropriately manage the site and any future development.

7. NOTIFICATION AND RECOMMENDED DECISIONS

This section to be completed following hearings.