

## **I302. ASB Tennis Arena Precinct**

### **I302.1. Precinct description**

The ASB Tennis Arena Precinct provides for the operation, development, redevelopment and intensification of the ASB Tennis Arena.

The zoning of the land within the ASB Tennis Arena Precinct is the Special Purpose - Major Recreation Facility Zone. The overlay, Auckland-wide and zone objectives and policies apply in this precinct in addition to those listed below.

### **I302.2. Objectives**

- (1) The ASB Tennis Arena is protected as a regionally and nationally important venue for all of the following primary activities:
  - (a) organised sports and recreation;
  - (b) informal recreation;
  - (c) concerts, events and festivals;
  - (d) markets, fairs and trade fairs;
  - (e) functions, conferences, gatherings and meetings; and
  - (f) displays and exhibitions.
- (2) A range of activities compatible with, or accessory to, the primary activity are enabled.
- (3) The adverse effects of the operation of the ASB Tennis Arena are avoided, remedied or mitigated as far as is practicable recognising that the primary activities will by virtue of their nature, character, scale and intensity, generate adverse effects on surrounding land uses which are not able to be fully internalised.

### **I302.3. Policies**

- (1) Enable the safe and efficient operation of the ASB Tennis Arena for its primary activities.
- (2) Protect the primary activity of the ASB Tennis Arena from the reverse sensitivity effects of adjacent development.
- (3) Enable a range of accessory and compatible activities where they achieve all of the following:
  - (a) avoid, remedy or mitigate adverse effects; and
  - (b) are of a character and scale which will not displace the primary activities.

- (4) Manage the adverse effects of the operation of the ASB Tennis Arena, having regard to the amenity of surrounding properties.
- (5) Recognise that the ASB Tennis Arena's primary activities may generate adverse effects that are not able to be fully internalised and may need to be further mitigated by limiting or controlling their scheduling, duration and frequency.

**I302.4. Activity table**

The provisions in any relevant overlays and Auckland-wide apply in this precinct unless otherwise specified below.

- (1) E40 Temporary activities;
- (2) E25 Noise and vibration (noise provisions only);
- (3) E24 Lighting;

Table I302.4.1 specifies the activity status of land use and development activities in the ASB Tennis Arena Precinct pursuant to section 9(3) of the Resource Management Act 1991.

**Table I302.4.1: Activity table**

	<b>Activity</b>	<b>Activity status</b>
Use		
Primary activities		
(A1)	Organised sports and recreation	P
(A2)	Informal recreation	P
(A3)	Concerts, events and festivals	P
(A4)	Displays and exhibitions	P
(A5)	Functions, gatherings, conferences and meetings	P
(A6)	Markets, fairs and trade fairs	P
(A7)	Any primary activity not meeting Standard I302.6.5 but meeting all other standards	C
Accessory activities		
(A8)	Accessory activities	P
(A9)	Any accessory activity not meeting Standard I302.6.5 but meeting all other standards	C
Compatible activities		
(A10)	Sports, recreation and community activities	P
(A11)	Professional fireworks displays meeting Standard I302.6.10	P
(A12)	Professional fireworks displays not meeting Standard I302.6.10	RD

I302 ASB Tennis Arena Precinct

(A13)	Helicopter flights meeting Standard I302.6.11	P
(A14)	Helicopter flights not meeting Standard I302.6.11	RD
(A15)	Filming activities	P
(A16)	Retail limited to a gross floor area of no more than 200m <sup>2</sup> within the precinct	P
(A17)	Retail with a gross floor area greater than 200m <sup>2</sup> but no more than 400m <sup>2</sup> within the precinct	RD
(A18)	Retail greater than 400m <sup>2</sup> within the precinct	D
(A19)	Any compatible activity not meeting Standard I302.6.5 but meeting all other standards	C
<b>Development</b>		
(A20)	New buildings, external building alterations or additions to a building for a primary, compatible, or accessory activity up to 20m in height	P
(A21)	New buildings, external building alterations or additions to a building for a primary, compatible, or accessory activity greater than 20m in height	RD
(A22)	Light towers and associated fittings up to and greater than 20m in height	P
(A23)	New buildings, building alterations or additions to a building for a primary, compatible, or accessory activity not meeting Standard I302.6.8	RD
(A24)	Demolition of buildings	P
(A25)	Temporary buildings	P

**I302.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table I302.4.1 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table I302.4.1 Activity table and which is not listed in I302.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

**I302.6. Standards**

All permitted, controlled or restricted discretionary activities listed in Table I302.4.1 must comply with the following activity standards unless otherwise stated. The following standards do not apply:

- (1) E27 Transport – Standard E27.6.1 Trip generation; and
- (2) E27 Transport – Standard E27.6.2. Number of parking and loading spaces.

**I302.6.1. Noise**

- (1) The noise (rating) level from any activity as measured within the boundary of any site zoned residential, and incident on the facade of any building containing an activity sensitive to noise established as at September 30, 2013 within the Mixed Use Zone, must not exceed the noise limits in Table I302.6.1.1.

**Table I302.6.1.1: Noise standards**

Time, day, duration and frequency	Residential noise limit	Mixed Use noise limit
Up to 5 Special Noise Events between 8:00am and 10:30pm in any 12 month period	70dB L <sub>Aeq(5min)</sub>	80dB L <sub>Aeq(5min)</sub>
Up to 15 Special Noise Events between 8:00am and 10:30pm in any 12 month period	65dB L <sub>Aeq(5min)</sub>	75dB L <sub>Aeq(5min)</sub>
General noise standards for all days including Christmas Day, Good Friday & Anzac Day between: <ul style="list-style-type: none"> <li>• 7:00am and 10:00pm within any residential zone;</li> <li>• 7:00am and 11:00pm within all other zones.</li> </ul>	55dB L <sub>Aeq</sub>	65dB L <sub>Aeq</sub>
General noise standards at all other times	45dB L <sub>Aeq</sub> and 75dB L <sub>Amax</sub>	55dB L <sub>Aeq</sub> and 75dB L <sub>Amax</sub>

- (2) Noise limits must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.
- (3) For special noise events an adjustment must not be applied to amplified music or amplified voice sounds containing special audible characteristics (with respect to section 6.3 of NZS6802:2008) but other sources of sound may have an adjustment applied if necessary in accordance with the same section.

- (4) The prescribed time frames for the purpose of assessment according to NZS6802:2008 must be the timeframe for which any particular noise limit applies.
- (5) Crowd noise is to be excluded from any assessment of compliance with these limits.
- (6) Where  $L_{Aeq (5min)}$ , is specified, no 5 minute measurement sample can exceed the stated limit.
- (7) Professional fireworks displays and helicopter flights are excluded from this standard.

**I302.6.2. Lighting**

- (1) Lighting limits must be measured and assessed in accordance with Standard AS 4282-1997 (Control of the Obtrusive Effects of Outdoor Lighting). In the event of any conflict between these documents and the lighting standards set out below, the below standards will prevail.
- (2) Any calculation must be based on a maintenance factor of 1.0 (i.e. no depreciation).
- (3) Where measurements of any illuminance above background levels from the use of artificial lighting cannot be made because the owner will not turn off artificial lighting, measurements may be made in areas of a similar nature that are not affected by the artificial light. The result of these measures may be used for determining the effect of the artificial light.
- (4) For the purposes of Standards I302.6.2, the curfew and pre-curfew times are as stated in Table I302.6.2.1.

**Table I302.6.2.1: Pre-curfew and curfew times**

	Times
Pre-curfew	7am – 11pm
Curfew	11pm – 7am

- (5) The added illuminance from the use of any artificial lighting on any site must not exceed either one of the following:
  - (a) The limits in Table I302.6.2.2 when measured at the boundary of any adjacent site containing a lawful dwelling established prior to 30 September 2013. The illuminance limit will apply horizontally and vertically at any point on the boundary and at any height; or

**Table I302.6.2.2: Horizontal and vertical illuminance at a boundary**

	Illuminance limit
Pre-curfew	100 lux (above the background level)
Curfew	10 lux (above the background level)

(b) The vertical illuminance limits in Table I302.6.2.3 when measured at the windows of habitable rooms of a lawfully established dwelling.

**Table I302.6.2.3: Vertical illuminance at a window**

	Vertical illuminance limit
Pre-curfew	25 lux
Curfew	4 lux

(6) Outdoor artificial lighting operating on any site between sunset and sunrise must not exceed a threshold increment limit of 15 per cent (based on an adaption luminance of 2 cd/m<sup>2</sup>) on any public road, calculated within each traffic lane in the direction of travel.

(7) Any exterior lighting must be selected, located, aimed, adjusted and/or screened to ensure that glare resulting from the lighting does not exceed the applicable limits for pre-curfew times in Table I302.6.2.4 and 1,000 cd for curfew times at the windows of habitable rooms of a lawfully established dwelling or at the boundary of any residential site where a dwelling does not yet exist.

**Table I302.6.2.4: Pre-curfew luminous intensity**

	Pre-curfew luminous intensity limit
Standard	10,000 cd
Special lighting events	25,000 cd

(8) The average surface luminance for an intentionally artificially lit building façade must not exceed the limits in Table I302.6.2.5. The values may be determined by calculation or measurement in accordance with CIE 150:2003 (Guide on the limitation of the effects of obtrusive light from outdoor lighting installations) – International Commission on Illumination ISBN 3 901 906 19 3.

(9) Professional fireworks displays are excluded from this standard.

**Table I302.6.2.5: Building façade luminance**

	Luminance limit
Standard	25 cd/m <sup>2</sup>
Special lighting events	25 cd/m <sup>2</sup>

**I302.6.3. Special noise events**

- (1) The total number of special noise events in any 12 month period must not exceed 20 events.
- (2) For the purpose of this standard, a special noise event exceeds the standard noise limits but does not exceed the special noise limits listed in Table I302.6.1.1.
- (3) Special noise events may occur consecutively over a day or days, but may not exceed the total number of special noise events allowed in any 12 month period provided that:
  - (a) There must be no more than 2 special noise events on any one day.
  - (b) There must be no more than 4 special noise events within any 2 week period.
- (4) A single special noise event must be limited to a total duration of 6 hours. Any special noise event lasting longer than 6 hours must be counted as 2 special noise events. The duration of a special noise event must be determined by the cumulative length of time that the standard noise limits are exceeded.

**I302.6.4. Special lighting events**

- (1) The total number of special lighting events in any 12 month period must not exceed 25 events.
- (2) For the purpose of this standard, a special lighting event exceeds the standard lighting limits but does not exceed the special lighting limits listed in Tables I302.6.2.4 and I302.6.2.5.

**I302.6.5. Traffic management**

Activities must meet at least one of the following traffic standards:

- (1) The activity and management of associated transport and traffic effects is undertaken in accordance with a Transport and Traffic Management Plan authorised by Auckland Transport; or
- (2) The activity generates a crowd of less than 5,000 people and does not require the closure of a public road.

**I302.6.6. Parking**

- (1) Parking for a minimum of 120 cars must be retained within the precinct unless an authorised Transport and Traffic Management Plan is in effect.

**I302.6.7. Screening**

- (1) Any outdoor storage or rubbish collection areas that are visible from a residential zone or an open space zone must be screened from those areas.

**I302.6.8. Interface control areas**

- (1) New buildings, external building alterations or additions to a building must be located outside the Interface Control Area (ICA) illustrated on the precinct plan. Temporary buildings are excluded from this standard.

**I302.6.9. Height in relation to boundary**

- (1) Where the ASB Tennis Arena Precinct directly adjoins an open space zone, buildings must not project beyond a 45 degree recession plane measured from a point 8.5 metres vertically above ground level on the precinct boundary.
- (2) Temporary buildings, light towers and associated fittings are excluded from this standard.

**I302.6.10. Professional fireworks displays**

- (1) Displays are limited to 3 in any 12 month period.
- (2) Displays must not exceed 15 minutes in duration.
- (3) Displays must be finished by 10:30pm.
- (4) Fireworks must be discharged at least 120 metres from any residential zone.
- (5) Displays must comply with 140dB  $L_{zpeak}$  at any point in the audience area and within the boundary of any activity sensitive to noise.

**I302.6.11. Helicopter flights**

- (1) There must be no more than 30 helicopter movements in any 12 month period and 10 on any day (where an arriving flight and a departing flight comprises two movements).

**I302.6.12. Temporary buildings**

- (1) Temporary buildings must be erected for a continuous period of no greater than 90 days, excluding set up and dismantling time.

**I302.7. Assessment – controlled activities**

**I302.7.1. Matters of control**

The Council will consider the relevant assessment criteria below for controlled activities, in addition to the assessment criteria specified for the relevant controlled activities in the overlay or Auckland-wide provisions:



- (1) The effects of the proposed activity on the safety and efficiency of the transport network.

#### **I302.7.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for controlled activities, in addition to the assessment criteria specified for the relevant activities in the overlay and Auckland-wide provisions:

- (1) The effects on the safety and efficiency of the transport network:
  - (a) the extent to which there are likely to be adverse effects on the safe and efficient operation of the transport network and pedestrian movements;
  - (b) the extent to which entry and exit points to the precinct will be managed to accommodate traffic and pedestrian movements; and
  - (c) the extent to which any proposed mitigation measures will address adverse traffic and parking effects. Such measures may include travel planning, providing alternatives to private vehicle trips and the preparation and implementation of a Transport and Traffic Management Plan (prepared by a suitably qualified and experienced person).

#### **I302.8. Assessment – restricted discretionary activities**

##### **I302.8.1. Matters of discretion**

The Council will restrict its discretion to the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant activities in the overlay and Auckland-wide provisions:

- (1) Any activity that does not comply with noise and/or lighting standards:
  - (a) the effects of non-compliance with a noise and/or lighting standard on the amenity values of surrounding properties and safety of transport networks.
- (2) Any activity that does not comply with permitted helicopter flight standards:
  - (a) the effects of non-compliance with the permitted helicopter flight standard on the amenity of surrounding properties.
- (3) Any activity that does not comply with permitted professional fireworks display standards:
  - (a) the effects of non-compliance with the permitted fireworks display standard on the amenity of surrounding properties.
- (4) Any new buildings, external building alterations or additions to a building for a primary, compatible, or accessory activity that greater than 20m in height and/or which does not comply with height in relation to boundary standards:
  - (a) the visual effects of the additional bulk and scale of buildings on the amenity of private properties, streets and public open spaces.

(5) Any new buildings, external building alterations or additions to a building for a primary, compatible, or accessory activity not meeting Standard I302.6.8:

(a) the visual effects of the building design and external appearance on the amenity of private properties, streets and public open spaces.

(6) Any activity that does not comply with the screening standards:

(a) the visual effects of rubbish and storage areas on residential and open space zoned sites.

(7) Any activity identified as a restricted discretionary activity:

In addition to the matters listed for non-compliance with any general and/or specific standard, discretion is restricted over all of the following matters:

(a) the effects of the activity on the primary activities of the site;

(b) the effects of traffic and parking on the surrounding environment; and

(c) the effects of the activity on metropolitan, town or local centres.

#### **I302.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant activities in the overlay and Auckland-wide provisions:

(1) The effects of non-compliance with a noise and/or lighting standard on the amenity values of surrounding properties and safety of transport networks:

(a) whether the effects of the activity will give rise to noise effects that are unreasonable, having regard to all of the following:

(i) the cumulative noise effects of other activities which are permitted on the site;

(ii) the cumulative effect of numerous infringements of noise standards; and

(iii) the degree of non-compliance.

(b) whether people likely to be affected by the exceedance of noise standards will be given reasonable notice of the likely effects of the infringement including start time and end time.

(c) the extent to which duration and hours of operation are managed to minimise the effects of the infringement having regard to the operational requirements and reason for the infringement.

(d) the extent to which any artificial lighting will create a traffic safety issue.

(e) whether the number, placement, design, height, colour, orientation and screening of light fittings and light support structures minimise light spill, glare, and loss of night time viewing.

- (f) the extent to which the amount of light falling into habitable rooms of during the hours of darkness is minimised to control effects on indoor amenity and sleep disturbance.
- (g) whether the artificial lighting is necessary, suitable and adequately protects the amenity of the surrounding environment.
- (h) the extent to which additional special events adversely affect the amenity of surrounding properties having regard to all of the following:
  - (i) the sensitivity of the surrounding environment; and
  - (ii) the cumulative effect of numerous infringements of special event standards;
  - (iii) the additional number of special events; and
  - (iv) whether there is an operational need for the exceedance.
- (2) The effects of non-compliance with the permitted helicopter flight and/or fireworks display standard on the amenity of surrounding properties:
  - (i) the extent to which the additional activities adversely affect the amenity of surrounding properties, having regard to all of the following:
    - (i) the sensitivity of the surrounding environment;
    - (ii) the cumulative effect of numerous infringements of this standard;
    - (iii) the additional number of activities; and
    - (iv) whether there is an operational need for the exceedance.
- (3) The visual effects of the additional bulk and scale of buildings on the amenity of private properties, streets and public open spaces.
  - (a) the extent to which the height, location and design of the building allow reasonable sunlight and daylight access to:
    - (i) streets and public open spaces; and
    - (ii) adjoining sites, particularly those in residential zones.
  - (b) the extent to which the building avoids, remedies or mitigates any potential loss of privacy for surrounding properties (particularly those in residential zones).
  - (c) whether there is an operational, technical or locational need to exceed height and/or height in relation to boundary standard/s.
  - (d) the extent to which adverse effects of the visual dominance of the building on the surrounding area (including roads) are avoided, remedied or mitigated having regard to the amenity and character of the surrounding area and the functional and operational needs of the facility.

- (4) The visual effects of the building design and external appearance on the amenity of private properties, streets and public open spaces.
  - (a) the extent to which the building design and external appearance avoids, remedies or mitigates adverse effects on the surrounding area having regard to all of the following:
    - (i) the amenity values and character of the surrounding area;
    - (ii) the functional and operational requirements of the precinct;
    - (iii) whether crime prevention through environmental design (CPTED) principles have been integrated into external building and layout design;
    - (iv) whether long unrelieved frontages and excessive bulk and scale when viewed from the public realm and residential zones have been avoided;
    - (v) whether mechanical and electrical equipment has been integrated into the building design as far as is practicable;
    - (vi) whether quality, durable, fit for purpose and easily maintained materials have been used for building design and construction; and,
    - (vii) whether landscape design is utilised to enhance the visual appearance of the development, including around parking areas and service areas.
- (5) The visual effects of rubbish and storage areas on residential and open space zoned sites:
  - (a) the extent to which screening is practicable.
  - (b) the extent to which distance and topographical matters mitigate likely adverse visual effects.
- (6) The effects of an activity on the primary activities of the site:
  - (a) whether the activity is of a character, scale and intensity to ensure that adverse effects on the operation of the primary activity, including its likely future use or intensification, are avoided, remedied or mitigated.
- (7) The effects of traffic and parking on the surrounding environment:
  - (a) whether there are likely to be adverse effects on the safe and efficient operation of the transport network and pedestrian movements.
  - (b) whether a reduction in car parking will compromise the successful implementation of a Transport and Traffic Management Plan, where relevant or required.
  - (c) whether the precinct has sufficient parking capacity to provide for the day to day needs of existing and proposed activities.

(8) The effects of the activity on metropolitan, town or local centres:

- (a) whether the proposed activity will adversely affect the function, role, or amenity of any metropolitan, town or local centre beyond those effects ordinarily associated with trade effects on trade competitors.

**I302.9. Special information requirements**

There are no special information requirements for this precinct.

**I302.10. Precinct plans**

**I302.10.1. ASB Tennis Area: Precinct plan 1**

