

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management Act 1991
and the Local Government (Auckland
Transitional Provisions) Act 2010

AND of an appeal under section 156(1) of the
Local Government (Auckland
Transitional Provisions) Act 2010

BETWEEN KIWI PROPERTY GROUP LIMITED,
KIWI PROPERTY HOLDINGS LIMITED
AND SYLVIA PARK BUSINESS
CENTRE LIMITED

(ENV-2016-AKL-000193)
Appellants

AND AUCKLAND COUNCIL

Respondent

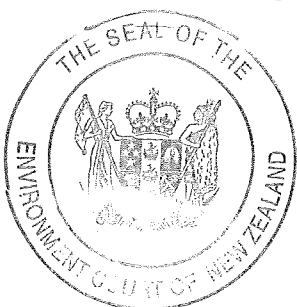
Principal Environment Judge L J Newhook sitting alone under section 279 of the
Resource Management Act 1991

IN CHAMBERS in Auckland.

CONSENT ORDER

[A] Under s 279(1)(b) of the Resource Management Act 1991, the Environment
Court, by consent, orders that:

- (1) the appeal is allowed subject to the amendments set out in Annexure
A to this order;
- (2) the appeal is otherwise dismissed.



- [B] Under section 285 of the Resource Management Act 1991, there is no order as to costs.

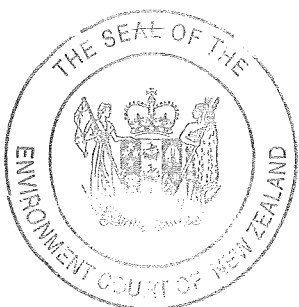
REASONS

Introduction

- [1] This order relates to the resolution of the appeal by Kiwi Property Group Limited, Kiwi Property Holdings Limited and Sylvia Park Business Centre Limited (**Appellants**) against a decision by the Auckland Council on a recommendation by the Independent Hearings Panel on the proposed Auckland Unitary Plan (now the Auckland Unitary Plan (Operative in Part)).
- [2] The Appellants appealed against the Council decision to reject a recommendation by the Panel as it related to the Topic 081 – Rezoning and precincts (General), Sylvia Park Precinct.
- [3] The parties have now reached an agreement to amend the Sylvia Park Precinct provisions, which will resolve this appeal in its entirety.
- [4] In making this order the Court has read and considered the notice of appeal dated 12 September 2016 and the memorandum of parties dated 10 March 2017.
- [5] Keith Vernon is an interested party to this appeal, and has signed the memorandum of the parties setting out the relief sought.
- [6] The Court is making this order under s 279(1)(b) of the RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297 of the RMA.
- [7] The Court understands for present purposes that:
- (a) All parties to the proceedings have executed the memorandum requesting this order.
 - (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction and conform to the relevant requirement and objectives of the Act, including in particular Part 2.

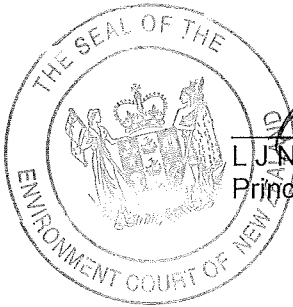
Order


- [8] Therefore, the Court orders by consent that:



- (a) The appeal is dismissed.
- (b) The Respondent's decision is confirmed, subject to the amendments to the Sylvia Park Precinct provisions in Chapter I336 in the Auckland Unitary Plan (Operative in Part) as shown in Annexure A.
- (c) There are no issues as to costs.

DATED at Auckland this 17th day of March 2017

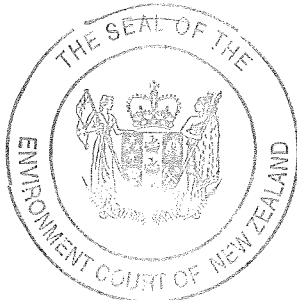




L.J. Newhook
Principal Environment Judge

Annexure A

I336. Sylvia Park Precinct provisions



Editorial notes:

Changes agreed between the parties are shown in ~~strikethrough~~ and underline

I336. Sylvia Park Precinct

I336.1. Precinct description

The underlying zoning of the land within the Sylvia Park precinct is the Business - Metropolitan Centre zone. Refer to the planning maps for the location and extent of the precinct.

~~Sylvia Park is located at 286 Mount Wellington Highway, Mount Wellington, and is identified as an emergent metropolitan centre in the Auckland Plan.~~

The purpose of the Sylvia Park precinct is to facilitate the guide ~~future~~ development ~~towards supporting of a wide greater range of activities that will reinforce its role as for it~~ to become a metropolitan centre.

Achieving high quality development for buildings and publicly accessible open spaces, including the plaza, and others proposed, integrated with enhanced public transport facilities, will provide a community focal point with a unique sense of place.

Particular consideration needs to be given to building form, function, detailing and materials for new buildings. Future development should also recognise areas of remnant natural character, including Mutukaroa - Hamlins Hill and Panmure Basin. In addition, the precinct identifies a limited earthworks corridor which identifies the course of a historic, spiritual and culturally significant stream of importance to Mana Whenua. The path of the stream has been identified and commemorated onsite as part of its development. Some piling or service earthworks requiring resource consents may be necessary within the corridor.

I336.2. Objectives

- (1) Sylvia Park precinct provides a mix of residential, commercial, civic and community activities which promotes its role as a Metropolitan Centre.
- (2) Development within the Sylvia Park precinct is integrated with the surrounding urban environment, infrastructure and the natural values of the area.

The underlying Business Metropolitan Centre zone, Auckland-wide and overlay objectives apply in this precinct, in addition to those specified above.

I336.3. Policies

- (1) Enable and encourage Sylvia Park precinct's role as ~~to become~~ a Metropolitan Centre through ~~by~~ the establishment of a broader range of uses including



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residential, retail, community, entertainment, education, civic and commercial activities.

- (2) Require development to avoid or mitigate potential adverse effects on the environment, amenity and public safety of surrounding residential and commercial areas. Particular attention should be given to adverse effects in relation to the limited earthworks corridor and the transition in heights between the Metropolitan Centre and the surrounding residential areas and Business - Mixed Use zones.
- (3) Require development to deliver the Structural Elements identified in Precinct Plan 2 (I336.10.2) - Sylvia Park and to:
 - (a) provide an integrated and legible urban form
 - (b) enable and encourage a mix of activities
 - (c) establish high-quality buildings in terms of external and internal appearance and functionality
 - (d) establish high-quality, vibrant and accessible streets and public spaces
 - (e) facilitate walking, cycling and public transport use to encourage sustainable transport patterns
 - (f) achieve a form of development that respects the surrounding cultural and physical environment
 - (g) provide high quality dwellings which cater for different stages through a range of dwelling sizes.
- (4) ~~Ensure dominant activities in sub-precinct C facilitate integration with the surrounding environment and manage those that might be incompatible are dwellings and home occupations to provide a transition area with the adjoining residential zone that integrates with the surrounding environment.~~

The underlying Business - Metropolitan Centre zone, Auckland-wide and overlay policies apply in this precinct, in addition to those specified above.

I336.4. Activity table

~~The underlying zone, Auckland-wide and relevant overlays activity tables apply in sub-precinct A and sub-precinct B unless otherwise specified below.~~

~~The sub-precinct C activity table below replaces the underlying zone activity table. The Auckland-wide and relevant overlays activity tables apply in this sub-precinct unless otherwise specified below.~~



I336 Sylvia Park Precinct

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Table I336.4.1 Activity table specify the activity status of land use and development in the Sylvia Park Precinct pursuant to sections 9(3) and 11 of the Resource Management Act 1991 or any combination of all these sections where relevant.

Table I336.4.1: Activity table

	Activity	Activity status
Use		
Sub-precincts A, and sub-precinct B and C		
(A1)	Public places	P
Development - sub-precinct A – I336.10.1. Precinct Plan 1: Height areas		
(A2)	Buildings up to 27m	C
(A3)	Buildings between 27m and 72.5m	RD
(A4)	Buildings greater than 72.5m	D
Development – sub-precinct B - I336.10.1. Precinct Plan 1: Height areas		
(A5)	Buildings up to 27m	C
(A6)	Buildings between 27m and 50m	RD
(A7) (A6)	Buildings greater than 27.5m	D
Development - Sub-precinct C – I336.10.1. Precinct Plan 1: Height areas		
(A8) (A13)	Buildings up to 22.5m 27m	C
(A9) (A14)	Buildings greater than 22.5m 27m	D
Site Intensity: Maximum basic allowable Gross Floor Area controls – Sub-precincts A, B and C		
(A10) (A7)	Any combination of: retail, entertainment facilities, taverns, restaurants, cafes and other eating places up to 120,000m ² GFA provided the maximum allowed GFA for retail does not exceed 102,000m ²	P
(A11) (A8)	Any combination of retail, entertainment facilities, taverns, restaurants, cafes and other eating places exceeding 120,000m ² but within the overall basic 250,000m ² GFA limitation	RD
(A12) (A9)	Any combination of retail, entertainment facilities, taverns, restaurants, cafes and other eating places, and offices where exceeding the 250,000m ² 200,000m ² overall basic GFA limitation is exceeded	D
(A13) (A10)	Offices up to 48,000m ² 100,000m ² GFA	P
(A14)	Offices between 100,000 and 130,000m ² GFA	RD
Development – Sub-precinct C – I336.10.1. Precinct Plan 1: Height areas		
(A13)	Buildings up to 22.5m 27m	C
(A14)	Buildings greater than 22.5m 27m	D

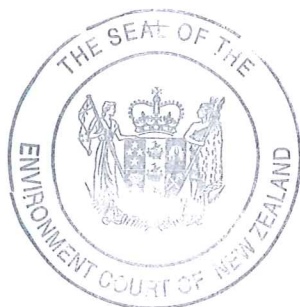


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Specific Activities – Sub-precinct C		
(A12)	Care centres	P
(A13)	Community facilities	P
(A14)	Healthcare facilities	P
(A15)	Home occupations	P
(A16)	Public places, informal recreation and leisure	P
(A17)	Dwellings	P
(A18)	All other activities in the Business – Metropolitan Centre zone not listed in this activity table, except those deemed as non-complying	D
Site Intensity: Maximum basic allowable Gross Floor Area controls		
(A19)	Up to 6000m ² of residential and other permitted activities	P
(A20)	A combined area of 3000m ² relating to care centres, community facilities and healthcare facilities	P

I336.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table I336.4.1 Activity table 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. For the following activities council will consider limited notification may be given to identified Mana Whenua; being Ngati Paoa, Ngati Maru, Ngati Whanaunga and Ngati Tamatera for:
- (a) A control infringement of Standard I336.6.7 I336.6.8.
- (2) Any other application for resource consent for an activity listed in Table I336.4.1 Activity table above which is not listed in Standard I336.5(1) above 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).



I336.6. Standards

The standards applicable to the overlays, zones and Auckland-wide provisions apply in this precinct unless otherwise specified below.

Business - Metropolitan Centre zone standards not applying to this precinct include:

- (1) Standard H9.6.1 Building height
- (2) Standard H9.6.4 Maximum tower dimension and tower separation
- (3) Standard H9.6.5 Residential at ground floor
- (4) Standard H9.6.7 Landscaping

All other standards in the Business - Metropolitan Centre zone, Auckland-wide standards and any relevant overlays apply in this precinct in addition to Standards I336.6.1 – ~~I336.6.7~~ ~~I336.6.8~~ below:

I336.6.1. Site Intensity

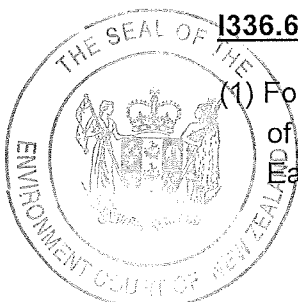
- (1) The maximum total basic gross floor area on the site for activities other than residential units, visitor accommodation, hotels, and boarding houses/hostels is ~~200,000m²~~ 250,000m² subject to the limitations set out in the activity table under I336.4.1.
 - (a) ~~Bonus accommodation floor area: Where floor area is developed for residential units, visitor accommodation, hotels, and boarding houses/hostels, the maximum basic GFA limitation may be exceeded by:~~
 - (i) ~~up to 50,000m² as a permitted activity~~
 - (ii) ~~over 50,000m² as a restricted discretionary activity~~
 - (b) (a) Office activity exceeding ~~48,000m²~~ 100,000m² up to a maximum of ~~70,000m²~~ 130,000m² GFA is a restricted discretionary activity.
 - (c) (b) Activities other than residential units, visitor accommodation, hotels, and boarding houses/hostels ~~Non-residential activities~~ that collectively exceeding the standards above (as set out in the activity table) will be considered as a discretionary activity.

~~I336.6.2. Home occupations~~

- ~~(1) Refer to Standard H6.6.2 Home occupations~~

~~I336.6.2. I336.6.3. Building height (shown in I336.10.1)~~

- (1) For the purposes of calculating height in the Sylvia Park precinct, the ground level of the site will be calculated based on the 'Geotechnical Completion Report for Earthworks' prepared for SKM by Tonkin & Taylor Ltd, dated May 2006.



Draft Consent Order – amendments to provisions

(2) Building platform – sub-precinct A and sub-precinct B

(a) 'Height area– sub-precinct A'

- (i) The maximum height is 72.5m provided that all parts of buildings between 27m and 72.5m in height must:
- In total, not exceed more than 15 per cent of the area of 'Height area - sub-precinct A'
 - in each case, not exceed a floor plate area of 3000m² and
 - be separated from each other by a minimum horizontal distance of 20m.

(b) 'Height area – sub-precinct B'

- (i) Buildings must not exceed 27m in height. The maximum height is 50m provided that all parts of buildings between 27m and 50m in height must:
- In total, not exceed more than 15 per cent of the area of 'Height area - sub-precinct B'
 - in each case, not exceed a floor plate area of 3000m² and
 - be separated from each other by a minimum horizontal distance of 20m.

(3) Building platform – sub-precinct C

- (a) Buildings must not exceed ~~22.5~~27m in height.

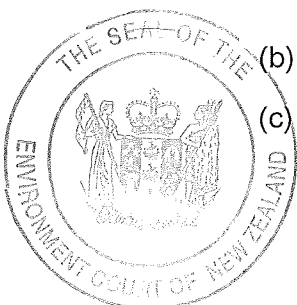
(4) Development that does not comply with clauses 1 to 3 above is a discretionary activity.

Development in sub-precincts A and B not complying with standards I336.6.3. I336.6.4. to I336.6.6 I336.6.7 below is a restricted discretionary activity.

I336.6.3. I336.6.4. Frontage control

(1) Within those parts of the site identified in I366.10.2 - Precinct Plan 2: Structuring Elements which are subject to the Frontage A control, the establishment of new buildings, or undertaking additions and alterations to existing buildings, must at ground level:

- (a) directly abut the road or any intervening public space to which the control relates
- (b) have a minimum floor to floor height of 4m for a minimum depth of 8m
- (c) have clear glazing for 75 per cent of its height for at least 50 per cent of the ground floor building frontage, other than vehicle entrances and loading bays, and pedestrian entrances and lobbies



Draft Consent Order – amendments to provisions

- (d) not include residential activity and/or car parking unless retail/commercial activity fronts the street and the residential activity and/or car parking is located behind the retail/commercial activity.
 - (e) The ground floor frontage of buildings used for commercial sexual services and strip clubs must screen the areas where the services take place, if they are directly visible from the street.
- (2) Within those parts of the site identified in I366.10.2 - Precinct Plan 2: Structuring Elements which are subject to the Frontage B control, the establishment of new buildings, or undertaking additions and alterations to existing buildings, must at ground level comply with clauses 1.b - e above.

I336.6.4. I336.6.5. Vehicle access

- (1) Vehicle access to the site is limited to the entry/exit points identified in I366.10.2 - Precinct Plan 2: Structuring Elements.

I336.6.5. I336.6.6. Heavy vehicle access

- (1) With the exception of emergency service vehicles, heavy motor vehicles are not permitted to enter or leave the site via Stud Way.
- (2) For the purpose of this rule, a heavy motor vehicle is a goods delivery vehicle and service vehicles with a gross laden weight exceeding 3500kg, where the gross laden weight is the total of the unladen weight of the vehicle and the maximum load the vehicle is generally allowed to carry at the time.

I336.6.6. I336.6.7. Landscaping and on-site amenity areas

- (1) A minimum of 10 per cent of the site must be developed for landscaping and on-site amenity areas.
- (2) Landscaping must achieve visual enhancement of at-grade car parking areas visible from pedestrian access routes and roads subject to the frontage controls shown on I366.10.2, Precinct Plan 2: Structuring elements.
- (3) The 'Cone' (located over the existing open space as shown on I366.10.2 , Precinct Plan 2: Structuring Elements) must receive direct sunlight between 11am-2pm September - March inclusive.
- (4) For the purpose of this clause, on-site amenity areas includes the pedestrian plaza referred to as open space areas and those shown in I366.10.2, Precinct Plan 2: Structuring Elements including playgrounds, water features, other amenity areas and pedestrian walkways.



I336.6.7. I336.6.8. Limited earthworks corridor

- (1) Earthworks must not exceed 1m in depth below ground level within the limited earthworks corridor measured 5m either side of the centre line which is shown on I336.10.3 Limited earthworks corridor diagram.
- (2) For the purposes of this rule, ground level is defined as the reduced levels in the precinct as recorded on Tse Group Limited survey plans referenced Project No. 5019-01- 102/1, 102/2 and 102/3 dated 29 January 1999.
- (3) An infringement of the corridor control will be considered as a controlled activity.

I336.7. Assessment – Controlled Activities

I336.7.1. Matters of control

For activities/development that is a controlled activity in the Sylvia Park precinct, the council will reserve its control to the following matters, in addition to the matters specified for the relevant controlled activities in the Business - Metropolitan Centre zone, Auckland-wide or overlay provisions.

- (1) Buildings less than 27m in height
 - (a) general design principles
 - (b) building design
 - (c) street level interface
 - (d) upper floors and roof levels
 - (e) off-site road works
 - (f) limited earthworks corridor

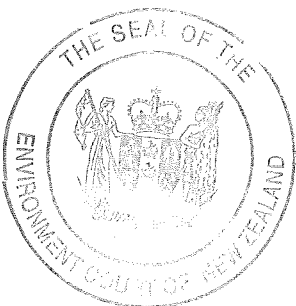
I336.7.2. Assessment criteria

For activities/development that is a controlled activity in the Sylvia Park precinct, the following assessment criteria apply.

- (1) Buildings up to 27m in height
 - (a) General design principles

(i) The extent to which:

- development provides an integrated and legible urban form
- development provides a variation in building height
- development contributes to the prevention of crime through design and configuration.



I336 Sylvia Park Precinct

Draft Consent Order – amendments to provisions

- legible and safe pedestrian access routes as shown in Precinct Plan 2: Structuring Elements are provided between significant on-site activities, including public transportation facilities
- the scale and location of buildings provide a sense of enclosure to Mount Wellington Highway
- buildings are sustainable, using durable low maintenance materials, maximising solar access and natural ventilation, and incorporating mechanical and electrical systems that optimise energy efficiency
- on-site stormwater conservation measures are incorporated where appropriate, including rainwater harvesting devices, green roofs or rain gardens
- development has regard to the required works and management plans set out in I336.9 Special information requirements (1) (a) and (1) (b) of the Sylvia Park precinct
- development avoids, remedies or mitigates any adverse effect on the identification and commemorative measures in relation to the stream and limited earthworks corridor.

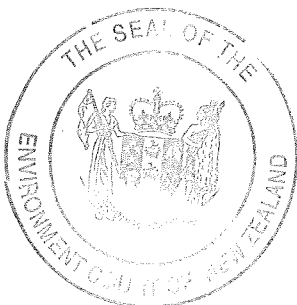
(b) Building design

(i) The extent to which:

- building design is of high-quality, showing creativity and responsiveness to the local context, including architectural character and expression, use of materials, articulation and modulation to create visual interest
- modulation of the facade is expressed at macro, medium and detail scales
- flat planes or blank facades devoid of modulation, relief or surface detail have been avoided where appropriate
- the building is of a form, location and orientation that minimises or avoids creating adverse shadowing, amenity and wind effects for:
 - the 'Cone', 'Green'(town square), Pedestrian Plaza as well as key future amenity areas within the Precinct or immediately adjacent
 - the pedestrian connections as shown in I336.10.2 -Precinct plan 2: Structuring elements
 - any residential zones in the vicinity of the precinct.

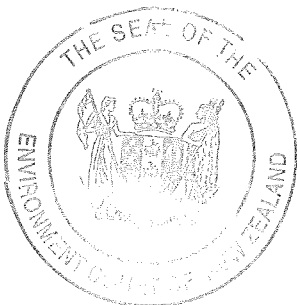
(c) At street level, the extent to which:

- (i) the building contributes to pedestrian vitality, interest and public safety through the use of architectural detail and maximising door and window openings
- (ii) building entrances are easily identifiable and accessible from street level, and provide pedestrian shelter



Draft Consent Order – amendments to provisions

- (iii) separate pedestrian entrances have been provided for different uses within the building, particularly for residential activity
 - (iv) vehicle accesses and loading facilities are designed for pedestrian safety in terms of location, visibility, and width.
- (d) At upper levels and on rooftops, the extent to which:
- (i) large expanses of blank walls are avoided on road and public open space frontages
 - (ii) architectural design differentiates upper building levels from middle and ground levels
 - (iii) cantilevered balconies are avoided
 - (iv) roof profiles should be part of the overall building form and contribute to the architectural quality of the skyline as viewed from both ground level and higher surrounding buildings. This includes the integration of plant, exhaust and intake units and other mechanical and electrical equipment into the overall rooftop design.
- (e) Engineering
- (i) The extent to which the:
 - building design avoids or mitigates natural hazards arising from stormwater and stability issues in the precinct
 - design and location of the building impacts the overland flow path registered on the certificate of title.
- (f) Other
- (i) Prior to construction starting, a site and traffic management plan has been provided to council's satisfaction, specifying:
 - the site manager and contact details
 - measures to maintain the site in a tidy condition in terms of disposal and storage of rubbish, storage and unloading of building materials and similar construction activities
 - measures for waste management, including designated sites for storage and collection of refuse and glass/plastic/can recycling bins in accordance with the council's waste reduction policy
 - procedures for controlling sediment runoff and the removal of soil debris and construction materials from public roads or places
 - proposed numbers and timing of truck movements throughout the day including identification of heavy vehicle routes which avoid residential streets
 - location of workers' conveniences
 - site entry/exit for construction vehicles
 - hours of construction and demolition



Draft Consent Order – amendments to provisions

- dust control measures
 - location of site hoardings
 - procedures for managing construction traffic.
- (ii) Where development exceeds 148,000m², the extent to which on-site or off-site roading works are required to mitigate significant traffic effects covered in clause I336.9 (1) (a) (iv) below.
- (iii) Earthworks greater than 1m deep below ground level within the limited earthworks corridor
- Control is restricted to and applications will be assessed in terms of any effect on the relationship of Mana Whenua and their culture and traditions with wāhi tapu in the precinct, especially wāhi whenua and wāhi pito.
 - Conditions may be imposed on consents to avoid, remedy or mitigate any adverse effects of works to support Mana Whenua, including:
 - a requirement to notify the council and Mana Whenua before any earthworks start
 - supervision of works by a council-appointed archaeologist and Mana Whenua representatives
 - controls on how earthworks are managed, such as hand digging rather than mechanical digging
 - limits on the duration of the works
 - controls aimed at minimising the physical extent of the works
 - controls aimed at locating the works to minimise their effect on wāhi tapu

I336.8. Assessment – Restricted discretionary activities

I336.8.1. Matters of discretion

For activities and development that is a restricted discretionary activity in the Sylvia Park precinct, the council will restrict its discretion to the following matters in addition to the matters specified for the relevant restricted discretionary activities in the Business - Metropolitan Centre zone and the Auckland-wide rules:

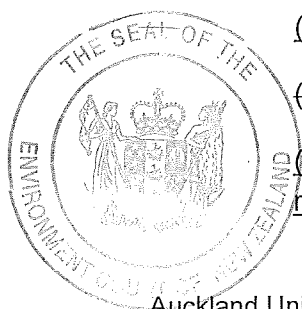
(1) Office activity exceeding 100,000m² up to a maximum of 130,000m² GFA and any combination of retail, entertainment facilities, taverns, restaurants, cafes and other eating places exceeding 120,000m² but within the 250,000m² overall basic GFA limitation:

(a) Travel management

(b) Transportation effects

(2) Trip generation

(2) For the following standards, the relevant effects of infringing each standard in relation to the purpose of the standard:



Draft Consent Order – amendments to provisions

~~(a) (3) Building design over 27m in height and up to 72.5m in height in sub-precinct A and over 27m in height and up to 50m in height in sub-precinct B~~

~~(b) (4) Frontage Control~~

~~(5) Car parking~~

~~(c) (6) Vehicle Access~~

~~(d) (7) Heavy vehicle access~~

~~(e) (8) Landscaping and on-site amenity areas~~

I336.8.2. Assessment criteria

For activities and development that is a restricted discretionary activity in the Sylvia Park precinct, the following assessment criteria apply, in addition to the criteria specified for the relevant restricted discretionary activities in the Business - Metropolitan Centre zone, the Auckland-wide, or overlay provisions and having reference to the guiding principles set out in Sylvia Park precinct Policy 3:

~~(1) Residential units, visitor accommodation, hotels, and boarding houses/hostels where the maximum combined total GFA exceeds 250,000m².~~

~~(a) the extent to which development contributes to achieving a modal shift toward more sustainable transport modes including any available information demonstrating the success or otherwise of travel management measures implemented at Sylvia Park.~~

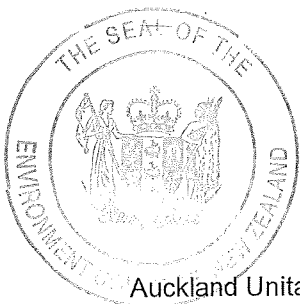
~~(1) (2) Office activity exceeding 48,000m² 100,000m² up to a maximum of 70,000m² 130,000m² GFA and any combination of retail, entertainment facilities, taverns, restaurants, cafes and other eating places between exceeding 120,000m² and 130,00m², provided retail activity does not exceed 102,000m² but within the 250,000m² overall basic GFA limitation.~~

~~(a) The extent to which development contributes to achieving a modal shift toward more sustainable transport modes including any available information demonstrating the success or otherwise of travel management measures implemented at Sylvia Park.~~

~~(b) The extent to which the activity will result in a total trip generation for Sylvia Park in excess of 4350 private vehicle trips per hour in weekday 4pm-6pm peaks.~~

~~(c) For the purposes of calculating this number, any unrealised GFA for:~~

~~(i) Retail entertainment facilities taverns restaurants, cafes and other eating places below the 120,000m² provided for as a permitted activity will be factored into the calculation at a rate of 2.61 trips per 100m²~~



I336 Sylvia Park Precinct

Draft Consent Order – amendments to provisions

~~(ii) Offices already consented or below the 48,000m² provided for as a permitted activity will be factored into the calculation at a rate of 1.65 trips per 100m².~~

~~(b) The extent to which measures are proposed to mitigate adverse transportation traffic effects where total private vehicle trips per hour in the weekday 4pm-6pm peaks exceeds 4350.~~

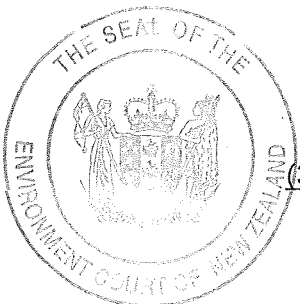
~~(2) (3) Buildings over 27m high in Height area-sub-precincts A and B~~

In addition to the criteria for assessment of buildings as a controlled activity set out above, discretion is restricted to whether:

- (a) the building maintains or enhances visual amenity of development on the site as a whole as viewed from residential zones, and from public places outside the Sylvia Park precinct
- (b) building scale and location provides an appropriate transition between the activities on the site and neighbouring residential activities
- (c) views to and from Hamlins Hill are significantly compromised as a result of the concentration of large-scale building forms
- (d) the building responds and relates appropriately to the scale of the surrounding public infrastructure, including the Southern Motorway, South Eastern Arterial (SEART), Mt Wellington Highway, and the main trunk railway line
- (e) the building responds and relates appropriately to the scale and form of neighbouring onsite buildings
- (f) the building provides an attractive silhouette against the sky when viewed from major public spaces within and around the site, making a positive contribution to the collective skyline of the commercial centre
- (g) the location of the building has been considered in relation to its urban context and makes a positive contribution to the urban structure, particularly with regard to the distribution of other taller buildings and the location of public open spaces and amenities.

(h) Buildings should be designed or located to minimise dominance or overshadowing effects within the Business – Mixed Use zone along the western side of Mount Wellington Highway, opposite to Sylvia Park Precinct.

~~(3) (4) Frontage control~~



Draft Consent Order – amendments to provisions

- (a) Where buildings do not front the road boundary, the extent to which intervening space is developed and designed as a public amenity area, including hard or soft landscaping.
- (b) The extent to which the structural framework of the building enables conversion of the floor space to comply with future height and glazing requirements.
- (c) The extent to which building design and/or landscaping features mitigate a reduction in glazing.
- (d) The extent to which the building design and/or location adversely affects pedestrian amenity.

~~(5) Car parking~~

~~(a) Car parking and loading not meeting the requirements of Tables E27.6.2.3 and E27.6.2.4 in clause E27 of the Auckland-wide rules – Transport section will be assessed against the relevant matters set out in clause E27.6.3 of the Auckland-wide rules – Transport section.~~

(4) ~~(6)~~ Vehicle access

- (a) The extent to which any new access will adversely affect the operational capacity and safety of the adjacent road network and amenity of adjacent sites.

(5) ~~(7)~~ Heavy vehicle access

- (a) The extent to which heavy vehicle access may result in adverse effects in terms of road safety and residential amenity.

(6) ~~(8)~~ Landscaping and on-site amenity areas

- (a) The extent to which the infringement may result in the loss of on-site amenity

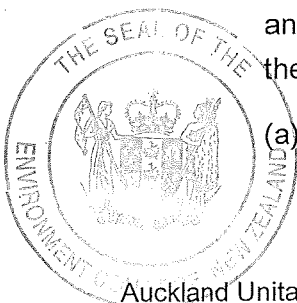
I336.9. Special information requirements

An application for resource consent must be accompanied by:

- (1) Required works and management plans

Works and management plans must be provided to council's satisfaction and protected by conditions on resource consents or by way of other mechanisms outside the Unitary Plan. Except as otherwise provided in this precinct, the works and management plans described below are to be funded by the landowner(s) or their nominee.

- (a) Required works



Draft Consent Order – amendments to provisions

(i) Pedestrian plaza

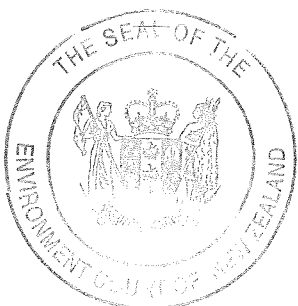
- A pedestrian plaza with a minimum area of 400m² must be provided ~~within sub-precinct A~~ south of the south-eastern arterial flyover and located so it can be conveniently accessed from other parts of the site, is sheltered from the wind, is designed for personal safety, and receive direct sunlight between 11am and 2pm. The design and location of the plaza must be approved by the council. The location of the plaza should be determined having regard to the alignment of nearby streets, the distribution of activities, and the configuration of buildings. The plaza is to be provided no later than the completion of 148,000m² of GFA of development on the site.

(ii) Drainage

- Any relocation, reconstruction or diversion of existing public sewer or stormwater drains through the site, necessary to allow development of the centre, must meet design standards specified by the relevant authority. Such work will be to the cost of the development except insofar as the relevant authority requests or requires that replacement drains have a greater nominal capacity than the existing system and this extra capacity is required to serve land outside the development.
- Any existing drain requiring reconstruction due to its physical condition will be the subject of a financial contribution from the development to the extent only that additional capacity is required to service the development.
- A primary stormwater system of underground pipes or open channels must be provided to convey runoff from the site from storms with a 10-year return period.
- A secondary system of overland flow paths must be provided to convey additional runoff from the site from storms with a return period greater than 10 years, and up to 100 years.

(iii) Pedestrian and cycleway connection

- A new safe pedestrian and cycleway connection must be provided to connect the site to Lynton Road in the general location shown in Precinct Plan 2: Structuring Elements.
- The connection will have a minimum width of 5m and a design approved by the council.
- The connection is to be provided no later than completion of 148,000m² of GFA of development on the site.



(iv) Off-site ~~reading~~ roading works

- Council may require, as conditions upon resource consents, works or financial contributions so that any physical changes to the roading network required as a result of the redevelopment of the site in accordance with the core precinct are carried out.
- Conditions regarding on-site or off-site road works, including a requirement to signalise internal roundabouts, may be imposed on individual applications for resource consent that will increase total approved development on the site above 148,000m² as the need for such works becomes apparent. The amount of any financial contribution payable on any individual application will be the proportion of the actual cost of road works required as a result of the particular application. The proportion payable on any application will be determined taking into account the amount of traffic generated by the development of the centre for which resource consent is being sought, relative to existing traffic, and the extent to which that development will use up additional capacity provided by the intersection improvements. In calculating the financial contribution payable, consideration will also be given to the benefits accruing to other road users and property owners in terms of actual usage and increased capacity.

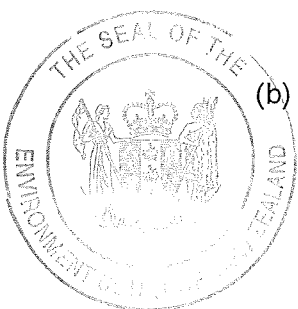
(v) Financial contribution for off-site amenity

- A total financial contribution of \$1.5m is to be provided by the developer for works to improve off-site amenity in the local Panmure/Mt Wellington/Sylvia Park community. Such works may include children's play areas, street landscaping, paving and furniture, pedestrian facilities, and environmental improvements.
- The financial contribution must not be used to fund any works required to mitigate the adverse effects of the proposed northern access route linking Waipuna and Lynton roads to the precinct. Any acoustic or visual mitigation measures required as part of a resource consent must be separately funded by the developer.
- A financial contribution of \$750,000 was paid to council at the initial stage of development. A second contribution of \$750,000 is to be paid to the council no later than the completion of a total of 80,000m² GFA of development on the site.

(b) Management plans

(i) Transport plan

- A comprehensive transport plan must be developed, setting out:



Draft Consent Order – amendments to provisions

- the physical infrastructure to be established or that is currently established on-site to support the use of alternative forms of transport such as public transport; adequate facilities for cyclists - showers, lockers and changing facilities; carpool parking areas; travel reduction information boards in foyer areas for information such as timetables and route maps; and an internet service to enhance awareness of alternative transport services.
- The physical linkages to be provided on the site to link with surrounding pedestrian and cycle networks and public transport resources.
- Operational measures to encourage reduced vehicle trips, including car sharing schemes, public transport use incentives, flexitime, staggered working hours.
- A plan setting out how car parking for the site is to be managed in an integrated manner to optimise usage whilst facilitating the use of other modes to the greatest extent practicable.
- Any proposal to provide for the extension, relocation and/or improvement of the bus station in order to accommodate any increase in patronage or services.

Note

The transport plan must be submitted to the council for approval and thereafter updated as required and approved by the council prior to the grant of any resource consent involving additional GFA. ~~An integrated transport assessment will be lodged with any application for resource consent involving additional gross floor area in excess of 5000m² GFA. The detail to be provided in the update of the transport plan and in any integrated transport assessment must be commensurate with the scale of the development proposed and its anticipated effects.~~

(ii) Landscape management plan

- Once development on the site exceeds 148,000m², a comprehensive landscape management plan must be developed setting out the overall landscape precinct for the site and details of maintenance plans. This plan must address both hard and soft landscaping, provision of public art, and the design precincts for plaza spaces. Landscaping must be developed and maintained on the site in accordance with the management plan. The plan must be updated as required and be part of any application involving significant new development on the site.
- The plan must be submitted to the council for approval and thereafter updated as required and approved by the council prior to the grant of any resource consent involving additional GFA.



I336 Sylvia Park Precinct

Draft Consent Order – amendments to provisions

(iii) Signage

- Once development on the site exceeds 148,000m², a comprehensive signage concept plan must be developed. Any applications for new signage must show how the proposed signage accords with the overall signage plan. The signage plan must be updated as required, including as part of any applications involving significant new development on the site.

Note

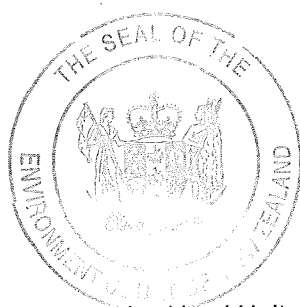
The signage plan must be submitted to the council for approval and thereafter updated as required and approved by the council prior to the grant of any resource consent involving new signage or applications under the signs bylaw.

(iv) Street amenity and maintenance

- Once development on the site exceeds 148,000m², a street amenity and maintenance plan must be prepared, setting out the design and maintenance of the internal street network. This must set out the design treatment of internal streets including details of paving materials, public transport facilities, road signage, lighting and street furniture and how streets will be maintained. The street amenity and maintenance plan must be updated as required, including as part of any applications involving significant new development on the site.

Appendix I336 – Sylvia Park Precinct – Tonkin & Taylor report, May 2006

Refer to pdf attachment

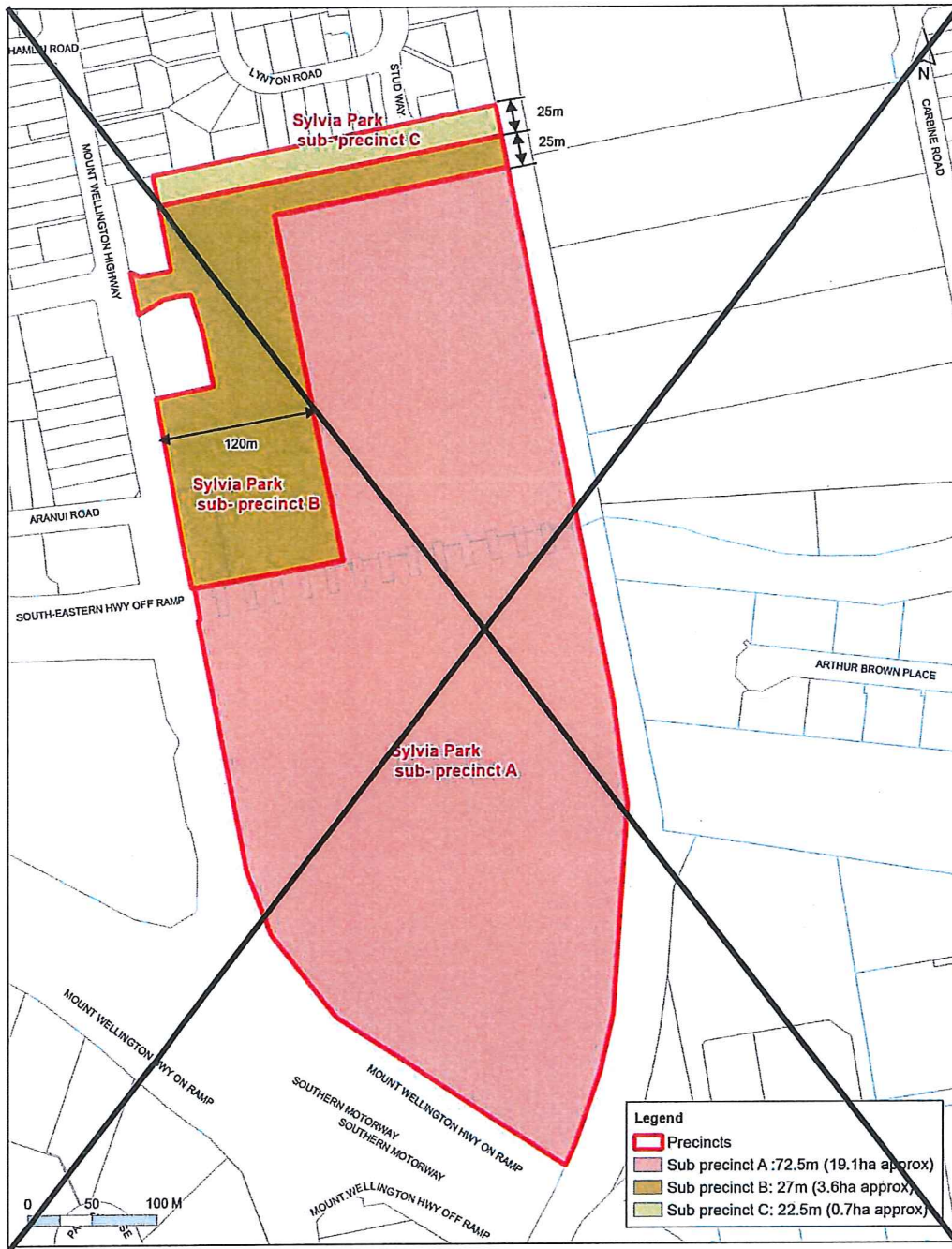


I336 Sylvia Park Precinct

Draft Consent Order – amendments to provisions

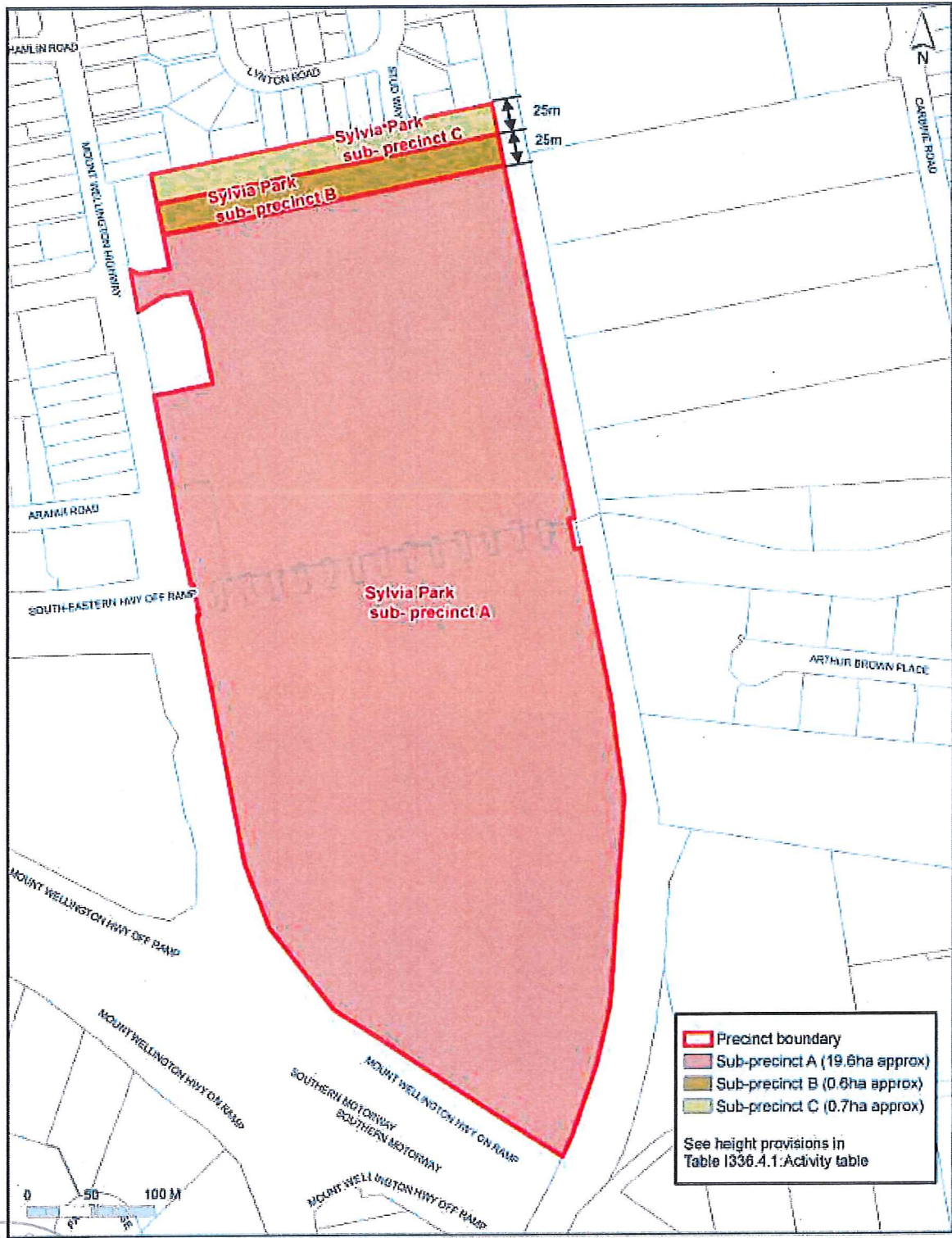
I336.10. Precinct plans

1336.10.1 Sylvia Park: Precinct Plan 1: Height areas



1336 Sylvia Park Precinct

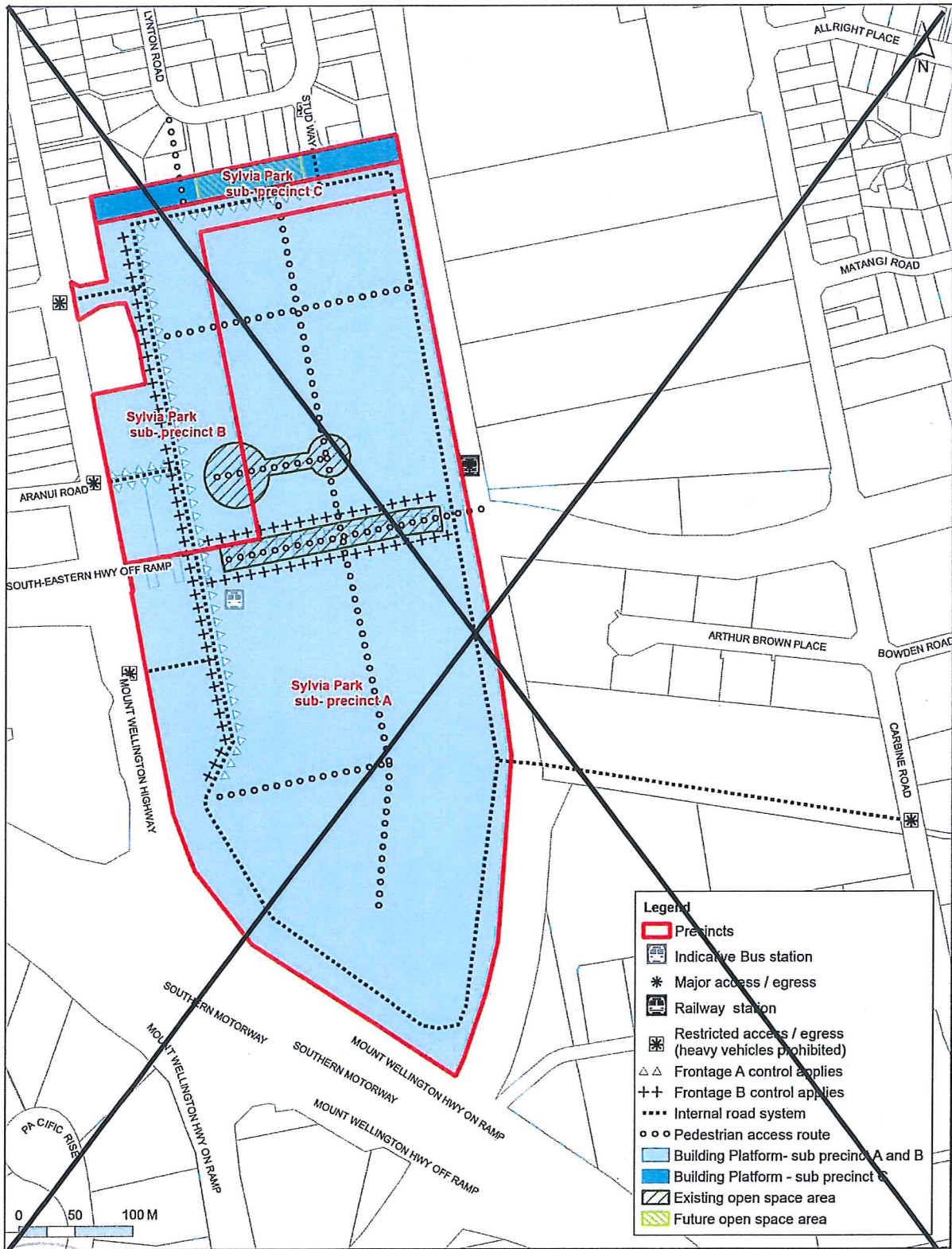
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1336 Sylvia Park Precinct

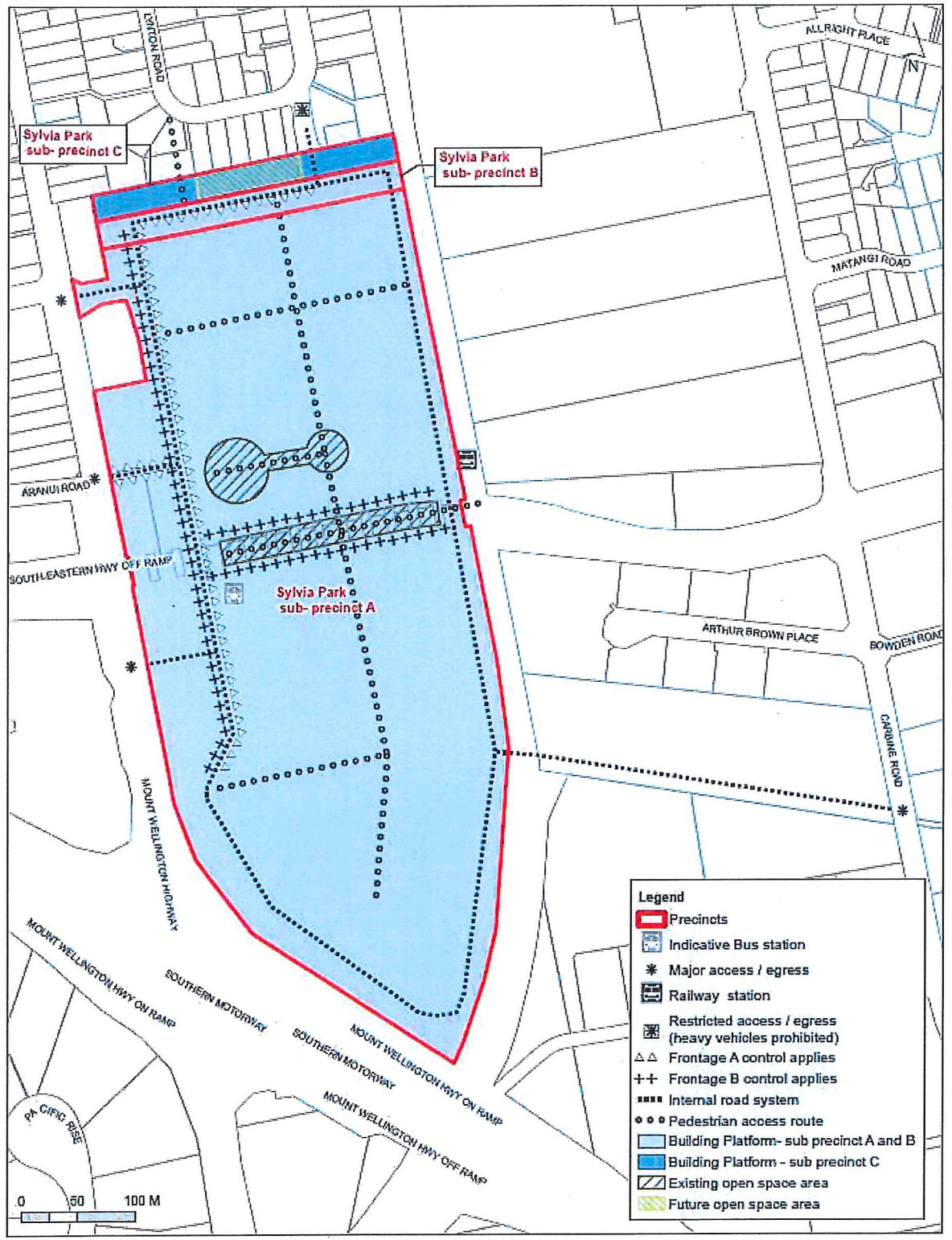
Draft Consent Order – amendments to provisions

1336.10.2 Sylvia Park: Precinct Plan 2: Structuring elements



1336 Sylvia Park Precinct

Draft Consent Order – amendments to provisions



I336 Sylvia Park Precinct

Draft Consent Order – amendments to provisions

I336.10.3 Sylvia Park: Limited earthworks corridor

