

1.0 INTRODUCTION

The City Context

The Auckland City Growth Management Strategy was adopted in 2003. This document sets out where, when and how Auckland will grow and ensures that change will happen in a managed and effective way. The key intention of the strategy is to encourage vibrant town centres within the city by:

- focusing growth around town centres that can provide the services, shops and jobs that the growing population needs
- increasing the density of development in those town centres so that there are sufficient people and activities to support improved passenger transport and other services and activities
- coordinating growth areas with passenger transport and infrastructure – putting growth areas close to rail stations and bus routes and managing drainage and stormwater.

Areas within the city where increased growth can be supported have been identified as “areas of change”, either for urban living or for business development. Urban living areas are suitable for residential and mixed-use growth. They are based around town centres that already have (or potentially will have) the transport, schools, open space, community services and shops needed to create a vibrant community.

The Newmarket Context

Newmarket is identified as an “urban living area” within the Auckland City Growth Management Strategy. Key reasons for this are Newmarket’s central location, good transport links and high levels of amenity.

Following a period of extensive community consultation, the council adopted a liveable community plan for Newmarket (“Newmarket’s future”) in September 2004. This document provides an integrated approach for dealing with the growth, transport, land use (activities, amenity and character) and social issues within the Newmarket area.

Newmarket’s future indicates that the council will take action to foster the long-term growth, safety and vitality of Newmarket by encouraging an attractive mixed-use environment that provides opportunities for new residences, live and work premises, businesses and shops. This growth area structure plan sets out resource management objectives, policies and rules for achieving that outcome.

2.0 GROWTH AREA STRUCTURE PLAN DESCRIPTION

The Newmarket Growth Area Structure Plan includes a number of key areas, which, are summarised below:

- Broadway mainstreet: Broadway is a long established retail strip, which is anchored by the Olympic Pools at the northern end and the shopping mall at the southern end.
- Backstreet areas: these areas surround the Broadway retail strip and support a wide range of smaller retail businesses and professional services. The backstreets are characterised by narrower streets, smaller scale buildings and less traffic than Broadway mainstreet.
- Residential enclaves: small pockets of residential located on the outskirts of the main retail and commercial area.
- ~~The site at 314-390 Khyber Pass Road (currently occupied by Lion Breweries): this site is a large (5.3ha) brownfield site which presents a unique re-development opportunity within Auckland City.~~

Newmarket also has a number of defining characteristics, which are summarised below:

- Newmarket is highly accessible in terms of public transport as there are rail stations to the east of Broadway and at Boston Road (the Boston Road station is to be re-located to Park Road) and extensive bus links to Newmarket from a variety of directions.
- There is a range of character and scheduled heritage buildings scattered throughout Newmarket, such as the art deco apartment buildings located off the northern end of Broadway and Highwic on the corner of Gilles Ave and Mortimer Pass.
- There are a range of community facilities in Newmarket, such as Newmarket Primary School and a network of parks and reserves.

3.0 RESOURCE MANAGEMENT ISSUES

- Achieving the growth outcomes required for the Newmarket “urban living area”.
- Facilitating business and retail development which will enhance the role of Newmarket as a sub-regional centre.
- Enhancing the built environment of Newmarket, particularly with respect to the contribution of individual buildings to the streetscape.
- Encouraging the retention of the character buildings within Newmarket.
- Recognising the high availability of public transport for people travelling to and from the town centre and the limited capacity of the road network in and around Newmarket.
- ~~Ensuring that the site at 314-390 Khyber Pass Road is not redeveloped in an ad-hoc manner and that the type and form of development is appropriate for its location in an “urban living area” and a sub-regional centre.~~

4.0 RESOURCE MANAGEMENT STRATEGY

The Newmarket Growth Area Structure Plan adopts a comprehensive approach to addressing the resource management issues facing Newmarket. Consequently, the strategy for the Newmarket Growth Area Structure Plan is comprised of a number of Parts, which are summarised below:

Growth - a number of measures have been adopted to increase the opportunities for residential development in Newmarket:

- The Residential 8 zone has been applied to the residential enclaves on the outskirts of the main retail and business areas
- The sites which surround the Broadway and Nuffield Street retail strips are zoned mixed use which means that these sites have the potential to accommodate residential activity
- The height limit and the floor area ratio in the mixed use zone have been increased so that there is greater development potential on these sites (including greater potential for residential development)
- ~~Provisions have been put in place to ensure that a significant level of residential development occurs on the site at 314-390 Khyber Pass Road.~~

Retail and business function – a number of measures have been adopted to enhance the business and retail functions of the town centre:

- The Business 3 zone has been maintained on Broadway and Nuffield Street to ensure that these areas remain a premier shopping area.
- The sites that surround the Broadway retail strip have been zoned Mixed Use which means that these sites can be used for business and retail purposes in keeping with the character and identity of Newmarket.
- The height limit and the floor area ratio in the Mixed Use zone have been increased so that there is greater development potential on these sites.
- ~~Rules have been put in place to ensure that a significant level of business and retail activity occurs on the site at 314-390 Khyber Pass Road.~~
- The car parking provisions have been revised to be less onerous for retail and business activities, particularly those activities located on the ground floor. This will facilitate changes in use and consequently, result in a more vibrant and interesting town centre.

Built environment - in order to enhance the built environment of Newmarket and therefore its appeal to potential users of the town centre, all new buildings and alterations to existing buildings will have to meet a range of urban design focussed development controls and assessment criteria. These provisions will ensure that new development makes a positive contribution to the immediate streetscape and to the amenity and character of Newmarket in general.

Through site lanes are provided for by way of bonus provisions to encourage connectedness and to establish small retail lanes that will enhance a sense of “local place”.

Character buildings – within the town centre, there are a number of character buildings that contribute to the identity and visual amenity of the built environment of Newmarket. Development controls have been put in place to encourage the retention of these buildings and in respect of additions and alterations.

Passenger transport - Newmarket is highly accessible in terms of public transport (both bus and rail), has a road network with limited capacity and a significant number of carparking facilities. As a reflection of these characteristics and as a means of encouraging greater use of public transport, the on-site car parking requirements have been reduced as compared to those in Part 12 of the Plan. Cycle and changing facilities have been required in large scale buildings and provisions have been put in place to avoid new commercial car parking facilities being established.

314-390 Khyber Pass Road - this site is a key re-development opportunity within Newmarket. The Business 4 zone is to be retained on this site until a comprehensive

~~masterplan is prepared. To ensure the best possible outcome on this site, a comprehensive development plan process has been put in place. This process is further explained in clause 9 below.~~

In terms of the relationship of the Newmarket Growth Area Structure Plan to the other provisions in the Plan, the provisions of the Newmarket Growth Area Structure Plan are an overlay and therefore apply in addition and in some cases in place of the existing zone provisions for the Business 3, Mixed Use and Residential 8 zones. Any other zones or additional limitations within the Newmarket Growth Area Structure Plan area are not affected by these provisions.

5.0 RESOURCE MANAGEMENT OBJECTIVES AND POLICIES

5.1 To achieve the residential growth outcomes sought for the Newmarket urban living area while enhancing the retail and business functions of Newmarket.

- By utilising the Residential 8 zone to increase the development potential of the existing residential enclaves within Newmarket
- By increasing the number of sites on which residential development can occur within the town centre
- By increasing scale and intensity of development provided for in the Mixed Use and Business 3 zones and thereby increasing the opportunity for residential, retail and business development to occur
- By retaining Broadway as the premier shopping area while facilitating new development that will enhance the retail and business functions of the town centre
- By requiring a high standard of amenity for occupants of new residential developments.
- ~~By ensuring that the site at 314-390 Khyber Pass Road includes sufficient residential activity when it is redeveloped.~~

5.2 To encourage the use of public transport (bus and rail), walking and cycling and to restrain the use of private vehicles.

- By limiting the supply of on-site car parking to a level which reflects the existing and future accessibility of Newmarket by public transport, the capacity of the road network, the existing car parking facilities and the Mixed Use nature of the town centre
- By avoiding new commercial car parking facilities (including the expansion of existing facilities) within Newmarket
- By ensuring that facilities are established which encourage alternative forms of transport to private motor vehicles, such as cycle storage
- By locating high intensity development, appropriately designed to avoid reverse sensitivity issues in close proximity to public transport modes.

5.3 To create a built environment in Newmarket that retains character buildings and displays high quality urban design.

- By encouraging the retention of the character buildings within Newmarket

- By ensuring that each of the following characteristics of good urban design are given effect to in each new building and in additions and alterations to existing buildings within Newmarket:
 - (i) The form, scale and massing of the building is appropriate to the site, use of the building and the wider context.
 - (ii) The building has high architectural quality and expression (including detailing, materials, articulation and modulation)
 - (iii) The building has good outlook, orientation and aspect
 - (iv) There is a positive relationship between the building and the street, and in particular the building has an active frontage.
- By enabling changes in ground floor activities to occur more easily through the use of on-site parking controls which relate to floor areas rather than activities.
- By ensuring that car parking buildings and carparking areas are either sleeved with development containing active uses or are located underground or to the rear of existing development so as to avoid negative impacts on the streetscape
- By ensuring a continuous building frontage along Broadway and the eastern end of Khyber Pass Road.

Note: the above objectives and policies are in addition to those of the Residential 8 zone in Part 7 of the Plan, the Business 3 and Mixed Use zones in Part 8 of the Plan and the transport objectives and policies in Part 12 of the Plan.

6.0 RULES – ACTIVITIES

There is Residential 8, Mixed Use and Business 3 zoned land within the Newmarket Growth Area Structure Plan area. The status of activities in each of these zones is set out below.

6.1 Residential 8 zone

The status of activities in the Residential 8 zone areas of the Newmarket Growth Area Structure Plan is set out in Table 7.7.5 in Part 7 of the Plan except that the following provisions apply in place of the relevant provisions in Table 7.7.5:

Activities – Residential 8	Zone 8c
Construction and/or relocation of residential units or any new building (including accessory building)	D**
Construction and/or relocation of residential units or any new building (including accessory building) on a site located within 30 metres of a business or Mixed Use zone	D**

** Those activities marked with a ** are restricted discretionary activities (refer to clause 4.3.2.6 RESTRICTED DISCRETIONARY ACTIVITIES for public notification and service requirements).

6.2 Business 3 and Mixed Use zones

The status of activities in the Business 3 and Mixed Use zone areas of the Newmarket Growth Area Structure Plan is set out in Table 8.7.1 (Business 3) and Table 8.7.7 (Mixed Use) of Part 8 of the Plan except that the following provisions apply in place of the relevant provisions in Table 8.7.1 or Table 8.7.7 or where there is no relevant provision in addition to the provisions in Table 8.7.1 or Table 8.7.7:

Activities – Business 3 and Mixed Use zones	
Commercial carparking ¹	NC
Construction and/or relocation of new buildings and new accessory buildings, including external additions and alterations to existing buildings, and accessory buildings	D**
Demolition ² or removal of a character building	D**
External alterations and additions to character buildings (except for re-decoration, maintenance or repair) as identified on the Newmarket Growth Area Structure Plan diagram.	D**
Vacant sites	D**
<u>Service stations existing as at 12 August 2007 including alterations and modifications to those service stations provided that:</u> i) <u>the modification or alterations do not contravene or invalidate conditions attaching to any previous consent or approval which relate to the operation of the premises; and</u> iii) <u>unless previously consented to the retail premises shall not exceed 200m².</u>	<u>D**</u>
For development on the site at 314-390 Khyber Pass Road refer to clause 9.0.	

1 Replaces the provision for “commercial or public car parking area” in the Mixed Use zone and the Business 3 zone.

2 Demolition means the total or substantial destruction of the external structure or the removal of more than 30% of the volume of the building.

**Those activities marked with a ** are restricted discretionary activities (refer to clause 4.3.2.6 RESTRICTED DISCRETIONARY ACTIVITIES for public notification and service requirements).

7.0 ASSESSMENT CRITERIA

- 7.1 In considering applications under clause 6.1 above the council must be satisfied that the objectives and policies for the Residential 8 zone and the Newmarket Growth Area Structure Plan have been met. In addition, such applications will also be assessed against the relevant criteria in clause 7.7.5.2C of Part 7 of the Plan. In considering these applications, the council’s discretion will be limited to the matters identified in these objectives and policies and criteria.
- 7.2 In considering applications under clause 6.2 above the council must be satisfied that the objectives and policies for the relevant zone (either Business 3 or Mixed Use) and the Newmarket Growth Area Structure Plan have been met. In

addition, such applications will also be assessed against the relevant criteria set out below. In considering these applications, the council's discretion will be limited to the matters identified in the objectives and policies and the following criteria.

In order to correspond with the activities Table in clause 6.2, the assessment criteria have been split into ~~three~~ four Parts: New buildings and accessory buildings (including external additions and alterations), Character buildings, ~~and~~ Vacant sites and Existing service stations.

7.2.1 New buildings and accessory buildings (including external additions and alterations)

(i) General

The extent to which:

- ~~a) The building design is of high quality, showing creativity, innovation and responsiveness to the local context (this includes architectural character and expression, use of materials, articulation and modulation to create visual interest).~~
- ~~b) The building addresses and aligns to the street boundary to a height appropriate to define and enclose the street. Minor modulation and variance of the frontage layout (e.g. recessed pedestrian entrances and windows) are acceptable where it is necessary to avoid architectural monotony and where the overall continuity of the frontage is not compromised.~~
- ~~c) The rhythm and scale of architectural features, fenestration, finishes and colour harmonise with and complement the streetscape, particularly where this would assist or strengthen the overall effect of the street frontage(s).~~
- ~~d) Modulation of the façade is expressed at each scale (macro, medium and detail).~~
- ~~e) Flat planes or blank facades devoid of modulation, relief or surface detail have been avoided.~~
- ~~f) The frontage(s) is visually broken up to reflect the typical prevailing subdivision pattern and the width of neighbouring buildings. This is particularly relevant on large sites that enable the development of an extensive street building frontage.~~
- ~~g) The building is designed to be highly adaptable to a variety of uses. For example, incorporating open structural frames and more than minimum floor to ceiling heights.~~

- ~~h) Frontages are designed to avoid multiple service and vehicle access interruptions to the continuity of the building frontage.~~
- ~~i) Durable, high quality and easily maintained materials have been used, particularly at street level.~~
- ~~j) Side or rear walls have been used to introduce creative architectural solutions that provide interest in the façade including modulation, relief or surface detailing.~~
- ~~k) The building has been designed in accordance with the Safety guidelines in annexure 16 of the Plan.~~
- ~~l) The building gives effect to the relevant criteria in 8.7.7.2.1 (c)-(i) of Part 8 of the Plan.~~
- ~~m) Green design principles e.g. rain gardens have been incorporated into any landscaping of the site.~~

~~(ii) Street level~~

~~————— The extent to which:~~

- ~~a) The building frontage(s) contributes to pedestrian vitality, interest and public safety through the use of architectural detail, maximising doors and window openings and overlooking streets and other public open spaces.~~
- ~~b) The building entrance(s) are easily identifiable and accessible from street level and provide pedestrian shelter.~~
- ~~c) Separate pedestrian entrances have been provided for different uses within the building, particularly for residential activity.~~

~~(iii) Upper levels and rooftops~~

~~————— The extent to which:~~

- ~~• Large expanses of blank walls are avoided at upper levels on street and public open space frontages.~~
- ~~• Architectural design differentiates upper building levels from middle and street levels.~~
- ~~• Roof profiles are designed to 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.~~
- ~~• Whether plant, exhaust, intake units, and other mechanical and electrical equipment are integrated into the overall rooftop design so that they are not visible from outside the site.~~

(iv) Corner Sites

The extent to which:

- a) ~~The design of buildings on corner sites expresses the corner element as a vertical transition between the two adjoining street frontages.~~
- b) ~~The design of the top of the building corner is distinguished from the remainder of the building and is an integral part of the corner element.~~

a) The building design (including architectural character, expression, articulation, modulation and use of materials) is high quality, creative and responds to the local context.

b) The street elevation of buildings is scaled and composed to visually express the typical prevailing subdivision pattern and/or the width of neighbouring buildings.

c) The building aligns with the street boundary of the site. Minor departures from the street boundary alignment (e.g. recessed pedestrian entrances and windows) are acceptable where they provide attractive architectural features and where the overall continuity of alignment with the street boundary is not compromised.

d) The design of new development respects the scale, form, patterns and character of adjacent buildings.

e) The scale and rhythm of architectural features (such as windows, doorways, details, materials and colours) enhance the streetscape.

f) The facades fronting streets and public open space contain windows that allow privacy of internal rooms, but also surveillance of outdoor spaces.

g) Main entrances to each building are located on the street face and are clearly identifiable and accessible from the street. Separate pedestrian entrances are easily identifiable and have been provided for different uses within the building where appropriate.

h) Blank facades devoid of modulation, relief, windows or surface detail are avoided.

i) Side or rear walls exposed to public views are designed to be visually attractive.

j) The building structure and floor to floor heights are designed to enable the building to be easily adapted to new uses in the future.

k) Architectural design differentiates upper building levels from middle and street levels where appropriate.

- l) The design of the building, if it on a corner site, acknowledges the special character of corner locations in a manner that responds appropriately to both the context of the site and the form and function of the building itself.
- m) Roof profiles contribute to the architectural quality of the building and skyline when viewed from ground level and surrounding taller buildings and public spaces.
- n) Mechanical Plant (e.g. exhaust, air conditioning units) is integrated into the building design.
- o) High quality, durable and easily maintained materials are used, particularly at street level.
- p) Service and vehicle access interruptions to the continuity of building frontage are minimised.
- q) Carparking has been located underground, to the rear of the building, or is separated from the street frontage by other uses which activate the street.
- r) The building is designed in accordance with the Safety Guidelines in Annexure 16 of the Plan.
- s) Green design principles have been incorporated into the building (or alteration) and any landscaping of the site.
- t) The design, construction, materials and operation of mixed use developments minimises the potential for offensive noise and provides a high level of acoustic amenity

(v) (ii) Buildings adjoining character buildings (as identified on the Newmarket Growth Area Structure Plan diagram) or scheduled buildings / items

The extent to which:

- a) ~~The extent to which~~ The frontage height and design of new development maintains a consistent scale with the adjoining character building or scheduled item. This does not mean a rigid adherence to the height of adjoining buildings but rather respect for their scale, setback, form and character.
- b) ~~The extent to which~~ The building elevation design and materials respects (rather than replicate) any patterns of elements in the adjoining character building of scheduled item. Notwithstanding, new and contemporary interpretations in form and detail may be used.

~~(vi) Buildings containing carparking and carparking areas to be established concurrently with a new building~~

- ~~a) The extent to which the carparking area has been located underground, to the rear of the building or is sleeved with other uses so as to screen the carparking from the street or other public spaces.~~
- ~~b) The extent to which the design of the parking building can achieve the other design criteria for new buildings in clause 7.2.1.~~

~~(vii)(iii) Buildings containing residential units~~

~~In addition to the minimum requirements for buildings used for residential activity in the Mixed Use zone in clause 8.7.7.2.1 (a), (b), (d), (e), (f) and (h) and 8.7.7.3.2 (d) the following criteria must also be considered:~~

- ~~a) The extent to which the design of the building provides a good standard of internal amenity to occupants with regard to the size, purpose and design of residential units.~~
- ~~b) Whether the building provides living environments for a range of household types e.g. 1 bedroom, 2 bedroom and 3 & 4 bedroom units.~~
- ~~c) Whether the design and materials of the building provide a high level of internal acoustic amenity.~~
- ~~d) The extent to which residential units have natural through ventilation by window openings facing different directions.~~
- ~~e) The extent to which the internal design of every residential unit maximises outlook, (as distinct from views).~~
- ~~f) The extent to which the rooftop areas have been designed for recreation use, if practical.~~

The extent to which:

- a) The minimum requirements for buildings used for residential activity in the Mixed Use zone as in clause 8.7.7.2.1 (a), (b), (d), (e), (f) and (h) and 8.7.7.3.2 (d).
- b) The design of the building provides a good standard of internal amenity to occupants with regard to the size, purpose and design of residential units

- c) The building provides living environments for a range of household types e.g. 1 bedroom, 2 bedroom and 3 & 4 bedroom units.
- d) Residential units have natural ventilation.
- e) The design maximises outlook for all units.
- f) The roof top areas have been designed for recreational use, where practical

7.2.2 Character buildings (as identified on the Newmarket Growth Area Structure Plan diagram)

(i) Demolition

- ~~a) Whether the demolition or removal of the building will detract from the continuity and/or special character of the streetscape as a whole. To demonstrate this, a site and context analysis shall be submitted which shows the extent to which the existing building shares original design features with other buildings in the street.~~
- ~~b) The extent to which the character qualities and original design features of the building are visible from a public place.~~
- ~~c) The extent to which the building is beyond rehabilitation in terms of poor structural or physical condition.~~
- ~~d) Whether the costs of the repair work or upgrading necessary to extend the useful life of the building are prohibitive (in comparison to the costs of a new building of similar size).~~
- ~~e) Whether the applicant has applied for resource consent to construct a new building (or a substantial alteration that requires demolition as it is defined) that mitigates the loss of the original building.~~

The extent to which:

- a) The removal of a character building will detract from the continuity and/or special character of the streetscape as a whole. A site and context analysis of the proposed demolition of the subject character building is to be provided.
- b) The character qualities and original design features of the subject building are visible from public open space.
- c) The structural and physical condition of the subject character building is beyond rehabilitation.
- d) The proposed replacement building (or a substantial alteration that requires demolition as it is defined) will have a positive effect on the character of the local area.

and mitigate the loss of the character building and, in the case of a substantial alteration, incorporates and is compatible with the remaining existing features and architectural style. To be considered, a replacement building must be the subject of an applied for, or approved, resource consent.

- e) A proposal on the site will provide significant public benefit and for which there is significant public need. To be considered, a proposal must be the subject of an applied for, or approved, resource consent.

(ii) External alterations and additions

The extent to which:

- a) The form, mass, proportion and scale of the external addition or alteration is compatible with the original architectural style of the character building on the site;
- b) The materials used are the same or similar as existing materials of the building;
- c) Any additions and alterations that are visible from the street, or any other public place, will detract from the continuity and/or special character of the streetscape as a whole.
- d) The external alteration will detract from the continuity and streetscape as a whole.
- e) Any historical qualities and original design features of the existing building remain.

7.2.3 Creation of vacant sites

- (i) The extent to which the site will be landscaped to provide good visual amenity to the surrounding neighbourhood until the site is developed.

7.2.4 Existing service stations

- (i) The extent to which the proposal will comply with the criteria for service stations set out in clause 8.7.7.3.

8.0 DEVELOPMENT CONTROLS

8.1 Residential 8 zone

Activities in the Residential 8 zone areas of the Newmarket Growth Area Structure Plan shall comply with the development controls set out in clause

7.8.2 of Part 7 of the Plan, ~~and~~ the controls set out in 8.1.1 and 8.1.2 below and the carparking provisions set out in clause 8.3 below.

An application to modify the development controls rules will be considered under clause 4.3.1.2(b) as a discretionary activity.

8.1.1 Minimum size of residential units

Residential units shall be designed to meet the following minimum unit sizes:

Number of bedrooms	Size of unit
Studio unit	35m ²
1 bedroom units	45m ²
2 bedroom units	70m ²
3 bedroom units	90m ²

Any additional bedroom(s) in a unit, above 3 bedrooms, shall have a minimum internal floor area of 9m².

The calculation of minimum unit sizes should be based on the net internal floor area and shall exclude all balconies, decks and internal car parking areas. Internal circulation space which could be redesigned as common area shall be excluded.

Explanation:

A minimum unit size is required to ensure that each unit has an adequate level of amenity for the occupants.

8.1.2 Mix of residential units

In any building containing in excess of 10 residential units, the combined number of studios, one bedroom and two bedroom units shall not exceed 80% of the total number of residential units in the building.

Explanation:

A mix of unit sizes is required to ensure that the housing stock within Newmarket can provide for a variety of household types.

8.2 Business 3 and Mixed Use zones

- (i) Activities in the Business 3 zone areas of the Newmarket Growth Area Structure Plan shall comply with the development controls identified in the following table, ~~and~~ the controls set out in 8.2.1 to 8.2.98 below and the carparking provisions set out in clause 8.3 below.

Rule	Clause
Frontages	8.8.1.3 A & B
Noise	8.8.1.4 A
Odour	8.8.1.5
Vibration	8.8.1.6
Additional controls for residential development	8.8.1.12.1 B & C
Additional controls for Business 3,4,5,5A and 6 zones.	8.8.1.13 A & C

- (ii) Activities in the Mixed Use zone areas of the Newmarket Growth Area Structure Plan shall comply with the development controls identified in the following table, ~~and the controls set out in 8.2.1 to 8.2.98 below~~ and the carparking provisions set out in clause 8.3 below.

Rule	Clause
Noise	8.8.10.6 (a)
Visual privacy	8.8.10.7
Odour	8.8.10.8
Vibration	8.8.10.9
Screening	8.8.10.11
Private open space	8.8.10.12

- (iii) ~~The on-site carparking provisions outlined in clause 8.2.9 below are in place of the relevant provisions of Part 12 of the Plan.~~
- (iv)(iii) An application to modify the development controls rules will be considered under clause 4.3.1.2(b) as a discretionary activity unless otherwise stated.

8.2.1 Maximum height

- (i) ~~Standard~~ Maximum height control: the maximum height and number of storeys for buildings is set out in the following table.

Zone	Maximum height (m)	Maximum storeys
Business 3 sites excluding sites with frontage to Nuffield St	27 <u>33</u>	8 <u>9</u>
Business 3 sites with frontage to Nuffield St	15	4
Mixed Use sites excluding sites with frontage to Khyber Pass Road between Mountain Road and Crowhurst St.	15 <u>21</u>	4 <u>5</u>

Mixed Use sites with frontage to Khyber Pass Road between Mountain Road and Crowhurst St.	24 <u>27</u>	<u>6</u> 7
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Except that for Mixed Use sites, any height above that set out in the table below shall be setback from the front façade to comply with a 45 degree angle when measured from the front façade (as per figure 1).

<u>Zone</u>	<u>Maximum height (m)</u>	<u>Maximum storeys</u>
<u>Mixed Use sites excluding sites with frontage to Khyber Pass Road between Mountain Road and Crowhurst St.</u>	<u>15</u>	<u>4</u>
<u>Mixed Use sites with frontage to Khyber Pass Road between Mountain Road and Crowhurst St.</u>	<u>21</u>	<u>6</u>

(ii) ~~Bonus height control: the maximum height and maximum number of storeys set out in the standard height control above can be increased in accordance with the bonus table below provided that any storeys in addition to those in the standard control must be set back from the front façade in the following manner:~~

- ~~• For buildings on the north side of an east-west aligned street e.g. Khyber Pass Road, the additional storeys must be setback to comply with a 45 degree angle when measured from the front façade (as per figure 1).~~
- ~~• For buildings on the south side of an east-west aligned street e.g. Khyber Pass Road, the additional storeys must be setback to comply with a 60 degree angle when measured from the front façade (as per figure 1).~~
- ~~• For buildings on either side of a north-south aligned street e.g. Broadway, the additional storeys must be set back to comply with a 60 degree angle when measured from the front façade (as per figure 1).~~

~~For the purposes of this rule, Davis Crescent and Remuera Road are considered to run east/west.~~

Zone	Maximum height (m)	Maximum storeys
Business 3 sites excluding sites with frontage to Nuffield St	33	10
Business 3 sites with frontage to Nuffield St	21	6
Mixed Use sites excluding sites with frontage to Khyber Pass Road between Mountain Road and Crowhurst St.	21	6
Mixed Use sites with frontage to Khyber Pass Road between Mountain Road and Crowhurst St.	27	8

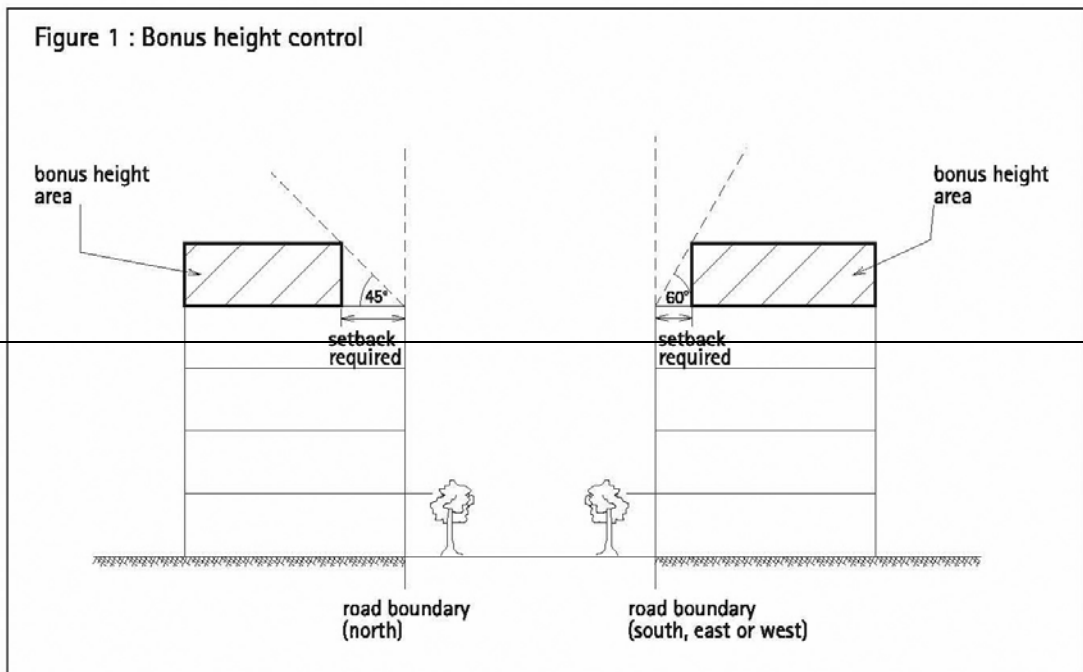
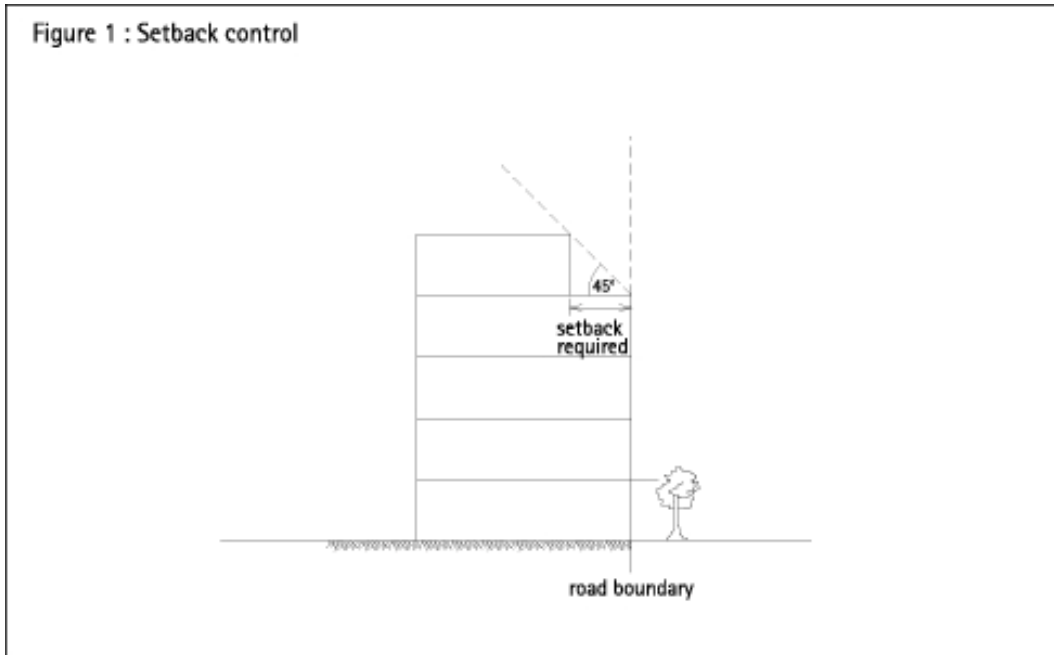


Figure 1 : Setback control



Note: the special height limits set out in clause 5C.7.6 Views shall apply where relevant.

Explanation:

The purpose of allowing height to be measured in storeys and in metres is to allow for flexibility in building design and to encourage variation in roof form. The proposed building must comply with both controls, whichever results in the lower height.

The ~~bonus~~ setback provision allows for additional height to be accommodated, while mitigating the effect of this additional height on the streetscape in terms of views and shading of the street.

8.2.2 Building in relation to boundary

- (i) Any proposed building on a Mixed Use zone site in the area between Crowhurst St, Maungawhau Road and Khyber Pass shall comply with clause 7.8.1.3(b) at the boundary of the residentially zoned sites on Seccombes Road and Maungawhau Road.

On any Mixed Use zone site adjoining or abutting land zoned Residential 8c, clause 7.8.2.4 shall apply on the common boundary.

All other Mixed Use zone sites shall comply with clause 8.8.10.4.

8.2.3 Site Intensity

- (i) The site area multiplied by basic floor area ratio equals permitted gross floor area:

Zone	Basic Floor Area ratio
Business 3	3.5:1
Mixed Use	3:1

- (ii) In the Business 3 and Mixed Use zones the amount of bonus floor area that may be achieved is determined by multiplying the area of the bonus element provided by the bonus floor area ratio set out below:

Bonus element	Bonus Floor Area ratio
Underground carparking	1:1
Cycle and pedestrian ways	2:1
Through site lanes	2:1
<u>Covered retail through site link</u>	<u>2:1</u>

~~The criteria for cycle and pedestrian way bonus elements is set out in clause 8.7.7.2.1 (i) of the Plan.~~

The criteria for underground car parking bonus elements is set out below.

1. Only elements of car parking which are located under ground level are eligible for this bonus.
2. The only exception to 1. above is where a car parking area is under ground level when viewed from the street but protrudes partially above ground where the site falls away from the street. In this instance, the area protruding above ground level may still qualify for the bonus provided that the above ground parking does not protrude more than 500mm above the level of the adjoining pavement and is either:
 - roofed and the roofed area is landscaped; or
 - the car parking area is used as a building platform for the other storeys.

The criteria for through site lanes bonus elements is set out below:

1. The through site lane must have a minimum width of 5m.
2. Create a direct and logical pedestrian route through the site.
3. Connect one street to another street or public place (i.e. shall not be a dead end).
4. Be open to the sky or be enclosed with glazing.
5. Complies with the street and lower level controls set out in clause 8.2.4 below on both sides of the through site lane.

6. Complies with the Safety Guidelines in annexure 16 of the Plan.
7. The through site lane must provide a high standard of pedestrian amenity.

For the calculation of bonus floor area, the maximum width of any through site link is regarded as 6m.

The criteria for covered retail through site link bonus elements is set out below:

The covered retail through site link must:

1. Have a minimum width of 5m.
2. Create a direct and logical pedestrian route through the site.
3. Connect one street to another street or public place (i.e. shall not be a dead end).
4. Have a minimum floor to ceiling height of 5m.
5. Be separated by walls, doors or windows from neighbouring shops (i.e. it shall not be a route through a shop).
6. Have active frontages on both sides that comply with the following:
 - The maximum length of any blank wall is 4m.
 - Entrance and window elements must form at least 70% of the surface area of any ground floor facade.
7. Comply with the Safety Guidelines in annexure 16 of the Plan.
8. Provide a high standard of pedestrian amenity.

For the calculation of bonus floor area, the maximum width of any through site link is 6m.

- (iii) The permitted gross floor area (calculated under the basic floor area ratio) plus the bonus floor area may not exceed the following total floor area ratio:

Zone	Maximum Floor Area ratio
Business 3	5:1
Mixed Use	4:1

Explanation:

The maximum amount of gross floor area is limited to ensure that the level of development is relative to the size of the site and also to ensure that the bulk and form of the building will not have an adverse effect on the visual amenity of the streetscape.

~~The bonus provision in relation to cycle and pedestrian ways is necessary to encourage the provisions of facilities that promote beneficial alternative forms of transport such as walking and cycling.~~

A bonus is offered for underground car parking due to the benefits underground car parking can offer in terms of site planning. As there is a requirement to screen car parking, this can cause site planning constraints. If car parking is underground, it frees up space to be used for landscaping, outdoor amenity, outlook and innovative building design.

The bonus provision for through site lanes is intended to facilitate interest and vitality in the street environment of Newmarket by providing an alternative form of development to the traditional street network. The through site lanes will also provide additional opportunities for ground floor activities such as retail to occur.

The bonus provision for covered retail through site links is intended to improve connections between streets and public spaces in Newmarket by providing open, active, safe links.

8.2.4 Street and lower level controls

- (i) The street level and lower levels of all buildings must comply with the following:
 - Residential activity and/or car parking may not be located on the ground floor or at street level unless retail/commercial activity fronts the street and the residential activity and/or car parking is located to the rear of the retail/commercial activity.
 - The frontage of all new buildings, and additions and alterations to existing buildings where these involve the front of the building moving closer to the street/public space boundary, must abut the street and/or public space boundary for its entire length up to a minimum height of 6m (excluding pedestrian entrances, window and balcony recesses, architectural modulations and vehicle accessways (refer to clause 8.2.5 for additional rules in relation to vehicle accessways)).
 - The minimum floor to ~~ceiling~~ floor height for the ground level is 4m.
- (ii) On sites that are not subject to the retail frontage control the following applies:
 - The maximum length of any blank wall abutting the street or public open space at ground level is 4m.
 - Entrance and window elements must form at least 50% of the surface area of any ground floor façade abutting the street or public open space.

Explanation:

The purpose of these controls is to encourage buildings that enhance the streetscape through a consistent built form and the provision of active frontages.

Active frontages increase safety, add interest and vitality to the public realm, and feature:

- frequent doors and windows, with few blank walls
- narrow frontage buildings, giving vertical rhythm to the street scene
- good articulation and detailing of facades
- where possible, internal uses visible from the outside, or spilling on to the street.

8.2.5 Noise

(i) All residential units shall be designed and constructed to provide an indoor noise level of 35dBA L10 in every bedroom and 45dBA L10 in any other habitable spaces (as defined in the building code), based on both:

- The existing traffic noise levels logarithmically averaged between 10pm and 7am at all facades of the building;
- The noise level standards in (ii), (iii) and (iv) below.

At the same time and under the same physical conditions as the above internal noise levels will be achieved, all bedrooms and other habitable spaces will be adequately ventilated in accordance with clause G4 of the NZ Building Code.

(ii) The A-weighted L10 noise level, the L10 noise level at 63Hz and 125Hz respectively and the maximum noise level (Lmax) arising from any activity within the Newmarket Growth Area Structure Plan measured one metre from the façade of a habitable space, shall not exceed the following levels:

70am to 10.00pm	L10 60dBA
10.00pm to 70am	L10 55dBA L10 60dBA @ 63Hz L10 55dBA @ 125Hz Lmax 75 dBA

(iii) In situations where common building elements such as floors and walls are shared by two units under different ownership, the noise level arising from any activity measured in a habitable space in an adjacent unit within the Newmarket Growth Area Structure Plan which is under different ownership from the noise source, shall not exceed the following levels:

70am to 10.00pm	L10 45dBA
10.00pm to 70am	L10 40dBA L10 50dBA @ 63Hz L10 45dBA @ 125Hz Lmax 65 dBA

- (iv) Measurement and assessment shall be in accordance with the requirements of NZS6801:1991 “Measurement of Sound” and NZS 6802:1991 “Assessment of Environmental Sounds”. Noise shall be measured with a sound level meter complying with at least the International Standard IEC 651 (1979): Sound Level Meter, Type 1.

Explanation:

The purpose of this control is to provide a minimum level of internal acoustic amenity for occupants of buildings from the external noise sources generated by activities within the Newmarket Growth Area Structure Plan area (including the transport network) and to provide a maximum level of noise that activities other than residential can generate.

8.2.6 Vehicle access

- (i) Sites within the core parking area (refer to the Newmarket Growth Area Structure Plan diagram) shall not have any new vehicle access created off Broadway, Khyber Pass Road, Nuffield Street or Remuera Road.
- (ii) On all other sites, sites with a frontage of less than 50m shall not have more than one vehicle access and the width of that accessway shall be not more than 5m.

Explanation:

Vehicle access within the main retail areas of the centre is avoided for traffic congestion and safety reasons and also to ensure that a continuous building frontage is provided.

The limitation on the number and length of a vehicle access is also to ensure continuity of the street frontage.

8.2.7 Residential units

All residential units and buildings containing residential units shall comply with the controls set out in 8.1.1 and 8.1.2 above.

8.2.8 Outlook space

- (i) An outlook space shall be provided from each face of the building containing windows to principal living areas of any residential unit. Where windows to a principal living area are provided from two or more faces of a building, outlook space

shall be provided to the face with the greatest window area of outlook.

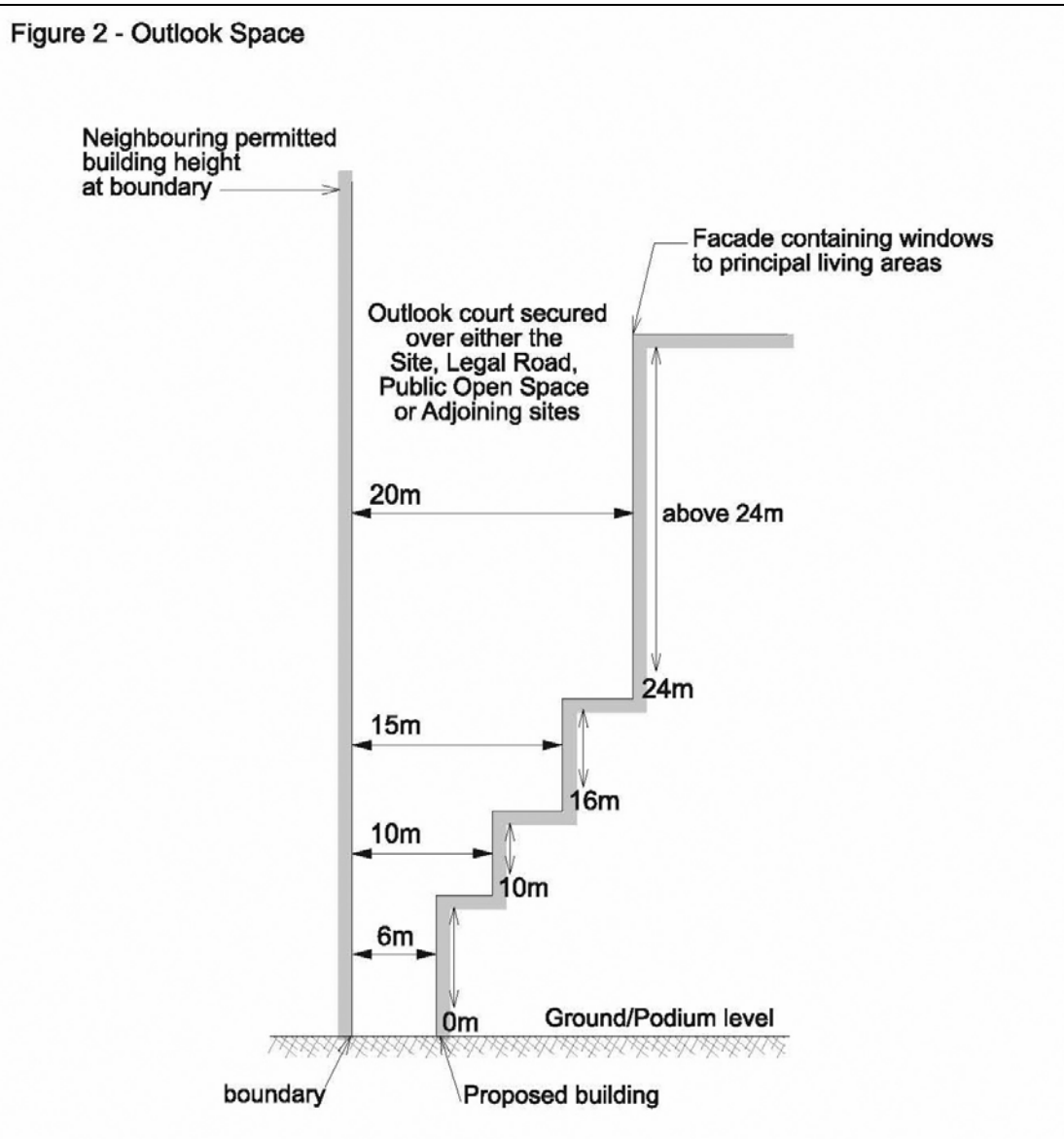
For the purpose of this rule “principal living area” means the main communal living space within an residential unit for entertainment, recreation and relaxation.

- (ii) The dimensions of the outlook space, measured perpendicular to the exterior face of the proposed building, shall be in accordance with figure 2 below for the relative height of the floor above the average ground level along each building face. Where residential units are provided on top of a building podium, the level of the podium roof may be considered as the ground level for the purposes of this rule.

- (iii) The outlook space may be over the site on which the building is located or a legal road, a public open space or another site provided that if the outlook space is over another site:
 - the outlook space shall be secured in perpetuity for the benefit of the proposed building by a legal instrument to be put in place prior to the commencement of construction.
 - confirmation is to be supplied by the owner of the adjoining site that they are in agreement with the use of their site for outlook space (at the time of resource consent application) and
 - the applicant supplies the details of the legal instrument to be used to secure the outlook space.
 - it must not be within 10m of a road boundary.

- (iv) More than one building may share an outlook space.

- (v) In the situation where an outlook space is provided over a legal road narrower than the width specified in figure 2 below, the width of the road or lane shall be deemed to satisfy the minimum outlook space requirement.



Explanation

The purpose of this control is to safeguard outlook, daylight, sunlight and privacy for occupants of buildings containing residential activity. It is not a view protection control.

~~8.2.9 Car parking and cycle storage~~

8.3 Car parking and cycle storage

The on-site carparking provisions outlined in clause 8.3 are in place of the relevant provisions of Part 12 of the Plan.

- (i) For sites within the core parking area (refer to the Newmarket Growth Area Structure Plan diagram) no on-site parking shall be provided where access to on-site car parking requires direct access from Broadway, Khyber Pass Road, Nuffield Street or Remuera Road and where vehicle access is not available from an alternative road or service lane.

Restricted discretionary activity:

Any proposals to provide for on-site parking on these sites shall be considered as a restricted discretionary activity, and shall be in accordance with the parking rates set out in the Tables below. The council's discretion shall be limited to the matters identified in the following criteria:

- The extent to which the provision of on-site parking (including the vehicle access to the parking) will impact upon pedestrian and traffic safety and the use of public transport.
- The extent to which the provision of on-site parking (including the vehicle access to the parking) will detract from the amenity and continuity of the building frontage along Broadway.
- The extent to which alternatives to private vehicle use have been put in place such as travel demand management plans.

- (ii) For activities within the core parking area (refer to the Newmarket Growth Area Structure Plan diagram) that do not require vehicle access from Broadway, Khyber Pass Road, Nuffield Street or Remuera Road, parking shall be provided in accordance with the following Table:

Activity	Minimum on-site parking	Maximum on-site parking
All activities	1 space for cycle storage per 40m ² of gfa for the first 400m ² of gfa	No maximum
Activities located on the ground floor* of a building and the site size is less than 1000m ²	No minimum	1 space per 25m ² of GFA
Activities located on the ground floor* of a building and the site size is greater than 1000m ²	1 space per 30m ² of GFA	1 space per 25m ² of GFA.
Activities not located on the ground floor of a building and the site size is less than 1000m ²	No minimum	1 space per 40m ² of GFA
Activities not located on the ground floor of a building and the site size is greater than 1000m ²	1 space per 60m ² of GFA	1 space per 40m ² of GFA

*Ground floor activities excludes any residential activities and lobbies and entrances to above ground residential activities.

Any reductions or waivers of the number of car parks to be provided under these provisions will be considered under Part 12.9 Transportation Activities.

Restricted discretionary activities:

For activities located on the ground floor* of a building and the site size is greater than 1000m² a restricted discretionary consent may be sought for a parking rate of 1 space per 20m² of gfa. The council's discretion shall be limited to the matters identified in the following criteria:

- The extent to which the proposed increase in on-site parking will affect upon traffic safety.

- The extent to which sufficient parking is provided in the locality (including commercial carparking).
- The extent to which the site is accessible by public transport (bus and rail) which mitigates the need for parking to be provided on the site.
- The extent to which the proposed increase in on-site parking will discourage the use of public transport (bus and rail).
- The extent to which alternatives to private vehicle use have been put in place such as travel demand management plans.

For activities located above the ground floor of a building a restricted discretionary consent may be sought for a parking rate of 1 space per 30m² of gfa. The council's discretion shall be limited to the matters identified in the following criteria:

- The extent to which the proposed increase in on-site parking will affect upon traffic safety.
- The extent to which sufficient parking is provided in the locality (including commercial carparking).
- The extent to which the site is accessible by public transport (bus and rail) which mitigates the need for parking to be provided on the site.
- The extent to which the proposed increase in on-site parking will discourage the use of public transport (bus and rail).
- The extent to which alternatives to private vehicle use have been put in place such as travel demand management plans.
- The extent to which the proposed increase in on-site parking will affect upon pedestrian safety and amenity.
- The extent to which the proposed parking will be used by short stay users, rather than for long stay commuter parking, and the measures that will ensure this.

For activities located on a site sized between 1000m² and 3500m² a restricted discretionary consent may be sought for a reduction in the on-site parking rate. The council's discretion shall be limited to the matters identified in the following criteria:

- The nature of the existing development, and the extent of any existing parking shortfalls.
- The extent of likely poor urban design outcomes arising from the full imposition of the core parking area on-site parking requirements.
- The extent of travel management benefits of the reduction, and the management strategies to be implemented to help support less vehicle use such as travel demand management plans.

- (iii) For activities in the outer carparking area on-site parking shall be provided in accordance with the following table:

Activity	On-site parking
All activities	1 space for cycle storage per 40m ² of gfa for the first 400m ² of gfa.
Ground floor activities*	<p>On-site car parking must be provided at a rate of <u>between a minimum of 1:25m² gross floor area and a maximum of 1:20m² of gross floor area,</u> provided that:</p> <ul style="list-style-type: none"> • 1 space per 30m² may be provided for developments with a ground floor area in excess of 500m² and the car parking to be provided is not allocated to particular activities, but is available for general use. <p><u>Except that, 1 space per 30m² may be provided for developments where:</u></p> <ul style="list-style-type: none"> <u>• the ground floor area is in excess of 500m²; and</u> <u>• the car parking to be provided is not allocated to particular activities, but is available for general use; and</u> • at least 80% of the parking to be provided is made available for visitors and customers (not for staff or owners).
Offices, industry, laboratories, warehousing and storage, workrooms, health care	On-site car parking must be provided at a rate of between a maximum <u>minimum</u> of 1:60m ² of gross floor area and a minimum <u>maximum</u> of 1 space per 40m ² gross floor area.
Other activities (for example care centre, education, entertainment, motor vehicle sales and service, taverns, non-permanent accommodation).	On-site car parking is to be provided: <ul style="list-style-type: none"> • at a minimum rate equal to 75% of the car parking required by Part 12 for the particular activity in question, and • a maximum rate that does not exceed the parking rates specified by Part 12.

*Ground floor activities excludes any residential activities and lobbies and entrances to above ground residential activities.

Any reductions or waivers of the number of car parks to be provided under these provisions will be considered under Part 12.9 Transportation Activities.

Restricted discretionary activity:

~~For ground floor activities, parking to a rate of 1 space per 20m² of GFA may be provided by way of a restricted discretionary activity. The council's discretion shall be limited to the matters identified in the following criteria:~~

- ~~• The extent to which the proposed increase in on-site parking will impact upon traffic safety.~~
- ~~• The extent to which sufficient parking is provided in the locality (including commercial carparking).~~
- ~~• The extent to which the site is accessible by public transport (bus and rail) which mitigates the need for parking to be provided on the site.~~
- ~~• The extent to which the proposed increase in on-site parking will discourage the use of public transport (bus and rail).~~
- The extent to which alternatives to private vehicle use have been put in place such as travel demand management plans.

For entertainment facilities, restaurants, cafes and tavern activities located above ground floor, restricted discretionary consent may be sought for a reduction in the on-site parking rate. The council's discretion shall be limited to the matters identified in the following criteria:

- The extent to which these activities will operate at different hours from the other activities on the site and be able to share parking.
- The extent of any existing parking shortfall for the other activities on the site.
- The extent to which sufficient parking is provided in the locality (including commercial carparking).
- The extent to which the site is accessible by public transport (bus and rail) which mitigates the need for parking to be provided on the site.

(iv) For all residential activities, on-site car parking shall be provided in accordance with the following table:

Unit size	Car Parks *
Studio / one bed less than 75	1 space per unit.

m ² GFA	
2 bedrooms or more, or any unit greater than 75 m ² GFA.	A maximum of 2 spaces, and a minimum of 1 space.
Visitor space	1 space per 5 units
Loading space	1 space for every 10 units

*Car parks do not need to be allocated to a specific residential unit to meet the requirements of clause 12.8.1.3 iv, rather car parks can still meet the requirements of clause 12.8.1.3 iv by being kept in a pool with the parks allocated to units on demand. To provide for this, on-site carparks need to be managed by an appropriate management body, such as the body corporate. On-site car parks cannot be allocated to an activity which occurs off the site.

Explanation:

The maximum parking ratios are one of several measures designed to operate as a combined package to both maintain and enhance the safety and capacity of the internal and wider road network and give effect to the regional policy direction to significantly reduce single occupancy vehicle commuter trips to and from Newmarket. The amount of permitted parking is dependent on the particular traffic demand characteristics of the activities, including the potential to generate traffic movements during peak travel periods.

~~9.0 COMPREHENSIVE DEVELOPMENT – 314-390 KHYBER PASS ROAD.~~

~~9.1 INTRODUCTION~~

~~Any change of use on the site at 314-390 Khyber Pass Road, which is currently occupied by Lion Breweries, presents a unique opportunity for large-scale re-development within Auckland City. The key features of the site are set out below:~~

- ~~• The site is large (5.3ha) and is located on the periphery of Newmarket town centre.~~
- ~~• The bus links along Khyber Pass Road and the rail stations at Newmarket and Boston Road mean that the site is highly accessible by public transport. This accessibility will increase further with the re-location of the Boston Road rail station to Park Road.~~
- ~~• The northwestern trunk railway adjoins the site to the north while Khyber Pass Road is located to the south of the site.~~
- ~~• The primary access points to the site are off Khyber Pass Road and Suiter Street.~~
- ~~• The site has a relatively even slope from the highest point at Park Road to the lowest point at Suiter Street.~~

- The surrounding sites are used for a variety of activities, but in general terms the higher intensity, more commercially orientated activities are located to the east of the site (closer to Newmarket town centre) and the lower intensity more residentially orientated activities to the west.

The key intention for this site is to establish a high quality, mixed-use development that will make a positive contribution to the continued success of Newmarket as a town centre.

Mixed-use development will have the dual benefits of increasing the residential population of Newmarket and enhancing the retail and business function of the town centre. It will also result in a built environment that is lively and inviting to residents and visitors during both day and night.

In order to ensure that a good outcome is achieved on this important site, these provisions require that the re-development is planned for and occurs in an integrated and comprehensive manner.

9.2 OBJECTIVES AND POLICIES

To establish a mixed-use development that contains an appropriate level of residential activity while also enhancing the retail and business functions of Newmarket.

- By requiring a comprehensive development plan to be approved, prior to the construction of any buildings on the site or any subdivision.
- By requiring a high level of residential activity to occur within the mixed-use development (having regard to the site's location in an urban living area).
- By providing high quality living environments for a variety of household types.
- By providing for a significant level of business and retail development which will complement and enhance the existing activities within the town centre.
- By locating the activities in a manner that integrates with the surrounding areas, in particular the majority of residential development shall be located in the western portion of the site and the majority of retail and business activity in the eastern portion of the site.

To ensure that the layout and overall form of development on the site displays a high standard of urban design.

- By ensuring the development on the site is planned for and occurs in a comprehensive manner.
- By ensuring that the visual form (bulk and massing) of building on the site is appropriate when experienced from within the site and from the wider Newmarket area.
- By requiring a layout of development that:
 - ii. Interconnects with and creates positive relationships with the surrounding sites and activities
 - iii. Is legible (easy to understand) and easy to move through, particularly for pedestrians

- iv. ~~Will result in a network of streets that generally align with the surrounding street network.~~
- v. ~~Creates a unique 'sense of place' and urban character.~~
- ~~By requiring open spaces that will be inviting and enjoyable for the public and will be focal points for people visiting and living on the site.~~
- ~~By creating a high quality street network that gives priority to pedestrian movement and enjoyment.~~

~~To develop a safe and effective traffic environment both within the site and in the wider area.~~

- ~~By limiting the primary access points off Khyber Pass Road and ensuring that those access points, and any others to the site, are designed and located to avoid conflict on the adjoining road network and to give priority to passenger transport.~~
- ~~By requiring a street network that provides both east-west and north-south connections.~~
- ~~By requiring the street network to be generally aligned with the existing street network that adjoins the site to the east and south.~~
- ~~By encouraging grouped parking that serve multiple activities and/or buildings.~~
- ~~By designing the street network to give priority to pedestrians.~~
- ~~By providing a connection through the site to Carlton Gore Road if possible.~~
- ~~By ensuring that the activities on the site do not have an adverse effect on the functioning of the Newmarket traffic environment.~~

~~Note: the above objectives and policies are in addition to those outlined in Part 5 of Newmarket Growth Area Structure Plan and those of the Mixed Use zone in Part 8 of the Plan.~~

9.3 STRATEGY

~~The strategy for this site is to require a comprehensive approach to both the planning for and the development of the site. This approach is delivered through the planning process set out below:~~

1. ~~The first step in the process is an application for a restricted discretionary consent for a comprehensive development plan (no development or subdivision can occur until such a plan has been prepared and approved). The comprehensive development plan must also comply with a series of development controls. The intention of requiring the comprehensive development plan is to ensure that the entire site is planned for and developed as a whole rather than being developed in an ad hoc manner.~~
2. ~~The second step in the process is to obtain resource consents for the individual buildings and activities to be established on the site. Resource consents for each individual building are required to ensure that each building displays the principles of good urban design and consequently makes a positive contribution to the streetscape and locality in general.~~

3. Any subsequent changes in activities will be managed through the activity table in the Mixed Use zone provided that they are in accordance with the approved comprehensive development plan.

9.4 EXPECTED OUTCOMES

It is expected that a mixed-use development on this site will result in a wide range of positive benefits for Newmarket and the city as a whole.

The direct users of the site will benefit from a variety of living and working environments, easy access to a range of activities and transport and a built environment that is attractive and enduring. In a wider sense, the character and identity of Newmarket will be enhanced by the visual form and vitality of the development, the increased diversity within the town centre and the contribution of the activities on the site to the local and regional economy.

It is also expected that the comprehensive development plan process will ensure that the layout and overall form of development on the site will result in an integrated form of development which works well from both within the site and outside the site.

9.5 ACTIVITIES

- (i) The activity table below sets out the status of activities on the site prior to the approval of a comprehensive development plan.

Activity	Status
Built development or subdivision prior to the approval of a Comprehensive Development Plan	NC
Application for a Comprehensive Development Plan	D

“Comprehensive Development Plan” means a proposal for redevelopment of the entire site (as shown on figure 3 in section 9.6 below) which includes both written documentation and plans describing the proposed approach and planned development. The following must be included:

1. An overall strategy captured in a combination of words, diagrams, plans and illustrations. This strategy shall include a discussion of how the proposed development creates a distinctive and enduring character of its own.
2. Plans and sections showing the key elements of the development, including:
 - a. Proposed building platforms relative to existing and proposed streets and open spaces.

- b. ~~The location of buildings and the finished height and profile of such buildings (including indicative floor to ceiling heights of each storey, areas of walls likely to contain windows and provide outlook and the areas at ground level that will be used for active uses).~~
 - e. ~~A shading study of the proposed building profiles in relation to public spaces and adjoining buildings.~~
 - d. ~~The layout of the street network (access points, through routes, key roads and supporting lanes).~~
 - e. ~~Location and layout of open spaces including areas of soft and hard landscaping.~~
 - f. ~~The location of car parking and servicing.~~
 - g. ~~The general location of activity types which have the potential to influence the staging of development, particularly the location and level of residential activity to be provided on the site.~~
3. ~~A discussion of how the proposed development integrates with the surrounding area, including how the development will complement and support the retail and business functions of Newmarket.~~
4. ~~Details of how the development will be staged over time, including an outline of how infrastructure and servicing will be supplied.~~
- (ii) ~~The status of activities on the site following the approval of a comprehensive development plan is set out in Table 8.7.7 (Mixed Use) of Part 8 of the Plan except that:~~
- ~~All activities and buildings must be in accordance with the approved comprehensive development plan.~~
 - ~~The following provisions apply in place of the relevant provisions in Table 8.7.7 or where there is no relevant provision, in addition to the provisions in Table 8.7.7:~~

Activity	Status
Commercial carparking¹	NG
Construction and/or relocation of new buildings and new accessory buildings, including external additions and alterations to existing buildings, and accessory buildings	D**
Variation to an approved comprehensive development plan²	D
Construction and/or relocation of new buildings and accessory buildings not in accordance with an approved Comprehensive Development Plan.	NG

~~1 Replaces the provision for “commercial or public car parking area” in the Mixed Use zone and the Business 3 zone.~~

~~2 A variation to an approved comprehensive development plan may only include minor amendments to the approved comprehensive development plan and may not increase the gfa on the comprehensive development Plan area by more than 2.5%.~~

~~**These activities marked with a ** are restricted discretionary activities (refer to clause 4.3.2.6 RESTRICTED-DISCRETIONARY ACTIVITIES for public notification and service requirements).~~

~~(iii) The status of subdivision on the site is set out in Part 11 of the Plan except that:~~

- ~~• Subdivision prior to the approval of a comprehensive development plan is a non-complying activity (in accordance with the activity Table in 9.4.1 above).~~
- ~~• Any subdivision that is not in accordance with the approved comprehensive development plan is a non-complying activity.~~

~~9.6 ASSESSMENT CRITERIA~~

~~In considering applications under clause 9.5 above the council must be satisfied that the objectives and policies for the Mixed Use zone and the Newmarket Growth Area Structure Plan have been met. In addition, such applications will also be assessed against the relevant criteria set out below. For restricted discretionary activities, the council's discretion will be limited to the matters identified in the objectives and policies and the following criteria.~~

~~In order to correspond with the activities table in clause 9.5, the assessment criteria have been split into two parts: Comprehensive development plan / Variation to an approved comprehensive development plan and New buildings and accessory buildings (including additions and alterations).~~

~~9.6.1 Comprehensive Development Plan / Variation to an approved Comprehensive Development Plan.~~

~~i) Site layout~~

~~The extent to which:~~

- ~~a) The public street network improves the permeability of the site, ensures connectivity and convenience for pedestrians and defines development blocks of a shape and dimension that are conducive to good urban design outcomes.~~
- ~~b) A logical street pattern and block layout is created, which responds to site features and constraints.~~
- ~~c) The dimension of all streets are appropriate to the uses abutting them and allow for the creation of a good pedestrian environment, incorporating wide footpaths, on-street parking, landscaping and street trees.~~
- ~~d) Activities are located appropriately on the site, particularly residential activity.~~

~~ii) Buildings~~

- ~~a) The extent to which development sites are created that can accommodate buildings that will give effect to the~~

~~assessment criteria for new buildings on this site; in particular, the requirements for outlook, sunlight, sleeved car parking and active ground floor uses.~~

~~b) The extent to which building platforms and the outline plan of building forms (profile and height, as opposed to detailed building design):~~

- ~~• establish an integrated and legible built form across the site~~
- ~~• avoid monotonous built form as viewed from streets and public spaces, using variation in building footprints, height and form~~
- ~~• enhance the form and function of open spaces.~~

~~iii) Public open space network~~

~~a) The extent to which public open space is provided on the site that:~~

- ~~• creates useable, pleasant spaces~~
- ~~• is designed in a manner appropriate to the uses surrounding them, whether residential or commercial~~
- ~~• is distributed across the site creating a network of linked spaces~~
- ~~• is defined by built form and overlooked by active uses~~
- ~~• is landscaped to a high standard including the use of high quality materials and finishes on paved surfaces~~
- ~~• uses the principles of green design e.g. rain gardens~~
- ~~• is not adversely impacted by excessive shading from proposed development.~~

~~iv) Transport~~

~~a) The extent to which the proposed layout of development will provide a street network that will adequately service the buildings and activities located on the site.~~

~~b) The extent to which the proposed level of development will have an adverse effect on the functioning of the Newmarket transport network.~~

~~c) The extent to which the access points to the site have been located in a manner which avoids conflict with the public transport network using Khyber Pass Road.~~

~~d) The extent to which the street layout aligns to the road network surrounding the site.~~

~~e) The site layout should either provide or protect the opportunity to provide a linkage across the railway line~~

~~to Carlton Gore Road at one or more locations on the site.~~

- ~~f) The extent to which the comprehensive plan develops a network of service lanes, car parking and vehicle accesses for the site that minimises the impact of these areas and allows for rear servicing of all buildings.~~
- ~~g) The extent to which areas of car parking will be grouped and not be visible from public streets and spaces.~~
- ~~h) The extent to which the layout and overall development will encourage the use of public transport and other initiatives to decrease the use of private vehicles, such as shared parking facilities and the use of travel management plans.~~

~~v) Infrastructure~~

- ~~b) The extent to which stormwater, wastewater, water supply, electricity and telecommunication infrastructure will be provided to adequately service the nature and staging of anticipated development on the site.~~
- ~~e) The extent to which green design principles have been incorporated in the provision of infrastructure.~~

~~**9.6.2 New buildings and accessory buildings (including external additions and alterations)**~~

~~———— All new buildings are to be assessed in terms of the criteria set out in clause 7.2.1.~~

~~**9.7 DEVELOPMENT CONTROLS**~~

- ~~(i) Applications for a comprehensive development plan must comply with the development controls set out in clause 9.7.1 below. An application to modify the development controls rules will be considered under Clause 4.3.2(b) as a discretionary activity.~~
- ~~(ii) Applications for the construction and/or relocation of new buildings and new accessory buildings, including external additions and alterations to existing buildings, and accessory buildings shall comply with all of the following:~~
 - ~~• any approved comprehensive development plan~~
 - ~~• the development controls identified in the following table:~~

Rule	Clause
Visual privacy	8.8.10.7
Odour	8.8.10.8
Vibration	8.8.10.9

Screening	8.8.10.11
Private open space	8.8.10.12

- the development controls set out in clause 8.2.3, 8.2.4, 8.2.5 (ii), 8.2.6, 8.2.8, 8.2.9 (iii)(iv), 8.1.1 and 8.1.2.

9.7.1 Comprehensive Development Plan Development Controls

Note: Refer to Figure 3 for the Areas referred to in the controls below.

i) Site Structure

The site must be divided with a network of public streets and spaces, including the following:

- As a minimum, two public, landscaped open spaces of at least 2500m² each must be provided within the comprehensive development plan area.
- The street network should feature an east/west link across the length of the site. This link may run adjacent to the railway corridor or may be located further south on the site. It should create a clear spine route through the site.
- North-south routes should be used to divide the site, into a series of development blocks.
- The street network must be developed to a standard where they could be adopted by the council as public roads.

Explanation:

The intent of these rules is to ensure that the public realm of the comprehensive development plan area is of a high quality and is legible, permeable and enjoyable for the people using the area.

ii) Site Intensity

The permitted gross floor area in each area is set out below:

Area	Floor Area Ratio
Area A	3.0:1 3.25:1
Area B	3.5:1 3.75:1
Area C	4.0:1 4.25:1
Area D	4.5:1 4.75:1

Explanation:

The maximum amount of gross floor area is limited to different levels in different parts of the comprehensive development plan area to ensure development in a particular area is of a size and scale which is relative to the surrounding area.

iii) Height

(a) Standard Maximum control: the maximum height and number of storeys for buildings is set out in the following table.

Area	Maximum height (m)	Maximum storeys
<u>The area within 35m of Khyber Pass Road i.e. to a depth of 35m from the street frontage</u>	<u>27</u>	<u>7</u>
Area A	<u>15 21</u>	<u>4 5</u>
Area B	<u>21 27</u>	<u>6 7</u>
Area C	<u>27 33</u>	<u>8 9</u>
Area D	<u>27 33</u>	<u>8 9</u>

Except that for areas A and B, any height above that set out in the table below shall be setback from the front façade to comply with a 45 degree angle when measured from the front façade (as per figure 1).

Area	Maximum height (m)	Maximum storeys
<u>The area within 35m of Khyber Pass Road i.e. to a depth of 35m from the street frontage</u>	<u>21</u>	<u>6</u>
<u>Area A</u>	<u>15</u>	<u>4</u>
<u>Area B</u>	<u>21</u>	<u>6</u>

(b) Bonus height control: the maximum height and maximum number of storeys set out in the standard control above can be increased in accordance with the bonus table below provided that any storeys in addition to those in the standard control must be set back from the front façade in the following manner:

- For buildings on the north side of an east-west aligned street e.g. Khyber Pass Road, the

additional storeys must be setback to comply with a 45 degree angle when measured from the front façade (as per figure 1).

- For buildings on the south side of an east-west aligned street e.g. Khyber Pass Road, the additional storeys must be setback to comply with a 60 degree angle when measured from the front façade (as per figure 1).
- For buildings on either side of a north-south aligned street e.g. Suiter Street, the additional storeys must be set back to comply with a 60 degree angle when measured from the front façade (as per figure 1).

Area	Maximum height (m)	Maximum storeys
Area A	21	6
Area B	27	8
Area C	33	10
Area D	33	10

Note: the special height limits set out in clause 5C.7.6 Views shall apply where relevant.

Explanation:

The purpose of allowing height to be measured in storeys and in metres is to allow for flexibility in building design and to encourage variation in roof form. The proposed building must comply with both controls, whichever results in the lowest height.

The purpose of the different height limit along Khyber Pass Road is to mirror the built form allowed on the other side of the road.

The bonus setback provision allows for additional height to be accommodated, while mitigating the effect of this additional height on the streetscape in terms of street views and shading.

vi) Residential activity

Residential activity in the comprehensive development plan area shall comply with the following:

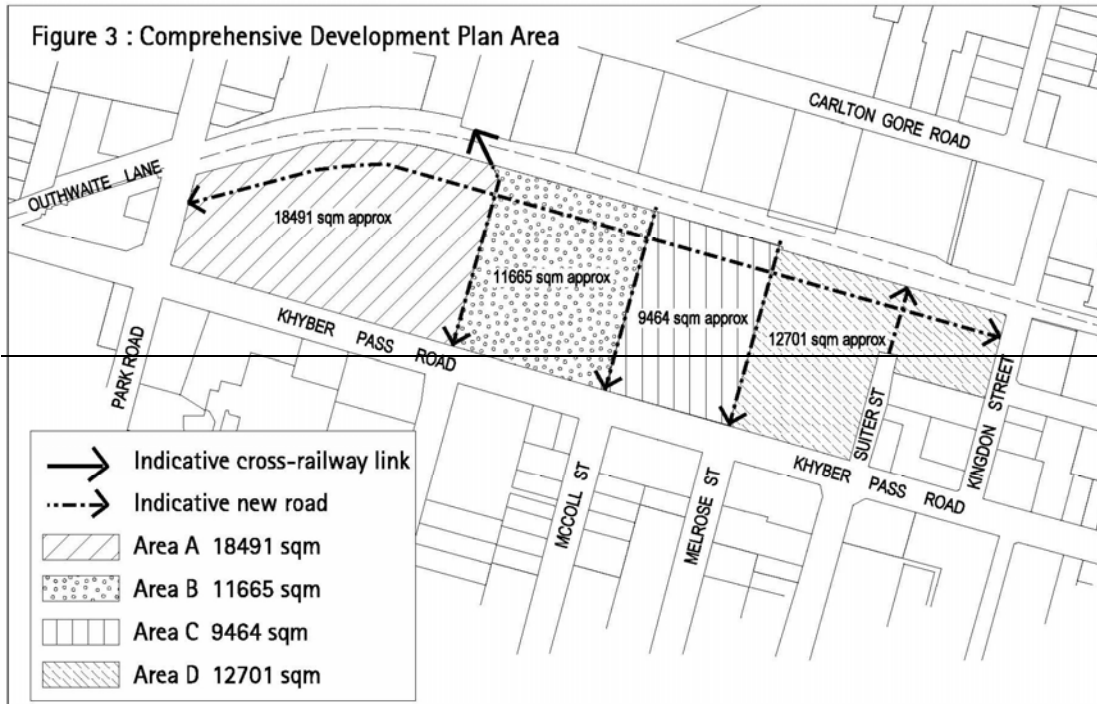
Area	Minimum GFA of residential activity	Maximum GFA of residential activity
Within Areas A & B combined	60%	70%
Within Areas C & D	20%	30%

combined		
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Explanation:

This control serves three purposes:

1. To locate the majority of residential activity at the western end of the site and the majority of business and retail activity at the eastern end of the site.
2. To ensure that a significant level of residential activity can occur on the site in accordance with the status of Newmarket as an urban living area.
3. To ensure that a significant level of business and retail activity can occur on the site as a reflect of the status of Newmarket as a sub-regional centre.



Part F:

Insert the following into Part 13 Interpretations and Definitions:

“Vacant sites

Means where a building is demolished and a new building is not constructed within 6 months of demolition.”