

BEFORE THE INDEPENDENT HEARINGS PANEL

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of Intensification Planning Instrument (**IPI**): Proposed Plan Change (**PC**) 78: Intensification (**PC78**) to the Auckland Unitary Plan Operative in Part (**AUP**)

AND

IN THE MATTER of Hearing Topic 016B - Metropolitan Centre Provisions and Hearing Topic 020AY - Sylvia Park Precinct Provisions

**PRIMARY STATEMENT OF STEPHEN KENNETH BROWN ON BEHALF OF
AUCKLAND COUNCIL**

**Landscape & Amenity Effects: Topics 016B and 020AY Metropolitan Centre
Provisions and Sylvia Park Precinct Provisions**

Date: 17th October 2024

SUMMARY

1. This statement has been prepared in response to Kiwi Property Group Limited's submission #1087 and its relief, which seeks:

Deletion of the Unitary Plan provisions governing or constraining the height of development on sites in the Sylvia Park Precinct including:

- (i) Relevant parts of Rule I336.4 Activity Table;*
- (ii) Rule I336.6.2 Building Height; and*
- (iii) Precinct Plan I336.10.1: Height Areas*

and their replacement with a maximum height standard across the whole of the Sylvia Park Precinct (i.e.: all of the current Sylvia Park sub-precincts A, B and C) of 100 m.

2. The height controls applicable to specified areas around Sylvia Park Precinct, would also be altered to accommodate future development to a maximum height of 100m.
3. Yet, the current height controls, together with the restricted discretionary (**RD**) Assessment Criteria currently applicable to all new building development within the 19.6ha precinct, respond to a number of issues associated with Sylvia Park's location, including its proximity to residential catchments to the west and north. My evidence addresses both the potential effects of a blanket 100m height control on the 'site' and those issues – which, in my opinion, remain relevant to the future height of both residential and commercial development at Sylvia Park.
4. Having reviewed that relief – in the context of evidence also prepared by Nicholas Pollard (Metropolitan Centre zone planning provisions), Dr Douglas Fairgray (economics), Myles Anderson (planning response to site-specific submissions for Sylvia Park Precinct) and Lisa Mein (urban design) – I consider that a more nuanced set of height controls and assessment criteria should remain applicable to future development within the Precinct. In particular, it is my opinion that Kiwi Property Group Limited's relief is unsupported by material information, while many of the issues that underpin the AUP height controls (and other built form controls) remain pertinent to Sylvia Park.
5. My evidence also addresses submission points requesting a 'standard' height limit of 100m or enabling unlimited height in Business – Metropolitan Centre Zones (**Metropolitan Centres**) generally, as this relief has potentially significant amenity and landscape implications for Auckland's wider metropolitan landscape.

6. In particular, I have concerns about the potential effects that sporadic development spread across metropolitan Auckland would conceivably have on the broad volcanic profile of the Isthmus, as well as on the integrity of both the tupuna maunga and Maunga Viewshafts – notably those linked to Maungawhau / Mr Eden that criss-cross Newmarket and its margins. Currently PC78 focuses very tall development on the city centre, helping to maintain a geomorphological profile across the wider isthmus that coheres around Auckland’s volcanic maunga and supports their visual primacy. Yet, sporadic high level development has the potential to fragment the city’s profile and undermine the integrity of both its volcanic landscape and this strategy.

INTRODUCTION

7. My name is Stephen Kenneth Brown. I am giving evidence in these proceedings on behalf of the Auckland Council (**Council**). I hold a Bachelor of Town Planning degree and a Post-Graduate Diploma in Landscape Architecture. I am a Fellow and past president of the New Zealand Institute of Landscape Architects and have practised as a landscape architect for 42 years. During that period, the great majority of my professional practice has focussed on landscape assessment and planning.
8. This has included undertaking, managing and participating in a wide variety of strategic landscape assessments, including many for the Council and its predecessor Territorial Local Authorities. I have also undertaken a large number of Assessments of Environmental Effects (**AEE**) for development projects throughout New Zealand, including one, now increasingly historic, assessment of the original Sylvia Park Plan Change (in 1999) for Sylvia Park Business Centre Limited.
9. I have previously provided evidence on behalf of the Council to the Panel on Hearing Topics 009G Qualifying Matters A-I - Maunga Viewshafts and Height Sensitive Areas, 010G Qualifying Matters - (Other) City Centre Built Form controls, 016A Business - City Centre Zone provisions, 020A Precincts - I201 Britomart Precinct and 020E Precincts - I209 Quay Park Precinct, including in relation to qualifying matters, the City Centre zone and height provisions, together with other built form controls, and the Britomart and Quay Park Precincts. I have now been asked to address submission points seeking to increase the standard height limit in Metropolitan Centres generally to either 100m or unlimited height and the issue of the height controls proposed by Kiwi Property Limited – more specifically for the Sylvia Park Precinct. In the course of undertaking my

assessment and reviewing the proposed 100m height control for Sylvia Park Precinct, I visited the site and its surrounds on the 26th and 27th September 2024. I have not, however, taken part in any expert conferencing or mediation in relation to Topics 016B or 020AY.

CODE OF CONDUCT

10. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts of which I am aware that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

SCOPE OF MY STATEMENT

11. This statement focuses primarily on the issue of appropriate height controls within the Sylvia Park Precinct. However, other submitters – notably Housing NZ (873.22), Neilston Homes (2041.148), New Zealand Housing Foundation (938.137), Classic Group (2033.149), Evans Randall Investors Ltd (2036.149), Mike Greer Developments (2040.145) and Universal Homes (2083.127) - all seek unlimited height in the Metropolitan Centres, while Scentre Ltd (2226.4) seeks a height control of 100m. My evidence also briefly addresses these reliefs.
12. It does so by traversing the following matters:
 - a) Height limits at Sylvia Park and related locational and landscape considerations that underpin the present controls;
 - b) The likely implications of a blanket 100m height standard across the Sylvia Park Precinct; and
 - c) The potential implications of a 100m blanket height or unlimited height standard applied to other Metropolitan Centres.
13. In preparing this statement, I have considered the following documents:
 - a) The National Policy Statement on Urban Development 2020 (**NPS-UD**), with particular reference to Policy 3 and Policy 4.
 - b) The AUP Regional Policy Statement (**RPS**).

- c) PC80 RPS Well-functioning Urban Environment, Resilience to the Effects of Climate Change and Qualifying Matters Plan Change.
 - d) Proposed PC 78 – Intensification to the Auckland Unitary Plan (Operative in part) section 32 Overview Evaluation report.
 - e) The Independent Hearing Panel's (IHP) Guidance on Matter of Statutory Interpretation and Issues Relating to Scope of the Relief Sought by Some Submissions - 12 June 2023.
 - f) Joint Witness Statement – Metropolitan Centre and Walkable Catchment extent – subtopics 016B, 014F dated 13 March 2024.
14. I have also read and considered the evidence filed on behalf of the Council from Nicholas Pollard, Myles Anderson, Dr Douglas Fairgray and Lisa Mein for these hearing topics.

RELEVANT POLICY FRAMEWORK

15. The statutory framework and context for both the Metropolitan Centre and Sylvia Park Precinct provisions in the AUP are addressed in the evidence of Mr Pollard. However, I note the following description of the Zone:

The Business – Metropolitan Centre Zone applies to centres located in different sub-regional catchments of Auckland. These centres are second only to the city centre in overall scale and intensity and act as focal points for community interaction and commercial growth and development and contain hubs serving high frequency transport.

The zone provides for a wide range of activities including commercial, leisure, high-density residential, tourist, cultural, community and civic services. Zone provisions, in conjunction with rules in the other business zones, reinforce metropolitan centres as locations for all scales of commercial activity.

These centres are identified for growth and intensification. Expansion of these centres may be appropriate depending on strategic and local environmental considerations.

Precincts and overlays that modify the underlying zone or have additional provisions apply to some of the metropolitan centres. Generally, however, to support an intense level of development, the zone allows for high-rise buildings. Building heights and density of urban form reflect demand for housing and business use, and building heights of at least six storeys are enabled, unless qualifying matters apply

16. Even so, related objectives (H9.2) and policies (H9.3, which addresses all centres) include the following:

H9.2 Objectives

- (6) *Metropolitan centres are reinforced and developed for commercial, community and civic activities and provide for residential intensification.*
- (7) *Metropolitan centres are an attractive place to live, work, and visit with vibrant and vital, commercial, entertainment and retail areas.*

H9.3 Policies

- (3) *Require development to be of a quality and design that positively contributes to:*
 - (a) *planning and design outcomes identified in this Plan for the relevant zone;*
 - (b) *the visual quality and interest of streets and other public open spaces; and*
 - (c) *pedestrian amenity, movement, safety and convenience for people of all ages and abilities.*
- (5) *Require large-scale development to be of a design quality that is commensurate with the prominence and visual effects of the development.*

17. Turning to Sylvia Park, the following is the AUP's description of the Precinct (I336.1):

The purpose of the Sylvia Park precinct is to facilitate the development of a wide range of activities that will reinforce its role as 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.

18. The following objectives, policies and assessment criteria expand upon the Precinct's purpose and related management 'issues':

I336.2 Objectives

- (2) *Development within the Sylvia Park precinct is integrated with the surrounding urban environment, infrastructure and the natural values of the area.*

I3336.3 Policies

- (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 activities in sub-precinct C facilitate integration with the surrounding environment and manage those that might be incompatible with the adjoining residential zone.*

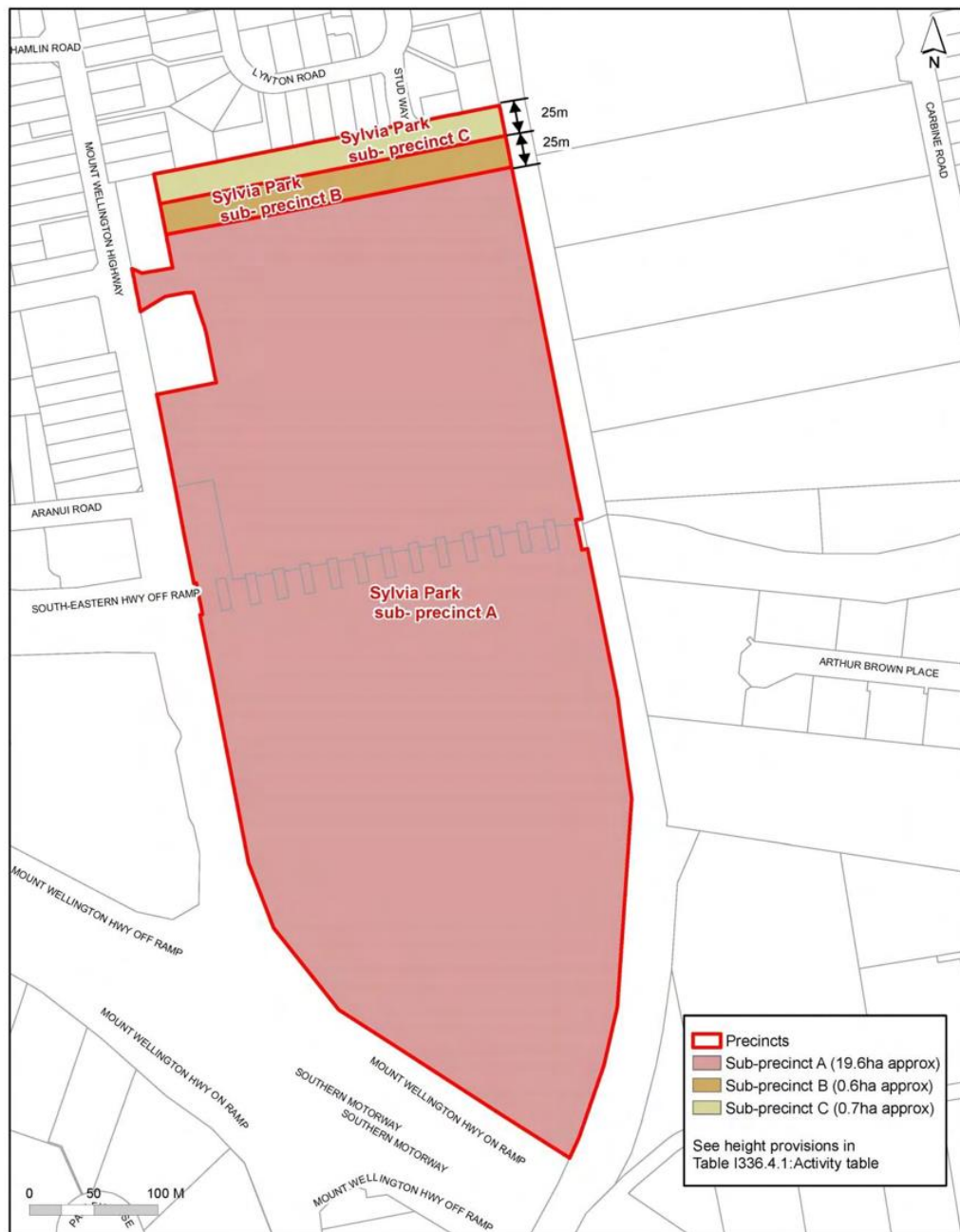
I336.8.2 Assessment Criteria [for buildings between 27m and 72.5m high in sub-precincts A and B]

- (2) *..... 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.*

19. The precinct provisions appropriately focus upon intensification, but also strive to achieve a balance between provision and support for development intensification on one hand, and the protection of key qualities that are integral to both the internal well-functioning community of the precinct and that of neighbouring residential and commercial areas. Nor should Sylvia Park's close proximity to Hamlins Hill Regional Park and traditional portage routes between the Tamaki River and Manukau Harbour be overlooked in my view.
20. Kiwi Property's submission is cast in a way which appears to imply that its proposed 100m height control, together with deletion of the AUP's zone and precinct provisions, is necessary to achieve a level of intensification commensurate with that required under section 77N of the RMA and Policy 3(b) of the NPS-UD, i.e. of at least 6 storeys in the Business - Metropolitan Centre zone. Yet, all of the existing Metropolitan Centre zoning, together with the height hierarchy at Sylvia Park (through Sub-precincts B and C, shown overleaf) would achieve development – residential and otherwise – well in excess of this requirement.
21. In addition, I note that Ms Mein states *that "Furthermore policy 3 of the NPS-UD largely reflects the existing centres and corresponding height hierarchy within the AUP"*. I agree with that proposition.

1336.10.1 Sylvia Park: Precinct Plan 1: Height areas



SYLVIA PARK AT PRESENT

22. I agree with Ms Mein’s description of the Metropolitan Centre at Sylvia Park. Indeed, it has developed as largely envisaged in 1999, although perhaps with a stronger focus on its mall and less on residential development near the North Island Main Trunk (NIMT) station than was anticipated at that time. Ms Mein also points out that the 17-storey, Sylvia Park tower – designed to accommodate retail, office and hotel activities – was granted consent in 2020 for a site near the main entrance to the mall off Mt Wellington Highway. However, this has yet to be built,

while just the 10 storey *ANZ-Raranga Tower* and the 6-storey *3 Te Kehu Way* have been completed to date on site (shown below). The former is described in Kiwi Property's promotional literature as a 'suburban office' building, while the latter is précised as a 'striking new office building' – both within a 'a growing commercial hub'.



The 17-storey Sylvia Park Tower Proposal (above), the ANZ Raranga Building (below, left) and 3 Te Kehu Way (below, right)

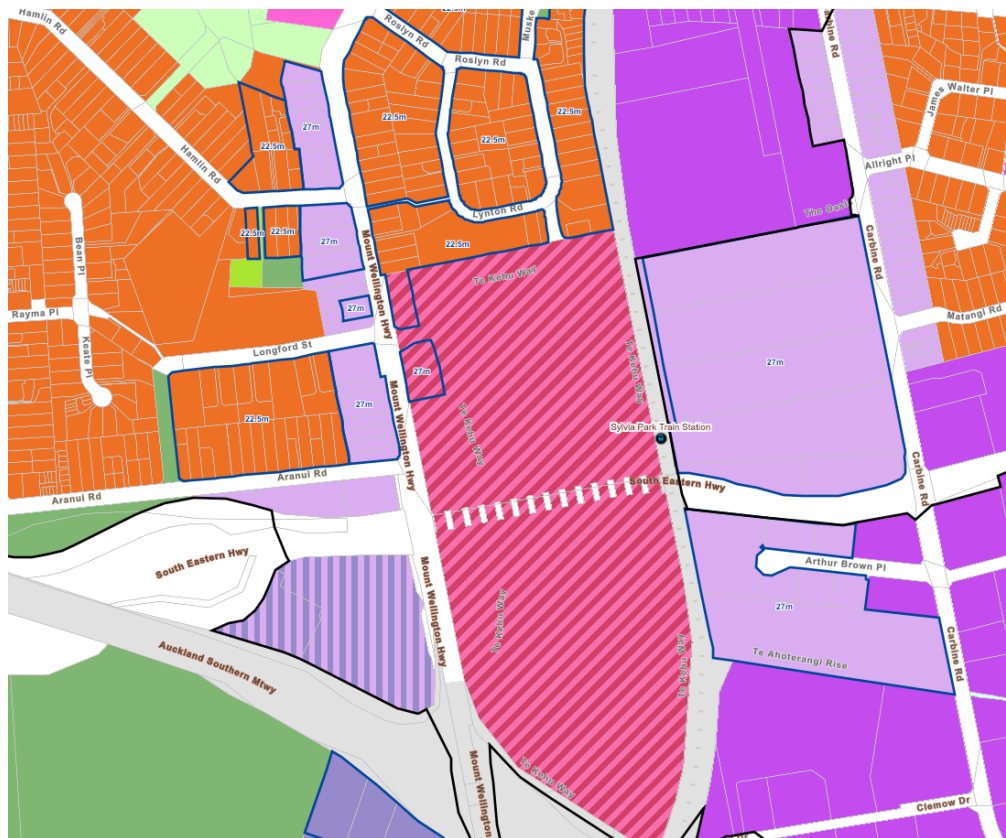
23. To date, therefore, the pressure for medium rise development has been limited, even less so that for high rise development to 72.5m 100m or unlimited height. Furthermore, most of Kiwi Property's recent developments have continued to focus on expansion of Sylvia Park's commercial centre, rather than residential housing supply.

24. On the other hand, two apartment developments have been consented to the immediate north of the Precinct, Kiwi Property's 5-12 storey *Resido* complex opened in May 2024 at 27 Lynton Road and Housing NZ's 6-storey Lynton Road Apartments at 20-22 Lynton Road. The substantial *Resido* development is located between the Sub-precinct C boundary and Lynton Road, extending westwards from Stud Way, while the Lynton Road Apartments site is located directly adjacent to Mt Wellington Highway.



The Resido complex (above) and the Lynton Road Apartments complex (below)

25. In effect, the former development averages out at close to the 27m (8-storey) height control applicable to the adjoining Sub-precinct C area – in the process of stepping down towards Lynton Road – while the Housing NZ complex will be approximately 2 storeys lower than that control. A 22.5m height control is currently proposed under PC78 for the wider Residential – Terrace Housing and Apartment Buildings (**THAB**) Zone around Lynton Road and Rosslyn Road, and the same height control applies to a large area of THAB west of Mt Wellington Highway, while a 27m height limit applies to a strip of Business - Mixed Use (**Mixed Use**) zoned land between that residential area and the highway (as shown below).



PC78 Zoning Map of the Sylvia Park Precinct and locality

SYLVIA PARK IN THE FUTURE

26. In my opinion, the developments just outlined – both within Sylvia Park and within its the neighbouring residential margins – are largely consistent with the AUP’s expectations for the area – except that the intensity of development within Sylvia Park itself has remained lower and more singularly focused on commercial / business development than might have been expected. The mixed use nature of the Precinct, with residential development complementing both commercial and retail premises, and a high amenity public realm, has yet to really evolve.

27. In other respects, however, the Precinct and its margins remain subject to much the same pressures and interface issues first identified in 1999, then affirmed in the AUP's Sylvia Park Precinct provisions in 2016. These include:
- a) The desire for fully integrated and complementary business, retail, residential, public / civic and transport activities and environments;
 - b) The creation of high quality and appropriately scaled, built forms that complement a high quality, high amenity, public realm and residential spaces (including those catering to hotels and other forms of visitor accommodation);
 - c) Integration with adjoining and nearby residential environments, primarily to the north and west of the Precinct and the avoidance of both overshadowing effects and visual over-dominance in relation to those areas – together with the Mixed Use Zone down the western side of Mt Wellington Highway;
 - d) The maintenance of a degree of complementarity between future built forms at Sylvia Park and Mutukaroa / Hamlins Hill Regional Park;
 - e) The avoidance of building over-dominance in respect of the Southern Motorway, South-eastern Arterial and Mt Wellington Highway; and
 - f) Acknowledgement of the former stream course through the Precinct that is of spiritual and cultural significance to Mana Whenua.
28. In my opinion, addressing these matters now – as in 1999 and 2016 – still requires responses on three fronts – in terms of:
- a) Providing built form transition from the Precinct's commercial core into the neighbouring Mixed Use and residential zones – both in terms of height and development intensity. It might be argued that complexes like *Resido* already offer such transition, but development to 100m could still rise to heights more than twice as high as that complex – down the very edge of the current Sub-precinct C. This could conceivably establish a 'cliff face' of extremely tall development that looms over neighbouring zones subject to much lower height controls.
 - b) Creating transitions within the Precinct – that respond to the residential and public / civic activities and spaces within it. This includes ensuring that public spaces are not overshadowed or dominated (both physically and visually) to an oppressive degree, but also responding to such sensitivities as the past stream course and Limited Earthworks Corridor (Precinct plan I336.10.3).

- c) Developing an overall development profile and building skyline that is sympathetic to the adjoining transport corridor and Hamlins Hill, ie. an overall profile that engenders integration and transition rather than ‘walls’ and a sense of confrontation.

29. Focusing more directly on the southern extremities of the Precinct and the potential effects of very tall buildings on the South-eastern Arterial, Southern Motorway and Hamlins Hill, some quite specific issues conceivably arise in relation to the South-eastern Arterial, the Southern Motorway and Mutukaroa / Hamlins Hill Regional Park:

- a) The South-eastern Arterial: the South-eastern Arterial bisects the southern half of the Sylvia Park site, with buildings both sides of it framing travel to the west and east, with travel towards the west still remaining open enough to reveal the rolling profile and vegetated slopes of Hamlins Hill. Such views offer significant contrast with the built forms and development around Sylvia Park.



Travelling westwards on the South-eastern Arterial over the Sylvia Park Precinct (above) & eastwards (below)

- b) The potentially very significant ‘ramping up’ of building heights both sides of the elevated road corridor could conceivably result in development that completely encloses and ‘looms over’ it – to the point where the roadway is reduced to a disproportionately narrow defile relative to the scale and mass of either side of it. Hamlins Hill would be largely screened from view and reduced to a narrow sliver of terrain and vegetation that is glimpsed at the ‘end of the tunnel’.
- c) The Southern Motorway: when traversing the southern end of the Precinct on the Southern Motorway, Sylvia Park’s built core is more remote, although interplay – described above – between the natural forms and vegetation cover of Hamlins Hill, and the buildings and rooftops of the existing Sylvia Park centre, remains clearly apparent. At present, the centre has a relatively low centre of gravity, sitting within the shallow basin near Mt Wellington Highway.



Travelling north on the Southern Motorway towards Hamlins Hill, with Sylvia Park to the right

- d) However, very tall development to the immediate north of the motorway has the potential to significantly change this situation by creating an immensely tall wall of development down the motorway’s northern flank. This has the potential to be visually imposing – to the point of being at least over-dominant and potentially quite oppressive. At the same time, there is the potential for there to be a lack of proportionality between the horizontal plane of the motorway corridor and the vertical planes of future buildings within the Precinct.
- e) Those could well ‘over-power’ the motorway’s initial sense of connection with Hamlins Hill for north-bound motorists and the presence of its much lower, more subtle, sequence of slopes and open grassland.
- f) Mutukaroa / Hamlins Hill: in relation to Hamlins Hill itself, such development would rise up dramatically on the northern side of the motorway corridor enclose the north-eastern end of Hamlins Hill, conceivably to the point where

it dominates and visually subjugates the softer, more subtle forms and vegetation of the regional park – although accurate modelling of future buildings and / or the proposed 100m height envelope relative to east-bound views from the motorway would be required for me to be more definitive about this.

- g) Regardless, such development could well throttle views to the north-east because of the combined mass of buildings directly the Southern Motorway when looking from the regional park itself. It has the potential to diminish the extent and value of views towards Maungarei / Mt Wellington, as well as in the general direction of the Tamaki River and Basin. Again, it is difficult to be definitive about the scale of such effects without accurate modelling and photo simulations, but I consider that there is a high likelihood that both the presence of Mutukaroa / Hamlins Hill and the value of views from it would be significantly diminished by very tall development within the Sylvia Park Precinct.

30. In effect, the matters outlined above are precisely what I consider the current Precinct provisions address through its required Structural Elements [I3336.3(3) and Precinct Plan 2] and the RD Assessment Criteria. From a landscape standpoint, it remains critical that development within the Precinct continues to create an attractive internal landscape and environment, one that complements residential and public / civic activities; that it doesn't overwhelm and 'subjugate' the amenity values of neighbouring residential areas (in particular), but also mixed use development; and that it respects the values of Mutukaroa / Hamlins Hill – which remains an important component of Auckland's natural structure and heritage, despite not being a volcanic maunga or feature.
31. To date, none of these matters have been addressed in Kiwi Property's submission or in any material which supports it. Yet, I consider that they remain fundamental to the creation of the sort of planned, well-functioning urban environment anticipated in both the AUP and NPS-UD Policy 3.

AUCKLAND'S METROPOLITAN CENTRES MORE GENERALLY

32. The issues of transition and built form that I have just addressed are not just important in terms of the environs and landscape of Sylvia Park: they are just as applicable to all of the Region's Metropolitan Centres, although the degree and nature of their management depends on the urban and suburban context around

each centre. Such matters require consideration, care and community engagement.

33. Looking at the wider regional landscape, it is also important because of the relationship of some metropolitan centres, like Takapuna, to Auckland's maritime and coastal environments, and the potential conflict between some other centres, such as Newmarket, and the Maunga Viewshafts (**MV**) and Height and Building Sensitive Areas (**HBSA**). In addition, buildings and groupings of buildings that appear arbitrarily high and 'stand-alone' have the potential to intrude into, and visually disrupt, the Auckland Isthmus's broader sequence of volcanic landforms – even if its MVs and HBSAs are not physically breached.
34. For example, Newmarket lies very close to multiple viewshafts that address Maungawhau / Mt Eden and its HBSA. Development interposed between the MVs and 'in front of' the HBSAs has the potential to erode the integrity of both those controls and that of the cone(s) impacted by such intrusion – raising potential issues in relation to the implementation of section 6(b) of the RMA and Chapters B4 Te tiaki taonga tuku iho - Natural heritage and D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay of the AUP.
35. Again, these matters do not appear to have been considered, but have a significant bearing on the more general relief sought by Kiwi Property Group Limited and other submitters.

CONCLUSIONS

36. The reliefs sought by Kiwi Property Limited and other submitters have potentially significant amenity and landscape implications for Sylvia Park and, just as important, for Auckland's city-wide landscape.
37. In effect, I can find no justification for the sweeping changes proposed, whereas the AUP's existing Sylvia Park Precinct and Metropolitan Centre Zone provisions address a range of values and sensitivities that need to be addressed at both the local and city-wide scales from a landscape standpoint. As a result, I cannot support the relief sought by Kiwi Property Limited for Sylvia Park or other submitters seeking greater height limits for Metropolitan Centres more generally in their PC78 submissions.

Stephen Brown

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