

I312. Ellerslie 2 Precinct

I312.1. Precinct Description

The Ellerslie 2 precinct is located in the south western corner of the Ellerslie Racecourse, bordered by the southern motorway and an avenue of phoenix palms, which is used to provide the main entrance to the racecourse. The land contains a mixture of pervious and impervious surfaces and was once frequently used for parking in conjunction with race meetings.

The purpose of the Ellerslie 2 precinct is to provide for a limited range of mixed uses that complement existing land uses to the north west of the precinct and do not compromise the economic vitality of Ellerslie town centre.

There are three sub-precincts:

- Sub-precincts A and B introduce variations in land use and design development controls from the underlying Business - Mixed Use Zone that manage the built form, limit the range of activities and protect landscape values.
- Sub-precinct C manages the formation and public use of a private road for through access.

The zoning of land within this precinct is Business - Mixed Use Zone. Refer to the planning maps for the location and extent of the precinct.

I312.2. Objectives

- (1) Development is of an intensity that complements surrounding businesses north west of the precinct and does not compromise the economic vitality of Ellerslie town centre.
- (2) Development in sub-precincts A and B is of a scale, bulk and height that integrates positively with the landscape values within the precinct and surrounding built form.
- (3) Development within the precinct and any resulting through traffic does not result in significant adverse effects on the surrounding road network.

The overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above

I312.3. Policies

- (1) Provide for a limited range of mixed uses while managing the effects of activities on the surrounding environment, particularly nearby centres.
- (2) Enable a limited amount of total floor area for retail and food and beverage land uses.
- (3) Require new buildings and development to be designed and located in a manner that contributes positively to the visual landscape of the Ellerslie Racecourse when viewed from the southern motorway, within the racecourse grounds and surrounding sites by:

- (a) Retaining existing significant trees;
 - (b) Requiring sufficient space to allow for additional landscaping;
 - (c) Requiring an active building frontage at the south eastern corner of Sub-precinct B that contributes to pedestrian amenity and passive surveillance of the adjoining road; and
 - (d) Using building design to manage the building scale, height and bulk
- (4) Manage adverse effects of traffic from the precinct and through vehicle and pedestrian safety by:
- (a) Providing a private road through the precinct linking Ascot Avenue and Mitchelson Street designed and constructed to ensure the safety and efficiency of the use of this private road by the public, and formed to provide continuous and integrated access with the existing and vested road connections;
 - (b) Requiring land to vest as road in the Council as specified on the Ellerslie 2 Precinct plan 1 to be designed and constructed in accordance with any relevant codes of practice or any relevant engineering standards;
 - (c) Requiring pedestrian footpaths/routes linking with existing footpaths to be designed and constructed in accordance with any relevant codes of practice or any relevant engineering standards to provide continuous and integrated access with the existing and vested road connections; and
 - (d) Controlling the location and number of vehicular access to sites.

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

I312.4. Activity table

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

The provisions of the zone are replaced by Table I312.4.1 Activity table

Table I312.4.1 Activity table specifies the activity status of land use, development, and subdivision activities in the Ellerslie 2 Precinct pursuant to section 9(3) and 11 of the Resource Management Act 1991 or any combination of all of these sections where relevant.

Table I312.4.1 Activity table

Activity		Activity status		
Use		Sub-precincts		
Residential		A	B	C
(A1)	Dwellings	RD	RD	NC

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(A2)	Visitor Accommodation	RD	RD	NA
Commerce				
(A3)	Offices	P	P	NA
(A4)	Carparking	P	P	P
(A5)	Food and beverage up to 400m ² gross floor area within sub-precinct A and B combined	P	P	NA
(A6)	Food and beverage greater than 400m ² total gross floor area within sub-precinct A and B combined	RD	RD	NA
(A7)	Retail up to 300m ² total gross floor area within sub-precinct A and B combined	P	P	NA
(A8)	Retail greater than 300m ² total gross floor area within sub-precinct A and B combined	D	D	NA
Community				
(A9)	Care centres	RD	RD	NA
(A10)	Community facilities	RD	RD	NA
(A11)	Educational facilities	RD	RD	NA
(A12)	Healthcare services	RD	RD	NA
(A13)	Hospitals	RD	RD	NA
Development				
(A14)	The use and modification of the private road (Avenue of Palms) for public access	NA	NA	C
(A15)	Trimming of protected trees	P	P	NA
(A16)	Trimming of protected trees not otherwise a permitted activity	RD	RD	NA
(A17)	Removal or alteration of protected trees	RD	RD	NA
(A18)	New buildings	RD	RD	NA
(A19)	Accessory activities	P	P	P
Subdivision				
(A20)	Subdivision	RD	RD	RD

I312.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table I312.4.1 Activity table above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides

that special circumstances exist under section 95A(9) of the Resource Management Act 1991.

(2) Any application for resource consent for an activity listed in Table I312.4.1 Activity table and which is not listed in Standard I312.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

(3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

I312.6. Standards

The overlay and Auckland-wide standards apply in this precinct.

The standards below replace the standards of the Business – Mixed use Zone

I312.6.1. Activities in the active building frontage

(1) The ground floor of a building subject to the active building frontage identified on the Ellerslie 2 Precinct plan 1 must be occupied by the following activities for a minimum depth of 6m:

- (a) retail up to 300m² gross floor area with sub-precinct A and B combined, and/or
- (b) food and beverage.

I312.6.2. Building height

(1) Buildings must not exceed the heights as listed in Table I312.6.2.1 Building height below:

Table I312.6.2.1 Building height

Sub - precinct	Occupiable building height	Height for roof form	Total building height
A	18m	NA	18m
B	25m	2m	27m

I312.6.3. Yards and building setbacks

- (1) Buildings up to 7m in height must be located at least 7.5m from the nearest site area boundary, except where the Active Building Frontage identified on Ellerslie 2 Precinct plan 1 applies.
- (2) Buildings above 7m in height must be located at least 15m from any part of another building.
- (3) Buildings above 7m in height must be setback at least 10m from the motorway boundary.

I312.6.4. Building coverage

- (1) The maximum building coverage for each site area identified on Ellerslie 2 Precinct plan 1 is:
 - (a) 80 per cent for that part of the building up to 7m in height.
 - (b) 35 per cent for that part of the building between 7m and the maximum height specified in I312.6.2 Building height above.

I312.6.5. Active building frontage

- (1) Buildings subject to the active building frontage must:
 - (a) be set back no greater than 6m from the private road frontage;
 - (b) adjoin the site frontage adjoining sub-precinct C (private road) for at least 80 per cent of its length;
 - (c) have a minimum height of 6m for a minimum depth of 6m from the site frontage adjoining sub-precinct C (private road);
 - (d) provide clear glazing for at least 60 per cent the surface area of the building façade at the ground floor; and
 - (e) provide clear glazing for at least 40 per cent the surface area of the building façade at the upper floors.
- (2) Where a building is setback from the private road frontage, the space between the building and private road frontage must incorporate landscaped areas, pedestrian amenity areas or outdoor eating areas.
- (3) The ground floor of a new building subject to the active building frontage must be no more than 1m above or below the level of the site frontage adjoining sub-precinct C (private road).
- (4) Vehicle access to parking and service areas must not occupy more than 10 per cent of the site frontage adjoining sub-precinct C (private road).

I312.6.6. Site areas

- (1) Site areas may be modified in area by up to plus or minus 10 per cent.
- (2) Side boundaries of site areas may be moved up to 15m in either direction.

I312.6.7. Building platform

- (1) Buildings must be constructed within the building platform identified on the Ellerslie 2 Precinct plan 1.

I312.6.8. Landscaping

- (1) Minimum landscaping for each site area identified on the Ellerslie 2 Precinct plan 1 is 15 per cent.

I312.6.9. Identified Trees

- (1) The following trees listed in Schedule I312.6.9.1 Identified trees below and identified on Ellerslie 2 Precinct plan 1 are subject to this rule.

Schedule I312.6.9.1 Identified trees

Tree number on Ellerslie 2: Precinct plan 1	Botanical name	Common name	Location of tree	Legal description
1	Removed			
2	Metrosideros excelsa	Pohutukawa	80-100 Ascot Avenue	Lot 2 DP 476619
3	Metrosideros excelsa	Pohutukawa	130 Ascot Avenue	Lot 1 DP 406738
4	Elaeocarpus dentatus	Hinau	80-100 Ascot Avenue	Lot 2 DP 476619
5	Elaeocarpus dentatus	Hinau	80-100 Ascot Avenue	Lot 2 DP 476619
6	Telopea oreads.	Warratah	80-100 Ascot Avenue	Lot 2 DP 476619
7	Podocarpus sp.	Cow tail Pine	130 Ascot Avenue	Lot 1 DP 406738
8	Lagunaria patersonii	Norfolk Island Hibiscus	80-100 Ascot Avenue	Lot 2 DP 476619
9	Corynaocarpus laevigatus	Karaka	130 Ascot Avenue	Lot 1 DP 406738
10	Stenocarpus sinuatus	Firewheel tree	80-100 Ascot Avenue	Lot 2 DP 476619
11	Lagunaria patersonii	Norfolk Island Hibiscus	80-100 Ascot Avenue	Lot 2 DP 476619
12	Lagunaria patersonii	Norfolk Island Hibiscus	130 Ascot Avenue	Lot 1 DP 406738
13	Corynaocarpus laevigatus	Karaka	80-100 Ascot Avenue	Lot 2 DP 476619
14	Vitex lucens	Puriri	130 Ascot Avenue	Lot 1 DP 406738
15	Lagunaria patersonii	Norfolk Island Hibiscus	130 Ascot Avenue	Lot 1 DP 406738
16	Cinnamomum camphora	Camphor Laurel	80-100 Ascot Avenue	Lot 2 DP 476619

- (2) The following works to the trees in Schedule I312.6.9.1 Identified trees are permitted under this rule.

- (a) the removal of any tree or part of a tree that is dead or that is suffering from an untreatable disease which has caused a significant decline in its health, evidence must be produced if required. Note: Where any element

of uncertainty exists as to the likely fate of the tree, the benefit of doubt will be given to the tree's survival by not removing it until such time as its irreversible decline is obvious. Before removing any affected tree, consultation with the council's arborist is strongly advised.

- (b) where emergency tree works are required the person undertaking the work must notify the Council in writing within seven days of the work commencing as to the reason for the work.
- (c) where any statutory authority carries out of work authorised by statute the authority must notify the Council in writing no later than seven days prior to the work commencing as to the reason for the work.
- (d) maintenance of the private road where the works in the dripline of protected trees is supervised by a qualified arborist and in accordance with accepted arboricultural practices.
- (e) trimming of the canopy of the trees, excluding the roots. Such works will be limited to no more than 20 per cent of live growth removal in any one year and must be carried out in accordance with currently accepted arboricultural practice, ensuring that the natural form and branch habit of the tree species is maintained.
- (f) if the trimming is completed by a qualified arborist or arboriculturalist, the work must be limited to no more than 30 per cent of live growth removal in any one year and must be in accordance with currently accepted arboricultural practice, ensuring that the natural form and branch habit of the tree species is maintained.
- (g) where activities do not comply with clauses e. and f above, any regular minor trimming or maintenance must be done by hand operated secateurs or pruning shears, in accordance with the currently accepted arboricultural practice.

I312.7. Assessment – controlled activities

I312.7.1. Matters of control

The Council will reserve its control to all of the following matters when assessing:

- (1) For the use and modification of the private road (Avenue of Palms) for public access that is a controlled activity in the Ellerslie 2 precinct, the Council will reserve its control over the following matters:
 - (a) road closure;
 - (b) monitoring;
 - (c) traffic management measures; and
 - (d) consultation.

I312.7.2. Assessment criteria

The Council will consider the relevant assessment criteria below for controlled activities:

- (1) Road closure
 - (a) the appropriateness of private road closure to public through traffic on a temporary basis for large scale events associated with the Ellerslie Racecourse.
- (2) Monitoring:
 - (a) whether monitoring is required to be carried out to assess the effects of public through traffic (using the Avenue of Palms) on Morrin Street, Somerfield Street, and Kentucky Streets which connect with the Tecoma Street motorway ramps, Mitchelson Street and Walpole Street, Wairakei Street and Woodbine Avenue.
- (3) Traffic management measures
 - (a) the extent to which traffic management measures are necessary to mitigate adverse effects identified by the monitoring to be implemented, including the temporary or permanent closure of the Avenue of Palms to through traffic and associated road design changes.
- (4) Consultation
 - (a) the extent to which the applicant should provide details on the process to be followed for consultation with NZTA, Auckland Transport, Auckland Council and the residents of the surrounding streets, on the results of the monitoring and the identification and implementation of any necessary traffic management measures.

I312.8. Assessment – restricted discretionary activities

I312.8.1. Matters of discretion

The Council will reserve its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) Traffic effects
- (2) Intensity and scale of activity
- (3) Centre vitality
- (4) Landscaping and trees to enhance the visual amenity of buildings and reduce their scale
- (5) Building design and interface with the public realm
- (6) Water sensitive design
- (7) Tree trimming not otherwise a permitted activity, removal and alteration refer to [E16 Trees in open space zones](#) and [E17 Trees in roads](#).

- (8) Additional subdivision criteria for the private road, pedestrian connections and road to vest in Council.

I312.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

(1) Traffic:

- (a) the extent to which The Avenue of Palms (including extension to it) is designed and constructed in accordance with any relevant codes of practice or engineering standards by the landowner prior to the occupation of any proposed building; and
- (b) the extent to which the proposal results in significant traffic effects on Green Lane East, Green Lane interchange, Great South Road and surrounding street network.

(2) Intensity and scale of activity:

- (a) whether the activity is of a character, scale and intensity which ensures that any adverse effects on the planned outcomes identified in the Plan for the surrounding area (including likely future use or intensification) are avoided, remedied or mitigated.

(3) Centre vitality:

(a) whether Retail and Food and Beverage activities:

- (i) have a substantial adverse effect upon the function, role and amenity values, vitality and functions of the city centre, metropolitan centres or town centres (and in the case of activities in the Business - Mixed Use Zone such effects on local centres), beyond those effects ordinarily associated with trade effects on trade competitors, having regard to:
- the activity's proposed size, composition and characteristics; and
 - the centre's on-going ability to provide for the future needs of communities

(b) whether Community activities:

- (i) support the efficient and effective operation of public services; and
- (ii) enable the convenient access of communities to community services.

(c) whether Residential activities:

- (i) result in the intensification of the site; and
- (ii) support local high density housing.

(4) Landscaping and trees:

- (a) the extent to which the landscaping enhances the visual amenity of the building(s) when viewed from the southern motorway, from within the grounds of the Ellerslie Racecourse and surrounding residential areas. Landscaping alongside the motorway boundary should include a significant number of substantial trees capable of growing to a height of at least 8m above the nearest adjoining motorway carriageway;
 - (b) whether landscaping protects or utilise the existing rock wall located between the subject site and the Avenue of Palms (apart from those sections which need to be demolished for vehicle or pedestrian access purposes);
 - (c) the extent to which the landscaping is in-keeping with the character of the site and Ellerslie Racecourse in general; and
 - (d) whether on site carparking is screened from view from the motorway and the Avenue of Palms by existing and proposed planting.
- (5) Building design and interface with the public realm:
- (a) whether the building incorporates architectural relief in terms of its articulation and building mass, and the inclusion of recesses, pilasters, entrances, windows, balconies, and changes in surface texture, colour and other architectural detailing;
 - (b) whether any rooftop projections including towers, turrets, chimneys, lift towers, machinery rooms and water towers which exceed the parapet or roof height, are compatible with the overall architectural form and detailing of the building. As a general rule rooftop projections should be enclosed in a single structure and avoid a plain box like appearance;
 - (c) whether good quality, durable exterior cladding materials are used and highly reflective cladding or glazing avoided;
 - (d) the extent to which the continuity of architectural form in the various facades of a building, especially those visible from adjacent public and private roads. (This criterion is intended to ensure that all of a building's facades are designed to a similar standard);
 - (e) whether on site parking areas, whether at grade or on elevated decks, are softened by planting, paving patterns or other architectural / landscaping elements, so as to provide visual relief when viewed from adjacent buildings;
 - (f) whether windows of buildings are designed to overlook adjacent public and private roads, pedestrian routes and entrances;
 - (g) the extent to which the landscape and streetscape enhances individual sites, adjacent private roads, and any public roads being vested in the Council;

- (h) the extent to which the design treatment of the building edge (with a particular emphasis on the ground level) and any landscape work adjacent to it within the proposed 7.5m setback along that part of the Avenue of Palms that is not classified as 'active building frontage', contributes to the quality and safety of the proposed pedestrian route by:
 - (i) entry foyers, offices or other ground level activities (where possible) facing the road;
 - (ii) employing design techniques to mitigate any 'blank wall' effect;
 - (iii) providing quality landscape design and appropriate lighting that are consistent with 'personal safety' (CPTED) principles; and
 - (iv) ensuring that the space within the setback (between the building edge and road boundary) is not used for surface carparking (apart from delivery bays).
- (i) in sub-precinct B:
 - (i) the extent to which proportions (height in relation to footprint, including modulation) and design avoid buildings with bulky appearance; and
 - (ii) the extent to which the building in sub-precinct B contributes as a positive landmark when viewed from the motorway.
- (6) Water sensitive design:
 - (a) whether On site stormwater management can be integrated into the site design, including landscaped areas, applying to apply a water sensitive design approach as appropriate.
- (7) Tree trimming not otherwise a permitted activity, removal and alteration:
 - (a) the degree to which the tree contributes to the existing amenities of the precinct and protects the surrounding environment from the adverse effects of development;
 - (b) the need to obtain a practicable building site, access, a car parking area, or to install engineering services to the land;
 - (c) any alternative methods which may be available to the applicant in the achievement of their objectives including consideration of variation to specified development controls or alternative design options where this would encourage retention and enhancement of existing large trees on the site;
 - (d) whether the tree can be relocated;
 - (e) whether previous applications made in respect of the land involved consideration of treescape conservation;

- (f) the extent to which the tree or trees contribute to the amenity of the neighbourhood both visual and physical, including contributions as habitats for birds and other animals;
- (g) whether there are any function the tree may have in conserving water and soil;
- (h) whether there are any actions of the applicant in regard to the tree;
- (i) the extent to which the tree or part of a tree is, in the opinion of a council arborist, structurally unsound;
- (j) whether removal of the tree would be beneficial to the health and growth of existing, more appropriate trees on the site, taking into account the size, appearance, health and condition of those existing trees; and
- (k) the impact of the tree on ground stability.

(8) Additional subdivision criteria

The following assessment criteria apply to subdivision within the precinct and these are in addition to any relevant assessment criteria in the Auckland-wide Subdivision rules:

- (a) the extent to which the layout of the private road should be in accordance with the precinct plan;
- (b) the extent to which the Avenue of Palms (including its proposed extension) is designed and constructed in accordance with any relevant codes of practice or engineering standards and include the following works:
 - (i) a traffic roundabout part way along the Avenue of Palms and another at its intersection with Mitchelson Street; and
 - (ii) the provision of footpaths along each side of the proposed private road together with connections to the existing and proposed footpaths in Ascot Avenue and Mitchelson Street.
- (c) whether the proposed footpaths link into the footpaths/pedestrian accessways on the adjoining site(s) so as to facilitate access to Greenlane Road and the Greenlane train station; and
- (d) The appropriateness of the proposed road to be vested in the Council as shown on the precinct plan.

I312.9. Special information requirements

The special information requirements in the underlying zone and Auckland-wide provisions apply in this precinct.

In addition, an application for a controlled activity for the use and modification of the private road (Avenue of Palms) must be accompanied by:

(1) Traffic monitoring programme

- (a) the traffic monitoring programme must set out how the traffic monitoring is be undertaken:
- (i) prior to the opening of the Avenue of Palms to through traffic; and/or
 - (ii) within 1 month of the following times or events:
 - 12 months after the opening of the Avenue of Palms to through traffic (or a shorter period if deemed appropriate by the Council following the opening of the Avenue of Palms to through traffic); and
 - 12 months, 24 months, and 36 months after substantial completion and occupation of the development provided for within the precinct.
- (b) the traffic monitoring must be undertaken by an independent traffic engineer engaged by the Auckland Racing Club and the results of the monitoring must be submitted in a report to Auckland Transport and Auckland Council within 2 months of completion of each of the monitoring surveys.

I312.10. Precinct plans

I312.10.1. Eilerslie 2 Precinct plan 1

