

**IN THE ENVIRONMENT COURT  
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKĀURAU**

**Decision [2025] NZEnvC 381**

IN THE MATTER OF an appeal under clause 14 of the First  
Schedule to the Resource Management  
Act 1991

BETWEEN KIWIRAIL HOLDINGS LIMITED

(ENV-2025-AKL-000114)

Appellant

AND

AUCKLAND COUNCIL

Respondent

AND

WYBORN CAPITAL  
INVESTMENTS LIMITED

Plan Change Requestor

Court: Environment Judge M J L Dickey sitting alone under s 279 of the  
Act

Last case event: 6 November 2025

Date of Order: 27 November 2025

Date of Issue: 27 November 2025

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**CONSENT ORDER**

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



- (1) the appeal is allowed subject to amendment of the Pilkington Park Precinct provisions as set out in **Appendix 1** to this Order; and
- (2) the appeal is otherwise dismissed.

B: Under s 285 of the Act there is no order as to costs.

## **REASONS**

### **Introduction**

[1] This consent order relates to an appeal by KiwiRail Holdings Limited (**KiwiRail**) in relation to the Auckland Council (**Council**) decision on Private Plan Change 101: Pilkington Park (**PC101**) to the Auckland Unitary Plan Operative in part (**AUP**).

[2] PC101 proposes to rezone 7.3 hectares of Business – Light Industry zoned land to Business – Mixed Use zone at 167-173 Pilkington Road, and railway land on the corner of Apirana Avenue and Merton Road (**PC101 Site**).

[3] PC101 also proposes a new precinct over 167-173 Pilkington Road (excluding the railway land), known as the ‘Pilkington Park Precinct’ (**Precinct**).

[4] Wyborn Capital Investments Limited (**Wyborn**) is the requestor for PC101. There are no other parties to KiwiRail’s appeal.

[5] The Council’s decision to approve (with modifications) PC101 was publicly notified on 27 March 2025.

### **The appeal**

[6] KiwiRail appealed the Council’s decision on 13 May 2025. The appeal relates to the part of the decision rejecting the relief sought in KiwiRail’s submission on PC101.

[7] The grounds for KiwiRail’s appeal are, in summary, as follows:

- (a) With respect to noise:

- (i) KiwiRail's submission sought an increase in the application of acoustic insulation and ventilation requirements for new and altered buildings containing activities sensitive to noise on the PC101 Site from 60m to 100m from the rail designation boundary (and amendments to the associated matters of discretion).
  - (ii) KiwiRail's evidence raised a number of matters which necessitate the extension of acoustic insulation and ventilation controls to 100m which are not acknowledged in the Council's decision.
  - (iii) PC101 will enable a range of uses, including sensitive activities like dwellings, to be developed adjacent to existing rail infrastructure of regional and national significance. Without adequate planning provisions, such as those sought by KiwiRail, such development has the potential to result in adverse health and amenity effects on communities living and working near the rail corridor, as well as reverse sensitivity effects on KiwiRail's operations.
  - (iv) The relief sought by KiwiRail to increase the distance over which the acoustic insulation and ventilation controls apply (from 60m to 100m from the rail designation boundary) would better protect the rail network from reverse sensitivity effects and ensure its ongoing operation is not unduly constrained, giving effect to AUP objectives and policies recognising the potential for reverse sensitivity effects on regionally significant infrastructure.
- (b) With respect to building setbacks:
- (i) KiwiRail's submission sought to include a new restricted discretionary activity standard in the Precinct provisions requiring new buildings to be set back 5m from the rail designation boundary (and associated provisions including a new objective, policy, matters of discretion and assessment criteria).

- (ii) Setbacks are a critical planning control to manage the interface between rail operations and development on adjacent land that will be enabled by the PC101 Site's rezoning.
  - (iii) Insufficient space between development and the rail corridor creates a critical safety risk to both the community and rail operations on the North Island Main Trunkline (**NIMT**) if people or objects enter the rail corridor. A requirement for buildings to be sufficiently set back from the rail designation boundary is an appropriate mechanism to reduce the likelihood of adjoining land users or objects entering the rail corridor which can cause disruption to KiwiRail's network or more seriously result in a collision causing injury or death.
  - (iv) The AUP provides clear direction to "enable the effective, efficient and safe development, operation, maintenance and upgrading of all modes of an integrated transport system". The setback standard sought by KiwiRail is appropriate to achieve this objective and to protect the safe and efficient operation of the rail network in an integrated way.
- (c) With respect to vibration alert layers:
- (i) KiwiRail's submission sought to include a rail vibration alert layer within the Precinct provisions within 100m of the rail designation boundary to alert landowners of potential vibration effects from rail operations. No land use controls were sought to apply within the layer.
  - (ii) The decision does not adequately address potential rail vibration effects on surrounding communities, nor does it achieve the objectives of the AUP which recognise (among other things) the need to protect people from unreasonable levels of vibration.

- (d) Generally, the decision did not represent the most appropriate way of exercising the Council's functions, having regard to the efficiency and effectiveness of other reasonably practicable options, and was not appropriate in terms of s 32 and other provisions of the Act.

[8] KiwiRail sought that PC101 be amended to:

- (a) apply the acoustic insulation and ventilation controls within 100m of the rail corridor designation boundary (and associated amendments);
- (b) include a 5m building setback standard from the rail corridor designation boundary (and associated amendments); and
- (c) include a vibration alert layer within 100m of the rail corridor designation boundary.

### **Agreement reached**

[9] The parties participated in Court-assisted mediation on 3 September 2025.

[10] Through mediation, the parties agreed on amendments to the Precinct provisions as the basis on which the appeal can be disposed of by consent, subject to the Court's approval. In general terms, the parties have agreed:

- (a) To apply the acoustic insulation and ventilation controls within 100m of the rail corridor designation boundary (and associated amendments).
- (b) To include matters of discretion and assessment criteria for buildings within 5m of the rail corridor designation boundary (and associated amendments) which the parties consider appropriate in the context of the Precinct provisions which already require resource consent for new buildings as a restricted discretionary activity. The parties have also agreed to include a new objective and policy relating to the building setback from the rail corridor.
- (c) Not to include a vibration alert layer in the Precinct provisions in the context of PC101. While KiwiRail considers a vibration alert layer is an

appropriate mechanism to manage vibration effects from the rail corridor, the Council and Wyborn disagree. In the interests of reaching a pragmatic resolution in the particular circumstances of PC101, the parties have agreed not to include an alert layer in the Precinct provisions.

[11] The parties note that the agreement reached is not to be taken as a precedent for any other plan change or review process.

[12] The parties have agreed on several changes to the Precinct provisions, as follows:

- (a) Inclusion of new Objective IX.2(5) which seeks to protect communities and infrastructure by mitigating health and safety impacts from accessing the rail corridor and the risk of disruption to the rail corridor.
- (b) Inclusion of new Policy IX.3(5) requiring buildings adjoining the rail designation boundary to be set back to provide for the health and safety of adjacent communities and efficient infrastructure operation.
- (c) Inclusion of a new Matter of Discretion IX.8.1(1)(e) and Assessment Criteria IX.8.2(1)(f) to assess whether new buildings and building alterations are located and designed to provide for the ability to use, access, and maintain buildings within the boundaries of the site, and without requiring access on, above, or over the rail corridor. The new matter of discretion and criteria relate to buildings or building alterations within 5m of the rail designation boundary, and apply to the assessment of new buildings and building alterations, which require resource consent as a restricted discretionary activity.
- (d) Amend Standard IX.6.2 to extend the area for which acoustic attenuation is required for noise sensitive spaces from 60m to 100m. Consequential amendments are also made to Matter of Discretion IX.8.1(3) and Assessment Criteria IX.8.2(3) to amend 60m to 100m.

- (e) Amend Standard IX.6.2(2)(b) to delete the reference to screening provided by new buildings or buildings proposed under the same land use consent. Consequential amendments are also made to Standard XI.6.3(3) to achieve consistency with the agreed wording for Standard IX.6.2(2)(b).
- (f) Amend Standard IX.6.2(1) to delete specific internal noise levels to be achieved and instead include a cross reference to the noise levels specified in Table E25.6.10A.1 of AUP Chapter E25 Noise and Vibration which contains the suite of noise sensitive spaces and internal noise levels to be achieved.
- (g) Amend Matter of Discretion IX.8.1(3)(a) to refer to the 'internal' noise level predicted within noise sensitive spaces or outdoor play areas of care centres where Standards IX.6.2 and IX.6.3 are not complied with.

[13] The parties agree that the above changes to the Precinct provisions fall within the Court's jurisdiction and are within the scope of KiwiRail's appeal.

[14] They further agree that each party will bear their own costs in relation to the appeal.

### **Section 32AA assessment**

[15] Section 32AA of the Act requires a further evaluation of any changes to a proposal since the initial s 32 evaluation report and the Council's decision.

[16] The affidavit of Kasey Zhai includes an analysis pursuant to s 32AA of the Act in relation to the agreed changes to the Precinct provisions. The analysis considers other reasonably practicable options, the risk of acting or not acting, and assesses costs and benefits.

[17] Ms Zhai considers the amendments are an appropriate way to achieve the purpose of the Act by strengthening those Precinct provisions relating to managing rail noise and building setbacks from the rail corridor designation boundary. Ms Zhai considers the amendments are appropriate to manage potential adverse health, safety

and amenity effects on communities living and working near the rail corridor, as well as potential effects of development on KiwiRail's operation of the NIMT.

[18] In summary, Ms Zhai considers the proposed amendments result in provisions which:

- (a) have a clear and direct link to the amended objectives;
- (b) are an effective way to manage the potential effect from the use, access and maintenance of buildings adjoining the rail designation boundary;
- (c) require resource consent applicants to design and construct noise sensitive spaces with acoustic insulation and ventilation, within 100m of the rail corridor designation boundary to address potential noise effects on noise sensitive activities; and
- (d) require resource consent applicants to specifically address and assess potential safety risk to both the community and rail operations on the NIMT arising from proximity of buildings to the rail corridor by assessing and demonstrating whether new buildings and building alterations are located and designed to provide for the ability to use, access, and maintain buildings within the boundaries of the site, and without requiring access on, above, or over the rail corridor.

[19] While there will be additional costs associated with implementation and compliance the benefits include protection and the health and safety and amenity of users of noise sensitive spaces located adjacent to the rail corridor. They will also ensure that activities sensitive to noise do not unduly constrain the ongoing operation of the rail corridor.

[20] Ms Zhai considers the level of detail of the above assessment corresponds to the scale and significance of the changes.

[21] Ms Zhai considers that overall, the revised provisions for the Precinct will improve benefits in terms of the appropriate management of those potential effects and improve readability of the provisions for plan users.

[22] Ms Zhai considers that this is not a situation where there is uncertain or insufficient information such that the risk of acting or not acting needs to be evaluated.

### **Consideration**

[23] The Court has read and considered:

- (a) the notice of appeal dated 13 May 2025;
- (b) the joint memorandum dated 6 November 2025; and
- (c) the affidavit of Kasey Zhai including the s 32AA evaluation, affirmed 5 November 2025.

[24] The Court is making this Order under s 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297 of the Act.

[25] The Court understands for present purposes that:

- (a) all parties to this proceeding have executed the consent memorandum requesting this Order;
- (b) all parties agree that the agreed amendments resolve the appeal in full; and
- (c) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction and conform to the relevant requirements and objectives of the Act, including in particular Part 2.

[26] I am satisfied that the agreement reached is one that represents the various interests of the parties. The parties have considered other reasonably practicable options and have undertaken a further evaluation pursuant to s 32AA of the Act.

[27] I conclude the parties have taken a considered and balanced approach, and the agreed amendments are the most appropriate way to achieve the purpose of the Act

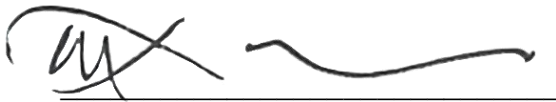
and the objectives in the AUP. Overall, I consider the sustainable management purpose and the other relevant requirements of the Act are broadly met.

**Orders**

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

- (a) the appeal is allowed subject to amendment of the Pilkington Park Precinct provisions as set out in **Appendix 1** to this Order; and
- (b) the appeal is otherwise dismissed.

[29] Under s 285 of the Act there is no order as to costs.



**M J L Dickey**

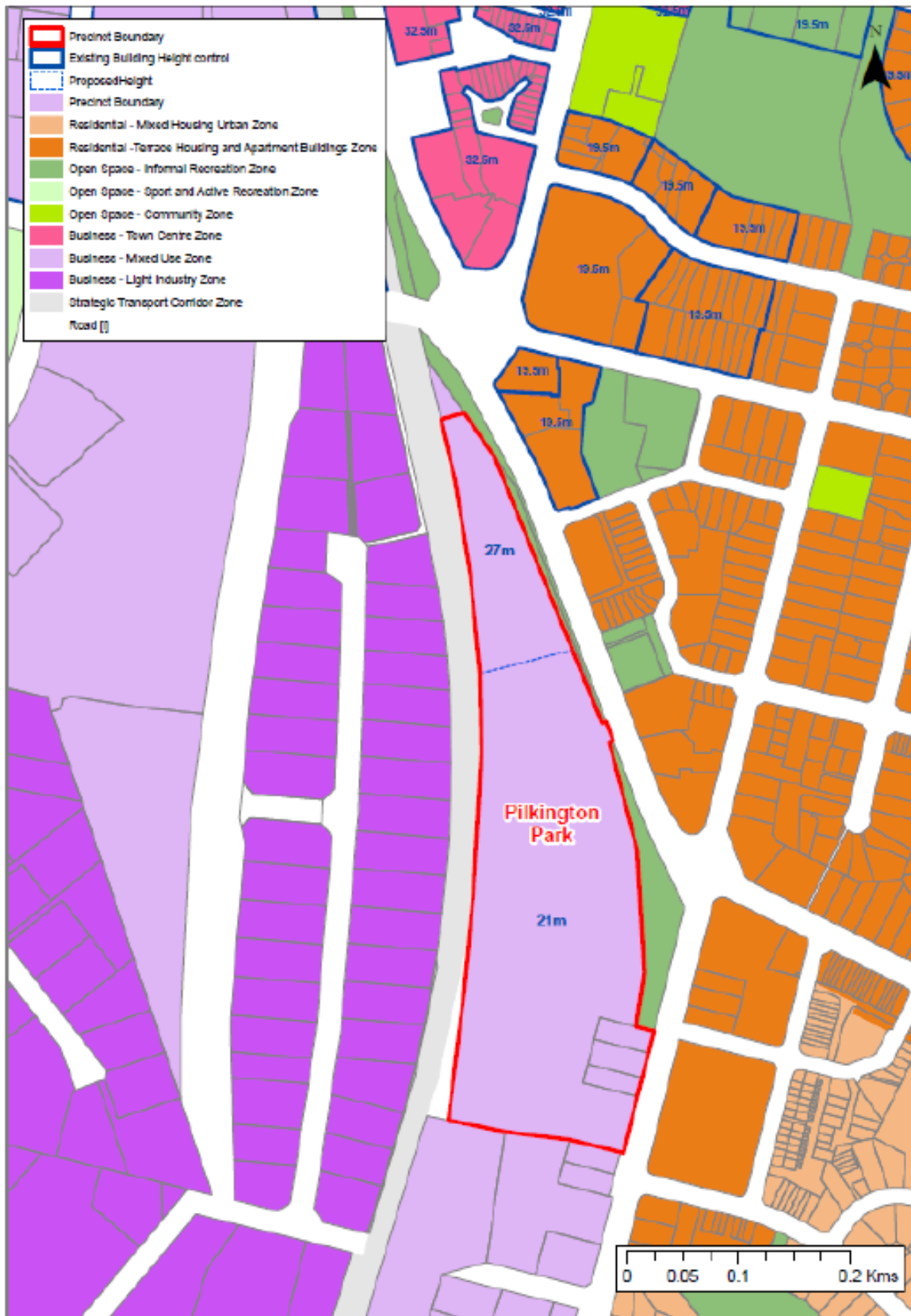
**Environment Judge | Kaiwhakawā o te Kōti Taiao**



## **Appendix 1: Private Plan Change 101 Pilkington Park**

Amendments following the PC101 ENV-2025-AKL-000114 - KiwiRail Holdings Limited v Auckland Council mediation on 3 September 2025 are shown with text to be deleted as ~~struck through~~ and text to be added as underlined and **yellow highlight**.

# Pilkington Park Proposed Rezoning, Precinct Boundary, and Height Variation Control



## IX. Pilkington Park Precinct

### IX.1. Precinct description

The Pilkington Park Precinct covers approximately seven hectares of land in Point England. The precinct is separated from Apirana Avenue and Pilkington Road by the Pilkington Apirana Road Reserve, an area of public open space zoned land which adjoins the precinct's eastern boundary. The North Island Main Trunk Line rail corridor adjoins the precinct's western boundary.

The purpose of this precinct is to provide for a high-quality mixed use development, with additional building height and a greater intensity of development close to the Glen Innes Town Centre and Glen Innes Train Station. The provisions are designed to complement the underlying zoning of land being Business – Mixed Use and enable future development opportunities while ensuring the precinct is developed in a comprehensive manner.

The precinct includes controls to ensure that new and altered buildings containing Noise Sensitive Spaces that are adjacent to the rail corridor and arterial roads (Pilkington Road and Apirana Avenue) are designed and constructed to provide occupants with an adequate level of internal noise amenity.

The precinct includes controls to ensure the development of residential activities is integrated with the availability of safe and efficient pedestrian connections from the precinct to the Glen Innes Town Centre and Glen Innes Train Station.

### IX.2. Objectives

- (1) The Pilkington Park Precinct is comprehensively developed as a high-quality, mixed-use precinct, which is well-designed, integrated, and connected with the surrounding area.
- (2) New buildings respond to and positively contribute to the amenity values of the public space network including open spaces and streets.
- (3) Development provides for an efficient use of land to deliver residential and commercial activities in proximity to existing centres, and public and active modes of transport.
- (4) Activities sensitive to noise located adjacent to the rail corridor and Apirana Avenue and Pilkington Road are designed to protect people's health and amenity values, and in a way which does not unduly constrain the operation of the rail corridor.
- (5) **Protect communities and infrastructure by mitigating:**
  - (a) **The adverse health and safety impacts associated with accessing the rail corridor; and**
  - (b) **Risk of disruptions to the safe and efficient operation of rail infrastructure.**

All relevant Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

### IX.3. Policies

- (1) Optimise the transport and land use opportunities provided by the precinct's proximity to key transport corridors through the provision of a mixture of residential and commercial opportunities, with safe and efficient connections for pedestrians.
- (2) Enable development in a variety of forms and heights by providing for additional building height in the north of the precinct, while responding to the planned urban built character of adjacent residential sites.
- (3) Promote the comprehensive development and redevelopment of the Pilkington Park Precinct.
- (4) Require activities sensitive to noise adjacent to the rail corridor and Apirana Avenue and Pilkington Road to be designed and constructed to achieve noise levels that protect the health and safety of occupants.
- (5) **Require buildings adjoining the rail designation boundary to be set back to provide for the health and safety of adjacent communities and efficient infrastructure operation.**

All relevant Auckland-wide and zone policies apply in this precinct in addition to those specified above.

### IX.4. Activity table

All relevant overlay, Auckland-wide and zone activity tables apply unless the activity is listed in Table IX.4.1 below.

Activity Table IX.4.1 specifies the activity status of land use and development activities in the Pilkington Park Precinct pursuant to section 9(3) of the Resource Management Act 1991.

**Table IX.4.1 Activity table**

Activity		Activity status
<b>Development</b>		
(A1)	New buildings	RD
(A2)	New buildings and alterations to existing buildings which do not comply with standards IX.6.1 to IX.6.4	RD
(A3)	New dwellings that do not comply with standard IX.6.5	RD

### IX.5. Notification

- (1) Any application for resource consent for an activity listed in Table IX.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

- (2) When deciding on 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).

## IX.6. Standards

- (1) Unless specified in Standard IX.6(2) below, all relevant overlay, zone and Auckland-wide standards apply in this precinct unless otherwise specified below.
- (2) The following standard does not apply to activities listed in Activity Table IX.4.1 above:
- (a) Standard H13.6.1 Building height.
- (b) Standard H13.6.2(1) Height in relation to boundary and Table H13.6.2.1 Height in relation to boundary must not apply along the zone boundary where the site boundary adjoins the Open Space – Informal Recreation Zone.
- (3) All activities listed in Activity Table IX.4.1 above must comply with the following standards.

### IX.6.1 Building height

Purpose:

- Manage the effects of building height;
- Manage visual dominance effects;
- Enable greater height in the north of the precinct to provide a graduation in building height from the Glen Innes Town Centre.

- (1) Buildings must not exceed the height in metres shown for that part of the precinct in the Height Variation Control on the planning maps.

### IX.6.2. Activities sensitive to noise within **60m 100m** of the rail corridor designation boundary

Purpose: To ensure activities sensitive to noise adjacent to the rail corridor are designed to protect people's health and amenity while they are indoors and that such activities do not unduly constrain the operation of the rail corridor.

- (1) Any new noise sensitive space or alteration to an existing noise sensitive space with a façade within **60 metres 100m** of the rail corridor designation boundary, must be designed, constructed and maintained to ensure that rail noise does not exceed internal noise levels specified in Table E25.6.10A.1 of 35 dB L<sub>Aeq(1 hour)</sub> for sleeping areas and 40 dB L<sub>Aeq(1 hour)</sub> for all other habitable rooms.
- (2) Compliance with Standard IX.6.2(1) must be demonstrated by an acoustic design report prepared by a suitably qualified and experienced person, whereby railway noise must be assumed to be 70 L<sub>Aeq(1h)</sub> at a distance of 12 metres from the nearest track; and must be deemed to reduce at a rate of:
- (a) 3 dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres; or
- (b) As modelled by a suitably qualified and experienced person using a recognised computer modelling method for freight trains with diesel

locomotives, having regard to factors such as barrier attenuation, the location of the noise sensitive space relative to the orientation of the track, topographical features and any intervening structures. ~~This includes the screening provided by new building(s) established within the precinct or building(s) proposed to be established under the same land use consent.~~

- (3) Where opening windows of any new or altered noise sensitive space must be closed to ensure that the internal design noise levels in IX.6.2(1) are achieved for any noise sensitive space within ~~60m~~ **100m** of the rail corridor **designation boundary**, those spaces must be designed, constructed and maintained with a mechanical ventilation and cooling system that achieves E25.6.10(3)(b)-(f).

A ventilation and HVAC design certificate prepared by a suitably qualified and experienced person must be submitted to the Council prior to occupation of the building demonstrating that the noise sensitive space(s) is provided with a system that meets or exceeds the outcomes described in E25.6.10(3)(b)-(f).

### **IX.6.3. Outdoor play areas of care centres within 60m of the rail corridor designation boundary**

Purpose: To ensure that outdoor play areas adjacent to the railway corridor are designed and located to protect people's health and amenity and that such activities do not unduly constrain the operation of the rail corridor.

- (1) Any new outdoor play area of any care centres for a childcare centre, creche, kindergarten, kohanga reo, play centre, play group, early childhood learning service or an after school care centre within 60 metres of the rail corridor designation boundary, must be designed, constructed, and maintained so that the cumulative level of rail and noise from the Business Zones does not exceed 55 dB  $L_{Aeq(1hour)}$ .
- (2) Compliance with IX.6.2(1) must be based on:
- (a) The noise level from rail in IX.6.2(1) and;
  - (b) The cumulative noise levels that are permitted to be generated from neighbouring sites in the Business – Mixed Use and Business – Light Industry zones.

Note: The noise levels in (a) and (b) must be assessed at any point 1.5m above the main play surface of the outdoor play area;

- (3) Compliance with Standard IX.6.3(1) must be demonstrated by an acoustic design report submitted by a suitably qualified and experienced person. The report may take into account the screening provided by **any intervening structures** ~~new building(s) established within the precinct or proposed to be established under the same land use consent~~. The screening must screen all parts of the outdoor play area up to 1.5m above the play area surface, and excluding play equipment, from the rail corridor.

#### **IX.6.4 Activities sensitive to noise within 60m of Pilkington Road and Apirana Avenue**

Purpose: To ensure activities sensitive to noise adjacent to Pilkington Road and Apirana Avenue are designed to protect people's health and amenity while they are indoors.

- (1) Where the new or altered noise sensitive space has a façade that is within 60m from the edge of the nearest traffic lane of Apirana Avenue or Pilkington Road, those spaces must be designed, constructed and maintained with a mechanical ventilation and cooling system that achieves E25.6.10(3)(b)-(f).

A ventilation and HVAC design certificate prepared by a suitably qualified and experienced person must be submitted to the Council prior to occupation of the building demonstrating that the noise sensitive space(s) is provided with a system that meets or exceeds the outcomes described in E25.6.10(3)(b)-(f).

Note: Closed windows and doors will be sufficient to protect people's health and amenity while they are indoors from predicted road traffic noise levels ten years after the noise sensitive space is first occupied. There are no internal design noise level requirements for road noise.

#### **IX.6.5. Pedestrian crossing**

Purpose: Provide safe crossing facilities and connections for pedestrians and active modes of transport between the Pilkington Park Precinct and the Glen Innes Town Centre and Train Station, consistent with Policies IX.3(1) and IX.3(3).

- (1) Prior to the occupation of any new dwelling, two new pedestrian (zebra) crossings must be constructed and operational at Merton Road and Apirana Avenue. The location of the pedestrian crossings must be generally at the locations shown on Precinct Plan 1.
- (2) Applications for resource consent in respect of new buildings will be deemed to comply with this standard IX.6.5(1) if the pedestrian crossings are:
  - (a) Constructed and operational prior to lodgement of the resource consent application; and/or
  - (b) Under construction prior to the lodgement of the resource consent application and the application is expressly made on the basis that the pedestrian crossing will be constructed and operational prior to the occupation of any new dwelling; and/or
  - (c) Proposed to be constructed by the applicant as part of the resource consent application and the application is expressly made on the basis that the pedestrian crossing will be constructed and operational prior to the occupation of any new dwelling.
- (3) For the purpose of this standard:
  - (a) 'Occupation' means occupation and use for the building's intended purpose, but not including occupation by personnel engaged in construction fit out or decoration; and
  - (b) 'Operational' means the relevant upgrade is completed and available for use.

## IX.7. Assessment – controlled activities

There are no controlled activities in this precinct.

## IX.8. Assessment – restricted discretionary activities

### IX.8.1. Matters of discretion

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

- (1) New buildings:
  - (a) The provision of active frontages to the public space network including open spaces and streets.
  - (b) Whether the location and design of buildings will contribute to comprehensive and integrated development.
  - (c) The positive effects of landscaping, including required landscaping, on on-site amenity.
  - (d) The effects of new roads and/or service lanes on pedestrians and cyclists.
  - (e) For any building or building alterations located within 5m of the rail designation boundary, the location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.
  - (f) The matters of discretion in H13.8.1(3).
- (2) Non-compliance with standard IX.6.1 Building height:
  - (a) Matters of discretion H13.8.1(7) apply.
- (3) Non-compliance with standards IX.6.2 Activities sensitive to noise within **60m 100m** of the rail corridor and IX.6.3 Outdoor play areas of care centres within 60m of the rail corridor designation boundary:
  - (a) Measured or predicted **internal** noise levels within any noise sensitive space or outdoor play area of care centres.
  - (b) Any effects on human health and amenity values.
  - (c) Deleted.
  - (d) Location, topographical, or building design features, or other alternative measures that will mitigate potential adverse health effects relevant to noise.
  - (e) Whether the infringement proposed will unduly constrain the operation of the rail corridor.
  - (f) The outcome of any consultation with KiwiRail.
- (4) Non-compliance with IX.6.4 Activities sensitive to noise within 60m of Pilkington Road and Apirana Avenue

- (a) Any effects on human health and amenity values.
  - (b) Location, topographical, or building design features, or other alternative measures that will mitigate potential adverse health effects relevant to noise.
- (5) Non-compliance with IX.6.5 Pedestrian crossing:
- (a) Effects on pedestrian safety.

### **IX.8.2. Assessment criteria**

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

- (1) New buildings:
- (a) Whether the building provides a quality and attractive frontage as viewed from the street or public open spaces, including through the relationship and orientation of buildings.
  - (b) The extent to which the effects of fences and walls, along frontages and adjoining public spaces are appropriately managed.
  - (c) The extent to which the design, layout, orientation, bulk and scale of buildings and connections to the public space network (including open spaces and streets) will contribute to the amenity values of the public space network and the comprehensive development of the Pilkington Park Precinct.
  - (d) The extent to which landscaping contributes to on-site amenity values.
  - (e) The provision of convenient, safe, and legible access for pedestrians and cyclists.
  - (f) For any building or building alterations located within 5m of the rail designation boundary:
    - (i) Location of the building or structure;
    - (ii) Methods of providing for building maintenance within site boundaries on a permanent basis; and
    - (iii) The outcome of any consultation with KiwiRail.
  - (g) The assessment criteria in H13.8.2(3).
- (2) Non-compliance with standard IX.6.1 Building height:
- (a) Refer to Policy H13.3(3)(a), Policy H13.3(3)(b), Policy H13.3(8), Policy H13.3(13), Policy H13.3(21), Policy IX.3(1), and Policy IX.3(2).
- (3) Non-compliance with standards IX.6.2 Activities sensitive to noise within **60m 100m** of the rail corridor **designation boundary** and IX.6.3 Outdoor play areas within 60m of the rail corridor:
- (a) Whether activities sensitive to noise adjacent to the rail corridor are designed to protect people's health and amenity values, and whether such activities unduly constrain the operation of the rail corridor. This includes:

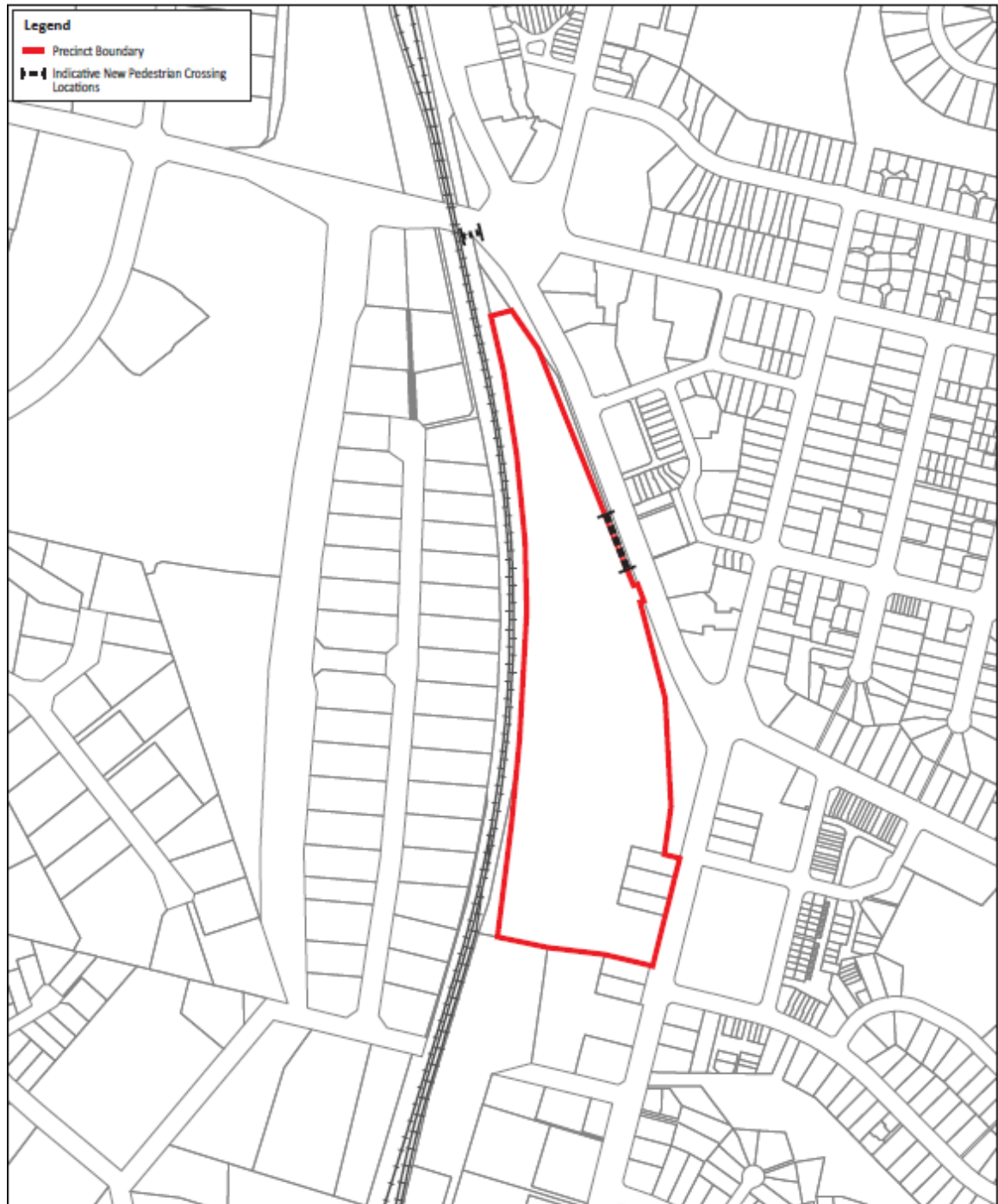
- (i) The extent to which building(s) containing activities sensitive to noise or outdoor play areas of care centres have been located and designed with particular regard to their proximity to the rail corridor;
    - (ii) The extent of non-compliance with the standard and the effects of any non-compliance; and
    - (iii) The extent to which topographical features or the location of other buildings or structures will mitigate noise effects.
  - (b) The outcome of any consultation with KiwiRail.
- (4) Non-compliance with standard IX.6.4 Activities sensitive to noise within 60m of Pilkington Road and Apirana Avenue:
- (a) Whether activities sensitive to noise adjacent to Pilkington Road and Apirana avenue are designed to protect people's health and amenity values. This includes:
    - (i) The extent of non-compliance with the standard and the effects of any non-compliance;
    - (ii) The extent to which topographical features or the location of other buildings or structures will mitigate noise effects; and
    - (iii) Technical advice from a suitably qualified and experienced person.
- (5) Non-compliance with standard IX.6.5 Pedestrian crossing
- (a) Whether safe pedestrian connections between the precinct and the Glen Innes Town Centre and Train Station are provided, including via alternative facilities or transport infrastructure.
  - (b) Refer to Policy IX.3(1).

### **IX.9 Special information requirements**

There are no special information requirements in this precinct.

## IX.10 Precinct Plans

### IX.10.1 Pilkington Park Precinct: Precinct Plan 1: Indicative location of pedestrian crossing



**Legend**

- Precinct Boundary
- - - Indicative New Pedestrian Crossing Locations

0 25 50 75 Scale @ A4  
Metres = 1:5,000